



# Oakland City Planning Commission

## MINUTES

Jonathan Fearn, Chair  
Sahar Shirazi, Vice-Chair  
Vince Sugrue  
Jennifer Renk  
Ron Jones

**May 17, 2023**  
**Regular Meeting**

### BUSINESS MEETING

**3:00 PM**

**Via: In-person**

#### MEETING CALL TO ORDER

**Chair Jonathan Fearn**

#### WELCOME BY THE CHAIR

**Chair Jonathan Fearn**

#### ROLL CALL

**Haneefah Rasheed, Sr. PSR**

#### Commissioners Present:

Ron Jones, Jennifer Renk, Sahar Shirazi, Jonathan Fearn

#### Commissioner(s) Absent: Vince Sugrue

**Staff Present:** Catherine Payne, Haneefah Rasheed, Michelle Morris, Audrey Lieberworth, Lakshmi Rajagopalan, Daniel Findley, William Gilchrist, Laura Kiminski, Khalilha Haynes, Michael Branson

#### SECRETARY RULES OF CONDUCT **None**

**SECRETARY MATTERS** – Discussion regarding Commissioners Ron Jones, Tom Limon, and Clark Manus terms ended.

#### COMMISSION BUSINESS

- Agenda Discussion none
- Director’s Report Director William Gilchrist summarized discussion of the Annual Progress Report (APR) and acknowledged the milestone regarding the certification of housing element for the general plan.
- Informational Reports

<b>#1</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Assessor’s Parcel Number:</b>	N/A
	<b>Proposal:</b>	Present an informational report on the Oakland General Plan and Housing Element Annual Progress Reports to the Planning Commission describing the progress the City made in 2022 to implement and update Oakland’s current General Plan, implement the policies adopted in the City’s 2015-2023 Housing Element, and meet the City’s share of the Regional Housing Needs Allocation (RHNA).
	<b>Applicant:</b>	City of Oakland, Bureau of Planning
	<b>Phone Number:</b>	N/A

<b>Owner:</b>	N/A
<b>Case File Number:</b>	N/A
<b>Planning Permits Required:</b>	None. Informational report only.
<b>General Plan:</b>	All General Plan designations.
<b>Zoning:</b>	All zoning districts.
<b>Environmental Determination:</b>	Consideration of the 2022 General Plan and Housing Element Annual Progress Reports does not constitute a project under the California Environmental Quality Act (CEQA).
<b>Historic Status:</b>	N/A
<b>City Council district:</b>	All Council districts.
<b>Status:</b>	N/A
<b>Staff Recommendation:</b>	Staff recommend that the Planning Commission receive an informational report on the City of Oakland’s General Plan and Housing Element Annual Progress Reports for Calendar Year 2022.
<b>Finality of Decision:</b>	Request for Planning Commission and public comment; forward to City Council.
<b>For further information:</b>	<b>Audrey Lieberworth:</b> Phone: (510) 238-6317; email: <a href="mailto:ALieberworth@oaklandca.gov">ALieberworth@oaklandca.gov</a> .

Director of Planning and Building William Gilchrist and Deputy Director of Housing Emily Weinstein gave a verbal and visual presentation of the project

**Case Planner** Audrey Lieberworth gave a verbal presentation of the project.

Commissioners provided questions and comments regarding item.

**Public Speaker:** Sheebah Maceeo

- Committee Reports                      Vice-Chair Sahar Shirazi provided a summary update of the May 10, 2023, Zoning Update Committee meeting.
- Commission Matters                      Comm. Jones requested information regarding parking
- 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:**     Mark Brustman

**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.

<b>#4</b>	<b>Location:</b>	<b>1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)</b>
	<b>Assessor’s Parcel Number:</b>	008 062100807
	<b>Proposal:</b>	Major Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.
	<b>Applicant:</b>	TC II 1431 Franklin, LLC
	<b>Phone Number:</b>	(510) 290-9901
	<b>Owner:</b>	TC II 1431 Franklin, LLC
	<b>Case File Number:</b>	<b>PLN20124</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
	<b>General Plan:</b>	Central Business District (CBD)
	<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
	<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022</a>
	<b>Historic Status:</b>	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
	<b>City Council district:</b>	3
	<b>Status:</b>	Pending
	<b>Staff Recommendation:</b>	Approval subject to the attached conditions
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For further information:</b>	<b>Michele T. Morris</b> : Phone: (510) 238-2235; email: <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a> .

**Case Planner** Michele Morris gave a verbal presentation of the project

**Applicant Kyle Winkler from Tidewater** gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

**Public Speakers:** Joel Toscano, Naomi Schiff, Mary Harper, Geoffrey Pete, Gene Hazzard, Bamidele Agloudegbe-Demerson, Pastor Raymond Lankford, Raymond Bobbitt, Mr. Behzad Movazze, John Dallyafle, Tina Muriel, Joan Tarika Lewis, Laurie Winestock, Onoreni Adeleke, Gwendolyn Traylor (Lady Sunrise), Marvin X, Abdul Alemin Luqman, Kitty Kelly Epstein (Epstein Kathryn), Chris Rachal, Michele Sevice, Harriet Wright, Cephus Johnson, Eric Murphy, Bridget Cain, Darryl Thompson, Christine Harris, Cynthia Dorsey, Sheebah Maceeo, Donna Cotton, Patrick Cotton, Mark Brustman, Succatti Shaw, Yancy Taylor, Jr.

