

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
OCTOBER 24, 2013**

**I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. by Chairperson Lawrence Cardoza. Commissioners present: Vanessa Kuemmerle, Sean Moss, Kairee Tann, Steven Keller and Brad Gunkel. Commissioner Gail Donaldson had an excused absence.

**II. PUBLIC COMMENT - None**

**III. ACTION RECAP – September 26, 2013**

A motion was made to accept the Action Recap as submitted.

**Moved:** Kuemmerle  
**Seconded:** Moss  
**Vote:** Ayes: Cardoza, Kuemmerle, Moss, Tann, Keller, Gunkel  
Excused: Donaldson

**IV. DIRECTORS REPORT**

Director Bryant reported on recent City Council actions and announced upcoming meetings and community workshops for the Emeryville-Oakland-Berkeley Transit Study (EBOTS). He noted that, at their annual awards luncheon on October 7, the American Planning Association presented Emeryville with an Award of Excellence for the Pedestrian and Bicycle Plan.

- A. Planning Commission Schedule.** Director Bryant noted that there were two alternate charts for the Commission's 2014 schedule attached to the staff report. Chart 1 conforms to the Commission's past practice and the Planning Commission roster as approved by the City Council, with regular meeting dates on the fourth Thursday each month, with the exception of November and December, where the meetings have been combined into a single meeting on the second Thursday of December to avoid conflicts with the Thanksgiving and Christmas holidays. Chart 2 moves the September 25 meeting back one week to October 2 to avoid a conflict with Rosh Hashanah, and also moves the October 23 meeting back on week to October 30 in order to maintain four weeks between meetings. Staff requested that the Commission determine whether to maintain the regular schedule, as shown in Chart 1, or adjust the 2014 schedule to avoid a conflict with Rosh Hashanah, as shown in Chart 2.

A motion was made to adopt the schedule shown in Chart 2.

**Moved:** Kuemmerle  
**Seconded:** Tann  
**Vote:** Ayes: Gunkel, Keller, Kuemmerle, Tann, Moss, Cardoza  
Excused: Donaldson.

## V. PUBLIC HEARINGS

- A. **Counter Culture Coffee (UP13-003)** - A Conditional Use Permit for a new wholesale coffee roaster use that would occupy approximately 12,000 square feet in the newly refurbished Klinknerville industrial building at 1329 64<sup>th</sup> Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to existing facilities; Section 15332, which applies to in-fill development projects; 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 and Zoning Designation: Office/Technology Doyle-Hollis North (OT/DH) with North Hollis (NH) and Pedestrian Priority (PP) overlays. (Applicant: Fred Heyer)(Owner: Howard Allen Trust) (APN: 49-1482-1-1).

Senior Planner, Miroo Desai, made the staff presentation.

Applicant, Fred Heyer, and owner, Brett Smith, responded to questions from the Commissioners.

The Public Hearing was opened.

Emeryville resident, Brian Donahue, said Peet’s Coffee had promised there would be no “after burn” from their coffee production, before they moved their roasting plant to Alameda. However, there was an acrid odor of coffee roasting from this establishment. He said there should be some written agreement with this applicant regarding this unpleasant situation.

The public hearing was closed.

A motion was made to approve the Counter Culture Coffee Use Permit (UP13-003), with new conditions that the barbed-wire chain link fence along 63<sup>rd</sup> Street be replaced with a wrought iron or wood fence, and that landscaping be added along the 64<sup>th</sup> Street frontage.

**Moved:** Kuemmerle

**Seconded:** Moss

**Vote:** Ayes: Keller, Moss, Kuemmerle, Cardoza, Tann, Gunkel  
Excused: Donaldson

- B. **Development Agreement for Emery Station West @ Emeryville Transit Center/Heritage Square Garage (DA13-001)** – Consideration of a Development Agreement for the previously approved Emery Station West @ Emeryville Transit Center/Heritage Square Garage project. The project involves removal of two surface parking lots in the 5900 and 6100 blocks of Horton Street and construction of two separate buildings: an office/laboratory building and a parking garage. The Emery Station West Building is a seven-story office building accommodating office/lab space, car parking, bus bays, and ground level retail and transit oriented functions. The Heritage Square Garage is a seven-story building accommodating parking stalls. The City Council approved the Conditional Use Permit and Design Review for the Project pursuant to Resolution No. 10-33 (February 16, 2010), and extended the approvals pursuant to Resolution No. 12-25 (February 7, 2012). CEQA Status: The City Council adopted a Mitigated Negative Declaration pursuant to Resolution 10-32 (February 16, 2010). General Plan Designation: Mixed-Use with Non-Residential (Emery Station West parcel); Office/Technology (Heritage Square parcel). Zoning Designation: Mixed-Use with non-Residential (MUN) (Emery Station West parcel); Office/Technology (OT) (Heritage

Square Parcel); North Hollis Overlay District (N-H) (both parcels). (Applicant/Owner: Wareham Development, Emery Station Associates, LLC, Westinghouse Electric, Inc. (formerly Viacom, Inc.), City of Emeryville) (APN: 49-1489-15; -13-3; 49-1325-1-2; -2; -4)

Assistant City Attorney, Michael Guina, made the staff presentation. Staff recommended the Commission approve the Development Agreement and forward to the City Council with the recommendation to adopt an Ordinance to approve the Development Agreement.

The public hearing was opened.

Emeryville resident, Brian Donahue, spoke opposing the project.

The public hearing was closed.

Geoff Sears, representative for Wareham Development, responded to questions about remediation of the site.

