



ACTION MINUTES

Planning Commission

Planning Commissioners:

Steven Keller	Chair
Erika Mendez	Vice Chair
Zoë Chafe	Commissioner
Al Dram	Commissioner
Jack Ghizzoni	Commissioner
Henry Symons	Commissioner
Erica Zepko	Commissioner

REGULAR MEETING

Thursday, October 28, 2021

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was convened via teleconference at 6:31 p.m. by Chair Steven Keller.

2. ROLL CALL

Present: (7) Chair Steven Keller
Vice Chair Erika Mendez
Planning Commissioner Zoë Chafe
Planning Commissioner Al Dram
Planning Commissioner Jack Ghizzoni
Planning Commissioner Henry Symons
Planning Commissioner Erica Zepko

3. RESOLUTION DECLARING THE NEED FOR THE PLANNING COMMISSION TO CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC

Director Bryant read aloud a statement announcing that the meeting was being conducted by teleconference pursuant Assembly Bill 361, which provides for an exemption to the Brown Act, provided that the Planning Commission makes certain findings by majority no later than 30 days after it starts using the exemption, and every 30 days thereafter.

A motion was made to approve the resolution.

Moved: Chafe
Seconded: Mendez
Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (0)

4. PUBLIC COMMENT

None.

5. APPROVAL OF ACTION MINUTES SEPTEMBER 23, 2021

A motion was made to approve the Action Minutes.

Moved: Mendez
Seconded: Zepko
Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (0)

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions, and reminded the Commissioners that there is no Planning Commission meeting in November due to the Thanksgiving holiday; the next meeting will be in six weeks, on Thursday, December 9, 2021.

7. DISCLOSURE OF EX PARTE COMMUNICATIONS AND IDENTIFICATION OF CONFLICTS INTEREST

Regarding Items 8.1 and 8.2, Commissioner Chafe said that she would be recusing herself because she owns her primary residence within 500 feet of the project site.

Regarding Item 9.1, Vice Chair Mendez said that she would be recusing herself because her residence is in the Marketplace development, and because her employer participated in a study that was presented as an alternative to this project by Wareham Development. Commissioner Ghizzoni said that he would be recusing himself because the applicant is a client of his employer.

Commissioner Keller said that he had met with the developers of the Marketplace.

Chair Keller announced that the order of items on the agenda would be rearranged, with Item 8.2 being moved to the end of the agenda, and Item 9.2 being moved ahead of item 9.1.

8. PUBLIC HEARINGS

8.1 Two Unit Replacement, 1270 64th Street (UPDR20-004) – Consideration of a Conditional Use Permit and Design Review to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64th Street and a Tree Removal Permit to allow for the removal and replacement of one street tree. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b), which applies construction of up to six new dwelling units, and the “common sense exemption” 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (N-H) (Applicant: Leonardo Escaroz) (Owner: William Sellier, Daniel Stamatoiu, et al.) (APN: 49-1470-10-3)

Commissioner Chafe recused herself from this item. because she owns her place of residence within 500 feet of the project site; she was moved to the “attendee” group.

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

Applicants Daniel Stamatoiu, Andrei Stamatoiu and Leo Escaroz gave a presentation and responded to Commissioner questions.

The public hearing was opened.

Jane Goodwin said that she lives three doors away from the property and expressed concern about the removal of the present street tree. She said she would like to see a maple and not a myrtle, or a tree that does not shed, as a replacement. She said she is glad that the project will be going forward because the current house is an eyesore.

The public hearing was closed

A motion was made to recommend that the City Council approve the application.

Moved: Mendez
Seconded: Keller
Ayes: (6) Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Recused: (1) Chafe

Commissioner Chafe was moved from the “attendee” group back to the Planning Commission panel.

9. STUDY SESSIONS

- 9.2 **Housing Element of the General Plan (STUDY21-001)** – A study session to provide an overview of the 2023-2031 Housing Element requirements and the initial housing needs assessment.

