

EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
June 25, 2015

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Chairperson Sean Moss. Commissioners present: Lawrence Cardoza, Gail Donaldson, and Brad Gunkel. Steven Keller and Vanessa Kuemmerle had excused absences. Kairee Tann arrived at 7:00 p.m.

II. PUBLIC COMMENT – None

III. ACTION RECAP – May 28, 2015

A motion was made to approve the May 28 Action Recap.

Moved: Cardoza

Seconded: Moss

Vote: Ayes: Cardoza, Donaldson, Gunkel, Moss

Absent: Keller, Kuemmerle, Tann

IV. DIRECTOR'S REPORT

The new City Manager, Carolyn Lehr, introduced herself to the Commission, who welcomed her to Emeryville. Director Bryant reported on actions by the City Council at their meetings in June. He noted that, on June 16, the Council reappointed Commissioner Moss, appointed John Bauters to fill Commissioner Tann's seat, and appointed Sam Kang to fill Commissioner Kuemmerle's seat. Commissioners Moss and Bauters will have three year terms ending on June 30, 2018, and Commissioner Kang will serve out the remainder of Commissioner Kuemmerle's term, which ends on June 30, 2016. The new and reappointed Commissioners will be sworn in at the next meeting on July 23. He also reminded the Commission that they would be holding elections for Chair and Vice Chair at their July 23 meeting.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Chair Moss stated that he had worked with ExteNet, the applicant for item VI.C., in his role as a Senior Planner for the City of El Cerrito, but this is not a conflict of interest.

VI. PUBLIC HEARING

- A. Marketplace Redevelopment Project, "Theater Site" (Parcel D) (FDP14-003) –** Consideration of a Final Development Plan (FDP) for "Parcel D" 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 D" includes a 223-unit residential building with two levels of structured parking in a seven-story, 80-foot tall building on a 1.79 acre site southwest of the intersection of 64th and Shellmound Streets (former United Artists Theater site). The residential unit mix includes 24 studios (10.8%), 82 one-bedroom units (36.8%), 95 family-friendly two-bedroom units (42.6%) and 22 family-friendly three-bedroom units (9.9%). 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: AvalonBay Communities, Inc.)(Owner: AG-CCRP Public Market L.P.) (APN: 49-1556-1)

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

The City's design consultant, Arnold Mammarella, acknowledged the design team for their hard work and discussed the Design Analysis for the project.

Vice Chair Tann arrived at 7:00 p.m. during the staff presentation.

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

The public hearing was opened. There were no speakers. The public hearing was closed.

The Commission deliberated about the project and agreed on the following modifications to the Conditions of Approval:

- Condition I.A. on page 2, "Compliance with Approvals", is modified to clarify that no signs or sign support structures are included in this approval.
- Condition III.A.4 on page 8, "Traffic and Parking Management Plan during Construction", is modified to add shuttles for construction workers as an option.
- Condition IV.A.1.d on page 13, "Public Improvements", is modified to delete "and to the extent feasible" from the end of the last sentence in reference to compliance with the design guidelines for sidewalks.
- Condition VI.A.3 on page 17, "Transportation Assessment Memo", is modified to incorporate by reference Recommendation 6 of the Fehr and Peers Transportation Assessment.
- Condition VII.A.1 on page 19, "Elevations/Colors/Materials/Site Plan", is modified to specify that pre-finished glossy cementitious panels shall be used.

A motion was made to approve the project with the above modifications to the Conditions of Approval and the modifications proposed by staff.

Moved: Gunkel

Seconded: Moss

Vote: Ayes: Cardoza, Donaldson, Gunkel, Tann, Moss

Absent: Keller, Kuemmerle

- B. Development Agreement for Marketplace Project (DA15-001)** – Consideration of a Development Agreement between the City of Emeryville, AG-CCRP, LP, and AvalonBay Communities, Inc., regarding the development of the Marketplace Project. 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. and AvalonBay Communities, Inc.) (APNs: 49-1556-1; -2; -3, and -4)

City Attorney Michael Biddle made the staff presentation, with staff's recommendation that the Commission vote to recommend that the City Council approve the proposed Development Agreement.

