



# 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

**April 5, 2023**  
**Regular Meeting**

### BUSINESS MEETING

**3:00 PM**

**Via: In-Person**

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#### **MEETING CALL TO ORDER**

**Chair Jonathan Fearn**

#### **WELCOME BY THE CHAIR**

**Chair Jonathan Fearn**

#### **ROLL CALL**

**Haneefah Rasheed, PSR, Sr.**

#### **Commissioners Present:**

Vince Sugrue, Jennifer Renk, Tom Limon, Jonathan Fearn, Clark Manus

**Commissioner(s) Absent:** Ron Jones, Shahar Shiraz

**Staff Present:** Robert Merkamp, Haneefah Rasheed, Michele Morris, Michael Branson

#### **SECRETARY RULES OF CONDUCT** Robert Merkamp

**SECRETARY MATTERS** - none

#### **COMMISSION BUSINESS**

- Agenda Discussion none
- Director's Report none
- Informational Reports none
- Committee Reports CM Clark Manus and CM Jennifer Renk provided a summary update of the 3/15 ZUC Meeting.
- **Commission Matters** none
- **City Attorney's Report** - Regarding a case #584 14<sup>th</sup> St, LLC vs. The City of Oakland. This is a case that challenged the adoption of a residential hotel ordinance back in December 2018. The lawsuit brings a number of claims. There was a hearing on two of those claims, a challenge under CEQA and a Brown Act Claim related to the utilization of speaker cards. The city prevailed in both of those claims. That means that there is no longer a pending CEQA matter to challenge that ordinance.

#### • **OPEN FORUM**

# Oakland City Planning Commission

## MINUTES

Page 2

April 5, 2023

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(S): 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.

**CM Sugrue recused himself from the hearing prior to item #1 being called.**

<b>Location:</b>	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
<b>Assessor's Parcel Number:</b>	008 062100807
<b>Proposal:</b>	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.
<b>Applicant:</b>	TC II 1431 Franklin, LLC
<b>Phone Number:</b>	(510) 290-9901
<b>Owner:</b>	TC II 1431 Franklin, LLC
<b>Case File Number:</b>	PLN20124
<b>Planning Permits Required:</b>	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
<b>General Plan:</b>	Central Business District (CBD)
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
<b>Environmental Determination:</b>	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

# Oakland City Planning Commission

MINUTES

Page 3

April 5, 2023

	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: <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022</a>
<b>Historic Status:</b>	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
<b>City Council district:</b>	3
<b>Status:</b>	Pending
<b>Staff Recommendation:</b>	Approval subject to the attached conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For further information:</b>	<b>Michele T. Morris:</b> Phone: (510) 238-2235; email: <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a> .

**Case Planner Michelle Morris** gave a verbal presentation of the project

**Applicant Kyle Winkler** gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

**Public Speakers:** • Gene Hazzard, Naomi Schiff, Jason Gumataotao, Rick Franco, Florene Wiley, Nate Miley, David Mitchell, Steven Mendelson, Gabrielle Wilson, Henry Massie, Geoffrey Pete, Joe Hornof, Cheryl Fabio, John Deboer, Kitty Epstein, Will Stevens, Weng Tam, Daniel Avalos Frutos, Durante M. Colly, Geoffrey Pete, Catherine Epstein, Tina Muriel, Joan Tarika Lewis, Ruth Lurie Winstock, Vincent Rhee, Ms. Omowale Fowles, Pancho Kachingul, Assan Jehmal, Obrey Van Buren, John Dabrynple, Henry Massie, Gabrielle Wilson, Steven Mendelson, David Sturdevant, Mark Brustman, Michael Colbruno, Minister King X, Calvin Reed, Nadata Mero, Behzad Movazze

## **Motion to continue the item to a date certain of May 3, 2023**

1. Comm. Tom Limon
2. Comm. Clark Manus

Action: 0 Ayes, 4 Noes.

## **Motion to continue the item to a date certain of May 17, 2023**

1. Comm. Tom Limon
2. Comm. Clark Manus

Action: 4 Ayes, 0 Noes.

**CM Sugrue returned to Chambers after the vote on Item 1 was complete.**

**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 none
- Correspondence none
- City Council Actions none

**ADJOURNMENT**

Chair Jonathan Fearn at 5:40 pm



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

**NEXT REGULAR MEETING:** April 19, 2023