

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP**

**THURSDAY, JANUARY 25, 2007**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

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

Commissioners present: Frank Flores, Arthur Hoff, Patricia Jeffery, James Martin, Gail Donaldson, Paul Germain, Lawrence Cardoza.

II. CITIZENS TO BE HEARD - Carol Handelman, 1059 48<sup>th</sup> Street, showed the Commission before and after pictures of her front yard for which the Commission had previously granted a parking variance.

III. ACTION RECAP - December 14, 2006 - Commissioner Jeffery noted corrections to her comments on page 3. Commissioner Germain moved approval of the action recap as corrected; Commissioner Donaldson seconded. The action recap was approved as corrected without objection.

IV. DIRECTOR'S REPORT

Director Bryant reported on the two City Council/Redevelopment Agency meetings that have occurred since the last Commission meeting on December 14.

On December 19, 2006, the City Council approved Five Year Capital Improvement Program for Fiscal Year 2006-07 through 2010-11. They also passed the Smoking Pollution Control Ordinance, which prohibits retail or wholesale tobacco shops within 1,000 feet of public or private schools and parks, greenways and playgrounds. The Council considered the application for the three-unit Vallejo Gardens project which was recommended for approval by the Commission on December 14; the Council continued it to January 16, 2007 to allow the applicant to make some changes; they then approved the project on January 16. The Council reviewed ABAG's proposed methodology for apportioning very-low income, low income, moderate income, and above-moderate income housing units among Bay Area cities and counties (the Regional Housing Needs Allocation, or RHNA), which was considered by the Planning Commission on December 14; staff was directed to prepare a comment letter to ABAG requesting that our allocation be no higher than in previous years.

On January 16, 2007, the Redevelopment Agency heard a status report on the South Bayfront pedestrian/bicycle bridge and directed that planning for its construction should proceed. The Council approved a contract with MIG to assist with General Plan workshop planning and facilitation. They also approved a contract with MIG to design traffic calming devices in the Triangle neighborhood. The Commission's decision to impose an in-lieu parking fee on the Paula LeDuc Fine Catering Expansion Project has been appealed and the Council set the hearing date for February 6. The Council appointed Elaine Kirk, business representative, to the Park Avenue District Advisory Committee; she is one of the property managers of the large tilt-up building on the block of Park/Horton/Sherwin/Hubbard.

As previously noted, MIG has been brought on board to assist with planning and facilitation of future General Plan community workshops, and they attended the General Plan Update Steering Committee meeting last Tuesday. At that meeting, the status of various reports was given, followed by a presentation and discussion of ideas for future workshops. There was also a presentation and discussion about the idea of expanding the committee to include more neighborhood representatives.

The next meeting of the Park Avenue District Advisory Committee is scheduled for Wednesday, February 21 at 6:00 p.m. The committee will review preliminary plans for the interim Cultural Arts Center, which are scheduled to come to the Commission at a study session in March.

- A. **International Planner Exchange.** Report from Senior Planner Miroo Desai on her recent visit to England as part of the International Planner Exchange sponsored by the American Planning Association and Royal Town Planning Institute. Miroo Desai, Senior Planner, made a slide presentation of her exchange visit to England.

## V. STUDY SESSIONS

- A. **Gateway @ Emeryville Project, 5801-5861 Christie Avenue (UP06-17; DR06-27)** B A Study Session on a proposal to construct 280 for-rent residential units and 6,900 square foot ground level retail space on a 3.76 acre site bounded by Christie Avenue on the east and Interstate 80 on the west. CEQA Status: To be determined. General Plan Designation: Mixed-Use (M-U); Zoning Classification: Mixed-Use (M-U) (Owner/ Applicant: BRE Properties, Inc) (APN: 49-1494-3-2, 49-1494 -4-8)

Miroo Desai, Senior Planner, presented the staff report. John Whalen, Vice President of BRE presented a brief history of the their company. Rob Rees of Fehr & Peers, Transportation Consultants, spoke briefly and Tom Cox and Erin Yaw of TCA Architects made a power point presentation.

