



# Oakland City Planning Commission

## MINUTES

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Jonathan Fearn, Chair  
Sahar Shirazi, Vice-Chair  
Clark Manus  
Tom Limon  
Vince Sugrue  
Jennifer Renk  
Ron Jones

**January 11, 2023**  
SPECIAL Meeting

### **BUSINESS MEETING**

**3:00 PM**

**Via: Tele-Conference**

*PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, SECTION 54953(e), ALL MEMBERS OF THE PLANNING COMMISSION, BOARD MEMBERS/COMMISSIONERS, CITY ATTORNEY, AS WELL AS CITY STAFF, WILL PARTICIPATE VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.*

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**MEETING CALL TO ORDER**

**Chair Jonathan Fearn**

**WELCOME BY THE CHAIR**

**Chair Jonathan Fearn**

### **ROLL CALL**

**Commissioners Present:**

Ron Jones, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Clark Manus, Sahar Shirazi

**Commissioner(s) Absent:** Tom Limon

**Staff Present:** Catherine Payne, Haneefah Rasheed

**SECRETARY RULES OF CONDUCT** Catherine Payne

**SECRETARY MATTERS** - none

### **COMMISSION BUSINESS**

- Agenda Discussion none
- Director's Report none
- Informational Reports none
- Committee Reports none
- Commission Matters Comm. Clark Manus inquired about the status of the license designed professional regarding 1031 62<sup>nd</sup> St. Will report in the next planning commission meeting on February 1, 2023.
- City Attorney's Report none

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- **OPEN FORUM**

At this time members of the public may speak on any item of interest within the Commission’s jurisdiction. At the discretion of the Chair, speakers are generally limited to two minutes or less if there are six (6) or less speakers on an item, and one minute or less if there are more than six (6) speakers.

**PUBLIC SPEAKERS: Don Hokett, Patty St. Louis, Daniel Franco, Geoffrey Pete (Tina Murell), Stewart Port, Nathan Bennett**

**CONSENT CALENDAR**

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report and recommendation in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

<b>#1</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Assessor’s Parcel Number:</b>	N/A
	<b>Proposal:</b>	Renew The Adoption of a Resolution Determining that Conducting In-Person Meetings of the Planning Commission And Its Committees Would Present Imminent Risks to Attendees’ Health, And Electing to Continue Conducting Meetings Using Teleconferencing In Accordance With City Planning Commission Resolution, dated October 6, 2021, to Allow Continuation of Planning Commission Meetings.
	<b>Applicant:</b>	Catherine Payne, Secretary to the Planning Commission
	<b>Phone Number:</b>	(510) 915-0577
	<b>Owner:</b>	NA
	<b>Case File Number:</b>	NA
	<b>Planning Permits Required:</b>	Renew the adoption of Resolution Pursuant to AB-361
	<b>General Plan:</b>	NA
	<b>Zoning:</b>	NA
	<b>Environmental Determination:</b>	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
	<b>Historic Status:</b>	NA
	<b>City Council District:</b>	NA
	<b>Status:</b>	NA
	<b>Staff Recommendation:</b>	Receive public testimony and consider renewing the adoption of Resolution.
	<b>Finality of Decision:</b>	Decision Final.
	<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at (510) 915-0577 or by e-mail at <a href="mailto:cpayne@oaklandca.gov">cpayne@oaklandca.gov</a>

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**Case Planner Catherine Payne**

**Public Speakers – John Klein, Naomi Schiff, Stewart Port, Patty St. Louis**

**Motion to approve by:** Comm. Clark Manus

**Seconded by:** Comm. Vince Sugrue

**Action:** 6 Ayes, 0 Noes

## PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings for decision have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision.

<b>#2</b>	<b>Location:</b>	<b>Brooklyn Basin (including 845 Embarcadero, 1- 9<sup>th</sup> Ave)</b>
<b>Accessor’s Parcel Number:</b>		018-0430-001-14, 018-0460-004-06, 08, and 11, and 018-0465-002-06, 12, 15, 27, 29, and 30
<b>Proposal:</b>		Modifications to the Brooklyn Basin Marina Expansion Project. The Project Modifications include an increase of 600 residential units (for a Project site total of up to 3,700 units), allowance to relocate planned tower sites, an update to the parking ratios, and marina improvements to accommodate a water taxi/shuttle service.
<b>Applicant:</b>		Zarsion-OHP 1, LLC, Eric Harrison
<b>Phone Number:</b>		(510) 251-9280
<b>Owner:</b>		Zarsion-OHP 1, LLC
<b>Case File Number:</b>		PUD06010-R02
<b>Planning Permits Required:</b>		CEQA review, General Plan Amendment, Zoning Code Amendment, Revision to the Preliminary Development Plan for the PUD, Development Agreement Amendment
<b>General Plan:</b>		Planned Waterfront Development
<b>Zoning:</b>		Oak to Ninth District Zone (D-OTN) (previously known as Planned Waterfront Zoning District (PWD-4))/ OS/RSP
<b>Environmental Determination:</b>		Supplemental Environmental Impact Report; access documents at: <a href="http://CityofOakland.org/CurrentEnvironmentalReview(CEQA/EIR)Documents...">City of Oakland   Current Environmental Review (CEQA/EIR) Documents...</a> ( <a href="http://oaklandca.gov">oaklandca.gov</a> )--located under “Brooklyn Basin (formerly Oak-to-Ninth)” heading.
<b>Historic Status:</b>		9 <sup>th</sup> Avenue Terminal Building OCHS Rating “A”

