

City of Oakland

*Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza, Room 201
Oakland, California 94612*



Meeting Agenda - SUPPLEMENTAL

Thursday, December 2, 2021

10:45 AM

CANCELLED

***Rules and Legislation Committee - CANCELLED**

Pursuant to the Governor's Executive Order N-29-20, all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference and no teleconference locations are required

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP - Channel 10
- To observe the meeting online from the City's Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/87529531780> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting ID: 875 2953 1780

If asked for a participant ID or code, press #.

COMMENT:

ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING

There are three ways to submit public comments.

- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "*9" to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute your self by pressing *6.

If you have any questions, please email the Agenda Management Unit at cityclerk@oaklandca.gov

- Office of the City Clerk

COMMITTEE MEMBERSHIP:

**Council President Nikki Fortunato Bas, District 2; Councilmember Carroll Fife, District 3; Councilmember Dan Kalb, District 1; Chairperson: President Pro Tempore Sheng Thao, District 4*

Roll Call / Call To Order

1 PUBLIC COMMENT:

COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

- 2** Approval Of The Draft Minutes From The Committee Meeting Of November 18, 2021

[21-0844](#)

Attachments: [View Report](#)

3 New Scheduling Items

- 3.1 Subject: Funding The City of Oakland's Head Start/Early Head Start Programming
From: The Life Enrichment Committee
Recommendation: TITLE CHANGE

[OLD TITLE]

Adopt A Resolution To: (1) Require That The Administration Return To Council With A Budget To Fully Fund The City Of Oakland's Head Start/Early Head Start Programming, By No Later Than The May 2022 Budget Revise; And (2) Prohibiting Layoffs In The City Of Oakland's Early Head Start/Head Start Program

[NEW TITLE]

Adopt A Resolution Requiring The City Administrator To Return To Council With A Budget Amendment To The Biennial Budget For Fiscal Years 2021-2023 That Fully Funds All City Of Oakland's Head Start/Early Head Start Programming No Later Than May 2022 When Fiscal Year 2022-2023 Midcycle Budget Amendments Will Be Considered; And Committing The Council To Return With A Budget Amendment For The Current Biennial Fiscal Year 2021-2023 Budget To: (1) Add A Budget Policy Directive That Would Make It A Budget Priority That, If Existing Head Start/Early Head Start Programs Are Restructured It Will Be Done In A Manner To Retain All Existing Program Staff, That No Head Start/Early Head Start Programming Be Reduced And That No Head Start/ Early Head Start Staff Layoffs Occur Through The End Of The Current Fiscal Year 2021-2022, And (2) Fully Fund All City Of Oakland's Head Start/Early Head Start Programs And Staff Through June 30, 2022; Previously Scheduled To The December 7, 2021 Special City Council Agenda On Non-Consent

[21-0857](#)

Legislative History

11/15/21	*Special Life Enrichment Committee	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
		<i>Vice Mayor Kaplan made a scheduling motion, seconded by President Fortunato Bas, to schedule this item to The December 7, 2021 Special City Council Meeting</i>

11/18/21

*Rules & Legislation
Committee

Scheduled to the Special Concurrent
Meeting of the Oakland Redevelopment
Successor Agency/City Council

*A following Title Change was read into record, and approved to be placed on
Non Consent;*

*"RESOLUTION REQUIRING THE CITY ADMINISTRATOR TO RETURN TO
COUNCIL WITH A BUDGET AMENDMENT TO THE BIENNIAL BUDGET FOR
FISCAL YEARS 2021-2023 THAT FULLY FUNDS ALL CITY OF OAKLAND'S
HEAD START/EARLY HEAD START PROGRAMMING NO LATER THAN MAY
2022 WHEN FISCAL YEAR 2022-2023 MIDCYCLE BUDGET AMENDMENTS
WILL BE CONSIDERED; AND COMMITTING THE COUNCIL TO RETURN
WITH A BUDGET AMENDMENT FOR THE CURRENT BIENNIAL FISCAL
YEAR 2021-2023 BUDGET TO: 1) ADD A BUDGET POLICY DIRECTIVE THAT
WOULD MAKE IT A BUDGET PRIORITY THAT NO HEAD START/EARLY HEAD
START PROGRAMMING BE REDUCED AND THAT NO HEAD START/ EARLY
HEAD START STAFF LAYOFFS OCCUR THROUGH THE END OF THE
CURRENT FISCAL YEAR 2021-2022, AND 2) FULLY FUND ALL CITY OF
OAKLAND'S HEAD START/EARLY HEAD START PROGRAMS AND STAFF
THROUGH JUNE 30, 2022"*

