

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP**

THURSDAY, JUNE 25, 2009

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, Jim Martin, Patricia Jeffery, Frank Flores.

II. PUBLIC COMMENT – None.

III. ACTION RECAP – May 28, 2009.

Comments on the minutes from Commissioner Scheuerman were distributed to all Commissioners at the beginning of the meeting.

Motion: To approve Action Recap of the regular meeting of May 28, 2009, as modified by Commissioner Scheuerman.

Moved: Jeffery

Seconded: Hoff

The Action Recap was approved without objection.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. On June 2, the Redevelopment Agency approved the Strategic Plan and Business Plan for the Arts and Cultural Center. The City Council introduced ordinances on Floodplain Management and Construction Waste and Demolition; both ordinances were passed on June 16.

On June 16, the Council held a study session on the South Bayfront Pedestrian-Bicycle Bridge and gave direction concerning light fixtures, treatment of columns, and railing design. The Redevelopment Agency approved an Exclusive Right to Negotiate with Resources for Community Development for the Ambassador Housing project, which will eventually be coming before the Commission for approval. The Council adopted the new Housing Element and authorized the City Manager to submit it to the state Department of Housing and Community Development for certification. The Council discussed the connection of the Greenway to the 9th Street bike boulevard in Berkeley. Staff met in the field with Berkeley staff last Thursday to coordinate.

On Saturday, June 6, the City Council held a special "Advance" at which they heard an update on the budget and long range financial forecast; discussed various revenue measures and gave direction to pursue a Landscape and Lighting Assessment District; discussed alternatives for the future operation of the Child Development Center; heard a presentation on options for pension systems and retirement benefits for City staff; discussed and gave direction on a proposed Economic Development Strategy; and discussed the City's Capital Improvement Program.

The General Plan Update Steering Committee met on June 9, considered a few outstanding issues, and then voted unanimously to forward the draft General Plan to the Planning Commission and City Council for adoption. It is expected to come to the Commission in August and to the City Council in September. The public comment period on the Draft EIR ends on Tuesday, June 30, and the final EIR will be prepared in July. The Housing Element was adopted by the City Council on June 16, the City Manager has signed a cover letter, and the Element will be sent to the state Department of Housing and Community Development tomorrow, in time to meet the State's June 30 deadline. Meanwhile, work is continuing on the Zoning Ordinance update; the first module will be reviewed by the Steering Committee at their July 28 meeting.

Director Bryant gave updates to the Commission on the Park Avenue street improvement project and Doyle Hollis Park.

Finally, Director Bryant reminded the Commission that their annual election of officers will be held at the next meeting.

V. PUBLIC HEARINGS

- A. Adeline Mini Mart (UP09-04)** – A Conditional Use Permit and Design Review to allow Convenience Sales and Services use on the ground floor of a multifamily residential building at 4365 Adeline Street. Improvements will include an awning, new windows, and an ADA-compliant front door. 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: Medium Density Residential (M); Zoning Classification: Medium Density Residential (R-M) (Applicant: Hamdan Ali Alawdi; Owner: Mark Thamkul) (APN: 49-1081-13).

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

Assistant Planner Arly Cassidy gave a presentation on the project and recommended approval of the Conditional Use Permit and Design Review. She and the applicant responded to questions from the Commission.

The public hearing was opened.

Patricia Hooper, 1001 47th Street, said she was not convinced that this was a good location for the proposed minimart, and asked for information about the applicant's other store in Oakland. She said she liked that the store would not sell alcohol and would have limited tobacco sales.

Carol Handelman, 1059 48th Street, said there had been problems with other minimarts in the area and trash on the street from KFC. She said that new residences and traffic calming were making Adeline a more livable street, and that there are other minimarts and Pak N Save in the area to meet residents' shopping needs. She agreed with Ms. Hooper that this was not the right place for a minimart.

Frank Flores, 4600 Adeline Street, said he has lived in the area for seven years, and there is a need for a place to go for simple goods and services. He said there are corner markets at Market and 45th and at 55th and Adeline, both in Oakland, which he has never been to. He said he can get in his car and drive to Pak N Save or Berkeley Bowl. He said he thought a convenience store in this location was a great idea.

The public hearing was closed.

The Commission discussed the project and agreed on the following additions to the conditions of approval:

- No tobacco signs inside or outside the store.
- Tobacco sales limited to 10% of all sales.
- No alcohol sales.
- Hours of operation 7 am to 9 pm daily.
- Surveillance cameras inside and outside.
- The applicant shall pursue a "green zone" in front of the store with the Transportation Committee.
- One bike parking space inside the store and two at a rack in front.
- The sidewalk shall be swept and trash removed from the gutter daily.

- A trash can shall be provided in front of the store, to be maintained per standard Public Works procedures.

Motion: To approve the Conditional Use Permit and Design Review for the project, with discussed additional Conditions of Approval.

Moved: Hoff

Seconded: Martin

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

- B. Zoning Ordinance Amendment on Requests for Reasonable Accommodation -** Consideration of an Ordinance amending Article 95 of Chapter 4 of Title 9 of the Emeryville Municipal Code regarding Requests for Reasonable Accommodation Under the Fair Housing Acts. CEQA Status: This proposal is exempt from environmental review under the "General Rule" at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

ADA Coordinator/Paralegal Dominique Burton made a presentation on an updated definition of "disability" to conform to the Federal Fair Housing Act and the California Fair Employment and Housing Act.

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

Motion: To approve the proposed Zoning Ordinance amendment and to recommend its adoption to the City Council.

Moved: Jeffery

Seconded: Martin

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

- C. Draft Environmental Impact Report on the Draft Emeryville General Plan –** A public hearing to accept comments on the Draft Environmental Impact Report (DEIR) prepared for the Draft Emeryville General Plan. A Notice of Availability for the DEIR was published on May 15, 2009 and the 45-day comment period will end on June 30, 2009.

General Plan Update Project Manager Deborah Diamond introduced the item. Rajeev Bhatia and Jean Eisberg, from General Plan consultants Dyett & Bhatia, made a presentation on the draft EIR 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 Martin commented on the apparent lack of mitigation measures, that changes to the draft plan should be reflected in the final EIR, the loss of 70 housing units, traffic, the proposed "quality of service" policy, tsunamis and sea level rise, noise, historic buildings, parks, and visual quality/neighborhood character, specifically concerning the impacts of the proposed floor area ratios in the older residential neighborhoods, which he felt were too high. He asked staff to bring the Commission information about the FARs of recent development applications in these neighborhoods.

Commissioner Jeffery asked for a matrix showing how the General Plan is consistent with the various area plans, and for more information to compare the alternatives and to support the "environmentally superior alternative".

Commissioner Scheuerman commented on noise and traffic, specifically concerning the benefits of a grade separation of the railroad crossing at 65th Street. He cited a good example in San Carlos. He also questioned why the “before” and “after” noise contours along the railroad were the same when the volume of train traffic is expected to increase. The consultants were asked to look into this and to correct it if necessary.

Commission Donaldson said she agreed that further information about FARs in the residential neighborhoods was needed. She said her other comments were policy related and could wait until the public hearing on the draft General Plan in August.

VII. COMMISSIONERS COMMENTS – None.

VIII. ADJOURNMENT

The meeting was adjourned at 9:07 p.m.