



Oakland City Planning Commission

Minutes

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

December 16, 2020
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

Commissioners Present:

Amanda Monchamp, Sahar Shirazi, Jonathan Fearn
Leopold Ray-Lynch, Clark Manus, Tom Limon

Excused: Commissioner Nischit Hegde

Staff Present:

Catherine Payne, Ed Manassee, Desmona Armstrong,
Brian Mulry, Maurice Brenyah-Addow, Mike Rivera,
Pete Vollmann, Heather Klein, Angela Robinson-Pinon

SECRETARY RULES OF CONDUCT

Catherine Payne

COMMISSION BUSINESS

- Agenda Discussion **None**
- Director’s Report **None**
- Informational Reports
Mosswood Community Center Master Plan Presentation
<https://www.oaklandca.gov/projects/mosswood-community-center>
Presentation PDF made by Christine Reed and Sarah Kuehl



- Committee Reports **Chair Limon reported out regarding Design Review Committee Meeting on 1510 Webster Street; PLN20-107**
- Commission Matters Introduction of 2021 Planning and Committee Calendar
Catherine stated that the 2021 is currently available to view On the PC website
- 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.

1.	Location:	5110 Telegraph Avenue (bounded by 51 st St to the south, Clarke St to the east and Claremont Ave to the north).
	Assessor’s Parcel Number:	014 122601500
	Proposal:	To establish an alcohol sales activity (Type-21 for off-site consumption and Type-86 for on-site instructional tasting within the approved Whole Foods Market located in Retail spaces #1 and #4. <i>(Note: this application was previously scheduled for the November 4, 2020 Planning Commission meeting, but the applicant requested continuance to a later meeting)</i>
	Applicant:	City Shapers Inc, Dwane Kennedy
	Phone Number:	(415) 401-9300
	Owner:	Telegraph 2 NEUN
	Case File Number:	PLN18531 (related to PLN15074 and DET200045)
	Planning Permits Required:	Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity in the CN-2 Zone.
	General Plan:	Neighborhood Center
	Zoning:	CN-2 Zone



Environmental Determination:	In 2016, a detailed CEQA (California Environmental Quality Act) Analysis (see link below) was prepared for a mixed-use residential and commercial development, and concluded that the development satisfied each of the following CEQA Guidelines: Sections 15332-Class 32, 15300.2-Infill Projects, 15183-3-Streamlining for Infill Projects and 15183-Projects Consistent with a Community Plan, General Plan or Zoning. Since the newly constructed building is considered an existing facility, CEQA Guidelines Section 15301 would apply. Section 15301 allows the operation and minor alterations of existing private facilities. Therefore, the project is also exempt from CEQA. http://www2.oaklandnet.com/oakcal/groups/ceda/documents/report/oak058467.pdf
Historic Status:	Non-Historic Property
City Council district	1
Status:	Pending
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to the City Council within 10 days
For further information:	Contact Case Planner, Mike Rivera at (510) 238-6417, or by email at mrivera@oaklandca.gov

Staff Member: Catherine Payne made verbal description of the project

Motion to approve by: Vice-Chair Manus to Affirm Staff’s Environmental Determination; and to Approve the Major Conditional Use Permit subject to the attached findings and conditions

Seconded by: Commissioner Fearn

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:	Citywide
	Proposal	The Bureau of Planning is proposing to modify the California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines for the City of Oakland. This modification involves a change to the greenhouse (GHG) emissions Threshold to be consistent with the newly adopted 2030 Equitable Climate Action Plan (ECAP) as well as the state’s CEQA Guidelines by the Governor’s Office of Planning and Research. This proposal also includes implementation of the ECAP Consistency Checklist for determining compliance with the Threshold and the supporting GHG Standard Conditions of Approval.
	Applicant:	City of Oakland
	Environmental Determination	The proposal to update the City’s CEQA Thresholds of Significance Guidelines, pursuant to CEQA Guidelines Section 15064.7, implements the ECAP, and all the proposed actions are exempt from CEQA review pursuant to 14 California Code of Regulations Section 15308 and because the actions establish environmentally protective policies that will allow the City to achieve GHG emissions reductions greater than required by the State.
	Status:	Pending
	Actions to be Taken:	Receive public comments and Planning Commission comments. Planning Commission action based on staff report.
	Staff Recommendation:	Staff recommends the Planning Commission: (a) affirm Staff’s CEQA exemption determination and findings for the adoption of the CEQA Threshold of Significance for GHG emissions, and for the use of the GHG Conditions and ECAP Consistency Checklist and any future amendments thereto that Staff determines are consistent with the ECAP; and (b) adopt as regulation subject, to the ECAP and substantial evidence in the staff report, the City of Oakland CEQA Thresholds of Significance Guidelines the GHG Conditions, and the ECAP Consistency Checklist, as such may be administratively amended from time to time consistent with the adopted ECAP.
	Finality of Decision:	Final decision. Not appealable.
	For Further Information:	Contact project planner Heather Klein at (510) 238-3659 or hklein@oaklandca.gov

