

City of Oakland

*Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza, Room 201
Oakland, California 94612*



CITY OF OAKLAND

Meeting Agenda - SUPPLEMENTAL

Tuesday, January 16, 2024

3:30 PM

City Council Chamber, 3rd Floor

*** Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council**

*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandca.gov>

PUBLIC PARTICIPATION

The Public May Observe And/Or Participate In This Meeting Many Ways.

OBSERVE:

- To observe, 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**
- To observe the meeting online from the **City's Agenda Meeting Calendar**, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/89857595264> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting ID: 898 5759 5264
If asked for a participant ID or code, press #.

PUBLIC COMMENT WILL BE TAKEN ON EACH ACTION ITEM. ALL MEMBERS OF THE PUBLIC WISHING TO SPEAK MUST FILL OUT A SPEAKER CARD FOR EACH ITEM. SPEAKERS' CARDS MUST BE RECEIVED BY THE CITY CLERK BEFORE THE ITEM IS READ INTO THE RECORD. COMMENTS ON ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM AT THE END OF THE MEETING.

ELECTRONIC SPEAKER CARDS/PUBLIC COMMENTS:

- **eComment.** To send your comment directly to Council members go to <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission closes twenty-four (24) hours before meeting start time.
- **To Comment In Person Members Of The Public Must Submit A Separate Speaker Card For Each Item On The Agenda To The City Clerk Before The Item Is Called.**
- **To Submit An Electronic Speaker Card, Members Of The Public Must (1) Visit The City Of Oakland Meeting Calendar Website At: <https://oakland.legistar.com/Calendar.aspx> (2) Click the hyperlink labeled 'eComment' in the far right column of the meeting you wish to participate, (You Will Be Redirected To The Specific Meeting Webpage); And (3) Register To 'Sign In To Speak' For Each Agenda Item(s) You Wish To Speak to.**

***To Be Recognized To Speak Via ZOOM, Speaker Cards Must Be Submitted and Received Before The City Clerk Reads the Item Into the Record.**

• Once You Have Submitted Your Speaker Card - Your Zoom Profile Name Will Be Acknowledged To Speak When Public Comment Is Taken. When your name is called please raise your hand in zoom (By Pressing “*9”) and Unmute Your Self By Pressing *6. You Will Be Permitted To Speak During Your Turn. Instructions On How To “Raise Your Hand” Is Available At: <https://support.zoom.us/hc/en-us/articles/205566129-raise-hand-in-webinar>.

Agenda Management Unit at cityclerk@oaklandca.gov

- Office of the City Clerk

DEFINITION OF TERMS:

• **Action Item:** shall mean any resolution, ordinance, public hearing, motion or recommendation requiring official vote and approval of the City Council to be effective.

• **Informational Item:** shall mean an agenda item consisting only of an informational report that does not require or permit Council action.

• **Consent Item** shall mean, for the purposes of the City Council agenda: 1) approval of Council minutes, and 2) any action or informational item placed on a Council agenda for a Regular Meeting or Special Meeting (i) as a Consent Item by the Rules and Legislation Committee, (ii) pursuant to Rule 28, or (iii) that a Standing Committee has forwarded to the full Council with unanimous recommendation for approval by the members who are present: Consent Item shall not include: 1) any item having a high level of public interest or controversy as determined by the Standing Committee Chair, or the Rules and Legislation Committee, or pursuant to Rule 28; 2) any item that requires a public hearing or that otherwise is ineligible by law as a Consent Item.

• **Non-Consent Item** shall mean, for the purposes of a City Council agenda for a Regular Meeting or Special Meeting, any action or informational item that: 1) a Standing Committee has forwarded to the full Council without unanimous recommendation for approval; 2) has a high level of public interest or controversy as determined by a Standing Committee Chair, the Rules and Legislation Committee, or pursuant to Rule 28; or 3) requires a public hearing or is otherwise ineligible by law as a Consent Item.

