



**ACTION MINUTES**

**Planning Commission**

**Planning Commissioners:**

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

**REGULAR MEETING**

**Thursday, December 13, 2018**

**6:30 PM**

**Council Chambers**

**1. CALL TO ORDER**

The meeting was called to order at 6:30 p.m. by Chair Linda Barrera.

**2. ROLL CALL**

Present: (6) Chair Linda Barrera  
 Vice Chair D. Miguel Guerrero  
 Planning Commissioner Gail Donaldson  
 Planning Commissioner Jonathan Hidalgo  
 Planning Commissioner Steven Keller  
 Planning Commissioner C. Tito Young

Excused (1) Planning Commissioner Christine Scott Thomson  
 Absence:

**3. PUBLIC COMMENT**

Rod Henmi, Director of Design, HKIT Architects, said that developers who ask for concessions such as increased density, height, and bulk, should provide and pay for mitigation for the negative effects caused by such concessions, including traffic, affordable housing, and public open space.

**4. APPROVAL OF ACTION MINUTES OF OCTOBER 25, 2018**

A motion was made to approve the Action Minutes.

**Moved:** Keller  
**Seconded:** Guerrero  
**Ayes:** (6) Donaldson, Hidalgo, Keller, Young, Guerrero, Barrera  
**Noes:** (0)  
**Abstain:** (0)  
**Absent:** (1) Thomson

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

Director Bryant reported on recent City Council actions. He also announced that the next quarterly "BizNexus" businesses networking event will be Wednesday, December 19 at the Public Market Food Hall.

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

Commissioner Young reported that he had met with Mark Stefan, applicant for Marketplace Parcel B; Commissioners Donaldson, Hidalgo, and Vice Chair Guerrero all reported that they had met with both Onni Group and the applicant for Marketplace Parcel B; Commissioner Keller reported that he had met with Onni Group.

## 7. PUBLIC HEARINGS

**7.1. Decathlon Signs (SIGN18-016)** – Consideration of a Major Sign Permit for one illuminated wall sign, one non-illuminated monument sign, and three illuminated signs on the tower structure for Decathlon sporting goods in the former Toys “R” Us building at 3938 Horton Street in the East BayBridge Shopping Center. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to placement of on-premises 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 and Regional Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), and Pedestrian Priority Zone (PP) (Applicant: Ad Art Inc. – Nathan Moreno) (Owner: HSE Associates, LLC) (APNs: 7-617-20 and -22)

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

Bertrand Tison, Decathlon; and David Esajian, Ad Art, presented and responded to Commissioner questions. Steve Resnick, Decathlon; Nathan Moreno, Ad Art; and Abigail Hall, Ad Art and were also available to answer questions.

The public hearing was opened.

Paul Gerhardt, long-time resident Pacific Park Plaza, asked how and during what hours the signs would be illuminated.

The public hearing was closed.

An audience member expressed a desire to speak; the public hearing was re-opened.

Joyce Jacobson, Emeryville resident, said she has a close relative who lives at Bayside Park and his window will face the sign. If the sign is illuminated after 10 pm it could cause him problems. The Bayside Park facility should be alerted because they may have to change blinds.

At the Chair’s request, Director Bryant responded that the Decathlon project would have no signs facing north towards Bayside Park.

The public hearing was closed.

A motion was made to approve the application.

**Moved:** Donaldson  
**Seconded:** Guerrero  
**Ayes:** (6) Donaldson, Hidalgo, Keller, Young, Guerrero, Barrera  
**Noes:** (0)  
**Abstain:** (0)  
**Absent:** (1) Thomson

Chair Barrera polled the attendees and, upon seeing that the majority were present for the Onni Christie Mixed Use Project, directed that that study session item be considered next.

## 8. STUDY SESSIONS

**8.2. Onni Christie Mixed Use Project (UPDR18-003)** – Study session to review a proposed mixed-use project on a 3.76-acre site at 5801-5861 Christie Avenue, including a 54-story residential tower with 638 units, a 16-story office tower with approximately 238,000 square feet of office space, about 20,000 square feet of ground floor retail space, and 1,105 parking spaces. The project will include a new half-acre public park fronting Christie Avenue and will retain the existing 87,410 square foot office building occupied by Wells Fargo Bank and other commercial tenants. The existing one-story, approximately 44,000 square foot building that is occupied by Allegro Ballroom and other commercial tenants will be demolished. General Plan Land Use Classification: Mixed Use with Residential, Major Transit Hub, and Other Park Opportunity; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), and Pedestrian Priority Zone (PP) (Applicant: Nathan Pitters, Onni Group) (Owner: 5801 Christie Owner LLC) (APNs: 49-1494-3-2 and -4-8)

Mark Spector and Nathan Pitters, Onni Group, applicant, and Salim Narayanan, IBI Group, architect, presented and responded to Commissioner questions.

