



Oakland City Planning Commission

MINUTES

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

February 15, 2023
SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conferenc

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.

MEETING CALL TO ORDER

Chair Jonathan Fearn

WELCOME BY THE CHAIR

Chair Jonathan Fearn

ROLL CALL

Commissioners Present:

Ron Jones, Jennifer Renk, Tom Limon, Jonathan Fearn, Clark Manus, Sahar Shirazi

Commissioner(s) Absent: Vince Sugrue

Staff Present: Catherine Payne, Haneefah Rasheed

SECRETARY RULES OF CONDUCT Catherine Payne

- **SECRETARY MATTERS** – March 1st and March 15th PC Meetings will be canceled due to lack of agenda items. In-person PC meeting will start April 5, 2023, in Chambers at City Hall at 3:00 p.m.

COMMISSION BUSINESS

- Agenda Discussion none
- Director's Report none
- Informational Reports Certified Professionals reports and application process will be discussed at the April 5, 2023, PC Meeting.
- Committee Reports none
- Commission Matters Regarding the Certified Professionals reports and application process, which will be discussed at the April 5, 2023, PC Meeting.
- 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: Susannah Mannell, Isaac Cos-Reed, Sandra Larner of August Varner Media, Christopher Buckley, Deborah Vaughan, Kitty Kelly Epstein

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.

#1	Location:	Citywide
	Assessor’s Parcel Number:	N/A
	Proposal:	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.
	Applicant:	Catherine Payne, Secretary to the Planning Commission
	Phone Number:	(510) 915-0577
	Owner:	NA
	Case File Number:	NA
	Planning Permits Required:	Renew the adoption of Resolution Pursuant to AB-361
	General Plan:	NA
	Zoning:	NA
	Environmental Determination:	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
	Historic Status:	NA
	City Council District:	NA
	Status:	NA
	Staff Recommendation:	Receive public testimony and consider renewing the adoption of Resolution.
	Finality of Decision:	Decision Final.
	For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

#2	Location:	1425 Leimert Blvd
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Assessor's Parcel Number:	029A132701000
Proposal:	Installation of new unmanned telecommunications facility including twelve (12) panel antennas, fifteen (15) Remote Radio Units (RRUs), three (3) FRP screens, and all related equipment
Applicant:	AT&T Mobility/ J5 Melissa Gonzalez
Phone Number:	415-305-8633
Owner:	1425 Leimert LLC
Case File Number:	PLN22199
Planning Permits Required:	Major Conditional Use Permit & Regular Design Review
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-3, Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Non-Historic Properties
City Council district:	CCD4
Status:	Staff recommendation for approval
Staff Recommendation:	Approve with Conditions
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Sarah Price at (510)238-2955 or by email at sprice@oaklandca.gov

#3	Location:	9500 Stearns Ave
	Assessor's Parcel Number:	043A475500117
	Proposal:	Installation of new unmanned telecommunications facility including nine (9) panel antennas, fifteen (15) Remote Radio Units (RRUs), and all related equipment on a replacement field light pole at the Bishop O/Dowd football field. The replacement pole will be the same height as the existing.
	Applicant:	AT&T Mobility/ Aaron De La O
	Phone Number:	916-792-8686
	Owner:	Roman Catholic Welfare Corporation of Oakland
	Case File Number:	PLN22187
	Planning Permits Required:	Major Conditional Use Permit & Regular Design Review
	General Plan:	Institutional
	Zoning:	RD-1 One Family Residential Zone
	Environmental Determination:	Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-Historic Properties
	City Council district:	CCD7
	Status:	Staff recommendation for approval
	Staff Recommendation:	Approve with Conditions
	Finality of Decision:	Appealable to City Council

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For further information:	Contact case planner Robert D. Merkamp at (510)238-6283 or by email at rmerkamp@oaklandca.gov
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Case Planners Catherine Payne, Sarah Price, and Robert Merkamp

Public Speaker – Ray Bobbitt

Motion to adopt the Consent Calendar: Comm. Clark Manus

Seconded by: Comm. Ron Jones

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.

