



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

**May 17, 2023**  
**Regular Meeting**

## **AGENDA REVISED (MAY 9, 2023)**

**PLANNING COMMISSION MEETINGS NOW BEING HELD IN-PERSON 3:00pm**

### **BUSINESS MEETING 3:00pm Council Chambers, City Hall, One Frank H. Ogawa Plaza**

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary. **Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda.** Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes at the discretion of the Chair.

*For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Planning and Building Department at 510-238-3941.*

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the Planning and Building Department at 510-238-3941 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

El lugar de la reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三 (3) 天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941 或TDD 510-238-3254。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



The order of items will be determined under Agenda Discussion at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **7:15pm**, and the meeting will adjourn no later than **7:30pm**, unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

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 5:00pm 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 Haneefah Rasheed at [oaklandplanningcommission@oaklandca.gov](mailto:oaklandplanningcommission@oaklandca.gov).

Paper staff reports for items listed on this agenda can be requested with advance notice of three days, and will be made available at the Permit Center, 250 Frank H. Ogawa Plaza, Oakland, California 9461, at the cost per copy included in the City of Oakland Master Fee Schedule.

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.

While attending Planning Commission meetings, parking in the Dalziel Building Garage (located on 16<sup>th</sup> St between San Pablo Ave and Clay St) is free. Attendees should see staff at the meeting to validate parking tokens.

Applicants or members of the public who wish to make electronic presentations (e.g., PowerPoint presentations): Please contact Haneefah Rasheed at [oaklandplanningcommission@oaklandca.gov](mailto:oaklandplanningcommission@oaklandca.gov) or (510) 672-1834 at least 48 hours prior to the meeting.

Interested parties are encouraged to electronically 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 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**



COMMISSION BUSINESS

Agenda Discussion

Director’s Report

Informational Reports

|           |                                     |   |
|-----------|-------------------------------------|---|
| <b>#1</b> | <b>Location:</b>                    | <b>Citywide</b>   |
|           | <b>Assessor’s Parcel Number:</b>    | N/A   |
|           | <b>Proposal:</b>                    | Present an informational report on the Oakland General Plan and Housing Element Annual Progress Reports to the Planning Commission describing the progress the City made in 2022 to implement and update Oakland’s current General Plan, implement the policies adopted in the City’s 2015-2023 Housing Element, and meet the City’s share of the Regional Housing Needs Allocation (RHNA). |
|           | <b>Applicant:</b>                   | City of Oakland, Bureau of Planning   |
|           | <b>Phone Number:</b>                | N/A   |
|           | <b>Owner:</b>                       | N/A   |
|           | <b>Case File Number:</b>            | N/A   |
|           | <b>Planning Permits Required:</b>   | None. Informational report only.  |
|           | <b>General Plan:</b>                | All General Plan designations.  |
|           | <b>Zoning:</b>                      | All zoning districts.   |
|           | <b>Environmental Determination:</b> | Consideration of the 2022 General Plan and Housing Element Annual Progress Reports does not constitute a project under the California Environmental Quality Act (CEQA).   |
|           | <b>Historic Status:</b>             | N/A   |
|           | <b>City Council district:</b>       | All Council districts.  |
|           | <b>Status:</b>                      | N/A   |
|           | <b>Staff Recommendation:</b>        | Staff recommend that the Planning Commission receive an informational report on the City of Oakland’s General Plan and Housing Element Annual Progress Reports for Calendar Year 2022.  |
|           | <b>Finality of Decision:</b>        | Request for Planning Commission and public comment; forward to City Council.  |
|           | <b>For further information:</b>     | <b>Audrey Lieberworth:</b> Phone: (510) 238-6317; email: <a href="mailto:ALieberworth@oaklandca.gov">ALieberworth@oaklandca.gov</a> .   |

Committee Reports

Commission Matters

City Attorney’s Report

OPEN FORUM

At this time members of the public may speak on any item of interest that is not on the Agenda within the Commission’s jurisdiction. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers on an item, and one minute or less if there are more than six speakers.



