

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
December 10, 2015**

**I. CONVENE AND ROLL CALL**

The meeting was called to order at 6:50 p.m. by Brad Gunkel, Chair. Commissioners present: Lawrence Cardoza, Gail Donaldson, John Bauters, Sam Kang and Sean Moss and Steven Keller.

**II. PUBLIC COMMENT - None**

**III. ACTION RECAP – October 22, 2015**

Commissioners Donaldson and Bauters made corrections to the October 22 Action Recap. Commissioner Keller moved approval, Commission Bauters seconded, and the Recap was approved without exception following the corrections.

**IV. DIRECTOR'S REPORT**

City Attorney, Michael Guina, introduced the Assistant City Attorney, Andrea Visveshwara, and stated she would be attending the Planning Commission meetings. She was previously employed as the Assistant City attorney for the cities of San Louis Obispo and Petaluma. Mr. Guina thanked the Commissioners for allowing him to work effectively with them.

Director Bryant reported on recent City Council actions. He then introduced Nancy Humphrey, Environmental Program Supervisor in the Public Works Department.

**A. Regional Bike Share Informational Report**

Nancy Humphrey, Environmental Programs Supervisor, made a presentation on the Regional Bike Share program and responded to questions from the Commission.

**V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

Commissioners Moss and Bauters said they had discussed the EBI project with each other. Commissioner Keller said he would not be recused from the Marketplace project and Commissioners Kang, Bauters, Keller, Cardoza, and Gunkel said they had each met with the Nady site developer.

**VI. PUBLIC HEARINGS**

**A. Escuela Bilingüe Internacional Pedestrian Path** – Consideration of a General Plan Amendment and an amendment to the Pedestrian and Bicycle Plan to reinstate the pedestrian path connecting 45<sup>th</sup> Street and 47<sup>th</sup> Street along the eastern property line of Escuela Bilingüe Internacional. CEQA Status: This proposal is exempt from environmental review under State CEQA Guidelines Section 15378(a) in that it is not a “project” which has the potential for causing a significant effect on the environment, and under 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.

Miroo Desai, Senior Planner, made the staff presentation. She and City Attorney Michael Guina, responded to questions from the Commission.

The public hearing was opened.

An unidentified resident of 47<sup>th</sup> Street said he was opposed to the path.

Jon Fulk, Head of School at Escuela Bilingue Internacional, said the path was deleted from the General Plan due to neighbors' safety concerns, and they have had to redesign several times. He said this is undue stress on their organization. They want to be good neighbors. They would like clarity and to know whether there are safety concerns. They would like to restart negotiations with the City.

Eric Gascoyne, Emeryville resident, said safety is not a concern. He felt the pathway is needed.

Amy Maclear, EBI parent and board member, reiterated the concerns of the first EBI speaker. She said it is no help to the biking community, and that the pedestrians can use San Pablo Avenue, it is well lighted.

Betsy Cooley, resident, said the path is too close to San Pablo to be a valuable connection.

Andre Carpiaux, resident, said that bicycles and motorcycles are the most dangerous forms of transportation.

The public hearing was closed.

Following Commission deliberations, a motion was made to initiate and recommend City Council adoption of a General Plan Amendment and an amendment to the Pedestrian and Bicycle Plan to reinstate the pedestrian path connecting 45<sup>th</sup> Street and 47<sup>th</sup> Street along the eastern property line of Escuela Bilingue Internacional.

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

- B. 6701 Shellmound Street Residential Development (“Nady” Site) (UPDR14-003)** – A public hearing to accept comments on the Draft Environmental Impact Report (DEIR) prepared for the 6701 Shellmound Residential Development project (“Nady” Site). The proposed project analyzed in the DEIR is a 211-unit seven-story rental apartment building on a 2.27 acre site on Shellmound Street adjacent to the Ashby Avenue I-80 freeway off-ramp. The Notice of Availability for the DEIR was published on November 4, 2015 and the 45-day comment period will end on December 21st, 2015. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR). Applicant: Anton Development Company LLC)(Owner: Nady Trust U/D/T)(APN:49-1490-2)

Miroo Desai, Senior Planner, introduced Urban Planning Partners (UPP), CEQA Consultant for the project. Haley Cox of UPP made the presentation and responded to questions from the Commission.

The public hearing was opened. There was no one wishing to speak, the public hearing was closed.

