



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

September 15, 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.

MEETING CALL TO ORDER Chair Manus

WELCOME BY THE CHAIR Chair Manus

ROLL CALL

Commissioners Present:

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

Staff Present:

Catherine Payne, Desmona Armstrong, Michael Branson, Brian Mulry, Jordan Flanders, Neil Gray Jose Herrera-Preza, Eva Wu, Ruslan Filipau, Laura Kiminski

SECRETARY RULES OF CONDUCT Catherine Payne

COMMISSION BUSINESS

- Agenda Discussion
 - 2 Recusals on Item #2 and 1 recusal on Item #3 for today’s PC
 - Staff cameras will remain off as per citywide protocol directed by the city clerk in the Zoom Format.
 - We are not able to provide a list of attendees in the Zoom platform. However, we are aware and Will continue to note how many are in the meeting and how many hands are raised for each Public speaking item.
 - Toll-Free call-in numbers are now available for each planning commission and committee hearing



- Future public hearings format is not confirmed yet from the city's administration office
- Public Enforcement contact number 510-238-3381

- Director's Report None
- Informational Reports None
- Committee Reports Chair Manus announced that DRC met on 9/8/21 and RAC met on 9/14 however the meeting was cancelled due to the applicant withdrew the appeal request.
- 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. Bryce Nesbitt
2. Assata Olugbala
3. Gulliermo Loyola

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:	1700 20 th Street (APN: 007 -0572-001-02)
	Proposal:	To establish an 82,000 square foot operation within an existing building to produce ceramic beads, fabricate lithium extraction units, and perform research and development.
	Applicant:	Lilac Solutions, Inc. c/o Dennis Neymit
	Phone Number:	(805)710-5333
	Owner:	Terreno 20 th Street LLC
	Case File Number:	PLN21104
	Planning Permits Required:	Per Section 17.73.020 (L4) of the Planning Code, a Conditional Use Permit (CUP) is required for establishing a General Manufacturing Industrial Activity within 300 feet of a residential zone. Per Section 17.134.020 of the Planning Code, the CUP is major, because it involves over 25,000 square-feet of floor area.
	General Plan:	Business Mix
	Zoning:	CIX-1C West Oakland Plan Area Commercial Industrial Mix - 1C Industrial Zone (High Intensity Business)
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects Exempt, per Section 15301 of the State CEQA Guidelines: Existing Facilities (Minor alterations and operation); and Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning;
	Historic Status:	Not A Potentially Designated Historic Property: OCHS Rating: X
	City Council district	3
	Status:	Pending
	Staff Recommendation	Approve with conditions.
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact case planner Jose M. Herrera-Preza at 510-238-3808 or jherrera@oaklandca.gov

Case Planner: Jose M Herrera-Preza gave a verbal description of the project

Applicant: Dennis Neymit gave a PDF Presentation of the project

Public Speakers:

1. Assata Olugbala.
2. Marcus Johnson
3. John Sanders

Motion made by Shirazi to:

1. Affirm staff's environmental determination
2. Approve the Major Conditional Use Permit subject to the attached findings and conditions

Seconded by: Limon



Action: 7 Ayes, 0 Noes

ITEM #3 CONTINUED FROM SEPTEMBER 1, 2021 PC AGENDA

2.	Location:	Citywide
	Proposal:	Amend the Planning Code related to Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local legislation into compliance with recent State legislation. The major proposed amendments include: 1) new standards for the processing, number, size, height, parking, location, landscaping, and setbacks for the construction of various types of new ADU structures and ADUs within existing accessory structures, single-family homes, and two-family and multi-family buildings; 2) establishment of regulations for Junior Accessory Dwelling Units (JADUs) within single family homes; 3) introduction of objective design standards to streamline approval of certain ADUs; 4) objective standards for the design and location of ADUs; 5) regulations for ADUs in mini-lot developments; and 6) amnesty and enforcement relief program for un-permitted existing ADUs. The proposal also includes regulatory options for the development of ADUs and JADUs within the Very High Fire Hazard Severity Zone (VHFHSZ), as defined by the State of California and the S-9 Fire Safety Protection Combining Zone, or an alternative overlay zone based on public safety and traffic flow.
	Applicant:	City of Oakland
	Case File Number:	ZA21006
	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).
	City Council District:	All districts
	Status:	The item was presented to the Planning Commission on June 2, 2021. The Planning Commission directed Staff to revise the proposal in response to public comments and return for further discussion at a future meeting.



