

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP**

**THURSDAY, MARCH 22, 2007**

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

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

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

**II. CITIZENS TO BE HEARD**

Brian Donahue, resident at 4333 Holden Street, stated there were numerous trees planted all over the city in the 1980's. He said Glashaus has cut down some of these trees illegally. He is requesting the City enforce the Tree Ordinance and demand Glashaus to replace the trees they cut down. He suggested determining the monetary amount for replacement of the trees destroyed by measuring the trees remaining in front of Glashaus.

**III. ACTION RECAP - January 25, 2007**

Commissioner Martin said he made additional comments on the Ocean Avenue project regarding the massing. He said he had stated that it is still out of character as reflected in the high F.A.R. Commissioner Flores said the statement regarding the flat roof on page 4 of the Recap that was attributed to him was made by Commissioner Donaldson. A motion was made by Commissioner Flores and seconded by Commissioner Jeffery to approve the Action Recap as corrected. The motion passed unanimously.

**IV. DIRECTORS REPORT**

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

On March 6 the Council held a study session on the Ashby-Shellmound interchange, and directed staff to bring back a proposal for funding a study of an interchange with a separate pedestrian-bicycle bridge. The Redevelopment Agency selected Wareham as developer of the "Hollis-Powell Greenway" site at the southeast corner of 59<sup>th</sup> and Hollis Streets; their proposal is for an office/lab building and large park to the south. The City Council approved the floor area ratio increase for the Flatiron project.

On March 20 the Council held a study session on car sharing. The Redevelopment Agency appointed an ad hoc committee to select a designer for the South Bayfront pedestrian-bicycle bridge, which includes representatives from Novartis, Bay Street, and five citizens. The City Council passed the ordinance to amend the Zoning Ordinance to add the "P-A Park Avenue Overlay District". This will take effect 30 days later on April 19. The Council also introduced an ordinance to prohibit Styrofoam and non-recyclable plastic containers at restaurants. They denied the neighbor's appeal and upheld the Commission's approval of the second story addition at 1268 Ocean Avenue. They also passed an urgency resolution in opposition to SB303, which would extend the Regional Housing Needs Allocation timeframe to 10 years, and directed staff to write a letter for the Mayor's signature.

The General Plan Update Steering Committee had a special meeting last Tuesday, March 13, where they spent time mapping out the "areas of stability" and "change areas" for future development, as well as suggested locations for future parks and open space. The next meeting is next Tuesday, March 27, where the Committee will have a presentation on the economic

implications of various development scenarios, and will spend more time brainstorming the upcoming workshops. There will be a special Steering Committee meeting on Monday, April 9, which will be a "dry run" for the workshops, including a run-through of the opening remarks and testing of the workshop activities. The workshops have been set for:

- Monday, April 23, Middle School, 6:30-9:30 pm, (doors open at 6:00 pm)
- Wednesday, April 25, Anna Yates, 5:00-8:00 pm (doors open at 4:30 pm)
- Saturday, April 28, Police headquarters, 10:00 am -1:00 pm (doors open at 9:30 am); Earth Day activities will be the same day at Temescal Park from 12 to 4 pm.

Director Bryant also announced that copies of the Commission Rules and Regulations, adopted at the last meeting, have been placed on the dais for the Commissioners. A packet of "Ethics Resources" was previously distributed to the Commission by the City Attorney's Office on March 19. A new email group has been established on the City's website for the Commission; it is [plancomm@ci.emeryville.ca.us](mailto:plancomm@ci.emeryville.ca.us), and will make it easier for the public to communicate with the Commission. However, Director Bryant cautioned the Commission not to "reply to all" when receiving such an email, because that could become a potential Brown Act violation. Finally, Director Bryant announced that Melinda Chinn of Albany has been named the new Community Services Director. She will begin on April 16.

## V. STUDY SESSIONS

- A. **Emeryville Arts and Cultural Center, 4060 Hollis Street (DR07-05)** B A Study Session on an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building to accommodate an arts and cultural center. 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: Industrial (I); Zoning Classification: Light Industrial (I-L) (Owner/Applicant: Emeryville Redevelopment Agency) (APN: 49-618-4)

Miroo Desai, Senior Planner, made the staff presentation.

Commissioner Cardoza wanted to know why the storage space for the historical society is so small.

Amy Heistand, Project Coordinator in the Economic Development and Housing Department, made a brief presentation and introduced Donn Logan, architect for the project. He said three schemes had been presented for discussion and that Scheme "B" seemed to be the scheme of choice. Scheme "B" will accommodate 200-300 people for entertainment purposes.

Commissioner Hoff said he likes Scheme "B". He stated the outside of a building usually attracts people, this one does not.