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

The floor was opened for public comment.

Rod Henmi, 6019 Christie Avenue, generally supported the project but expressed concerns about shadows, traffic, the massive appearance of the proposed podium, and access to the site from Powell Street. He urged that the existing Wells Fargo office building be removed so that the new tower could be located closer to the freeway and away from Christie Avenue.

Gunner Niemi, 6363 Christie Avenue, said he had lived in Emeryville for 34 years and thinks that there is a place for 54-story residential towers, but not in our community.

Tim Frank, Executive Director of the Center for Sustainable Neighborhoods, and representing Alameda County Building and Construction Trades Council, spoke in support of the project and urged that a Project Labor Agreement be eligible for community benefit bonus points.

Paul Gerhardt, 6363 Christie Avenue, said he has lived in Emeryville since 1976 and that a 54-story tower is without benefit to the community does not belong in Emeryville.

Michael Burke, 6363 Christie Avenue, said he has lived in Emeryville with his husband for 12 years, and his husband has lived in Pacific Park Plaza for 30 years. He said they love high-rise living and spoke in support of the project. He said the major issues are access and transportation. He urged that the gas station and Denny's sites be incorporated into the project and that the Wells Fargo office building be demolished.

Mark Thamkul, owner of the adjacent office building at 5901 Christie Avenue, spoke in opposition to the project, citing traffic and parking problems. He said the proposed project should be located in a big city like San Francisco or reduced to 30 stories.

Ryan Greenberg, 3900 Adeline Street, spoke in support of the project and urged that the tower have a public amenity on the rooftop; he also expressed concern about the number of additional parking spaces.

David Mourra, 6466 Hollis Street, spoke in support of the project. He cited a need for housing, and said that the increase in density would stimulate additional transit options. He said he loved the idea of a rooftop bar.

Marcelline Krafchick, 6363 Christie Avenue, said she was on the Hayward Zoning Board for eight years and served two terms as the first woman on the Hayward Planning Commission, and was also involved in limiting high-rises in Paris. She said this is not the right place for this development, citing limited transit access.

Kris Owens, 6363 Christie Avenue, said she served on the Emeryville Planning Commission for 20 years, and that Emeryville is not ready emotionally to be an urban high-rise center. She said this project is exciting; she loves the design and the presentation. She urged that the Wells Fargo building be demolished; it is ugly and without it they will have more room for green space.

Diane Tong, 6363 Christie Avenue, resident since 1992, spoke in opposition to the project, citing traffic and view impacts. She said a five or six story building in a nice complex might be doable.

Michelle Tee, 6363 Christie Avenue, said she came from New York City and loves tall buildings. She expressed concerns about traffic, transit, and site access, and urged electric vehicle support and car share. She suggested a raised pedestrian area for better access to the shopping center, and said the project should have more low-income housing.

Vickie Jo Sowell, 3618 Peralta Street, 30-year Emeryville resident, expressed concerns about traffic, parking, water use, and green energy. She said perhaps they are negotiating high and they will come down to 35 stories instead of 54 stories.

“Person One”, who declined to identify herself, spoke in opposition to the project, citing traffic, pedestrian safety, site access, and shadow impacts.

Joseph Chance, 6363 Christie Avenue, spoke in support of the project. He said it is bold and exciting and will help to address the housing crisis. He cited concerns about traffic and parking. He said the podium is too high and the amount of parking should be reduced. He urged that the Denny’s and gas station sites be included in the project to create a dynamic gateway to the city at Powell Street.

There being no further speakers, the public comment was closed.

The Commission then discussed the project. The Commissioners were generally supportive of the project and had the following comments on the proposal. Most Commissioners suggested that a bar and/or restaurant at the top of the residential tower would be a good amenity for residents and visitors alike. It was pointed out that the east elevation, which would be visible to Emeryville residents, needed more attention and that there needed to be a design connection between the two towers. Comments were made on the large parking podium and it was suggested that the applicant should seek ways of reducing the parking so that the size of the podium could be reduced. Traffic and circulation were highlighted as main concerns and it was suggested that the applicant consider obtaining bonus points by doing intersection improvements at Powell Street and Christie Avenue. It was noted that currently the only vehicular entry and exit point is on Christie Avenue and that additional entry/exit points would assist in addressing traffic concerns. A monetary contribution to the City’s Art Center and provision of for-sale units were other suggestions for obtaining bonus points in addition to intersection improvements. Including sustainability elements in the project and a water feature in the park design were other suggestions made by the Commission.

