



Oakland City Planning Commission

MINUTES

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.

MEETING CALL TO ORDER

Chair Monchamp

ROLL CALL

Commissioner Present:

Clark Manus, Sahar Shirazi, Jonathan Fearn,
Leopold Ray-Lynch, Amanda Monchamp,
Tom Limon

Commissioners Excused:

Nischit Hegde

WELCOME BY THE CHAIR

Chair Monchamp

SECRETARY RULES OF CONDUCT

Secretary Payne announced that this her first meeting as official Secretary of the Planning Commission

COMMISSION BUSINESS

- Agenda Discussion

Monchamp requested to move Commission Matters to be first on the agenda to conduct Elections before the rest of the agenda. She will be absent the rest of the meeting.

Secretary Payne announced that regarding Item #3 Appeal: the appellant Has requested to continue the item.



- Director's Report

None

- Informational Reports Status Report on 2020 Mills Act Contract Recommendations

Betty Marvin gave report with a visual presentation

Motion: Commissioner Manus moved to accept the report as presented

Seconded by: Shirazi

Action: 5 Ayes, 0 Noes, 1 Absent

- Committee Reports

Manus gave DRC July 22, 2020 report on items on the agenda

- Commission Matters Election of Chair and Vice-Chair

Chair, Monchamp nominates Vice-Chair Limon as new Chair to the Planning Commission for the next year.

Vice-Chair Limon confirms and nominates Manus to Vice-Chair

Seconded by: Commissioner Shirazi

Action: 6 Ayes, 0 Noes

Monchamp moved to have Vice-Chair Limon as Chair for the remainder of the PC August 5, 2021 as she leaves for vacation. She will be absent the rest of the meeting.

Seconded by: Manus

Action: 6 Ayes, 0 Noes

- City Attorney's Report

Brian Mulry, Oakland City Attorney reported out that City Administrator has issued order #6.

1. It extends entitlements of projects that have not expired as of March 9, 2020 and are set to expire August 1, 2022. Extends the entitlement period for 2 years. This does not include maps but simply the entitlements, CUP's, PDP's, FDP's, etc.

2. Permits Covid testing facilities on public property regardless of zoning. If it is city owned property, the city may contract with a Covid-19 testing facility located on city property, by way of lease or license.

Manus requested that the list of projects set to expire be presented to the Commission.



OPEN FORUM

Public Speakers:

- 1. Assata Olugbala

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.

None

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 .

Case Planner: Jose Herrera gave a verbal description of the item

Applicant: Frank Coda, architect gave a visual presentation of the project and announced that the owner John is also present at the meeting.

Public Speakers:

1. Lisa Chan
2. Chaney Turner
3. Sara Stitt
4. Nicholas Riddick
5. Claudia Del Rio
6. Assata Olugbula
7. Paris Ivory
8. Ken Chan

Motion by: Fearn to Continue item to a date uncertain

Added Friendly Amendment to:

1. Applicant to have a meeting with the surrounding community
2. Item to return to Design Review Committee
3. Staff to bring forth historic intent of the property
4. Explore mitigants for noise

Seconded by: Shirazi confirming Friendly Amendments

Action: 4 Ayes, 0 Noes, 2 absent

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 .

Staff Planner: Jose Herrera gave a verbal description of the item

Applicant: Brian Brent, Good Times Oakland, gave a visual presentation with partner Jason Morgan

Public Speakers:

1. Saval Hauser.
2. Elizabeth Corsini
3. Simon Waddington.
4. Roz Romney
5. Dana Bushhouse
6. Marissa Dominguez.
7. Gary Norton
8. Ajax Green
9. Assata Olugbala.
10. Scott Forester
11. Jonathan F.
12. SDoug Davidson
13. Erin Coburn.
14. Kent Humphrey
15. Cole Strombom
16. Jason Morgan

Motion by Shirazi to:

1. Affirm staff’s determination
2. Approve the Major Conditional Use Permit with Findings of Public Convenience or Necessity in an over-concentrated area subject to the attached findings and conditions.

Seconded by: Manus

Action:

4 Ayes, 0 Noes, 2 Absent

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 .

Case Planner: Brittany Lenoir advised the commission that the appellant requested a continuance on this item.

Public Speakers: None

Motion by: Fearn to Continue item to a date uncertain

Seconded by: Manus

Action: 5 Ayes, 0 Noes, 1 Absent



COMMISSION BUSINESS

- Approval of Minutes December 18, 2019
Motion to Approve: Fearn
Seconded by: Shirazi
Action: 4 Ayes, 0 Noes

- Correspondence None

- City Council Actions None

ADJOURNMENT By **6:29 P.M.** unless a later time is agreed upon by a majority of Commissioners present.

A handwritten signature in black ink, consisting of a large, fluid, cursive loop.

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT REGULAR MEETING: August 19, 2020