#4	Location:	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
	Assessor’s Parcel Number:	008 062100807
	Proposal:	Major Conditional Use Permits and Regular Design Review to construct a 40-story (413-foot tall) 421,056 square feet residential tower with a parking garage above grade.
	Applicant:	TC II 1431 Franklin, LLC
	Phone Number:	(510) 290-9901
	Owner:	TC II 1431 Franklin, LLC
	Case File Number:	PLN20125
	Planning Permits Required:	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
	General Plan:	Central Business District (CBD)
	Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
	Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified

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	in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022 .
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council district:	3
Status:	Pending
Staff Recommendation:	Approval subject to the attached conditions
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Michele T. Morris at (510) 238-2235 or mmorris2@oaklandca.gov

Case Planner Michele Morris gave a verbal presentation of the project

Applicant Kyle Winkler from Tidewater Capital and Alan Grant gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Geoffrey Pete, Kitty Kelly Epstein, Tina Murell, Eddie Dillard, Nico Nagle, Bendu Griffin Washington, Mark Brustman, Tori Decker, Ray Bobbitt, Sandra Varner of August Varner Media, Joel Toscano, Amelia Marshall, Weng Tam, Matt Regan, Greenbelt Alliance – Jordon Grimes, Steven Reimer, Nels DeLander, Raul Maldonado, Clayton Mandly, Naomi Schiff, Aaron Bestick, Duraunte Colly, Linda Taylor, Paul Quan, Diana Kim, Edward Giordano, Jameson Adams, Jeff Kaliss, Daniel Levy, Randolph Belle speaking for Bomadele Demerson, Darrell Ford, Christopher Buckley, Ken Epstein, Alex Ghenis, Rodolfo Hernandez Arrazola, Mary Harper

Motion by Comm. Tom Limon to affirm staff’s environmental determination, approve the major conditional use permits subject to findings and conditions attached to this report, approve regular design review for new residential facility, and the additional language from staff regarding public art:

The applicant has proposed, and by this condition shall be required, to distribute twenty percent (20%) of the project’s public art requirement to the Malonga Casquelourd Center for the Arts Theater and the African American Museum and Library at Oakland (“City-Owned Arts Facilities” or “Facilities”), to be split equally between the two facilities. It would be the responsibility of the Facilities to obtain City approval for the capital improvement project and satisfy any City requirements for the application of the contributed funds. The remaining portion of the public art requirement shall be met through the means provided in the Ordinance.

Seconded by Vice-Chair Sahar Shirazi

Action: 6 Ayes, 0 Noes.

#5	Location:	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
	Assessor’s Parcel Number:	008 062100807
	Proposal:	Major Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.

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Applicant:	TC II 1431 Franklin, LLC
Phone Number:	(510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20124
Planning Permits Required:	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
General Plan:	Central Business District (CBD)
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council district:	3
Status:	Pending
Staff Recommendation:	Approval subject to the attached conditions
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Michele T. Morris at (510) 238-2235 or mmorris2@oaklandca.gov

Case Planner Michele Morris gave a verbal presentation of the project

Applicant Alan Grant gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Tina Murrell (Geoffrey Pete), Jason Gumataotao, Kevin Carmichael, Mark Brustman, Naomi Schiff, Linda Taylor, Christopher Buckley

Motion by Comm. Jennifer Renk move to continue the item to a date certain of April 5, 2023, for the purpose of directing staff to draft the no net loss findings required by state law for consideration of approval of the project, which will also include all of the findings and project approval requirements as part of the staff recommendations.

Seconded by Vice-Chair Shahar Shirazi

Action: 6 Ayes, 0 Noes.

#6	Location:	Citywide subject to location restrictions
	Proposal:	The City is proposing to amend Oakland Municipal Code (O.M.C.) Section 17.104.060, General Limitations on

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	Advertising Signs, to allow new outdoor Advertising Signs on private and City-owned properties subject to certain location restrictions with discretionary approval by the City Council
Applicant:	City of Oakland
Case File Number:	ZA22009
Planning Permits Required:	Oakland Planning Code Amendment to O.M.C. Section 17.104.060
General Plan:	All General Plan Designations
Zoning:	All Zoning Districts
Environmental Determination:	The proposed amendments to the O.M.C. are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(2) of the CEQA Guidelines. Section 15061 states that CEQA applies only to “projects” that have the potential for causing a significant effect on the environment. The proposed amendments create development standards and do not commit the City to any future action, a particular project, or grant any specific project approval that would have a direct or reasonably foreseeable indirect impact on the environment pursuant to CEQA. The proposed amendments are categorically exempt from CEQA pursuant to Section 15305 and 15311 of the CEQA Guidelines. Section 15305 exempts projects that may result in minor alterations of land on slopes less than 20% and Section 15311 exempts projects that result in the construction or replacement of accessory structures, including sign structures. The proposed amendments to the O.M.C. may result in both minor alterations to land on slopes less than 20% and may result in the construction or replacement of accessory structures.
Historic Status:	N/A
City Council district:	All districts
Status:	Review of draft amendment to O.M.C. Section 17.104.060 to allow new outdoor Advertising Signs on private and City-owned properties subject to certain location restrictions with discretionary approval by the City Council.
Staff Recommendation:	Planning Commission will receive public comment, discuss, and make a recommendation to City Council on the proposed Planning Code amendment.
Finality of Decision:	Recommendation to City Council after receiving public comment and conducting public deliberation on the item
For further information:	Contact case planner Daniel Findley at 510-238-3981 or by email at dfindley@oaklandca.gov

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

Case Planner Daniel Findley gave a verbal presentation of the project

Applicant Laura Kiminski gave a verbal and visual presentation of the project and Brendan Moriarty gave input.

