



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

June 5, 2024
REGULAR Meeting

BUSINESS MEETING

3:00 PM

Via: In-person

MEETING CALL TO ORDER : Chair Shirazi @ 3:08 p.m.

WELCOME BY THE CHAIR: Chair Shirazi

ROLL CALL: Haneefah Rasheed

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

Commissioner(s) Absent: n/a

Staff Present: Catherine Payne, Haneefah Rasheed, Joanna Winter, Laura Kaminski, Peterson Vollmann, Neil Gray, Brian Mulry, Michael Branson

COMMISSION BUSINESS

- **Agenda Discussion:** none
- **Director's Report:** none
- **Informational Reports:**

- 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).
- 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).

Case Planner Peterson Vollmann gave a verbal presentation of the project.

Applicants Zaheen Chowdhury, Project Manager with Related California and Pedram Farashbandi gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speaker(s): none

- 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.

Case Planner Joanna Winter gave a verbal presentation of the project.

Applicant Darin Ranelletti gave a verbal and visual presentation of the project.

Brian Soland, Manager of Rail Planning for **Link21** Program, provided responses to Commissioners' questions.

Commissioners provided questions and comments regarding item.

Public Speaker: Sara Rowley

- **Committee Reports:** none
- **Commission Matters:** Chair Shirazi will keep the committees the same even with the new commissioner. However, Comm. Robb has agreed to join both the Design Review and Special Projects Committees in the interim.
- **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(s): none

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 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.
Proposal:	<p>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:	<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 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.</p> <p>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,</p>

	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

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 Joanna Winter provided explanation on the project and Item #1 is a continuation from the Wednesday, May 15, 2024, Planning Commission meeting.

Commissioners provided questions and comments regarding item.

Public Speakers: Ann Killebrew, Alison Finlay, & Linda Taylor ceded time to Christopher Buckley, Melvin Mackay ceded time to Peggy Ygubuhay, Sarah Lockhart, Mike Jacob, Susan Ransom, Evey Hwang, Grover Rudolph, James E. Vann, Jeff Levin

Motion by Comm. Renk to move to consolidate the two items (Item #1 & Item #2), receive the staff report on the second item, and receive additional public comments on the second item.

Seconded by Chair Shirazi

Action: 7 Ayes, 0 Nays

#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 (FEIR), and amend the Zoning Map, Planning Code and General Plan to help implement the DOSP. 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.
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:	<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:	<p>The DOSP is scheduled to be 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> <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.</p>

	<p>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>

Case Planner Joanna Winter gave a verbal and visual presentation of the project.

Laura Kaminski and Nicole Ferrara provided responses to the Commissioners regarding project.

Commissioners provided questions and comments regarding item.

Public Speakers: Alison Finlay, & Linda Taylor ceded time to Christopher Buckley, Evey Hwang & Melvin Mackay ceded time to Peggy Ygubuhay, Ann Killebrew, Susan Ransom ceded time to Mike Jacob, James E. Vann, Jeff Levin

Motion by CM Renk to recommend that the City Council:

1. Adopt the Final Draft Downtown Oakland Specific Plan; including staff’s recommended changes
2. Adopt amendments to the General Plan to maintain consistency;
3. Certify the Final Environmental Impact Report; and
4. Adopt amendments to the Planning Code and Zoning Map to implement the Downtown Oakland Specific Plan, and
5. Add the words “Capital Corridor” to DOSP draft Policy M-2.7.

Seconded by CM Randolph

Action: 7 Ayes, 0 Nays

#3	Location: Citywide
Proposal:	<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

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

Commissioners provided questions and comments regarding item.

Public Speakers: none

Motion by VC Sugrue to approve project based on staff recommendations:

1. Affirm staff’s environmental determination.
2. Recommend that the City Council approve the proposed Planning Code amendments related to SB 684 and miscellaneous Planning Code amendments.

Seconded by CM Renk

Action: 7 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: May 15, 2024
Motion to approve: CM Renk
Seconded by: VC Sugrue
Action: 7 Ayes, 0 Nays

- Correspondence: none

- City Council Actions: Secretary Payne provided a summary update of the City Council meeting that was presented on Tuesday, June 4, 2024.

- **ADJOURNMENT** Chair Sharazi at 6:32 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: July 10, 2024

DRAFT