



Oakland City Planning Commission

DRAFT
Minutes (online)

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

July 15, 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

by Chair Monchamp

ROLL CALL

Present: Monchamp, Limon, Fearn, Hegde, Manus
Ray-Lynch, Shirazi

Excused: None

Staff: Robert Merkamp, Ed Manassee, Desmona Armstrong,
Brian Mulry, Danny Thai, Heather Klein,
Christina Ferracane

WELCOME BY THE CHAIR

COMMISSION BUSINESS

- Agenda Discussion None
- Director’s Report None
- Committee Reports None
- 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: None

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.



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| 1. | Location: | Citywide |
| | Proposal: | Proposed pilot program to allow a single recreational vehicle to be occupied on undeveloped properties in all zones that permit residential activities with the exception of the S-9 Fire Safety Protection Combining Zone. The pilot program establishes a Temporary RV Occupancy Permit valid for one year, and includes health and safety requirements such as providing utilities, preventing blight, and maintaining habitable recreational vehicles. |
| | Applicant: | City Administrator |
| | Case File Number: | ZA20005 |
| | Planning Permits Required: | Oakland Municipal Code Amendment |
| | General Plan: | Citywide |
| | Zoning: | Citywide |
| | Environmental Determination: | This proposal is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), 15311 (Accessory Structures), 15322 (In Fill Development Projects), 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) |
| | City Council District | Each district |
| | Status: | Pending |
| | Action to be Taken: | Recommendation to City Council |
| | Staff Recommendation | Recommend Code amendments to City Council |
| | Finality of Decision: | Recommendation to City Council |
| | For further information: | Contact case planner Ed Manasse at 510 238-7733 or by e-mail at emanasse@oaklandca.gov |

Staff Member: Ed Manassee, Deputy Director of Planning gave the project description

Public Speakers: 1. Naomi Schiff 2. James Vann

Motion to approve made by: Commissioner Manus to affirm staff’s environmental determination and recommend that City Council approve the proposed Planning Code Amendments subject to the following items before any action is taken.

1. Identification of tenants’ rights in the application forms
2. Enforcement mechanisms undertaken by the City Administrator verses the Planning and Building Department
3. Tenant requirements and responsibilities
4. Squatter’s rights and stipulations
5. Property owners’ rights and responsibilities
6. Reporting of the issues raised relative to the potential conflicts in the program from property owners and tenants

Seconded by: Commissioner Fearn

Action: 6 ayes, 0 noes

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.

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| 2. | Location: | 2317 International Blvd (APN: 020 010500202) |
| | Proposal: | Appeal of the Zoning Manager’s Determination on the applicability of Oakland Municipal Code Chapter 17.153, demolition, conversion, and rehabilitation for residential hotels, and finding that the building is a Residential Hotel. |
| | Appellant: | Peter Smith / Patricia Smith, Smith LLP |
| | Phone Number: | 510-684-4598 |
| | Owner: | Patel Hasmukhbhai B & Leva Rashmika |
| | Case File Number: | DET190157-A01 |
| | Planning Permits Required: | Determination regarding Statement of Exemption, and subsequently, an Initial Usage Report Determination if the Zoning Manager’s Determination is upheld. |
| | General Plan: | Neighborhood Center Mixed Use |
| | Zoning: | CN-3 Zone |
| | Environmental Determination: | The proposal is not considered a project as defined by Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines, and therefore does not require CEQA review. |
| | Historic Status: | PDHP; Oakland Cultural Heritage Survey (OCHS) Rating: Ed2+; Area of Secondary Importance (23rd Avenue Commercial) |
| | City Council district | 5 |
| | Status: | The Zoning Determination Letter was mailed on January 15, 2020. The Determination was appealed on January 27, 2020. |
| | Staff Recommendation | Deny the Appeal and uphold the Zoning Manager’s Determination. |
| | Finality of Decision: | Final (not administratively Appealable pursuant to OMC Sec. 17.132.030) |
| | For further information: | Contact case planner Danny Thai at 510-238-3584 or dthai@oaklandnet.com |

Staff member: Danny Thai, case planner gave a Power Point presentation

Appellants: Patricia Smith gave a PowerPoint presentation



Public Speakers:

Motion made by: Commissioner Manus to deny the Appeal and uphold the Zoning Manager's Determination decision based on the evidence and documentation provided in the letter.

Seconded by: Commissioner Hegde

Action: 6 ayes, 0 noes

COMMISSION BUSINESS

- Approval of Minutes None
- Correspondence None
- City Council Actions None

Meeting concluded with sendoff for PC Secretary, Robert Merkamp, whom will resume his responsibilities within the Planning and Building Department as Zoning Manager. Catherine Payne will assume responsibilities as PC Secretary for all upcoming meetings.

ADJOURNMENT at 5:37 P.M.

ROBERT D. MERKAMP
Zoning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: August 5, 2020