Pursuant to California Government Code § 54953: Mayor Thao Will Participate By Teleconference at:

Capital Hilton, 1001 16th St NW, Washington, DC 20036 (Business Center)

Pursuant to the Brown Act (Government Code section 54953), the agenda must be posted at the teleconference location, the teleconference location must be accessible to the public and members of the public must have the ability to observe the meeting and to comment on agenda items

1 Call To Order

2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Councilmember Carroll Fife, District 3; Councilmember Noel Gallo, District 5; Councilmember Kevin Jenkins, District 6; President Pro Tempore Dan Kalb, District 1; Councilmember Rebecca Kaplan, At Large; Councilmember Janani Ramachandran, District 4; Councilmember Treva Reid, District 7; Council President Nikki Fortunato Bas, District 2

3 ACTIONS ON SPECIAL ORDERS / PRESENTATIONS OF THE DAY

("Ceremonial Items")

Ceremonial presentations, including proclamations, individual recognitions, etc.; and Reports Or presentations from The Mayor, other public officials, or special guests.

- 3.1** Subject: Recognizing January 2024 As National Slavery And Human Trafficking Prevention Month
From: Councilmember Reid
Recommendation: Adopt A Resolution Recognizing January 2024 As National Slavery And Human Trafficking Prevention Month In The City Of Oakland
[23-0989](#)

Sponsors: Reid

Attachments: [View Legislation](#)

Legislative History

12/14/23 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

A Title Change Was Accepted

As A Ceremonial

S3.2 Subject: Resolution Honoring The Life Of Eddie Rudolph Dillard
From: Councilmember Fife
Recommendation: Adopt A Resolution Honoring And Celebrating The Life, Legacy, And
Invaluable Contributions Of Eddie Rudolph Dillard
[24-0004](#)

Sponsors: Fife

Attachments: [View Legislation](#)
[View Supplemental Legislation - 1/10/2024](#)

Legislative History

1/11/24	*Rules & Legislation Committee	Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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As A Ceremonial

**4 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS
(Requests With A Motion And Second To: Pull An Item From The Consent Calendar And
Reschedule As Non-Consent Item, Change The Order Of Items On The Non-Consent
Calendar,Reschedule Items From Consent To Non-Consent To The Next Council
Agenda, Request For Reconsiderations, Pull Items Held In Committee, Deletion Or
Deferral Of Items):**

5 CONSENT CALENDAR (CC) ITEMS:

5.1 Approval Of The Draft Minutes From The Meeting Of December 19, 2023
[24-0003](#)

Attachments: [View Report](#)

5.2 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
[24-0000](#)

Attachments: [View Legislation](#)

5.3 Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A
Local Public Health Emergency With Respect To Safe, Affordable Access To Medical
Cannabis In The City Of Oakland
[24-0001](#)

Attachments: [View Legislation](#)

5.4 Subject: Declaration Of A Local Emergency On Homelessness
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of The City's Homelessness
Crisis
[24-0002](#)

Attachments: [View Legislation](#)

5.5 Subject: Updates To The Conflict Of Interest Code
From: Office Of The City Clerk
Recommendation: Adopt An Ordinance Amending And Reenacting The City Of Oakland's
Conflict Of Interest Code (Ordinance No. 11562 C.M.S. Adopted March 23, 1993, As Last
Amended By Ordinance No. 13522 C.M.S. Adopted February 26, 2019, Codified As
Oakland Municipal Code Chapter 3.16) To Update The Designation Of Positions Covered
By The Code
[23-0979](#)

Sponsors: Office Of The City Clerk

Attachments: [View Report](#)
[View Legislation](#)
[View Appendix A, B And C](#)
[View Supplemental Legislation - 12/14/2023](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF
THIS ORDINANCE.*

*INTRODUCTION (First Reading) WAS PASSED ON DECEMBER 19, 2023; 7 AYES; 1
EXCUSED REID.*

Legislative History

12/7/23 *Rules & Legislation Scheduled to the * Concurrent Meeting of
Committee the Oakland Redevelopment Successor
Agency and the City Council

On Consent

*Pursuant to Rule 24, a statement was made on record as to the item bypassing
committee.*

