



## 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

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**Thursday, January 23, 2020**

**6:30 PM**

**Council Chambers**

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**1. CALL TO ORDER**

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

**2. ROLL CALL**

Present: (6) Chair D. Miguel Guerrero  
Vice Chair Christine Scott Thomson  
Planning Commissioner Linda Barrera  
Planning Commissioner Gail Donaldson  
Planning Commissioner Steven Keller  
Planning Commissioner Deepak Sohane

Excused Absence: (1) Planning Commissioner C. Tito Young

**3. PUBLIC COMMENT**

None.

**4. APPROVAL OF ACTION MINUTES**

**4.1 REGULAR MEETING OF OCTOBER 24, 2019**

Chair Guerrero noted that, although he had been absent from the October 24, 2019 meeting, he had watched the meeting from home and was therefore eligible to vote on the Action Minutes.

A motion was made to approve the Action Minutes.

**Moved:** Keller  
**Seconded:** Barrera  
**Ayes:** (4) Barrera, Keller, Sohane, Guerrero  
**Noes:** (0)  
**Abstain:** (2) Thomson, Donaldson  
**Absent:** (1) Young

#### 4.2 REGULAR MEETING OF DECEMBER 12, 2019

A motion was made to approve the Action Minutes.

**Moved:** Thomson  
**Seconded:** Donaldson  
**Ayes:** (5) Donaldson, Keller, Sohane, Thomson, Guerrero  
**Noes:** (0)  
**Abstain:** (1) Barrera  
**Absent:** (1) Young

#### 5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He reported that construction has begun on the South Bayfront Pedestrian-Bicycle Bridge over the railroad; pile driving is expected to begin soon, and the project should be finished by the end of the year. He announced that a Tenant and Landlord Just Cause Eviction Ordinance Workshop would be held the following Wednesday, January 29 at ECCL, sponsored by the Economic Development and Housing Division and Echo Housing, the City's consultant for tenant-landlord relations. Finally, he noted that this was Commissioner Barrera's last meeting, who is resigning because she is moving out of Emeryville. He commented that she would be greatly missed, and that a resolution of appreciation would be prepared to present to her at the February meeting.

#### 6. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Barrera and Chair Guerrero reported that they had each met with the Hilton Garden Inn Appellant. Chair Guerrero said that he had met briefly with the Ohana Applicant in 2019.

#### 7. STUDY SESSIONS

**7.1 Ohana Cannabis Retail Dispensary and Restaurant (UP19-008)** – Study session to consider a proposal to relocate the existing Ohana retail cannabis dispensary at 5745 Peladeau Street (previously known as East Bay Therapeutics) to 5768 Peladeau Street currently occupied by Broken Rack Sports Bar and Billiards. The applicant seeks to occupy 5,000 square feet of the building with the relocated cannabis dispensary with the remaining 5,260 square feet to be run as a restaurant. CEQA Status: To be determined. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR), North Hollis Overlay (NH), and Transit Hub Overlay (TH). (Applicant: Nasser Azimi) (Owner: Kenneth J Schmier Tr & 1407 Powell Street Associates et al.) (APN: 49-1318-7-4)

Miroo Desai, Senior Planner, gave the staff presentation and responded to Commissioner questions.

Nasser Azimi, President of Ohana, and Mariam Monroe, Chief Therapeutics Officer, Applicants, made a presentation and responded to questions from the Commission. Daryoush Azimi, Chief Operating Officer; Rob Fong, Corporate Counsel; Beth Rodriguez, Chief Administration Officer; and Senior Partners Tyler Monroe, Shawnday Boyette, Will Brewer, and Andrew Ramirez were available to respond to questions.

The public comment period was opened

Marilyn Boucher, Broken Rack owner, spoke in favor of relocating the Ohana cannabis dispensary to the Broken Rack space, as she and her husband wish to retire.

Nathan Petrowsky, business person at 1475 Powell Street, spoke in favor of Ohana's variance request [sic].

The public comment period was closed.

This study session sought to solicit the Commission's direction on whether they were willing to consider amending the buffer requirements for cannabis dispensaries from parks and Greenways. Staff presented four options for the Commission: (1) to consider Greenways as not "parks" for purposes of buffers for cannabis businesses and direct staff to initiate a text amendment to the Planning Regulations to eliminate the buffer requirement around Greenways; (2) to reduce the buffer requirement for cannabis businesses from parks to zero feet and direct staff to initiate a text amendment; (3) direct staff to initiate a text amendment to allow for a Conditional Use Permit to reduce the buffer requirements with a finding that the reduced buffer will not compromise the public health, safety, or welfare; or (4) direct staff not to initiate any text amendment regarding the cannabis regulations. Five Commissioners felt that Option 3 was the most appropriate way to proceed, while one Commissioner supported Option 4 but expressed willingness to consider other options.

Director Bryant noted that this issue is scheduled to be considered by the City Council at a study session on March 17, 2020, after which it may come back to the Commission for a public hearing on the Planning Regulations amendment, depending on the Council's direction.

