



ACTION MINUTES

Planning Commission

Planning Commissioners:

Gail Donaldson	Chair
Linda Barrera	Vice Chair
D. Miguel Guerrero	Commissioner
Sam Kang	Commissioner
Steven Keller	Commissioner
Christine Scott Thomson	Commissioner
Vacant	Commissioner

REGULAR MEETING

Thursday, June 28, 2018

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Gail Donaldson

2. ROLL CALL

- Present: (5) Chair, Gail Donaldson
 Vice Chair, Linda Barrera
 Planning Commissioner, D. Miguel Guerrero
 Planning Commissioner, Sam Kang
 Planning Commissioner, Steven Keller
- Absent: (1) Planning Commissioner, Christine Scott Thomson

Chair Donaldson announced that Item 7.3, the Shellmound Way General Plan Amendment (GPA18-001), was being continued to a future meeting.

3. PUBLIC COMMENT

Ché Timmons, representing members of construction trades who live in Alameda County and Emeryville, distributed a document that expressed a concern about the correct application of the California Environmental Quality Act (CEQA) regarding the proposed Shellmound Way General Plan Amendment and 5850 Shellmound Way project. Mr. Timmons also asked that the City request that developers hire local workers and apprentices and pay family-supporting wages.

4. APPROVAL OF ACTION MINUTES

4.1 Regular Meeting of April 26, 2018

A motion was made to approve the Action Minutes.

- Moved:** Keller
- Seconded:** Guerrero
- Ayes:** (4) Guerrero, Kang, Keller, Barrera
- Noes:** (0)
- Abstain:** (1) Donaldson
- Absent:** (1) Thomson

4.2 Special Meeting of May 17, 2018

A motion was made to approve the Action Minutes.

Moved: Keller
Seconded: Guerrero
Ayes: (4) Guerrero, Keller, Barrera, Donaldson
Noes: (0)
Abstain: (1) Kang
Absent: (1) Thomson

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He noted that the City Council would be making appointments to the Planning Commission on July 10. Seats up for appointment include those of Commissioner Thomson, whose term expires on June 30, 2018, and who has requested reappointment; former Commissioner Banta, who previously resigned and whose term also expires on June 30, 2018; and Commissioner Kang, who has resigned effective June 30, 2018, and whose term expires on June 30, 2019. Director Bryant also noted that there were no items that would be ready to be considered at the July 26 Commission meeting, but several that would be ready for the August 23 meeting. He therefore proposed canceling the July 26 meeting, and the Commission concurred.

6. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Under item 7.2, Chair Donaldson said that her firm does business with Lennar, the Applicant for Sherwin Williams, and that she would therefore recuse herself from that item.

7. PUBLIC HEARINGS

7.1. Ocean View Townhomes (UPDR16-004) – Consideration of a Conditional Use Permit and Design Review Permit to demolish an existing single-family home and replace it with a three-unit residential building at 1270 Ocean Avenue, and a Tree Removal Permit for two street trees on Ocean Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b) which applies to new construction or conversion of apartments, duplexes and similar structures designed for not more than six dwelling units, 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis District Overlay (NH) (Applicant: Indigo Design Group) (Owner: Farshid Vahedian) (APN: 49-1469-10)

Navarre Oaks, Assistant Planner, presented and addressed Commission questions.

The public hearing was opened.

André Carpiaux, 1264 Ocean Avenue, requested the existing house at 1270 Ocean Avenue be moved to his property rather than demolished.

The public hearing was closed.

Kristin Personnett, iNDiGO Design Group, applicant, and Molly Batchelder, City Arborist with SBCA Tree Consulting, presented and responded to questions from the Commission.

The public hearing was reopened.

Barbara Blood Walker, trustee of property at 1274 Ocean Avenue, whose family resides in the cottage and studio, acknowledged that the applicant has been very supportive; however, she expressed concerns regarding the proximity of the properties and asked if they would have continuing access to their property for maintenance. Director Bryant clarified that any construction being conducted at 1270 Ocean is not allowed to encroach onto surrounding properties. An additional question regarding the fence would need to be worked out between the property owners.

The public hearing was closed.

A motion was made to recommend City Council approval of the Conditional Use Permit and Design Review application and to approve the Tree Removal Permit.

