



*Chris Pattillo, Chair  
Jim Moore, Vice Chair  
Jahaziel Bonilla  
Michael Coleman  
Jahmese Myres  
Adhi Nagraj  
Emily Weinstein*

**March 11, 2015**  
**Special Meeting**

**ROLL CALL**

**Present:** Pattillo, Moore, Bonilla, Coleman, Myres, Nagraj (arrived at 6:05 P.M.), Weinstein.

**Staff:** Robert Merkamp, Edward Manasse, Devan Reiff, Heather Lee, Cheryl Dunaway.

**WELCOME BY THE CHAIR**

**Committee Reports**

**Commissioner Coleman** gave a report on the Residential Appeals Committee Meeting held on March 11, 2015 at 4:00 P.M. about the property at 6458 Farallon Way.

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***For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.***

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the **Planning Department at 510-238-3941** or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

**PUBLIC HEARINGS**

<b>Contact Person/Phone Number:</b>	Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	<b>ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001</b>
<b>General Plan:</b>	<u>Land Use and Transportation Element (LUTE) Areas:</u> Regional Commercial, Community Commercial, Business Mix. <u>Estuary Policy Plan Areas:</u> General Commercial 2, Light Industry 3, Parks.
<b>Zoning:</b>	CR-1, IO, M-40, S-15, CIX-2
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014; the comment period ended October 6, 2014. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. A Final EIR is expected to will be published on or about February 20, 2015.
<b>Historic Status:</b>	CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
<b>Service Delivery Districts:</b>	5, 6
<b>City Council Districts:</b>	7 (with City Council District 6 representing the 66 <sup>th</sup> Ave. frontage of Plan Area)
<b>Commission Action to Be Taken:</b>	Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the proposed Final Specific Plan and Related Actions.
<b>Finality of Decision:</b>	n/a
<b>For Further Information:</b>	Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: <a href="http://www.oaklandnet.com/coliseumcity">www.oaklandnet.com/coliseumcity</a>

**Staff Members Edward Manasse and Devan Reiff** gave a PowerPoint presentation.

**Chair Pattillo** reiterated what Mr. Manasse and Mr. Reiff stated in their presentation that all verbal and written comments were been considered and the vast majority of them are incorporated into the final document.

**Speakers:** Jim Curtis, Robert A.D. Schwartz, Chris Dobbins, Brian Holt, David Zisser, Eric Freeman Jr., Ernesto Arevalo, Robert Hamilton, Ray Perez, Kathryn Epstein, Susan Schacher, Griz Jones, Robert Schwartz, Brandon Dawkins, John Wilson.

**Commissioner Nagraj** stated that attachment B on page 13 has permitted and non-permitted uses within the various districts. The way he understood it is, residential isn't permitted in areas DC03 and DC05, but residential is permitted on the strip on the waterfront in DC04.



**Mr. Manasse** responded yes. The zoning only allows residential with a conditional use permit in the area that's limited to the property between Edgewater Drive and the Shoreline, Damon Slough and Elmhurst.

**Commissioner Nagraj** asked if staff were able to review the special needs housing.

**Mr. Manasse** explained that this is a citywide issue and staff was consistent with how they handled those residential activity types. Staff recent updated to allow transitional, supportive and emergency shelter housing out right permitted in some zones and others remain conditional use permit (CUP).

**Chair Pattillo** asked staff to comment on the request made by a speaker to create a timeline for the zoning changes. It may be a separate item that shouldn't be included into tonight's motion.

**Mr. Manasse** explained that it could be a separate motion or the Planning Commission could recommend to the Deputy Director of the Bureau of Planning to make follow up actions. Staff is willing to review zoning studies surrounding the adjacent areas. As the community stated, our heaviest general plan industrial designations are in close proximity or adjacent to residential. This area is overdue for such a zoning study and staff is more than willing to do so as a follow up item. The Planning Commission may make a motion to give more emphasis and provide staff priority.