Comments from the Commission included effects on and from the adjacent radio station, the reduced project alternative, and noise impacts.

There was a break at 8:10.

## VII. STUDY SESSIONS

- A. 6701 Shellmound Street Residential Development (“Nady” Site) (UPDR14-003)** – A public hearing to accept comments on the Draft Environmental Impact Report (DEIR) prepared for the 6701 Shellmound Residential Development project (“Nady” Site). The proposed project analyzed in the DEIR is a 211-unit seven-story rental apartment building on a 2.27 acre site on Shellmound Street adjacent to the Ashby Avenue I-80 freeway off-ramp. The Notice of Availability for the DEIR was published on November 4, 2015 and the 45-day comment period will end on December 21st, 2015. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR). Applicant: Anton Development Company LLC)(Owner: Nady Trust U/D/T)(APN:49-1490-2)

Miroo Desai, Senior Planner, made the staff presentation. Andrew Baker, Anton Development, addressed the Commission, and introduced Tom Cox, architect, who presented the project. Landscape architect Morgan Burke, Guzzardo Partnership, described the landscape design and responded to questions from the Commission. City design consultant Arnold Mammarella presented an analysis of the project’s compliance with the Family Friendly Design Guidelines and responded to questions.

The floor was opened for public comments. There was no one wishing to speak. The public comment period was closed.

The Commission questioned the viability of a mix of uses on the site, and one Commissioner expressed a desire for a high-rise tower. The Commission had concerns regarding the north and the southeast elevations and the proposed open spaces. A preference for an earlier design that had more “industrial” elements was expressed. One Commissioner said that the perimeter space and the north courtyard would not be used; the addition of decks overlooking Aquatic Park was suggested in lieu of the north courtyard. Another Commissioner thought that the open spaces were over programmed. A need for a direct access to the podium courtyards from the units was also expressed. Overall, a need to further study the design of open spaces was expressed. The Commission did not express opinions on the family friendly unit analysis except that one Commissioner felt that Unit B-2 was not problematic with adjacency to Unit A4, and that the dining space in Unit B-1 was small.

- B. Marketplace Redevelopment Project, “Parcel B” (Garage Building) (FDP15-001)** – A study session to review a proposed Final Development Plan (FDP) for development of “Parcel B” of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. Two options are proposed: one option consists of a five story structure accommodating 405 parking spaces and approximately 37,800 square feet of retail space that will be partially occupied by a junior anchor tenant on two levels; the second option is a four story structure accommodating 405 parking spaces and 22,500 square feet of ground floor retail space with multiple small tenants. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by City Council on January 15, 2008; no subsequent EIR is required to be prepared pursuant to CEQA Guidelines Section 15162. 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: 49-1556-2 and -3).

Miroo Desai, Senior Planner, made the staff presentation. Mark Stefan, City Center Realty Partners, addressed the Commission, and introduced Erin Ashley, Hart Howerton architects, who presented the project and responded to questions from the Commission.

The floor was opened for public comments. There was no one wishing to speak. The public comment period was closed.

The Commission expressed satisfaction with the present state of the design, including support for the “Public Market” graphic and façade materials. Issues discussed included treatment of garage openings, treatment of the east façade facing the railroad including support for the use of public art funds there, concerns about graffiti, hope that the “junior anchor tenant” would materialize, metal screen treatments of the stairwells, design of the plaza space along Shellmound Street, vehicular circulation, and bicycle parking.

#### **VIII. COMMISSIONERS COMMENTS**

Commissioners expressed their appreciation for the service of Commissioner Moss, who has announced his resignation because he is moving out of Emeryville.

Commissioner Bauters said that the new City development bonus regulations actually incentivize use of the State Density Bonus Law. He made a motion to ask staff to develop a spreadsheet for the February meeting showing residential projects that have received certificates of occupancy in the past several years, the base FAR, height, and density, how the City bonus system then in effect and the State Density Bonus system compared in terms of units allowed, and how these projects would fare under the new system. In response to a question from the Commission, Director Bryant suggested that the comparison begin when the new General Plan was adopted in October 2009. Commissioner Bauters amended his motion accordingly. Commissioner Kang seconded. The motion was passed without objection.

#### **IX. ADJOURNMENT – 11:15 P.M.**

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JANUARY 28, 2016 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.**