Moved: Donaldson
Seconded: Barrera
Ayes: (5) Guerrero, Kang, Keller, Barrera, Donaldson
Noes: (0)
Abstain: (0)
Absent: (1) Thomson

- 7.2. **Sherwin Williams Surface Parking Lot (UP18-005)** – Consideration of a Conditional Use Permit to allow a temporary surface parking lot accommodating 140 spaces to support office use in the existing building at the Sherwin Williams Planned Unit Development (PUD) site until a new garage building (identified on Parcel B2 of the approved PUD) is constructed. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(b), which applies to accessory structures including small parking lots, 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 Park/Open Space; Zoning District: Planned Unit Development (PUD-7) with Park Avenue District Overlay (P-A). (Applicant: LMC Emeryville I Investor LLC)(Owners: SWACE, LLC, c/o The Sherwin-Williams Company and City of Emeryville) (APNs: 49-1041-26-15 and -16)

Chair Donaldson was recused and left the meeting. Vice Chair Barrera presided over the item.

Miroo Desai, Senior Planner, presented and responded to Commission questions.

Kevin Ma, Lennar, applicant, presented and responded to Commission questions.

The Public Hearing was opened. There was no one wishing to speak. The Public Hearing was closed.

A motion was made to approve the application.

Moved: Keller
Seconded: Kang
Ayes: (4) Guerrero, Kang, Keller, Barrera
Noes: (0)
Abstain: (1) Donaldson
Absent: (1) Thomson

There was a break at 7:33 p.m.; the meeting resumed at 7:40 p.m.

Chair Donaldson presided over the remainder of the meeting.

- 7.3. Shellmound Way General Plan Amendment (GPA 18-001)** – Consideration of a General Plan Amendment to revise the location of Shellmound Way such that it coincides with its current location 250 feet south of what is shown on Figure 3-1, “Circulation”, in the General Plan and other maps in the General Plan; and to add an east-west bicycle and pedestrian path to Figure 3-1 and other maps in the General Plan between Christie Avenue and Shellmound Street generally along the property line between 5850 Shellmound Way and 5890 Christie Avenue. CEQA Status: Environmental Impact Report for General Plan certified by the City Council on October 13, 2009.

This item was continued to a future meeting.

8. STUDY SESSION

- 8.1. 5850 Shellmound Way Mixed Use Project (UPDR17-011)** – A second study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot office building and replace it with an eight-story building accommodating 244 rental residential units with 7,000 square feet of ground floor commercial space. CEQA Status: to be determined. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH) and Pedestrian Priority Overlay Zone (PP) (Applicant: Dave Johnson) (Owner: Shellmound Christie Corporation) (APN: 49-1493-6)

Miroo Desai, Senior Planner, presented and responded to the Commission’s questions.

Bill Schrader, Austin Group, and Dave Johnson, Johnson Lyman Architects, applicants, presented and responded to the Commission’s questions.

Public comment was opened.

Ché Timmons, representing members of construction trades who live in Alameda County and Emeryville, asked that his earlier comments be taken into consideration.

Public comment was closed.

The Commission generally liked the overall design and materials but made the following suggestions: make the building lighter by using less dark colors; add sustainability features; use landscaping within the building as well as the sidewalks to create more pleasant public spaces; include street furniture on plans as shown in the renderings; daylight as many corridors as possible; consider using glass for the elevator on the east side next to the art gallery space; design the courtyard space carefully to accommodate the needs of families; consider locating residential units on the north side of the ground floor, facing the pedestrian-bicycle path; and pay attention to how the design interacts with the larger community by creating more public spaces such as a pocket park. Suggestions for development bonus points included additional affordable units, and the design and construction of the portion of the proposed 20-foot pedestrian and bicycle path that will be on the adjacent property. The Commission also emphasized the necessity of providing lockers as a form of long term bicycle parking. There was some discussion on the rationale for having more parking than permitted by City requirements. One Commissioner felt that the need to provide more parking was important as there is very little off-site parking on the surrounding streets, while another Commissioner expressed concern with the proposed extra parking.

9. PLANNING COMMISSIONERS COMMENTS

Commissioner Keller questioned the width of the new sidewalk being installed along Christie Avenue adjacent to the redesigned and expanded Christie Avenue Park. He said that the sidewalk appeared to be very narrow and not to comply with City standards for Green Streets. Director Bryant said that he would look into it and get back to Commissioner Keller.

In light of this being Commissioner Kang's last meeting, the Commissioners thanked him for his service to the Planning Commission. Commissioner Kang said he hated to leave, but had to do a lot of travel for his job; he said that he appreciated the support and the Commission's and staff's commitment to the community.

10. ADJOURNMENT:

The meeting was adjourned at 8:36 pm.

THE NEXT SCHEDULED REGULAR MEETING WILL BE ON THURSDAY, AUGUST 23, 2018 AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.