#### **Planning Commission Comments, Questions and Concerns:**

The Planning Commission stated that this has been an interesting process and the Coliseum evolved in a way that's been informed by the other recent plans reviewed by the Planning Commission with its own separate challenges. The majority of the Planning Commissioners support the Edgewater seasonal wetland being designated as open space. The Martin Luther King Jr. shoreline is a point of interest accessible to residents as much as possible. They were a little influenced by the Business Park concerns, but feel the plan, as written makes sense because right now, the area west of Edgewater is isolated from the Business Park. It's not easy to develop due to the various agencies that has jurisdiction over it and may not occur soon. Essentially the Corporation Yard and a few Port of Oakland owned buildings may be displaced. This isn't a good adjacency to the shoreline since the pathway along the shoreline is used quite frequently and anything that the Planning Commission can do to restore it to public use is very good.

Staff did an amazing job keeping up with the various interest groups and comments from various sources to address those issues in a balanced way. Affordable housing mark of 15% should be reviewed and revisited, but to make it a higher percentage than that may work against us and may end up making projects not pencil out. Until we have more information about it, we should stay with the current threshold for now.

The Nexus study is due to be complete before the end of this year in which we will learn a lot from that study and will allow us to have a holistic approach to affordable housing requirements. There are other neighboring cities such as: Berkeley and San Francisco that are attempting to export affordable housing to Oakland. Eliminating minimum parking requirements is a dramatic step, but most developers, from a marketing standpoint may want parking and doesn't mean there will be residential built without providing parking and we should review these projects like Transit oriented development with more forward thinking.



The outreach done was extraordinary and some of the mitigation measures and changes seen from last week's meeting are meaningful relative to jobs and community outreach. Updating zoning in east Oakland is overdue and there are some serious challenges there. The lengths of neighborhood streets and accessibility to business zones aren't good and it's time to take a real serious look at that.

The zoning changes in CO3 and CO4 is sufficiently separated and with CO4, none of the residential isn't permitted outright and will require a conditional use permit. This will provide enough of a stop gap to evaluate projects moving forward from all aspects and how it impacts businesses and jobs, and how it will be developed in terms of rising sea levels.

Very pleased with all of staff's changes to the specific plan language recommended in the letters from the Coalition. There's some hesitancy about the 15 % affordable housing percentage being too low, but this is the percentage that's been used across all of the specific plans and should be consistent to all areas of Oakland and not be financially burdened or at a disadvantage from development than other areas.

The housing zoning classification should be reviewed throughout the City of Oakland and evaluated and changed at a citywide level.

The language changes recommended by the Coalition letter around "Ban the Box" should be included in the plan.

The consultants who worked on the Environmental Impact Report (EIR) on adding more context and details on jobs included in chapter 4-11 did a wonderful job. The zoning changes outside of the specific plan area should be reviewed. Within the implementation chapter of the specific plan could be a good place to add additional areas of study moving forward.

On page 4-11 in the EIR, is a list of ethnic groups, but Native Americans weren't included on that list and believes there is a substantial amount of Native Americans in east Oakland that should be included on that list. There were no California Native American tribes with traditional lands in Oakland's jurisdiction according to the plan's findings in 5B. This statement should be researched to ensure the accuracy of this information.

In the EIR table 4-11.17 lists occupation and wages, showing no sports job. If the hope is to keep all 3 sports teams, this should be addressed. There are various types of jobs that are involved such as: Ticket sales, food concession, valets, etc. which should be addressed in the chart.

There's an extensive chapter on traffic, but couldn't find anything that addresses the potential traffic chaos if all 3 sports teams have a game at the same time which should be addressed now on how to control that.

Some of the Planning Commission had mixed feelings about bifurcating this plan, but now realizes it shouldn't be. This is fresh water wetlands that should be designated as open space and should remain in its current location.

On page 159 in the specific plan states, "stadium operator could provide a guarantee of sufficient revenue until the facility is fully performing". This seems to be what got us in a bad predicament before



when we rely on guaranteed money that can't be produced. There should be more thought put into that sentence.

