

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
September 24, 2015**

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Brad Gunkel, Chair. Commissioners present: Lawrence Cardoza, Gail Donaldson, John Bauters, Sam Kang and Sean Moss. Commissioner Steven Keller had an excused absence.

II. PUBLIC COMMENT - None

III. ACTION RECAP – June 25, 2015 and July 23, 2015

Commissioner Cardoza moved approval of the June 25, 2015 action recap. Commissioner Donaldson seconded. The motion was approved without exception, with Commissioners Bauters and Kang abstaining.

Commissioner Bauters noted a correction to the July 23, 2015 action recap on page 3 there is a reference to Commissioner Keller being recused, but he actually participated. Commissioner Bauters moved approval of the July 23, 2015 action recap with this correction. Commissioner Donaldson seconded. The motion was approved without exception, with Commissioner Moss abstaining.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He also mentioned that the EmeryStation Greenway building at 5800 Hollis Street has now been leased to Stanford Health Care, which has applied for a building permit for tenant improvements; proposed modifications to the Hollis Street frontage will be coming to the Commission for design review in the next few months.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioners Cardoza and Bauters indicated they had conversations with the potential developer of the Nady site. Commissioner Kang indicated that he had a conversation with Councilmember Martinez.

VI. PUBLIC HEARINGS

- A. Marketplace Tentative Map (SUBDIV15-002)** – Consideration of a Major Subdivision permit for a Tentative Map reconfiguring four existing parcels to create eight new parcels on a 13.88 acre site and to realign Shellmound Street and create 62nd Street, 63rd Street and Market Drive consistent with the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. The project involves removal of 19 street trees. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by the City Council on January 15, 2008. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Owners: AG-CCRP Public Market L.P.; City of Emeryville) (Applicant: AG-CCRP Public Market L.P.) (APNs: 49-1493-1; 49-1556-1; -2; -3 and -4)

This item was continued to the meeting of October 22, 2015.

- B. Regulations and Development Bonuses for Multi-Unit Residential Uses (ORD15-001 and GPA15-001)** – Consideration of amending the Planning Regulations in Title 9 of the Emeryville Municipal Code to establish provisions for Multi-Unit Residential development, including regulations for unit mix and family-friendly design, and incentives for affordable housing and ownership housing, with modifications to the development bonus point system; amending the General Plan to reduce the base levels for floor area ratio, building heights, and residential densities; and increasing the Affordable Housing Impact Fee to \$28,000 per dwelling unit. CEQA Status: The proposal is exempt from environmental review because it is not a “project” as defined in Section 15378 of the State CEQA Guidelines, and under the “general rule” at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

Community Development Director, Charles Bryant, made the staff presentation and responded to questions from the Commission.

The public hearing was opened.

Lisa Vorderbrueggen, Executive Director of Building Industry Association of the Bay Area, East Bay Governmental Affairs, referred to her comments from her letter to the Planning Commission dated September 24, 2015. She urged the Planning Commission to eliminate the ban on studio apartments, lower the mandatory percentage of two and three bedroom units tied to density bonuses, reject the proposed \$8,000-per unit increase in the City’s affordable housing impact in-lieu fee, submit the proposed regulations to the California Housing and Community Development Department for review and comment prior to adoption and grandfather projects already in the Emeryville development pipeline under the current rules.

Kevin Ma, Lennar Residential, developer of the Sherwin Williams site, had questions and concerns regarding the density bonus and re-zoning. He expressed concern about the proposed prohibition on studios and the revised structure for affordable units. He said he will continue to work with the City to get projects done.

Gregory McConnel, Jobs and Housing Coalition, requested the Commission look at what other cities in the area are doing and try to balance everything out. If the City’s goal is to get families to move to Emeryville, he questioned the ability of people to pay \$5,000 a month for housing. He asked the Commission not to approve the proposal.

Athan Magganas, property owner at 1225 65th Street, said it is hard to meet the bonus system. He said the City has too many requirements and he did not understand them.

The public hearing was closed.

Following lengthy deliberations, the Commission agreed on the following modifications to the proposed Planning Regulations amendment:

- Limit studio units to no more than 10% of all units, rather than a total prohibition.
- Increase the maximum number of bonus points for the Small Businesses community benefit from 25 to 50.
- Replace the requirement for GreenTRIP certification with a requirement for a Transportation Demand Management program; GreenTRIP certification would be one way to meet this requirement.
- Replace the conditions, covenants and restrictions (CC&Rs) provisions for

ownership housing with a reference to the current basic eligibility requirements of the Federal Housing Administration (FHA) for condominium project approval.

- Make the in-lieu option 12% affordable units, consisting of 4% very low income and 8% low income units.

A motion was made to adopt the Resolution for the Proposed Amendment to the General Plan and recommend that the City Council adopt the amendment.

Moved: Donaldson
Seconded: Kang
Ayes: Donaldson, Kang, Moss, Bauters, Gunkel
Noes: Cardoza

A motion was made to adopt the Resolution for the Proposed Amendment to the Planning Regulations with the above modifications and recommend that the City Council adopt the amendment.

Moved: Gunkel
Seconded: Moss
Ayes: Moss, Gunkel, Cardoza, Bauters, Donaldson, Kang

VII. COMMISSIONERS COMMENTS

Commissioner Donaldson moved for the Commission to recommend to the City Council that they look into updating the nexus study to determine what the appropriate limits are for the affordable housing impact fee. Commissioner Bauters seconded. The motion passed unanimously.

Commissioner Bauters proposed a joint study session with the City Council to discuss small business related issues. Commissioner Kang seconded the proposal and it was agreed upon unanimously.

VIII. ADJOURNMENT – 10:26 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, OCTOBER 22, 2015 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.