



AGENDA

Planning Commission

Planning Commissioners:

Zoë Chafe	Chair
Henry Symons	Vice Chair
Al Dram	Commissioner
Jack Ghizzoni	Commissioner
Rod Henmi	Commissioner
David Mourra	Commissioner
Jordan Wax	Commissioner

REGULAR MEETING

Thursday, August 25, 2022

6:30 PM

Teleconference

A complete copy of the agenda packet is available on the City's website at www.emeryville.org/104/Planning-Commission before the Planning Commission meeting. All writings that are public records and relate to an agenda item which are distributed to a majority of the legislative body less than 72 hours prior to the meeting noticed above will be made available as "Late Correspondence" to Commissioners and City Staff before the meeting. The meeting is broadcast live on the City of Emeryville Television Channel (ETV), Cable Channel 27, and will be rebroadcast as part of the regular City agency bodies' meetings according to the published ETV schedule or programs.

You can request free copies of Planning Commission agendas in digital format for the current calendar year by going to our website at www.emeryville.org and clicking on "Receive Notifications". Simply fill out your information, check "Planning Commission Agendas", and click the "Subscribe" button. You will then receive an email or text message (or both) asking you to confirm your subscription. Once completed, you will begin to receive notifications of Planning Commission meeting agendas.

INFORMATION FOR MEETINGS DURING AN OFFICIALLY DECLARED STATE OF EMERGENCY UNDER ASSEMBLY BILL 361 (effective until the state of emergency is lifted by the Governor):

Pursuant to California Assembly Bill 361, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body during the current health emergency. As such, the Planning Commissioners will be participating in the Planning Commission meeting via teleconference, and the Commission will provide various options for the public to participate in the conduct of the meeting remotely.

The Commission will further adhere to the means otherwise prescribed by the Brown Act, which allows members of the public the right to observe and offer public comment during the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the Commission will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The Commission offers many ways for you to watch and participate in Planning Commission matters without attending a meeting in-person. Planning Commission meetings are streamed live on Emeryville TV at www.emeryville.org/104/Planning-Commission. Additionally, public comment for Commission agenda items can be submitted online via our online speaker card at www.emeryville.org/104/Planning-Commission. Written comments can also be submitted by email to plancomm@emeryville.org, or to the Community Development Director, Charles S. Bryant, at cbryant@emeryville.org. If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting as there will be no option to attend in person.

If you prefer to participate in the meeting using Zoom, please use the information provided here:

Please click the link below to join:

<https://emeryville-org.zoom.us/j/84672851503>

Or Telephone: +1 669 900 6833

Webinar ID: 846 7285 1503

International numbers available: <https://emeryville-org.zoom.us/j/84672851503>

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Commission level for discussion and action. There is no further comment permitted from the audience unless requested by the Planning Commission.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3-minute time limit.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office or ADA Coordinator at 510-596-4300 as far in advance as possible, but no later than 72 hours prior to the scheduled event. The best effort to fulfill the request will be made.

The AGENDA for this regular meeting is as follows:

1. **CALL TO ORDER**
2. **ROLL CALL**
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](#)**
4. **PUBLIC COMMENT**
5. **[APPROVAL OF ACTION MINUTES OF JULY 28, 2022](#)**
6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
7. **DISCLOSURE OF EX PARTE COMMUNICATIONS AND IDENTIFICATION OF CONFLICTS OF INTEREST**

8. PUBLIC HEARINGS

- 8.1 [Marketplace Redevelopment Project Parcels A, B and F \(PUD04-003/DA15-001\)](#)** – Consideration of an amendment to the Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan (PUD/PDP) to transfer requirement for 10 townhome units from Parcel A (referred to as the “Shellmound Building” in the approved PUD/PDP) to Parcel F (referred to as the “Retail Pad #1” in the approved PUD/PDP); and an amendment to the Development Agreement to allow for no residential development on Parcel A, and to provide for a monetary contribution of \$20 million to the City in lieu of providing 18 affordable housing units on Parcel A, and other related amendments. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by the 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) (Owner/Applicant: Emeryville Holdings (DE) LLC, c/o Oxford Properties Group) (APNs: 49-1556-15; -16; -17; and -24)

9. ADMINISTRATIVE ITEMS

- 9.1 [1034, 1036, 1038 and 1042 47th Street Certificate of Compliance Appeal \(ZC22-008\)](#)** – Consideration of an appeal of staff’s determination that a Parcel Map, rather than a Certificate of Compliance, is the required legal method for creating four separate parcels for each of four existing houses at 1034, 1036, 1038 and 1042 47th Street. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings. CEQA Status: Action on this appeal is not a "project" pursuant to State CEQA Guidelines Section 15378. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) (Owner/Appellant: David Burchard) (APN: 49-1175-8-3).

10. PLANNING COMMISSIONERS COMMENTS**11. ADJOURNMENT**

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 22, 2022 AT 6:30 P.M. VIA TELECONFERENCE IN ACCORDANCE WITH CALIFORNIA ASSEMBLY BILL 361 OR IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608 IF THE STATE OF EMERGENCY HAS BEEN LIFTED.