

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
SPECIAL MEETING
October 30, 2014**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30PM by Chairperson Sean Moss. Commissioners present: Vanessa Kuemmerle, Steven Keller, Brad Gunkel, Lawrence Cardoza, Gail Donaldson and Kairee Tann.

II. PUBLIC COMMENT

None.

III. ACTION RECAP – Special meeting of October 2, 2014

A motion was made to approve the October 2, 2014 Action Recap with the following correction to Item VI.B on page 4: the correct number of parking spaces should be 290, not 2909.

Moved: Donaldson

Seconded: Moss

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

IV. DIRECTORS REPORT

Director Bryant reported on recent City Council actions. He also informed the Commission that the EBOTS transit study will return to the Planning Commission on December 11, 2014 for approval and recommendation to the City Council. The last EBOTS community meeting will take place at the West Oakland Senior Center from 10:00 a.m. to noon on Saturday, November 8, 2014. The pre-application stage deadline for Below Market Rate (BMR) residential units at Parc on Powell ends tomorrow (October 31, 2014).

A. PLANNING COMMISSION SCHEDULE

A motion was made to approve the 2015 schedule as presented, with no adjustments.

Moved: Kuemmerle

Seconded: Keller

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

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioners Keller, Cardoza, Kuemmerle, and Tann reported that they had each met with the applicants for item VII.A: the Sherwin Williams Mixed Use Project (PUD13-001). Commissioner Keller reported that he will recuse himself for item VII.A. (Christie Avenue Park Redesign and Expansion) because he owns his residence within 500 feet.

VI. PUBLIC HEARINGS

A. 59th & Peladeau Bar (UP14-008) – Consideration of a Conditional Use Permit application for a proposed bar in the former Taco Del Mar space at the south-east corner of 59th Street and Peladeau Street in the EmeryStation East building at 5885 Hollis Street. CEQA Status: This project is exempt from environmental review under State CEQA

Guidelines Section 15301 which applies to existing facilities; 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: Office/Technology and Major Transit Hub; Zoning District: Office/Technology (OT), Transit Hub Overlay (TH), and North Hollis District Overlay (N-H) (Applicant: Jonas Bernstein) (Owner: Emery Station East, LLC) (APN: 49-1327-1-14).

Assistant Planner Sara Billing made the staff presentation, with staff’s recommendation for approval.

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

A comment was made that, if the applicant pursues a sidewalk café permit for outdoor seating, the path of travel should be as wide as possible.

Following Commission discussion, a motion was made to approve the application.

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

VII. STUDY SESSIONS

- A. **Christie Avenue Park Redesign and Expansion (FDP14-001)** – Study Session on a proposed Final Development Plan (FDP) to redesign and expand Christie Avenue Park as required by the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by City Council on January 15, 2008. General Plan Land Use Classification: Existing Park: Park/Open Space; Expansion Area: Mixed Use with Residential, Other Park Opportunity. Zoning District: Existing Park: Park/Open Space (PO), Pedestrian Priority Overlay Zone (PP), Transit Hub Overlay Zone (TH); Expansion Area: Planned Unit Development (PUD-2). (Applicant: City Center Realty Partners) (Owners: City of Emeryville, AG-CCRP Public Market L.P.) (APNs 49-1493-1; 49-1556-2).

Commissioner Keller was recused because he owns his residence within 500 feet of the project site.

Senior Planner Miroo Desai made the staff presentation and requested that the Commission provide comments on the proposed park redesign and expansion.

Mark Stefan, City Center Realty, addressed the Commission and then turned the presentation over to Eron Ashley and Anne Howerton from Hart Howerton, landscape architects. Steve Batchelder, Consulting City Arborist, spoke regarding site conditions and tree species options.

The floor was opened for public comments.

Phyllis Larmiore, Emeryville resident, said that crushed rock is not good for a dog park surface and would prefer to see grass.