Richard Ambro, resident of 1264-64<sup>th</sup> Street, said he is not against an art center. However, this building is just an ordinary brick building. He questioned why this building could remain and other buildings in their neighborhood are being torn down.

Betty Burri, resident of the Woodfin Suites Hotel, suggested that people could pay to have their names put on bricks for the project as a way of raising money.

### Commissioner Comments

Commissioner Cardoza said he could understand saving this building as is, for financial reasons. He pointed out that in San Francisco, they have rotating shows, but he does not know if this is feasible for Emeryville.

Commissioner Jeffery said she prefers Scheme "B". She said it provides green space and links the open courtyard to City Hall courtyard. She said they should show the service area on the east side of the building not limited to art because of the size of the building. She said on the 40<sup>th</sup> Street frontage they need to do more on the facade, and there should be more openings on the west side. She also said it is an interesting project, it provides history of the City, combining old and new architecture.

Commissioner Germain said the courtyard does not link to City Hall. He suggested putting the courtyard on the northwest corner so that it is one big courtyard. He also wanted to know if this facility had the necessary things for a traveling exhibit.

The architect said it could be designed to accommodate a traveling exhibit.

Director Bryant said one possibility that has been suggested is to get a permanent food business to keep people coming and going even when there are no exhibits.

Commissioner Donaldson said she likes Scheme "B". She would like to see it opened up so that there would be more visibility, and she would like to see the courtyard brought forward. The Celebration of the Arts is bigger and wider, and need maximum space so that it can rent out for other uses, like dances, etc. There should be more transparency from the 40<sup>th</sup> Street side. She encouraged saving the trusses.

Commissioner Flores said he likes Scheme "A" because of the courtyard. However, he has been swayed after listening to other comments from Commissioners. He likes old brick buildings.

Commissioner Martin said he likes the courtyard; however it is problematic in bad weather. He agreed with Commissioners Donaldson and Jeffery regarding the entrances. He said they should open up the building and make it more exciting and accessible.

Commissioner Jeffery asked if the Commission supported the idea of a Citizens Committee for this project. Other Commissioners agreed.

- B. Transit Center, Horton Street and 59<sup>th</sup> Street (UP07-02/DR07-03)** B A Study Session on a proposal to construct a 169 foot tall building accommodating approximately 250,000 square feet of commercial/lab space, five bus bays, and parking for approximately 700 spaces of which 240 to 250 spaces would be public parking, on a 1.58 acre site. There will be 7 floors of commercial space over 6 levels of parking. CEQA Status: To be determined. General Plan Designation: Mixed-Use (M-U); Zoning Classification: Mixed-Use (M-U) (Owner: Viacom Inc; Applicant: Wareham Development) (APN: 49-1489-15) (Continued from February 22, 2007 meeting.)

Senior Planner, Miroo Desai made the staff presentation. She stated staff had the following issues with this project: circulation, trash pick-up, landscaping to make it more pedestrian friendly, green screen, overall building design, parking assessment needs, and providing bicycle parking. The applicant held a community meeting on March 8<sup>th</sup>. Potential traffic and parking impacts were the chief concern expressed at the meeting. Concerns were also expressed that the impacts of a "transit center" would be borne by local residents while the benefits would probably be regional. Staff is requesting direction from Commissioners regarding the proposed height rezoning, and General Plan Amendment.

Rich Robbins of Wareham made a brief presentation along with the senior designer of The Smith Group.

## Public Comment

Betty Burri, resident of the Woodfin Suites, said she has been displaced for three years. She purchased a home at the Terraces but has been living at the Woodfin Suite because of the problems with the Terraces that have not been resolved. She has concerns for this new building project because this site is on top of a toxic waste site and the building is too tall. She questioned rewarding this applicant with an opportunity to build more projects when the ones he has already built are not up to standards and people are not able to live in some of them.

Brian Wong, resident at 5855 Horton Street, said he has concerns regarding the traffic, environment and height of this project. He cautioned the Commission to slow down and take a closer look at this project that is being "money driven". He stated there are twenty residents being displaced by this applicant's negligence.

Tom Mody of 1276-64<sup>th</sup> Street said he has concerns regarding the traffic and the building height. He requested the Commission enforce the height limit for this project.

Kurt Annweiler, resident at 5855 Horton Street said he trusts Wareham will do the right thing and take care of the Terraces. He suggested the applicant install a nice screen to help alleviate the exhaust from the diesel trucks that leave their motors running. The exhaust system should be adequate to prevent the fumes from blowing on neighboring residents. He said this project will increase the cars waiting to get onto Horton Street, thereby creating more congestion and exhaust fumes.

Mark Albert, formerly of 5800 Beaudry, said the bike path on Horton and the pedestrian bridge is not a "class one" bike route.