Staff Member: Heather Klein gave a verbal description of the project

Supportive Comments made by: Daniel Hamilton, Sustainability Manager

Public Speakers: None

Motion to approve made by Commissioner Manus to: a). Affirm staff’s CEQA exemption determination and findings for the adoption of the CEQA Threshold of Significance for GHG emissions, and for the use of the GHG Conditions and ECAP Consistency Checklist and any future amendments thereto that Staff determines are consistent with the 2030 ECAP;



b). adopt as regulation, supported by substantial evidence in the 2030 ECAP and the staff report, the City of Oakland CEQA Thresholds of Significance Guidelines, the GHG Conditions, and the ECAP Consistency Checklist, as such may be administratively amended from time to time consistent with the adopted 2030 ECAP

Seconded by: Commissioner Shirazi

Action: 6 Ayes, 0 Noes

3.	Location:	City-owned parcels and the areas within 30 feet of the edge of roadsides located within the City’s Very High Fire Severity Zone (VHFHSZ) as designated by CAL FIRE, and also defined in Section 4904.3 of the Oakland Fire Code (Oakland Municipal Code Chapter 15.12). The Plan area includes: 422 City-owned parcels, ranging in size from <0.1 acres to 235 acres and totaling 1,924.9 acres; and roadside areas along 308 miles of roadway within the City’s VHFHSZ, which includes surface and arterial streets, State Routes 13 and 24, and Interstate 580. The parks, recreational and open space areas discussed in the Oakland Vegetation Management Plan are as follows: Beaconsfield Canyon, Garber Park, Dimond Canyon Park, Shepherd Canyon Park, Leona Heights Park, North Oakland Regional Sports Complex, Grizzly Peak Open Space, City Stables, Sheffield Village Open Space, Knowland Park and Arboretum, Joaquin Miller Park, Tunnel Road Open Space, and Sulfur Springs Park.
	Proposal:	Conduct a public hearing and solicit/provide comments on the Draft Oakland Vegetation Management Plan (VMP or Plan) and its Draft Environmental Impact Report (DEIR).
	Applicant:	City of Oakland
	Case File Number:	ER20011
	General Plan:	<u>Open Space, Conservation and Recreation (OSCAR) Element</u> Urban Park; Resource Conservation Area <u>Land Use and Transportation Element (LUTE)</u> Local Streets; Collector Streets; Arterial Streets; and Freeways
	Zoning:	OS (LP), OS (NP), OS (RSP), OS (RCA), OS (AF), OS (AMP), OS (SU)
	Environmental Determination:	The Draft EIR for the Oakland Vegetation Management Plan was published (SCH Number 2019110002) on November 24, 2020. The 45-day public review/comment period began on November 24, 2020 and will end on January 7, 2021 at 5:00 PM.
	Historic Status:	9 Landmarks; 1 Area of Primary Importance (API); 18 Areas of Secondary Importance (ASI)
	City Council District:	1, 4, 6, and 7
	Status	The Draft VMP was released on November 1, 2019. A scoping session for the DEIR was conducted by the Planning Commission on November 20, 2019. The VMP was recently presented to the Planning Commission on December 2, 2020. The City of Oakland is soliciting comments on both the Draft VMP and DEIR during a 45-day comment period that begins on November 24, 2020 and ends on January 7, 2021 at 5:00 PM.
	Action to be Taken:	Receive public and Planning Commission comments on the Draft VMP and Draft EIR. No decisions will be made on the project at this hearing.
	For Further Information:	Contact Angela Robinson Piñon at (510) 238-3707 or by email at arobinsonpinon@oaklandca.gov . Project website: www.oaklandca.gov/projects/oakland-vegetation-management-plan



Staff Member: Angela Robinson Pinon gave a PDF Presentation and description of the project

Supportive comments made by: Ken Schwartz-OFD

Public Speakers: 1. Dale Risdien 2. Nicholas Vigilante. 3. Jeff Kahn. 4. Lin Barron. 5. Stan Weisner
6. Susan Piper. 7. Isis Feral. 8. Elizabeth Stage. 9. Martin Mataresse
10. Gordon Piper. 11. Mary McAllister. 12. Anastasia Glkshtein. 13. Carolyn Burgess

Motion made by: Commissioner Manus to extend comment period from 45-60 days to January 22, 2021 at 5 PM

