



Oakland City Planning Commission

AGENDA

Amanda Monchamp, Chair
Tom Limon, Vice-Chair
Jonathan Fearn
Nischit Hegde
Clark Manus
Leopold Ray-Lynch
Sahar Shirazi

August 5, 2020

SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER 4-29-20, ALL MEMBERS OF THE PLANNING COMMISSION, CITY ATTORNEY AND PLANNING BUREAU PERSONNEL WILL JOIN THE MEETING VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.

The following are instructions on how the public may observe and/or participate in the Oakland City Planning Commission meeting:

OBSERVE BY: 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 * or via the city's website stream.

To observe the meeting by video conference, please click on this link:

You are invited to a Zoom webinar.

When: Aug 5, 2020 03:00 PM Pacific Time (US and Canada)

Topic: August 5, 2020 Planning Commission Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/95890099585>

Or iPhone one-tap :

US: +16699006833,,95890099585# or +14086380968,,95890099585#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782
or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 958 9009 9585

International numbers available: <https://zoom.us/j/95890099585>

Instructions on how to join a meeting by video conference is available at:

<https://support.zoom.us/hc/en-us/articles/201362193> Joining-a-Meeting



HOW TO COMMENT ON A PUBLIC MEETING:

Public comments will be taken at the time of the eligible Agenda item

If you are a Zoom video Conference participant To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129> – Raise-Hand-In-Webinar.

If you are a phone participant To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on an eligible agenda Item at the beginning of the item. You will then be unmuted during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> – Joining-a-meeting-by-phone. If you have any questions, please email Desmona R. Armstrong at Drarmstrong@oaklandca.gov

• **IMPORTANT THINGS TO REMEMBER DURING YOUR PUBLIC COMMENT PERIOD**

1. **ALL ATTENDEES SHALL BE MUTED UPON ENTRY**
2. Please do not raise your hand if the item currently being heard is not the item you wish to speak on. We will call for public testimony on each item individually. When the item you’re interested in is called and public speakers are invited to raise their hands, raise yours then and we will call them all in the order they’re raised.
3. You may of course speak on multiple items but your comments during each item must address the item currently under discussion. Speakers attempting to speak about items other than the item currently under consideration will be muted and asked to wait for the item they’re here to speak about to be called.

HOW TO ADDRESS THE PLANNING COMMISSION

- Please work with the case planner listed for each item prior to the meeting regarding items that may be continued. Any agenda item may be continued without the hearing on the matter being opened, or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.
- Staff reports are available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandca.gov (under “Planning Commission.”) You will need to ensure that your computer will accept pop-ups from the host site (oaklandca.gov) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please email Desmona Armstrong at Drarmstrong@oaklandca.gov.
- If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council 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. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.
- Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.



- Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Desmona Armstrong at Darmstrong@oaklandca.gov or 510-238-6343 at least **48 hours** prior to the meeting. We are unable to accommodate late material at this time.
- Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, comments must be provided electronically prior to the meeting being started.

MEETING CALL TO ORDER

ROLL CALL

WELCOME BY THE CHAIR

SECRETARY RULES OF CONDUCT

COMMISSION BUSINESS

- Agenda Discussion
- Director's Report
- Informational Reports Status Report on 2020 Mills Act Contract Recommendations
- Committee Reports
- Commission Matters Election of Chair and Vice-Chair
- City Attorney's Report

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.

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 indicate the case number and submit a self-addressed stamped envelope, for each case.

1.	Location:	Vacant lot on Tucker Street
	Assessor’s Parcel Number(s):	047 -5596-005-00
	Proposal:	Construction of a one-story commercial building and associated site improvements.
	Applicant:	Frank Coda / Green Farrow (914) 393-8293
	Owner:	Durant Commercial, LLC
	Case File Number:	PLN20074
	Planning Permits Required:	Regular Design Review for the construction of a one-story 2,200 square-foot commercial building (O.P.C.17.136.050(B)). Major Conditional Use Permit for a commercial activity containing a “Drive- through” non-residential facility (O.P.C.17.134.020 (A) (2)(b). Minor Variance to allow a 33’ front setback where 10’ is the maximum allowable (17.148.050).
	General Plan:	Community Commercial
	Zoning:	CC-2 Community Commercial 2 Zone
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303, New Construction Small Structures; 15183, Projects consistent with community plan, general plan or zoning
	Historic Status:	Not A Potentially Designated Historic Property (PDHP); OCHS Rating: Vacant Lot
	Action to be Taken	Pending
	City Council District:	VII
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact Case Planner Jose Herrera at (510) 238-3808 or by email at jherrera@oaklandca.gov .

2.	Location:	401 Alice Street
	Assessor’s Parcel Number(s):	001 -0153-007-00
	Proposal:	To establish a retail Beer and Wine bottle shop and a Beer and Wine Bar within the same location “Good Times Oakland” .



Applicant:	Said-Jon Eghbal for “Good Times Oakland” / 510-922-9722
Owner:	Stay Cal Oakland, LLC
Case File Number:	PLN20083
Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity in an over-concentrated area (Sec. 17.134.050 & 17.103.030 (B) (2) & (3).
General Plan:	EPP Waterfront Warehouse District
Zoning:	C-45 Community Shopping Commercial Zone
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities; 15183, Projects consistent with community plan, general plan or zoning
Historic Status:	Area of Primary Importance (API) Waterfront Warehouse District; Potentially Designated Historic Property (PDHP); OCHS Rating: Dc1+
Action to be Taken	Pending
City Council District:	III
Finality of Decision:	Appealable to City Council
For Further Information:	Contact Case Planner Jose Herrera at (510) 238-3808 or by email at jherrera@oaklandca.gov .

APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following the testimony, the Commission will vote on the staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision. Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

3.	Location:	584 14th Street; APN: 003 06901700
	Proposal:	Appeal of Zoning Manager’s Determination filed under DET190031, a status determination on the applicability of Oakland Municipal Code Chapter 17.153, demolition, conversion, and rehabilitation regulations for residential hotels.
	Appellants:	Zacks, Freedman, & Patterson, PC representing 584 14 th Street, LLC
	Phone Number:	(415) 956-8100
	Owner:	584 14th Street, LLC
	Case File Number:	DET190031-A01



Planning Permits Required:	Initial Usage Report required if the Zoning Manager’s Determination is upheld.
General Plan:	Central Business District
Zoning:	CBD-P
Environmental Determination:	The determination is not considered a project as defined by Section 15378 of the State CEQA guidelines, and therefore does not require CEQA review.
Historic Status:	Local Register, API: Downtown, OCHS Rating: B*1+
City Council district	3
Status:	The Zoning Determination Letter was mailed on October 21, 2019; Determination appealed on October 31, 2019.
Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager’s Determination to Deny the Statement of Exemption
Finality of Decision:	Final Decision, not Administratively Appealable per OMC Section 17.132.030
For further information:	Contact Case Planner, Brittany Lenoir at (510) 238-4977 or blenoir@oaklandca.gov.

COMMISSION BUSINESS

- Approval of Minutes
- Correspondence
- City Council Actions

ADJOURNMENT By 7:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: August 19, 2020