There are concerns with the potential displacement of 8,000 jobs by residential market expansion and City staff should review this more and mitigate that by the zoning changes.

As stated in the Coalition letter, the draft and environmental report concerns needs to be reviewed. The "Ban the Box", as Commissioner Weinstein stated is huge if we're to engage the residents of east Oakland in this process and prevent roadblocks to employment as we need the community to participate in jobs provided if approved by all agencies of this development.

Previous comments stated initially, this plan felt like it had a lot of glamour in a section of the city that didn't relate very well to the rest of the city, but now it has been integrated better to fit with the rest of Oakland. Looking at tiered building heights, policy modifications on local jobs and stronger language around affordable housing doesn't feel like an isolated part of the city. There are always opportunities when a specific plan abuts an area that's not within the plan to view from a street view, what the street experience look like within the plan and outside of the plan. They discussed the various zoning rights outside of the plan area which was helpful to evaluate how, on the other side of Hagenberger Road does DC03 relate to that. Various public agencies are usually hesitant when commenting on various aspects of the plan, but now they are working better together on this plan.

If we correct the taxing issue, we can extract a lot of tax revenue to build sewer, water and heavy infrastructure greatly needed for that area to service the additional uses.

Very pleased to see that staff added the new policy 3-63 on the Tenant Protection Ordinance. Would like policy 3.41 amended to include "Ban the Box" language that should read at the end of the sentence, "and consideration of requirements like Ban the Box that facilitate job access for local residents". This is a really important part of local hire which isn't real for Oakland residents unless there are policies like "Ban the Box" which will remove questions about former criminal history on job applications. Land use policy 3.44 should be slightly amended which currently discusses internship and training for high school and college students, but should make sure we're prioritizing local east Oakland high schools. Appreciates the staff's part to rewording to state, "at least 15% ", and name the low and really low income groups. Feels that 15% affordable housing goal is much too low, but understands the need to be consistent with the other specific plan, but we shouldn't be consistent with such low standards. In being consistent with other plans, It's no being consistent with other land use policies and policy directions such as the Regional Housing Needs Allocation (RHNA) which is a really important guide for the Planning Commission. The RHNA is much higher than the 15% affordable housing goal set by staff and half of the jobs created by the project will have an average wage of \$18.00 per hour so, more affordable housing is needed.

Maybe more than 15% of affordable housing seems to be too much, too visionary and infeasible given the market, but this entire plan is extremely visionary and infeasible. It's very important that we are also visionary with our equity goals, even if it seems a little out there.

We don't want to overburden one area of Oakland with affordable housing, but we should consider where the most need is and east Oakland is a community of working low income families and people of color, which may be the last portion of Oakland they can afford to live. It's very important that we meet



the affordable housing needs in this area so, thinking about it as overburdening makes sense, because if that's the need, that's what we should do.

Although we are dealing with affordable housing via the impact fee, we are now 18 months behind on the impact fee study which was anticipated to be completed last year. If we wait and hope that the impact fee will solve our problems, it's really concerning when there's an opportunity tonight to make a difference about affordable housing and what we say about it. Waiting on an impact fee study to be completed doesn't make sense and although it's taking longer than expected for the study to be completed, the impact fee is great.

A 15% of affordable housing goal is low, but it's a good place to start if we can consistently achieve 15% of affordable housing and put us in a better position to increase it in the future.

It's hard to attract developers to Oakland to build housing and we're so desperate to get housing built we shouldn't do anything to compound that difficulty.

One Planning Commissioner doesn't support the seasonal wetland designation as open space. There's no need to designate it as open space because it's already a wetland and should remain that way. If the Planning Commission votes to designate the wetland as open space, it may make it difficult to make changes in that area. After further review of that piece of wetland, it seems it could've been done better and there's a better solution that's more aesthetically appealing, functionally better and larger. The wetlands could be split to where a portion is wetland and the other portions are housing that takes some of the other housing and make it wetlands to have continuity.

