



Oakland City Planning Commission

MINUTES

Clark Manus, Chair
Jonathan Fearn, Vice-Chair
Sahar Shirazi
Tom Limon
Leopold Ray-Lynch
Vince Sugrue
Jennifer Renk

November 3, 2021
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 Manus

WELCOME BY THE CHAIR Manus

ROLL CALL

Commissioners Present:

Sahar Shirazi, Tom Limon, Leopold Ray-Lynch, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Clark Manus

Commissioners Excused: None

Staff Present:

Catherine Payne, Desmona Armstrong, Brian Mulry, Daniel Findley, Rebecca Parnes

SECRETARY RULES OF CONDUCT Catherine Payne

NOTES FROM THE SECRETARY

1. Reminder that the teleconference resolution will need to be renewed every month and will appear on the consent calendar for approval every 30 days.
2. Update on 5th Street project appeal: No comment on appeals that are under review. It is currently Scheduled for the November 16, 2021 City Council agenda. Outcome is pending.
3. Upcoming Projects within development planning: Final EIR for Howard Terminal and recommendations on Hearings on the entitlements within The next year or sooner; Brooklyn Basin proposed amendment to The development agreement and PUD is moving forward and final EIR is in the works with entitlement

Case files; Draft EIR for Head Royce is coming soon with an amendment to the PUD; California School Of the Arts (CCA) should be coming before the planning commission withing the next year; Downtown Specific Plan (DOSP) will come back from the planning commission for recommendations to City Council in the near future; Industrial Lands Policy and the Billboards legislation will make its way back To the planning commission; Proposal for objective guidelines, RFP. Pre-Bid meeting is Friday, November 5, 2021. See the city website for details.

COMMISSION BUSINESS

- Agenda Discussion None
- Director’s Report None
- Informational Reports None
- Committee Reports DRC report for October 27, 2021
- Commission Matters None
- 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: 1. David Peters

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
	Accessor’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

Staff Member: Secretary Payne gave a description of the ordinance

Motion to approve by: Sugrue

Seconded by: Limon

Action: 7 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:	This is a proposal to adopt an Ordinance amending Oakland Planning Code 17.118 (Recycling Space Allocation Requirements) to comply with SB 1383 regulations CCR 14 Section 18989.1(a)(2), The Short-Lived Climate Pollutant Reduction Act of 2016) which require compliance with CALGreen Sections 4.410.2 - Recycling by Residential Occupants and Section 5.410.1- Recycling by Non-Residential Occupants to require space for organics containers in new or renovated multi-family and commercial buildings as an addition to the current requirement for space for recycling containers; and adopting appropriate California Environmental Quality Act Findings.
	Applicant:	Oakland Public Works
	Owner:	City of Oakland
	Case File Number:	ZA21019
	Environmental Determination:	Exempt from CEQA pursuant to CEQA Guidelines Section 15307 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of natural resources; and in accordance with Section 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.
	Staff Recommendation:	Adopt an Ordinance Amending Oakland Planning Code 17.118 (Recycling Space Allocation Requirements) to comply with SB 1383 regulations CCR 14 Section 18989.1(a)(2), The Short-Lived Climate Pollutant Reduction Act of 2016) which require compliance with CALGreen Sections 4.410.2 - Recycling by Residential Occupants and Section 5.410.1- Recycling by Non-Residential Occupants to require space for organics containers in new or renovated multi-family and commercial buildings as an addition to the current requirement for space for recycling containers; and adopting appropriate California Environmental Quality Act Findings.
	Finality of Decision:	Planning Commission recommendation to City Council
	For further information:	Contact case planner Rebecca Parnes at (510) 238-7283 or by e-mail at rparnes@oaklandca.gov

Case Planner: Rebecca Parnes gave a PDF presentation on the ordinance.

Motion made by: Commissioner Fearn

To Recommend to the City Council that the Council adopt an Ordinance Amending Oakland Planning Code Chapter 17.118 (Recycling Space Allocation Requirements) to comply with Senate Bill 1383 and SB 1383 regulations under California Code of Regulations (CCR) Title 14 Section 18989.1(a)(2), (The Short-Lived Climate Pollutant Reduction Act of 2016), which require compliance with the requirements of CALGreen Sections 4.410.2 - Recycling by Residential Occupants and Section 5.410.1- Recycling by Non-Residential Occupants, to require space for organics containers in new or renovated multi-family and commercial buildings as an addition to the current requirement for space for recycling containers; and adopting appropriate California Environmental Quality Act Findings [with minor non-substantive changes].

Seconded by: Commissioner Renk

Action: 7 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 **October 20, 2021**
 Motion to approve: Manus
 Seconded by: Limon
 Action: 6 Ayes, 0 Noes, 1 Absent
- Correspondence None
- City Council Actions None

ADJOURNMENT at 3:47PM



CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department