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Commissioners provided questions and comments regarding item.

Public Speakers: • Jane Garcia, Peter Gamez, Zachary Wasserman, Everardo Rodriguez, Jim Walker, Sarah Fishleder, Sharon Craun, Darrell Ford, Naomi Schiff, Nema Link, Mary Harper, Andy Goodman

Motion by Comm. Clark Manus to approve project based upon staff recommendations.

1. Affirm Planning staff’s Environmental Determination; and **2.** Recommend that the City Council approve the proposed staff amendments to Planning Code Section 17.104.060 as written on page 5 of the Staff Report and reproduced below:

Notwithstanding any provisions to the contrary contained within the Planning Code, Advertising Signs are not permitted in Oakland except: (1) as otherwise provided for in this Code, or (2) pursuant to a Franchise Agreement, Real Estate Agreement, or Relocation Agreement authorized by the Oakland City Council, which expressly allows Advertising Signs and then only under the terms and conditions of such agreements. Advertising Signs are only allowed under the procedures and regulations set forth in Oakland Municipal Code (O.M.C.) Chapter 5.97 Advertising Signs – Application Process for New Advertising Signs, and O.M.C. Title 14 – Advertising Sign Regulations.

Seconded by Commissioner Ron Jones

Action: 6 Ayes, 0 Noes.

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.

REVISED ON FEBRUARY 10, 2023

#7	Location:	278 4th Street Removed by Applicant and Appellant on 2/10/2023
	Assessor’s Parcel Number:	001 0153009
	Proposal:	Appeal of an administrative decision to revise a previously approved Conditional Use Permit to establish an entertainment venue and convert an existing live/work unit within the building into a regular residential dwelling unit. The revision would replace condition #37 of the permit, which states that, prior to commencement of Group Assembly Commercial Activity, “The second means of egress, as indicated on project plans, shall be constructed pursuant to permits” with a condition to either maintain the existing easement for secondary egress through the rear of the building or construct an alternative second means of egress that has been approved by the Bureaus of Planning and Building.
	Applicant:	Chloe Moir (650)283-9012

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Owner:	Dan Dunkle
Case File Number:	PLN15132-R01
Planning Permits Required:	Revision to Conditional Use Permit previously approved on September 25, 2015. The prior approval was to establish a Group Assembly Commercial Activity in the C-45 Commercial Zone.
General Plan:	Estuary Policy Plan Waterfront Warehouse District
Zoning:	C-45 Community Shopping Commercial Zone and S-4 Design Review Combining Zone
Environmental Determination:	The proposed operation and the conversion of the work/live unit to a dwelling unit is exempt from the California Environmental Quality Act (CEQA) according to the following sections of the State of California's CEQA Guidelines: 15303 - New Construction or Conversion of Small Structures; and 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.
Historic Status:	Potentially Designated Historic Property; Within and contributor to an "Area of Primary Importance" (the Waterfront Warehouse Historic District); Office of Cultural Heritage Survey rating of C1+
City Council District:	3
Action to be Taken:	Decision on appeal
Finality of Decision:	Decision is final. No further administrative appeal is available.
For Further Information:	Contact Case Planner Case Neil Gray at (510) 238-3878 or by email at ngray@oaklandca.gov

COMMISSION BUSINESS

- Motion to extend meeting **Date:** February 15, 2023
Motion to approve: Commissioner Jennifer Renk
Seconded by: Commissioner Tom Limon
Action: 6 Ayes, 0 Noes,
 - Correspondence none
 - City Council Actions none

- Approval of Minutes **Date:** January 11, 2023
Motion to approve: Commissioner Ron Jones
Seconded by: Commissioner Clark Manus
Action: 5 Ayes, 0 Noes,
 - Correspondence none
 - City Council Actions none

- Approval of Minutes **Date:** February 1, 2023
Motion to approve: Commissioner Clark Manus

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Seconded by: Vice-Chair Shahar Shirazi

Action: 4 Ayes, 0 Noes,

- Correspondence none
- City Council Actions none

ADJOURNMENT

Chair Jonathan Fearn at 7:46 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: April 5, 2023

DRAFT