

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP**

THURSDAY, DECEMBER 11, 2008

I. CONVENE, ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Commissioners present: John Scheuerman, Lawrence Cardoza, Arthur Hoff, Gail Donaldson, Patricia Jeffery, Jim Martin, Frank Flores.

II. PUBLIC COMMENT – None.

III. ACTION RECAP – October 23, 2008.

Commissioner Scheuerman made a clarification on page four about the intentions of a speaker.

Motion: To approve the Action Recap of the regular meeting of October 23, 2008 with corrections as noted.

Moved: Flores

Seconded: Scheuerman

Vote: Ayes: Cardoza, Flores, Jeffery, Martin, Scheuerman, Hoff, Donaldson

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council/Redevelopment Agency, which had met three times since the last Planning Commission meeting. On November 4, the Council passed the Bicycle Parking Ordinance and granted a noise waiver for Saturday construction at Anna Yates Elementary School. Agreements were reached on the removal and movement of existing billboards: the billboard at the Ambassador housing site will be moved to Hayward and will be on a month to month lease until it is relocated; the billboard along the freeway north of Powell Street will be relocated south of Powell Street; and the billboard along the freeway south of Temescal Creek has received a fifteen year lease extension. The Agency appropriated \$10,658 to the Oliver Lofts Owners Association for plan check and building permit fees for water intrusion repairs. The Agency continued a contract for planning of the I-80 Pedestrian/Bicycle Bridge to a future meeting, directed staff to negotiate a lower price for community meetings, and voted to eliminate any further study of the "half bridge" alternative involving the use of an existing bridge at the Ashby Avenue interchange.

On November 18, the City Council held a study session on the AC Transit hydrogen fueling station and on the 39th and Adeline Mixed Use Project. The Council passed the Newsrack Ordinance; recommendations for standardized City newsracks will be presented to the Council in the future. The Papermill Project was approved with the Conditions of Approval amended to require a car share pod and to require the Council to approve the removal of any street trees. The Council granted noise waivers for Saturday construction at the West Elm project, and for nighttime and Saturday dredging of the harbor. The Council also directed staff to prepare a Parks and Recreation Needs Assessment and Strategic Plan. The Climate Action Plan, a First Implementation Agreement for the Flatiron Building involving a Lanesplitter Pizza restaurant, and an application to Caltrans for funding of the South Bayfront Pedestrian-Bicycle Bridge were all approved.

On December 2, the City Council continued an amendment to Nelson\Nygaard's contract for the Alternative Transportation Study to January and directed that the budget be reduced and a status report be provided. The Agency approved a contract amendment for the South Bayfront Pedestrian-Bicycle Bridge and increased the budget for bridge construction. The Agency approved an exclusive negotiating agreement with the Housing Consortium of the East Bay for rehabilitation of the fourplex at 40th and Adeline Streets for developmentally disabled adults, which will require an amendment to

the use permit and design review approval previously granted by the Commission. The hearing date for the Bakery Lofts Phase IV utility undergrounding appeal was set for December 16. Emeryville Taiko members addressed the Council asking for help with building upgrades, which the business cannot afford; staff was directed to attempt to work out a solution with them and report back.

The General Plan Update Steering Committee met on December 9, when it approved the final Floor Area Ratio (FAR) map. Consultants presented an overview of the upcoming zoning update, and upcoming events were discussed. On January 13, the Steering Committee will meet to review the draft General Plan document as a whole; on Saturday, February 7 there will be a community workshop at the Hilton Garden Inn to present the draft plan; and on Saturday, February 21 there will be a joint meeting of the Planning Commission and City Council to discuss the plan. Commissioners were requested to mark their calendars with these dates.

Finally, Director Bryant reported that he, Chair Donaldson, Vice Chair Hoff, and General Plan Project Manager Deborah Diamond had that afternoon viewed the final presentations of a U. C. Berkeley urban design studio that was studying Emeryville. He was very impressed with the students' ideas and hopes to make their work available for viewing at City Hall, and to have a presentation to the City Council at a study session in February.

V. PUBLIC HEARINGS

- A. **MacArthur San Pablo Mixed Use Project (UP06-14/DR06-15)** – Request for a one-year extension of a Conditional Use Permit and Design Review to construct a 5-story condominium building with 84 residential units, 10 work-live units and 5,650 square feet of ground level retail space on an approximately 47,000 square foot site on San Pablo Avenue between 37th Street and West MacArthur Boulevard, which is partially in the City of Oakland. The project includes a demolition permit for a “significant” structure under the Preservation Ordinance. CEQA Status: A Mitigated Negative Declaration was adopted by the City Council on December 4, 2007 (Resolution No.07-198). General Plan Designation: Commercial (C); Zoning Classification: General Commercial (C-G) (Applicant: Natoma Architects/St Stanley Saitowitz) (Owner: Mark Midgal) (APN: 12-951-11; 49-951-4-2, -5-1, -6-1, and -7). The project was recommended for approval by the Planning Commission on November 15, 2007 and was approved by the City Council on December 4, 2007.