Chair Guerrero directed that the Hilton Garden Inn Appeal be heard next to accommodate Appellants who were in the audience with small children.

## 8. PUBLIC HEARINGS

**8.1 Hilton Garden Inn Appeal (UP19-004)** – Consideration of an appeal of the Community Development Director's approval of a Minor Conditional Use Permit to convert existing storage and meeting rooms on the top floor of an existing hotel at 1800 Powell Street into 23 new guest rooms and to convert storage on the second floor into two new guest rooms. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alternations to existing facilities with negligible expansion of use; 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. General Plan Land Use Classification: Mixed-Use with Non-Residential and Regional Retail Overlay; Zoning District: Mixed-Use with Non-Residential (MUN) and Regional Retail Overlay (RR) (Applicant: Eli Tuttle; Appellant: Elijah Joshua Esquibel) (Owner: RLH HGN Emeryville Lessee, LP) (APN: 49-1495-26)

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

The public hearing was opened.

Tom Bardenett, Executive Vice President of RLJ Lodging Trust, owners of the Hilton Garden Inn, Applicant, addressed the Commission and responded to questions. Also available to answer questions were Craig Amos, Executive Vice President of Design and Construction; Jim Walent, Vice President of Design and Construction; and Eli Tuttle, Architect. With Chair Guerrero's permission, Associates of the Applicant, David Blackwell and Craig Amos, ceded time to Mr. Bardenett, giving him a total of nine minutes to speak.

Sonya Karabel, Researcher with Unite HERE Local 2850, Appellant, addressed the Commission and responded to questions.

Charistel Ticong, banquet server at Hilton Garden Inn for 15 years, spoke in support of the appeal.

Elijah Esquibel, Appellant, spoke in support of the appeal, arguing that the project would eliminate the last hotel banquet space in Emeryville.

The public hearing was closed.

Commissioner Barrera made a motion to uphold the appeal and deny the Minor Conditional Use Permit. Commissioner Donaldson seconded the motion. They provided language for findings to deny the application.

Moved: Barrera  
 Seconded: Donaldson  
 Ayes: (2) Barrera, Donaldson  
 Noes: (4) Keller, Sohane, Thomson, Guerrero  
 Abstain: (0)  
 Absent: (1) Young

The motion failed.

A motion was made to deny the appeal and uphold the Director's approval of the Minor Conditional Use Permit.

Moved: Keller  
 Seconded: Sohane  
 Ayes: (4) Keller, Sohane, Thomson, Guerrero  
 Noes: (2) Barrera, Donaldson  
 Abstain: (0)  
 Absent: (1) Young

The motion passed. This decision is final and may not be appealed to the City Council.

The Commission took a break from 8:35 to 8:42 p.m.

## 7. STUDY SESSIONS (continued)

**7.2 Public Market Master Sign Program (SIGN19-017)** – Study session for a Major Sign Permit for a Master Sign Program for the Public Market along Shellmound Street between Shellmound Way and 63<sup>rd</sup> Street, including adjacent portions of 62<sup>nd</sup> Street and an interior courtyard. CEQA Status: To be determined. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant: AG-CCRP Public Market, L.P. c/o City Center Realty Partners, LLC) (Owner: AG-CCRP Public Market, L.P.) (APNs: 49-1556-7, 15, -16, -17, -22, -23, -24).

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

Christopher Pizzi, Architect with Hart Howerton, Applicant, addressed the Commission and responded to questions.

The public comment period was opened; there was no one wishing to speak; the public comment period was closed

The Commission provided feedback on the scope and content of the proposed Master Sign Program. It was noted that a Planning Commission public hearing on the proposed Master Sign Program is tentatively scheduled for March 26, 2020.

**8. PUBLIC HEARINGS (continued)**

- 8.2 Public Storage Signs and Façade (DR19-018)** – Consideration of a Major Design Review Permit for new signs and exterior paint at an existing personal storage facility at 6501 Shellmound Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alternations to existing facilities with negligible expansion of use, Section 15311 which applies to the placement of minor structures accessory to existing facilities including on-premise signs; 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. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR) (Applicant: David Ford) (Owner: Public Storage Institutional Fund II) (APN: 49-1490-5).

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

David Ford, Applicant, addressed the Commission and responded to 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 as submitted.

**Moved:** Barrera  
**Seconded:** Sohane  
**Ayes:** (3) Barrera, Sohane, Guerrero  
**Noes:** (1) Keller  
**Abstain:** (2) Donaldson, Thomson  
**Absent:** (1) Young

A quorum having been established, the application was approved by a majority of those present and voting.

**9. PLANNING COMMISSIONERS COMMENTS**

Commissioner Barrera expressed her gratitude to her fellow Commissioners and staff for their hard work, expressed sadness at leaving, and wished the Commission well. Commissioners congratulated and thanked Commissioner Barrera for her service to the Planning Commission.

Commissioners Keller and Sohane noted that they would both be absent from the February meeting.

**10. ADJOURNMENT**

The meeting was adjourned at 9.49 p.m.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, FEBRUARY 27, 2020 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**