



City of Oakland

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

Meeting Minutes - DRAFT

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

Tuesday, December 3, 2024

3:30 PM

City Council Chamber, 3rd Floor

The Concurrent Meeting Of The Oakland Redevelopment Successor Agency and the City Council convened at 5:38 p.m., with Council President Fortunato Bas presiding as Chairperson.

The Roll Call Was Modified To Note Councilmember Jenkins Present At 5:44 p.m.

Councilmember Rebecca Kaplan Participated By Teleconference At: 1 Frank H. Ogawa Plaza, 2nd floor, suite 244, Oakland, CA 94612

AT 5:44 P.M. COUNCIL PRESIDENT FORTUNATO BAS RELINQUISHED THE CHAIR AND PRESIDENT PRO TEMPORE KALB PRESIDED AS CHAIRPERSON

1 Call To Order

2 ROLL CALL / CITY COUNCIL

Present 5 - Carroll Fife, Dan Kalb, Rebecca Kaplan, Treva Reid, and Nikki Fortunato Bas

Absent 1 - Noel Gallo

Excused 2 - Janani Ramachandran, and Kevin Jenkins

3 ACTIONS ON SPECIAL ORDERS 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

4 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS

(Requests To: Reschedule Items From Consent To Non-Consent To The Next Council Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

5 CONSENT CALENDAR (CC) ITEMS:

6 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

- 6.1 Subject: Approvals For The California College Of The Arts Redevelopment Project
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following
Pieces Of Legislation:

1) A Resolution Certifying The Final Environmental Impact Report For The California College Of Arts Campus Redevelopment Project Located At 5212 Broadway And Adopting Findings Concerning Environmental Impacts, Mitigation Measures, And Rejection Of Alternatives, And Adopting A Statement Of Overriding Considerations And A Mitigation Monitoring And Reporting Program, All In Accordance With The California Environmental Quality Act

[25-0203](#)

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C1](#)

[View Attachment C2](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Attachment G](#)

[View Attachment H](#)

[View Legislation](#)

[View Supplemental Legislation - 11/21/2024](#)

Council President Fortunato Bas made a motion, seconded by Councilmember Fife, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

Upon the reading of Item 6.1 (1) by the City Clerk, the Public Hearing was opened at 5:45 p.m.

27 individuals spoke on this item.

At 7:25 p.m. Councilmember Kalb made a motion, seconded by Councilmember Fife to close the Public Hearing and by the same motion adopt the Resolution, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid, and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

A motion was made by Dan Kalb, seconded by Carroll Fife, that this matter be Adopted. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

2) A Resolution Approving Text Amendments To The General Plan Land Use And Transportation Element To Change The Land Use Designation For The Parcel In Connection With The Project; And Making Appropriate CEQA Findings;

[25-0204](#)

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C1](#)

[View Attachment C2](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Attachment G](#)

[View Attachment H](#)

[View Legislation And Exhibit A](#)

[View Supplemental Legislation - 11/21/2024](#)

Council President Fortunato Bas made a motion, seconded by Councilmember Fife, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

Upon the reading of Item 6.1 (2) by the City Clerk, the Public Hearing was opened at 5:45 p.m.

27 individuals spoke on this item.

At 7:25 p.m. Councilmember Kalb made a motion, seconded by Councilmember Fife to close the Public Hearing and by the same motion adopt the Resolution, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid, and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

A motion was made by Dan Kalb, seconded by Carroll Fife, that this matter be Adopted. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

Subject: Approvals For The California College Of The Arts Redevelopment Project
From: Planning And Building Department
Recommendation: Adopt An Ordinance Approving A Rezoning Amendment To Change
The Zone Classification Of The Parcel From Mixed Housing Residential - 4 Zone (RM-4,
Height Area 35 And Neighborhood Commercial - 1 Zone (CN-1) Height Area 95 To
Community Commercial - 2 Zone (CC-2) Height Area 95 In Connection With The Project;
And Making Appropriate CEQA Findings

[25-0205](#)

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C1](#)

[View Attachment C2](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Attachment G](#)

[View Attachment H](#)

[View Legislation And Exhibits A And B](#)

[View Supplemental Legislation And Exhibits A And B- 11/21/2024](#)

Council President Fortunato Bas made a motion, seconded by Councilmember Fife, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

Upon the reading of Item 6.1 (3) by the City Clerk, the Public Hearing was opened at 5:45 p.m.