- 3.2** Subject: Honoring Kingdom Builders Christian Fellowship
From: Councilmember Taylor
Recommendation: Adopt A Resolution Honoring And Commending Kingdom Builders
Christian Fellowship For Their 12 Years Of Exemplary Community Engagement In East
Oakland; On The December 7, 2021 Special City Council Agenda As A Ceremonial
[21-0912](#)
- 3.3** Subject: Recognizing Reginald K. Burnett, Jr. (RB)
From: Councilmember Taylor
Recommendation: Adopt A Resolution Recognizing Reginald K. Burnett, Jr. (RB) For His
Positive Impact On The Lives Of Oaklanders Of All Ages, Especially Oakland's Youth And
His Contributions To Supporting And Encouraging Safe, Affordable, And Enjoyable
Bicycle And Pedestrian Experiences Throughout The City Of Oakland; On The December
7, 2021 Special City Council Agenda On Consent
[21-0918](#)

- 3.4** Subject: Actions To Address Gun Violence Crisis
From: Councilmember Taylor
Recommendation: Adopt A Resolution To Take Specific Actions And Make Specific Commitments In Support Of Oakland's Declared Gun Violence Public Health Crisis By:
- A. Directing The City Administrator To Provide, No Later Than The Council's First Meeting In January 2022, A Report And Recommendation To Apply Unanticipated And Uncommitted General Fund Revenue Or Cost Savings Toward: 1) The Addition Of A Third Police Academy In FY 2022-2023; 2) The Hiring Of Five (5) Additional Non-Sworn Criminal Investigations Staff; 3) The Initial Investment Into The Planning And Deployment Of Surveillance Camera Technology To Aid In Criminal Investigations While Minimizing Privacy Concerns; And 4) The Unfreezing Of Eight (8) Frozen Positions To Allow For Full Staffing Of The Ceasefire Unit; And
- B. Directing The City Administrator To Return To Council No Later Than The Council's First Meeting In January 2022, With An Information Report On The Following: 1) A Proposal For Doubling The Clearance Rate Of Homicides And Other Part 1 Crimes Including The Creation Of A Clearance Rates Dashboard; 2) A Staffing Plan To Increase The Number Of Filled Sworn Officer Positions To Eight Hundred (800) By December 2023; 3) Identification Of Grant Opportunities To Increase National Integrated Ballistic Information Network (NIBIN) Gun Tracing Efforts; 4) Monitor And Report Back To Council On The Effectiveness Of The 911 Surge Response Teams To Inform Whether Council Should Continue With The Freezing Of These Forty-One (41) Positions As Directed By The Council President's June 2021-23 Amended Budget; And 5) A Plan For Ensuring Equitable 911 Response Across The City And Eliminating The Higher Volume Of Unanswered Calls In Bureau Of Field Operations (BFO) Two Versus Bureau Of Field Operations (BFO) One; On The December 7, 2021 Special City Council Agenda On Non-Consent
[21-0920](#)
- 3.5** Subject: Requesting State Cannabis Cultivation Tax Reform
From: Vice Mayor Kaplan And Councilmember Gallo
Recommendation: Adopt A Resolution of the Oakland City Council Requesting State Cannabis Cultivation Tax Reform; On The December 7, Special City Council Agenda On Consent
[21-0905](#)

