



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

July 20, 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.

MEETING CALL TO ORDER

Chair Manus

WELCOME BY THE CHAIR

Chair Manus

ROLL CALL

Commissioners Present:

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

Commissioner(s) Absent: none

Staff Present: Pete Vollmann, Deb French, Brian Mulry, Michael Branson, Greg Qwan, Neil Gray, Michele Morris, Karen August, Ed Manasse, Audrey Harris, Jaclyn Sachs

SECRETARY RULES OF CONDUCT

Pete Vollmann

SECRETARY MATTERS -

none

COMMISSION BUSINESS

- Agenda Discussion Acting Secretary Vollmann noted request to swap order of Agenda Items #4 & #5. Both items relate to the Lake Merritt PUD FDP. City Attorney Brian Mulry verified that the request can proceed.
- Director’s Report none
- Informational Reports Acting Secretary Vollmann informed that City Council had met and heard the appeal related to 1396 5th St project approved by Planning Commission in March 2021. City Council upheld the approval by Planning Commission and denied the appeal.
- Committee Reports

DRC - Commissioner Fearn noted that the DRC met on June 22, 2022 and that he was absent for that meeting, but will give a report at the next Planning Commission Meeting

ZUC – Commissioner Shirazi noted that the ZUC met on July 13, 2022, however, due to technical issues the Committee decided to Continue the item to the August 24, 2022 Committee Meeting. Public Comments were taken during the meeting. Item to be continued is the Downtown Specific Plan Zoning Update

- Commission Matters
 - Commissioner Limon asked for an update on the Billboard Ordinance and was curious how this may fall within the current Planning Commission roster. Acting Secretary Vollmann noted that Commission appointments would probably not take place until September with appointments occurring after that time. Commissioner Shirazi added that she would also like it to come back to Planning Commission during Commissioner Limon’s & Chair Manus’s tenure. City Attorney Brian Mulry noted that he would bring comments back to staff and ask Secretary Payne to provide an update at the next 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 SPEAKERS: 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.

#1	Location:	Citywide
	Assessor’s Parcel Number:	N/A
	Proposal:	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.
	Applicant:	Catherine Payne, Secretary to the Planning Commission
	Phone Number:	(510) 915-0577
	Owner:	NA
	Case File Number:	NA
	Planning Permits Required:	Renew the adoption of Resolution Pursuant to AB-361
	General Plan:	NA
	Zoning:	NA
	Environmental Determination:	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
	Historic Status:	NA
	City Council District:	NA
	Status:	NA
	Staff Recommendation:	Receive public testimony and consider renewing the adoption of Resolution.
	Finality of Decision:	Decision Final.
	For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

Acting Secretary Pete Vollmann gave a description of the Consent Calendar Proposal

Public Speakers – none

Motion to approve by: Commissioner Fearn

Seconded by: Commissioner Sugrue

Action: 7 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.

#2	Location:	1031 62 nd Street
	Assessor’s Parcel Number:	016 144205000
	Proposal:	Demolition of two accessory structures and construction of nine dwelling units on a site with an existing duplex and two accessory dwelling units previously approved under a separate permit. The proposal would use the State Affordable Housing Density Bonus and include one very-low-income unit and waivers for lot coverage, height, and parking
	Applicant:	Nathaniel Klein
	Phone Number:	(847) 337-1849
	Owner:	Nathaniel Klein and Lu Huang
	Case File Number:	PLN21053
	Planning Permits Required:	Regular Design Review for construction of dwelling units; Major Conditional Use Permit for seven or more dwelling units in the RM-3 Zone
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-3
	Environmental Determination:	Exempt per CEQA Guidelines Sections 15332-Infill Development; and 15183-Projects Consistent with a Community Plan, General Plan, or Zoning
	Historic Status:	Non-Historic Property
	City Council district:	1
	Status:	Pending
	Staff Recommendation:	Approval subject to the attached Conditions
	Finality of Decision:	Appealable to City Council within 10 Days
	For further information:	Contact Case Planner Gregory Qwan at (510) 238-2958 or by email at gqwan@oaklandca.gov

Case Planner Greg Qwan gave a verbal presentation of the project

Applicant Nate Klein gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Asen Angelov

Motion by Commissioner Renk to Continue the item to allow staff time to address site accessibility and ADA issues.

In addition, agendaize a separate item and have staff present how these Planning & Building issues overlap.

Lastly, for 3D renderings to be provided to show how the building fits within the context of the neighborhood.

Seconded by Commissioner Shirazi

Action: 7 Ayes, 0 Noes.