CONSENT CALENDAR

|               |   |  |
|---------------|---|--|
| <del>#2</del> | <del>Location:</del>                    | <del>325-22<sup>nd</sup> Street (2 Kaiser Plaza)</del>   |
|               | <del>Assessor's Parcel Number:</del>    | <del>APNs 008-0653-00800, -00900, -01501</del>   |
|               | <del>Proposal:</del>                    | <del>Highrise commercial and office building</del>   |
|               | <del>Applicant:</del>                   | <del>Group, Lina Lee</del>   |
|               | <del>Phone Number:</del>                | <del>(323) 860-1808</del>  |
|               | <del>Owner:</del>                       | <del>CIM Group</del>   |
|               | <del>Case File Number:</del>            | <del>ZP160061, PLN17384, ER16016</del>   |
|               | <del>Planning Permits Required:</del>   | <del>Extension of the following: Design Review, Major CUP, Minor Variance for setback and reduced loading.</del>   |
|               | <del>General Plan:</del>                | <del>Central Business District</del>   |
|               | <del>Zoning:</del>                      | <del>CBD-C (Central Business District Commercial Zone)</del>   |
|               | <del>Environmental Determination:</del> | <del>Addendum to 2011 CDURP Amendments EIR (PRC 21166, CEQA Guidelines Sections 15162, 15164, 15168, 15180); CEQA Exemption (CEQA Guidelines Sections 15332, 15168 and 15180); Document can be found and reviewed at this link (item#69): <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present</a> located under "2 Kaiser Plaza Project"</del> |
|               | <del>Historic Status:</del>             | <del>None (surface parking lot).</del>   |
|               | <del>City Council district:</del>       | <del>District 3 - Carroll Fife</del>   |
|               | <del>Status:</del>                      | <del>Approved. Extension for entitlements requested.</del>   |
|               | <del>Staff Recommendation:</del>        | <del>Approve the extension for another 2 years.</del>  |
|               | <del>Finality of Decision:</del>        | <del>Appealable to City Council</del>  |
|               | <del>For further information:</del>     | <del>Contact case planner <b>Christopher Tan</b> at (510) 238-3079 or by e-mail at <a href="mailto:ctan@oaklandca.gov">ctan@oaklandca.gov</a></del>  |

|               |   |  |
|---------------|---|--|
| <del>#3</del> | <del>Location:</del>                    | <del>Jack London Square Development Project: Site F3 (South of Embarcadero, between Alice and Harrison Streets)</del>  |
|               | <del>Assessor's Parcel Number:</del>    | <del>APN 018-042000402</del>   |
|               | <del>Proposal:</del>                    | <del>Final Development Permits for Site F3</del>   |
|               | <del>Applicant:</del>                   | <del>CIM Group, Omri Kuba</del>  |
|               | <del>Phone Number:</del>                | <del>(323) 860-7491</del>  |
|               | <del>Owner:</del>                       | <del>CIM Group</del>   |
|               | <del>Case File Number:</del>            | <del>ER030004, DA13171, PUD13170 PUDF 03</del>   |
|               | <del>Planning Permits Required:</del>   | <del>Extension of the following: Final Development Permit for Site F3 of Jack London Square Planned Unit Development Project; Minor Variance for loading</del> |
|               | <del>General Plan:</del>                | <del>Waterfront Commercial Recreation 1</del>  |
|               | <del>Zoning:</del>                      | <del>C-45 Community Shopping Commercial Zone</del>   |
|               | <del>Environmental Determination:</del> | <del>Final EIR certified on March 17, 2004 by the Planning Commission; Addendum #1 approved on September 23, 2014</del>  |
|               | <del>Historic Status:</del>             | <del>None for affected sites</del>   |



|                                    |   |
|------------------------------------|---|
| <del>City Council district</del>   | <del>District 3 — Carroll Fife</del>  |
| <del>Status</del>                  | <del>Approved. Extension for entitlements requested.</del>  |
| <del>Staff Recommendation</del>    | <del>Approve the extension for another 2 years.</del>   |
| <del>Finality of Decision</del>    | <del>Appealable to City Council</del>   |
| <del>For further information</del> | <del>Contact case planner <b>Christopher Tan</b> at (510) 238-3079 or by e-mail at <a href="mailto:etan@oaklandca.gov">etan@oaklandca.gov</a></del> |
|                                    | -   |

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. Before voting on the Consent Calendar, the Commission will allow speakers to speak on any item on the Consent Calendar. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers, and one minute if there are more than six speakers.

**PUBLIC HEARINGS**

The hearing provides opportunity for all concerned persons to speak on each item. 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 learn more about the Commission’s decision on a specific agenda item, please contact the Case Planner identified for each item.

Except where noted, once a decision is reached by the Planning Commission on an application, it is appealable to the City Council. **Such appeal must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00pm** An appeal shall be on a form provided by the **Bureau of Planning – Zoning**, and submitted via email to your Case Planner, the Zoning Manager ([Rmercamp@oaklandca.gov](mailto:Rmercamp@oaklandca.gov)) and the Development Planning Manager ([Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov)). The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in accordance with the City of Oakland Master Fee Schedule must be paid within five business days of filing the appeal. If you are unable to contact the City via email, you must contact the Case Planner by phone **as soon as possible**, but before the appeal deadline, to arrange for an alternate method of submitting your appeal.

