

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
March 27, 2014**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Lawrence Cardoza. Commissioners present: Vanessa Kuemmerle, Steven Keller, Brad Gunkel, Gail Donaldson, and Sean Moss. Commissioner Kairee Tann arrived after roll call at 6:32 p.m.

II. PUBLIC COMMENT

None

III. ACTION RECAP – February 27, 2014

A motion was made to accept the February 27, 2014 Action Recap.

Moved: Keller

Seconded: Kuemmerle

Vote: Ayes: Keller, Kuemmerle, Cardoza, Tann, Donaldson, Gunkel
Abstained: Moss

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council. He noted that the City Council will hold interviews for applicants for Planning Commission on June 3 and 17, with the appointments to be made at the July 1 Council meeting. He reported that the Commission retreat for a tour of family-friendly housing projects has been set for Saturday, May 17, and suggested a time-frame of 10 am to 2 pm, including a stop for lunch. The Commission agreed with this suggestion.

Director Bryant reported on the status of 1258 Ocean Avenue, a two-unit residential project involving demolition of an existing single family home that was approved by the City Council in April 2007 and subsequently extended. A building permit application was filed in January 2011, and the permit was subsequently approved and ready to issue. However, the applicant was unable to secure financing to move forward with the project because the lender claimed that he was not the legal owner of the property. It then came to light that he had been the victim of a crime by which the property was fraudulently "sold" a number of times beginning on March 8, 2011 when a deed with a forged signature was recorded with the Alameda County Recorder. The perpetrators of this crime have now been caught and convicted, and the Alameda County District Attorney has sent a letter to the City requested that we "place the property rights back into the position held as of March 8, 2011". At that time, the planning permits were still valid and the building permit was under review. In response to the DA's request, Planning and Building staff will continue to process the building permit application under the building codes that were in effect in March 2011, and we expect to issue the building permit soon.

V. PUBLIC HEARINGS

A. TelePacific Wireless Antennas (DR14-001) – Consideration of a Major Design Review application to legalize existing wireless antennas on the rooftop of the Sheraton Four Points Hotel at 1603 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to

accessory structures; and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential and Regional Retail Overlay. Zoning Districts: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), Regional Retail Overlay (RR), and Pedestrian Priority Overlay (PP). (Applicant: NextWeb Inc., d/b/a TelePacific Communications)(Owner: Emeryville Hotel Development Venture, L.P., d/b/a Four Points Sheraton)(APN: 49-1515-7-5)

Sara Billing, Assistant Planner, presented the staff report, with staff’s recommendation for approval, and indicated that staff recommended an additional CEQA exemption: Section 15303, New Construction or Conversion of Small Structures.

Scott Sullivan, applicant, spoke briefly and responded to questions from the Commission.

The public hearing was opened. There was no one wishing to speak, the public hearing was closed.

Commissioner Kuemmerle made a motion to approve the application with an added condition stating that any new antennas would be screened, and would be no taller than the penthouse. There was no second for this motion.

A motion was made to approve the application as submitted, with the additional CEQA exemption recommended by staff.

Moved: Keller
Seconded: Cardoza
Ayes: Keller, Kuemmerle, Cardoza, Donaldson, Tann, Gunkel
Noes: Moss

- B. Marketplace Redevelopment Project, Phase IB (FDP13-001)** – Consideration of a proposed Final Development Plan (FDP) for a revised Phase IB of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. The revised Phase IB would include demolition of the United Artist Theater building and its replacement with interim surface parking; relocation of Shellmound Street to the west; and construction of approximately 26,000 square feet of retail space with approximately 660 parking spaces in a 5-level structure. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by City Council on January 15, 2008. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Planned Unit Development (PUD-2) (Applicant: City Center Realty Partners, LLC; Owner: AG-CCRP Public Market L.P.) (APNs: 49-1556-1; -2; and -3)

This item was continued to a future meeting.