Lee Steinmetz of 1250 Ocean Avenue, concurred with other residents regarding the height limits and traffic congestion.

Harley Jensen said he lives at the Terraces, 5855 Horton Street, and he likes the building design of this new proposed project. However, he is concerned with parking. He is disappointed that there are no residential units in this project.

Jerry Jezowski, resident at 5921 Vallejo Street said the quality of life will be diminished with this project. The building is gigantic and much too high.

Steven Keller of 6363 Christie said he supports the project.

John Scheueman of 6363 Christie said he supports the project. He said this project would bring revenue to the City and the applicant is willing to clean up one of the most toxic sites in the City.

Senika Alovaya, attorney for Wareham, said while there is sympathy for the displaced residents, Wareham has no control over the Terraces. The insurance company pays for the displaced residents and have spent approximately 4.5 million dollars in this area.

City Attorney, Mike Biddle, said regarding the parking, there will be 250 parking spaces. There will be 125 new spaces for the Capital Corridor, and 125 spaces for the general public. Ninety spaces will be controlled by Wareham to meet the requirements of the other EmeryStation buildings.

Commissioner Cardoza said there was major concern in that this project has been before the Commission several times. He suggested the applicant be allowed to proceed so as not to lose the grant money they have secured for this project. If not allowed to proceed, the loan funds for \$1.2 million dollars for the clean up and traffic improvement will go

away in a year or so. The total grant of \$4.2 for the transit center would create a more efficient transportation system for the buses and trains.

Attorney Biddle reminded the Commission not to concern themselves with the monetary issues of this project, and just concentrate on the building design.

Commissioner Cardoza said he is concerned with health issues if there is an earthquake or other catastrophe. He stated he is tired of another podium building, covering the entire block. This does not look like a greenway. The building should be designed to be compatible with the neighborhood.

Commissioner Hoff said staff has stated the project is not feasible unless it is 250,000 square feet. From an urban design point of view, traffic is a problem.

Commissioner Flores said this is a beautiful building, unfortunately it is so big. He feels clean up is very important and he agrees with Commissioner Hoff, better circulation is needed.

Commissioner Jeffery said the architecture is stunning, it just on the wrong side of the tracks. She suggested the project go up on the west side of the tracks, this side can not support the height and mass at this location. She suggested various types of uses for day and night. She also suggested the elimination of some of the parking spaces to promote car pooling and bicycling. This project is not pedestrian oriented and the developer is not being sensitive to the community.

Commissioner Germain said this is a good place for a transit center. He is not too concerned with the height. He wanted to know what will happen to the old bus areas. He suggested unbundling a portion of the office parking.

Commissioner Donaldson said this project is too big for the site. The transit proposals are not that extensive, they need a more mixed use project. The streets are convoluted already. It is problematic entering and exiting the building for large trucks.

Commissioner Martin he would like clear information on the building intensity and off street parking before the elimination of the 250 parking spaces. He recommended a complete traffic study be performed. He said the building needs an active use on the bottom level. Also the blank wall on Horton is unacceptable. There needs to be public interaction.

There was a break at 9:55 and the meeting reconvened at 10:08.

- C. Revisiting Ordinances on Demolition of Residential and Significant Structures -** Discussion of whether to amend the Residential Demolition Ordinance and the Significant Building Preservation Ordinance, which apply citywide. CEQA Status: Both ordinances and potential amendments are exempt from environmental review under the general provisions at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is on possibility that the proposed ordinance may have a significant effect on the environment.

Diana Keena, Associate Planner, made the staff presentation.

Commissioner Jeffery said she would like to see the Ordinance amended to include language about Neighborhood Conservation Districts. She also wanted to know what the Commission could do to discourage property owners from letting their property deteriorate to the point of demolishing the buildings.

Planner Keena stated the City does have a community Preservation Officer who is already addressing this issue.

Commissioner Donaldson asked if there was a list of buildings that should be preserved.

Commissioner Jeffery said she feels there would be a problem with creating a list of buildings that meet certain criteria for demolishing them. She said there would be neighborhood preservation concerns. Emphasis should just be on preserving and restoring these old buildings.

Richard Ambro, resident of 1264 – 64<sup>th</sup> Street said he is concerned about preserving the old buildings in the neighborhood. He said a neighborhood is more beautiful than new buildings. He suggested the City buy these old buildings and give low interest loans for rehabilitation.

Greg Harper of 1420 – 45<sup>th</sup> Street said he wanted to respond to commissioner Jeffery's comments. He said from a legal process you want to get a fair return on your investment. Perhaps a mechanism could be set up where you can get a decision quickly on whether you can demolish or not.

Keith Boadwee of 1254 Ocean Avenue said he concurs regarding the neighborhood character being preserved. He feels every old building is worth saving.

