



# Oakland City Planning Commission

AGENDA (Online)

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

**October 19, 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.*

### **The following are instructions on how the public may observe and/or participate in the Oakland City Planning Commission meeting:**

**OBSERVE BY:** The public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10 or via the city’s website stream.

**You are invited to a Zoom webinar.**

When: Oct 19, 2022 03:00 PM Pacific Time (US and Canada)

**Please click the link below to join the webinar:**

<https://us06web.zoom.us/j/86810850914>

**Or One tap mobile:**

US: +16694449171,,86810850914# or +16699006833,,86810850914#

**Or Telephone:**

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 386 347 5053 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or **877 853 5257 (Toll Free)** or **888 475 4499 (Toll Free)** or **833 548 0276 (Toll Free)** or **833 548 0282 (Toll Free)**

**Webinar ID: 868 1085 0914**

International numbers available: <https://us06web.zoom.us/j/86810850914>

Instructions on how to join a meeting by video conference are available at:

<https://support.zoom.us/hc/en-us/articles/201362193> Joining-a-Meeting.



**HOW TO COMMENT ON A PUBLIC MEETING:**

Public comments will be taken at the time of each eligible Agenda item.

**If you are a Zoom video Conference participant**

To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted during your turn and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129> – Raise-Hand-In-Webinar.

**If you are a phone participant**

To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to request to speak when Public Comment is being taken on an eligible agenda Item. You will then be unmuted during your turn and allowed to make public comments. Then, press “\*6” to unmute yourself to speak. After the allotted time, you will then be re-muted. Instructions on how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> – Joining-a-meeting-by-phone. If you have any questions, please email Deb French at [DFrench@oaklandca.gov](mailto:DFrench@oaklandca.gov)

• **IMPORTANT THINGS TO REMEMBER DURING YOUR PUBLIC COMMENT PERIOD**

1. **ALL ATTENDEES SHALL BE MUTED UPON ENTRY**
2. Please do not raise your hand if the item currently being heard is not the item you wish to speak on. We will call for public testimony on each item individually. When the item you’re interested in is called and public speakers are invited to raise their hands, raise yours then and we will call them all in the order they’re raised.
3. You may of course speak on multiple items but your comments during each item must address the item currently under discussion. Speakers attempting to speak about items other than the item currently under consideration will be muted and asked to wait for the item they’re here to speak about to be called.

**HOW TO ADDRESS THE PLANNING COMMISSION**

- Please work with the case planner listed for each item prior to the meeting regarding items that may be continued. Any agenda item may be continued without the hearing on the matter being opened, or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.
- Staff reports are available online, generally by 5:00 p.m. the Friday before the meeting, at [www.oaklandca.gov](http://www.oaklandca.gov) (under “Planning Commission.”) You will need to ensure that your computer will accept pop-ups from the host site (oaklandca.gov) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please email Deb French at [DFrench@oaklandca.gov](mailto:DFrench@oaklandca.gov).
- If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council 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. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.
- Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.
- Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item directly to the Planning Commission and/or Case Planner. Email addresses for the Commissioners can be found on the Planning Commission Page on the City of Oakland website: <https://www.oaklandca.gov/teams/planning-commissioners>. An agenda item Case Planner email address can be found on the item overview within the Agenda.



**MEETING CALL TO ORDER**

**WELCOME BY THE CHAIR**

**ROLL CALL**

**SECRETARY RULES OF CONDUCT**

**COMMISSION BUSINESS**

- Agenda Discussion
- Director’s Report
- Informational Reports
- Committee Reports
- Commission Matters
- City Attorney’s Report

**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.

**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> Citywide
<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 email at <a href="mailto:cpayne@oaklandca.gov">cpayne@oaklandca.gov</a>

<b>#2</b>	<b>Location:</b>	277 27 <sup>th</sup> Street
	<b>Assessor's Parcel Number:</b>	008-0671-020-01
	<b>Proposal:</b>	Proposal for a Group Assembly Activity for a fitness gym within the existing approximately 31,500 square foot commercial space. The ground floor will include a juice bar and lounge operated by the fitness gym business that will be open to the general public while the fitness gym activities will be located on the second and third levels.
	<b>Applicant:</b>	Christopher Yanachkin
	<b>Phone Number:</b>	415-909-0744
	<b>Owner:</b>	NASH – Holland 24 <sup>th</sup> & Harrison Investors LLC
	<b>Case File Number:</b>	PLN22120
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for a Group Assembly Activity (fitness gym) greater than 25,000 square feet; Major Variance to allow a Group Assembly Activity at the Ground Floor Level (proposed juice bar operated by the same gym business).
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	D-BV-1
	<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Streamlining for in-fill projects; and/or 15164 – Addendum to the 2014 certified Broadway Valdez District Specific Plan EIR; Each of which provided a separate and independent basis for CEQA compliance. No further environmental review is required.
	<b>Historic Status:</b>	N/A – new construction



