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Planning Commission

COMMISSIONERS:

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Vince Sugrue, Vice-Chair
Jennifer Renk
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Alex Randolph
Natalie Sandoval
Maurice Robb

AGENDA

June 5, 2024
Regular Meeting

PLANNING COMMISSION MEETINGS NOW BEING HELD IN-PERSON 3:00pm

BUSINESS MEETING 3:00pm Council Chamber, City Hall, 1 Frank H. Ogawa Plaza, Oakland

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary. **Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda.** Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes at the discretion of the Chair.

The order of items will be determined under Agenda Discussion at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **7:15pm**, and the meeting will adjourn no later than **7:30pm**, unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please work with the Case Planner listed for each item prior to the meeting regarding items that may be continued. Any agenda item may be continued without the hearing on

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Planning and Building Department at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the Planning and Building Department at 510-238-3941 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

El lugar de la a reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三(3)天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941或TDD 510-238-3254。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。

the matter being opened, or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

Staff reports are available online, generally by 5:00pm the Friday before the meeting, at www.oaklandca.gov/PlanningCommission. You will need to ensure that your computer will accept pop-ups from the host site (oaklandca.gov) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please email Haneefah Rasheed at oaklandplanningcommission@oaklandca.gov.

Paper staff reports for items listed on this agenda can be requested with advance notice of three days, and will be made available at the Permit Center, 250 Frank H. Ogawa Plaza, Oakland, California 94612, at the cost per copy included in the City of Oakland Master Fee Schedule.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council 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. If you wish to be notified of the decision of any of these cases, please provide the Case Planner with a regular mail or email address.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission meetings, parking in the Dalziel Building Garage (located on 16th St between San Pablo Ave and Clay St) is free. As of September 2023, parkers will use the [ParkMobile](#) App on a mobile device to manage their parking, and the promotion code for free parking will be provided at the meeting.

Applicants or members of the public who wish to make electronic presentations (e.g., PowerPoint presentations): Please contact Haneefah Rasheed at oaklandplanningcommission@oaklandca.gov or (510) 672-1834 at least 48 hours prior to the meeting.

Interested parties are encouraged to electronically submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item directly to the Planning Commission and/or Case Planner. Email addresses for the Commissioners can be found on the Planning Commission webpage on the City of Oakland website: <https://www.oaklandca.gov/teams/planning-commissioners>. An agenda item Case Planner email address can be found on the item overview within the Agenda.

MEETING CALL TO ORDER

WELCOME BY THE CHAIR

ROLL CALL

COMMISSION BUSINESS**Agenda Discussion****Director's Report****Informational Reports:**

- A. ZP240027, 430 Broadway - Building A: Informational presentation by applicant, Related California, as required under SB35 for a proposed housing development that would contain 70 affordable rental apartments (including one non-restricted manager's unit).
- B. ZP240028, 430 Broadway - Building B: Informational presentation by applicant, Related California, as required under SB35 for a proposed housing development that would contain 55 affordable rental apartments (including one non-restricted manager's unit).
- C. Link21 Program staff will present an informational overview on the project identification phase of the megaregional rail improvement and expansion program, which will include a new transbay crossing between Oakland and San Francisco.

Committee Reports**Commission Matters****City Attorney's Report****OPEN FORUM**

At this time members of the public may speak on any item of interest that is not on the Agenda within the Commission's jurisdiction. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

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. Before voting on the Consent Calendar, the Commission will allow speakers to speak on any item on the Consent Calendar. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers, and one minute if there are more than six speakers.

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak on each item. 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 learn more about the Commission’s decision on a specific agenda item, please contact the Case Planner identified for each item.

Except where noted, once a decision is reached by the Planning Commission on an application, it is appealable to the City Council. **Such appeal must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00pm** An appeal shall be on a form provided by the **Bureau of Planning – Zoning**, and submitted via email to your Case Planner, the Zoning Manager (Rmerkamp@oaklandca.gov) and the Development Planning Manager (Cpayne@oaklandca.gov). The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in accordance with the City of Oakland Master Fee Schedule must be paid within five business days of filing the appeal. If you are unable to contact the City via email, you must contact the Case Planner by phone **as soon as possible**, but before the appeal deadline, to arrange for an alternate method of submitting your appeal.