#3	Location:	525 12th Street
	Assessor's Parcel Number:	APNs 002 009703900, 002 009704000, and 002 009703800
	Proposal:	Construction of the new main campus of Samuel Merritt University (SMU), a ten (10) story, 237,629 square foot building on the parcels also known as Lot 2 of the T5/T6 City Center mixed-use development site. The proposal includes a Tree Removal Application to remove 10 protected trees.
	Applicant:	William Goodman
	Phone Number:	(314) 276-0707
	Owner:	STRADA
	Case File Number:	PLN21249, PLN21249-ER01, T2100189
	Planning Permits Required:	Major Conditional Use Permit (CUP) for an Extensive Impact Civic Activity; Minor Variances for Tower Elevation Length and Diagonal Length; Regular Design Review for a new non-residential facility over 25,000 square feet in size; Tree Protection Permit to remove 10 protected trees located within the subject vacant property; Compliance with CEQA.
	General Plan:	Central Business District (CBD)
	Zoning:	CBD-C Central Business District General Commercial Zone
	Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the project qualifies for streamlined environmental review under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 (Subsequent EIRs, Supplements and Addenda to an EIR or Negative Declaration), and that no further environmental review is required beyond the addendum; The CEQA Addendum prepared for the project can be found at the following website: https://www.oaklandca.gov/documents/city-center-t56-samuel-merritt-university-project-addendum .
	Historic Status:	Non-Historic Property
	City Council district:	3
	Status:	Pending
	Staff Recommendation:	Approval subject to the attached conditions
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact case planner Michele T. Morris at (510) 238-2235 or email mmorris2@oaklandca.gov

Commissioner Jones & Commissioner Shirazi recused. Both were placed "On Hold" in the Zoom webinar.

Case Planner Michele Morris gave a verbal presentation of the project

Applicant and Representatives Will Goodman (Strada), **Sarah Kuehl** (Einwiller Kuehl), and **John Long** (Perkins & Will) gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Juan Castillo • Keamiyah Walker • Rebeca Martinez

Motion by Commissioner Sugrue to approve project based upon staff recommendations:

1. Affirm staff’s environmental determination.
2. Approve the Major Conditional Use Permit subject to the *Findings* and *Conditions* attached to the Staff Report.
3. Regular Design Review for a new non-residential facility over 25,000 square feet in size in the CBD-C Zone;
4. Approve Minor Variances for Maximum Tower Elevation Length and Maximum Diagonal Length; and
5. Approve the Tree Removal Permit.

Encourage the applicant to meet with OakDOT and have a conversation regarding the parklet with Planning Commission recommendation

Seconded by Commissioner Renk

Action: 5 Ayes, 0 Noes.

#5	Location:	Lake Merritt Bart (51-9th Street & 107-8TH ST)
	Accessor’s Parcel Number:	001 016900100 & 001 017100200
	Proposal:	The proposed project is a Final Development Permit (FDP) application for Lake Merritt Bart Phase One, Horizontal improvements, part of the previously approved Planned Unit Development (PUD) for Lake Merritt Bart, located at 51-9th Street (APN 001 016900100). The Lake Merritt Bart PUD was approved on May 19, 2021. The PUD’s conditions of approval specify two Phases. Phase One of the PUD includes three FDPs: the FDP for horizontal improvements, the FDP for Building A, and the FDP for Building B. This is the first FDP application for the development at Lake Merritt Bart. The first FDP includes all horizontal improvements on two City Blocks. Block One is the City block bounded by 9 th Street, Fallon Street, 8 th Street, and Oak Street; inclusive of the adjacent public right-of-way. Block Two is the City block bounded by 8 th Street, Oak Street, 7 th Street, and Madison Street; inclusive of the adjacent public right-of-way.
	Applicant:	East Bay Asian Local Development Corporation (EBALDC), James Perez
	Phone Number:	(510) 512-2444
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN20108-PUDF02
	Planning Permits Required:	FDP, compliance with CEQA.
	General Plan:	Central Business District
	Zoning:	Lake Merritt Station Area District Pedestrian - 2 Commercial Zone (D-LM-2)
	Environmental Determination:	This FDP relies on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014, and is entirely within the scope of, and was contemplated in, the CEQA Analysis for the Lake Merritt Bart PUD. The Lake Merritt Station Area Plan EIR can be reviewed at: https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf The Lake Merritt Bart PUD CEQA Analysis can be reviewed at: https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf . Since it was contemplated in the previous Lake Merritt Bart PUD CEQA Analysis, the project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 15168. As a result, no supplemental environmental review

	is required in accordance with Public Resources Code Section 21083.3 and Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168.
Historic Status:	n/a
City Council District:	2 – Nikki Fortunato Bas
Status:	Under Review
Staff Recommendation:	Approval of FDP subject to project Conditions of Approval.
Finality of Decision:	Appealable to City Council within ten (10) days
For further information:	Contact case planner Karen August by email at kaugust@oaklandca.gov .

