



ACTION MINUTES

Planning Commission

Planning Commissioners:

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

REGULAR MEETING

Thursday, October 24, 2019

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Planning Director Charles Bryant.

2. ROLL CALL

Present: (4) Planning Commissioner Linda Barrera
Planning Commissioner Steven Keller
Planning Commissioner Deepak Sohane
Planning Commissioner C. Tito Young

Excused (3) Chair D. Miguel Guerrero
Absence: Vice Chair Christine Scott Thomson
Planning Commissioner Gail Donaldson

Director Bryant stated that the Planning Commission Rules and Regulations stipulate that, if both the Chair and Vice Chair are absent, then the Commission will select a presiding officer from their other members, while the duty of calling the meeting to order falls to the Planning Director.

Commissioner Keller was nominated as Presiding Officer.

Moved: Barrera
Seconded: Sohane
Ayes: (4) Barrera, Keller, Sohane, Young
Noes: (0)
Abstain: (0)
Absent: (3) Donaldson, Thomson, Guerrero

Commissioner Keller presided over the rest of the meeting.

3. PUBLIC COMMENT

None.

4. APPROVAL OF ACTION MINUTES OF SEPTEMBER 26, 2019

A motion was made to approve the Action Minutes.

Moved: Barrera
Seconded: Sohane
Ayes: (4) Barrera, Keller, Sohane, Young
Noes: (0)
Abstain: (0)
Absent: (3) Donaldson, Thomson, Guerrero

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He noted that copies of the updated General Plan, which includes all amendments since the last printing in 2016, have been provided to the Commissioners and posted on the City's website. He also reminded the Commission about the Giving Thanks Event for Emeryville community advisory bodies to be held on Tuesday, November 12 at the Emeryville Senior Center.

6. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioners Barrera and Young reported that they had spoken with Mark Forbes of the 47th Street homes project. This was corrected to note that they had actually spoken with the applicant, Mark Rhodes, not the property owner, Mark Forbes.

The Commission took a brief recess from 6:40 to 6:43 pm while technical issues with the audio-visual equipment were resolved.

7. PUBLIC HEARINGS

7.1 Elimination of Minimum Parking Requirements (ORD19-001) – Consideration of amendments to Article 4 of Chapter 4 of the Planning Regulations to eliminate the minimum parking requirements, and to make other related modifications to the Planning Regulations. CEQA Status: Environmental Impact Report for General Plan certified by the City Council on October 13, 2009.

This item has been continued to a future meeting.

8. STUDY SESSIONS

8.1 47th Street Homes (UPDR18-002) – A study session for a Conditional Use Permit and Design Review application to demolish four existing single-unit homes and replace them with three duplexes on one parcel at 1034-1042 47th Street. CEQA Status: To be determined. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) (Applicant: Mark Forbes C/O Rhoades Planning Group) (Owner: Forbes Properties II LLC) (APN: 49-1175-8-3).

Navarre Oaks, Assistant Planner, gave the staff presentation and responded to Commissioner questions.

Mark Forbes, F.E. Forbes Company; Mark Rhoades, Rhoades Planning Group; and Toby Long, Toby Long Design, applicants, presented and responded to Commissioner questions.

The public comment period was opened.

Peter Salmons spoke against the project and expressed concerns about the deteriorated condition of the existing houses, the high rents that will be charged for the new units, and the tenants to be displaced.

Cesar Palacios, 1036 47th Street, spoke against the project and about the property owner's treatment of the tenants, lack of maintenance of the property, and proposal to cut down trees that have been there for many years.

Juan José Herrera, 1036 47th Street, said he has lived there for six years he has known the Palacios family for 12 years. He spoke against the project, stating that the homes had not been repaired and rents raised unfairly.

M. Fils-Asmé, resident of 1038 47th Street for 20 years, spoke against the project, and expressed concerns about the property owner's treatment of the tenants.

Jaheel Griffith-Stout, 1037 47th Street, across the street from the site, spoke against the project. She said that her ex-husband and father of her child had just moved out of one of the units and experienced poor treatment. She said that he speaks Spanish only and all of the landlord communications were in English. She complained about the property owner's lack of maintenance.

Sister Marilyn Medau, resident of 1055 47th Street for over 40 years, spoke against the project. She said she was on the Housing Subcommittee and worked on the early construction of affordable housing in the 1990s when Nora Davis was Mayor. She expressed concerns about affordable housing and quoted from the City's Measure C FAQ: "we want all residents to be able to live in safe, decent affordable homes and still have enough money for groceries and other basic necessities", which she said is her concern for the 47th Street property.

