



Jennifer Renk, Chair
Natalie Sandoval, Vice-Chair
Sahar Shirazi
Vince Sugrue
Maurice Robb
Josie Ahrens
Alex Randolph

October 2, 2024
Regular Meeting

BUSINESS MEETING

3:00 PM

Via: In-person

MEETING CALL TO ORDER: Chair Renk at 3:05 p.m.

WELCOME BY THE CHAIR: Chair Renk

ROLL CALL: Haneefah Rasheed

Commissioners Present: Robb, Renk, Ahrens, Randolph, Sandoval

Commissioner(s) Absent: Sugrue, Shirazi

Staff Present: Catherine Payne, Haneefah Rasheed, Brian Mulry, Lakshmi Rajagopalan, Ruslan Filipau, Edward Manasse, Laura Kiminski, Neil Gray

COMMISSION BUSINESS

- **Agenda Discussion:** none
- **Director's Report:** none
- **Informational Reports:** none
- **Committee Reports:** Comm. Ahrens provided a summary update regarding the July 24, 2024, Design Review Committee meeting.
- **Commission Matters:** Chair Renk will discuss re-assignment of the Commissioners to the Committee meetings at a future Planning Commission meeting.
- **City Attorney's Report:** none

• **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 Speaker: Naomi Schiff

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.

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.

Continued from September 11, 2024, PC agenda

#1	Location:	Chapter 17.101B D-OTN Oak-To-Ninth District (D-OTN) - Brooklyn Basin (including 845 Embarcadero, 1- 9th Ave).
	Assessor’s Parcel Number(s):	018-0430-001-14, 018-0460-004-06, 08, and 11, and 018-0465-002-06, 12, 15, 27, 29, and 30.
	Proposal:	Amend Oakland Municipal Code (O.M.C.) Title 17 (the Planning Code) Chapter 17.101B D-OTN Oak-To-Ninth District Zone Regulations (Ordinance No.13738, adopted 5/16/23) to update the Chapter name from Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone and correct clerical errors.
	Applicant:	City of Oakland
	Contact Person/ Phone Number:	N/A
	Owner:	N/A
	Case File Number:	ZA24011
	Planning Permits Required:	Planning Code Amendment
	General Plan:	EPP Planned Waterfront Development 4
	Zoning:	Oak-To-Ninth District Zone (D-OTN) and Open Space - Region Serving Park (OS-RSP)
	Proposed Environmental Determination:	The proposed amendments to the Planning Code rely on the certified Supplemental Environmental Impact Report (SEIR) for the Brooklyn Basin Marina Expansion Project (2023) and previous Oak-To-Ninth EIR (2009), since it implements, and is consistent with, the adopted Planning Code regulations that were studied in the previous EIR and updated through the SEIR. This proposal is also categorically exempt from CEQA pursuant to Section 15183 (projects consistent with General Plan and Zoning) of the CEQA Guidelines.
	Historic Status:	9th Avenue Terminal Building OCHS Rating “A”
	City Council District:	District 2

Finality of Decision:	Receive public testimony and forward Commission’s recommendation to City Council.
For Further Information:	Contact Case Planner Lakshmi Rajagopalan at 510-238-6751 or by email at lrajagopalan@oaklandca.gov .

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

Commissioners provided questions and comments regarding item.

Chair allowed speakers to speak for 3 minutes.

Public Speakers: John Klein

Motion by Comm. Ahrens to:

1. Amend Oakland Municipal Code (O.M.C.) Title 17 (the Planning Code) Chapter 17.101B D-OTN Oak-To-Ninth District Zone Regulations (Ordinance No.13738, adopted 5/16/23) to update the Chapter name from Planned Waterfront Zoning District (PWD-4) to D-OTN Oak-To-Ninth District Zone and correct clerical errors.

Seconded by Vice-Chair Sandoval

Motion amended by Comm. Ahrens to:

Accept Chair Renk’s friendly amendment to consider this a recommendation to the City Council.

Seconded by Vice-Chair Sandoval

Action: 5 Ayes, 0 Nays

#2	Location: Citywide
Assessor’s Parcel Number(s):	N/A
Proposal:	The City of Oakland seeks to adopt Objective Design Standards for four- to eight-story residential and mixed-use multifamily developments that are currently mandated to undergo by-right ministerial planning approvals. These include projects utilizing local programs such as 100% affordable projects by-right residential review, the S-13 Affordable Housing Combining Zone by-right review, and the S-14 Housing Sites Combining Zone by-right review, as well as those utilizing state-enacted by-right programs. These objective design standards may also be utilized for other project types that will be allowed by right in the future if and when such Planning Code Amendments are adopted.
Applicant:	City of Oakland, Bureau of Planning
Contact Person/ Phone Number:	Ruslan Filipau: (510) 238-3491
Owner:	N/A
Case File Number:	SP24001 and ZA24009
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the

	Coliseum Area Specific Plan (2015); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
Historic Status:	N/A
City Council District:	All Districts
Finality of Decision:	Receive Planning Commission and public comments. Objective Design Standards are effective upon adoption by the Planning Commission and are not appealable.
For Further Information:	Contact Case Planner Ruslan Filipau at (510) 238-3491 or by email at ODS@oaklandca.gov

Case Planner Ruslan Filipau gave a verbal presentation of the project.

Edward Manasse, Laura Kaminski, and Neil Gray responded to Commissioners’ questions regarding the project.

Commissioners provided questions and comments regarding item.

Public Speakers: Christopher Buckley, Ann Killebrew (Ceded time to Christopher Buckley), Mary Harper (Ceded time to Christopher Buckley), Naomi Schiff

Motion by Vice-Chair Sandoval to approve project based upon staff recommendations.

1. Affirm staff’s environmental determination.
2. Approve the Objective Design Standards for four- to eight-story residential and mixed-use multifamily developments as provided in Attachment A to the Staff Report. Objective Design Standards are effective upon adoption by the Planning Commission and are not appealable.
3. Authorize Planning staff to modify the language and format of the Objective Design Standards, as needed, provided these modifications are not substantive, without returning to Planning Commission for approval.
4. Provide a review of progress and efficacy of Objective Design Standards to the full Planning Commission within the first year of implementing the Objective Design Standards to begin with, then review the progress on periodic basis (no annual reviews).
5. Cross reference relevant Planning Codes such as for signage and lighting.
6. Adopted Objective Design Standards will not apply to existing projects in the pipeline that are deemed complete or otherwise vested, with an option to opt into the Objective Design Standards or go through the Regular Design Review planning process.

Seconded by Comm. Ahrens

Action: 5 Ayes, 0 Nays

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

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.

• **COMMISSION BUSINESS**

- Approval of Minutes

Date: September 18, 2024

Motion to approve: Comm. Randolph

Seconded by: Vice-Chair Sandoval

Action: 5 Ayes, 0 Nays

- Correspondence: none
- City Council Actions: none
- **ADJOURNMENT:** Chair Renk at 4:57 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: October 16, 2024