

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP**

THURSDAY, APRIL 26, 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: Arthur Hoff, Patricia Jeffery, James Martin, Gail Donaldson, Paul Germain, and Lawrence Cardoza. Frank Flores, excused absence.

II. CITIZENS TO BE HEARD

None

III. ACTION RECAP – March 22, 2007

Commissioners Martin and Jeffrey made corrections to the Action Recap and Commissioner Jeffery moved approval, seconded by Commissioner Cardoza. The Action Recap was approved without exception.

IV. DIRECTORS REPORT

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

On April 3, an ordinance was introduced at the request of the Sierra Club to reduce building permit fees for installing solar panels on owner occupied single family homes to a flat fee of \$250; it was passed on April 17, and will take effect May 17. The Council also heard a report on a proposed pedestrian-bicycle bridge adjacent to the Ashby-Shellmound interchange.

On April 17, 2007, the Council held a study session on the Doyle-Hollis Park; this will be coming to the Commission for approval in May. The Redevelopment Agency approved a lot line adjustment for the Oak Walk project, which is related to the vesting tentative map on tonight's agenda. The Council also approved the Ocean Avenue Lofts project, on which the Commission was deadlocked at the March meeting.

The General Plan Update Steering Committee held a special meeting on Monday, April 9, which was a "dry run" for the upcoming community workshops, including a run-through of the opening remarks and testing of the workshop activities. The workshop materials were fine-tuned as a result of this dry run. Two of the workshops have now occurred, on Monday, April 23, at the Middle School, and on Wednesday, April 25, at Anna Yates elementary school, with good attendance and quite successful. The third and final workshop is this Saturday, April 28, at the Police headquarters on Powell Street; doors open at 9:30 a.m., and the workshop is 10:00 a.m. to 1:00 p.m. The next Steering Committee meeting is Tuesday, May 22, where the workshops will be reviewed and next steps discussed.

The next regular quarterly meeting of the Park Avenue District Advisory Committee will be Wednesday, May 9. The committee will hear an update of projects in the district and the status of the implementing ordinance. The Park Avenue plan has been nominated for an award from the Northern Section of the California Chapter of the American Planning Association. We will find out if we got it by May 11, and the awards dinner is May 18. Members of the committee have been invited to attend.

Director Bryant noted that, at a recent Planning Commission meeting, he was asked to address procedures for dealing with complaints about construction activity. He stated that any citizen with

concern about a project should contact him, and he will have the building inspector contact the general contractor for the project, inform them of the problem and direct them to correct it. Most of the time, this results in immediate compliance. If necessary, the City can take further action, including issuing a "stop work" order, but this usually isn't necessary. He noted that, just this afternoon, after discussing this issue with Chair Martin, he got a complaint about construction outside approved hours at Avenue 64. He asked the Building Official to have the building inspector talk to the general contractor about it. Within an hour, he was informed that the conversation had occurred and the general contractor had promised that no work would occur in the future outside the approved hours of Monday through Friday, 7:00 a.m. to 6:00 p.m. This is typical of how promptly the City is able to respond to such concerns.

Director Bryant also reported on the American Planning Association's annual national planning conference that he attended in Philadelphia the previous week, and his subsequent visits to Atlantic City; Cape May, New Jersey; and New York City.

V. PUBLIC HEARINGS

- A. **Oak Walk Vesting Tentative Map, 4002-4098 San Pablo Avenue and 1077-1089 41st Street (MAS07-01)** – A Vesting Tentative Map to re-subdivide a 1.73 acre property from 11 lots to 6 lots, in conjunction with the Oak Walk Mixed Use Project. (A lot line adjustment reducing the property from 1.77 to 1.73 acres will be processed administratively prior to Planning Commission consideration of the Vesting Tentative Map.) The site is the western portion of the block bounded by 40th Street, San Pablo Avenue, 41st Street and Adeline Street. CEQA Status: Mitigated Negative Declaration previously approved. General Plan Designation: Commercial (C) and Medium Density Residential (M); Zoning District: General Commercial (C-G) and Medium Density Residential (R-M) (Applicant: Bayrock Oaks, LLC; Owner: Oaks Club Room, LP) (APN: 49-1025 -1, 2, 3, 5-1, 6, 7, 9, 14, 15-1, 21-5, 23, 24, 25). (Oak Walk Mixed Use Project approved by City Council on February 7, 2006.)

Planning Director, Charles Bryant, presented the staff report with staff's recommendation for approval. Katy Ford, the applicant, responded to questions.

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

Motion: To approve the Oak Walk Vesting Tentative Map, MAS07-01.

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

- B. **Floor Area Ratio Increase, 1207-1209 54th Street (UP 07-06)** - Conditional Use Permit to increase the floor area ratio (FAR) in excess of the allowable 0.5 in an existing triplex. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(a), which applies to new construction or conversion of up to three single-family residences in an urbanized area. General Plan Designation: Medium Density Residential (M); Zoning District: Medium Density Residential (R-M) (Applicant/Owner: Tom Dannenberg) (APN 49-1183-21)

This item was continued.

- C. **Peet's Office Expansion, 1400 Park Avenue (UP07-04, DR07-05)** - Conditional Use Permit and Design Review for a proposal to expand offices by 43,600 square feet and provide 50 parking spaces inside the former roasting portion of the Peet=s Coffee & Tea

building on Park Avenue between Holden and Horton streets in the Park Avenue District. Windows on Horton and Holden Streets would be replaced with windows similar to those around the entrance on Park Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to projects that qualify as in-fill development. General Plan Designation: Industrial (I). Zoning District: Light Industrial (I-L) and Park Avenue Overlay District (P-A) (Applicant: Peet=s Coffee and Tea; Owner: Emeryville Properties LLC) (APN: 49-1033-2).