27 individuals spoke on this item.

At 7:25 p.m. Councilmember Kalb made a motion, seconded by Councilmember Fife to close the Public Hearing and by the same motion adopt the Resolution, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid, and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

A motion was made by Dan Kalb, seconded by Carroll Fife, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 12/17/2024. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

4) A Resolution (1) Approving The Combined Preliminary Development Plan/Final Development Plan, Design Review, Variance, Conditional Use Permit And Vesting Tentative Map, For The California College Of The Arts Campus Redevelopment Project (Project) Located At 5212 Broadway; (2) Authorizing The City Administrator To Amend The Façade Improvement Program (FIP) To Implement The Historic Resources Mitigation Measure Specific To The Project; And (3) Making Appropriate California Environmental Quality Act Findings

[25-0206](#)

Attachments: [View Report](#)

[View Attachment A](#)

[View Attachment B](#)

[View Attachment C1](#)

[View Attachment C2](#)

[View Attachment D](#)

[View Attachment E](#)

[View Attachment F](#)

[View Attachment G](#)

[View Attachment H](#)

[View Legislation](#)

[View Supplemental Legislation - 11/21/2024](#)

Council President Fortunato Bas made a motion, seconded by Councilmember Fife, to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

Upon the reading of Item 6.1(4) by the City Clerk, the Public Hearing was opened at 5:45 p.m.

27 individuals spoke on this item.

At 7:25 p.m. Councilmember Kalb made a motion, seconded by Councilmember Fife to close the Public Hearing and by the same motion adopt the Resolution As amended, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid, and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

The Item Was Approved With The Following Amendments To Condition #20, #23 and Added Condition #81 To Read:

- Of Condition #20: Deed Restriction For Property Security And Maintenance and On-Going Property Owner Responsibility

Last Sentence; Replacing the word ' at ' with ' patrolling'

- Of Condition #23: Interim Property Security and Maintenance Agreement:

Striking: 'Upon City staff and City Attorney approval, the proposed agreement shall be recorded by the applicant within thirty (30) days of City Staff approval with the Alameda County Recorder's office.' ; And,

The last 2 sentences to read: Documentation of insurance coverage shall include the written undertaking on a standard ISO form of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage. The interim Property Security and Maintenance Agreement shall terminate upon the earlier of recordation of the Deed Restriction for Property Security and Maintenance or expiration of the Planned Unit Development.

-Additional Condition Of Approval - #81: Interim Use Progress Reporting

Requirement: Applicant, in consultation with the CA College of the Arts (CCA) and the City of Oakland, shall provide a quarterly interim usage process report to the City showing all their efforts to secure active interim usage for this site. Applicant shall engage with local community groups and other interested parties on an on-going basis to identify and secure one or more interim usages prior to the issuance of demolition or building permits.

A motion was made by Dan Kalb, seconded by Carroll Fife, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