Failure to file a timely appeal will preclude you from challenging the City’s decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously entered into the record during the public notice period and/or during the hearing. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

Continued from May 15, 2024, Planning Commission meeting

#1	Location: Area bounded generally by 27th Street to the north, I-980 and Brush Street to the west, the Jack London estuary waterfront to the south, and Lake Merritt and the Lake Merritt Channel to the east.
	<p>Proposal: The City of Oakland seeks to adopt the Downtown Oakland Specific Plan (DOSP), certify the DOSP Final Environmental Impact Report (FEIR), and amend the Zoning Map, Planning Code and General Plan to implement the DOSP.</p> <p>The DOSP contains strategies for physical improvement projects and supporting policies to meet the needs of the area’s most vulnerable stakeholders while addressing community priorities for a sense of place, shelter, economic opportunity, cultural belonging, and mobility. The DOSP offers guidance upon which to base future City investments, as well as benchmarks to evaluate success. It contains an implementation plan that includes many implementation mechanisms, including policy revisions, studies, programs, coordination, and oversight of mitigation measures.</p> <p>The FEIR contains measures to mitigate the environmental impacts of development that meets the goals of the DOSP. The amendments to the General Plan change certain specified land uses to meet the goals of the DOSP, including dense, transit-oriented development of property for housing and employment. The amendments to the Zoning Map and Planning Code implements some of the DOSP such as increases in density.</p>
	Owner: City of Oakland
	Case File Number: GP23001, ZA2206, ER18-020 & SP16001
	General Plan: Land Use and Transportation Element (LUTE) Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential;



	Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential Estuary Policy Plan (EPP) Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Planned Waterfront Development 1; Planned Waterfront Development 4; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District
Zoning:	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, D-OTN, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
Proposed Environmental Determination:	The Draft Environmental Impact Report (DEIR) for the Downtown Oakland Specific Plan and associated General Plan Amendments was available for public review (SCH No. 2019012008) on August 30, 2019 and brought before the Planning Commission on October 2, 2019, with an extended 70-day public review and comment period ending November 9, 2019. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with non-substantive changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the DOSP. The Zoning Map and Planning Code amendments are consistent with the FEIR.
Historic Status:	52 Landmarks, 21 Areas of Primary Importance (API); 27 Areas of Secondary Importance (ASI)
City Council District:	2, 3
Status:	The Draft DOSP and DEIR received public review and comment in 2019 and have subsequently been revised. The Draft Zoning Map and Planning Code Amendments were reviewed by the Landmarks Preservation Advisory Board (LPAB) in 2022 as well as reviewed by the Zoning Update Committee in 2022 and 2023. The revised Draft DOSP was released for public review on March 22, 2024. The Final Draft Zoning and General Plan amendments and FEIR have a planned release date of April 19, 2024. These documents will be reviewed by LPAB on May 6, 2024 and forwarded to Planning Commission for review.
Staff Recommendation:	Staff recommends that the Planning Commission review the DOSP with its associated environmental document and amendments and recommend the package for City Council adoption.
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact Project Manager Joanna Winter, Planner IV at (510) 238-2166 or by email at plandowntownoakland@oaklandca.gov

#2	Location: Area bounded generally by 27th Street to the north, I-980 and Brush Street to the west, the Jack London estuary waterfront to the south, and Lake Merritt and the Lake Merritt Channel to the east.
	Proposal: Recommend City Council, in tandem with adoption of the Downtown Oakland Specific Plan (DOSP), certify the DOSP Final Environmental Impact Report

	<p>(FEIR), and amend the Zoning Map, Planning Code and General Plan to help implement the DOSP.</p> <p>The FEIR contains measures to mitigate the environmental impacts of development that meets the goals of the DOSP. The amendments to the General Plan change certain specified land uses to meet the goals of the DOSP, including dense, transit-oriented development of property for housing and employment. The amendments to the Zoning Map and Planning Code implement some of the objectives of the DOSP, such as increasing density, preserving culture, and creating an incentive zoning program that generates community benefits</p>
Owner:	City of Oakland
Case File Number:	GP23001, ZA2206, ER18-020 & SP16001
General Plan:	<p>Land Use and Transportation Element (LUTE) Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential</p> <p>Estuary Policy Plan (EPP) Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Planned Waterfront Development 1; Planned Waterfront Development 4; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District</p>
Zoning:	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, D-OTN, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
Proposed Environmental Determination:	<p>The Draft Environmental Impact Report (DEIR) for the DOSP and associated General Plan Amendments was available for public review (SCH No. 2019012008) on August 30, 2019, and brought before the Planning Commission on October 2, 2019. The Public comment period for the DEIR began on August 30, 2019, and was scheduled to end on October 15, 2019. Ultimately, the comment period was extended to November 8, 2019 (from the required 45 days to 70 days) at the direction of the Planning Commission in response to requests of members of the public and the Landmarks Preservation Advisory Board (LPAB).</p> <p>All comments that were received during the DEIR public comment period have been compiled and responded to in the Response to Comments (RTC) Document contained in the Final EIR, along with non-substantive changes and clarifications to the Draft EIR. The Final EIR, together with the Draft EIR, constitutes the DOSP EIR. The Zoning Map and Planning Code amendments are consistent with the DOSP EIR.</p>
Historic Status:	52 Landmarks, 21 Areas of Primary Importance (API); 27 Areas of Secondary Importance (ASI)
City Council District:	2, 3
Status:	The DOSP was initially presented to the Planning Commission at its May 15, 2024 hearing, and the item is intended to be continued to this June 5, 2024 hearing.