Dana Westmoreland, 1046 47th Street, spoke against the project. She said that her property line is 25 feet from the proposed project, and is concerned about the harm it could do to her home and the community. She said that, as a property owner, she pays additional taxes to create affordable housing, but the Commission is considering a project that will displace long-term tenants and raise rents.

Charles Soper, resident of 47th Street, spoke in favor of the project. He suggested not including living quarters on the first floor, or raising the houses, to protect against floods and earthquakes. He said that, while the design looks nice, the existing buildings are hard-to-find single-family homes that would benefit from a coat of paint. He expressed concerns about the meth labs in the Bay Area and the destruction they cause.

The public comment period was closed.

Commissioner Keller requested that staff clarify the role of the Planning Commission regarding this application.

Director Bryant stated that the Commission's purview is primarily land use, having to do with the conformance of projects to the General Plan and Planning Regulations. As Commissioner Keller noted, this project does require City Council approval as it requires the demolition of existing residential units. The Planning Commission's action, when this eventually comes back to the Commission for a public hearing, will be to make a recommendation to the City Council, which will make the final decision on this project. Specifically, the project requires a conditional use permit to add two units to a multi-unit residential use and to demolish the existing units, and design review. The Commission's purview is to make the required findings related to those permits. Director Bryant added that the City does have a tenant protection ordinance which is not administered by the Planning Commission, and there may be other regulations that are relevant to this project and that are not administered by the Planning Commission. He introduced the City's new Housing Coordinator, Valerie Bernardo, who was in attendance. He said that Ms. Bernardo

is extremely knowledgeable about these issues and has spoken with the applicant and property owner, as well as some of the tenants about their concerns. Ms. Bernardo can help with advice on issues that may not be within the Planning Commission's jurisdiction.

Assistant City Attorney Andrea Visveshwara said that there are State laws that govern local government's review of housing projects and staff has not yet analyzed the project in that context. There is the Housing Accountability Act of 2017 and recently there were quite a number of other housing bills that have been passed that staff has not had a chance to analyze yet. There may be constraints on the City's ability to disapprove the project that staff would look into if that were the Planning Commission's recommendation and the City Council's ultimate decision.

The Planning Commission provided comments on the Conditional Use Permit and Design Review application, including wanting more information on how the proposed project is environmentally-friendly and energy-efficient; a mix of reactions as to the aesthetics of the project and whether it fits into the context of the neighborhood; and the potential for providing more private open spaces, particularly on the roof of the first floor for the second floor units to access. Based on questions from the neighbors, the Commission requested information about whether the proposed project is in a flood zone and, if so, how the project design needs to respond to that. The Commission also provided feedback on site design, including appreciation of the continuous curb on 47th Street with parking at the rear of the project and that the discards enclosures are incorporated into the rear of the buildings and not detached.

The Commission took a break from 8:23 to 8:27 p.m.

- 8.2 Second Story Addition (UPDR19-003)** – A study session for a Conditional Use Permit and Design Review application to add a second story to one existing unit at the front of a parcel with three units at 1025 47th Street. CEQA Status: To be determined. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) (Applicant: Maxwell Beaumont) (Owner: Kulwant & Bhagwant Sekhon) (APN: 49-1174-52).

Navarre Oaks, Assistant Planner, gave the staff presentation and responded to Commissioner questions.

Maxwell Beaumont, Architect; and Amardeep Sekhon, Avtar Pannu and Meera Rani, family on behalf of owners Kulwant & Bhagwant Sekhon, applicant, gave a presentation and responded to Commissioner questions.

The public comment period was opened.

Charles Soper, resident of 47th Street, spoke in favor of the project, and said it would add value to the neighborhood.

Dana Westmoreland, 1046 47th Street, spoke in favor of the project, and said this is how housing should be, taking care of each other.

The public comment period was closed.

The Planning Commission did not bring up any issues with the proposed increase in floor area, but did provide feedback on the design of the project, providing suggestions such as including a diversity of materials, adding building details and articulation to the project, and providing more consistent placement of windows. The Commissioners also stated that items such as bicycle parking and a location for discards need to be addressed before the project returns to the Commission for approval.

9. PLANNING COMMISSIONERS COMMENTS

None.

10. ADJOURNMENT

The meeting was adjourned at 8.55 p.m.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, DECEMBER 12, 2019 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.