- 3.6** Subject: FY 2021-23 Budget Amendment
From: Office Of The City Administrator's
Recommendation: Adopt A Resolution Amending Resolution No. 88717 C.M.S., Which Adopted The City Of Oakland Biennial Budget For Fiscal Years 2021-23, To Reallocate Funding From Various Departments To The Oakland Police Department For Two Additional Police Academies As Set Forth In Exhibit 1.; On The December 7, 2021 Special City Council Agenda On Non-Consent
[21-0907](#)
- 3.7** Subject: City Of Oakland V. California Waste Solutions
From: Office Of The City Attorney's
Recommendation: Adopt An Ordinance Amending Ordinance No. 13274 C.M.S. Which Awarded California Waste Solutions, Inc. ("CWS") An Exclusive Residential Recycling Collection Services Franchise Contract ("RR Franchise Agreement"), To Authorize And Approve The First Amendment To The RR Franchise Agreement Which Will: (1) Clarify The Rate For Premium Backyard Multi-Family ("MFD") Recycling Services For Carts; (2) Modify Certain Provisions And Services CWS Provides Under The RR Franchise Agreement As Described And Specified In This Ordinance And First Amendment To The RR Franchise Agreement; And (3) Adopt Appropriate California Environmental Quality Act ("CEQA") Findings (Department Of Public Works - Breach Of Contract); On The December 7, 2021 Special City Council Agenda On Non-Consent
[21-0910](#)
- 3.8** Subject: City Of Oakland V. California Waste Solutions
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland ("City") V. California Waste Solutions ("CWS"), Does 1-20, Alameda County Superior Court Case No. RG17853559, And CWS' Cross Claim Against The City, On Terms That Include, But Are Not Limited To The Following: (1) CWS Will Refund All Overcharges To Multi-Family Dwelling Owners For The Service Of Bringing Recycling Carts To Curbside For Collection, Totaling Approximately \$6 Million; (2) The Residential Recycling Collection Services Agreement Between The City And CWS ("Recycling Agreement") Will Be Amended To Reduce The Current Rate Of Approximately \$187.57 Per Cart To Approximately \$34.22 Per Cart, Subject To Adjustments Provided Under The Contract; (3) The City Will Pay CWS Approximately \$1.7 Million Over A Period Of Four Years And Reduce CWS' Costs Under The Agreement By Approximately \$1.5 Million Over The Remaining 15-Year Life Of The Recycling Agreement (Department Of Public Works - Breach Of Contract); On The December 7, 2021 Special City Council Agenda On Non-Consent
[21-0911](#)

- 3.9** Subject: Denise BonGiovanni V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Denise BonGiovanni V. City Of Oakland And Does 1 - 10, United States District Court, Northern District Of California, Case No. 3:21-CV-01303-EMC, City Attorney's File No. X05251, In The Amount Of One Hundred Fifty Thousand Dollars And Zero Cents (\$150,000.00) (Oakland Animal Services -Employment/Civil Rights); On The December 7, 2021 Special City Council Agenda On Consent
[21-0913](#)
- 3.10** Subject: County Support For Gun Violence Reduction
From: Councilmember Taylor
Recommendation: Adopt A Resolution Calling For The County Of Alameda To Support Oakland's Gun Violence Reduction Efforts By: 1) Strengthening Workforce Development Programs Focused On Justice-Involved Oakland Residents, 2) Substantially Increasing Investments Into Reentry Support Services for Oakland's Returning Citizens, 3) Conducting An Equity Analysis On Case Charging And Case Closure Data By City, For Cases Presented To The District Attorney, And Develop A Plan For Addressing Any Inequity That May Lead To Adverse Public Safety Outcomes, And 4) Collaborating With The City Of Oakland's Department Of Violence Prevention To Strengthen Violence Interruption In Jails To Complement Violence Interruption Efforts In The Community; On The December 7, 2021 Special City Council Agenda On Non-Consent
21-0921
- 3.11** Subject: Oral Reports On Reducing Gun Violence
From: Councilmember Kalb And Councilmember Gallo
Recommendation: Receive And Oral Report From Oakland Police Department, Department Of Violence Prevention, Safety And Services Oversight Commission (Measure Z), Cease Fire, And Community Policing Advisory Board On Reducing Gun Violence In Oakland; On The December 7, 2021, 5:30P.M. Special Oakland City Council, CPAB, SSOC, And Police Commission Agenda On Non-Consent
[21-0897](#)
- 3.12** Subject: FY2020-21 Q4 And FY2021-22 Q1 Revenue And Expenditure Report (R&E)
From: Finance Department
Recommendation: Receive An Informational Report On Fiscal Year (FY) 2020-21 Fourth Quarter And FY 2021-22 First Quarter Revenue And Expenditure (R&E) Results And Year-End Summaries For The General Purpose Fund (GPF, 1010) And Select Funds; On The December 13, 2021 Special Finance And Management Committee Agenda
[21-0916](#)

