

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
JUNE 26, 2014**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Lawrence Cardoza. Commissioners present: Sean Moss, Vanessa Kuemmerle, Steven Keller, Brad Gunkel, Gail Donaldson, and Lawrence Cardoza. Commissioner Kairee Tann had an excused absence.

II. PUBLIC COMMENT

None.

III. ACTION RECAP – May 22, 2014.

Commissioner Gunkel noted that the correction to Item III was made by Commissioner Tann, not Commissioner Gunkel.

A motion was made to accept the Action Recap with this correction.

Moved: Donaldson

Seconded: Kuemmerle

Vote: Ayes: Cardoza, Kuemmerle, Moss, Keller, Gunkel, and Donaldson
Excused: Tann

IV. DIRECTOR’S REPORT

Director Bryant reported on recent actions of the City Council. He also noted that as of July 1, 2014 his title will officially change to “Community Development Director.” Michelle DeGuzman has been appointed Acting Manager of the Economic Development and Housing Division.

Commissioner Keller requested an update on EBOTS (Emeryville-Berkeley-Oakland-Transit Study). Director Bryant reviewed the upcoming steps for EBOTS including a Planning Commission Study Session in October, to be followed by a City Council Study Session, and Planning Commission approval in December of 2014 or January of 2015. Under the Caltrans grant the study must be completed by February 2015.

V. PUBLIC HEARINGS

- A. Pain & Rehabilitation Consultants’ Management Group Parking Lot General Plan Amendment and Rezoning (GPA14-001/REZONE14-001) - Consideration of a General Plan Amendment to add a Maximum Residential Density designation of 20/35 units per acre to the proposed Pain & Rehabilitation Consultants’ (PRC) Management Group parking lot parcel at the northwest corner of Stanford Avenue and Doyle Street; to redesignate the surrounding City-owned property from Mixed Use with Residential to Park/Open Space and remove the “Other Park Opportunity” circle on the Land Use Diagram; and to change the Maximum Building Height from 30/55 feet to 30 feet/no bonus and**

the Maximum Floor Area Ratio from 1.2/1.6 to 0.5/No Bonus for both properties; and a rezoning of the proposed PRC parking lot from PO Park/Open Space to MUR Mixed Use With Residential. CEQA Status: This project is exempt from environmental review under the “general rule” at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. (Applicant: City of Emeryville; Current Owners: Emery PJ & CM LLC, and City of Emeryville) (Parcel B of proposed Parcel Map 10112, currently including all of APN 49-1041-67 and a portion of APN 49-1041-68.)

Commissioner Gunkel was recused.

Director Bryant presented the report and responded to questions from the Commission.

The public comment period was opened.

Brian Gunkel, neighbor, noted that it is unlikely that the parking lot would be developed. Ideally it would be designated as Park/Open Space, but if that is not feasible, restricting building height, FAR, and density should provide sufficient restriction.

The public comment period was closed.

Commission Comments

Generally, the Commission noted that the proposal, while not ideal was reasonable, and an acceptable compromise. There was some discussion over whether, while technically possible, building a small building was actually viable. The Commission asked for clarification regarding the process and why this is being considered at this time. Director Bryant reviewed the development history of the parcel, noting that it was not until negotiations over the land swap that PRC realized the property had been rezoned.

A motion was made to approve the staff recommendation for the General Plan Amendment and rezoning.

Moved: Keller
Seconded: Moss
Vote: Ayes: Cardoza, Keller, Moss
Noes: Donaldson, Kuemmerle
Excused: Tann
Recused: Gunkel

Director Bryant noted that a majority of the total membership of the Commission (i.e. four votes) is needed to approve a General Plan amendment, while only a majority of those present and voting (i.e. three votes) is required to approve a rezoning. As a majority of the total membership of the Commission did not vote in favor of the motion, the zoning change was approved, but the General Plan Amendment was not. The Commission’s vote is advisory to the City Council, which will make the final decision and will be advised of the Commission’s action.

- B. Housing Element** - Consideration of the draft 2015-2023 Housing Element of the General Plan for submittal to the California Department of Housing and Community Development for compliance review. CEQA Status: An addendum to the General Plan Environmental Impact Report (EIR) will be prepared; the General Plan EIR was certified by the City Council by Resolution No. 09-207 on October 13, 2009.

Kim Obstfeld of PMC presented the report and responded to questions from the Commission.

The Commission asked questions regarding maximum density calculations, the process used for identifying underutilized sites, the feasibility of programs not included in the plan, and regional housing needs allocations. The Commission noted that the Housing Element was well done and surprisingly easy to read.

The public hearing was opened. There was no one wishing to speak, the public hearing was closed.

Commission Comments

Some added programs seem out of place, such as the specific recommendations in Program H-4-2-6 regarding architectural diversity. The Commission noted that Program H-7-2-5 had similar problems.

The Commission discussed how to make Program H-7-3-3, to amend the City's Design Guidelines, more effective. Suggestions included adding provisions for open space amenities to encourage intergenerational interaction, encouraging kitchens to look onto courtyards, and having visual connectivity between community rooms and community open spaces. It was also noted that requiring design elements doesn't necessarily result in people opening their curtains or sitting on their front porches. It was also suggested that wider sidewalks and plantings are needed to buffer buildings from streets: having stoops open directly onto sidewalks can feel cold and stark. The Commissioners discussed the benefits of using general language over specific language.

A motion was made to recommend that the City Council approve the draft Housing Element with the following modifications:

- Program H-4-2-6: Strike the second sentence.
- Program H-7-2-5: Strike everything after "intrusion."
- Program H-7-3-3: Modify to: "Review Adopt and implement an amendment to the City's Design Guidelines and identify opportunities to amend standards to promote high quality open space and community interactions, such as that requirement for of a community multipurpose room in larger residential development projects, and mailbox locations that encourage social interactions, open spaces that engage with community spaces and the street, porches or decks that face the street or courtyards, and the design of individual units that promotes interaction with the street and common spaces."

Moved: Donaldson
Seconded: Moss
Vote: Ayes: Cardoza, Keller, Moss, Gunkel, Donaldson, Kuemmerle
Excused: Tann

- C. Development Impact Fees** - Consideration of amending the Planning Regulations in Title 9 of the Emeryville Municipal Code to allow for the establishment of development impact fees by modifying Article 4 of Chapter 5, “Affordable Housing Set-Aside Program”, to be retitled “Affordable Housing Program”, and adding a new Article 19 of Chapter 5, “Development Impact Fees”. CEQA Status: The proposal is exempt from environmental review because it is not a “project” as defined in Section 15378 of the State CEQA Guidelines, and under the “general rule” at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

Director Bryant presented the report and responded to questions from the Commission.

The public hearing was opened. There was no one wishing to speak, the public hearing was closed.

Commission Comments

The Commission discussed the policies of neighboring jurisdictions and requirements of State law. Commissioner Gunkel indicated that he could not support the proposal because he felt that 10 units was too low a threshold to require condominium projects to provide affordable units.

A motion was made to approve the staff recommendation.

Moved: Moss
Seconded: Donaldson
Vote: Ayes: Cardoza, Keller, Moss, Donaldson, Kuemmerle
Noes: Gunkel
Excused: Tann

VII. COMMISSIONERS COMMENTS

None.

VIII. ADJOURNMENT – 8:24 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JULY 24, 2014 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.