The public comment period was opened.

City Council member, John Fricke, passed out handouts and spoke briefly.

Andrew Carpiaux, 1264 Ocean Avenue, spoke briefly.

Rob Henmi, resident at 6019 Christie Avenue, said he thinks the project is good. He suggested articulating the base instead of relying on bamboo. He has concerns with the movement of air at this site. Biggest concern is the loading dock. He stated large moving vans cannot get out without backing out into the street.

The public comment period was closed.

Planner Desai said there were comments from a community meeting expressing concerns as to why Denny=s and the gas station could not be incorporated into the project.

Commissioner Cardoza said he has concerns with the design. He mentioned several building designs that he thought BRE could use for inspiration.

Commissioner Germain said this project with the two levels of parking and four living units on top would not get his vote. He stated this project has the appearance of a fortress. The project does not present any incentive to bring people. He suggested unbundling or paying for parking.

Commissioner Donaldson said the biggest problem, which is the proposal to widen Powell Street, has no bearing on the project at this time. She does not think the loading dock works well at this location. There is a problem with the intersection at Shellmound Way and Christie. She noted the minimal amount of landscaping around the bottom of the structure. Her overall sense is that this projects needs further exploration.

Commissioner Jeffery said she concurs with Commissioner Germain. There should be no more podium type projects. There is a need to create an iconic project with views. The loading dock is not going to work. The project needs better window treatments.

Commissioner Hoff said he would like the general public to have access to this project. He also said the applicant needs to have a traffic study done.

Commissioner Flores said he thinks the neighbors should be respected with a better building than is being proposed.

Commissioner Martin suggested the building be more vertical at the south west corner. There appears to be a parking problem. He suggested the applicant bring back to the Commission ideas about how they plan to incorporate the changes that have been recommended.

There was a break at 9:10, the meeting reconvened at 9:18.

## VI. PUBLIC HEARINGS

- A. **Flatiron Project, 3645 San Pablo Avenue (DR05-09; VAR06-08; GPA 06-01)** ▾Design Review to construct a new 4,900 square foot retail building on a 4,235 square foot lot, a Variance to allow no parking spaces where 12 are the required minimum; and a General Plan Amendment to modify the Floor Area Ratio prescribed in the Building Intensity Map of the General Plan. The project involves the removal of one street tree. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303 which applies to small, new structures. General Plan Designation: Commercial (C); Zoning Classification: General Commercial (C-G) (Applicant: Placeworks, LLC) (Owner: City of Emeryville Redevelopment Agency) (APN: 49-480-1) (A study session was held on August 23, 2006)

Commissioner Flores was recused due to a possible conflict of interest.

Senior Planner, Miroo Desai, presented the staff report.

Responding to questions regarding the financing of this project by the Redevelopment Agency, Assistant City Attorney Victor said it was not appropriate for the Commissioners to discuss the merits of the projects in terms of financing. The financing is the purview of the Redevelopment Agency and City Council.

Applicant, Stuart Rickard, made a brief presentation.

The public hearing was opened. There was no one wishing to speak. The public hearing was closed.

Commissioners Cardoza and Germain said they love the building.

Commissioner Jeffery suggested more lighting at the entrance. The applicant agreed.

Commissioner Hoff said he does not like the angle of the project. He suggested pulling it back 12 feet. The plaza should be larger and art work is needed. Commissioner Donaldson agreed with Commissioner Hoff. She also said she likes the lighting and rhythm.

Commissioner Martin said the north terminus should be shifted back 10 feet to the next set of window bays. He asked about the staff recommendation to increase the FAR to 3.5. Planner Desai explained that this takes into account the higher FAR of residential projects across the street. Commissioner Martin said he is not comfortable recommending this high of an FAR, but could agree to an FAR of 2.3 consistent with existing development in this block. Other Commissioners agreed.

Motion: To approve the Design Review application to construct a new 4,900 square foot retail building on a 4,235 square foot lot, and a Variance to allow no parking spaces where 12 are the required minimum, with a modification to the conditions to require the

northern points of the building to be moved south 10 feet.