Steven Keller, Emeryville resident, complemented the redesigned park said that saving existing trees is not a huge priority. Mr. Keller also stated that 63rd Street, on the north

side of the park expansion, looks too narrow and should be made wide enough to handle a variety of transit modes and suggested removing on-street parking spaces.

Commission Comments

The Commissioners expressed concern that in looking at each project site individually it was easy to lose sight of the subtleties of, and overall plan for, the Marketplace PUD. It was recommended that the Commissioners be provided with more overall context to help them better assess each proposed FDP. Director Bryant clarified that the Marketplace PUD was approved in 2008, prior to the adoption of the current General Plan. The new General Plan reflects the approved PUD and shows 63rd Street as a local street, not a transit street.

The Commissioners complemented the park designers for their responsiveness to both Commission and public comments. Concerns were raised that berms should not be so high as to block views, and it was requested that examples of similar existing berms be provided. It was suggested that a fountain, such as the one at Forsyth Park in Savannah, Georgia, could be an excellent focal point for the park. Concern was raised at the lack of restrooms available and that providing restrooms for park users should be revisited. It was noted that the restrooms in the food court area of the Public Market will be available, but it was also noted that the distance between the park and the Public Market may be a long way for some park users. The Commission advised that more lighting should be provided, particularly around all park paths.

The Commission generally felt that the tree choices for the park were good. However, concerns were raised that Sycamores experience a lot of die-back, that the clay soils in the area may not be good for the Nyssa trees, and that the soil conditions may not be good for Oaks. The Commission noted, in agreement with the Consulting City Arborist, that trees require a long term investment and that tree care is critical for the first 10 years as the trees become established.

It was decided that, at the next Planning Commission meeting on December 11, 2014, an overview would be provided of the entire Marketplace PUD. It was requested that specific information be provided regarding transit, loading needs for the grocery store, building massing, and the possibility of expanding the park onto City-owned parcels to the south. The Christie Avenue Park Redesign and Expansion will then be revisited at a future meeting.

The Planning Commission took a break from 8:40 p.m. to 8:45 p.m.

- B. Sherwin Williams Mixed Use Project (PUD13-001)** – A Study Session to review a proposal to redevelop the former Sherwin Williams paint factory site into a mixed-use “town center” with a combination of residential and commercial uses organized around a central green park. The project will include reuse of an existing 74,000 square foot Tier 1 significant building for office use and construction of five new buildings that will accommodate approximately 540 dwelling units and 20,600 square feet of commercial/retail space. CEQA Status: To be determined. General Plan Designation: Mixed Use with Residential; Zoning Districts: Mixed Use Residential (MUR) and Park/Open Space (PO) with Park Avenue District Overlay (PA). (Applicant: LMC Emeryville I Investor, LLC) (Owner: SWACE, LLC) (APN: 49-1041-26-15).

Senior Planner Miroo Desai made the staff presentation and requested that the Commission provide comments on the proposed project.

Kevin Ma, Lennar Multi-Family, and Boris Dramov, ROMA Design Group, presented for the applicant.

The floor was opened for public comments.

Donna Briskin, Emeryville resident, said she sent an email to the Planning Commission earlier this week. Ms. Briskin stated that she wants the project to go forward if it is done right. It is important to protect the historic nature of the Park Avenue District. Option A is preferable and she would like to see the building on Sherwin be lower in height. Residents are looking forward to reviewing the completed traffic study.

John Wolf, Emeryville resident, prefers Option A and is concerned about both traffic impacts and the height of the new buildings being too tall along the edge of the Park Avenue District. Mr. Wolf supports the continuous pedestrian and bicycle path along the west side of the property. Parcel A, at 42 feet in height, should be the cornerstone of the development and taller building heights should be in the interior of the project.

Kim Steinbachelor, Emeryville resident, said she echoes the statements of the previous speakers. Additionally, she spoke on behalf of Krisna Hanks, owner of East Bay Pilates. The current empty lot is a blight on the community. Option A, in particular, is a chance for positive change and an opportunity to help maintain, grow, and support local small businesses.

