

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
April 24, 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, Sean Moss and Kairee Tann. Commissioner Gail Donaldson had an excused absence.

II. PUBLIC COMMENT

None

III. ACTION RECAP – March 27, 2014

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

Moved: Keller

Seconded: Moss

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

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He noted that the Planning Commission retreat was scheduled for Saturday, May 17 from 10 a.m. to 2 p.m. and would include visits to several affordable, family-friendly projects in Berkeley and Oakland. He announced the dates, times, and locations of three upcoming community workshops on the Emeryville-Berkeley-Oakland Transit Study (EBOTS). He stated that he would be attending the American Planning Association National Planning Conference in Atlanta the following week.

V. STUDY SESSION

- A. Impact Fees** – A study session to review proposed traffic, park, general government facility, and affordable housing impact fees.

Helen Bean, Housing & Development Director, made a PowerPoint presentation and responded to questions from the Planning Commission.

The public comment period was opened.

Ben Marsh of Ben Marsh and Associates commented on the Impact Fees.

Pilar Lorenzana-Campo with a non-profit housing organization spoke on the affordable housing impact fee portion. She stated her approval of the fee and commented on the vital importance of this fee to minimum paid workers and other citizens who could not afford the high cost of housing.

Nur Kausar, also with a non-profit housing organization, said she supports affordable housing and staff's recommendation regarding the impact fees.

Tim Frank with the Center for Sustainable Neighborhoods, said he supports the affordable housing fee.

Geoff Sears, with Wareham Development, spoke in favor of the housing impact fee. He stated you get what you pay for and Emeryville has a reputation for doing things quick and better than other cities. But we should not increase fees just because of what other cities are doing. He said the increased fees are a good idea, but Emeryville should be able to say we are more attractive than other cities because our fees are not as high.

The public comment period was closed.

The Commissioners complimented staff on doing a great job with this this Impact Fee proposal. Several Commissioners believed the fees should be lowered to maintain Emeryville's competitiveness with other cities, especially in light of the fact that Emeryville does not have a BART station. Other Commissioners supported staff's recommendation and commented that the fees were appropriate, noting that the residential rental market was strong enough to bear the affordable housing fee. Also concerns were expressed regarding smaller project not being charged too much. They are concerned that the fees will hurt smaller projects. A suggestion was made that there be some type of consideration given to small projects, perhaps revisiting the fees on an annual basis to ensure that we account for changing conditions and to ensure that we get the most benefit and highest quality development for Emeryville. There were additional comments of the possibility of the fees driving down the quality of the projects by the applicants trying to cut corners and using inferior materials.

There was a five minute break 7:50 pm. To 7:55 p.m.

VI. PUBLIC HEARINGS

- A. 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 relocation of Shellmound Street to the west and construction of approximately 26,000 square feet of retail space with approximately 642 parking spaces in a 5-level structure. A tree removal permit to remove 18 street trees is also part of the proposal. 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 later meeting.

- B. Hyatt Place Hotel at Bay Street (FDP13-002)** – Consideration of a proposed Final Development Plan (FDP) for a six story, 171-room hotel (Hyatt Place) in accordance with the Preliminary Development Plan (PDP) approved for the South Bayfront Retail/Mixed Use Project (Site A) by the City Council on September 14, 1999. CEQA Status: Final Environmental Impact Report for the South Bayfront Retail/Mixed Use Project certified by the City Council on February 2, 1999. General Plan Land Use Classification: Mixed Use with Residential. Zoning District: Planned Unit Development (PUD-4)(Applicant: Ensemble Hotel Partners, LLC)(Owner: Madison Bay Street , LLC) (APN:49-1038-17)

The staff presentation was made by Senior Planner Miroo Desai. She noted that a letter had been received from labor organization Unite Here Local 2850, and that staff had prepared written responses to the points raised in the letter. Also in response to this letter, staff is recommending the following modifications to the conditions of approval:

- Condition V.A.1 is modified to provide more detail as to what is to be included in the Site Security Management Plan.
- Condition V.A.2 is modified to provide more detail as to safety measures required by the Fire Department.
- Condition V.B.2 is modified to reference condition V.A.2.
- Condition VI.A.1 is modified to increase the required minimum number of vehicular parking spaces from 140 to 150.