A motion was made to approve the Development Agreement and forward to the City Council for adoption.

**Moved:** Keller  
**Seconded:** Cardoza  
**Vote:** Ayes: Keller, Cardoza  
Noes: Gunkel, Kuemmerle  
Abstained: Moss, Tann  
Excused: Donaldson

The motion failed. Because the Commission was deadlocked, the item will go to the City Council without a recommendation from the Commission.

There was a break from 7:40 to 7:48.

## VI. STUDY SESSION

- A. Sherwin Williams Urban Village (PUD13-001)** – A Study Session to review a proposal to redevelop the former Sherwin Williams paint factory site into a mixed-use “town center” with a combination of residential and commercial uses organized around a central green park. The project will include reuse of an existing 70,000 square foot Tier 1 significant building for commercial use and construction of three new buildings that will accommodate approximately 460 dwelling units and 15,000 square feet of commercial space. CEQA Status: To be determined. General Plan Designation: Mixed Use with Residential; Zoning Districts: Mixed Use Residential (MUR) and Park/Open Space (PO) with Park Avenue District Overlay (PA). (Applicant: TDP East Bay Partners, LLC) (Owner: SWACE, LLC) (APN:49-1041-26-15)

Chair Cardoza recused himself due to a potential conflict of interest. Vice Chair Moss presided.

Miroo Desai, Senior Planner, made the staff presentation.

Joe Ernst, applicant, spoke briefly and made a PowerPoint presentation.

Public Comment:

Emeryville resident, Sharon Wilchar, requested the density of the project be lower due to the traffic.

Emeryville resident, Ken Bukowski said the applicant should receive bonus points for the retail portion of the project.

Donna Briskin, Emeryville resident of 1500 Park Avenue, said this is a really exciting parcel. As a member of the 1500 Park Avenue Ad Hoc committee, she stated the committee advocates for the spirit of the General Plan. She stated that they had also met with the developers.

Mike McConnell, Emeryville resident of 1500 Park Avenue, said he would encourage the applicant to be consistent with the existing uses in the area. He is concerned with the height limits of the project.

Phyllis Laimore, Emeryville resident, 1500 Park Avenue, expressed concerns with traffic congestion. She recommended something be done to keep the streets that experience light traffic as they are, and that the streets that experience heavy traffic remain that way.

Krisna Hanks, business owner at 1522 Park Avenue, said she feels the need for other businesses in the area.

Rob Arias, Emeryville resident of 1500 Park Avenue, said he is a member of the Ad Hoc Committee. He showed a brief PowerPoint regarding transportation, specifically the Emery-Go-Round.

Adain Mitchell, Emeryville resident, 1500 Park Avenue, requested the project keep the character of the neighborhood.

Bryan Hurd, Emeryville resident, 4230 Halleck Street, expressed concerns regarding parking and traffic. He feels that 700 spaces are inadequate for parking, more is needed. Bicycles should go through the Greenway and cars should utilize Horton Street.

Patricia Jeffery, Emeryville resident of 1500 Park Avenue, said the project was too dense. She said there are marvelous historic buildings in this area and would not like to see them destroyed. She also stated the site does not have good access. She feels more thought should be given to what will and will not work for this area.

Emeryville resident, John Wolf, said he is supportive of the project and likes the density.

Kim Steinbacher, Emeryville resident, said she supports what the other members of the Ad Hoc Committee had said. She said the ingress and egress is too much for Sherwin Williams to handle. She also suggested there should be ample bike storage.

Scott Donahue, Emeryville resident, said that Halleck Street does not connect very well to Mandella Parkway. He suggested less parking and moving the child park to the north.

John Espinoza, Emeryville resident, 1500 Park Avenue, expressed traffic concerns. He said there is no air condition in his unit; and there are fumes and noise issues when the windows are open. He thinks this project will add to the situation. Also, the project is not neighborhood friendly.

Brian Donahue, Emeryville resident, said the residential portion of this project is not going to make the City any money. The applicants are not offering enough. There should be

more than a dog park and central garden. The traffic is also a problem.

There was a break from 9:45 to 9:50.

Commissioner Comments:

The Commission felt that the proposed mix of uses was acceptable although it was a bit heavy on the residential uses. The Commission unanimously felt that active uses in form of commercial or live-work spaces should be accommodated on both sides of the “central green”. The Commissioners also agreed that the parcels were too big and that they needed to be broken up to create a more “fine-grained” site plan. It was also suggested that an alternative approach to the garages be considered, with a driveway along the railroad track for garage access connecting to Halleck Street rather than Sherwin Avenue. It was commented that the use of open spaces be considered carefully to include a variety of adult and children activities. Staff’s suggestion that the “Rambla” concept be considered for the central green received a positive response. (“La Rambla” is a street in Barcelona with a tree-lined central pedestrian mall that serves a variety of active uses including fairs, farmers’ markets, vendor stalls, and café seating.) It was suggested that the buildings be no taller than 7 to 9 stories on the northern site but no taller than 6 stories for the remainder of the site. The Commission desired to have buildings that were more modern and industrial in look with brick and steel rather than multi-colored stucco buildings. A desire for family-friendly and mixed income housing units was expressed. It was also suggested that the developer should work on their Transportation Demand Management (TDM) measures now so that they could be analyzed as part of the traffic study.

**VII. COMMISSIONERS COMMENTS - None**

**VIII. ADJOURNMENT – 11:05 p.m.**

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, DECEMBER 12, 2013 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.**