Seconded by: Commissioner Fearn

Action: 4 Ayes, 0 Noes, 2 Excused

4.	Location:	2011-2195 Wood Street (Development Area 8) A 2.54-Acre city block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road
	Proposal:	1. Reconsideration/Modification of VTPM8555 Condition of Approval #82 requiring public Improvements for previously-approved new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases; and 2. Parking Variance to relocate 218 required parking spaces to adjacent off-site locations.
	Applicant:	Holiday Development - Mark Trainer
	Phone Number:	(510)588-5136
	Owner:	Central Station Land, LLC
	Case File Number:	PLN14-262-PUDF01-R02
	Planning Permits Required:	1.) Reconsideration/Modification of VTPM8555 Condition of Approval #82 requiring public Improvements for previously-approved new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases; and 2.) Minor Variance to relocate 218 required parking spaces to adjacent off-site locations
	General Plan:	Urban Residential
	Zoning:	D-WS - Wood Street Zoning District
	Environmental Determination:	State CEQA Guidelines: Pursuant to Section 15162, the project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan EIR certified on July 29, 2014 and Section 15183, projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
	City Council district	3
	Status:	Planning Commission approval on December 3, 2014. Entitlements extended through December 3, 2020
	Staff Recommendation	Decision on application based on staff report
	Finality of Decision:	Appealable to City Council within 10 days



For further information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com
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Staff Member: Maurice Brenyah-Addow gave a description of the project

Applicants: Jamie Hiteshew and Mark Trainer gave a PDF presentation

Public Speakers: 1. Marcus A. Johnson

Motion made by Commissioner Manus: to continue item to a date certain of January 20, 2021

Seconded by: Commissioner Monchamp

Action: 4 Ayes, 0 Noes, 2 excused

5.	Location:	98th and San Leandro (921 98th Ave), APN 044 508018000, 044 508017900
	Proposal:	Preliminary Development Plan (PDP) with 10 new parcels (Vesting Tentative Tract Map 8492), 270 apartment units, 7 live/work units, 122 townhomes (for a total of 399 residential units), 9 work/live units, and 2,468 sf ground floor retail. The project includes new streets and community open space. Final Development Plan (FDP) for Master Street and Open Space Improvements, including final designs for new streets and open spaces.
	Applicant:	Fleischmann Property, LLC
	Phone Number:	Claire Han, 510-452-2944
	Owner:	Fleischmann Property, LLC
	Case File Number:	PLN18523, PLN18523-PUDF02
	Planning Permits Required:	Preliminary Development Plan, Variance for work/live units, Final Development Plan for Master Street and Open Space Improvements, Design Review, Vesting Tentative Tract Map, compliance with CEQA
	General Plan:	Housing and Business Mix
	Zoning:	HBX-1
	Environmental Determination:	The project qualifies for an Addendum to the Arcadia Park EIR, an Eligible Infill Exemption, and a Community Plan Exemption (under the LUTE EIR), and no additional environmental review is required under CEQA Guidelines Sections 15162, 15164, 15168, 15183, and 15183.3
	Historic Status:	Non-Historic Property
	City Council district:	CCD7, Larry Reid
	Status:	Pending
	Staff Recommendation	Staff recommends approval of: <ul style="list-style-type: none"> • Preliminary Development Plan for Planned Unit Development with Minor Variance and Vesting Tentative Tract Map • Final Development Plan for Master Street and Open Space Improvements Based on the attached findings and conditions of approval
	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 dobyrne@oaklandca.gov

Staff Member: Dara O’Byrne gave a verbal description of the project



Applicants: Sam Tibibnia and Claire Han gave a Power Point presentation of the project

Public Speakers: 1. Zeydi Guterrez 2. Adriana Garcia. 3. Nico Nago. 4. Steven Pitts
5. Ericka Jenkins. 6. Joe Caruso

1st Motion by Commissioner Manus: to accept new information provided by Dara O’Byrne, Planner

Seconded by: Commissioner Monchamp

Action: 4 Ayes, 0 Noes, 2 excused

2nd Motion made by: Commissioner Manus to extend meeting past the 7:30 meeting time

Seconded by: Commissioner Monchamp

Action: 4 Ayes, 0 Noes, 2 Excused

3rd Motion made by Commissioner Manus to:

1. Rely on the attached CEQA Analysis Addendum to Determine that the Arcadia Park EIR and the following applicable Program EIRs: the 1998 LUTE EIR, and the 2021 Housing Element EIR and 2014 Addendum are adequate under CEQA for analysis of the 98th and San Leandro (Madison Park)
2. Approve the Preliminary Development Plan, subject to the attached findings and conditions.
3. Approve a Minor Variance for work/live units, based on the attached findings.
4. Approve the Final Development Plan for Master Street and Open Space Improvements, subject to the attached findings.
5. Approve the Vesting Tentative Parcel Map 8492

Seconded by: Commissioner Monchamp adding the approval of revised Condition #21 and OakDOT revision to condition #12 per staff recommendations.

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 November 18, 2020 and August 19, 2020
November 4, 2020 *Minutes Moved from December 2, 2020 agenda due to lack of quorum for approval
Motion to approve Minutes made by: Commissioner Manus
Seconded by: Commissioner Monchamp
Action: 4 Ayes, 0 Noes, 2 Excused
- Correspondence None
- City Council Actions None

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

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: January 13, 2021