



ACTION MINUTES

Planning Commission

Planning Commissioners:

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

REGULAR MEETING

Thursday, August 22, 2019

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Miguel Guerrero.

2. ROLL CALL

Present: (5) Chair D. Miguel Guerrero
 Vice Chair Christine Scott Thomson
 Planning Commissioner Gail Donaldson
 Planning Commissioner Steven Keller
 Planning Commissioner C. Tito Young

Excused (1) Planning Commissioner Linda Barrera
 Absence:

3. PUBLIC COMMENT

None.

4. APPROVAL OF ACTION MINUTES OF JULY 25, 2019

Vice Chair Thomson requested that Item 9.2, the study session on elimination of minimum parking requirements, be modified to reflect that six Commissioners were present for the discussion. A motion was made to approve the Action Minutes with this modification.

Moved: Thomson
Seconded: Keller
Ayes: (5) Donaldson, Keller, Young, Thomson, Guerrero
Noes: (0)
Abstain: (0)
Absent: (1) Barrera

5. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant noted that the City Council does not meet in August. He reported that the Council will be making an appointment to the vacant Planning Commission seat at their September 3 meeting, and that the new Commissioner would be sworn in at the September 26 Commission meeting. He reminded Commissioners about the Rotten City Block Party on Saturday, August 24. He reported that there would be a community meeting about the 47th Street Homes project at ECCL on Thursday, September 5 at 6:30 p.m. He also noted that the Bay Street Block Party would be on Friday, September 13, from 5 to 10 pm, and that the annual Coastal Clean Up would be on Saturday, September 21, from 8:45 am to noon, next to the Fire Station 34 on Powell Street.

6. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Keller stated that he would be recused on Item 7.1 because he owns his home within 500 feet of the project site.

7. PUBLIC HEARINGS

7.1. Marketplace Redevelopment Project, "Parcel C" (FDP13-001) – Consideration of a modification to the conditions of approval of Final Development Plan FDP13-001, which was approved by the Planning Commission on May 28, 2015, to allow additional commercial uses. The existing permitted commercial use for the newly constructed 30,000 square foot building is a grocery store. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by 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) (Applicant/Owner: AG-CGRP Public Market L.P.) (APN: 49-1556-7)

Commissioner Keller was recused and stepped down from the dais.

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

Mark Stefan, City Center Realty Partners, applicant, presented and responded to Commissioner questions.

The public hearing was opened.

Fran Quittel, Emeryville resident who serves on the Budget Advisory Committee, said she understands the negative effect Amazon has on small businesses. She said she was also curious about grocers being concerned about deliveries. She asked how most customers get to the Public Market.

Steven Keller, resident of Pacific Park Plaza, expressed adamant opposition to changing the use of the grocery store. He said that the tremendous success of the new Christie Park and the vibrance of the market hall is a testament that we are on the right track. He questioned New Seasons' choice of store locations elsewhere in California, and said he was concerned that the applicant is continuing to propose different uses for the space that may have a negative impact on the other stores in the Market. He referred to the list of stores that the applicant had contacted and said that they were building elsewhere; he suggested that the applicant make the offer more appealing. He said that the space was built as a grocery store and its conversion to another use would be expensive.

The public hearing was closed.

Vice Chair Thomson moved to approve the application without the inclusion of Research and Development. The motion died for lack of a second.

A motion was made to approve the application with the addition of Entertainment as an allowed use.

Moved: Young
Seconded: Donaldson
Ayes: (3) Donaldson, Young, Guerrero
Noes: (1) Thomson
Abstain: (1) Keller
Absent: (1) Barrera

Commissioner Keller returned to the dais.

- 7.2. Temporary Emergency Family Shelter (UPDR19-002)** – Consideration of a Conditional Use Permit, Design Review, and Exception to Standards application for a proposed temporary emergency shelter for families at the former City Recreation Center located at 4300 San Pablo Avenue. CEQA Status: This project is exempt from environmental review under California Government Code Section 8698.4(a)(4), which applies to actions taken by a City that has declared a shelter crisis to encumber land owned by the City for a homeless shelter; State CEQA Guidelines Section 15269(c), which applies to specific actions necessary to prevent or mitigate an emergency; State CEQA Guidelines Section 15301, which applies to minor alteration of existing structures involving negligible or no expansion of use; State CEQA Guidelines Section 15303, which applies to conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; State CEQA Guidelines Section 15332, which applies to in-fill development projects; and the “general rule” at State CEQA Guidelines 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, Major Transit Hub, and Neighborhood Retail Overlay; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), Neighborhood Retail Overlay (RR) and Pedestrian Priority Zone (PP) (Applicant: East Oakland Community Project - Wendy Jackson) (Owner: City of Emeryville) (APNs: 49-1079-14-1 and -17-1)

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

Wendy U. Jackson, Executive Director, East Oakland Community Project (EOCP), applicant, presented and responded to Commissioner questions.

