



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

September 18, 2024
REGULAR Meeting

BUSINESS MEETING

3:00 PM

Via: In-person

MEETING CALL TO ORDER : Chair Shirazi at 3:00 p.m.

WELCOME BY THE CHAIR: Chair Shirazi

ROLL CALL: Haneefah Rasheed

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

Commissioner(s) Absent: None

Staff Present: Catherine Payne, Haneefah Rasheed, Michael Branson, Christopher Tan, Peterson Vollmann, Timothy Green, Lakshmi Rajagopalan, Laura Kaminski

COMMISSION BUSINESS

- **Agenda Discussion:** none
- **Director's Report:** none
- **Informational Reports:** none
- **Committee Reports:** Comm. Renk provided a summary update regarding the July 31, 2024, Zoning Update Committee meeting.
- Chair Shirazi will provide a summary update regarding the July 24, 2024, Design Review Committee meeting at the October 2, 2024, Planning Commission meeting.
- **Commission Matters: #1 Planning Commission Election**
 - **Motion by Vice-Chair Sugrue** to elect Comm. Renk as Chair of the Planning Commission.
 - **Seconded by Comm. Sandoval**
- **Action:** 7 Ayes, 0 Nays
- **Note:** New role will take effect at the October 2, 2024, Planning Commission meeting.
 - **Motion by Comm. Renk** to elect Comm. Sandoval as Vice-Chair of the Planning Commission.
 - **Seconded by Vice-Chair Sugrue**
- **Action:** 7 Ayes, 0 Nays

Note: New role will take effect at the October 2, 2024, Planning Commission meeting.

- **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

Continued from September 11, 2024, PC meeting

#2	Location:	4250 Piedmont Avenue
	Assessor’s Parcel Number(s):	012 099001800
	Proposal:	Establish a Wine Bar
	Applicant:	Stefan Menzi
	Contact Person/ Phone Number:	Stefan Menzi / (510) 652-0252
	Owner:	4250 Piedmont LLC and 511 Vallejo LLC
	Case File Number:	PLN24082
	Planning Permits Required:	A Major Conditional Use Permit (CUP) for Alcohol Beverage Sales in the CN-1 Zone and a Major Variance for establishing an Alcohol Sales Commercial Activity within 1,000 feet of a school and church.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	Neighborhood Center Mixed Use - 1 (CN-1) and S-13 Affordable Housing Combining Zones
	Proposed Environmental Determination:	The project is exempt from further review under the California Environmental Quality Act (CEQA) per the following sections of the CEQA Guidelines: 15301 – Existing Facilities; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.
	Historic Status:	Potentially Designated Historical Property (PDHP), Oakland Cultural Heritage Survey is C3
	City Council District:	1
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact Case Planner Kubilay Aaron Inanlı at (510) 238-2074 or by email at kinanli@oaklandca.gov

#3	Location:	1619 International Boulevard
	Assessor’s Parcel Number(s):	020 011300301
	Proposal:	To sell alcohol at an existing General Food Sales market
	Applicant:	Diana Lee c/o International Lao Market
	Contact Person/ Phone Number:	Diana Lee / (510) 590-6396

Owner:	Peli Huang
Case File Number:	PLN22040
Planning Permits Required:	Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity; Minor Variances to allow alcohol sales (1) within 1,000 feet of existing alcohol outlets, (2) within 1,000 feet of civic uses, and (3) in an over-concentrated area; and Findings of Public Convenience or Necessity in an over-concentrated area
General Plan:	Urban Residential
Zoning:	Urban Residential- 5 Zone
Proposed Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities; Section 15183 of the State CEQA Guidelines; projects consistent with a Community Plan, General Plan or Zoning
Historic Status:	Potentially Designated Historic Property; OCHS rating: Fc3
City Council District:	2
Finality of Decision:	Appealable to the City Council within 10 days
For Further Information:	Contact Case Planner Samina Merchant at (408) 780-9042 or by email at smerchant@interwestgrp.com

Public Speakers: none

Motion by Comm. Renk to approve the consent calendar.

Seconded by Vice-Chair Sugrue

Action: 7 Ayes, 0 Nays

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 Renk recused herself from the hearing before Item #4 was called

#4	Location:	Estuary Park (80 Fallon Street) and expansion parcel (known as Brooklyn Basin Parcel N)
	Assessor's Parcel Number(s):	018 043000108 & 018 043000110
	Proposal:	Proposed Park Master Plan to remodel and expand Estuary Park.
	Applicant:	City of Oakland – Christine Reed, Capital Improvement Program Manager, Oakland Public Works
	Contact Person/ Phone Number:	(510) 238-6540
	Owner:	Port of Oakland/Zarsion-OHP I, LLC
	Case File Number:	PLN22159 & PLN22159-ER01
	Planning Permits Required:	Major CUP and Park Master Plan per Chapter 17.135.050 of the Oakland Municipal C./ode.
	General Plan:	EPP Parks
	Zoning:	OS (RSP) – Open Spaces, Region-Serving Park
	Proposed Environmental Determination:	An addendum to the Oak to Ninth (Brooklyn Basin) Project Environmental Impact Report from 2009 (Addendum #2) has been prepared for the proposed Park Master Plan
	Historic Status:	F3
	City Council District:	District 2 – Nikki Fortunato Bas
	Finality of Decision:	City Council
	For Further Information:	Christopher Tan: Phone: (510) 238-3079; Email: CTan@oaklandca.gov

Case Planner Christopher Tan gave a verbal presentation of the project.