3.13 Subject: HHAP 2 And HHAP 2 Funding And Homekey Program
From: Human Services Department
Recommendation: Adopt A Resolution:

(1) Accepting And Appropriating Round 2 Homeless Housing, Assistance, And Prevention Program ("HHAP 2") Grant Funds In An Amount Not To Exceed Nine Million, Three Hundred Eleven Thousand, Five Hundred Sixty-Eight Dollars (\$9,311,568) Awarded To The City Of Oakland For The Provision Of Emergency Homeless Interventions; And

(2) Authorizing The City Administrator (Or Designee) To Take All Steps Necessary To Apply For And Receive Round 3 Homeless Housing, Assistance, And Prevention Program ("HHAP 3") Grant Funds Allocated To The City Of Oakland; And

(3) Accepting And Appropriating HHAP 3 Grant Funds In The Amount Of Twenty-Four Million, Sixty-Six Thousand, Eight Hundred Twenty-Two Dollars And Fifty-Two Cents Allocated To The City Of Oakland For The Provision Of Emergency Homeless Interventions; And

(4) Allocating Up To Ten Million Dollars (\$10,000,000) Of HHAP Grant Funds To Provide Long-Term Operating Funds For Homekey Program Extremely Low Income Permanent Housing Sites; On The December 13, 2021 Special Life Enrichment Committee Agenda [21-0919](#)

3.14 Subject: 2022 5-Year Paving Plan
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Establishing A Five Year Prioritization Plan For The City Of Oakland's Complete Streets Paving Program (2022-2027) And Adopting California Environmental Quality Act Exemption Findings; And
[21-0903](#)

2) A Resolution Authorizing The City Administrator To Award All Paving and Concrete Construction Contracts That Follow All City Advertising and Competitive Bidding Requirements And Are Awarded In Direct Service Of Delivering The 2022 Five Year Prioritization Plan, Without Return To City Council; On The December 14, 2021 Special Public Works Committee Agenda
[21-0904](#)

- 3.15** Subject: Assistance For Businesses Impacted By Armed Robberies
From: Vice Mayor Kaplan, Councilmember Fife, Gallo, And Pro Tem Thao
Recommendation: Adopt A Resolution To Direct The City Administrator To Assist Impacted Businesses Who Have Been Harmed By Armed Robberies By (1) Researching Whether City-Issued Loans To Impacted Businesses Can Be Deferred Or Waived And Returning To Council For Authorizations As Needed, (2) Researching Options For Tax Rebates For Impacted Businesses And Reporting Back To Council On Options, (3) Researching Whether The City Can Provide Funding Through The City's Façade Improvement/Tenant Improvement Programs To Help Businesses Rebuild And Install Security Doors/Gates And Related Infrastructure And Returning To Council For Authorizations As Needed, And (4) Researching Whether Funds Granted To The City Of Oakland From The State Of California To Support Cannabis Businesses And East Oakland Businesses Can Be Used To Help Impacted Businesses With Recovery And Returning To Council For Authorizations As Needed; On The December 14, 2021 Special Public Safety Committee Meeting
[21-0917](#)
- 3.16** Subject: Ghost Gun Ordinance
From: Councilmembers Kalb, Gallo And Vice Mayor Kaplan
Recommendation: Adopt An Ordinance Amending Chapter 9.36 "Weapons" To Require Privately Made Firearms, Commonly Referred To As "Ghost Guns," To Comply With State Law, Prohibit Nonexempt Persons From Possessing, Selling, Offering For Sale, Transferring, Purchasing, Transporting, Receiving Or Manufacturing An Unfinished Firearm Frame Or Receiver That Has Not Been Imprinted With A Serial Number And Prohibiting Nonexempt Persons From Possessing, Manufacturing Or Assembling A Privately Made Firearm That Has Not Been Imprinted With A Serial Number; On The December 14, 2021 Special Public Safety Committee
[21-0922](#)
- 3.17** Subject: Professional Services Agreements For On-Call Landscape Architects
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Award And Execute A Series Of Professional Services Agreements For On-Call Landscape Architectural Services For A Period Of Four (4) Years With The Following Firms: (1) Bay Tree; (2) Bottomley Associates; (3) Community Design And Architecture; (4) Dillingham Associates; (5) Jett.; (6) Keller Mitchell; (7) Kimley Horn; (8) Mantle; (9) Merrill Morris Partners; (10) Meyer Studio Land Architects; (11) NCE; (12) PGA Design; (13) RHAA Landscape Architects; (14) Terrain Studio; (15) UDLA And (16) WRT, Each For An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00); On The December 21, 2021 City Council Agenda On Consent
[21-0899](#)