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

Motion: To recommend that the City Council approve a General Plan Amendment to modify the Floor Area Ratio in the Building Intensity Map of the General Plan to 2.3 for the west side of San Pablo Avenue between 36<sup>th</sup> and Adeline Streets.

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

- B. Second Story Addition, 1268 Ocean Avenue (UP 06-19; DR 06-26)** B A Conditional Use Permit and Design Review to construct a second story addition on an existing house previously damaged by fire, on a 4,278 square foot lot containing two dwelling units. Square footage to be added is 576, bringing the total square footage of the building to 1,428, and increasing the floor area ratio on the lot from 0.49 to 0.63. The Conditional Use Permit is required to exceed a floor area ratio of 0.5. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(e), which applies to additions to existing structures. General Plan Designation: Medium Density Residential (M); Zoning Classification: Medium Density Residential (R-M). (Applicant: Ray Elzey) (Owners: Gurmail and Nahel Narinder.) (APN 49-1469-9)

Commissioner Martin recused due to a possible conflict of interest.

Vice Chair Donaldson presided.

Planning Technician, Susan Summerford, made the staff presentation.

Applicant, Ray Elzy, said he has no problem lowering the fence height from 6 feet to 3 feet and he plans to install planter boxes.

The public hearing was opened.

Andrew Carpiaux, of 1264 Ocean Avenue, said he feels they need to have the neighborhood character maintained. He said one of his neighbors had expressed concern that they will not have enough sunlight if this project is approved.

Richard Ambros, neighbor, said he is concerned with preserving the character of the neighborhood.

Keith Boadwee of 1254 Ocean Avenue, expressed concerns with preserving the character of the neighborhood.

Jim Martin, resident of 1268A - 64<sup>th</sup> Street, said he hopes there is a parking plan if the Commission decides to approve the project. If approved, a condition should be put in place that the entire property be upgraded. He suggested three bedrooms instead of four, which would allow more light on adjacent properties.

The public hearing was closed.

Commissioner Jeffery requested some clarification about the reported illegality of the construction of this project.

Director Bryant said staff was initially under the impression that this was a single family home and exempt from design review. A building permit was issued for reconstruction of the fire damaged house. A second building permit application was filed for the second story addition, but was not issued. When staff became aware that work had begun on this, a stop work order was issued. Then staff realized there was a second building involved, and the R-M zone was subsequently amended.

Commissioner Cardoza said he agrees with Jim Martin regarding the maintenance of the entire property and the applicant should provide a landscape plan.

Commissioner Jeffery said she would like to see a landscape plan without the concrete in front; maintenance for the entire site and a 3 foot fence height limit. With the orientation of the second story windows, she questioned if there were any privacy concerns from the neighbors.

Director Bryant said the project does not trigger additional parking requirements.

Motion: To approve the project subject to Director Bryant=s approval of all suggestions regarding a landscape plan, the 3 foot fence height limit, less concrete, the maintenance of the entire property, best management practices for stormwater treatment, and a new street tree.

**Moved:** Hoff  
**Seconded:** Germain  
**Vote:** Ayes: Cardoza, Germain, Jeffery, Hoff  
Noes: Flores, Donaldson  
Recused: Martin

- C. Golden Gate Badminton Club, 4230 Hubbard Street (UP06-16, VAR06-10, SA07-01) B Conditional Use Permit and Sign Permit for a proposed eight court badminton club in a 13,824-square foot space within an existing building on the southeast corner of Hubbard Street and Sherwin Avenue in the Park Avenue District. A parking Variance is required to provide no parking spaces where eight are required. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(a), which applies to minor alterations to existing facilities. General Plan designation: Industrial (I). Zoning District: Light Industrial (I-L). (Applicant: Mike Yang) (Owner: P&H Associates c/o Banker, Marks & Kirk) (APN: portions of 49-1034-1-3 and 1-4).

Commissioners Jeffery and Germain recused due to a possible conflict of interest.

Associate Planner, Diana Keena, presented the staff report, with staff=s recommendation for approval of the project.

