



# Oakland City Planning Commission

## Minutes

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

**February 23, 2022**  
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.*

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**MEETING CALL TO ORDER** Chair Manus

**WELCOME BY THE CHAIR** Chair Manus

### **ROLL CALL**

#### **Commissioners Present:**

Sahar Shirazi, Chair Limon, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Clark Manus

#### **Staff Present:**

Catherine Payne, Desmona Armstrong, Ed Manasse, Brian Mulry, Greg Minor

### **SECRETARY RULES OF CONDUCT**

**SECRETARY UPDATES** Catherine Payne

### **COMMISSION BUSINESS**

- Agenda Discussion None
- Director's Report None
- Informational Reports None
- 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:** 1. Osata Olabula

**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>Accessor’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>

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**Planner:** Catherine Payne gave a description of the item.

Motion to approve by: Sugrue

Seconded by: Fearn

Action: 6 Ayes, 0 Noes

**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.

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

<b>2.</b>	<b>Location:</b>	Citywide
	<b>Assessor’s Parcel Number:</b>	Citywide
	<b>Proposal:</b>	Public Hearing on proposed amendments to Section 17.07.060(C) of the Oakland Planning Code as part of a program to permit Restaurant, Retail, Café, Parklet, And Mobile Food Vending uses of outdoor private spaces, City Property, and public rights-of-way (the Oakland Flex Streets Program) to continue encouraging healthy outdoor use and enjoyment of business; and adopt appropriate California Environmental Quality Act (CEQA) findings.
	<b>Applicant:</b>	City of Oakland
	<b>Case File Number:</b>	N/A
	<b>Planning Permits Required:</b>	N/A
	<b>General Plan:</b>	Citywide
	<b>Zoning:</b>	Citywide
	<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use



	and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, “Previous CEQA Documents”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
<b>Historic Status:</b>	Citywide
<b>City Council district:</b>	Citywide
<b>Staff Recommendation:</b>	That the Planning Commission recommend approval of the proposed Planning Code amendments to the City Council
<b>Finality of Decision:</b>	Recommendation to the City Council; final decision by the City Council
<b>For further information:</b>	Greg Minor: Phone: (510) 238-6370; Email: gminor@oaklandca.gov.

**City Representative:** Greg Minor gave a PDF presentation of the item

**Public Speakers:** 1. Nino Parker

**Motion by Surgue:**

Based on the analysis contained in this report, staff believes that the proposed Planning Code amendment that is included as part of the permanent Oakland Flex Streets Program is an appropriate regulatory change that will further the overall objectives of the Oakland General Plan.

Thus, staff requests that the Commission:

1. Recommend that the City Council affirm staff’s CEQA determination; and
2. Recommend to the City Council that they adopt an ordinance amending Oakland Planning Code Section 17.07.060 to allow Restaurants, Cafés, and Retailers to continue to use outdoor private spaces until December 31, 2023 as part of the Oakland Flex Streets Program to encourage healthy outdoor use and enjoyment of businesses.

Friendly Amendments from the commission:

1. Shirazi- Include in consideration of equity as they are forming the program and the impact of the process of the businesses as they improve upon the program



- 2. Shirazi - Consider a progressive fee program
- 3. Manus - Include a Lake Merritt pilot program relative to its consistency with the Flex Streets program

**Seconded by:** Renk

**Acton:** 5 Ayes, 0 Noes, 1 absent

**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           None
- Correspondence               None
- City Council Actions         None

Project update: 5<sup>th</sup> St Appeal; Planning staff is bring the project back to city Council on March 15, 2022. Secretary Payne will confirm at the March 2, 2022 PC

Planning Meetings update:

Next PC is March 2, 2022, March 16, 2022 PC is cancelled.

DRC is scheduled for March 23, 2022.

Landmarks Board is scheduled for March 7, 2022.

**ADJOURNMENT**

**at 4:35 PM**



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

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

**NEXT SPECIAL MEETING:**

March 2, 2022