- 3.18** Subject: Skyline Boulevard Evacuation Corridor Fire Prevention Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate (1) Six Hundred Thousand Dollars (\$600,000) From The California Department Of Forestry And Fire Protection (CAL FIRE) Fuel Reduction Program, And (2) Two Hundred Twenty Four Thousand (\$224,000) From The CAL FIRE Fire Prevention Grants Program, For A Total Of Eight Hundred And Twenty-Four Thousand Dollars (\$824,000) For The Completion Of The Skyline Boulevard Evacuation Corridor Project Involving The Removal Of Dead And Hazardous Trees Along Skyline Boulevard, And The Planting Of One Hundred Fifty (150) Trees As Shaded Fuel Breaks; On The December 21, 2021 City Council Agenda On Consent
[21-0901](#)
- 3.19** Subject: Ordinance Amending Ordinance No. 13654 C.M.S. (Which Adopted The Fiscal Year 2021-22 Master Fee Schedule)
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13654 C.M.S. (Which Adopted The Fiscal Year 2021-22 Master Fee Schedule), As Amended, To Establish, Modify And Delete Fees And Penalties Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland Referenced Herein; On The December 21, 2021 City Council Agenda
[21-0900](#)
- 3.20** Subject: IAFF MOU Amendment With Aircraft Rescue Fire Fighters Services
From: Human Resources Management Department
Recommendation: Adopt A Resolution Approving An Amendment To The Memorandum Of Understanding Between The City Of Oakland And The International Association Of Firefighters, Local 55 (IAFF MOU), Increasing The Fire Protection And Aircraft Rescue Firefighting Services (ARFF) Specialty Pay By An Additional 4% Retroactively Effective As Of The First Full Pay Period In July 2021 And Conditioned Upon The Agreement By The Port Of Oakland To Provide Full Reimbursement To The City For ARFF Pay; On The December 21, 2021 City Council Agenda On Consent
[21-0902](#)
- 3.21** Subject: 1707 Wood Street Exclusive Negotiation Agreement Extension
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Amending Resolution No. 87795 C.M.S. To Authorize An Amendment To The Exclusive Negotiation Agreement (ENA) With Midpen Housing Corporation And Habitat For Humanity East Bay / Silicon Valley, Inc., For The Development Of Affordable Housing At The City-Owned Real Property Located At 1707 Wood Street, To Extend The Term By Eighteen Months, With Two Administrative Options To Extend The Term An Additional Six Months And Up To Eighteen Months; On The December 21, 2021 City Council Agenda On Consent
[21-0906](#)

3.22 Subject: Appeal Of 1396 5th Street Project
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Three Options:

1) A Resolution Denying The Appeal By East Bay Residents For Responsible Development And Thus Upholding The Planning Commission's Environmental Determination And Approval Of A Proposal To Construct 222 Dwelling Units On The Existing Vacant Lot Located At 1396 5th Street, Oakland CA (Project Case No. PLN 20-101); Or

[21-0806](#)

Legislative History

10/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>Approved as a Public Hearing and the Title Change read into record</i>
11/4/21	*Rules & Legislation Committee	* Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda</i>

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or

[21-0808](#)

Legislative History

10/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>Approved as a Public Hearing and the Title Change read into record</i>
11/4/21	*Rules & Legislation Committee	* Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda</i>