Mark Stefan, City Center Realty Partners, addressed the Commission and said this Development Agreement is a good tradeoff.

The public hearing was opened. There were no speakers. The public hearing was closed.

A motion was made to recommend City Council approval of the Development Agreement.

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

C. ExteNet Distributed Antenna System (DAS) Nodes – Consideration of five Conditional Use Permit and Design Review applications for wireless telecommunications facilities (“nodes”) on existing utility poles in the public right of way. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(b) which applies to minor alterations to existing public utility facilities, Section 15303 which applies to construction of small new equipment in small 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. (Applicant/Owner: ExteNet Systems (California) LLC)

1. **Node 7 (UPDR15-003)** – Adjacent to 1321 67th Street (APN: 49-1508-7) (Southeast corner of 67th and Hollis Streets). General Plan Land Use Classification: Industrial; Zoning District: Light Industrial (INL) and North Hollis Overlay (NH)
2. **Node 9 (UPDR15-004)** – Adjacent to 1255 67th Street (APN: 49-1508-12). General Plan Land Use Classification: Industrial; Zoning District: Light Industrial (INL) and North Hollis Overlay (NH)
3. **Node 11 (UPDR15-005)** – Adjacent to 1285 66th Street (APN: 49-1540-1). General Plan Land Use Classification: Industrial; Zoning District: Light Industrial (INL) and North Hollis Overlay (NH)
4. **Node 12 (UPDR15-006)** – Adjacent to vacant lot at 1225 65th Street (APN: 49-1504-8). General Plan Land Use Classification: Medium-High Density Residential; Zoning District: Medium-High Density Residential (RMH) and North Hollis Overlay (NH)
5. **Node 17A (UPDR15-007)** – Adjacent to 6450 Hollis Street (APN: 49-1483-5) (Southeast corner of Hollis Street and Ocean Avenue). General Plan Land Use Classification: Mixed Use with Residential and Neighborhood Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Pedestrian Priority Overlay (PP), Neighborhood Retail Overlay (NR), and North Hollis Overlay (NH)

Assistant Planner Sara Billing made the staff presentation, with staff’s recommendation that the Commission approve the project subject to the Conditions of Approval as outlined in the staff report.

The applicant addressed the Commission and responded to questions.

The public hearing was opened.

George Martin, of the George Martin Company on 67th Street, said the pole on which Node 9 is proposed to be located is going to be removed soon, and that his staff is very concerned about this node being located directly outside their office windows. He asked that the node be relocated.

The public hearing was closed.

The applicant responded to additional questions from the Commission. George Martin requested to speak again to clarify a point.

The public hearing was re-opened.

George Martin said that it was his understanding that the pole on which Node 9 is proposed to be located will be removed soon since all of the wires on it are to be put underground. Director Bryant commented that he was aware that Paxio was installing underground fiber optic cable in the area, but was not aware of any general undergrounding efforts. He said he would check with the Public Works Director on the status of this pole.

The public hearing was closed.

The Commission deliberated about the project and agreed on the following modifications to the Conditions of Approval:

- The radio boxes associated with the antennas shall be located as high on the poles as possible to be as visually unobtrusive as possible, to be reviewed by staff.
- The applicant shall work with staff to explore the possibility of relocating Nodes 7, 9, and 17A to different poles for the least visual impact.
- The applicant shall agree to cooperate with any future utility undergrounding efforts.

A motion was made to approve the project with the above modifications to the Conditions of Approval.

Moved: Moss

Seconded: Tann

Vote: Ayes: Cardoza, Donaldson, Gunkel, Tann, Moss

Absent: Keller, Kuemmerle

VII. COMMISSIONERS COMMENTS

Vice Chair Tann noted that this is her last Commission meeting, that she was grateful to the Council for appointing her, and that it had been an honor and a pleasure to serve on the Commission. Other Commissioners expressed their appreciation for her service. Director Bryant said he hoped she would be able to attend the beginning of the July 23 meeting to be honored by the Commission.

VII. ADJOURNMENT – 10:00 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JULY 23, 2015 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.