The public hearing was opened.

Robert F. Connell, resident of Emery Villa senior apartments, said he overlooks the project site where the showers and playground will be located. He thanked Navarre Oaks for the time spent addressing his questions about the project and expressed his concern with having to interact with the visitors who would not be allowed on the property and may congregate outside. Mr. Connell also mentioned the federal law regarding the standard of immigrant and homeless children’s education.

Fran Quittel asked about the funding for the conversion of the building and whether the City has any responsibility to the residents, beyond housing. She asked if the children would be educated in Emeryville, and what would happen if the family does not have a place to go after four to six months in the shelter.

The public hearing was closed.

Ms. Jackson and Laura Tannenbaum, City of Oakland, Human Services Department, Community Housing Services Manager, responded to further questions from the Commission.

A motion was made to approve the application.

Moved: Donaldson
Seconded: Keller
Ayes: (5) Donaldson, Keller, Young, Thomson, Guerrero
Noes: (0)
Abstain: (0)
Absent: (1) Barrera

8. STUDY SESSION

- 8.1. **58Fifty Shellmound Project (UPDR17-011)** – A third study session to review a Conditional Use Permit and Design Review proposal to demolish an existing 61,000 square foot three-story office building at 5850 Shellmound Way and replace it with an eight-story building accommodating 244 rental residential units with about 10,000 square feet of ground floor commercial space. CEQA Status: to be determined. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), and Pedestrian Priority Zone (PP) (Applicant: Dave Johnson) (Owner: Shellmound Christie Corporation) (APN: 49-1493-6)

Miroo Desai, Senior Planner, presented and responded to the Commission's questions.

Bill Schrader, Austin Group owner, and Dave Johnson, Johnson Lyman Architects, applicants, presented and responded to the Commission's questions.

The public comment period was opened.

Fran Quittel asked if transit hub buses are going directly to San Francisco, and, if not, when they would start. She requested an Excel spreadsheet with the monthly rental schedule for the affordable housing and the market rate units. She asked when construction would begin and how long construction would take if the project were approved.

The public comment period was closed.

The Commission generally appreciated the design of the building and suggestions were made regarding paying additional attention to a higher level of detail at the top of the building by way of adding cornices. It was also suggested that family friendly elements be added to the courtyard and that a shadow study be used to assist with the programming of the courtyard. It was noted that more attention needed to be paid to sustainability features, and the possibility of obtaining bonus points in the "net zero" category was mentioned. The Commission generally felt that the mix of proposed uses was acceptable, but there was a discussion on the appropriateness of an art gallery at this location; a jazz and/or café bar was suggested as an alternative. There were suggestions regarding daylighting stairwells, window composition, relocating the bike shop along the pedestrian corridor, adding bike lockers and using public art on the east facing blank wall. There was also a suggestion of adding a sheet to the project plans that showed all the transit lines in the vicinity of the project and an "Augmented Review" (a type of 3-D model) so that the details of the project could be better understood. It was noted that the plan set needed a circulation plan, shadow study, and a drop-off zone for Transportation Network Companies (e.g. Uber and Lyft). A majority of the Commissioners wanted to see evidence of the need for a Use Permit to allow more parking than permitted by the regulations, and one Commissioner felt that the amount of parking proposed was appropriate.

9. PLANNING COMMISSIONERS COMMENTS

Chair Guerrero asked about the status of the City's SeeClickFix app, and said that it has been non-responsive for the past year. He said that, specifically, he wanted to report a tree that is falling over. Commissioner Keller said he was familiar with the tree and thinks it could be on private property. Director Bryant said he would contact Public Works about the tree; however, if it is on private property, all the City can do is to notify the property owner.

10. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 2019 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.