



Oakland City Planning Commission

AGENDA (Online)

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

May 19, 2021
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.

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: May 19, 2021 03:00 PM Pacific Time (US and Canada)

Topic: May 19, 2021 Planning Commission Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/91434578628>

Or One tap mobile :

US: +14086380968,,91434578628# or +16699006833,,91434578628#

Or Telephone:

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

US: +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923

Webinar ID: 914 3457 8628

International numbers available: <https://zoom.us/u/abGdLmSkao>

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 in order 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 Desmona R. Armstrong at Drarmstrong@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 Desmona Armstrong at Drarmstrong@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.
- Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Desmona Armstrong at Drarmstrong@oaklandca.gov at least **48 hours** prior to the meeting. We are unable to accommodate late material, at this time.
- 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. To allow for distribution to the Commission, comments must be provided to the case planner electronically at least 24 hours prior to the meeting being started.



MEETING CALL TO ORDER

WELCOME BY THE CHAIR

ROLL CALL

SECRETARY RULES OF CONDUCT

COMMISSION BUSINESS

- Agenda Discussion
- Director’s Report Citywide – 2020 Housing Element annual Progress Report (APR)
- 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.



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.

1.	Location:	Lake Merritt BART Transit-Oriented Development (TOD) at 51 9th Street (Block 1) and 107 8th Street (Block 2); APNs: 001 016900100 and 001 017100200, respectively.
	Proposal:	Preliminary Development Plan (PDP) for a PUD with five new lots and one remainder parcel (Vesting Tentative Tract Map Nos. 8560 and 8577) on two separate blocks including 557 residential units (233 affordable units), approximately 497,000 square feet of administrative office commercial activity, approximately 16,500 sf of ground floor commercial, 2,000 square feet of custom manufacturing commercial kitchen activity, 6,200 square feet of Community Education Civic Activity daycare, and a total of 408 parking spaces. The project includes a public paseo between Buildings A and B in Block 1.
	Applicant:	STRADA/EBALDC
	Phone Number:	William Goodman, 314-276-0707
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN20038, PLN20038-ER01, PLN20108, T2000021
	Planning Permits Required:	PDP/Planned Unit Development, Variance for Off-Street Loading, Design Review, Vesting Tentative Tract Map, compliance with CEQA, Major Conditional Use Permit, Tree Removal Permit
	General Plan:	Central Business District (CBD)
	Zoning:	D-LM-2, D-LM-4, Height Area LM-275
	Environmental Determination:	Project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 15168. As a result, no supplemental environmental review is required in accordance with Public Resources Code Section 21083.3 and Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168.
	Historic Status:	Non-Historic Property
	City Council district	CCD2



Staff Recommendation	Approve the PUD with Minor Variance, Major CUP, and VTTM with the associated Conditions of Approval, based on the findings.
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 do Byrne@oaklandca.gov

2.	Location: Citywide
	Proposal: Review the draft 2021-2026 Oakland Local Hazard Mitigation Plan and make a recommendation to City Council on adoption of the Plan as an appendix to the Safety Element of the General Plan
	Applicant: City of Oakland
	Contact Person/ Phone Number: Daniel Findley, (510) 238-3981
	Owner: N/A
	Case File Number: GP21001
	General Plan: All General Plan Designations
	Zoning: All Zoning Districts
	Environmental Determination: Local Hazard Mitigation Plan (LHMP) is exempt from CEQA pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15262 (feasibility and planning studies), 15306 (information collection), and 15061(b)(3) (general rule).
	Historic Status: N/A
	City Council District: All Council Districts
	Status: Draft is currently under review by CalOES and FEMA
	Action to be Taken: Planning Commission recommendation to City Council on the adoption of the 2021-2026 Local Hazard Mitigation Plan as an appendix to the Safety Element of the Oakland General Plan
	Staff Recommendation: Recommend the City Council adopt a resolution amending the Safety Element of the General Plan and incorporate the 2021-2026 Local Hazard Mitigation Plan as an appendix to the Safety Element
	Finality of Decision: Recommendation to City Council
	For Further Information: Contact Case Planner: Daniel Findley, Planner III, (510) 238-3981 or by email: dfindley@oaklandca.gov

3.	Location: Citywide
	Proposal: Proposal to add Oakland Municipal Code (O.M.C.) Section 17.07.060(B).to the Oakland Planning Code to expand restaurant, retail, and café temporary uses in outdoor private spaces as part of Oakland’s “Flex Streets” Program, with a sunset date of March 31, 2022, to encourage healthy outdoor use of restaurant, retail, and café businesses in Oakland.
	Applicant: City of Oakland
	Case File Number: ZA21012
	General Plan: Citywide
	Zoning: Citywide
	Environmental Determination: The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area



	Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to 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:	Citywide
City Council district	Citywide
Finality of Decision:	Recommendation to the City Council; Final decision by City Council
For further information:	Contact Deputy Director Ed Manasse at 510-238-7733 or emanasse@oaklandca.gov

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 April 21, 2021
- Correspondence
- City Council Actions



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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING:

June 2, 2021