In addition, staff is recommending the following modifications to the conditions:

- Condition VI.A.4 is modified to reference the revised Figure 10 of the Traffic Report dated April 24, 2014.
- Condition VII.A.5 is modified to clarify that building height is measured to the top of the roof.

Ms. Desai also noted that the applicant has submitted a letter protesting the following conditions of approval:

- Condition IV.A.1.a. Construction of a sidewalk on the north side of Christie Avenue between Shellmound and Bay Streets including street trees, irrigation system, and street lights.
- Condition IV.A.1.c. Widening of the sidewalk on the south side of Christie Avenue between Shellmound and Bay Streets.
- Condition VI.C.4. Monitoring future traffic operations at the Bay Street/Christie Avenue intersection.

She stated that staff does not recommend deleting or modifying these conditions.

The applicant made a PowerPoint presentation and responded to questions from the Commission.

The public hearing was opened.

Robert Lee, Emeryville resident, said the hotel has to work in context with Bay Street. Adding sculpture on the ground floor or a glass tower would be an excellent addition. He expressed traffic concerns and stated delivery trucks may become an issue.

The public hearing was closed.

The Commission deliberated at length about the project and conditions of approval. The following additions to the conditions were discussed:

- Separate dimmers for each of the large “Hyatt Place” signs at the top of the building, to be dimmed to the satisfaction of the Planning Director if complaints are received.
- Elimination of the rear vestibule door.
- AC Transit passes for hotel employees
- Planter strips along both sides of Bay Street.
- Doors of the hotel to remain unlocked during normal Bay Street business hours.

- Replacement of Swiss Pearl material with sealed Epay.

Staff clarified that the following items are already included in the recommended conditions and do not need to be added:

- Secure bicycle parking.
- Wrought iron fence along the railroad tracks in place of the concrete wall proposed by the applicant.
- Recommendations from the traffic report are included as conditions, including motorcycle parking.

The Commission agreed that the traffic monitoring condition should be deleted as requested by the applicant. There was much discussion about the conditions requiring sidewalk improvements. Options included not requiring the applicant to improve the sidewalk on the south side of Christie Avenue; to fix the “pinch point” on the south side by relocating a street light; to require the full improvements on the south side of Christie Avenue; to require only sidewalk improvements on the north side without street trees, irrigation system, and street lights; or to require the full improvements on the north side. Director Bryant suggested that the Commission consider making the sidewalk on the north side of Christie Avenue a condition of approval of the hotel, and defer on the sidewalk improvements on the south side of Christie Avenue, making that a condition of approval of the Bay Street easement relocation application by Madison Marquette that is expected to come to the Commission for approval at the May 22 meeting.

Commissioner Moss made a motion to approve the project with the following modifications to the conditions:

- Changes recommended by staff
- Eliminate the traffic monitoring requirement
- Requiring sealed Epay in place of Swiss Pearl
- Keeping the hotel doors unlocked during normal Bay Street business hours.

In response to questions from other Commissioners and staff, he clarified that his motion did not include elimination of the condition requiring sidewalk improvements on the south side of Christie Avenue, nor elimination of the condition requiring a wrought iron fence along the railroad. This motion was not seconded.

Commissioner Keller made a motion the same as Commissioner Moss’s, but with the sidewalk improvements on the south side of Christie Avenue to be deferred until approval of the easement relocation by Madison Marquette. Commissioner Tann seconded the motion.

Commissioner Kuemmerle made a substitute motion to approve the project with the following conditions:

- AC Transit passes
- Secure bicycle parking
- Planting strips along Bay Street
- Full sidewalk improvements on both sides of Christie Avenue
- Keeping the hotel doors unlocked during normal Bay Street business hours.