6.2 Subject: Master Site License Agreement For Solar And Battery Energy Systems At Critical Municipal Facilities
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance (1) Authorizing The City Administrator To Negotiate And Execute With AVA Community Energy (AVA), A California Not-For-Profit Joint Powers Authority (JPA), A Master Site License Agreement To Install, Operate, And Maintain Photovoltaic Solar And Battery Energy Storage Projects For A Commercial Operation Term Of Twenty-Five (25) Years Each Not To Exceed December 31, 2052, At A Rate Of Zero Dollars (\$0.00) Per Year And Subject To Potential Early Termination Damages For The Following Ten (10) Municipal Facilities: A. Oakland Ice Center At 519 18th Street; B. Oakland Municipal Services Center At 7101 Edgewater Drive; C. East Oakland Sports Center At 9161 Edes Avenue; D. 81st Avenue Public Library At 1021 81st Avenue; E. Main Public Library At 125 14th Street; F. Fire Station No. 1 At 1603 Martin Luther King Jr Way; G. Fire Station No. 3 At 1445 14th Street; H. Fire Station No. 15 At 455 27th Street; I. Fire Station No. 17 At 3344 High Street; And J. Fire Station No. 20 At 1401 98th Avenue; (2) Making Findings That The Licenses For A Below Fair Market Value Are In The Best Interests Of The City; And (3) Adopting Appropriate California Environmental Quality Act (CEQA) Findings
[25-0259](#)

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

Councilmember Jenkins made a motion, seconded by Councilmember Kaplan to open the Public Hearing, and hearing no objections, the motion passed by 6 Ayes: Fife, Jenkins, Kalb, Kaplan, Reid and Fortunato Bas; 1 Excused: Ramachandran; 1 Absent: Gallo

Upon the reading of Item 6.2 by the City Clerk, the Public Hearing was opened at 5:45 p.m.

1 individual spoke on this item.

At 7:33 p.m. Councilmember Jenkins made a motion, seconded by Councilmember Reid to close the Public Hearing and by the same motion Approve The Ordinance On First Introduction and Schedule Final Passage For Decemeber 17, 2024, and hearing no objections, the motion passed by 5 Ayes: Jenkins, Kalb, Kaplan, Reid, and Fortunato Bas; 2 Excused: Fife and Ramachandran; 1 Absent: Gallo

A motion was made by Kevin Jenkins, seconded by Treva Reid, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 12/17/2024. The motion carried by the following vote:

Aye: 5 - Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 2 - Fife, and Ramachandran

NO VOTE: 0

7 ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

8 This Item Regarding The " VISION Professional Services Renewal" Has Been Removed From The Agenda And Scheduled To The December 3, 2024 Special City Council Agenda Pursuant To Rule 28(a) Of Resolution 90066 C.M.S.

AT 7:36 P.M. PRESIDENT PRO TEMPORE KALB RELINQUISHED THE CHAIR AND COUNCIL PRESIDENT FORTUNATO BAS RESUMED PRESIDING AS CHAIRPERSON

- 10 Subject: Amendments To The Rent Adjustment And Just Cause For Eviction Ordinances
From: President Pro Tempore Kalb
Recommendation: Adopt An Ordinance (1) Amending The Rent Adjustment Ordinance To (A) Limit Banking Of CPI Rent Increases To Expire After Four Years And After Transfer Of Property; (B) Prohibit Rent Increases For Owners Delinquent On Business Taxes; (C) Extend Tenant Petition Deadlines From 90 Days To 180 Days And (2) Amending The Just Cause For Eviction Ordinance To Prohibit No Fault Evictions For Owners Delinquent On Business Taxes
[25-0185](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Report - 11/14/2024](#)
[View Supplemental Report - 11/26/2024](#)
[View Supplemental Legislation - 11/26/2024](#)
[View Supplemental Legislation - 12/5/2024](#)

23 Speakers Spoke On This Item

President Pro Tempore Kalb made a motion to approve the item as amended on First Introduction, and schedule for Final Passage for December 17, 2024.

THE MOTION TIED WITH A VOTE OF 4 AYES: Fife, Kalb, Kaplan, Bas; 1 NO: Jenkins; 1 ABSENT: Gallo; 1 EXCUSED: Ramachandran; 1 ABSTEINED: Reid

PURSUANT TO RULE 29 OF RESOLUTION 90066 C.M.S. COUNCIL'S RULES OF PROCEDURE, THE MAYOR JOINED THE MEETING TO CAST THE TIE BREAKING VOTE. MAYOR THAO VOTED AYE

With A Vote Of 5 Ayes, The Item Was Approved On First Introduction As Amended

Of Supplemental Legislation 11/26/2024,

8.22.070 Rent adjustments for occupied covered units; On page 11, Of Section H. Notice Required to Increase Rent or Change Other Terms of Tenancy; adding the following to subparagraph 2 c.