The Commission took a break at 9:14 pm and reconvened at 9:25 pm.

Chair Barrera directed that the study session on the Marketplace Parcel B project be considered next.

- 8.1. Marketplace Redevelopment Project, "Parcel B" (FDP18-001)** - Study session to consider a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) to replace Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant/Owner: AG-CCRP Public Market L.P.) (APN: 49-1556-16)

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

Mark Stefan, City Center Realty Partners, applicant; Eron Ashley, Hart|Howerton, architect; and Dorka Keehn, art consultant, presented and responded to Commissioner questions.

The floor was opened for public comment.

Diane Tong, 6363 Christie Avenue, asked if there had been a cityside parking study, and what the parking in this new building would be used for. At the Chair's request, Director Bryant and the applicant, Mark Stefan, responded.

The public comment period was closed.

The Commission generally like the proposal, particularly the use of industrial vernacular, and agreed that the revised project for Parcel B was consistent with the approved Planned Unit Development for the Public Market. The Commission's concerns related to the need for additional details for the treatment of ground floor storefronts, and a suggestion was made to use a lighter color for the proposed gray stone. Commissioners also suggested that the proposal include an indoor option for loading, as was included in the previously approved plans, and that the stairs be daylighted. The Commission also noted that additional work and attention was needed on the north and south elevations and suggested that the applicant consider adding solar panels and providing electric vehicle charging stations in the office/laboratory parking.

The Commission then returned to public hearing items.

## 7. PUBLIC HEARINGS

- 7.2 Telecommunication Facilities Regulations Amendments (ORD18-002)** – Consideration of amendments to Article 17 of Chapter 5 of the Planning Regulations and other associated amendments to the Planning Regulations to make approvals of Wireless Communication Facilities ministerial pursuant to the Zoning Compliance Review process. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311, which applies to accessory structures; Section 15303, which applies to construction of new, small facilities and the conversion of existing small structures from one use to another; 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.

Miroo Desai, Senior Planner, presented and responded to Commissioner questions.

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

A motion was made to recommend City Council approval of the proposed amendments to the Planning Regulations.

**Moved:** Keller  
**Seconded:** Guerrero  
**Ayes:** (6) Donaldson, Hidalgo, Keller, Young, Guerrero, Barrera  
**Noes:** (0)  
**Abstain:** (0)  
**Absent:** (1) Thomson

Assistant City Attorney Andrea Visveshwara noted that the amendments are scheduled to be considered by the City Council on January 15, 2019, but that they may be pulled if pending litigation results in a stay in the implementation of the FCC ruling.

Given the late hour, Chair Barrera asked the Commission if they would prefer to continue the last item to a future meeting. The consensus was to stay and finish the agenda.

## 8. STUDY SESSIONS

- 8.3. **Unit Mix and Design, and Tower Separation Amendments for High-Rise Buildings (ORD18-001)** – Study session to consider amendments to Article 20 of Chapter 5 of the Planning Regulations pertaining to unit mix and design, and to Section 9-4.202(f) of Article 2 of Chapter 4 of the Planning Regulations pertaining to tower separation, for buildings over 100 feet in height.

Charles Bryant, Community Development Director, presented and responded to Commissioner questions.

The floor was opened for public comment.

Bobby Lee, 1558 Brunswig Lane, said residents have left the Bay Street condos in recent years because of not being able to find units large enough for their growing families, and cited a need for more two- and three-bedroom units. He also said that allowances should be made for multi-generational housing.

The public comment period was closed.

At 11:25 pm, the Commission agreed by consensus to continue past 11:30 pm, for an additional 15 minutes until 11:40 pm.

Following deliberations, the consensus of the Commission was to recommend to the City Council that high-rise buildings be required to have a minimum percentage of two- and three-bedroom units and a maximum percentage of studio units, but with percentages that are less restrictive than those for non-high-rise buildings. Concerning tower separation, the consensus of the Commission was for a general finding that the distance separating high-rise buildings is adequate.

## 9. PLANNING COMMISSIONERS COMMENTS

None.

## 10. ADJOURNMENT

The meeting was adjourned 11:39 p.m.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, FEBRUARY 28, 2019 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**