

EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
July 28, 2016

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Vice Chair, Steven Keller. Commissioners present: Lawrence Cardoza, Gail Donaldson, Philip Banta and Sam Kang. Commissioner Bauters arrived after roll call, at approximately 7:00 p.m.

II. ELECTION OF OFFICERS

Commissioner Donaldson nominated Commissioner Keller for Chair and Commissioner Cardoza for Vice Chair. The nomination was seconded by Commissioner Banta and approved by acclamation. Chair Keller presided for the remainder of the meeting.

III. PUBLIC COMMENT

Sharon Wilchar, Chair of the Celebration of the Arts Committee, asked the Commission for ideas for a location to have the Celebration of the Arts this year. She said this is their biggest year so far with 124 artists being featured.

Brian Donahue commented on the use of a certain type of weapon being used by the Emeryville Police Department. The State of California has identified these weapons as assault rifles, but the Emeryville Police said they are not assault weapons. He is requesting clarity on the proper identification of these weapons being used by the Emeryville Police Department.

IV. ACTION RECAP – June 23, 2016

Commissioner Cardoza moved approval of the Action Recap and Commissioner Keller seconded the motion. Commissioner Donaldson was absent from the last meeting and abstained from voting. The motion was approved without exception.

V. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions, and reminded the Commission that the Board of Appeals meeting to consider the hearing panel's recommendation concerning 1264 Ocean Avenue will be held on Tuesday, August 23, 2016 at 6:30 p.m. in the Council Chambers.

VI. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

On the Sherwin Williams project, Commissioner Kang said he had met with Kevin Ma of Lennar, Josh Townsend of Craig Communications, Scott Donahue, Mike McConnell, Paul Germain, and Sharon Wilchar. Commissioner Donaldson said that she had to recuse on the items on tonight's agenda because she works for a company that does business with Lennar; since she is required to leave the room, she will be leaving the meeting. Commissioner Cardoza said he had a meeting with Lennar. Commissioner Banta said he met with two representatives of the Lennar team and Paul Germain of the PARC committee. Chair Keller said he met with Kevin Ma of Lennar on Wednesday the 27th. Director Bryant announced that Commissioner Bauters had asked him to announce on his behalf that he had a potential conflict of interest on both items on the agenda because his residence is within 500 feet of the project site, so he will be stepping down from the dais and participating as a member of the public.

VII. ADMINISTRATIVE MATTER

- A. **Sherwin Williams Development Project: Recommendation to Certify Environmental Impact Report** – Consideration of recommendation to the City Council to certify the Final Environmental Impact Report for the Sherwin Williams Development project. (Applicant: LMC Emeryville I Investor LLC)(Owners: SWACE, LLC, c/o The Sherwin-Williams Company and City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency) (APNs: 49-1041-26-15 and -16)

Commissioners Bauters and Donaldson were recused due to potential conflicts of interest.

Miroo Desai, Senior Planner, made the staff presentation and explained what actions the Commission was being asked to take on this item.

Consultant, Amy Fisher of LSA made the presentation on certification of the EIR.

Assistant City Attorney, Andrea Viveshwara, instructed the Commission on their responsibility regarding their recommendation to the City Council for the FEIR certification.

The public comment period was opened.

Mike McConnell, resident of Emeryville Warehouse Lofts, said they have been working really hard with Sherwin Williams and the stakes are high. The residents want a good development, so all four HOA's have hired consultants to see if everything is exactly accurate as being reported.

Richard Grassetti, Environmental Consultant, said the responses to the NOP and FEIR had not been adequately addressed. He listed several concerns of the residents: Project Description, General Plan not being followed, Traffic, and Visual Impacts. They feel the EIR needs to be revised and recirculated.

Jack Ghizzoni, of 1500 Park Avenue, expressed concerns with traffic.

Joe Light, professional planner, said the response to comments was inadequate.

Gary Grimm, resident of 45th Street Co-op, said his wife, Ann Holsberry, owns an interior painting studio that receives light from the large windows. They have concerns with the air quality, noise and elimination of light to the studio that this project will present. He suggested staggered rail delivery of construction items to cut down on the traffic congestion.

Brian Donahue said he felt the document was completely useless.

Brian Hort, Blue Star Corner, questioned the parking and traffic analysis and said the project is not "transit friendly".

