



*Tom Limon, Chair
Clark Manus, Vice-Chair
Amanda Monchamp
Jonathan Fearn
Nischit Hegde
Leopold Ray-Lynch
Sahar Shirazi*

May 19, 2021
SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER 4-29-20, ALL MEMBERS OF THE PLANNING COMMISSION, CITY ATTORNEY AND PLANNING BUREAU PERSONNEL WILL JOIN THE MEETING VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.

MEETING CALL TO ORDER

Chair Limon

WELCOME BY THE CHAIR

Chair Limon

ROLL CALL

Commissioner's Present:

Amanda Monchamp, Sahar Shirazi, Jonathan Fearn,
Clark Manus, Tom Limon, Nischit Hegde

Commissioner's Excused:

Leopold Ray-Lynch

SECRETARY RULES OF CONDUCT

Catherine Payne

COMMENTS FROM THE SECRETARY

Catherine Payne reported out that Commissioner terms and transitions will be Reported out at the next PC meeting.

Jobs Housing Balance update- We do not provide analysis of jobs housing In Oakland however, ABAG does. Planning relies on analysis that ABAG Conducts. Information can be found on their website.

Entitlement application for 415 20th Street regarding the name of the street. 20th Street versus Thomas L. Berkeley way. OakDot is scheduling removal Of the 20th Street signages and replacing with the Thomas L. Berkeley Way Signage. This will is in process and will be completed in the near future.



COMMISSION BUSINESS

- Agenda Discussion None
- Director’s Report **Citywide – 2020 Housing Element annual Progress Report (APR)**
Planning & Building Director William Gilchrist and Shola Olaytoya, Director of Housing gave a PDF presentation.

Public Speakers: 1. Jeff Levin 2. Susan Piper 3. Randy O’Connor
4. Ener Chiu

- Informational Reports None
- Committee Reports Manus reported out for DRC May 12, 2021
- 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: 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.

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

1.	Location:	Lake Merritt BART Transit-Oriented Development (TOD) at 51 9th Street (Block 1) and 107 8th Street (Block 2); APNs: 001 016900100 and 001 017100200, respectively.
	Proposal:	Preliminary Development Plan (PDP) for a PUD with five new lots and one remainder parcel (Vesting Tentative Tract Map Nos. 8560 and 8577) on two separate blocks including 557 residential units (233 affordable units), approximately 497,000 square feet of administrative office commercial activity, approximately 16,500 sf of ground floor commercial, 2,000 square feet of custom manufacturing commercial kitchen activity, 6,200 square feet of Community Education Civic Activity daycare, and a total of 408 parking spaces. The project includes a public paseo between Buildings A and B in Block 1.
	Applicant:	STRADA/EBALDC
	Phone Number:	William Goodman, 314-276-0707
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN20038, PLN20038-ER01, PLN20108, T2000021
	Planning Permits Required:	PDP/Planned Unit Development, Variance for Off-Street Loading, Design Review, Vesting Tentative Tract Map, compliance with CEQA, Major Conditional Use Permit, Tree Removal Permit
	General Plan:	Central Business District (CBD)
	Zoning:	D-LM-2, D-LM-4, Height Area LM-275
	Environmental Determination:	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:	Non-Historic Property
	City Council district	CCD2
	Staff Recommendation	Approve the PUD with Minor Variance, Major CUP, and VTTM with the associated Conditions of Approval, based on the findings.
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case planner Dara O’Byrne at 510-238-6983 or by e-mail at do Byrne@oaklandca.gov

Staff Planner: Dara O’Byrne gave a verbal presentation of the project with project map as PDF

Applicant: Ener Chiu and Sarah Kuehl gave PDF presentation of the project

Public Speakers: 1. Rick deSilva. 2. Vivian Wong. 3. Alan Yee. 4. Abby Thorne. 5. Carrie Harvilla
6. Robert Raburn 7. Steven Terusaki

Motion made by Manus to:

1. Rely on the attached CEQA Analysis to determine that the Project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 51568 and 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;
2. Recommend approval of Tree Removal Permit application (T200021);
3. Approve the Preliminary Development Plan for a Planned Unit Development, subject to the attached findings and conditions;
4. Approve a Major Conditional Use Permit, based on the attached findings;
5. Approve a Minor Variance for off-street loading, based on the attached findings; and
6. approve the Vesting Tentative Tract Map No. 8560 and 8577.