12/19/23	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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5.6 Subject: Keeping Kids Close To Home Act And Clean-Up Planning Code Amendments
From: Planning And Building Department
Recommendation: Adopt An Ordinance (1) Amending Chapter 17.10 Of The Oakland
Planning Code, As Recommended By The Planning Commission, To Revise The
Definitions For Permanent Residential And Semi-Transient Residential Activity Types; (2)
Amending The Planning Code, As Recommended By The Planning Commission, To
Incorporate Various Clean-Up Items Related To The General Plan Update Phase I
Planning Code Amendment Package; (3) Amending The Existing Exemption From
Business Taxes For Family Daycares Under Section 5.04.263 Of The Oakland Municipal
Code To Conform With The Keeping Kids Close To Home Act (Senate Bill 234); And (4)
Making Related California Environmental Quality Act Findings
[23-0904](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)
[View Legislation](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF
THIS ORDINANCE.*

*INTRODUCTION (First Reading) WAS PASSED ON DECEMBER 19, 2023; 5 AYES; 3
EXCUSED FIFE, RAMACHANDRAN, AND REID.*

Legislative History

11/9/23	*Rules & Legislation Committee <i>And On The December 19, 2023 City Council Agenda As A Public Hearing</i>	Scheduled to the *Community & Economic Development Committee
12/12/23	*Community & Economic Development Committee <i>2 Speakers Spoke On This Item</i> <i>As A Public Hearing</i>	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
12/14/23	*Rules & Legislation Committee <i>As A Public Hearing</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

12/19/23 * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council Approved On Introduction and Scheduled for Final Passage to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
Councilmember Kaplan made a motion, seconded by Councilmember Jenkins, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan and Fortunato Bas; 2 Excused: Reid and Ramachandran,

Upon the reading of Item 8.3 by the City Clerk, the Public Hearing was opened at 11:41 p.m.

2 individuals spoke on this item.

At 11:53 p.m. Councilmember Kaplan made a motion, seconded by Councilmember Gallo, to approve the Ordinance on First Introduction and by the same motion close the Public Hearing, and hearing no objections, the motion passed by 5 Ayes: Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 3 Excused: Fife, Reid and Ramachandran

5.7 Subject: Commending And Honoring Mary Mayberry
From: Councilmember Fife And Department Of Workplace And Employment Standards
Recommendation: Adopt A Resolution Commending And Honoring Mary Mayo Mayberry For 25 Years Of Exemplary Service To The City Of Oakland And Congratulating Her Upon Her Well-Deserved Retirement

[23-0992](#)

Sponsors: Fife

Attachments: [View Legislation](#)

Legislative History

12/14/23 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
On Consent

ITEM 5.8 REGARDING A RESOLUTION HONORING THE LIFE OF EDDIE RUDOLPH DILLARD WAS MOVED TO CEREMONIAL ITEMS AND IS NOW ITEM S3.2

5.9 Subject: Appointments To The Bicyclist And Pedestrian Advisory Commission
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of David Ralston And Appointment Of Enjoleah Daye And Cynthia Herrera As Members Of The Bicyclist And Pedestrian Advisory Commission

[24-0006](#)

Sponsors: Office Of The Mayor

Attachments: [View Report And Legislation](#)

- 5.10** Subject: Appointment To The Community Policing Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Samuel Dawit As A Member Of The Community Policing Advisory Board
[24-0007](#)
Sponsors: Office Of The Mayor
Attachments: [View Report And Legislation](#)
- 5.11** Subject: Appointment To The Sugar-Sweetened Beverage Distribution Tax Community Advisory Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Lesley Latham As A Member Of The Sugar-Sweetened Beverage Distribution Tax Community Advisory Board
[24-0008](#)
Sponsors: Office Of The Mayor
Attachments: [View Report And Legislation](#)
- S5.12** Subject: Major Encroachment Permit At 532 16th Street
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ23056 To Adcock Joyner Preservation, LP, To Allow Portions Of Basement And Sidewalk Vaults To Encroach Into The Public Right-Of-Way Along 16th Street And San Pablo Avenue, Adjacent To 532 16th Street, And Adopting Appropriate California Environmental Quality Act Findings
[23-0988](#)
Sponsors: Transportation Department
Attachments: [View Report](#)
[View Legislation And Exhibits A And B](#)
[View Supplemental Legislation And Exhibits A And B - January 5, 2024](#)
- Legislative History**
- | | | |
|----------|--------------------------------|--|
| 12/14/23 | *Rules & Legislation Committee | Scheduled to the * Public Works And Transportation Committee |
| 1/11/24 | *Rules & Legislation Committee | Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council |
- On Consent*
- Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.*

