



# Oakland City Planning Commission

Minutes

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

**February 3, 2021**

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 Limon

### **WELCOME BY THE CHAIR**

Chair Limon

### **ROLL CALL**

#### **Commissioners Present:**

Amanda Monchamp, Nischit Hegde, Sahar Shirazi,  
Jonathan Fearn, Leopold Ray-Lynch, Tom Limon

**Excused:** Clark Manus

#### **Staff Present:**

Catherine Payne, Brian Mulry, Desmona Armstrong,  
Heather Klein

### **SECRETARY RULES OF CONDUCT**

Catherine Payne

### **COMMISSION BUSINESS**

- Agenda Discussion None
- Director's Report None
- Informational Reports None
- Committee Reports Chair Limon reported that DRC met on Jan 27, 2021 with Discussion about 415 20<sup>th</sup> Street item (PLN20092)
- Commission Matters None



- 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**      1. John Withersmith

**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.

**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.

<b>1.</b>	<b>Location:</b>	<b>6501 Shattuck Avenue</b>
	<b>Assessor's Parcel Number:</b>	<b>016 142801102</b>
	<b>Proposal:</b>	Two Appeals of the Zoning Manager's Approvals: 1) to construct a 4-story mixed-use building with commercial space and parking on the ground floor and 18 residential units above; and 2) for two additional required permits for a Multifamily Dwelling Residential Facility and more than 20% of the required group open space on the roof which were not included on the previous public notice or original Decision Letter.
	<b>Applicant:</b>	Moshe Dinar (510)759-2133
	<b>Owner:</b>	Bruder, LLC
	<b>Appellant:</b>	Appellant 1) Chris Hall Appellant 2) Caitlin Stuart
	<b>Case File Number:</b>	<b>APL19003 and APL20010</b>
	<b>Original Case File Number:</b>	<b>CDV10185</b>
	<b>Planning Permits Required:</b>	Interim Conditional Use Permit for a density of 18 residential units where the General Plan allows for 31 units and the zoning only allows for 5 units; Minor Conditional Use Permit for a Multifamily Dwelling Residential Facility and parking to be setback less than 75 feet from the front property line, Regular Design Review for new construction; and Minor Variances to allow a 13-foot high garage podium structure to project 7 feet into the required 15-foot rear yard and for more than 20% of the group open space on the roof.
	<b>General Plan:</b>	Neighborhood Center Mixed Use
	<b>Zoning:</b>	Neighborhood Commercial - 3 Zone (CN-3 Zone) Zone was adopted by Ordinance (13064 C.M.S.) on March 15, 2011 and became effective thirty-days later on April 14, 2011.  <i>The previous zoning was the C-10 Local Retail Commercial Zone. This application was submitted and deemed complete prior to the zoning change that became effective on April 14, 2011. As such, the application was processed and approved under the property's previous C-10 zoning designation.</i>



<b>Environmental Determination:</b>	Exempt pursuant to the following sections of the State CEQA Guidelines: Section 15183.3: Streamlining for Infill Projects and Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning. A CEQA Analysis supporting the Exemptions were prepared and published on September 7, 2018. The analysis can be found on the City’s Environmental Review Documents webpage via the following link: <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020</a>
<b>Historic Status:</b>	OCHS Rating: Dc3
<b>City Council District:</b>	1
<b>Status:</b>	The original Zoning Decision Letter was mailed on January 18, 2019, and the Project was appealed by Chris Hall (Appellant 1) on January 28, 2019. The Zoning Decision Letter related to the two additional required permits was emailed on August 5, 2020, and the permits were appealed by Caitlin Stuart (Appellant 2) on August 17, 2020.
<b>Staff Recommendation:</b>	Deny the Appeals and uphold the Zoning Manager’s Decisions.
<b>Finality of Decision:</b>	The decision of the Planning Commission is final immediately pursuant to Planning Code Sections 17.134.060, 17.136.080, and 17.148.060.
<b>For Further Information:</b>	Contact case Planner <b>Heather Klein</b> at <b>(510) 238-3659</b> or <b>hklein@oaklandca.gov</b>

**Staff Member:** Heather Klein gave a verbal description of the project

**Appellant 1:** Chaun Lowe gave a PDF presentation.

**Appellant 2:** Guita Boostani gave a PDF presentation

**Applicant:** Anne Flanigan, Lighthouse gave verbal comments. Moche Dinar, Architect gave a PDF Presentation. Athan Magganas, Project sponsor gave verbal comments

**Public Speakers:**

1. Vibeke Norgrad	2. Ian C Martin	3. Jeffery Jensen	4. Claudine Mall	5. Mike Blume
6. Kelsey Piper	7. Darragh Howards	8. John Minot	9. Stephanie Beechem	10. Siegfried Mall
11. Aaron Eckhouse	12. Tom Muso Shortino	13. Liat Zavodivker	14. Nico Nagle	15. Derek Sugehorn
16. Tony Joaquin	17. Adriana Valencia	18. Ben Keller	19. Victoria Richey	20. Victoria Fierce
22. Don Link	23. Guita Boostani	24. Caitlin Stuart	25. Alex Quinterrez	26. Corey Cannon
27. Robert Morris	28. Drake Apablasa	29. Mararet Meyerhapner	30. Justin Clark	31. Ariele Scharff
32. Frank Rulio	33. Iris Sung	34. Owen Goetze	35. Paul Bickmore	36. Jennifer Foot
37. Robert Spragg	38. Justine Saunders	39. Kevin Burke	40. Kay Nilsson	41. Zac Bowling
42. Yar				

**Motion made by:** Commissioner Shirazi to Affirm staff’s environmental determination and Uphold the Zoning Manager’s decisions and CEQA determination based on the Findings and Conditions of Approval.



**Seconded by:** Commissioner Fearn

**Action:** 6 Ayes, 0 Noes

**COMMISSION BUSINESS**

- Approval of Minutes                      December 2, 2020 \* Continued from January 20, 2021 PC  
**Motion to Approve by:** Commissioner Shirazi  
**Seconded by:** Commissioner Ray-Lynch  
**Action:** 4 Ayes, 0 Noes  
  
August 21, 2019 \* Continued to PC February 17, 2021
- Correspondence                              None
- City Council Actions                        None

**ADJOURNMENT**                      at 6:15 P.M.

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

**NEXT SPECIAL MEETING:**                      February 17, 2021