This item was removed from the agenda because it was determined that the City Council, as the final decision maker on the project, must grant the extension request.

- B. **4520 San Pablo Townhouses (UP06-06; DR06-10; VAR06-09)** - Request for a second one-year extension of a Conditional Use Permit and Design Review to construct 29 new townhouses on a 40,500 square foot lot at the northeast corner of San Pablo Avenue and 45th Street; and a Variance to allow a seven foot rear yard setback where 15 feet is the required minimum. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to urban in-fill development. General Plan Designation: Commercial (C) and Medium Density Residential (M); Zoning Classification: General Commercial (C-G) and Medium Density Residential (R-M) (Applicant: Warner Schmalze – Forum Design Ltd.) (Owner: Ramiro Marini) (APN: 49- 1174-26-1, 27, 28, 29, and 30) The project was approved by the Planning Commission on December 14, 2006, and a one-year extension was approved by the Commission on January 24, 2008.

Senior Planner Miroo Desai presented the staff report and recommended approval of the extension.

Curtis Gaspard, project consultant, spoke on behalf of the owner, Ramiro Marini. He stated that there are options for financing and that they are committed to moving forward with the project. He said some progress has been made since the last extension.

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

The Commission discussed the need of the applicant to maintain the property until construction begins and agreed to add this to the Conditions of Approval.

Motion: To approve the extension with modified Conditions of Approval.

Moved: Martin
Seconded: Cardoza
Vote: Ayes: Scheuerman, Cardoza, Hoff, Donaldson, Martin, Jeffery, Flores.

- C. Ocean Lofts, 1258 Ocean Avenue (UP07-01; DR07-02; VAR07-01)** – Request for a one-year extension of a Conditional Use Permit and Design Review to demolish an existing single family residence and construct two detached approximately 1,700 square foot single family units, and a variance to allow a 4-foot rear yard setback where 15 is the required minimum. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303 which applies to construction of small, new structures. General Plan Designation: Medium Density Residential (M); Zoning Classification: Medium Density Residential (R-M) (Applicant/Owner: Ali Eslami) (APN: 49- 1469-6) The project was recommended for approval by the Planning Commission on March 22, 2007 and was approved by the City Council on April 17, 2007.

This item was removed from the agenda because it was determined that the City Council, as the final decision maker on the project, must grant the extension request.

- D. Christie Avenue Furniture Store (UP08-12)** – A Conditional Use Permit to allow retail use in a former office space located at 6101 Christie Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures. General Plan Designation: Mixed Use (M-U); Zoning Classification: Mixed Use (M-U) (Applicant/Owner: Ann Morrissey) (APN: 49-1494-1-5).

Commissioner Scheuerman recused himself due to a potential conflict of interest.

Senior Planner Miroo Desai made the staff presentation and recommended that the Commission approve the use permit for retail, art showroom, and office uses.

Owner Ann Morrissey described her proposed use of the building and requested that the Commission not require a building permit for the project. Staff verified for the Commission that a building permit will be required for the project as it involves a change in occupancy.

The public hearing was opened.

John Scheuerman, 6363 Christie Avenue, stated that trucks could park in the driveway on side of building, and that the proposed store is a great use of the space.

The public hearing was closed.

Motion: To approve the Conditional Use Permit (UP08-12).

Moved: Cardoza
Seconded: Flores
Vote: Ayes: Cardoza, Hoff, Donaldson, Martin, Jeffery, Flores
Recused: Scheuerman

- E. Pixar Headquarters Expansion Phase II (FDP08-01)** – Application for a Final Development Plan (FDP) for an approximately 150,000 square foot building sited at the southwestern corner of the property located at 1200 Park Avenue. The project will involve removal of four street trees along the Park Avenue frontage. CEQA Status: A Mitigated Negative Declaration was adopted by the City Council on May 18, 2004 (Resolution No.04-73). General Plan

Designation: Commercial (C); Zoning Classification: Planned Unit Development – Commercial (PUD-Commercial) (Applicant: Pixar Animation Studios) (Owners: Pixar Animation Studios; ERPM, Inc; and City of Emeryville) (APNs: 49-1027- 37; 49-1041-59; 49-1539-1; -2; -4-2; and -5)

Senior Planner Miroo Desai made the staff presentation and called attention to modifications to the staff report that were described in detail in a memo prepared by the architect and presented to the Commission. She also presented a staff memo that outlined proposed modifications to the conditions of approval. Staff recommended that the Planning Commission recommend approval of the FDP and removal of four street trees along Park Avenue to the City Council.