Staff Recommendation:	Receive public comments, discuss, and make a recommendation to City Council to adopt the proposal as set forth in the staff report.
Finality of Decision	Recommendation to City Council. Final decision by City Council.
For Further Information:	Contact case planner Ruslan Filipau at 510-238-3491 or rfilipau@oaklandca.gov

Case Planner: Laura Kaminski gave a verbal presentation of the item
Chief Luby, Oakland Fire Dept gave comments regarding the Ordinance

Public Speakers:

1. Stan Weisner
2. Susan Piper.
3. Scott Su
4. Bryce Neysbit
5. Ryan O’Connell
6. Debra Sanderson
6. Joshua Polston
7. Guillermo Loyola
8. Laura Blair
9. Assata Olugbala
10. Chris Moore
11. Mahsa Ghafaurian
12. Kiran Shenoy
13. Elizabeth Stage
14. Steven Verner
15. Anna Sidego
16. Carolyn Peck
17. Trudy Martin

Motion by Fearn to:

1. Recommend Affirming Staff’s environmental determination; and
2. Recommend that the City Council approve the proposed Planning Code amendments, including option #2 for regulating ADU’s in the S-9 Zone, and Zoning Map amendments related to Accessory Dwelling Units

Option 2: Only allow one internal ADU or JADU within an expanded S-9 Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet;

- Excludes the requirements for fire sprinklers
- Council shall consider potential equity outcomes related to the implementation of this ordinance
- Council shall consider mechanisms for an exception process, examples being documentation of adequate egress, adequate parking and/or medical and accessibility issues.
- Recommend the zoning map amendments related to the accessory dwelling units

Seconded by: Shirazi

Action: 6 Ayes, 0 Noes, 1 Recusal (Limon)

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.

3.	Location:	722 Wood Street and 0 7 th Street
	Assessor's Parcel Number:	006-0019-008-00 and 006-0019-028-02
	Proposal:	Appeals of Zoning Manager's Determinations that the truck activities occurring at 722 Wood Street and 0 7 th Street are unpermitted under the zoning regulations.
	Applicant:	Todd A Williams, Wendel Rosen LLP
	Phone Number:	510-622-7630
	Owner:	Alan Wofsy & Associates & Sunrise Properties
	Case File Number:	APL21015
	Planning Permits Required:	N/A
	General Plan:	Mixed Housing Type Residential and Community Commercial
	Zoning:	Mixed Housing Type Residential – 4 (RM-4) and Community Commercial – 2 (CC-2)
	Environmental Determination:	The determination is not considered a project as defined by CEQA Guidelines Section 15378, and therefore does not require CEQA review. On a separate and independent basis, the determinations are exempt under CEQA Guidelines Section 15321. Enforcement Actions by Regulatory Agencies.
	Historic Status:	Non-historic vacant lots
	City Council district:	3
	Status:	The Zoning Determination letters were mailed on June 11, 2021, and appellant appealed those Determinations on June 21, 2021.
	Staff Recommendation:	Deny the appeals and uphold the Zoning Manager's Determination that the trucking operation at the sites are prohibited under the zoning regulations.
	Finality of Decision:	Final Decision, not appealable pursuant to OMC Section 17.132.030
	For further information:	Eva Wu, Planner II, Phone: (510) 238-3785; Email: EWu@oaklandca.gov

Staff Planner: Eva Wu gave a verbal description of the appeal

Appellant: Todd Williams and Alan Wofsey provided verbal support for the appeal

Motion by Sugrue to:

Deny the Appeal, thereby upholding the Zoning Manager's Determination that the Planning Code prohibits the trucking storage and other related activities currently operating at the subject sites.

Seconded by: Shirazi



Action: 6 Ayes, 0 Noes, 1 Recusal (Renk)

COMMISSION BUSINESS

- **Motion by Sugrue:** to extend PC meeting past 7:30PM
Seconded by: Limon
Action: 6 Ayes, 0 Noes, 1 Recusal

- Approval of Minutes
 - August 4, 2021
Motion to approve by: Sugrue
Seconded by: Fearn
Action: 5 Ayes, 0 Noes, 2 Absent

 - September 1, 2021
Motion to approve by: Limon
Seconded by: Sugrue
Action: 5 Ayes, 0 Noes, 2 Absent

- Correspondence None

- City Council Actions None

ADJOURNMENT at 7:42 P.M.

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department



NEXT SPECIAL MEETING: October 6, 2021