



ACTION MINUTES

Planning Commission

Planning Commissioners:

Linda Barrera	Chair
D. Miguel Guerrero	Vice Chair
Gail Donaldson	Commissioner
Steven Keller	Commissioner
Christine Scott Thomson	Commissioner
Jonathan Hidalgo	Commissioner
C. Tito Young	Commissioner

REGULAR MEETING

Thursday, September 27, 2018

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Vice Chair Miguel Guerrero.

2. ROLL CALL

Present: (5) Vice Chair D. Miguel Guerrero
Planning Commissioner Gail Donaldson
Planning Commissioner Steven Keller
Planning Commissioner Christine Scott Thomson
Planning Commissioner C. Tito Young

Absent: (2) Chair Linda Barrera
Planning Commissioner Jonathan Hidalgo

3. PUBLIC COMMENT

None.

4. APPROVAL OF ACTION MINUTES OF AUGUST 23, 2018

Commissioner Thomson noted that, on item 8.1, 40th and San Pablo Bus Hub Draft Concept Options, there was discussion and general consensus about removal of the bus stops at 40th and Harlan Street, which should have been noted in the action minutes.

A motion was made to approve the Action Minutes as corrected.

Moved: Keller
Seconded: Donaldson
Ayes: (5) Donaldson, Keller, Thomson, Young, Guerrero
Noes: (0)
Abstain: (0)
Absent: (2) Hidalgo, Barrera

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He announced several upcoming events, including the Public Safety Open House and Emergency Preparedness Fair on September 29, the Celebration of the Arts opening reception on October 5, and the League of Women Voters Candidate Forum on October 9. He noted that the Christie Park grand opening, previously scheduled for September 29, had been postponed to a future date to allow the turf to get established. He reported that several staff members, along with Council Members Donahue and Martinez, had attended the open house of the Factory_OS modular housing factory in Vallejo. In response to a question from a Commissioner about a statement in the monthly progress report that the Safe Routes to School project is inactive, Director Bryant clarified that the project has been completed, and that this statement referred only to the completion of the final paperwork.

6. COMMISSION MATTERS**6.1 Consideration of Planning Commission meeting schedule for 2019.**

A motion was made to approve the schedule for 2019.

Moved: Donaldson
Seconded: Thomson
Ayes: (5) Donaldson, Keller, Thomson, Young, Guerrero
Noes: (0)
Abstain: (0)
Absent: (2) Hidalgo, Barrera

7. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Keller had an email exchange with Avalon Bay on the Parcel A project. Commissioner Young had a meeting with Mark Stefan about the Marketplace project, and he also owns his residence within 500 feet of the East Bay Therapeutics site, and will therefore need to recuse on that item. Commissioner Donaldson met with Mark Stefan about the Public Market Project. Vice Chair Guerrero also met with Mark Stefan and had a guided tour of East Bay Therapeutics with Mr. Azimi.

8. PUBLIC HEARINGS

8.1. Marketplace Parcel B Temporary Parking Lot (UP18-010) – Consideration of a Conditional Use Permit to allow a temporary surface parking lot at 6000 Shellmound Street accommodating approximately 200 spaces to support existing uses at the Marketplace Planned Unit Development (PUD) site until a new garage building (identified as Parcel B on approved Final Development Plan FDP15-001) is constructed. 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: City Center Realty Partners)(Owner: AG-CCRP Public Market, L.P.) (APN: 49-1556-16)

Miroo Desai, Senior Planner, presented and responded to the Commission's questions. Mark Stefan, President, City Center Realty Partners, Marketplace Developer, presented and responded to the Commission's questions.

The public hearing was opened; there was no one wishing to speak; the public hearing was closed.

Commissioner Donaldson moved approval of the application as recommended by staff. The motion failed for lack of a second.

A motion was made to approve the application with the following modifications to the conditions of approval: ten bicycle parking spaces per City standards shall be added to the surface parking lot; the approval shall be valid for three years, and shall expire on September 27, 2021 with no possibility of extensions, at which time striping shall be removed and the lot closed to the public.

