



Oakland City Planning Commission

AGENDA (Online)

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

January 11, 2023

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: Jan 11, 2023 03:00 PM Pacific Time (US and Canada)

Topic: January 11, 2023, Planning Commission Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81041684604>

Or One tap mobile :

US: +14086380968,,81041684604# or +16694449171,,81041684604#

Or Telephone:

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

US: +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 810 4168 4604

International numbers available: <https://us06web.zoom.us/j/81041684604>

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 Haneefah Rasheed at oaklandplanningcommission@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 (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.
- 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.

#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

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.

#2	Location:	Brooklyn Basin (including 845 Embarcadero, 1- 9th Ave)
	Accessor’s Parcel Number:	018-0430-001-14, 018-0460-004-06, 08, and 11, and 018-0465-002-06, 12, 15, 27, 29, and 30
	Proposal:	Modifications to the Brooklyn Basin Marina Expansion Project. The Project Modifications include an increase of 600 residential units (for a Project site total of up to 3,700 units), allowance to relocate planned tower sites, an update to the parking ratios, and marina improvements to accommodate a water taxi/shuttle service.
	Applicant:	Zarsion-OHP 1, LLC, Eric Harrison
	Phone Number:	(510) 251-9280
	Owner:	Zarsion-OHP 1, LLC
	Case File Number:	PUD06010-R02
	Planning Permits Required:	CEQA review, General Plan Amendment, Zoning Code Amendment, Revision to the Preliminary Development Plan for the PUD, Development Agreement Amendment
	General Plan:	Planned Waterfront Development
	Zoning:	Oak to Ninth District Zone (D-OTN) (previously known as Planned Waterfront Zoning District (PWD-4))/ OS/RSP
	Environmental Determination:	Supplemental Environmental Impact Report; access documents at: City of Oakland Current Environmental Review (CEQA/EIR) Documents... (oaklandca.gov) --located under “Brooklyn Basin (formerly Oak-to-Ninth)” heading.



Historic Status:	9 th Avenue Terminal Building OCHS Rating “A”
City Council District:	2 – Nikki Fortunato Bas
Status:	Staff recommendation for approval
Staff Recommendation:	Certify SEIR; and recommend approval to City Council.
Finality of Decision:	NA: Receive public testimony and forward recommendation to City Council.
For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

#3	Location:	Citywide
	Proposal:	<p>In accordance with State law, the City of Oakland seeks to adopt an Amendment to the City's General Plan to update its Housing Element, which is one of the required elements of the General Plan. Oakland’s current 2015-2023 Housing Element was adopted on December 9, 2014, and the statutory deadline to adopt the 2023-2031 Housing Element is January 31, 2023.</p> <p>The City must plan to accommodate 26,251 new housing units over the 2023-2031 planning period to meet its “fair share” of the region’s housing need. The 2023-2031 Housing Element identifies adequate sites for housing to accommodate Oakland’s Regional Housing Needs Allocation (RHNA) over the next eight years, and establishes policies and programs to fulfill the identified housing needs, including a rezoning plan and plans to affirmatively further fair housing.</p> <p>Staff revised the Draft 2023-2031 Housing Element in response to State HCD’s requested changes, ongoing community feedback and to fulfill requirements for compliance with state law. The Public Hearing Draft 2023-2031 Housing Element was published on November 29, 2022, and is available on the City’s webpage at https://oaklandca.gov/housingelement.</p> <p>The Public Hearing Draft was formally submitted to the State Housing and Community Development (State HCD) department on December 7, 2022, for their subsequent 60-day review.</p>
	Applicant:	City of Oakland
	Case File Numbers:	GP21002
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	<p>The adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) for the following reasons, each as a separate and independent basis: (1) it can be seen with certainty that there is no possibility that adoption of the Housing Element may have a significant effect on the environment (the “common sense” exemption, CEQA Guidelines Section 15061(b)(3)), because the Housing Element involves policies, programs, and actions to meet the City’s Regional Housing Needs Allocation (RHNA) that either would not cause a significant effect on the environment or incorporates ongoing, existing actions being taken by the City;</p> <p>(2) the Housing Element is a planning document that serves to implement the City of Oakland’s regional housing needs determination by identifying sites available for construction of housing under existing zoning (CEQA Guidelines Section 15283 and California Government Code Section 65584(g));</p> <p>(3) the Housing Element is a planning study containing actions that will require independent review, environmental determination, and adoption by the Oakland City</p>



	<p>Council prior to its implementation (CEQA Guidelines Section 15262 and California Public Resources Code Sections 21102 and 21150); and</p> <p>(4) the Housing Element seeks to assure the protection of the environment by reducing greenhouse gas emissions per capita in the City through infill development, which is consistent with research, local and regional planning on the most impactful measures local governments can take in response to climate change (CEQA Guidelines Section 15308).</p> <p>In addition, the Sites Inventory included in the 2023-2031 Housing Element to demonstrate the City’s ability to accommodate Oakland’s RHNA is consistent with the development standards provided in previous planning documents, for each of which an EIR was prepared and certified, including: (a) 1998 Land Use and Transportation Element EIR (Resolution No. 74129 C.M.S.); (b) 1998 and 2006 Estuary Policy Plan EIRs (Resolution Nos. 75037 C.M.S. and 79982 C.M.S.) and 2013 Central Estuary Area Plan Supplemental EIR (Resolution No. 84442 C.M.S.); (c) 2014 West Oakland Specific Plan (Resolution No. 85108 C.M.S.); (d) 2014 Broadway Valdez District Specific Plan (Resolution No. 85065 C.M.S.); (e) 2014 Lake Merritt Station Area Plan (Resolution No. 85276 C.M.S.); and (f) 2015 Coliseum Area Specific Plan (Resolution No. 85491 C.M.S.).</p>
City Council District:	All districts
Staff Recommendation:	<p>Staff recommends that the Planning Commission conduct a public hearing, receive public comments, discuss and recommend that the City Council:</p> <ol style="list-style-type: none"> 1. Adopt the 2023-2031 Housing Element as a General Plan Amendment to the Oakland General Plan; and 2. Determine that the Adoption Of The 2023-2031 Housing Element Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To Each As An Independent Basis (A) CEQA Guidelines Sections 15061(b)(3), (B) CEQA Guidelines Section 15283 and California Government Code Section 65584(g), (C) CEQA Guidelines Section 15262 And California Public Resources Code Sections 21102 and 21150, And (D) CEQA Guidelines Section 15308.
Finality of Decision	Recommendation to City Council
For Further Information:	<p>Contact Project Manager Lakshmi Rajagopalan at 510-238-6751 or lrajagopalan@oaklandca.gov</p> <p>Project Email Address: generalplan@oaklandca.gov</p> <p>Project Website: https://www.oaklandca.gov/topics/general-plan-update</p>

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 December 21, 2022
- Correspondence
- City Council Actions

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

**PETERSON Z. VOLLMANN (acting secretary)
Bureau of Planning
Development Planning Division, Planner IV**

NEXT SPECIAL MEETING: January 18, 2023