	<p>The Draft DOSP and Draft General Plan Amendments received public review and comment in 2019 and have subsequently been revised. Draft DOSP Zoning Map and Planning Code Amendments were reviewed by the Landmarks Preservation Advisory Board (LPAB) in 2022 as well as reviewed by the Zoning Update Committee (ZUC) in 2022 and 2023. ZUC forwarded these to Planning Commission for review. The Final Draft Zoning and General Plan amendments and FEIR/RTC were released on April 19, 2024 and May 1, 2024, respectively. During their 2022 meetings, LPAB requested review of these revised documents. This review by LPAB took place at the hearing on May 6, 2024, which was continued to June 3, 2024. Any LPAB recommendations made at that time will be provided to the Planning Commission during the oral staff report.</p>
<p>Staff Recommendation:</p>	<p>Staff recommends that the Planning Commission conduct a public hearing, receive public comments, and discuss the DOSP Final EIR/Response to Comments (RTC) and Planning Code, Zoning Map and General Plan amendments.</p> <p>In addition, Staff recommends that the Planning Commission resume its May 15, 2024 public hearing, as a continuation of that hearing, to receive further public comment and engage in additional public discussion regarding the DOSP.</p> <p>Staff recommends that the Planning Commission then provide the following recommendation to the City Council:</p> <ol style="list-style-type: none"> 1) Adopt a Resolution Approving the Following Actions: <ol style="list-style-type: none"> a. Adopting the Downtown Oakland Specific Plan; b. Certifying the Environmental Impact Report and Making Related California Environmental Quality Act Findings; and c. Adopting Conforming Amendments to the Land Use and Transportation Element and Estuary Policy Plan of the City of Oakland General Plan, including General Plan Map Amendments; and 2) Adopt an Ordinance Adopting Planning Code Text and Map Amendments (collectively, Zoning Amendments) to Implement Actions Proposed in the Downtown Oakland Specific Plan.
<p>Finality of Decision:</p>	<p>Recommendation to City Council</p>
<p>For Further Information:</p>	<p>Contact Project Manager Joanna Winter, Planner IV at (510) 238-2166 or by email at plandowntownoakland@oaklandca.gov</p>

<p>#3</p>	<p>Location:</p>	<p>Citywide</p>
	<p>Proposal:</p>	<p>Amend the development standard requirements of the Planning Code in: Oakland Municipal Code (O.M.C.) Title 17 for residential and commercial zones to allow for no minimum interior side setback for developments involving the creation of new units on two or more adjoining parcels under the same ownership, and for the applicable exceptions to lot development standards allowed by State law, SB 684.</p>

	<p>Amend O.M.C. Chapter 17.106 of the Planning Code to allow for applicable exceptions to the standard lot development standard requirements for subdivisions that meet the requirements of State law, SB 684.</p> <p>Amend the definition of Essential Service Civic Activities in O.M.C. Section 17.10.140 to allow for more activities than just the currently specified “seasonal retail sales” for limited durations under valid license or lease on property owned or leased by the City.</p> <p>Amend O.M.C. Chapter 17.11 of the Planning Code to allow fences, walls, gates, and general lighting in certain park types by right in order that the city may better respond to public safety needs.</p>
Applicant:	City of Oakland
Case File Number:	ZA24005
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	<p>The proposed amendments to the Planning Code rely on the following California Environmental Quality Act (CEQA) findings: (1) a determination that no further environmental review is required following the certified Oakland 2045 General Plan Update - Phase 1 Environmental Impact Report pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15162 or 15163; (2) this proposal is exempt pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and zoning); and (3) this proposal is exempt pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment). Each of these findings provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. In addition, the proposed changes related to SB 684 is exempt pursuant to CEQA Guidelines Section 65852.28(e) and 66499.41, which allow for the adoption of an ordinance to implement requirements of State law, in this case SB 684.</p>
City Council District:	Citywide
Finality of Decision:	Planning Commission will receive public comment, discuss, and make recommendations to the City Council. Final decision by City Council.
For Further Information:	Contact Case Planner Laura Kaminski at (510) 238-6809 or by email at strategicplanning@oaklandca.gov

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 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 May 15, 2024

Correspondence

City Council Actions

ADJOURNMENT By **7:30pm** unless a later time is agreed upon by a majority of Commissioners present.



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: July 10, 2024