



# Oakland City Planning Commission

# MINUTES

Jonathan Fearn, Chair  
 Sahar Shirazi, Vice-Chair  
 Clark Manus  
 Tom Limon  
 Vince Sugrue  
 Jennifer Renk  
 Ron Jones

**February 1, 2023**  
 SPECIAL Meeting

## **BUSINESS MEETING**

**3:00 PM**

**Via: Tele-Conference**

*PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, SECTION 54953(e), ALL MEMBERS OF THE PLANNING COMMISSION, BOARD MEMBERS/COMMISSIONERS, CITY ATTORNEY, AS WELL AS CITY STAFF, WILL PARTICIPATE VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.*

**MEETING CALL TO ORDER**

**Chair Fearn**

**WELCOME BY THE CHAIR**

**Chair Fearn**

### **ROLL CALL**

**Commissioners Present:**

Jennifer Renk, Jonathan Fearn, Clark Manus, Sahar Shirazi

**Commissioner(s) Absent:** Tom Limon, Vince Sugrue, Ron Jones

**Staff Present:** Catherine Payne, Haneefah Rasheed

**SECRETARY RULES OF CONDUCT** Catherine Payne

**SECRETARY MATTERS - None**

### **COMMISSION BUSINESS**

- Agenda Discussion Request from the applicant Tidewater for Item #3 and #4 for 1431 Franklin St. for a continuance for both items to a date certain of February 15, 2023, to speak with Project Neighbor Jeffrey Peete regarding a rejection letter received. Kyle Winkler spoke for applicant Tidewater.

**Motion to approve by:** Vice-Chair Sahar Shirazi move to continue Items #3 and #4 to a date certain of February 15, 2023.

**Seconded by:** Comm. Jennifer Renk

**Action:** 4 Ayes, 0 Noes,

- Director's Report none
- Informational Reports Caleb Smith from HCD gave a verbal and visual presentation regarding Pro-housing Designation.
- Committee Reports none

- Commission Matters           none
- 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:** Christopher Buckley, Rodolfo Hernandez, Nico Nagle

**Motion to approve by:** Vice-Chair Sahar Shirazi move to adjourn this meeting due to technical difficulties and move all items in this meeting to a date certain of February 15, 2023.

**Seconded by:** Comm. Clark Manus

**Action:** 4 Ayes, 0 Noes

**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.

<b>#1</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Assessor’s Parcel Number:</b>	N/A
	<b>Proposal:</b>	Renew The Adoption of a Resolution Determining that Conducting In-Person Meetings of the Planning Commission And Its Committees Would Present Imminent Risks to Attendees’ Health, And Electing to Continue Conducting Meetings Using Teleconferencing In Accordance With City Planning Commission Resolution, dated October 6, 2021, to Allow Continuation of Planning Commission Meetings.
	<b>Applicant:</b>	Catherine Payne, Secretary to the Planning Commission
	<b>Phone Number:</b>	(510) 915-0577
	<b>Owner:</b>	NA
	<b>Case File Number:</b>	NA
	<b>Planning Permits Required:</b>	Renew the adoption of Resolution Pursuant to AB-361
	<b>General Plan:</b>	NA
	<b>Zoning:</b>	NA
	<b>Environmental Determination:</b>	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
	<b>Historic Status:</b>	NA
	<b>City Council District:</b>	NA
	<b>Status:</b>	NA
	<b>Staff Recommendation:</b>	Receive public testimony and consider renewing the adoption of Resolution.
	<b>Finality of Decision:</b>	Decision Final.
	<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at (510) 915-0577 or by e-mail at <a href="mailto:cpayne@oaklandca.gov">cpayne@oaklandca.gov</a>