Failure to file a timely appeal will preclude you from challenging the City’s decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously entered into the record during the public notice period and/or during the hearing. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

**Continued from April 5, 2023, Planning Commission Meeting**



|           |                                     |  |
|-----------|-------------------------------------|--|
| <b>#4</b> | <b>Location:</b>                    | <b>1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)</b>   |
|           | <b>Assessor's Parcel Number:</b>    | 008 062100807  |
|           | <b>Proposal:</b>                    | Major Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.  |
|           | <b>Applicant:</b>                   | TC II 1431 Franklin, LLC   |
|           | <b>Phone Number:</b>                | (510) 290-9901   |
|           | <b>Owner:</b>                       | TC II 1431 Franklin, LLC   |
|           | <b>Case File Number:</b>            | <b>PLN20124</b>  |
|           | <b>Planning Permits Required:</b>   | Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.   |
|           | <b>General Plan:</b>                | Central Business District (CBD)  |
|           | <b>Zoning:</b>                      | CBD-P Central Business District Pedestrian Retail Commercial Zone<br>Height Area 7, no limit   |
|           | <b>Environmental Determination:</b> | A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022</a> |
|           | <b>Historic Status:</b>             | Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).  |
|           | <b>City Council district:</b>       | 3  |
|           | <b>Status:</b>                      | Pending  |
|           | <b>Staff Recommendation:</b>        | Approval subject to the attached conditions  |
|           | <b>Finality of Decision:</b>        | Appealable to City Council within 10 days  |
|           | <b>For further information:</b>     | <b>Michele T. Morris</b> ; Phone: (510) 238-2235; email: <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a> .  |

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| <b>#5</b> | <b>Location:</b>                 | <b>Citywide</b>  |
|           | <b>Assessor's Parcel Number:</b> | Citywide   |
|           | <b>Proposal:</b>                 | The City of Oakland (City) has released public review drafts of the Safety Element and the Environmental Justice (EJ) Element. The updated public review draft Safety Element provides a gameplan for addressing natural and human-caused disasters and improving our resilience to climate change impacts. The first-ever EJ Element for the City includes draft strategies and policies that focus on reducing pollution burdens on Oakland's most vulnerable communities. Both the Safety and EJ Elements are accompanied by a Racial Equity Impact Analysis (REIA) that analyzes each Element to support the development of equitable policies that are concrete, data-driven, outcome-oriented, and problem-solving. Both the Safety and the EJ Elements aim to be rooted in an equity framework in accordance with the General Plan's Vision Statement and Guiding Principles. |



|                                     |   |
|-------------------------------------|---|
|                                     | <p>The public review drafts of the Safety Element and the Environmental Justice Element are available on the Oakland 2045 General Plan Update website at: <a href="https://www.oaklandca.gov/topics/general-plan-update">https://www.oaklandca.gov/topics/general-plan-update</a> for a 90-day review period between March 24, 2023, to June 22, 2023. In addition, hard copies of the public review draft Safety and EJ Elements are available at the Main Branch of the Oakland Public Library’s Circulation Desk at 125 14th Street, Oakland, CA 94612.</p> <p>This agenda report highlights key information from the Draft Safety and EJ Elements. It summarizes the requirements from the State, outlines key environmental justice and safety issues in Oakland, lists select goals and policies included in each Element and provides updates on ongoing community engagement.</p> |
| <b>Applicant:</b>                   | City of Oakland   |
| <b>Phone Number:</b>                | N/A   |
| <b>Owner:</b>                       | N/A   |
| <b>Case File Number:</b>            | GP21002; ZA 23002; GP21002-ER01   |
| <b>Planning Permits Required:</b>   | N/A   |
| <b>General Plan:</b>                | Citywide  |
| <b>Zoning:</b>                      | Citywide  |
| <b>Environmental Determination:</b> | The City of Oakland’s Bureau of Planning issued a Notice of Preparation (NOP) for a Draft EIR on March 30, 2022. The City has prepared a Draft EIR for the Project in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et. seq.) and the State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §15000 et. seq.). The 45-day comment period began on March 24, 2023, and ended on May 9, 2023, at 5:00 PM.  |
| <b>Historic Status:</b>             | N/A   |
| <b>City Council district:</b>       | All   |
| <b>Status:</b>                      | The public review drafts of the Safety Element and the Environmental Justice Element are available for a 90-day review period between March 24, 2023, to June 22, 2023.   |
| <b>Staff Recommendation:</b>        | Conduct A Study Session On the Oakland 2045 General Plan Update Process As Follows: (A) Receive An Informational Presentation On The Public Review Draft Safety Element; (B) Receive An Informational Presentation On The Public Review Draft Environmental Justice Element; And (C) Provide Feedback to Staff On The Public Review Drafts Of Safety and Environmental Justice Elements.  |
| <b>Finality of Decision:</b>        | No decisions will be made at this meeting   |
| <b>For further information:</b>     | Lakshmi Rajagopalan: Phone: (510) 238-6751; email: <a href="mailto:generalplan@oaklandca.gov">generalplan@oaklandca.gov</a> .   |

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 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**                      **May 3, 2023**

**Correspondence**

**City Council Actions**

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

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

**NEXT REGULAR MEETING: June 7, 2023**