Commissioner Moss said he would second the motion if Commissioner Kuemmerle would accept a friendly amendment to require sealed Epay in place of Swill Pearl.

Commissioner Kuemmerle agreed and the substitute motion was seconded with Commissioner Moss's amendment.

Commissioner Keller said he would withdraw his motion and make a friendly amendment to Commissioner Kuemmerle's motion to include complete sidewalk improvement on the north side of Christie Avenue and only relocation of the street light on the south side.

Commissioner Gunkel offered a friendly amendment to require that the glazing in the corner wedge volume be of a light bluish tint and be more transparent than reflective, with the spandrel panels the same tint but more opaque. Commissioner Kuemmerle accepted this amendment.

Commissioner Kuemmerle said she would like to take a straw vote on whether to require full improvements to the sidewalk on the south side of Christie Avenue. However, before the straw vote could be taken, the applicant addressed the Commission, said they had had a "sidebar" discussion with Madison Marquette, and agreed that they would do the full sidewalk improvements to both sides of Christie Avenue and would split the cost with Madison Marquette. The Commission and staff thanked them for their cooperation.

Staff was asked to recap the status of the motions and conditions. Staff stated that Commissioner Keller's motion had been withdrawn so that Commissioner Kuemmerle's motion, as seconded by Commissioner Moss and amended by Commissioner Gunkel, was the only motion on the floor, and included the following modifications to the conditions of approval:

- Staff recommended changes to conditions
- Full sidewalk improvements on both sides of Christie Avenue
- Eliminating traffic monitoring at the Bay Street/Christie Avenue intersection
- AC Transit passes for hotel employees
- Planted parking strips along Bay Street
- Hotel doors to remain unlocked during normal Bay Street business hours
- Sealed Epy to replace Swiss Pearl material
- Signs at the top of the building to be separately dimmable
- Elimination of the rear vestibule door.
- Glass in the corner wedge element to be light bluish tint and more transparent than reflective, with spandrel glass of the same tint but more opaque.

The Commission agreed that this was the status of the motion on the floor.

In response to a question from Commissioner Keller, Assistant City Attorney Michael Guina said that he was satisfied that the comments from Unite Here Local 2850 had been adequately addressed.

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

- C. **East BayBridge Façade Improvements (DR14-003)** – Consideration of a Major Design Review application to modify the façade of existing and resubdivided tenant spaces at 3839 Emery Street in the East BayBridge Shopping Center. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to existing facilities; 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 Classifications: Mixed Use with Residential and Regional Retail Overlay. Zoning Districts: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), Transit Hub Overlay (TH), and Pedestrian Priority Overlay (PP). (Applicant: Federal Realty Investment Trust)(Owner: East Bay Bridge Retail, LLC)(APN: 49-619-5).

Sara Billing, Assistant Planner, presented the staff report with staff's recommendation for approval.

The property owner, Marty Potts, thanked the staff for getting the project to the Commission so expediently.

The public hearing was opened.

Robert Lee, Emeryville resident, expressed safety concerns with the wide intersection between the proposed project and Home Depot. It is very dark in this area and more light should be installed.

The public hearing was closed.

The Commissioners agreed that it is critical to do something with that intersection and fast traffic in general in the shopping center. They agreed that bulb-outs is one way to solve the problem. Care should be taken so that the lighting does not create a nuisance at night. However, the parking lot lighting is a necessity. People need to feel safe. It was suggested the landscaping include some trees. There was concern with the material and color of the awning. A suggestion was made to add bike lockers and bike racks between the wall and GNC. They expressed disappointment with the overall design and requested the applicant make improvements and bring back to the Commission at a later meeting.

Assistant Attorney, Michael Guina, said that when the project is brought before the Commission again, there would be a public hearing so that the public can comment on the new design.

The item was continued at the direction of the Chair.

VII. COMMISSIONERS COMMENTS

None

VIII. ADJOURNMENT – 11:15 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, MAY 22, 2014 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.