Commissioner Flores moved to extend the meeting beyond the 11:30 p.m. deadline. The motion was seconded by Commissioner Hoff, and unanimously agreed.

The public hearing was opened.

Applicant, Mike Yang, spoke briefly and said he was looking forward to working in Emeryville.

Kate Rutter, resident of 1500 Park, said she has concerns with putting in bollards and stripes on Holden Street.

Michael Stasse, architect for this project, said there have been parking problems in this neighborhood, but stated there is enough room for parking. He questioned the red painting of

the curbs.

Patricia Jeffery of 1500 Park Avenue said this can be a great recreational activity. She wanted to know if there would be tournaments held at this location and would loud whistles be used inside the facility; also, what is the term of the lease. She would like to have some changes made to the conditions of approval regarding parking.

The applicant responded that they do not plan to have tournaments at this location. There would not be any whistles used. Their tournaments are held at their Menlo Park facility on weekends, three times per year. The lease on the property in Emeryville is for five years.

The public hearing was closed.

Commissioners Flores and Cardoza said they think this is a great project.

Commissioner Donaldson said it is an interesting use and seems workable.

Commissioner Martin said he would like to see some kind of planting on both sides of the entrance to improve the site and to incorporate a stipulation for a one year review to revisit the parking situation. He also stated he felt weekend tournaments would be acceptable.

Motion To approve the conditional use permit and sign permit for the Golden Gate Badminton

Club (UP06-16, VAR06-10, SA07-01) with the changes to the conditions of approval regarding the parking and planters on either side of the entrance.

**Moved:** Flores

**Seconded:** Hoff

**Vote:** Ayes: Hoff, Martin, Donaldson, Cardoza, Flores  
Recused: Jeffery, Germain

- D. Park Avenue District Plan Implementation (ORD07-1, GPA07-1) -**  
Ordinance adding Article 43 to the Zoning Ordinance to establish the Park Avenue Overlay District, define district boundaries on the Zoning District Map, incorporate the Park Avenue District Plan into the Zoning Ordinance by reference, prescribe use types permitted in the district, allow a floor area ratio bonus in the district under certain conditions, and allow a parking credit for reuse of significant buildings in the district. General Plan Amendment increasing the floor area from 0.7 to 1.4 in the district on the Building Intensity Map. CEQA Status: An Initial Study/Mitigated Negative Declaration for the Park Avenue District Plan, which covers this ordinance and General Plan Amendment as part of plan implementation, was certified on August 15, 2006 prior to adoption of the Park Avenue District Plan. General Plan designations in the district: Industrial (I), Commercial (C) and Open Space (O-S). Zoning Districts in the Park Avenue District: Light Industrial (I-L), Mixed Use (M-U) and Outdoor Recreation (O-R). The Park Avenue District is bounded by the Oakland border and 40<sup>th</sup> Street to the south, the Union Pacific railroad to the west, Park Avenue and property lines north of Sherwin Avenue and 45<sup>th</sup> Street to the north, and San Pablo Avenue and Emery Street to the east. District properties are on pages 617, 618, 1032, 1033, 1034, 1035, 1036 and 1041 of Assessor=s Map Book 49.

Commissioners Germain and Jeffery recused due to a possible conflict of interest.

Associate Planner, Diana Keena, presented the staff report.

The public hearing was opened, there was no one wishing to speak and the public hearing

was closed.

Motion: To recommend that the City Council adopt the Zoning Ordinance Amendment and General Plan Amendment, as presented, to implement the Park Avenue District Plan (ORD07-1, GPA07-1).

**Moved:** Donaldson

**Seconded:** Flores

**Vote:** Ayes: Flores, Hoff, Donaldson, Martin,

Cardoza

Recused: Germain, Jeffery

**VII. COMMISSIONERS COMMENTS** - Commissioner Flores said he attended a West Oakland Commerce Association (WOCA) meeting about the Pacific Steel project. It was discouraging because of all the negative comments about Emeryville.

**VIII. ADJOURNMENT** - The meeting was adjourned at 12:10 a.m.