

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
May 28, 2015**

I. CONVENE AND ROLL CALL

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

Chair Moss stated the items on the agenda would be reversed, the Public Hearing item, Marketplace Redevelopment Project, "Parcel C", would be heard first and the Study Session item, Proposed Regulations, Incentives, and Guidelines for Multi-Unit Residential Development, would be last.

II. PUBLIC COMMENT – None

III. ACTION RECAP – April 23, 2015

A motion was made to approve the April 23 Action Recap.

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

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council. He also reported that he had recently attended the American Planning Association National Planning Conference in Seattle; there is a summary report on that in the April progress report. He noted that a "community bike ride" was held from City Hall on Bike to Work Day, Thursday, May 14. Finally, he reminded the Commission that Planning Commission applicant interviews will be held by the City Council on June 16 for the two scheduled vacancies (Commissioners Moss and Tann) and one unscheduled vacancy (Commissioner Kuemmerle). Applications are due by June 1, and appointments will be made by the City Council on June 16 after the interviews.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Keller stated that he would be recused on the Marketplace Redevelopment Project item due to a possible conflict of interest.

VII. PUBLIC HEARING

A. Marketplace Redevelopment Project, "Parcel C" (FDP13-001) – Consideration of a Final Development Plan (FDP) for "Parcel C" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. Proposed development on "Parcel C" includes a 30,000 square-foot ground floor grocery store with three levels of structured parking and a 5-story residential building accommodating 66 units. The residential unit mix includes 9 studios (13.6%), 19 one-bedroom units (28.8%), 33 family-friendly two-bedroom units (50.0%), and 5 family-friendly three-bedroom units (7.6%). 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 and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant/Owner: AG-CCRP Public Market L.P.) (APNs: 49-1556-1; -2; and -3).

Commissioner Keller was recused due to a possible conflict of interest.

Senior Planner, Miroo Desai, presented the staff report with staff's recommendation that the Commission approve the project subject to the Conditions of Approval as outlined in the report, including modified conditions as proposed by staff.

The Design Consultant, Arnold Mammarella, acknowledged the design team for their hard work and discussed the Design Analysis for the project.

Director Bryant stated Commissioner Tann has to leave the meeting early and has provided comments on both items. When she submitted her comments she did not know which item would be presented first, but since she is here, she will speak on the Marketplace item and he will read her comments on the Study Session item.

Mark Stephan, applicant, thanked staff for working with them over the years. In response to the questions from the Commission regarding the timing for the completion of the park and grocery store, he said there are about 50 parking spaces where the park is now. They need to get the parking and grocery store completed first and this will provide about 300 parking spaces, then the park will be finished prior to the grocery store opening for business and before the housing starts. They plan to start the construction of the grocery store in March of 2016 and it will take about a year for completion. Once that is done then the parking can be utilized and they will start on the park which should be finished in about six months, prior to the opening of the grocery store or any of the residential units.

Eron Ashley, architect for the project, discussed the layout of the grocery store and other project components.

The public hearing was opened.

Rod Henmi, business owner across the street, said he has concerns about the lights and the phasing of the housing and the openings in the garage.

Steven Keller, resident at Pacific Park Plaza, stated the Pacific Park residents liked the project. He said he understands that Chair Moss had concerns regarding the entrances of the townhouses in the garage, but hope that will not prevent the approval of the project.

Crystal Woo, resident at 64th and Christie, asked if studies had been done on public transportation and said the transbay buses are overcrowded.

Kathrin Telliz of Fehr & Peers addressed concerns regarding public transit.

The public hearing was closed.

The main concern expressed by the Commission was that the residential component may not be built in a timely fashion or not built at all. After some deliberation the Commission agreed with the staff recommended condition of approval that, if an application for a building permit for the residential portion is not filed and fees paid by January 1, 2018, the

applicant will pay \$264,000, or one-fifth of the total Affordable Housing Impact Fee for the residential units. The Commission made minor changes to the conditions of approval to make design refinements regarding the corner tower, vinyl window treatment, roof trellis, and breaking up of the massing on the 62nd Street frontage with landscaping. The Commission also added a condition to replace the proposed temporary mural scrim with a more permanent treatment if the building permit for the residential component has not been filed within a year of the occupancy of the grocery store.

A motion was made to approve this project with the added Conditions of Approval.

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

There was a break from 8:36 to 8:46.

VI. STUDY SESSION

- A. Proposed Regulations, Incentives, and Guidelines for Multi-Unit Residential Development.** A study session to discuss proposed regulations, incentives, and guidelines for Multi-Unit Residential development, including regulations and guidelines for unit mix and family-friendly design, and incentives for affordable housing and ownership housing with modifications to the bonus point system.

Community Development Director, Charles Bryant, made the staff presentation.

The public comment period was opened.

Lisa Vonderbrueggen, Building Industry Association of the Bay Area, passed out some materials. She stated the proposals being considered are financially infeasible for their clients, and said the developers will just walk away.

Angelo P. King, Emeryville resident, said there is a need for a comprehensive conversation about affordable housing.

Rod Henmi, architect, said only wealthy families will be able to qualify for these houses. He offered suggestions to achieve the desired goals for the Guidelines.

Alex Waterbury, Lennar and Sherwin Williams project, said if the City is trying for affordable housing, 60% two or more bedroom units is not going to work.

Kevin Ma, Lennar and Sherwin Williams project, suggested including significant buildings for bonus points. The bonus points that are being proposed will make it impossible for builders to maintain these structures.

Bruce Dorfman, developer, said either high density or low density should be the requirement, the middle doesn't make sense, also the reductions in F.A.R. and density should be proportionate.

The public comment period was closed.

While generally concurring with staff's summary of direction given at the May 2 joint meeting with the City Council, the consensus of the Commission was that increased

percentages of two-or-more bedroom units beyond 50% should not necessarily be required for development bonuses, and that the Family Friendly Design Guidelines should only apply to required two-or-more bedroom units, and not to additional two-or-more-bedroom units, to allow developers flexibility to provide creative designs to address a variety of lifestyles. It was suggested that base floor area ratio (FAR), height, and residential densities should be lowered less than was illustrated at the May 2 joint meeting, so that the base level would be no less than two-thirds of the bonus level, rather than half the bonus level, although there was not consensus on this point. The Commission endorsed a greatly reduced list of “community benefits” for development bonus points, and supported a “two-tier” bonus system whereby at least half the bonus points must be earned by the provision of in-project affordable units and no more than half may be earned by the provision of other community benefits. The Commission also suggested that an economic analysis be performed, although it was noted this could impact the timeline for adoption.

VIII. COMMISSIONERS COMMENTS

Commissioner Kuemmerle thanked the Commissioners for their support while serving on the Commission and said it was with sadness that due to work obligations, she had to resign her position on the Commission effective June 30th. Chair Moss said she would be missed and expressed thanks from the Commission for all of her contributions.

IX. ADJOURNMENT – 11:05 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JUNE 25, 2015 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.