S5.13 Subject: Acceptance Of Portable Air Filters From The Bay Area Air Quality Management District (BAAQMD)

From: Office Of The City Administrator

Recommendation: Adopt A Resolution Accepting Air Filtration Equipment Valued In An Amount Not To Exceed \$125,000 From The Bay Area Air Quality Management District (BAAQMD) To Provide Respite From Wildfire Smoke; And Accepting Additional Equipment And Funding That Becomes Available From BAAQMD Through December 31, 2027 In An Amount Not To Exceed \$625,000; And Authorizing The City Administrator To Execute An Agreement With BAAQMD To Receive Said Equipment And Funding

[23-0996](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Legislation](#)

Legislative History

1/11/24	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
	<i>On Consent</i>	

Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.

S5.14 Subject: Amendments To Sound Amplification Equipment Ordinance

From: Office Of The City Administrator And Councilmember Reid

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.56 (Sound Amplification Equipment) To Allow The City Of Oakland To Issue Up To Ten Permits Per Calendar Year For Amplified Sound Until Eleven O'clock (11:00) P.M. In The Oakland Coliseum For A Three-Year Pilot Period (2024-2026); And Adopting Appropriate California Environmental Quality Act Findings

[23-0581](#)

Attachments: [View Report And Attachments A And B](#)

[View Legislation](#)

ACTION ON THIS ITEM WILL RESULT IN INTRODUCTION (First Reading) OF THIS ORDINANCE.

FINAL PASSAGE (Second Reading) WILL OCCUR ON FEBRUARY 6, 2024.

Legislative History

6/29/23	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
	<i>Title Change read into record approved</i>	

7/13/23	*Rules & Legislation Committee <i>A Title Change was accepted</i>	Scheduled to the *Community & Economic Development Committee
12/7/23	*Rules & Legislation Committee <i>A Title Change Was Accepted</i>	Scheduled to the *Community & Economic Development Committee
1/9/24	*Community & Economic Development Committee <i>0 Speakers Spoke On This Item</i> <i>The CED Committee Approved The Recommendations Of Staff And To Forward This Item To The January 16, 2024 City Council Agenda On Consent</i>	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
1/11/24	*Rules & Legislation Committee <i>On Consent</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

S5.15 Subject: Accept And Appropriate Funding For Low-Income Home Electrification
Consistent With The Equitable Climate Action Plan
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And
Appropriate Funding For Low-Income Residential Electrification Projects And Related
Activities Totaling \$99,974.48 From The International Council For Local Environmental
Initiatives (ICLEI) And Habitat For Humanity East Bay Silicon Valley To Further The City's
Climate, Electrification, And Resilience Goals; And Making Appropriate California
Environmental Quality Act Findings
[23-0990](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)
[View Legislation](#)

Legislative History

12/14/23	*Rules & Legislation Committee <i>A Title Change Was Accepted</i>	Scheduled to the *Community & Economic Development Committee
1/9/24	*Community & Economic Development Committee <i>0 Speakers Spoke On This Item</i> <i>The CED Committee Approved The Recommendations Of Staff And To Forward This Item To The January 16, 2024 City Council Agenda On Consent</i>	Approved the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

1/11/24 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

On Consent

S5.16 Subject: 2023-2025 BSCC Officer Wellness And Mental Health Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate The Fiscal Years 2023-2025 Board Of State And Community Corrections Officer Wellness And Mental Health Grant Program Funds In The Amount Of Four Hundred Eighty-Three Thousand Thirty-Two Dollars And Eighty-Seven Cents (\$483,032.87) To Enhance Mental Health And Overall Wellness Of Oakland Police Officers

[23-0965](#)

Sponsors: Oakland Police Department

Attachments: [View Report](#)
[View Legislation](#)

Legislative History

11/30/23 *Rules & Legislation Committee Scheduled to the *Public Safety Committee

1/11/24 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

On Consent

Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.

S5.17 Subject: Lynne McDonald, Et Al. V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Lynne McDonald And David Barr V. City Of Oakland, Contra Costa County, And Does 1 Through 50, Alameda County Superior Court Case No. RG18931020, City Attorney File No. 32944, In The Amount Of Six Million Five Hundred Thousand Dollars And Zero Cents (\$6,500,000.00) (Department Of Transportation - Dangerous Condition Of Public Property)

[24-0020](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)
[View Legislation](#)

This item was placed on the agenda by the 1/11/2024 Rules and Legislation Committee.