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<b>City Council District:</b>	2 – Nikki Fortunato Bas
<b>Status:</b>	Staff recommendation for approval
<b>Staff Recommendation:</b>	Certify SEIR; and recommend approval to City Council.
<b>Finality of Decision:</b>	NA: Receive public testimony and forward recommendation to City Council.
<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at (510) 915-0577 or by e-mail at <a href="mailto:cpayne@oaklandca.gov">cpayne@oaklandca.gov</a>

**Commissioner Renk** recused herself before item announced.

**Case Planner Catherine Payne** gave a verbal presentation of the project.

**Applicant Eric Harrison** gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

**Public Speakers:** • Tim Frank, APEN Popstars (Kenneth Teng), Durante Colly, Nathan Bennett, Fricus Rungis (John Rogers), Joel Toscano, Kent Lewandowski, Naomi Schiff, Daniel Franco, David Kakishiba, Nathan Bennett, Terry Sage, Stewart Port, Keith Miller speaking for Tamara Borichevsky, Elin Christopherson, Andy Nelsen, Katy Bell, Anna Duke, Patty St. Louise, Donna Smithy, Benjamin Burke, Christopher Phillip, Victoria Koszesi

**Motion by Commissioner Vince Sugrue** to approve project based upon staff recommendations.

1. Recommend adoption of the enclosed CEQA findings, at **Attachment B**, including certification of the SEIR with the No Marina Expansion as the Environmentally Superior Alternative.
2. Recommend approval of amendments to the Development Agreement.
3. Recommend approval of the General Plan amendment subject to the conditions (including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), requirements, and findings attached to this staff report.
4. Recommend approval of the Zoning Code amendment subject to the terms and conditions in paragraph (2).
5. Recommend approval of the amendments to the Adopted PUD Permit subject to the terms and conditions in **Attachment A**.
6. Recommend approval of revisions to adopted Conditions of Approval 18 and 19.

**Seconded by Commissioner Ron Jones**

**Action:** 5 Ayes, 0 Noes.

<b>#3</b>	<b>Location:</b>	Citywide
	<b>Proposal:</b>	In accordance with State law, the City of Oakland seeks to adopt an Amendment to the City's General Plan to update its Housing Element, which is one of the required elements of the General Plan. Oakland's current 2015-2023 Housing Element was adopted on December 9, 2014, and the statutory deadline to adopt the 2023-2031 Housing Element is January 31, 2023.  The City must plan to accommodate 26,251 new housing units over the 2023-2031 planning period to meet its "fair share" of the region's housing need. The 2023-2031 Housing Element identifies adequate sites for housing to accommodate Oakland's Regional Housing Needs Allocation (RHNA) over the next eight years, and establishes policies and programs to fulfill the identified housing needs, including a rezoning plan and plans to affirmatively further fair housing.