Associate Planner Navarre Oaks introduced consultants Jennifer Gastelum and Allison Holmstedt of PlaceWorks, who made a presentation and responded to Commissioner questions. The Commission asked for clarity on how the document is to be used and asked if programs incentivizing construction of low-income units could be included in the Housing Element. Specific suggestions included providing financing for people to build accessory dwelling units (ADUs) if they are low-income, and permitting residential units to go over base zoning without Planning Commission approval if the units are made subject to an affordability agreement.

Public comment was opened; there was no one wishing to speak; public comment was closed.

- 9.1 **Marketplace Redevelopment Project Parcels A, B and F (FDP21-001)** – A study session to review a proposed Final Development Plan (FDP) for Parcels A, B, and F of the Marketplace Redevelopment Project along Shellmound Street between Shellmound Way and 63rd Street. The proposed FDP would include three buildings on Parcels A and B comprised of an eight-level 322,744 square foot Research and Development building, a four level, 83,434 square foot Research and Development building with 7,460 square feet of ground floor retail space, and a seven-level parking garage accommodating 883 parking spaces. In addition, 18 residential units are proposed on Parcel F. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Owner/Applicant: Emeryville Holdings (DE) LLC, c/o Oxford Properties Group) (APN: 49-1556-15; -16; and -17)

Vice Chair Mendez recused herself from this item and left the meeting because her residence is in the Marketplace and her employer participated in a study that was presented as an alternative to this project by Wareham Development. Commissioner Ghizzoni recused himself and left the meeting because the applicant is a client of his employer. Commissioner Chafe reported that, on June 2, she met with Mark Stefan of City Center Realty Partners.

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

Mark Stefan, President, City Center Realty Partners, applicant; Ofer Zer, Vice President, Oxford Properties, applicant; Tom Fortier, Managing Principal, HDR, architect; Dorka Keehn, Keehn on Art, art consultant; and Sarah Moos Thompson, Senior Associate, Bionic, landscape architect, made a presentation and responded to Commissioner questions.

Public comment was opened.

Lisa Findley, 6019 Christie Avenue, commented via online speaker card, expressing concern about the loss of housing in the project and the design of the connection to the pedestrian bridge over the railroad.

Public comment was closed.

The Commission asked questions regarding the economic conditions necessitating a change in the proposed uses of the three parcels, and also expressed concern about the loss of housing. A Commissioner suggested partnering with the developer of 5850 Shellmound Way to add housing, and at least two Commissioners were not in favor of a stand-alone affordable housing building. Concerning the proposed research and development buildings and parking garage on Parcels A and B, it was noted that the design of the staircase had much improved and a suggestion for adding seating at the stair landing was expressed. The Commission generally liked the architecture and appreciated inclusion of green roofs and solar panels. A need for a robust Transportation Demand Management (TDM) plan was suggested.

8. PUBLIC HEARINGS (continued)

- 8.2 Four-Unit Replacement, 1271 64th Street (UPDR21-005)** – Consideration of a Conditional Use Permit and Design Review proposal to construct four new units and demolish four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64th Street. (UPDR16-007, previously approved by the Planning Commission on December 8, 2016.) CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b), which applies construction of up to six new dwelling units, and the “common sense exemption” 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (NH) (Applicant/Owner: Aquis Bryant) (APN: 49- 1471-15)

Vice Chair Mendez and Commissioner Ghizzoni rejoined the meeting. Commissioner Chafe recused herself from this item. because she owns her place of residence within 500 feet of the project site; she was moved to the “attendee” group.

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

Travis Tarr, Project Manager, Baran Studio Architecture; and Aquis Bryant, owner/applicant, gave a presentation and responded to Commissioner questions.

The public hearing was opened

Joy Ashe, resident of 64th Street, expressed concern about the lack of off-street parking as the project would be adding 10 bedrooms, safety for families with children, and that both this and the project across the street will be happening at the same time.

The public hearing was closed

A motion was made to recommend that the City Council approve the application.

Moved: Mendez
Seconded: Symons
Ayes: (6) Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Recused: (1) Chafe

Commissioner Chafe was moved from the "attendee" group back to the Planning Commission panel.

10. PLANNING COMMISSIONERS COMMENTS

None.

11. ADJOURNMENT

The meeting was adjourned 10:38 pm.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, DECEMBER 9, 2021 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.