



Oakland City Planning Commission

MINUTES

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.

MEETING CALL TO ORDER

Chair Fearn

WELCOME BY THE CHAIR

Chair Fearn

ROLL CALL

Commissioners Present:

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

Commissioner(s) Absent: none

Staff Present: Catherine Payne, Deb French, Stephanie Skelton, Brian Mulry, Pete Vollmann, Lakshmi Rajagopalan, Daniel Findley, Laura Kaminski, Audrey Lieberworth, Michael Branson, William Gilchrist, Ed Manasse

SECRETARY RULES OF CONDUCT

Catherine Payne

SECRETARY MATTERS - Secretary Payne announced a follow-up that there was a response to an Open Forum request on the GHAD and that the response can be found at approximately 1minute 15seconds on the recording of the October 5, 2022 Planning Commission Meeting

Secretary Payne also introduced City Attorney Michael Branson who gave a brief Commissioner requested update on the Schnitzer Steel Lawsuit regarding property at 1101 Embarcadero West.

COMMISSION BUSINESS

- Agenda Discussion none
- Director’s Report none
- Informational Reports none
- Committee Reports none
- Commission Matters Vice-Chair Shirazi announced an event to support those protesting for women’s rights in Iran.

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: • Naomi Schiff • Raveena • Stuart Flashman • Jeff Levin • Everardo Rodriguez
• Cathy Adams • Seven • Raveena • Sade Shakur (Alena Museum)

Questions & Comments provided by the Commissioners. Comments provided by Director Gilchrist.

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

#2	Location:	277 27th Street
	Assessor's Parcel Number:	008-0671-020-01
	Proposal:	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.
	Applicant:	Christopher Yanachkin

Phone Number:	415-909-0744
Owner:	NASH – Holland 24 th & Harrison Investors LLC
Case File Number:	PLN22120
Planning Permits Required:	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).
General Plan:	Central Business District
Zoning:	D-BV-1
Environmental Determination:	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.
Historic Status:	N/A – new construction
City Council district:	3
Status:	Under Review
Staff Recommendation:	Approve with conditions of approval
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Peterson Z. Vollmann at 510-238-6167 or by email at pvollmann@oaklandca.gov .

(Commissioner Renk noted that she will recuse herself from the second item and that her vote will only be on the first item for the record)

Public Speakers – none

Motion to approve by: Commissioner Limon

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.

#3	Location:	Citywide
	Proposal:	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.
	Applicant:	City of Oakland
	Case File Number:	ZA22009
	Planning Permits Required:	Oakland Planning Code Amendment to O.M.C. Section 17.104.060.
	General Plan:	All General Plan Designations
	Zoning:	All Zoning Districts
	Environmental Determination:	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).
	Historic Status	N/A
	City Council District:	All districts
	Status:	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.
	Action to be Taken:	Planning Commission will receive public comment, discuss, and make a recommendation on the proposed Planning Code amendment to City Council.
	Finality of Decision:	Recommendation to City Council following receiving public comment and conducting public deliberation on item.
	For Further Information:	Contact case planner Daniel Findley at 510-238-3981 or by email at dfindlev@oaklandca.gov

Planning Manager Laura Kaminski and **Real Property Asset Manager Brendan Moriarty** gave a visual and verbal presentation of the project. In addition, they, along with Director Gilchrist, answered questions posed.

Commissioners provided questions and comments regarding item.

Public Speakers: • Natalie Aguilera • Zack Wasserman • Carl Chan • Cathy Adams • Paul Wright
 • Dr. Jennifer K. Tran • Isaac Kos Read • Leila Saadat • John Foster • Rob Shilling • Lars • Daniel Swafford
 • Mike Oz • Everardo Rodriguez • Naomi Schiff • Carolyn Johnson • Lyly Stefanowicz • Michael Colbruno
 • Julia Nguyen • Shanon Craun • Jessica Chen • Jeff McCuen • Alex Belenson • Nara Dahlbacka
 • Neem Malik • Andy Goodman • Seza • Kris Latson

Motion by Commissioner Manus to continue meeting beyond 7:30pm.

Seconded by Commissioner Limon

Action: 7 Ayes, 0 Noes.

Motion by Vice Chair Shirazi to take a 12 minute recess and reconvene at 7:30pm.

Seconded by Commissioner Renk

Action: 7 Ayes, 0 Noes.

Meeting in recess until 7:30pm

Motion by Commissioner Shirazi:

1. Affirm Planning staff’s Environmental Determination; and
2. Recommend that the City Council approve the proposed amendments to the PC Section 17.104.060 to permit consideration of Advertising Signs, by Real Estate Agreement in addition to Relocation Agreement and/or Franchise Agreement.
 - a. Add the following language after Advertising Signs in the second sentence in the code section 17.104.060, “on City-Owned Land, City-Leased Land, and City-Owned Rights-of-Way”.
3. And consider the recommendations of the Billboard Economic Development Coalition letter submitted to the Planning Commission on October 18, 2022, 10:08 p.m.

Seconded by Commissioner Limon

Action: 7 Ayes, 0 Noes.

#4	Location:	Citywide
	Proposal:	<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: https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element.</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>
	Applicant:	City of Oakland
	Case File Numbers:	GP21002; GP21002-ER01
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	An Environmental Impact Report will be prepared as part of the General Plan Update.
	City Council District:	All districts
	Staff Recommendation:	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.

Finality of Decision	N/A
For Further Information:	Contact Project Manager Lakshmi Rajagopalan at 510-238-6751 or lrajagopalan@oaklandca.gov Project Email Address: generalplan@oaklandca.gov Project Website: https://www.oaklandca.gov/topics/general-plan-update

Case Planners **Lakshmi Rajagopalan, Audrey Lieberworth** gave a visual and verbal presentation of the project. Commissioners provided questions and comments regarding item. Case Planner Lakshmi Rajagopalan, Planning Manager Laura Kaminski, Deputy Director Ed Manasse and City Attorney Michael Branson responded to questions and comments posed.

Public Speakers: • Derek Sagehorn • Laura Kogler • Paul Bickmore • Jeff Levin • Paul Wright • Bret Peterson • Alex Ghenis

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

Date: October 5, 2022
(Commissioner Sugrue was absent for 10/05 meeting)

Motion to approve: Commissioner Renk

Seconded by: Commissioner Limon

Action: 6 Ayes, 0 Noes

- Correspondence none
- City Council Actions none
- Announcement(s) none

ADJOURNMENT

Chair Fearn at 8:55 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: November 16, 2022