Moved: Keller
Seconded: Young
Ayes: (5) Donaldson, Keller, Thomson, Young, Guerrero
Noes: (0)
Abstain: (0)
Absent: (2) Hidalgo, Barrera

8.2 **East Bay Therapeutics Cannabis Retail Dispensary Amendment (UP18-004) –**

Consideration of an amendment to Conditional Use Permit UP18-004 to allow on-site consumption of cannabis at an existing cannabis retail dispensary at 5745 Peladeau Street that was approved by the Planning Commission on April 26, 2018. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to in-fill development projects, 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. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR) and Transit Hub Overlay (TH). (Applicant: Nasser Azimi) (Owner: Eric S. & Kenneth J. Schmier Property Trust) (APN: 49-1319-2-2)

Commissioner Young was recused and left the dais.

Miroo Desai, Senior Planner, presented and responded to the Commission’s questions. Nasser Azimi, applicant, presented and responded to the Commission’s 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: Thomson
Ayes: (4) Donaldson, Keller, Thomson, Guerrero
Noes: (0)
Abstain: (1) Young
Absent: (2) Hidalgo, Barrera

Commissioner Young returned to the dais.

8.3 **San Pablo Avenue General Plan and Planning Regulations Amendment (GPA18-002)**

– Consideration of a General Plan Amendment and Planning Regulations Amendment to increase the maximum development potential that could occur within an area of approximately 2.5 acres fronting the east side of San Pablo Avenue from 40th Street to approximately 170 feet south of 45th Street by increasing the allowable floor area ratio (FAR), building height, and residential density. CEQA Status: An addendum to the General Plan Environmental Impact Report that was certified by the City Council on October 13, 2009 has been prepared. General Plan Land Use Classification: Mixed Use with Residential, Neighborhood Retail Overlay, and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR), Neighborhood Retail Overlay (NR), Pedestrian Priority Zone

(PP), and Transit Hub Overlay (TH). (Applicant: City of Emeryville) (Owner: Various) (APNs: 49-1026-2 (partial), -22 (partial), -23, -24 (partial), -26-2 (partial); 49-1079 -13 (partial), 14-1, 17-1, 19-4 (partial); 49-1555-11 through 19; 65, 66, and 67 (partial))

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

The public hearing was opened.

Jeffrey DePuy, manager of rooming house at 1086 41st Street since 1973, noted that his facility is on the same block as the Bank of America and Oaks Club parking lots. He said they would hate to see a 75-foot tall building there next to them, even with the required 45-degree step down. He said that if that block were to be developed, it would be silly to leave his building there in the middle of nowhere. He said he was neither opposing nor endorsing the proposed upzoning.

The public hearing was closed.

A motion was made to recommend City Council approval of the proposed General Plan Amendment and Planning Regulations Amendment.

Moved: Young
Seconded: Keller
Ayes: (5) Donaldson, Keller, Thomson, Young, Guerrero
Noes: (0)
Abstain: (0)
Absent: (2) Hidalgo, Barrera

9. PLANNING COMMISSIONERS COMMENTS

Commissioner Keller thanked his fellow Commissioners for indulging him on the Parcel B parking lot item. Other Commissioners noted that it was good to have a passionate discussion.

Commissioner Young said it was a fun night and he too felt passionate about the future development of the city.

Vice Chair Guerrero announced that he had been invited to participate in the I-80/Ashby Avenue Interchange Improvement Project. The first meeting of the stakeholder group is October 10, and he will give an update at the next Planning Commission meeting.

Commissioner Donaldson asked for an update on the Nady property. Director Bryant reported that the owners are in contract with a developer, AMCAL, to purchase and develop the property. Staff hopes that the existing buildings will be demolished in the next several months, to be followed by construction of the entitled project. There is some cleanup that has to be done, and that is being overseen by the Alameda County Department of Environmental Health. He said that, while there is no visible progress on the site, things are happening behind the scenes, and hopefully changes will be seen in the not-too-distant future.

10. ADJOURNMENT

The meeting was adjourned 8.43 p.m.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, OCTOBER 25, 2018 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.