Seconded: by Hegde

Action: 6 Ayes, 0 Noes

2.	Location:	Citywide
	Proposal:	Review the draft 2021-2026 Oakland Local Hazard Mitigation Plan and make a recommendation to City Council on adoption of the Plan as an appendix to the Safety Element of the General Plan
	Applicant:	City of Oakland
	Contact Person/ Phone Number:	Daniel Findley, (510) 238-3981
	Owner:	N/A
	Case File Number:	GP21001
	General Plan:	All General Plan Designations
	Zoning:	All Zoning Districts
	Environmental Determination:	Local Hazard Mitigation Plan (LHMP) is exempt from CEQA pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15262 (feasibility and planning studies), 15306 (information collection), and 15061(b)(3) (general rule).
	Historic Status:	N/A
	City Council District:	All Council Districts
	Status:	Draft is currently under review by CalOES and FEMA



Action to be Taken:	Planning Commission recommendation to City Council on the adoption of the 2021-2026 Local Hazard Mitigation Plan as an appendix to the Safety Element of the Oakland General Plan
Staff Recommendation:	Recommend the City Council adopt a resolution amending the Safety Element of the General Plan and incorporate the 2021-2026 Local Hazard Mitigation Plan as an appendix to the Safety Element
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact Case Planner: Daniel Findley, Planner III, (510) 238-3981 or by email: dfindley@oaklandca.gov

Staff Planner: Daniel Finley gave a verbal presentation of the item and introduced Jessica Feil, OFD

Jessica Feil gave comments on the item then introduced Rob Flanner who gave a PDF Presentation

Public Speakers: 1. Elizabeth Stage

Motion made by Manus: to affirm Staff recommendations that the City Council adopt a resolution amending the Safety Element of the General Plan and incorporate the 2021-2026 Local Hazard Mitigation Plan as an appendix to the Safety Element.

Seconded by Limon

Action: 6 Ayes, 0 Noes

3.	Location:	Citywide
	Proposal:	Proposal to add Oakland Municipal Code (O.M.C.) Section 17.07.060(B).to the Oakland Planning Code to expand restaurant, retail, and café temporary uses in outdoor private spaces as part of Oakland’s “Flex Streets” Program, with a sunset date of March 31, 2022, to encourage healthy outdoor use of restaurant, retail, and café businesses in Oakland.
	Applicant:	City of Oakland
	Case File Number:	ZA21012
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, 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).



Historic Status:	Citywide
City Council district	Citywide
Finality of Decision:	Recommendation to the City Council; Final decision by City Council
For further information:	Contact Deputy Director Ed Manasse at 510-238-7733 or emanasse@oaklandca.gov

Introduction made by: Deputy Director, Ed Manasse announced Greg Minor from the City Administrators office to give an overview of the item.

Public Speakers: None

Motion made by Manus to:

1. Recommend that the City Council affirm CEQA determination; and
2. Recommend to the City Council that they adopt an ordinance adding Section 17.01.060 (B) to the Oakland Planning Code to expand Restaurant, Retail and Café temporary uses of outdoor private spaces (Oakland Flex Streets Program) until March 31, 2022 to encourage healthy outdoor use the enjoyment of businesses.

Brian Mulry, Oakland City Attorney made a friendly Amendment to correct a typo to the ordinance to subdivision (C) instead of (B).

Friendly Amendment 1:

Limon gave added a friendly amendment to extend the program date to December 31, 2022

Friendly Amendment 2:

Fearn added friendly amendment that the program be studied as a pilot program to be codified.

Friendly Amendment 3:

Shirazi added a friendly amendment to expand the potential use of Flex Street space to other businesses and non-profits, outside of restaurants, retail and cafés.

Manus Confirmed to add three Friendly Amendments to the motion

Seconded by Shirazi confirming 3 Friendly Amendments

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.

COMMISSION BUSINESS

- Approval of Minutes **April 21, 2021**
Approval by Manus
Seconded by: Fearn
Action: 5 Ayes, 0 Noes

- Correspondence None

- City Council Actions None

ADJOURNMENT at 6:39 P.M.

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: June 2, 2021