Lee Steinmetz of 1250 Ocean Avenue said there are two separate issues regarding the old buildings. He said some of these old buildings should be torn down. However, he is interested in preserving the character of the neighborhood.

Planning Director Bryant said this ordinance is not an historic preservation ordinance. The houses on 41<sup>st</sup> Street did not meet historical criteria by experts, but they do meet the residential ordinance. The residential ordinance criteria is met by having a living space in the buildings. Both ordinances are in addition to the Park Avenue Plan.

Commissioner Hoff asked if someone buys a lot zoned for two units, but there is only one unit on it, can the owner tear it down and build two units.

Commissioner Martin said there is a strong need for an ordinance for the Triangle Neighborhood. He said material, bulk and scale could be used for criteria. There are so many options out there. He recommended they ask the Council to review these options, and return them to the Commission for a recommendation. He said maybe they could offer incentives to the property owners.

Commissioner Donaldson said the recent APA Audio Conference gave them a lot of tools to use. She would love to see staff look into things that can be regulated, like bulk, size and what can and can not happen in neighborhoods.

Commissioner Jeffery said she agreed with Commissioner Donaldson. The applicants need to be given concise instructions before coming to the Commission. The character of the old neighborhoods need to be preserved.

Commissioner Hoff agreed with other Commissioners. He would not want to make a decision based on a map.

Director Bryant said Dyett & Bhatia is preparing design guidelines as part of the General Plan Update.

## VI. PUBLIC HEARINGS

- A. **Ocean Lofts, 1258 Ocean Avenue (UP07-01; DR07-02; VAR07-01)** B Application for a 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)

Commissioner Martin was recused due to a possible conflict of interest. Vice Chair Donaldson presided.

Senior Planner, Miroo Desai presented the staff report.

Jim Trayman, Design Architect, said he had re-worked the design in response to the Commission's concerns.

Commissioner Cardoza said there is a huge tree in front of the project and asked if there were any plans to do anything about it.

The applicant responded that they will try to preserve it.

The public hearing was opened.

Lee Steimetz of 1250 Ocean Avenue questioned dividing the property.

Director Bryant said there were no proposals made to separate the lot.

Keith Boadwee of 1254 Ocean Avenue said the project is so unreal, it is too big. He asked the Commission not to approve this project.

Vanessa Kuemmerle of 1250 Ocean Avenue said the applicant is proceeding in the right direction, however, this project is really too big.

Another resident of 1254 Ocean Avenue said there should be an effort to preserve the character of the neighborhood.

Richard Ambro of 1264-64<sup>th</sup> Street said it is regrettable that this structure can not be preserved.

Jim Martin of 1268A – 64<sup>th</sup> Street said they need to see some landscape plans. The southeast corner of the project needs to be softened.

The applicant said he had agreed to breaking up the massing, and had redesigned accordingly.

Greg Harper, resident of 1420 – 45<sup>th</sup> Street, and attorney for the applicant, said it is important to provide housing for families in Emeryville.

The public hearing was closed.

Motion: To approve the use permit, design review and variance (UP07-01; DR07-02 and VAR07-01) for 1258 Ocean Avenue.

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

Director Bryant said that because the Commission was deadlocked, this application would be forwarded to the City Council without a recommendation from the Commission.

- B. Marriott Automated Parking, 5555 Shellmound Street (UP07-03; DR07-04)** B Application for a use permit and design review to install pay gates and establish a Commercial Parking use in the existing surface parking lot of the Marriott Courtyard hotel. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations to existing facilities and Section 15311 which applies to small parking lots. General Plan Designation: Commercial 8); Zoning Classification: Mixed Use (M-U) (Applicant: John P. Henry) (Owner: HPTMI Properties) (APN: 49-1516-12)

This item was continued to the next meeting.

#### **VII. COMMISSIONERS COMMENTS**

Commissioner Hoff said he had met with the Public Art Committee and Mr. Goldman, and both expressed interest in having a piece of art on the Flatiron site.

Commissioner Flores said the APA Audio Conference was extremely informative. He said he would not be at the April Commission meeting; he will be in the Philippines.

Commissioner Martin said that the huge sign that says Bay Street facing the railroad tracks is hideous. He objected strongly to advertisement on the south west corner of the project. He said he did not vote for that and questioned how it got there.

Director Bryant said it was approved by the City Council. He stated only goods and services available at Bay Street can be advertised on these signs, so therefore it is not an off-site advertising sign.

Commissioner Jeffery said former Commissioner Lutz was opposed to billboard signs and they did not approve them.

Commissioner Martin stated that if this comes back to the Commission they should reconsider.

#### **VIII. ADJOURNMENT**

The meeting was adjourned at 11:45 p.m.