Were given an opportunity to speak; however, they were unavailable when called: Stacy E. Harris, Roman Butler, Claton Mandly, Onoreni Adeleke, Zetha Nobles, Rhonda Johnson

**Motion**

1. Affirm staff’s environmental determination.
2. Approve the Major Conditional Use Permit subject to the Findings and Conditions attached to this report;
3. Approve Regular Design Review for a new non-residential facility
  1. Motion by Comm. Jennifer Renk
  2. Seconded by Vice-Chair Sahar Shirazi

**Action:** 4 Ayes, 0 Noes.

<b>#5</b>	<b>Location:</b> Citywide
<b>Assessor’s Parcel Number:</b>	Citywide
<b>Proposal:</b>	<p>The City of Oakland (City) has released public review drafts of the Safety Element and the Environmental Justice (EJ) Element. The updated public review draft Safety Element provides a gameplan for addressing natural and human-caused disasters and improving our resilience to climate change impacts. The first-ever EJ Element for the City includes draft strategies and policies that focus on reducing pollution burdens on Oakland’s most vulnerable communities. Both the Safety and EJ Elements are accompanied by a Racial Equity Impact Analysis (REIA) that analyzes each Element to support the development of equitable policies that are concrete, data-driven, outcome-oriented, and problem-solving. Both the Safety and the EJ Elements aim to be rooted in an equity framework in accordance with the General Plan’s Vision Statement and Guiding Principles.</p> <p>The public review drafts of the Safety Element and the Environmental Justice Element are available on the Oakland 2045 General Plan Update website at: <a href="https://www.oaklandca.gov/topics/general-plan-update">https://www.oaklandca.gov/topics/general-plan-update</a> for a 90-day review period between March 24, 2023, to June 22, 2023. In addition, hard copies of the public review draft Safety and EJ Elements are available at the Main Branch of the Oakland Public Library’s Circulation Desk at 125 14th Street, Oakland, CA 94612.</p> <p>This agenda report highlights key information from the Draft Safety and EJ Elements. It summarizes the requirements from the State, outlines key environmental justice and safety issues in Oakland, lists select goals and policies included in each Element and provides updates on ongoing community engagement.</p>
<b>Applicant:</b>	City of Oakland

<b>Phone Number:</b>	N/A
<b>Owner:</b>	N/A
<b>Case File Number:</b>	<b>GP21002; ZA 23002; GP21002-ER01</b>
<b>Planning Permits Required:</b>	N/A
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	The City of Oakland's Bureau of Planning issued a Notice of Preparation (NOP) for a Draft EIR on March 30, 2022. The City has prepared a Draft EIR for the Project in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et. seq.) and the State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §15000 et. seq.). The 45-day comment period began on March 24, 2023, and ended on May 9, 2023, at 5:00 PM.
<b>Historic Status:</b>	N/A
<b>City Council district:</b>	All
<b>Status:</b>	The public review drafts of the Safety Element and the Environmental Justice Element are available for a 90-day review period between March 24, 2023, to June 22, 2023.
<b>Staff Recommendation:</b>	Conduct A Study Session On the Oakland 2045 General Plan Update Process As Follows: (A) Receive An Informational Presentation On The Public Review Draft Safety Element; (B) Receive An Informational Presentation On The Public Review Draft Environmental Justice Element; And (C) Provide Feedback to Staff On The Public Review Drafts Of Safety and Environmental Justice Elements.
<b>Finality of Decision:</b>	No decisions will be made at this meeting
<b>For further information:</b>	<b>Lakshmi Rajagopalan:</b> Phone: (510) 238-6751; email: <a href="mailto:generalplan@oaklandca.gov">generalplan@oaklandca.gov</a> .

**Case Planner** Lakshmi Rajagopalan, Daniel Finley, and Khalilha Haynes, gave a verbal and visual presentation of the project

**Applicants** Diana Benitas, Joslyn Gamma, and Jacob Burgess gave a verbal and visual presentation of the project. Commissioners provided questions and comments regarding item.

**Public Speakers:** • Dainiel Crockett

**No Motion required**

## 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.

- none

**COMMISSION BUSINESS**

- Approval of Minutes **Date:** May 3, 2023  
**Motion to approve:** Commissioner Ron Jones  
**Seconded by:** Commissioner Jennifer Renk  
**Action:** 4 Ayes, 0 Noes,
- Correspondence none
- City Council Actions: Brooklyn Basin went to second reading on May 16, 2023, 600 more units approved for the City of Oakland, and \$9 million negotiated in additional fees beyond impact fees for all the market rate units. Also, there are three appointments for planning commission moving forward.

**ADJOURNMENT**

Chair Fearn at 7:31 p.m.



**CATHERINE PAYNE**  
 Development Planning Manager  
 Planning and Building Department

**NEXT SPECIAL MEETING:** June 21, 2023