Applicant Christine Reed gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: Jennie Gerard, Julie Bondurant, James Vann, Denise Martini, Naomi Schiff, John Klein, Shahin Akhavan

Motion by Vice-Chair Sugrue to approve project based upon staff recommendations.

1. Affirming reliance on Addendum #2 to the Oak to Ninth Avenue Project EIR;
2. Recommending adoption of the Estuary Park Master Plan; and
3. Recommending approval of a Major Conditional Use Permit for the Estuary Park Master Plan subject to the attached findings and conditions.

Seconded by Commissioner Sandoval

Action: 7 Ayes, 0 Nays

Comm. Renk returned to Chambers after the vote on Item #4 was completed

#5	Location:	7825 San Leandro Avenue
	Assessor's Parcel Numbers:	041 417500302, 041 417501800, 041 417501600, 041 417501000, 041 417500600, 041 417500500, 041 417501700, 041 417501900, 041 420900102, 041 420900700, 041 420900101, 041 420900302, 041 420800100, and 041 420900801

Proposal:	Scoping session for an Environmental Impact Report (EIR) to study a proposal to construct an approximately 311,000 square foot industrial warehouse facility including approximately 25,000 square feet of accessory office on an existing vacant approximately 14.9-acre industrial site that was previously used by the AB&I Foundry. Other proposed site improvements would include a new parking lot for employees, truck parking, and landscaping.
Applicant:	Blair Rushing, Prologis
Phone Number:	510-661-4019
Owner:	Duke Realty Foundry LP (Prologis LP)
Case File Number:	PLN24086-ER01
Planning Permits Required:	Request for Environmental Review. Separate development applications have been filed under case file number PLN24086 and will be reviewed concurrently with the required environmental review application.
General Plan:	General Industrial Business Mix
Zoning:	IG CIX- 2 S-13
Proposed Environmental Determination:	Staff has determined that an EIR will be prepared for this project. A NOP to prepare the EIR was published on August 30, 2024. The comment period for the NOP ends on September 30, 2024. This Planning Commission Scoping Session provides an opportunity for the public to provide public testimony and written comments directly to the Commission, and for the Commission to provide their own feedback on the scope of the EIR.
Historic Status:	Not a historic property
City Council District:	7
Status:	Environmental and development applications are currently under review.
Finality of Decision:	N/A – No decision to be made at the hearing on any applications.
For further information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollmann@oaklandca.gov

Case Planner Peterson Vollmann gave a verbal presentation of the project

Applicant Blair Rushing responded to Commissioners’ questions regarding the project.

Commissioners provided questions and comments regarding item.

Public Speakers: Lauren Gallagher

Note: There was no motion for Item #5.

Continued from September 11, 2024, PC meeting

#6	Location:	Citywide
	Assessor’s Parcel Number(s):	N/A

Proposal:	Add Chapter 17.122 to the Planning Code (Oakland Municipal Code Title 17) to specify local procedures for complying with replacement unit requirements of the Housing Crisis Act, adopted by Senate Bill 330 (2019), and subsequently amended by Assembly Bill 1218 (2023). This new chapter will require applicants to demonstrate compliance with existing replacement requirements by providing notices to tenants, demonstrating compliance with Oakland tenant protections, and committing to providing rights of first refusal to qualifying tenants.
Applicant:	City of Oakland, Bureau of Planning
Contact Person/ Phone Number:	N/A
Owner:	N/A
Case File Number:	ZA24012
Planning Permits Required:	Planning Code Amendment
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	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.
Historic Status:	N/A
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 Timothy Green at (510) 238-6436 or by email at tgreen@oaklandca.gov

Case Planner Timothy Green gave a verbal and visual presentation of the project.

Laura Kaminski and Lakshmi Rajagopalan responded to Commissioners’ questions regarding the project.

Commissioners provided questions and comments regarding item.

Public Speakers: none

Motion by Comm. Randolph to:

Recommend that the City Council approve the proposed Planning Code amendment, adding Chapter 17.122 Replacement Housing Unit Regulations.

Seconded by Comm. Renk

Action: 7 Ayes, 0 Nays

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

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: July 10, 2024

Motion to approve: Comm. Sugrue

Seconded by: Comm. Sandoval

Action: 7 Ayes, 0 Nays

- Correspondence: none
- City Council Actions: Secretary Payne stated that Downtown Oakland Specific Plan (DOSP) was approved by the City Council. Furthermore, there was an appeal, but the City Council upheld the Planning Commission’s decision for Case File #PLN 22189 located at 5315 College Ave.
- **ADJOURNMENT**: Chair Shirazi at 5:02 pm



CATHERINE PAYNE
 Development Planning Manager
 Planning and Building Department

NEXT REGULAR MEETING: October 2, 2024