



## ACTION MINUTES

### Planning Commission

**Planning Commissioners:**

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

#### REGULAR MEETING

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**Thursday, December 12, 2019**

**6:30 PM**

**Council Chambers**

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**1. CALL TO ORDER**

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

**2. ROLL CALL**

Present: (6) Chair D. Miguel Guerrero  
Vice Chair Christine Scott Thomson  
Planning Commissioner Gail Donaldson  
Planning Commissioner Steven Keller  
Planning Commissioner Deepak Sohane (arrived at 7:53 pm)  
Planning Commissioner C. Tito Young

Excused (1) Planning Commissioner Linda Barrera

Absence:

**3. PUBLIC COMMENT**

None.

**4. APPROVAL OF ACTION MINUTES OF OCTOBER 24, 2019**

Approval of the action minutes was continued to the January 23, 2020 meeting because a quorum of Commissioners who were in attendance at the October 24, 2019 meeting was not present.

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

Director Bryant reported on recent City Council meetings. He also announced that a reception to celebrate the 2019 Emeryville Art Purchase Award would be held on Thursday, December 19 at the Senior Center.

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

None.

## 7. PUBLIC HEARINGS

- 7.1 Marketplace Redevelopment Project, "Parcel B" (FDP18-001)** – Referral from the City Council for a report on an alternative proposal for a Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12). The proposal is an alternative to the design approved by the Planning Commission on May 14, 2019. This will replace Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The previously approved FDP18-001 included 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. The proposed alternative FDP includes 15,700 square feet of retail space, 150,000 square feet of office/lab space, and 500 parking spaces. The Commission will make a recommendation to the City Council. 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-CCRP Public Market L.P) (APN: 49-1556-16)

Miroo Desai, Senior Planner, gave the staff presentation and responded to Commissioner questions. Assistant City Attorney Andrea Visveshwara stated that the Commission was to render a supplemental report to the City Council rather than a recommendation. Director Bryant noted that a letter had been received from Wareham's counsel, and provided staff's responses to the issues raised.

Mark Stefan, AG-CCRP Public Market; L.P, Christopher Pizzi, Hart|Howerton; Hanqing Wu, RWDI; and Chelsea MacLean, Holland & Knight, representing the applicant, gave presentations and responded to Commissioner questions.

The public hearing was opened.

Matthew Francois, Rutan & Tucker, representing Wareham Development, expressed gratitude for the changes made to the plans and clarifications regarding the trash enclosures and valet program, and made arguments in favor of the proposed terrace/roof deck being accessible to the public. Concerning the public art, he said that, while he appreciated that it was proposed that the art work be approved by the City Council, and while he understood the constraints for not having equal levels of treatment on the east and west elevations, he wanted to ensure that the east side would not be ignored and would be treated as an important façade.

The public hearing was closed.

Following lengthy deliberations, a motion was made to render a supplemental report to the City Council with findings for approval of the project, and the following additions and modifications to the conditions of approval:

- Public Art Program. Add that the City Council shall review and approve the public art proposed to be installed on the exterior of the building, and that the valuation of the artwork on the west elevation is not required to be equal to the valuation of the art work on the east elevation.
- Public Art Program. Delete the sentence that allows for payment of the in-lieu public art fee instead of installing public art on the building.
- Valet Parking. Modify the condition to add review by the Bicycle/Pedestrian Advisory Committee for any proposed use of the public right-of-way for valet parking.
- Terrace/Roof Deck. Add a condition to specify that the terrace roof/deck shall comply with Condition of Approval III.A.3.c of the Marketplace Preliminary Development Plan regarding the design of roof decks, and that the terrace/roof deck is not required to be open to the general public.

Moved: Keller  
 Seconded: Thomson  
 Ayes: (5) Donaldson, Keller, Young, Thomson, Guerrero  
 Noes: ()  
 Abstain: ()  
 Absent: (2) Barrera, Sohane

The Commission took a recess from 7:48 p.m. to 7:53 p.m.

Commissioner Sohane arrived at 7:53 pm.

## 8. APPEAL

- 8.1 Hilton Garden Inn Appeal (UP19-004)** - Consideration of an appeal of the Community Development Director's approval of a Minor Conditional Use Permit to convert existing storage and meeting rooms on the top floor of an existing hotel at 1800 Powell Street into 23 new guest rooms and to convert storage on the second floor into two new guest rooms. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alternations to existing facilities with negligible expansion of use; 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 Non-Residential and Regional Retail Overlay; Zoning District: Mixed-Use with Non-Residential (MUN) and Regional Retail Overlay (RR) (Applicant: Eli Tuttle; Appellant: Elijah Joshua Esquibel) (Owner: RLH HGN Emeryville Lessee, LP) (APN: 49-1495-1-26)

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

The public comment period was opened.

Elijah Joshua Esquibel, on behalf of the Union Members at Hilton Garden Inn, and Sonya Karabel, Unite HERE Local 2850, appellants, gave a presentation and responded to Commissioner questions. They urged the Commission to set a date for a public hearing on the appeal. Roberto Nieto and Chanstel Ticong ceded their time to Mr. Esquibel and Ms. Karabel.

The public comment period was closed.

The applicant was invited to speak; however, there was no representative present.

A motion was made to set a date of January 23, 2020 for a public hearing on the appeal.

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

## 9. STUDY SESSION

- 9.1 BMR Emeryville Center of Innovation (FDP19-002)** – A Study Session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the “Chiron PUD/PDP” (PUD 93-2), that was approved by the City Council on August 15, 1995. CEQA Status: To Be Determined. General Plan Land Use Classification: Office/Technology and Park/Open Space; Zoning District: Planned Unit Development (PUD-3) (Applicant/Owner: BRE-BMR 53<sup>rd</sup> LP) (APNs: 49-1041-29-1, -49, 70-2, and 71-2; and 49-1544-1-1, -2, -5, and -6)

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

The Commission took a recess from 8:51 p.m. to 8:55 p.m. while technical issues with the audio-visual equipment were resolved.

Salil Payappilly, BioMed Realty; and John Mickow, Flad Architects, applicants, gave a presentation and responded to Commissioner questions.

The public comment period was opened; there was no one wishing to speak; the public comment period was closed

The Commission generally liked the project, and in particular, they liked the proposal to remove existing gates and open Chiron Way to the general public including pedestrians, bicyclists and vehicles. They agreed that they would be able to make the findings of substantial conformance with the approved PUD/PDP if all of their concerns were addressed. The main focus of the Commission was regarding the proposed parking structure on Horton Street, and the need for the proposed number of parking spaces. They indicated that, given that the parking structure would have residential development to the west and south, and the South Bayfront pedestrian/bicycle bridge and Horton Landing Park to the north, it was important to provide articulation on all four sides of the building. Use of public art for articulation was suggested. One Commissioner noted that the distance from the parking garage to the office buildings may prove problematic for disabled employees, and suggested that the applicant consider providing some underground parking in the proposed office buildings. The Commissioners also agreed that the proposal needed to integrate sustainability elements as well pay attention to the quality of open spaces proposed. It was suggested that, as plans are further developed, attention should be paid to the following: inclusion of bike lockers, bird safety in choice of glass treatment for the buildings, provision of adequate sidewalk widths, and a pocket park on the north side of Building B1. Finally, the Commissioners gathered around the model and commented on its value.

## 10. PLANNING COMMISSIONERS COMMENTS

None.

## 11. ADJOURNMENT

The meeting was adjourned 10.18 p.m.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, JANUARY 23, 2020 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**