



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

April 3, 2024
REGULAR Meeting

BUSINESS MEETING

3:00 PM

Via: In-person

MEETING CALL TO ORDER

Chair Shirazi

WELCOME BY THE CHAIR

Chair Shirazi

ROLL CALL

Stephanie Skelton

Commissioners Present: Sahar Shirazi, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Natalie Sandoval, Alex Randolph

Commissioner(s) Absent: Josie Ahrens

Staff Present: Christopher Tan, Stephanie Skelton, Rebecca Lind, Laura Kaminski, Lakshmi Rajagopalan, Sarah Price, Brian Mulry

SECRETARY RULES OF CONDUCT

SECRETARY MATTERS none

COMMISSION BUSINESS

- Agenda Discussion none
- Director’s Report none
- Informational Reports none
- Committee Reports none
- Commission Matters New Subcommittee for Planning Commission for APR

Motion by Comm. Renk to approve the ZUC’s purview of the APR for the housing element.

Seconded by Comm. Fearn

Action: 6 Ayes, 0 Nays

- 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 SPEAKERS: Jesus Mendoza, Dollene Jones

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.

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

#1	Location:	2430 Willow Street
	Assessor’s Parcel Number(s):	007 057900110
	Proposal:	Conditional Use Permit and Design Review for development of a public utility service center which will include fleet parking for field crew staff, a new 5,921 square foot office building, and a new 754 square foot warehouse.
	Applicant:	East Bay Municipal Utility District / Maura Bonnarens
	Contact Person/ Phone Number:	Maura Bonnarens/(510) 287-1023
	Owner:	East Bay Municipal Utility District
	Case File Number:	PLN22188
	Planning Permits Required:	1) Major Conditional Use Permit for Extensive Impact Civic Activity on a site that exceeds one acre. 2) Regular Design Review for new construction exceeding 1,000 square feet of floor area which requires a Conditional Use Permit and Variance(s) 3) Variances for: 1) providing 0 foot street side setback where 10 feet is required, 2) exceeding the maximum driveway width of 35 feet and proposing 40 feet & 3) Replacement of existing wall to exceed the height limit of 12 feet.
	General Plan:	Business Mix
	Zoning:	West Oakland Plan Area Commercial Industrial Mix – 1C Industrial Zone / Health and Safety Protection Combining Zone (CIX-1C/S-19)
	Proposed Environmental Determination:	Exempt, CEQA 15303(c) – New Construction not exceeding 10,000 square feet in floor area

Historic Status:	OCHS Rating D3
City Council District:	CCD3
Finality of Decision:	Appealable to City Council
For Further Information:	Contact Oakland Case Planner: Sarah Price, Phone: (510) 238-2955, Email: sprice@oaklandca.gov

Case Planner Sarah Price gave a verbal presentation of the project.

Applicant Maura Bonnarens gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: None

Motion by Comm. Sugrue to approve project based upon staff recommendations.

1. Affirm staff’s environmental determination.
2. Approve the Conditional Use Permit, Design Review, and Variances subject to the attached findings and conditions.

Seconded by Comm. Randolph

Action: 6 Ayes, 0 Nays

#2	Location:	Citywide
Proposal:		<p>Amend the Planning Code related to Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local legislation into compliance with State Law. The amendments address suggested changes by the State Housing and Community Development Department (HCD) which include: 1) updates to the property development standards applying to One-Family, Two-to-Four-Family, and Multifamily ADUS; 2) update to the Junior Accessory Dwelling Units (JADU) definition; 3) updates to the ADU regulations pertaining to additional kitchens, maximum residential density, sale of units, objective design standards, amnesty criteria for unpermitted ADUs, and landscaping standards.</p> <p>Provide findings that explain the reasons why the City has not addressed a handful of HCD’s suggested changes and finds the Ordinance in compliance with State ADU Law despite the suggestions made by HCD.</p> <p>Additionally, the proposal includes “clean-up” amendments to bring the Oakland Planning Code in alignment with previous zoning changes, as well as miscellaneous new amendments. These clean-up amendments and miscellaneous new changes include: 1) Chapter 17.76 S-2 Civic Center Commercial Zone Regulations, Section 17.76.200; 2) Chapter 17.97 S-15 Transit-Oriented Development Commercial Zones Regulations, Sections 17.97.040 and 17.97.070; 3) Chapter 17.116 Off-Street Parking and Loading Requirements, Section 17.116.240; 4) Chapter 17.136 Design Review Procedure, Sections 17.136.025, 17.136.030, and 17.136.040; and 5) Chapter 17.101H D-CO Coliseum Area District Zones Regulations, Section 17.101H.040.</p>

Applicant:	City of Oakland
Case File Number:	ZA240020
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2105); 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).
City Council District:	All districts
Finality of Decision:	Recommendation to City Council. Final decision by City Council.
For Further Information:	Contact Case Planner Khalilha Haynes at 510-406-4802 or by email at khaynes@oaklandca.gov

Case Planner Laura Kiminski gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • None

Motion by Comm. Segrue to approve project based upon staff recommendations.

- 1) Recommend that the City Council approve the proposed miscellaneous and “clean-up” Planning Code amendments, the Planning Code amendments related to Accessory Dwelling Units, and the findings related to Accessory Dwelling Units. In addition, in table 17.103.01 and 17.103.02, the word “major” shall be changed to “public” in reference to transit.

Seconded by Comm. Fearn

Action: 6 Ayes, 0 Nays

#3	Location:	Lake Merritt BART Transit-Oriented Development (TOD) at 51 9th Street (Block 1) and 107 8th Street (Block 2).
Assessor’s Number(s):	Parcel	APNs: 001 016900100 and 001 017100200.
Proposal:		1. Amend the Conditions of Approval to allow for phased submittal of the PX and PZ Permit for Phase I of development. 2. Amend the Tentative Tract Map to create a vertical division of the Paseo resulting in a subterranean parcel containing the BART tunnel.
Applicant:		East Bay Asian Local Development Corporation (EBALDC)

Contact Person/ Phone Number:	James Perez /510-512-2444
Owner:	San Francisco Bay Area Rapid Transit District (BART)
Case File Number:	PLN20108-R01
Planning Permits Required:	Revision to existing entitlements for Planned Urban Development (PUD), the Phase I Horizontal Final Development Plan (FDP and Tentative Tract Map).
General Plan:	Central Business District (CBD)
Zoning:	D-LM-2, D-LM-4, Height Area LM-275
Proposed Environmental Determination:	Prior Environmental Determination since the amendments are within the scope of the prior environmental review for the Project.
Historic Status:	Not an Historic Rated Property
City Council District:	District 2.
Finality of Decision:	Appealable to City Council.
For Further Information:	Contact Case Planner Rebecca Lind at 510-672-1474 or by e-mail at rlind@oaklandca.gov

Case Planner Rebecca Lind gave a verbal presentation of the project.

Applicant James Perez gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Henry Simons

Motion by Comm. Fearn to approve project based upon staff recommendations.

1. Affirm staff’s environmental determination.
2. Approve the revisions to the PUD, FDP and TTM for the Lake Merritt BART Transit Oriented Development project as proposed in application PLN20108-R01 subject to the attached Revised Findings at Attachment A and conditions.

Seconded by Comm. Sandoval

Action: 6 Ayes, 0 Nays

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: March 6, 2024

Motion to approve: Comm. Sugrue

Seconded by: Comm. Randolph

Action: 6 Ayes, 0 Nays

- Correspondence none
- City Council Actions none

ADJOURNMENT Chair Shirazi at 4:41 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: April 17, 2024

DRAFT