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

Associate Planner, Diana Keena, made the staff presentation.

Applicant, Jim Grimes, Vice President of Operations for Peet's, stated they want to consolidate all of Peet's offices into one location. Todd Wright, whose office is at 5801 Christie, stated he is assisting Peet's with the conversion. He made a Power Point presentation. He stated the roasting operations are being moved to Alameda.

Robert McGillis, Architect with Phillip Banta's office, spoke briefly and used the Power Point for further presentation.

The public hearing was opened.

Sharon Wilchar, of 1420-45th Street, and the liaison for the Artist's Co-op, thanked Diana for working with them on this project. She stated there were landscaping and security issues on the north side of Peet's property.

Scott Donahue, resident at the Artist's Co-op said he has concerns with parking. He stated this is the time for a continuous sidewalk on Holden and to provide adequate parking. He suggested the City stripe a sidewalk. He said there have been problems with loading and unloading late at night, and would like to make sure this is prohibited in the future.

James Morris, resident at the Artist's Co-op said he applauds the effort for pedestrian usage, and making this area bicycle friendly. However, there are security issues with the proposed walkway, across the property.

Mari Andrews, resident at the Artist's Co-op said she initially thought the walkway was a good idea. However, now that she has seen the plans, she has changed her mind. She strongly objects to having the walkway open 24 hours, because this poses a security problem.

Patricia Jeffery of 1500 Park Avenue suggested a compromise by having another walkway in a different location. She wanted to know if Peets's will pay for the undergrounding of utility lines now or later. She suggested a tradeoff with the walkway for undergrounding by Sherwin Williams. She said she would like to see this item come back to the Commission with a detailed proposal for addressing the landscaping, undergrounding, lighting, walkway, and other issues.

The public hearing was closed.

Commissioner Hoff suggested having a pathway open only during business hours.

Maurice Kaufman, Interim Public Works Director for the City, suggested taking the easement now and building the pathway later.

Planning Director Bryant suggested having Peet's dedicate the easement to the City now.

Commissioner Donaldson suggested requiring landscaping along Holden Street where the parking is now if the City builds a sidewalk in the future.

The following modifications to the conditions of approval were agreed to by the Commission:

- Condition I. H was added to indicate that no payment for undergrounding of utilities would be required at this time, and will only be required, if appropriate, as part of a future project on this site.
- Condition VI.A.2 was modified to require Peet's to dedicate the pathway easement now, and to pay the City \$100,000 for future improvements. The City will follow a public process to design and construct the pathway in the future to include Peet's and all neighbors, and to include lighting and security.
- Condition VII.A.2 was modified to require that the easement be landscaped and paved with decomposed granite, to add eight trees to the parking lot, and to improve the planting in the existing landscaped areas along Holden Street.
- Condition VII.C.1 was modified to require landscaping in the existing parking area on the east side of the building when the City builds a sidewalk along Holden Street.
- Conditions VI.B.2 and VI.C. 2, regarding the public access walkway, were deleted.

Motion: To approve the project with conditions as modified.

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

- D. Marriott Automated Parking, 5555 Shellmound Street (UP07-03; DR07-04)** – Conditional 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. General Plan Designation: Commercial (C); Zoning District: Mixed-Use (M-U) (Applicant: Jeff Given/Courtyard by Marriott) (Owner: HPTMI Properties) (APN: 49-1516-12)

Senior Planner, Miroo Desai, made the staff presentation.

John Henry and Steve Samples from the Marriott spoke briefly. Mr. Samples stated there would be a sign indicating the availability for parking for the public. There would be a "Lot Full – Guest Only" sign to alert potential customers if the lot was full.

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

Motion: To approve the conditional use permit and design (UP07-03 and DR07-04) for Marriott Automated Parking at 5555 Shellmound Street.

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

- E. Granite Expo, 4041-4065 Hollis Street (UP06-09/DR06-12)** – Request to waive the replacement value fee requirement for street trees pursuant to Emeryville Municipal Code Sections 7-10.05(d) and (e), and to modify the Conditions of Approval accordingly for a Conditional Use Permit and Design Review permit approved by the Planning Commission on September 28, 2006. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to alterations to existing structures. General Plan Designation: Industrial (I); Zoning District: Light-Industrial (I-L) and Park Avenue Overlay District (P-A) (Applicant: Jackie Li) (Owner: Hollis Realty Group LLC) (APN: 49-617-17-2; 22-2; 23; and 24)

Maurice Kaufman, Interim Public Works Director, made the staff presentation. Staff recommended waiving the replacement value fee.

Commissioner Jeffery wanted to know what could be done to rescind this condition.

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

Commissioner Jeffery made a revised motion to delete the requirement to relocate the existing trees, to leave them where they are, and to improve the landscaping in the existing tree wells along 40th Street.

Motion: To modify the Conditions of Approval (UP06-09/DR06-12) as proposed by Commissioner Jeffery.

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

VI. COMMISSIONERS COMMENTS

Director Bryant announced there would be one more General Plan community meeting held by the General Plan Update Steering Committee 9:30 a.m. to 1:00 p.m. on Saturday, April 28, at the Police Station, 2449 Powell Street.

Commissioner Jeffery said she attended the General Plan workshop on Wednesday and there were several students at the workshop from the architecture club at Emery Secondary School.

Commissioners Hoff and Martin had favorable comments regarding the progress of the General Plan.

Commissioner Martin noted articles in California Planner on form based codes, and in the APA Commissioner newsletter on an annual review process.

VII. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.