This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.

Legislative History

1/11/24

*Rules & Legislation
Committee

Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

Councilmember Fife made a motion seconded by President Pro Tempore to approve the urgency finding on item 3.1 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting; Motion passed by 4 Ayes: Fife, Kalb, Ramachandran and Fortunato Bas

Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.

On Consent

ACTION ON THE NON-CONSENT CALENDAR PORTION OF THE AGENDA WILL COMMENCE AT 5:00 P.M., OR AS SOON THEREAFTER AS REASONABLY PRACTICABLE:

6 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

6.1 Subject: Appeal Of PLN20125 Residential Project At 1431 Franklin Street
From: Planning And Building Department
Recommendation: Conduct A Public Hearing, And Upon Conclusion, Adopt One Of The
Following Three Options:

1) A Resolution Denying The Appeal By Geoffrey Pete And Uphold The Planning
Commission's Environmental Determination And Approval Of Two Major Conditional Use
Permits And Regular Design Review For The Construction Of A 40-Story Residential
Tower With 381 Dwelling Units And An Above Grade Parking Garage At 1431 Franklin
Street, Oakland, CA (Project Case No. PLN20125); Or

Provided The City Council Can Make The Appropriate Findings, Either
[23-0802](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)
[View Attachment A1](#)
[View Attachment A2](#)
[View Attachment A3](#)
[View Attachment A4](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)
[View Supplemental Attachment A4 - 1/4/2024](#)

Legislative History

10/12/23	*Rules & Legislation Committee <i>A Title Change Was Accepted</i>	Continued to the *Rules & Legislation Committee
10/19/23	*Rules & Legislation Committee <i>The Committee Approved To Place This Item On The Rules And Legislation Committee Pending List - No Date Specific.</i>	Scheduled to the *Rules & Legislation Committee
10/26/23	*Rules & Legislation Committee <i>As A Public Hearing</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
11/30/23	*Rules & Legislation Committee <i>As A Public Hearing</i> <i>A Title Change Was Accepted</i>	* Withdrawn and Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

12/19/23

* Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the
City Council

Continued to the * Concurrent Meeting of the
Oakland Redevelopment Successor Agency
and the City Council

Councilmember Fife made a motion, seconded by Councilmember Gallo, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid and Ramachandran

Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened at 9:36 p.m.

14 individuals spoke on this item.

At 11:38 p.m. Councilmember Fife made a motion, seconded by Council President Fortunato Bas, to close the Public Hearing and by the same motion adopt the Resolution with the following amendments:

Of Attachment A4: Conditions of Approval

No. 13, Construction Management Plan, adding:

The CMP shall provide for the following:

(1) the CMP shall specify the proposed construction days and hours, which shall be consistent with the City's Standard Condition of Approval Number 34. The CMP shall include provisions for the consideration of the event schedule for the businesses located at 410 14th Street and 420 14th Street to ensure to the extent feasible that the project will avoid scheduling extensive construction stages (such as concrete pouring) during those businesses' scheduled events. A sign located at the Franklin Street frontage shall include the construction hours allowed onsite and project contacts for the community to contact regarding the construction. The project applicant's contractor shall have a decibel reader on-hand onsite to evaluate total noise levels during construction and to ensure noise attenuation measures are consistent with Standard Conditions of Approval Numbers 35 and 36 and Oakland Planning Code Section 17.120.050.

(2) the project applicant shall make commercially reasonable efforts to minimize construction staging and logistical barriers along the frontage of the Project Site.

(3) the project applicant shall undertake noise reduction and vibration reduction plans with a licensed acoustical engineer and shall submit said plans as parts of the CMP. The noise reduction plan shall include on-site noise monitoring stations during construction or shall demonstrate with documentation why on-site noise monitoring stations are not feasible.

(4) the project applicant shall not remove the existing fire escape on the south end of the property any earlier than reasonably necessary to maintain the project's construction schedule and shall give at least 14-days' notice to adjacent property owners at 410 14th Street and 420 14th Street prior to the removal. The developer shall maintain the fire escape access to 410 14th Street

throughout construction and after.

(5) The project applicant shall be required to include in the CMP protections from falling debris for neighboring sites.