Margaret Fisher said that Lennar is a big company and has the means to address the concerns raised by the neighbors.

The public comment period was closed.

The City's outside Counsel, Rick Jarvis, said his office had reviewed the FEIR and find the document is legally in compliance with all of CEQA's requirements.

A motion was made to recommend to the City Council that certification of the EIR be deferred and brought back to the Planning Commission in October to give time to the applicant and affected members of the community to work out their differences.

Moved: Kang
Seconded: Banta
Vote: Ayes: Banta, Kang
Noes: Cardoza, Keller

The motion failed.

A motion was made to recommend to the City Council that the EIR be certified.

Moved: Cardoza
Seconded: Keller
Vote: Ayes: Cardoza, Keller
Noes: Banta, Kang

The motion failed.

The item will be forwarded to the City Council with no recommendation from the Planning Commission.

There was a break from 8:10 to 8:23

VIII. STUDY SESSION

- A. Sherwin Williams Development Project (PUD13-001)** - A Study Session to review a proposal to redevelop the former Sherwin Williams paint factory site, including reuse of an existing 74,000 square foot significant structure for office use, construction of five new buildings that will accommodate approximately 500 dwelling units and a minimum of 2,000 square feet of commercial/ retail space, and development of approximately 3 acres of public open space. General Plan Land Use Classification: Mixed Use with Residential and Park/Open Space; Zoning District: Mixed Use with Residential (MUR) and Park/Open Space (PO) with Park Avenue District Overlay (P-A) (Applicant: LMC Emeryville I Investor LLC)(Owners: SWACE, LLC, c/o The Sherwin-Williams Company and City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency) (APNs: 49-1041-26-15 and -16)

Commissioners Bauters and Donaldson were recused due to possible conflicts of interest.

Senior Planner, Miroo Desai, made the staff presentation.

Kevin Ma of Lennar, and Ron Metzker of LPAS architects presented the project and responded to questions from the Commission.

There was a break from 9:35 to 9:40

The public comment period was opened.

Kevin Kellogg, speaking for members of the Park Avenue Residents Committee (PARC) shared some of their recommendations.

Brian Donahue said the General Plan recognizes Emeryville is under served by open space. There is not enough open space. He proposes this entire property should be a park. He suggested it be done now instead of trying to seize other property for parks by eminent domain.

Aaron Feeney, resident, said he wanted to thank the developers for listening to the community and creating a large park space.

Mike McConnell expressed appreciation to the developers for working with the neighbors. He expressed concerns about a dog park and said community benefits of the project should be kept in the neighborhood. There should be affordable ownership housing in the project.

Rob Arias, E'ville Eye News, said home ownership is the most important issue in the city.

Tim Curran, 4250 Horton Street resident, stated this project does not follow the General Plan. The project will generate too much traffic. He does not want to have the trees on Horton Street removed.

The public comment period was closed.

The Commission expressed appreciation for the efforts made by the community and the applicant in the design of the project. A number of Commissioners echoed the need for ownership housing and one suggested that Parcel D could be a condominium building. The Commission agreed with the staff recommendation that the bonus points could be obtained by construction of sidewalks on Hubbard Street and Sherwin Avenue. They also felt that the applicant could pay into the Art Center and provide a community space within the project under the "flexible community benefit" category. One Commissioner felt that at least 8,000 square feet of retail/restaurant space should be provided instead of the minimum of 2,000 square feet and that the project should follow the City's Planning Regulations for open space, loading and trash standards, as opposed to the modifications to these items proposed by the applicant. One Commissioner expressed support for the staff recommendation of providing a direct path from Horton Landing Park to the Hubbard Street extension and stated that all sidewalk widths should meet City design standards. It was also suggested that decomposed granite not be used for the Greenway path and that bike lockers should be provided in all buildings.

IX. COMMISSIONERS COMMENTS

In response to a question from Commissioner Banta, Director Bryant said a Resolution recognizing Commissioner Gunkel for his service on the Planning Commission would be presented to him at the August meeting.

Commissioner Batters asked about the status of a study session on signs and the small business forum. Director Bryant said that these are definitely on the "to do list", but are lower priorities for the City Council than other pending issues.

X. ADJOURNMENT – The meeting was adjourned at 10:45 p.m.

Planning Commission Meeting

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THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, AUGUST 25, 2016 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.