



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

October 5, 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, Tom Limon, Jonathan Fearn, Clark Manus
(Vice-Chair Shirazi arrived at 3:03pm after Roll Call)

Commissioner(s) Absent: Vince Sugrue

Staff Present: Catherine Payne, Deb French, Stephanie Skelton, Haneefah Abdur-Rasheed, Brian Mulry

SECRETARY RULES OF CONDUCT

Catherine Payne

SECRETARY MATTERS - In response to a Commission request from the last meeting, Secretary Payne provided an update and estimate of items coming to Planning Commission within the next quarter.

COMMISSION BUSINESS

- Agenda Discussion none
- Director’s Report none
- Informational Reports none
- Committee Reports Commissioner Manus reported out on the Design Review Committee (DRC) Meeting that occurred on September 28, 2022 and that the project (both Office & Housing) would be moving to Planning Commission with timing as noted by Secretary Payne in her recap. Chair Fearn added that the project viewed was 1431 Franklin St.

- Commission Matters
 - Secretary Payne gave an overview of her process when asked to respond to Open Forum Questions which require additional research. She noted that during Open Forum at the last Planning Commission Meeting, questions were asked regarding the GHAD and it was requested that Secretary Payne provide an update. City Attorney Brian Mulry advised Secretary Payne that as the GHAD is not under the Bureau of Planning and is its own legislative body, that a GHAD Attorney should respond to the questions posed. GHAD Attorney Patricia (Patty) Curtin was present to respond to the Open Forum questions.
 - Secretary Payne provided a recap of the prior questions posed regarding the GHAD and these questions were more specific to Oak Knoll:
 - Environmental issues seem to have now been identified with the Oak Knoll process. Why were these issues not brought up during the approval process?
 - Chain of Custody – Why would future property owners have to put into the GHAD instead of the Developer?
 - GHAD Attorney Patty Curtin provided an Informational Report on the Oakland Area GHAD - (Oak Knoll Project has been annexed into the Oakland Area GHAD).
 - Chair Fearn asked for a description and relation of the GHAD to the City of Oakland.
 - Attorney Curtin provided answers regarding the description and relation of the GHAD – Geologic Hazard Abatement District – to the City of Oakland
 - Commissioners provided questions and comments regarding Information 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.

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

Secretary Catherine Payne gave a description of the Consent Calendar Proposal

Public Speakers – none

Motion to approve by: Commissioner Manus

Seconded by: Commissioner Renk

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.

#2	Location:	Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Parcel E
	Assessor’s Parcel Number(s):	APN 018 046501600
	Proposal:	Final Development Permit (FDP) for Parcel E, including 191 Residential Care activity, consisting of 167 residential care units and 24 memory care rooming units, and 100 parking spaces, in a 7-story building.
	Applicant:	Urbal Architecture
	Contact Person/ Phone Number:	Ashley Vajda, (206) 676-5646
	Owner:	SRM Development
	Case File Number:	PUD06010-PUDF013
	Planning Permits Required:	FDP, Major CUP for Residential Care activity, and compliance with CEQA

General Plan:	Planned Waterfront Development-4
Zoning:	Planned Waterfront Zoning District (PWD-4)/D-OTN-4
Environmental Determination:	Reliance on Oak-to-Ninth Final EIR, certified on January 20, 2009
Historic Status:	Non-Historic Property
City Council District:	2 – Nikki Fortunato Bas
Finality of Decision:	Appealable to City Council
For Further Information:	Contact Case Planner Catherine Payne at (510)917-0577 or by email at cpayne@oaklandca.gov

Commissioner Renk recused herself from Item #2 prior to its introduction and left the meeting at 3:34pm

Case Planner Catherine Payne gave a verbal presentation of the project

Applicant Alex Dalziel of Urbal Architecture gave a verbal and visual presentation of the project

Commissioners provided questions and comments regarding item.

Public Speakers: none

Motion by Commissioner Manus made a motion to approve based on Staff Recommendation:

1. Pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference), rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the Brooklyn Basin Parcel E Final Development Permit;
2. Approve the Brooklyn Basin Parcel E Final Development Permit; and
3. Approve a Conditional Use Permit for Residential Care Activity at Parcel E.

Seconded by Vice-Chair Shirazi

Action: 5 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

Date: September 21, 2022

Motion to approve: Commissioner Limon

Seconded by: Commissioner Jones

Action: 5 Ayes, 0 Noes

- Correspondence none
- City Council Actions none
- Announcement(s)
 - Commissioner Manus commended Secretary Payne on doing a wonderful job wearing multiple hats noting her thoroughness of review of scope on the project while shepherding other items. Chair Fearn underscored the sentiment.

ADJOURNMENT

Chair Fearn at 4:11 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: November 2, 2022

DRAFT