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	<p>Staff revised the Draft 2023-231 Housing Element in response to State HCD’s requested changes, ongoing community feedback and to fulfill requirements for compliance with state law. The Public Hearing Draft 2023-2031 Housing Element was published on November 29, 2022, and is available on the City’s webpage at <a href="https://oaklandca.gov/housingelement">https://oaklandca.gov/housingelement</a>.</p> <p>The Public Hearing Draft was formally submitted to the State Housing and Community Development (State HCD) department on December 7, 2022, for their subsequent 60-day review.</p>
<b>Applicant:</b>	City of Oakland
<b>Case File Numbers:</b>	GP21002
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	<p>The adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) for the following reasons, each as a separate and independent basis:</p> <p>(1) it can be seen with certainty that there is no possibility that adoption of the Housing Element may have a significant effect on the environment (the “common sense” exemption, CEQA Guidelines Section 15061(b)(3)), because the Housing Element involves policies, programs, and actions to meet the City’s Regional Housing Needs Allocation (RHNA) that either would not cause a significant effect on the environment or incorporates ongoing, existing actions being taken by the City;</p> <p>(2) the Housing Element is a planning document that serves to implement the City of Oakland’s regional housing needs determination by identifying sites available for construction of housing under existing zoning (CEQA Guidelines Section 15283 and California Government Code Section 65584(g);</p> <p>(3) the Housing Element is a planning study containing actions that will require independent review, environmental determination, and adoption by the Oakland City Council prior to its implementation (CEQA Guidelines Section 15262 and California Public Resources Code Sections 21102 and 21150); and</p> <p>(4) the Housing Element seeks to assure the protection of the environment by reducing greenhouse gas emissions per capita in the City through infill development, which is consistent with research, local and regional planning on the most impactful measures local governments can take in response to climate change (CEQA Guidelines Section 15308).</p> <p>In addition, the Sites Inventory included in the 2023-2031 Housing Element to demonstrate the City’s ability to accommodate Oakland’s RHNA is consistent with the development standards provided in previous planning documents, for each of which an EIR was prepared and certified, including: (a) 1998 Land Use and Transportation Element EIR (Resolution No. 74129 C.M.S.); (b) 1998 and 2006 Estuary Policy Plan EIRs (Resolution Nos. 75037 C.M.S. and 79982 C.M.S.) and 2013 Central Estuary Area Plan Supplemental EIR (Resolution No. 84442 C.M.S.); (c) 2014 West Oakland Specific Plan (Resolution No. 85108 C.M.S.); (d) 2014 Broadway Valdez District Specific Plan (Resolution No. 85065 C.M.S.); (e) 2014 Lake Merritt Station Area Plan (Resolution No. 85276 C.M.S.); and (f) 2015 Coliseum Area Specific Plan (Resolution No. 85491 C.M.S.).</p>

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<b>City Council District:</b>	All districts
<b>Staff Recommendation:</b>	Staff recommends that the Planning Commission conduct a public hearing, receive public comments, discuss and recommend that the City Council: 1. Adopt the 2023-2031 Housing Element as a General Plan Amendment to the Oakland General Plan; and 2. Determine that the Adoption Of The 2023-2031 Housing Element Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To Each As An Independent Basis (A) CEQA Guidelines Sections 15061(b)(3), (B) CEQA Guidelines Section 15283 and California Government Code Section 65584(g), (C) CEQA Guidelines Section 15262 And California Public Resources Code Sections 21102 and 21150, And (D) CEQA Guidelines Section 15308.
<b>Finality of Decision</b>	Recommendation to City Council
<b>For Further Information:</b>	Contact Project Manager <b>Lakshmi Rajagopalan</b> at <b>510-238-6751</b> or <a href="mailto:lrajagopalan@oaklandca.gov">lrajagopalan@oaklandca.gov</a> Project Email Address: <a href="mailto:generalplan@oaklandca.gov">generalplan@oaklandca.gov</a> Project Website: <a href="https://www.oaklandca.gov/topics/general-plan-update">https://www.oaklandca.gov/topics/general-plan-update</a>

**Commissioner Renk** rejoined meeting prior to announcement of this item.

**Case Planner Lakshmi Rajagopalan** gave a verbal presentation of the project

**Applicants Laura Kaminski and Audrey Lieberworth** gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

**Public Speakers:** • Ilona Clark, Jeanie Lewelling, Jason Gumataotao, Michael Gabriel, Daniel Franco, Nathan Landau, Mary Rose Kaczorowski, Stuart Flashman, Georgia Savage, Casey Farmer, Lucky Thomas, Jeff Levin, Mary Harper, Naomi Schiff, Valarie Winemaker, Christopher Buckley, Tuan No, Nathan Landau, Lupe Schoenberger

**Motion by Vice Chair Sahar Shirazi** to approve project based upon staff recommendations.

Staff recommends that the Planning Commission conduct a public hearing, receive public comments, discuss and recommend that the City Council:

1. Adopt the 2023-2031 Housing Element as a General Plan Amendment to the Oakland General Plans currently drafted with revisions limited to any comments received from State HCD; and
2. Determine that the adoption of the Housing Element is exempt from California Environmental Quality Act (CEQA) pursuant to the environmental determination included in the Planning Commission staff report.
3. Direct the City Administrator to return to Planning Commission after Housing Element Adoption with an analysis of any additional recommended Housing Element text changes proposed by the City Council.

**Seconded by Commissioner Jennifer Renk**

**Action:** 6 Ayes, 0 Noes.

If you wish to be notified on the decision of an agenda item, please contact the case planner for the specific agenda item.

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## APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following the testimony, the Commission will vote on the staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision. Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

- none

## COMMISSION BUSINESS

- Approval of Minutes

**Date:** December 21, 2022

**Motion to approve:** Comm. Vince Sugrue

**Seconded by:** Comm. Clark Manus

**Action:** 6 Ayes, 0 Noes,

- Correspondence none
- City Council Actions none

## ADJOURNMENT

Chair Jonathan Fearn at 7:34 pm



**CATHERINE PAYNE**  
Development Planning Manager  
Planning and Building Department

**NEXT SPECIAL MEETING:** February 1, 2023