Commissioner Jones recused. Placed “On Hold” in the Zoom webinar

Case Planner Karen August gave a verbal presentation of the project

Applicant and Representatives James Perez (EBALDC). **Will Goodman** (Strada) & **Sarah Kuehl** (Einwiller & Kuehl) gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Abby Thorne-Lyman • Stephanie Jin • Ener Chiu • Robert Raburn • Savlan Hauser

Motion by Commissioner Renk to approve project based upon staff recommendations:

1. Rely on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014 as adequate under CEQA for analysis of the Lake Merritt BART Vertical Final Development Permit pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference);
 - Approve the Lake Merritt PUD FDP #1 for horizontal improvements (case file PLN20108-PUDF02), subject to the following recommendations listed below and duplicated in the attached Conditions of Approval for this FDP as **Attachment A**

Seconded by Commissioner Shirazi

Action: 6 Ayes, 0 Noes.

#4	Location:	Lake Merritt Bart (51-9th Street)
	Assessor’s Parcel Number:	001 016900100
	Proposal:	The proposed project is a Final Development Permit (FDP) application for Lake Merritt Bart Phase One, Building B, part of the previously approved Planned Unit Development (PUD) for Lake Merritt Bart, located at 51-9th Street (APN 001 016900100). The Lake Merritt Bart PUD was approved on May 19, 2021. The PUD’s conditions of approval specify two Phases. Phase One of the PUD includes three FDPs: the FDP for all horizontal improvements, the FDP for Building A, and the FDP for Building B. This is the second FDP application for the development at Lake Merritt Bart. This is the FDP for Building B; the proposal is for construction of a 97-foot, 4-inch-tall building with up to 97 residential units, 3,235 square feet of ground-floor commercial space, and related ancillary uses.
	Applicant:	East Bay Asian Local Development Corporation (EBALDC), James Perez
	Phone Number:	(510) 512-2444
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN20108-PUDF01
	Planning Permits Required:	FDP, compliance with CEQA.
	General Plan:	Central Business District
	Zoning:	Lake Merritt Station Area District Pedestrian - 2 Commercial Zone (D-LM-2)

Environmental Determination:	This FDP relies on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014, and is entirely within the scope of, and was contemplated in, the CEQA Analysis for the Lake Merritt Bart PUD. The Lake Merritt Station Area Plan EIR can be reviewed at: https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf The Lake Merritt Bart PUD CEQA Analysis can be reviewed at: https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf Since it was contemplated in the previous Lake Merritt Bart PUD CEQA Analysis, the project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 15168. As a result, no supplemental environmental review is required in accordance with Public Resources Code Section 21083.3 and Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168.
Historic Status:	n/a
City Council District:	2 – Nikki Fortunato Bas
Status:	Under Review
Staff Recommendation:	Approval of FDP subject to Project Conditions of Approval.
Finality of Decision:	Appealable to City Council within ten (10) days
For further information:	Contact Case Planner Karen August by email at kaugust@oaklandca.gov .

Commissioner Jones recused. Continued “On Hold” in the Zoom webinar

Case Planner Karen August gave a verbal presentation of the project

Applicant and Representative James Perez (EBALDC). & **Marcial Chao** (Pyatok) gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Steve Terusaki

Motion by Commissioner Sugrue to approve project based upon staff recommendations:

1. Rely on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014 as adequate under CEQA for analysis of the Lake Merritt BART Vertical Final Development Permit pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference);
2. Approve the Lake Merritt BART Vertical FDP for Building B, PLN20108-PUDF01 subject to Project Conditions.

Seconded by Commissioner Renk

Action: 6 Ayes, 0 Noes.

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.

- none

COMMISSION BUSINESS

- Approval of Minutes

Date: June 15, 2022

Commissioner Fearn was absent from June 15, 2022 meeting

Motion to approve: Commissioner Sugrue

Seconded by: Commissioner Limon

Action: 6 Ayes, 0 Noes


- Correspondence none
- City Council Actions

- Acting Secretary Vollmann reaffirmed that City Council had met July 19, 2022 and heard the appeal related to 1396 5th St project approved by Planning Commission in March 2021. City Council upheld the approval by Planning Commission and denied the appeal.

- City Attorney Brian Mulry added that the Final Map for the Oak Knoll Development Project First Phase was approved by the City Council with subdivision improvement agreement and project is moving along.

ADJOURNMENT

Chair Manus at 6:28 pm



PETERSON Z. VOLLMANN
 Bureau of Planning
 Development Planning Division, Planner IV
 Acting Planning Commission Secretary

NEXT SPECIAL MEETING: August 3, 2022