[OLD TITLE]

3) A Motion To Direct Staff To Prepare A Resolution For Future City Consideration To Uphold The Appeal

[NEW TITLE]

3) A Resolution Upholding The Appeal By East Bay Residents For Responsible Development And Thus Vacating The Planning Commission's Environmental Determination And Approval Of A Proposal To Construct 222 Dwelling Units On A Vacant Site Located At 1396 5th Street, Oakland CA (Project Case No. PLN20-101), And Remanding To Planning Commission For Consideration Of Revised Environmental Analysis; Previously Schedule To The December 21, 2021 City Council Agenda As A Public Hearing

[21-0809](#)

Legislative History

10/28/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
		<i>Approved as a Public Hearing and the Title Change read into record</i>
11/4/21	*Rules & Legislation Committee	* Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
		<i>This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda</i>

3.23 Subject: 465 63rd Street Appeal By Property Owner
From: Planning And Building Department
Recommendation: Adopt One Of The Following Three Options:

1) A Resolution Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt A Resolution Denying The Appeal Of Appellant Kobie Lyons And Upholding The Decision Of The Independent Hearing Officer Regarding Housing Condition At 465 63rd Street (Complaint No. 1901763); Or

[21-0826](#)

Attachments:

[View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Attachment G](#)

[View Attachment H](#)

[View Attachment I](#)

[View Attachment J](#)

[View Legislation](#)

Legislative History

11/4/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
---------	--------------------------------	--

Provided The City Council Can Make The Appropriate Findings:

2) A Motion Directing Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or

[21-0827](#)

Legislative History

11/4/21	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
---------	--------------------------------	--

3) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; On The December 21, 2021 City Council Agenda As A Public Hearing

[21-0828](#)

Legislative History

11/4/21

*Rules & Legislation
Committee

Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

3.24 Subject: Tribal Agreement For Dr. Kenneth Anderson Senior Housing Project
From: Planning & Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate
And Execute A Tribal Cultural Resources Treatment And Monitoring Agreement Pursuant
To Senate Bill 35 (2017) With The Confederated Villages Of Lisjan Regarding The
Avoidance Of Any Adverse Effects On Tribal Cultural Resources As A Result Of The Dr.
Kenneth Anderson Affordable Senior Housing Project Located At 1003 E. 15th Street; On
The December 21, 2021 City Council Agenda On Consent
[21-0915](#)

3.25 Subject: License Agreement With Woven Multimedia For Nonexclusive Right To
Documentary Film "I'm Oakland"
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing A License Agreement With Sabereh
Mohammadkashi DBA Woven Multimedia For The Nonexclusive Right To Use The
Documentary Short Film "I'm Oakland" Produced For The City As Part Of The Cultural
Strategist-In-Government Program; On The December 21, 2021 City Council Agenda On
Consent
[21-0914](#)

Recommendations From Committees:

Recommendations From The Special Public Works Committee:

3.26 Subject: Report On Waste Management's Contractual Obligations To The City Of
Oakland
From: Councilmember Gallo And President Pro Tempore Thao
Recommendation: Receive A Report On Waste Management's Contractual Obligations
To The City Of Oakland, Including Information On Thirty (30) Day Pick-Ups, Street Cans,
And The Number Of Businesses Operating In Oakland Without A Waste Management
Contract
[21-0720](#)

Attachments:

[View Report](#)

[View Report Attachment A](#)

[View Report Attachment B](#)

[View Report Attachment C](#)

[View Report Attachment D](#)

Legislative History

9/30/21	*Rules & Legislation Committee <i>The Rules Committee Referred this item to October 7, 2021 Rules And Legislation Committee for scheduling</i>	Scheduled to the *Rules & Legislation Committee
10/7/21	*Rules & Legislation Committee <i>The Rules And Legislation Committee Approved this item be scheduled to the November 29, 2021 Public Works Committee Agenda</i>	Scheduled to the *Special Public Works Committee
	<i>President Pro Tempore Thao requested to be added as a Co-Sponsor</i>	
11/29/21	*Special Public Works Committee	Received and Filed

