



Oakland City Planning Commission

MINUTES

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

March 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

Commissioner Limon

WELCOME BY THE CHAIR

Catherine Payne

ROLL CALL

Commissioners Present:

Amanda Monchamp, Nischit Hegde, Sahar

SECRETARY RULES OF CONDUCT

COMMISSION BUSINESS

- Agenda Discussion None
- Director’s Report None
- Informational Reports 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: 1. David Peters

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.

1.	Location:	1396 5th Street (APN: 004-0069-004-00)
	Proposal:	Construct an eight-story residential building containing 222 dwelling units. The proposal would use the State Affordable Housing Density Bonus and will include 16 units designated as very-low income, and includes the use of a concession for the minimum required parking and development waivers for open space requirements.
	Applicant:	Scott Cooper / The Michaels Organization
	Phone Number:	(310) 709-1887
	Owner:	Oakland Housing Investors LP
	Case File Number:	PLN20-101



Planning Permits Required:	Regular Design Review for new construction, Minor Conditional Use Permit for driveway location, and Major Conditional Use Permit for a development project in excess of 100,000 square feet in the S-15 Zone. Tentative Parcel Map to merge the existing lots into one lot.
General Plan:	Community Commercial
Zoning:	S-15(W)
Environmental Determination:	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15182 – Specific Plan exemption; 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Qualified In-fill projects; and 15164 – Addendum to the 2014 certified West Oakland Specific Plan EIR; Each of the CEQA provisions provides a separate and independent basis for CEQA compliance. The CEQA Analysis may be reviewed on the City website at: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020
Historic Status:	Not a historic property
City Council district	3
Staff Recommendation	Approve the project subject to Conditions of Approval
Finality of Decision:	Appealable to City Council
For further information:	Contact Case Planner Pete Vollmann at (510)238-6167 or by email at pvollmann@oaklandca.gov

Staff Member: Pete Vollmann gave a verbal description of the project

Applicant: Scott Cooper, Mark Schirmer gave a PDF Presentation to introduce the project

Public Speakers: 1. David Peters 2. Kelilah Federman 3. Jason Gumattaotao 4. Tyler Schenk-Wasson 5. CM Carroll Fife, Oakland D3/Jason (liaison) 6. Assata Ogugbala

Motion: Made by Vice-Chair Manus to 1. Affirm staff’s environmental determination and adopt the attached CEQA Findings and 2. Approve the Conditional Use Permits, Design Review and Vesting Tentative Parcel Map subject to the attached findings and conditions.

Seconded: by Commissioner Shirazi

Action: 7 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/overturms 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.

2.	Location: 2783 E. 12 th Street (APNs: 025 069700714, 025 069700715, 025 069700204, 025 069700306)
	Proposal: Appeal of an Administrative Determination to reject an Appeal based upon insufficient payment by the Appeal deadline.
	Appellant: Randall Whitney
	Phone Number: (925) 298-5929
	Owner: Doolittle Williams, LLC
	Case File Number: DET200076-A01-A01
	Planning Permits Required: Appeal of an Administrative Determination
	General Plan: Mixed Housing Type Residential
	Zoning: M-30
	Environmental Determination: N/A
	Historic Status: Non-Historic Property
	City Council district 5
	Staff Recommendation Approval Subject to the Attached Conditions
	Finality of Decision: Final Decision; Not Administratively Appealable per Planning Code Section 17.132.030
	For further information: Contact case Planner Gregory Qwan at (510) 238-2958 or gqwan@oaklandca.gov

Staff Member: Gregory Quan gave a verbal presentation of the Appeal

Appellant: Randall Whitney gave a PDF presentation to the appeal

Applicant: John Kelvin, applicant representative, gave a verbal presentation

Motion: by Vice-Chair Manus moved to Deny Appeal DE200076-A01-A01 and Uphold the Zoning Manager’s Determination that Appeal DET 200076-A01 was not filed and paid in a timely manner, based on the substantial evidence presented in the staff report and the testimony provided at the Planning Commission Hearing.

Seconded: by Commissioner Shirazi

Action: 7 Ayes, 0 Noes



3.	Location:	584 14 th Street
	Proposal:	Appeal of Zoning Manager’s Determination filed under DET190031, a status determination on the applicability of Oakland Planning Code Chapter 17.153, demolition, conversion and rehabilitation regulations for residential hotels.
	Appellants:	Zacks, Freedman, & Patterson, PC
	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
	Staff Recommendation:	Deny the appeal, thereby upholding the Zoning Manager’s Determination to deny the Residential Hotel Statement of Exemption Application, based on the findings included as Exhibit C to the March 3, 2021 Supplemental Staff Report and the evidence cited therein, and the findings and evidence in the Zoning Manger’s Determination, the Staff Report, the Supplemental Staff Reports from October 21, 2020 and March 3, 2021, and the accompanying attachments.
	Finality of Decision:	Final Decision, Not Administratively Appealable per Planning Code Section17.132.030
	For further information:	Contact Case Planner; Brittany Lenoir at (510) 238-4977 or blenoir@oaklandca.gov.

Staff Member: Brittany Lenoir gave a verbal description of the appeal

Appellant: Alexis Pelosi, Mark Hulbert, and Ryan Patterson gave a verbal presentation of the appeal

Motion: by [redacted] 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 August 5, 2020 Staff Report, the October 7, 2020 Supplemental Staff Report, the March 3, 2021 Supplemental Staff Report and all accompanying attachments.

Seconded: by [redacted]

COMMISSION BUSINESS

- Approval of Minutes

February 3, 2021

Motion: to approve by Limon

Seconded: Fearn

6 Ayes, 0 Noes

December 4, 2019

Motion: to Approve by Manus

Seconded: Fearn



Action: 5 Ayes, 0 Noes

- Correspondence None
- City Council Actions
Comment made by Brian Mulry regarding CM, Kaplan's submission of a resolution to study a zoning change made by the City of Berkeley to the planning code as related to SFR zoning

ADJOURNMENT By **6:30 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 SPECIAL MEETING:

March 17, 2021