Sharon Wilchar, Emeryville resident, stated that perhaps too much emphasis is being put on the pending traffic study. Ms. Wilchar noted that many projects dump traffic into this area and that a trolley might be appropriate on the railroad spur.

John Bauters, Emeryville resident, spoke in favor of including affordable housing and stated that in-lieu fees are ineffective. Mr. Bauters stated that the Sherwin-Williams project is an opportunity to put a dent in RHNA [Regional Housing Needs] allocations.

Tito Young, Emeryville resident, stated that the park gets lost in Option B.

Phyllis Larmiore, Emeryville resident, raised concerns about placing housing at the Sherwin-Williams site as 5 or 6 years ago condos were said to not be feasible due to toxic liability.

Scott Donahue, Emeryville resident, stated his preference for Option A and recommended that sufficient protected bike parking be provided in ground level areas.

Commission Comments

The majority of the Commissioners preferred Option A over Option B. Concerns raised with Option B included having an isolated park area and that Hubbard Circle would be perpetually cast in shadow. Other observations regarding preferred site design: Option A is better functionally and Option B is better volumetrically; Option A could be improved by moving the park to Parcel C-2 to make a larger continuous open space area or by swapping Parcel D with the park to create a larger open space on the north side of the property; an alternative suggestion was to swap the locations of Parcel D with the sports courts; and Parcel C-1 and C-2 or C-1 and B-1 need to be dropped in height to allow light in the circle. It was also noted that it is premature to make determinations about parcel siting as shadow studies have not been completed.

Commissioners consistently stated the need for high quality design and using high quality materials. Specific recommendations included completely avoiding multi-color stucco

boxes and not using Hardee board or stucco. As all buildings will be viewed from all sides there should be no “dead walls.” Multiple comments were made regarding Hubbard Circle, specifically: designing the central area as a social and passive space, providing seating and drought tolerant plants in the central area while avoiding lawn, the need for consistent facades, and making the interior buildings taller than the buildings along Sherwin Avenue. The buildings along Sherwin Avenue should be more reflective of the Park Avenue District.

The Commission emphasized the need for affordable housing and that affordable housing should be incorporated into the project. Several Commissioners also discussed the need for ownership housing opportunities and noted that condo mapping should be done, if feasible. Family friendly housing is a priority. It was noted that the increase in commercial and flex space included in the project is good, but concerns were raised that live/work spaces can look vacant and that it does not activate ground floor spaces. The suggestion was made that bonus points could be obtained for by providing in-lieu fees for a cultural center.

Several Commissioners raised concerns about the possibility of Emery-Go-Round looping around Hubbard Circle: looping around the circle will take too long and not provide any additional benefits. It was noted that if you plan for cars you will get car traffic. Alternative transportation recommendations were: identifying proper spaces for bike sharing and Bike Link e-lockers; providing tenants with AC Transit Easy Passes; obtaining Green Trip certification for the development; managing on-street parking to facilitate an efficient use of space; and potentially placing a traffic diverter between 45th Street and the new 46th Street on Horton. Transportation related concerns were forcing the re-routing of bikes towards Beach Street; that the pedestrian-bike path will be facing a wall of garages along the southern portion of the property; and that despite better placement, 46th Street has the potential to become a dark canyon.

In addition to potentially relocating buildings to provide larger, more continuous open spaces, Commissioners stated that they were generally pleased with the provided open spaces and made the following recommendations and observations: include a dog park, tennis courts take more space than basketball courts, but Emeryville does not have any public tennis courts; and the transition between the Sherwin-Williams development and Horton Landing Park spaces needs to be smooth.

VIII. COMMISSIONERS COMMENTS

None.

IX. ADJOURNMENT – 11:16 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, DECEMBER 11, 2014
AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE,
EMERYVILLE, CA 94608**