



**Sahar Shirazi, Chair**  
**Vince Sugrue, Vice-Chair**  
**Jonathan Fearn**  
**Jennifer Renk**  
**Josie Ahrens**  
**Alex Randolph**  
**Natalie Sandoval**

**February 21, 2024**  
**REGULAR Meeting**

**BUSINESS MEETING**

**3:00 PM**

**Via: In-person**

**MEETING CALL TO ORDER**                      Chair Shirazi

**WELCOME BY THE CHAIR**                      Chair Shirazi

**ROLL CALL**

**Commissioners Present:**

Sahar Shirazi, Vince Sugrue, Jennifer Renk, Jonathan Fearn, Natalie Sandoval, Josie Ahrens, Alex Randolph

**Commissioner(s) Absent:** n/a

**Commissioner Randolph** was approximately 10 - 15 minutes tardy.

**Staff Present:** Robert Merkamp, Haneefah Rasheed, Neil Gray, Michael Branson, Brian Mulry

**SECRETARY RULES OF CONDUCT**

**SECRETARY MATTERS**                      none

**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:** 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.

**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>5315 College Avenue</b>
<b>Assessor’s Parcel Number(s):</b>	<b>014 124901103</b>	
<b>Proposal:</b>	Appeal of an approval of an addition and alteration to an existing commercial structure for a childcare (Community Education Civic) activity for 48 students.	
<b>Applicant:</b>	Mehdi Shafiei	

<b>Contact Person/ Phone Number:</b>	Mehdi Shafiei/(510)926-7745
<b>Owner:</b>	Mahta Marashi and Mehdi Shafiei
<b>Case File Number:</b>	PLN22189-A01
<b>Planning Permits Required:</b>	Minor Conditional Use Permit for a community education civic activity. Regular Design Review for alterations to an existing facility.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	Neighborhood Center Mixed Use – 1 (CN-1)
<b>Environmental Determination:</b>	Exempt pursuant to Section 15301 of the State CEQA Guidelines: Minor alterations to existing facilities; and Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
<b>Historic Status:</b>	Potential Designated Historic Property (PDHP): OCHS Survey rating: C3
<b>City Council District:</b>	1
<b>Status:</b>	The Zoning Manager’s decision letter was issued on October 12, 2023, and the project was appealed on October 20, 2023. Approval is pending as a result of the current appeal.
<b>Staff Recommendation:</b>	Deny the appeal and uphold the Zoning Manager’s decision
<b>Finality of Decision:</b>	The decision of the Planning Commission on the Major Conditional Use Permit and Regular Design Review is final except that the determination that the project is exempt from CEQA is appealable to City Council pursuant to California Public Resources Code Section 21151(c).
<b>For Further Information:</b>	Contact Case Planner <b>Neil Gray</b> at <b>(510) 238-3878</b> or by email at <a href="mailto:ngray@oaklandca.gov">ngray@oaklandca.gov</a>

**Case Planner Neil Gray** gave a verbal presentation of the project

**Applicant Matt Keysling** with Taylor & Wiley spoke on be-half of the appellants Jake & John Allen. Matt gave a verbal and visual presentation of the project.

**Medhi Shafiei** gave a verbal and visual presentation of the project.

**Ronnie Balta** represented Medhi Shafiei and gave a verbal and visual presentation of the project.

**John Cowee**, project architect, for Medhi Shafiei provided input on project.

Commissioners provided questions and comments regarding item.

**Public Speakers:** • John Cowee, Lovena Henry-Milard, Lawrence Moll, Casey Farmer, Ronnie Turner ceded time to Casey Farmer, Maxwell Davis, Deborah Jue, Jake Allen ceded time to John Allen, Nicholas Krause, David Gertler, Pang Ho, Bahman Zarechian

**Motion by Comm. Renk:**

1. Affirm staff’s environmental determination.
2. Deny the appeal with the additional Standard Condition of Approval described in staff’s response to Issue 2b and an additional condition of approval that would require the applicant to install the 8-foot wall as described in the staff report.

**Seconded by** Commissioner Fearn

**Action:** 7 Ayes, 0 Nays

**COMMISSION BUSINESS**

- Approval of Minutes

**Date:** February 7, 2024

**Motion to approve:** Commissioner Ahrens

**Seconded by:** Commissioner Fearn

**Action:** 5 Ayes, 2 Abstained

- Correspondence: none
- City Council Actions: none

**ADJOURNMENT** Chair Shirazi at 4:38 pm



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

**NEXT REGULAR MEETING:** March 6, 2024