



Oakland City Planning Commission

MINUTES

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

October 20, 2021
SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, SECTION 54953(e), ALL MEMBERS OF THE PLANNING COMMISSION, BOARD MEMBERS/COMMISSIONERS, CITY ATTORNEY, AS WELL AS CITY STAFF, WILL PARTICIPATE VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.

MEETING CALL TO ORDER Manus

WELCOME BY THE CHAIR Manus

ROLL CALL

Commissioners Present:

Tom Limon, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Clark Manus, Leopold Ray-Lynch

Commissioners Excused:

Sahar Shirazi

Staff Present:

Catherine Payne, Secretary; Desmona Armstrong, PSR; Michael Branson, Deputy City Attorney; Jose Herrera, Planner

SECRETARY RULES OF CONDUCT Payne

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.

OPEN FORUM 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 contact the case planner for the specific agenda item.

1.	Location:	Surface Parking lot at 0 Tucker Street (corner of Tucker Street and International Boulevard)
	Assessor’s Parcel Number:	047-5596-005-00
	Proposal:	Construction of a one-story, 2,000 square-foot commercial building to accommodate a café, a drive-through lane, and associated site improvements.
	Applicant:	Frank Coda / Greenberg Farrow
	Phone Number:	(914) 393-8293



Owner:	Durant Square LLC
Case File Number:	PLN20074
Planning Permits Required:	Regular Design Review for the construction of a one-story 2,000 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 / RM-2 (Mixed Housing Types Residential-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 Potential Designated Historic Property (PDHP)
City Council district:	7
Status:	Pending
Staff Recommendation:	Approve with attached conditions of approval
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandca.gov

Staff Member: Jose Herrera gave shared a PDF and gave a description of the project

Applicant: Frank Coda and Chris Kinzel gave a PDF presentation of the project

Public Speakers: None

Motion by Limon to:

1. Affirm staff’s environmental determination.
2. Approve the Regular Design Review, Conditional Use Permit, and Variance subject to the attached findings and conditions.

Seconded by: Fearn

Action: 5 Ayes, 0 Noes, 1Recusal, 1 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.

COMMISSION BUSINESS

- Approval of Minutes **October 6, 2021, 2:00 PM**
 Motion to Approve: Manus
 Seconded By: Sugrue
 Action: 5 Ayes, 2 Absent

October 6, 2021, 3:00 PM
 Motion to Approve: Manus
 Seconded By: Sugrue
 Action: 5 Ayes, 2 Absent
- Correspondence None
- City Council Actions None

ADJOURNMENT at 3:41PM

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: November 3, 2021