All of the plans don't have to have the same goals and housing matrix. Housing is based on the revenue it generates and a higher goal should be in areas with higher rent. The 15% affordable housing goal is appropriate given the demand in this area. We should review goals that are reflective of the demand in certain areas and the cost of materials will be the same as the cost of labor, but the rent amounts generated will be different.

**Commissioner Weinstein** made a motion to approve with the following conditions: The City Council adopt the California Environmental Quality Act (CEQA) findings for the Coliseum Area Specific Plan in attachment B to this report which includes; certification to the Environmental Impact Report (EIR), rejection of all alternatives as infeasible and a statement overriding considerations. Adopt the standard conditions of approval and mitigation monitoring report program attachment G and recommend the City Council adopt the specific plan, general plan and planning code amendment based in part upon the specific plan adoption findings in attachment C in this report. Approve the changes made to mitigation measures in the Final Environmental Impact Report (FEIR) and the proposed zoning in the staff report, approve changes made to the specific plan text included in attachment E in this report, direct staff as per the preferred general plan and zoning designation for the Edgewater wetland seasonal property to be designated as open space, authorize staff to make minor ongoing revisions and to make non-substantive technical conforming edits to the planning code that may've been overlooked in deleting old sections and cross referencing new sections to the new Coliseum District Zone with corrections of typographical and/or clerical errors and to return to the Planning Commission for major revisions only, include the new policy land use 3-63 to read, "expand outreach to tenants regarding their rights under the tenant protection ordinance and other protections and ensure affective enforcement of such policies." Include the sustainability goal 4-6 integrate sustainable and environmentally sensitive building of landscape and infrastructure into development in the plan area and surrounding areas and reference the Regional



Housing Needs Allocation (RHNA) designations for affordable housing within the context of the plan, amend policy 3-41 to add sentence; and consideration of requirements such as, "Ban the Box" that facilitate job access for local residents and amend land use policy 3-44 to prioritize east Oakland and local high schools and colleges, review the supportive housing policy throughout the City of Oakland and include areas for future zoning study within the specific plan. Text changes to the general plan, both community commercial and regional commercial land use transportation element designations amended to specify, "within the Coliseum Area Specific Plan, the maximum FAR for this classification is 8.0, maximum residential density is 250 units per gross acre as well as changes to the March 4, 2015 planning code amendments the maximum heights allowed in DC04 and DC05 reduced from 159 feet to 85 feet". Change limitation 4 to read, "the design of the development accounts for the projected rise of the sea levels and the potential for inundation by the Bay and other flood waters in a manner that both protects human infrastructure and natural aquatic resources of the San Leandro Bay". Amend table 17.73.020 to include provisions found in other zones citywide related to accessory off-street parking serving prohibited activities and additional activities that are permitted or conditionally permitted in the adjacent zone, seconded by **Commissioner Nagraj**.

Action on the matter: Approved 7 ayes, 0 noes.

**Mr. Manasse** asked Commissioner Myres if she wanted to replace the 15% affordable housing goal or add it to the motion.

**Commissioner Myres** explained that the language should remain the same as presented tonight to at least 15 % affordable housing goals and reference the RHNA designations in context to that.

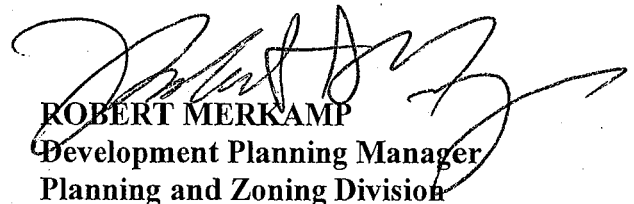
**Approval of Minutes**

Vice Chair Moore made a motion to approve the February 4, 2015 Planning Commission Meeting minutes, seconded by Commissioner Coleman.

Action on the matter: Approved with edit refinements 7 ayes, 0 noes

**ADJOURNMENT**

Meeting adjourned at approximately 7:50 P.M.

  
**ROBERT MERKAMP**  
Development Planning Manager  
Planning and Zoning Division

**NEXT MEETING:** March 18, 2015