



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

**July 7, 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.

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### **MEETING CALL TO ORDER**

Chair Limon

### **WELCOME BY THE CHAIR**

Chair Limon

### **ROLL CALL**

#### **Commissioners Present:**

Jonathan Fearn, Amanda Monchamp, Vince Sugrue,  
Clark Manus, Tom Limon

#### Commissioners Excused:

Sahar Shirazi, Leopold Ray-Lynch

### **SECRETARY RULES OF CONDUCT**

Catherine Payne gave an Open Forum Follow up regarding:

1. Commenter requested information to add street sweeping to a street. [Reply] Planning Commission does not govern street sweeping designations. Street sweeping is managed by the Oakland Public Works Department and can be accessed through the city's website.
2. Cloud Kitchen located at 5325 Adeline Street [Reply] Zoning Clearance was issued over the counter at the Planning & Building Department. If any issues are observed with the conduct of any permitted business the Enforcement Division should be contacted at 510-238-3381.

### **COMMISSION BUSINESS**

- Agenda Discussion                      None



- Director’s Report                               None
- Informational Reports                         None
- Committee Reports                            Manus gave a Design Review Committee Report from June 23, 2021
- 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.

**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>801-805 Washington</b>
	<b>Assessor’s Parcel Number:</b>	<b>001 020302700</b>
	<b>Proposal:</b>	Appeal of the Zoning Manager’s Determination filed under DET190030, a status determination on the applicability of Oakland Municipal Code Chapter 17.153, demolition, conversion, and rehabilitation regulations for residential hotels.
	<b>Applicant:</b>	Kai Eng and Paula Eng
	<b>Phone Number:</b>	(415) 828-5904
	<b>Owner:</b>	Kai Eng and Pamela Eng
	<b>Case File Number:</b>	<b>APL19023 (appeal of DET190030)</b>
	<b>Planning Permits Required:</b>	Initial Usage Report required if the Zoning Manager’s Determination is Upheld
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	CBD-P/S-7
	<b>Environmental Determination:</b>	The determination is not considered a project as defined by Section 15378 of the State CEQA guidelines, and therefore does not require CEQA review.
	<b>Historic Status:</b>	Local Register, API: Old Oakland, OCHS Rating: B*1+, Local Landmark (Gooch (A.J.) Block-Winsor House)
	<b>City Council district:</b>	3
	<b>Status:</b>	The Zoning Determination Letter was mailed on September 24, 2019, the Determination was appealed on October 4, 2019, the Appeal was heard at the June 17, 2020 Planning Commission Meeting and continued to a date uncertain to give Staff time to conduct a site visit and get more information on the existing uses.
	<b>Staff Recommendation:</b>	Deny the Appeal and uphold the Zoning Manager’s Determination to deny the Statement of Exemption.
	<b>Finality of Decision:</b>	Final Decision, not administratively Appealable pursuant to OMC Section 17.132.030.
	<b>For further information:</b>	Brittany Lenoir, Planner II, Phone: (510) 238-4977; Email: BLenoir@oaklandca.gov

**Planner:** Brittany Lenoir gave a verbal presentation of the project

**Appellant:** Kai and Paula Eng gave a brief presentation regarding the appeal



**Motion made Manus to:**

Deny the Appeal, thereby upholding the Zoning Manager’s Determination to Deny the Residential Hotel Statement of Exemption based on the findings and evidence in the Zoning Manager’s Determination, the June 17, 2020 Staff Report, the July 7, 2021 Supplemental Staff Report and all accompanying attachments.

**Seconded by:** Fearn

**Action:** 6 Ayes, 0 Noes

**COMMISSION BUSINESS**

- Approval of Minutes

**June 2, 2021**

**Motion to Approve:** Manus

**Seconded by:** Monchamp

**Action:** 5 Ayes, 0 Noes

**August 5, 2020**

**Motion to Approve:** Manus

**Seconded by:** Fearn

**Action:** 5 Ayes, 0 Noes

- Correspondence

None

- City Council Actions

Conditional use permit for City Council passed

**ADJOURNMENT at 4:04 P.M.**

**CATHERINE PAYNE**

Acting Development Planning Manager  
Planning and Building Department

**NEXT SPECIAL MEETING:**

July 21, 2021