(6) The CMP shall document that the applicant held a community meeting with the public providing an opportunity for the public to comment on the CMP.

(7) The neighboring properties are intended beneficiaries of the CMP.

No. 39, Exposure to Community Noise, adding:

The Noise Reduction Plan shall specifically consider and include measurements of noise generated during events occurring at the businesses located at 410 14th Street (Geoffrey's Inner Circle) and 420 14th Street (Complex Oakland) and shall provide recommendations for noise reduction measures to improve the building acoustic performance to achieve acceptable interior noise levels when these events are occurring. South-facing windows where residential units are located on the internal side of the wall shall at minimum have a Sound Transmission Class (STC) rating of 29 or shall be capable of reducing the interior noise levels to 45 dBA as specified above, whichever is greater. The STC rating for the building shall meet a minimum sound isolation requirement of STC 60.

No. 40, Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities, to read:

Requirement: The project applicant shall submit a Vibrations Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the buildings adjacent to the project site of 1431 Franklin Street including but not limited to the building at 410 14th Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction. These mandatory recommendations shall at minimum include the following: (I) vibratory rollers shall not be used; (II) no pile driving shall occur; and (III) large bulldozers and loaded trucks should maintain a minimum distance of 15 feet from sensitive receivers, or if not possible for the full length of construction, shall place limitations to the maximum extent feasible on any large bulldozers or loaded trucks within 15 feet from sensitive receivers.

No. 58 Public Art for Private Development, striking in full and replacing to read:

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution.

The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit. Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for the project unless a separate legally binding instrument is executed ensuring compliance within a timely manner subject to City approval.

The applicant has proposed, and by this condition shall be required, to distribute twenty percent (20%) of the project's public art requirement to the Malonga Casquelourd Center for the Arts Theater and the African American Museum and Library at Oakland (City-Owned Arts Facilities or Facilities), to be split equally between the two facilities. It would be the responsibility of the Facilities to obtain City approval for the capital improvement project and satisfy any City requirements for the application of the contributed funds.

The remaining portion of the public art requirement shall be met through the means provided in the Ordinance to be used to support of the Black Arts Movement and Business District with information on specific projects to return to City Council.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement Prior to Issuance of Building permit Installation of art/cultural space Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Adding new Condition of Approval No. 59, to read

59. Statement of Disclosure to Tenants

Requirement: The project applicant shall develop a statement of disclosure to be included on all leases acknowledging all existing entertainment uses adjacent to the property to ensure that residents are informed of the potential for sound emanating from these entertainment venues. The project applicant shall submit the draft statement of disclosure for review and approval by the Bureau of Planning. The statement described in this condition shall also be provided to any new owner(s) of the property and recorded against the Property so that it runs with the land to provide constructive notice to any successive owner(s) and is revocable only upon written consent of the City Administrator or their designee.

When Required: Development of Statement of Disclosure – Prior to Issuance of

*Building Permit; Inclusion of Statement of Disclosure in Leases – Ongoing.
Initial Approval: Bureau of Planning
Monitoring/Inspection: Bureau of Building*

*The vote on the motion was as follows:
4 Ayes: Fife, Kalb, Kaplan, and Fortunato Bas; 1 NO: Gallo; 1 Abstention:
Jenkins; 2 Excused/Absent: Reid and Ramachandran*

*Pursuant to charter sections 200 and 305(i), the absences and abstentions
were counted as “no” votes resulting in a tie vote (4 ayes and 4 noes) and the
item was continued to the January 16, 2024 to allow the mayor the option to
cast the tie breaking vote.*

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council
Consideration To Deny The Appeal With Additional Conditions; Or
[23-0981](#)

Legislative History

12/19/23 * Concurrent Meeting of the No Action Taken
Oakland Redevelopment
Successor Agency and the
City Council

*Councilmember Fife made a motion, seconded by Councilmember Gallo, to
open the Public Hearing, and hearing no objections, the motion passed by 6
Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid
and Ramachandran*

*Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened
at 9:36 p.m.*

14 individuals spoke on this item.