Pixar representatives Craig Payne and Sarah Peel made a PowerPoint presentation about the building and landscape plans and responded to questions from the Commission.

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

Commissioner comments:

- The Commissioners appreciated Pixar's response to their earlier comments.
- More could be done with the park. The seating now planned will help to activate it.
- The building's architecture is good
- The sidewalk along Hollis should be consistent with the one in front of City Hall.
- A bus waiting area outside of the main gate could be used by Pixar and the community.
- The plan for a plaque at the site of Joseph Emery's house is a good idea.
- Fence could be better.
- The Hollis/Park corner could have been bigger, turned out better.

Motion: To recommend City Council approval of the Pixar Phase II FDP and removal of four street trees along Park Avenue, with Condition of Approval as modified by the staff memo presented at the hearing.

Moved: Cardoza

Seconded: Hoff

Votes: Ayes: Scheuerman, Cardoza, Hoff, Donaldson, Martin, Jeffery, Flores

- F. 39th and Adeline Mixed Use Project (UP06-12/DR06-19/VAR08-04)** – Application for a Conditional Use Permit, Design Review, Variance, and demolition permit to construct a 101-unit for-rent residential project with 10 live-work units and 1,000 square feet of retail/café space on a 1.12 acre site on the east side of Adeline Street between 39th Street and Yerba Buena Avenue. The project involves a height variance to allow a general height of 36 feet with portions reaching a maximum height of 49 feet where 30 feet is the maximum permitted, a parking variance to allow 6 guest parking spaces where 23 is the required minimum, and a demolition permit for an existing "significant" structure. As a portion of the site is within the City of Oakland, the project will seek approval from the Oakland City Planning Commission on December 3, 2008. CEQA Status: Notice of Availability of Final Environmental Impact Report (EIR) and Notice of Public Hearings to Certify Final EIR published on November 21, 2008. General Plan Designation: Commercial (C); Zoning Classification: General Commercial (C-G) (Applicant: Murakami Nelson Architects) (Owner: Madison Park Financial Corporation) (APNs: 12-953-27,-31,- 32, -33, and -34).

Commissioner Flores recused himself due to a potential conflict of interest.

Senior Planner Miroo Desai made the staff presentation and recommended that the Commission certify the EIR and vote to recommend approval of the project to the City

Council. She also presented a staff memo recommending removal of the condition of approval requiring a flue and grease interceptor.

Applicant Hector Gonzalez and Architect Zach Goodman gave presentations and responded to questions from the Commission.

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

Commissioner comments:

- The corner building should be demolished as it would not match the proposed building behind it.
- Reuse of bricks from this building is a nice idea, but not in the sidewalk, only in the courtyard.
- The current building occupant should be allowed to stay until the developer is ready to build.
- Treatment of the corner windows is cumbersome; materials are likely to warp in the long term.
- Loading and unloading, as required for people moving into and out of the apartments, needs attention.
- Parking underground is a plus.
- This is a good project. The window treatment should be limited to the top window.
- Why are there only 14 family units of the 101 total units? The developer should follow through on adding a play structure.

Following discussion, the Commission agreed to remove the condition requiring a flue and grease interceptor, as recommended by staff, and to add a condition requiring a loading zone along Adeline Street that would be restricted to weekend use only and available for parking at other times. The Commission directed staff to work with the applicant on the design of the window treatments at the corner and along 39th Street, but this was not to be included in the conditions.

Motion: To certify the Environmental Impact Report.

Moved: Martin
Seconded: Jeffery
Vote: Ayes: Scheuerman, Cardoza, Hoff, Donaldson, Martin, Jeffery
Recused: Flores

Motion: To recommend approval to the City Council, with modified conditions as noted above.

Moved Cardoza
Seconded: Jeffery
Vote: Ayes: Scheuerman, Cardoza, Hoff, Donaldson, Martin, Jeffery
Recused: Flores

VII. COMMISSIONERS COMMENTS.

Commissioner Martin wished everyone happy holidays, and thanked staff for their hard work during the year. Commissioner Flores noted that the Oakland City Council had unilaterally extended all entitlements until 2011, without requiring Planning Commission approval, in light of the economic situation.

VIII. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.