VI. STUDY SESSIONS

- A. 6701 Shellmound Street Residential Development (“Nady” Site) (UPDR13-004)** – A second study session to review a proposed 211-unit residential development on a 2.27 acres site located at 6701 Shellmound Street. CEQA Status: Initial Study/Mitigated Negative Declaration being prepared. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR). (Applicant: AvalonBay Communities, Inc.)(Owner: Nady Trust U/D/T) (APN:49-1490-2)

Senior Planner, Miroo Desai, made the staff presentation and requested comments from the Commission regarding:

1. Mix of uses
2. Unit mix
3. Reduced Parking
4. Open space
5. Any other issues

Applicant, Conrad Garner and architect, Clay Fry, with MBH Architects, made a PowerPoint presentation.

The public comment period was opened.

Bobby Lee, resident of Bay Street, expressed traffic concerns. He requested the applicant consider a left turn pocket and questioned the space for additional vehicles.

Matt Weber said the project seems to be a vast improvement for the area. However, he stated the area to the north needs paving and that it is an uncomfortable area for bicyclists because there are no bike lanes.

The public comment period was closed.

Commissioner Comments

Generally, the Commission appreciated the revisions made by the applicant. In particular, the Commission liked the introduction of townhomes to the unit mix; variety of building materials; revised loading space and door; and the use of open space. The Commission expressed concern regarding use of chain link fence, height of infiltration planters, reduction of 3-bedroom units and potential further reduction of 2-bedroom units to meet courtyard requirements. It was suggested that the central circle function as an atrium with balconies; the possibility of introducing a stair from the courtyard on the south side similar to the proposed stair on the north; daylighting the corridors particularly on the east; indentation of windows; and inclusion of a car-share pod and bike share program. Most Commissioners wanted to see additional documentation on why commercial uses would not be feasible in this area. A suggestion was made to open the dog spa and the bike spa to the general public and not restrict them to the residents of the building. A desire for a crosswalk on Shellmound and the possible need for a left-turn pocket on Shellmound were expressed by several Commissioners.

There was a break from 9:15 p.m. to 9:24 p.m.

- B. Housing Element of the General Plan (STUDY14-001)** – A study session to review initial housing needs assessment findings and discuss policy direction for the 2014-2022 Housing Element. CEQA Status: An addendum to the General Plan EIR will be prepared.

Diana Keena, Associate Planner, Catherine Firpo, Economic Development Coordinator, and Planning Consultant, Kim Obstfeld, made the staff presentation.

The public comment period was opened. There was no one wishing to speak, the public comment period was closed.

Commissioners inquired about the housing needs of persons with developmental disabilities and discussed how the City might encourage developers to provide ownership housing.

Regarding persons with developmental disabilities, staff noted that Regional Centers (state-sponsored organizations that support persons with developmental disabilities) have long been moving away from an institutional model in favor a scattered-site approach. This can be supported through the incorporation of accessibility features in standard units. In addition, the City may assist by identifying sites that may be appropriate for developments that specifically serve disabled persons.

Regarding owner-occupied housing, a Commissioner suggested that since the Affordable Housing Set Aside Ordinance is currently only applicable to for-sale developments, it may serve to discourage developers from building for-sale developments. Staff noted that upcoming consideration of a housing impact fee may serve to address this issue. A question also arose regarding the applicability of ASHA to rental developments that record a condominium map. Staff is reviewing this issue.

VII. ADMINISTRATIVE ITEM

- A. Capital Improvement Program** - Review of the proposed Five Year Capital Improvement Program for Fiscal Years 2014-15 through 2018-19, for consistency with the Emeryville General Plan pursuant to California Government Code Section 65403(c).

Senior Planner, Miroo Desai, presented the staff report and requested the Commission pass a resolution finding the CIP to be consistent with the General Plan.

Commissioners expressed a desire for public art projects to mark city gateways, and to be more involved in the formulation of the CIP in future years.

A motion was made to find the CIP to be consistent with the General Plan.

Moved: Donaldson

Seconded: Moss

Votes: Ayes: Donaldson, Gunkel, Keller, Kuemmerle, Tann, Moss, Cardoza

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT – 10:25 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, APRIL 24, 2014 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.