- i. If the rent increase includes Banking, a copy of a Current Business Tax Certificate;***
- ii. If the rent increase is based solely on the CPI Rent Adjustment, a copy of a Current Business Tax Certificate or a copy of a current payment plan with the City for delinquent business taxes.***

A motion was made by Dan Kalb, seconded by Nikki Fortunato Bas, that this matter be Approved As Amended On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 12/17/2024. The motion carried by the following vote:

Aye: 4 - Fife, Kalb, Kaplan, and Fortunato Bas

No: 1 - Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

Abstained: 1 - Reid

NO VOTE: 0

- 12** Subject: Repeal Of Nuisance Eviction Ordinance
 From: Office Of The City Attorney
 Recommendation: Adopt An Ordinance Repealing The Eviction For Nuisance And Illegal
 Activity Ordinance (Oakland Municipal Code Chapter 8.23) In Its Entirety
 [25-0316](#)

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

3 Speakers Spoke On This Item

A motion was made by Rebecca Kaplan, seconded by Carroll Fife, that this matter be Approved On Introduction and Scheduled for Final Passage to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 12/17/2024. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

- 9 Subject: Multi-Story Non-Ductile Concrete Seismic Retrofitting
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution Directing The City Administrator To Within Eighteen (18) Months (1) Study And Present To The City Council A Strategy For Developing A Citywide Program That Includes Mandatory Standards For Earthquake Hazard Reduction Of Existing Multi-Story Non-Ductile Concrete Buildings, And Developing An Inventory Of And Schedule For Mandatory Retrofitting Of Existing Multi-Story Non-Ductile Concrete Buildings, And (2) Present A Status Report On An Ordinance Requiring The Retrofitting Of Such Buildings In Order To Protect The Life And Safety Of Oakland Residents And Workers, With The Goal Of Presenting An Ordinance For The Program To The City Council Within Two Years
[25-0289](#)

Attachments: [View Report](#)
[View Legislation](#)
[View Supplemental Legislation - 11/26/2024](#)

1 Speaker Spoke On This Item

A motion was made by Dan Kalb, seconded by Rebecca Kaplan, that this matter be Adopted. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

- 11 Subject: Ordinance To Onsite Consumption
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance (1) Amending Oakland Municipal Code Chapters 5.80 And 8.30 By (A) Establishing Three Different Types Of Permits For Cannabis Consumption Lounges; And (B) Exempting Cannabis Consumption Lounges From The City's Existing Smoking Restrictions; And (2) Making Appropriate California Environmental Quality Act Findings
[25-0176](#)

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

On Non-Consent

4 Speakers Spoke On This Item

A motion was made by Rebecca Kaplan, seconded by Carroll Fife, that this matter be * Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 12/17/2024. The motion carried by the following vote:

Aye: 6 - Fife, Kalb, Kaplan, Reid, Fortunato Bas, and Jenkins

Absent: 1 - Gallo

Excused: 1 - Ramachandran

NO VOTE: 0

COUNCILMEMBER FIFE WAS NOTED ABSENT AT 9:30 P.M.,

COUNCILMEMBER KAPLAN WAS NOTED ABSENT AT 9:33 P.M.

OPEN FORUM / PUBLIC COMMENTS

4 Speakers Spoke During Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 9:30 P.M., Unless Extended By Majority Vote Of The Council)

There being no further business, The Oakland Redevelopment Successor Agency and the City Council adjourned the meeting at 9:41 p.m.

Americans With Disabilities Act

If you need special assistance, including translation services to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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.