



**ACTION MINUTES**

**Planning Commission**

**Planning Commissioners:**

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

**REGULAR MEETING**

**Thursday, January 24, 2019**

**6:30 PM**

**Council Chambers**

**1. CALL TO ORDER**

The meeting was called to order at 6:30 p.m. by Chair Linda Barrera.

**2. ROLL CALL**

Present: (5) Chair Linda Barrera  
Planning Commissioner Gail Donaldson  
Planning Commissioner Jonathan Hidalgo  
Planning Commissioner Steven Keller  
Planning Commissioner Christine Scott Thomson

Excused (2) Vice Chair D. Miguel Guerrero  
Absence: Planning Commissioner C. Tito Young

**3. PUBLIC COMMENT**

Alicia Gallo, 45<sup>th</sup> Street, said she lives next door to a single-family home that has been operating as an Airbnb for about three years, in violation of the City's Short-Term Rental Ordinance, and that her complaints to the City have not resulted in any change in the situation. She requested that the Planning Commission look at how the ordinance is being implemented and enforced, and that City staff take residents' concerns more seriously and make information about the ordinance more accessible to residents and property owners. Director Bryant responded to Commission questions about enforcement of the Short-Term Rental Ordinance.

**4. APPROVAL OF ACTION MINUTES OF DECEMBER 13, 2018**

A motion was made to approve the Action Minutes.

**Moved:** Keller  
**Seconded:** Hidalgo  
**Ayes:** (4) Donaldson, Hidalgo, Keller, Barrera  
**Noes:** (0)  
**Abstain:** (1) Thomson  
**Absent:** (2) Guerrero, Young

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

Director Bryant reported on recent City Council actions. He noted that Commissioners who were not already American Planning Association members have been signed up for membership, and that staff planned to register all of the Commissioners for the national APA conference, which will be held in San Francisco April 13-16. He also noted that the demolition permit for the Nady site at 6701 Shellmound Street was issued last Friday, January 18, and showed a photograph of the ongoing demolition.

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

None.

**7. PUBLIC HEARINGS**

**7.1. Marketplace Redevelopment Project, "Parcel B" (FDP18-001)** – Consideration of approving a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) and rescinding Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. 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.

Mark Stefan, City Center Realty Partners, applicant; Christopher Pizzi, Hart|Howerton, architect; and Dorka Keehn, Keehn on Art, public art consultant, presented and responded to Commissioner questions. In response to a Commissioner question about having addressed the concerns of law firm Lozeau Drury, Mr. Stefan said that the project would be built with union labor and would comply with the standards for formaldehyde.

The public hearing was opened.

Geoff Sears, Wareham Development, expressed concern that the proposed building was longer and had less of a gap between it and Parcel A than the previously approved FDP. He said they would support a taller building if that visual connection were reinstated. He said that the building violates the City's tower separation regulation because it is too close to EmeryStation West. He said the application was processed too quickly and that the changes require more time for people to weigh in.

Director Bryant responded to a question from the Commission about the tower separation regulation, noting that it did not apply in this case because both the Marketplace Planned Unit Development and the EmeryStation West building were approved before the regulation was adopted.

Nathan Hong, AvalonBay, said he is working with AG-CCRP on Parcels D and C, which are under construction. He expressed his support for Parcel B as a mixed-use office, retail, and parking structure, as it creates a vibrant synergy between the elements. He also noted that having this building erected as soon as possible would allow the opportunity to develop Parcel A.

Jake Freed, President of Shiba Ramen Corporation and practicing lawyer, said he owns two businesses in the Public Market. He said the addition of 750 life sciences tech workers is critical to the success of Public Market businesses, and that he would like the building to be approved and built as soon as possible.

Chris Bridge, President of C Casa Group, said they a restaurant in Napa Valley and recently opened one in the Place Market. He said they support the project, which will help their business be more viable, and they hope it gets approved.

Damon Stainbrook, Chef-owner of Pig in a Pickle BBQ at the Place Market, spoke in support of the application. He said that life sciences jobs will add a lot more to the area than more retail.

The public hearing was closed.

Assistant City Attorney Andrea Visveshwara noted that several comments had been received during the previous 24-hours including from Lozeau Drury, on behalf of a labor union, and from the applicant's attorney. Late this afternoon the City heard from Lozeau Drury that they had withdrawn their earlier comments. She stated that she wanted to ensure that the Commission was aware of the comments and that the Commission's task was to determine whether there was substantial evidence to apply the 2008 EIR to the current project. It is the recommendation of staff that there is substantial evidence based on the whole record, and that, while there can be conflicting evidence, if the substantial evidence is there, then the Commission can move forward.

A motion was made to approve the application as recommended by staff, including the changes made by the Deputy Fire Deputy Marshall, with an added condition that the open parking on the north and south elevations shall be screened with an aesthetically pleasing treatment that is compatible with that of the east and west elevations, and with the applicant name corrected.

**Moved:** Donaldson  
**Seconded:** Keller  
**Ayes:** (5) Donaldson, Hidalgo, Keller, Thomson, Barrera  
**Noes:** (0)  
**Abstain:** (0)  
**Absent:** (2) Guerrero, Young

## 8. PLANNING COMMISSIONERS COMMENTS

Commissioner Hidalgo noted, as a CEQA practitioner, that it is important to consider whether comments on CEQA documents actually have merit, and to be aware of agendas beyond environmental protection. We need to be reminded that our purpose for the City under CEQA is to assess projects as they impact the environment, and not necessarily other agendas under CEQA.

## 9. ADJOURNMENT

The meeting was adjourned at 8.02 p.m.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, MARCH 28, 2019 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**