*At 11:38 p.m. Councilmember Fife made a motion, seconded by Council
President Fortunato Bas, to close the Public Hearing*

3) A Motion To Direct The City Administrator Or Designee To Prepare A Resolution For
Future City Council Consideration To Uphold The Appeal
[23-0982](#)

Sponsors: Planning & Building Department

Legislative History

12/19/23 * Concurrent Meeting of the No Action Taken
Oakland Redevelopment
Successor Agency and the
City Council
*Councilmember Fife made a motion, seconded by Councilmember Gallo, to
open the Public Hearing, and hearing no objections, the motion passed by 6
Ayes: Fife, Gallo, Jenkins, Kalb, Kaplan, and Fortunato Bas; 2 Excused: Reid
and Ramachandran*

*Upon the reading of Item 8.1 by the City Clerk, the Public Hearing was opened
at 9:36 p.m.*

14 individuals spoke on this item.

*At 11:38 p.m. Councilmember Fife made a motion, seconded by Council
President Fortunato Bas, to close the Public Hearing*

**ITEM 6.2 REGARDING THE 2022/23 CONSOLIDATED ANNUAL PERFORMANCE &
EVALUATION REPORT WAS WITHDRAWN FROM THIS AGENDA AND RESCHEDULED TO THE
FEBRUARY 13, 2023 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA
AND ON THE FEBRUARY 20, 2024 CITY COUNCIL AGENDA AS A PUBLIC HEARING**

S6.3 Subject: Vacate A Portion Of Sewer Easement At 2359 Harrison Street
From: Transportation Department
Recommendation: Adopt A Resolution Vacating A Portion Of The Public Sewer
Easement At 2359 Harrison Street To The Property Owner, NASH - Holland 24th And
Waverly Investors, LLC, And Adopting Appropriate California Environmental Quality Act
Findings
[23-0047](#)

Sponsors: Transportation Department

Attachments: [View Report](#)
[View Legislation](#)
[View Report - 12/27/2023](#)
[View Legislation And Exhibits A And B - 12/27/2023](#)
[View Supplemental Legislation - 1/11/2024](#)

Legislative History

1/26/23	*Rules & Legislation Committee <i>As a Public Hearing</i>	Scheduled to the *Public Works Committee
2/9/23	*Rules & Legislation Committee	Withdrawn with No New Date
12/14/23	*Rules & Legislation Committee	Scheduled to the * Public Works And Transportation Committee

1/11/24 *Rules & Legislation
Committee Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

As A Public Hearing

*Pursuant to Rule 24, a statement was made on record as to the item bypassing
committee.*

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

7.1 Subject: OPD Biannual Staffing Report
From: Oakland Police Department
Recommendation: Receive An Informational Report Of The Oakland Police Department's
2023 Biannual Staffing Levels As of September 30, 2023

[23-0838](#)

Sponsors: Oakland Police Department

Attachments: [View Report](#)

Legislative History

10/19/23 *Rules & Legislation
Committee Scheduled to the *Public Safety Committee

11/30/23 *Rules & Legislation
Committee * Withdrawn and Rescheduled to the *
Concurrent Meeting of the Oakland
Redevelopment Successor Agency and the
City Council

On Non-Consent

12/19/23 * Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the
City Council Continued to the * Concurrent Meeting of the
Oakland Redevelopment Successor Agency
and the City Council

0 Speakers Spoke On This Item

7.2 Subject: Informational Report Pursuant To Resolution No. 89906
From: Office Of The City Administrator
Recommendation: Receive An Informational Report In Response To Resolution No.
89906 On Prioritizing Public Safety

[23-0974](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)
[View Supplemental Report - 1/12/2024](#)

[View Attachment A](#)

[View Attachment B](#)

Legislative History

12/7/23	*Rules & Legislation Committee <i>On Non-Consent</i> <i>Pursuant to Rule 24, a statement was made on record as to the item bypassing committee.</i>	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
12/19/23	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council <i>0 Speakers Spoke On This Item</i>	Continued to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

OPEN FORUM

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 9:30 P.M., Except That The Council May Extend
The Time For The Meeting In One-Hour Increments By An Affirmative Vote Of 5
Councilmembers Up To 11:30 P.M. And By An Affirmative Vote Of 6 Councilmembers
Beyond 11:30 P.M.)

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policy for people with environmental illness or multiple chemical sensitivities, please
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**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL
AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE
CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM
8:30 A.M. TO 5:00 P.M.**