<b>City Council district:</b>	3
<b>Status:</b>	Under Review
<b>Staff Recommendation:</b>	Approve with conditions of approval
<b>Finality of Decision:</b>	Appealable to City Council
<b>For further information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at <b>510-238-6167</b> or by email at <a href="mailto:pvollmann@oaklandca.gov">pvollmann@oaklandca.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>	Citywide
	<b>Proposal:</b>	The City is proposing to amend Oakland Municipal Code (O.M.C.) Section 17.104.060, General Limitations on Advertising Signs, to add the ability of Advertising Signs to be permitted by Real Estate Agreement authorized by the Oakland City Council as a type of legislative approval accompanied by agreement required for new Advertising Signs on City-owned property and City-leased property, and City-owned rights of way.
	<b>Applicant:</b>	City of Oakland
	<b>Case File Number:</b>	ZA22009
	<b>Planning Permits Required:</b>	Oakland Planning Code Amendment to O.M.C. Section 17.104.060.
	<b>General Plan:</b>	All General Plan Designations
	<b>Zoning:</b>	All Zoning Districts
	<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (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); 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 Public Resources Code Section 21080.17 and 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>	N/A
<b>City Council District:</b>	All districts
<b>Status:</b>	Citywide Planning Code amendments include addition of Real Estate Agreement as a type of required legislative approval accompanied by agreement for new or relocated Advertising Signs.
<b>Action to be Taken:</b>	Planning Commission will receive public comment, discuss, and make a recommendation on the proposed Planning Code amendment to City Council.
<b>Finality of Decision:</b>	Recommendation to City Council following receiving public comment and conducting public deliberation on item.
<b>For Further Information:</b>	Contact case planner <b>Daniel Findley</b> at <b>510-238-3981</b> or by email at <a href="mailto:dfindley@oaklandca.gov">dfindley@oaklandca.gov</a>

<b>#4</b>	<b>Location:</b>	Citywide
	<b>Proposal:</b>	<p>The City of Oakland (City) has completed a draft update to the 2023-2031 Housing Element as part of Phase 1 of the 2045 General Plan Update (GPU) process. The 2023-2031 Housing Element sets forth the City’s housing priorities and goals—as well as its vision for both short- and long-term housing development—to create a fair and just city. The Housing Action Plan within the 2023-2031 Housing Element proposes ambitious actions to address five overarching goals: (1) protect Oakland residents from displacement and prevent homelessness, (2) preserve and improve the existing housing stock, (3) expand affordable housing opportunities; (4) address homelessness and expand resources for the unhoused; and (5) promote neighborhood stability and health.</p> <p>The Draft 2023-2031 Housing Element can be found on the City’s webpage: <a href="https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element">https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element</a>.</p> <p>This agenda report highlights key information from the Draft 2023-2031 Housing Element to Affirmatively Further Fair Housing (AFFH) and to accommodate the 26,251 units assigned to Oakland through the Regional Housing Needs Allocation (RHNA) process.</p>
	<b>Applicant:</b>	City of Oakland
	<b>Case File Numbers:</b>	GP21002; GP21002-ER01
	<b>General Plan:</b>	Citywide
	<b>Zoning:</b>	Citywide
	<b>Environmental Determination:</b>	An Environmental Impact Report will be prepared as part of the General Plan Update.
	<b>City Council District:</b>	All districts
	<b>Staff Recommendation:</b>	A) Receive an Informational Presentation on the Draft 2023-2031 Housing Element; (B) Review the letter from the State of California Department of Housing and Community Development (HCD); (C) Receive public comments and (D) Provide feedback to staff on the Draft Housing Element.
	<b>Finality of Decision</b>	N/A
	<b>For Further Information:</b>	Contact Project Manager <b>Lakshmi Rajagopalan</b> at <b>510-238-6751</b> or <a href="mailto:lrajagopalan@oaklandca.gov">lrajagopalan@oaklandca.gov</a> Project Email Address: <a href="mailto:generalplan@oaklandca.gov">generalplan@oaklandca.gov</a> Project Website: <a href="https://www.oaklandca.gov/topics/general-plan-update">https://www.oaklandca.gov/topics/general-plan-update</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.

### COMMISSION BUSINESS

- Approval of Minutes October 5, 2022
- Correspondence
- City Council Actions

**ADJOURNMENT** By 7:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

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

**NEXT SPECIAL MEETING:**

November 2, 2022