- 3.27** Subject: Report On The School Crossing Guards Program
From: Councilmember Gallo And President Pro Tempore Thao
Recommendation: Receive A Report On The School Crossing Guards Program, Including Information On Which OUSD Schools Have Guards, And How Many At Each School, As Well As The Number Of Guards Hired To-Date And The Number Needed To Be Hired To Fill Authorized Budgeted Levels
[21-0721](#)

Attachments: [View Report](#)

Legislative History

9/30/21	*Rules & Legislation Committee <i>The Rules Committee Referred this item to October 7, 2021 Rules And Legislation Committee for scheduling</i>	Scheduled to the *Rules & Legislation Committee
10/7/21	*Rules & Legislation Committee <i>The Rules And Legislation Committee Approved this item be scheduled to the November 29, 2021 Public Works Committee Agenda</i>	Scheduled to the *Special Public Works Committee
	<i>President Pro Tempore Thao requested to be added as a Co-Sponsor</i>	
11/29/21	*Special Public Works Committee	Received and Filed

Recommendations From The Special Community & Economic Development Committee:

- 3.28** Subject: Report On Save And Downtown Streets Team Programs
From: Councilmember Fife
Recommendation: Receive An Informational Report From The Human Services Department On Implementation, Performance, And Outcomes Of The Soldiers Against Violence Everywhere (Save) And Downtown Streets Team's Workforce Development And Employment Training Programs Serving Unhoused Individuals
[21-0584](#)

Attachments: [View Report](#)
[View Supplemental Report 11/18/2021](#)

Legislative History

7/22/21	*Rules & Legislation Committee <i>This Item was Approved for October 26, 2021, Community & Economic Development Committee</i>	Scheduled to the *Community & Economic Development Committee
10/26/21	*Community & Economic Development Committee <i>The committee continued this item to the November 30, 2021 Special Community and Economic Development Committee</i>	Continued to the *Special Community & Economic Development Committee
10/28/21	*Rules & Legislation Committee	Continued to the *Special Community & Economic Development Committee
11/30/21	*Special Community & Economic Development Committee	Received and Filed

- 3.29** Subject: Density Bonus Ordinance Update
From: Planning And Building Department
Recommendation: Adopt An Ordinance, As Recommended By The Planning Commission, Amending The Oakland Planning Code To Update Chapter 17.107 Density Bonus And Incentive Procedure
[21-0739](#)

Attachments: [View Report](#)
[View Legislation And Exhibit A](#)
[View Supplemental Presentation 10/29/2021](#)
[View Supplemental Report 11/22/2021 - Kalb](#)

Legislative History

10/7/21	*Rules & Legislation Committee <i>Approved as a Public Hearing</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
---------	---	--

11/2/21

* Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the
City Council

* Withdrawn and Rescheduled

*Upon the reading of Item 3.4 by the City Clerk, the Public Hearing was opened
at 3:46 p.m.*

5 individuals spoke on this item.

*Councilmember Fife made a motion, seconded by Vice Mayor Kaplan, to close
the Public Hearing, And*

*Rescheduled this item to the Special Community And Economic Development
Committee for further review and discussion and then forward to the Planning
Commission; And*

*hearing no objections, the motion passed by 8 Ayes: Fife, Gallo, Kalb, Kaplan,
Reid, Taylor, Thao, and Fortunato Bas*

11/30/21

*Special Community &
Economic Development
Committee

Approved as Amended the Recommendation
of Staff, and Forward to the * Concurrent
Meeting of the Oakland Redevelopment
Successor Agency and the City Council

*The Committee forwarded an alternate recommendation to the first Council
meeting in January 2022, that includes the following;*

DENSITY BONUS Ordinance (proposed amendments) -17.107.045:

*• In Section 17.107.045(A), need to specify that 'any other form of rent or price
control' explicitly includes California's anti-rent gouging protections under
Civil Code § 1947,12 and Oakland's Rent Adjustment Ordinance.*

** Same Square Footage for Demolished Units - All replacement units to
replacement demolished units must include the same square footage as the
demolished units. (This is an amendment to section 17.107.045(C)(4), to
ensure that a developer doesn't demolish a large affordable unit and replace it
with a smaller one with the same number of bedrooms.)*