<b>#2</b>	<b>Location:</b>	1425 Leimert Blvd
	<b>Assessor's Parcel Number:</b>	029A132701000
	<b>Proposal:</b>	Installation of new unmanned telecommunications facility including twelve (12) panel antennas, fifteen (15) Remote Radio Units (RRUs), three (3) FRP screens, and all related equipment
	<b>Applicant:</b>	AT&T Mobility/ J5 Melissa Gonzalez
	<b>Phone Number:</b>	415-305-8633
	<b>Owner:</b>	1425 Leimert LLC
	<b>Case File Number:</b>	PLN22199
	<b>Planning Permits Required:</b>	Major Conditional Use Permit & Regular Design Review
	<b>General Plan:</b>	Neighborhood Center Mixed Use
	<b>Zoning:</b>	CN-3, Neighborhood Commercial Zone
	<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	<b>Historic Status:</b>	Non-Historic Properties
	<b>City Council district:</b>	CCD4
	<b>Status:</b>	Staff recommendation for approval
	<b>Staff Recommendation:</b>	Approve with Conditions
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For further information:</b>	Contact case planner <b>Sarah Price</b> at (510)238-2955 or by email at <a href="mailto:sprice@oaklandaca.gov">sprice@oaklandaca.gov</a>

## 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.

<b>#3</b>	<b>Location:</b>	1431 Franklin Street
	<b>Assessor's Parcel Number:</b>	008 062100807
	<b>Proposal:</b>	Major Conditional Use Permits and Regular Design Review to construct a 40-story (413-foot tall) 421,056 square feet residential 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>	PLN20125
<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 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>	Contact case planner <b>Michele T. Morris</b> at (510) 238-2235 or <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a>

<b>#4</b>	<b>Location:</b>	1431 Franklin Street
	<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 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>	Contact case planner <b>Michele T. Morris</b> at (510) 238-2235 or <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a>

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.

<b>#4</b>	<b>Location:</b>	<b>278 4<sup>th</sup> Street</b>
	<b>Assessor’s Parcel Number:</b>	001 0153009
	<b>Proposal:</b>	Appeal of an administrative decision to revise a previously approved Conditional Use Permit to establish an entertainment venue and convert an existing live/work unit within the building into a regular residential dwelling unit. The revision would replace condition #37 of the permit, which states that, prior to commencement of Group Assembly Commercial Activity, “The second means of egress, as indicated on project plans, shall be constructed pursuant to permits” with a condition to either maintain the existing easement for secondary egress through the rear of the building or construct an alternative second means of egress that has been approved by the Bureaus of Planning and Building.
	<b>Applicant:</b>	Chloe Moir (650)283-9012
	<b>Owner:</b>	Dan Dunkle
	<b>Case File Number:</b>	PLN15132-R01

<b>Planning Permits Required:</b>	Revision to Conditional Use Permit previously approved on September 25, 2015. The prior approval was to establish a Group Assembly Commercial Activity in the C-45 Commercial Zone.
<b>General Plan:</b>	Estuary Policy Plan Waterfront Warehouse District
<b>Zoning:</b>	C-45 Community Shopping Commercial Zone and S-4 Design Review Combining Zone
<b>Environmental Determination:</b>	The proposed operation and the conversion of the work/live unit to a dwelling unit is exempt from the California Environmental Quality Act (CEQA) according to the following sections of the State of California’s CEQA Guidelines: 15303 – New Construction or Conversion of Small Structures; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.
<b>Historic Status:</b>	Potentially Designated Historic Property; Within and contributor to an “Area of Primary Importance” (the Waterfront Warehouse Historic District); Office of Cultural Heritage Survey rating of C1+
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Decision on appeal
<b>Finality of Decision:</b>	Decision is final. No further administrative appeal is available.
<b>For Further Information:</b>	Contact Case Planner Case Neil Gray at (510) 238-3878 or by email at <a href="mailto:ngray@oaklandca.gov">ngray@oaklandca.gov</a>

**COMMISSION BUSINESS**

- Approval of Minutes

**Date:** January 11, 2023

**Motion to approve:** Commissioner \_\_\_\_\_

**Seconded by:** Commissioner \_\_\_\_\_

**Action:** Ayes, Noes,

- Correspondence
- City Council Actions

**ADJOURNMENT**

Chair Jonathan Fearn at 3:46 pm



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

**NEXT SPECIAL MEETING:** February 15, 2023