** Presume that Demolished Affordable Units Had Low Income Households- The
definition of protected units that developers must replace with affordable
housing if they demolish them shall include units occupied by a low-income
household in the past five years, where if the income of a household is not
known, K shall be rebuttably presumed that a very low-income or extremely
low income household occupied the unit. (This is an amendment to section
17.107.045(CM1) & (CX2).)*

** Tenants Can Opt for Rent-Controlled Units to Replace Demolished Units -
The
affordable replacement units must be at 30% AMI as well unless the tenant opts
to return to a rent-controlled replacement unit at the same rent as a demolished
rent-controlled unit. (This is an amendment to section 17.107.045(C).) In
Section 17.107.045(D), need top. create a process for ensuring that tenants
displaced
due to demolition for the purpose of developing new housing have received
relocation assistance under the Uniform Relocation Ordinance.*

**Hold the moderate Oakland income rental projects to the same approval
standards as moderate income for sales projects;*

**Oakland should allow low income units to qualify not only an income of
80%AMI but also a rent level of 80%AMI*

- 3.30** Subject: Amendments To Oakland Planning Code Related To Accessory Dwelling Units
From: Planning & Building Department
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Revise Regulations For Accessory Dwelling Units (ADUs) And Junior Accessory Dwelling Units (JADUs) To Comply With State Law; 2) Amend The S-9 Zoning Overlay Zone That Identifies Areas In The City Where ADUs Are Restricted To One Internal Conversion ADU Or JADU Per Residential Lot; 3) Provide An Exception Mechanism For Allowing Attached And Detached ADUs In The S-9 Zoning Overlay Zone; 4) Provide Additional Wildfire Building Protections In S-9 Zoning Overlay Zone; 5) Make Conforming Changes In Various Sections Of The Oakland Planning Code Related To ADUs; And 6) Make Appropriate California Environmental Quality Act (CEQA) Findings

[21-0829](#)

Attachments:

[View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Legislation](#)

[View Exhibit A](#)

[View Exhibit B](#)

Legislative History

11/4/21	*Rules & Legislation Committee <i>This item is scheduled to the Special Community and Economic Development Committee of November 30, 2021, and as a Public Hearing at the December 21, 2021 City Council meeting.</i>	Scheduled to the *Special Community & Economic Development Committee
11/30/21	*Special Community & Economic Development Committee <i>The Committee Approved this Item to be heard as a Public Hearing on December 7th</i>	Approved the Recommendation of Staff, and Forward to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings

[21-0845](#)

Attachments:

[December 7, 2021 Special City Council Agenda](#)
[December 7, 2021 Special Concurrent City Council, CPAB, SSOC, and Police C](#)
[Previously Distributed December 9, 2021 Rules And Legislation Committee Age](#)
[Finance & Management Committee Pending List](#)
[Public Works Committee Pending List](#)
[Community And Economic Development Committee Pending List](#)
[Life Enrichment Committee Pending List](#)
[Education Partnership Committee Pending List](#)
[Public Safety Committee Pending List](#)
[Rules And Legislation Committee Pending List](#)
[Draft December 13, 2021 Special Finance & Management Committee Agenda](#)
[Draft December 13, 2021 Special Life Enrichment Committee Agenda](#)
[Draft December 14, 2021 Special Public Works Committee Agenda](#)
[Draft December 14, 2021 Special Special Public Safety Committee Agenda](#)
[Draft December 16, 2021 Rules And Legislation Committee Agenda](#)

5 Determinations Of Closed Session

- 6 Subject: 2022 Schedule Of City Council And Council Committee Meetings
From: Office Of The City Clerk And Office Of The City Administrator
Recommendation: Approve A Report And Recommendation For The 2022 Schedule Of City Council And Council Committee Meetings, Agenda Materials Deadlines, And Agenda Distribution Dates

[21-0868](#)

Attachments:

[View Memo](#)

[View Report](#)

Legislative History

11/18/21

*Rules & Legislation
Committee

Scheduled to the *Rules & Legislation
Committee

Open Forum (Total Time Available: 15 Minutes)

Adjournment

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Relay Service:711

MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

*** In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.**