

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
DECEMBER 9, 2010**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chair Frank Flores. Commissioners present: Lawrence Cardoza, Gail Donaldson, Art Hoff, Vanessa Kuemmerle, John Scheurman, and Steven Steinberg.

II. PUBLIC COMMENT - None

III. ACTION RECAP – October 28, 2010

After a comment by Commissioner Kuemmerle, Commissioner Cardoza moved approval of the Action Recap and the motion was seconded by Commissioner Steinberg. The Action Recap was approved without exception.

IV. DIRECTORS REPORT

V. PUBLIC HEARINGS

- A. 64th and Christie Residential Building Development Agreement** – Consideration of a Development Agreement for a 190-unit, 5-story residential building located at the southeast corner of 64th Street and Christie Avenue. This building is part of Phase I of the Marketplace Redevelopment Project Planned Unit Development (PUD) that was approved by the City Council on August 5, 2008. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by City Council on January 15, 2008. General Plan Designation: Mixed Use with Residential; Zoning Designation: Planned Unit Development (PUD) Mixed Use. (Applicant/Owner: Rockwood Christie LLC) (APN: 49-1492-6-1; 49-1492-8). *(In conjunction with item V.B. below.)*
- B. Amendment of Marketplace Redevelopment Project Planned Unit Development Conditions of Approval (PUD04-02)** – Consideration of an amendment to Section I.C. of the conditions of approval of the Marketplace Redevelopment Project Planned Unit Development (PUD) regarding timing requirements for securing final development plans, building permits and completion of construction of improvements for Phase 1 of the project. The Marketplace Redevelopment Project PUD was approved by the City Council on August 5, 2008. Phase I consists of two separate sites: one at the southeast corner of 64th Street and Christie Avenue and the other bounded by Shellmound Street to the west, Union Pacific Railroad tracks to the east and the Woodfin Suites Hotel to the south. CEQA Status: Environmental Impact Report certified by City Council on January 15, 2008. General Plan Designation: Mixed Use with Residential; Zoning Designation: Planned Unit Development (PUD) Mixed Use. (Applicant: TMG Partners; Owners: Marketplace Mortgage, LLC and Rockwood Christie, LLC) (APN: 49-1492-6-1; 49-1492-8; 49-1493-9-3; 49-1493-10-2; 49-1493-13; 49-1493-14; 49-1493-15) *(In conjunction with item V.A. above.)*

Michael Biddle, City Attorney, presented Items V.A. and V.B. together, as they are related. He recommended that the Planning Commission forward the items to the City Council with recommendations of approval. Denise Pinkston of TMG also spoke, saying TMG was in agreement with Mr. Biddle's recommendation.

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

A Commissioner asked the Emeryville City Council and TMG had already agreed to the Owner Participation Agreement and the Development Agreement. Michael Biddle stated that they had, at the Council meeting on October 19th, and that the items had not been brought to the Planning Commission first due to timing issues. Charlie Bryant clarified that the Council has yet to officially approve the Development Agreement.

Motion: To approve the resolution recommending approval of both the Development Agreement and the Owners' Participation Agreement.

Moved: Cardoza
Seconded: Hoff
Vote: Ayes: Hoff, Kuemmerle, Steinberg, Cardoza, Flores
Recused: Scheuerman, Donaldson

- C. 2100 Powell Monument Sign (SIGN10-023)** – A Major Sign Permit to allow one new monument sign at the eastern (Frontage Road) entrance of the building whose street address is 2100 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to accessory structures including on-premise signs. General Plan Designation: Mixed Use with Non-Residential; Zoning Designation: Planned Unit Development (PUD) Office. (Applicant and Owner: Hines REIT Watergate) (APN: 49-1495-9)

Arly Cassidy, Assistant Planner, presented the staff report, with staff's recommendation for approval of the application. Eric Wendt, the sign designer, stated that he was available for questions from the Commissioners.

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

The Commissioners asked Eric Wendt about the design of the sign and surrounding area, and learned that the signs will use a dark vinyl that will keep it from being too bright, and that the bollards near the sign cast illumination downwards. A commissioner commented that the new sign will not very legible for drivers traveling north along Frontage Road.

Motion: To approve the application for a new monument sign.

Moved: Commissioner Hoff
Seconded: Commissioner Scheuerman
Vote: Ayes: Donaldson, Hoff, Kuemmerle, Steinberg, Cardoza, Flores and Scheuerman

- D. Ambassador Housing Project (UP09-05/DR09-11)** – A request for a two year extension of a Use Permit and Design Review permit for construction of a new, five-story, 64,581 square foot residential building and two two-story townhouse buildings with a total of 69 affordable housing units and 110 off-street parking spaces on a 34,280 square foot site on the northeast corner of Peralta and 36th Streets with some frontage on Adeline Street. The project was approved by the Planning Commission on October 22, 2009 and amended on December 10, 2009. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to urban infill development. Previous General Plan Designation: Commercial (C); Previous Zoning Classification: General Commercial (C-G) (Owner: Emeryville Redevelopment Agency; Applicant: Resources for Community Development) (APN: 5-481-1, and -2; 49-481-7, -8, -16, and -17).

- E. Ocean Lofts, 1258 Ocean Avenue (UP07-01; DR07-02; VAR07-01)** – A request for a two year extension of a Use Permit, Design Review permit and setback Variance to demolish an existing single family residence and construct two detached single family units; and a request to consider a finding approving demolition of the existing house prior

to the issuance of a building permit for the replacement structure. The project was originally approved by the City Council on April 17, 2007 and the permits were subsequently extended by one year. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Sections 15303 and 15332 which apply to small new construction projects and to urban infill development, respectively. Previous General Plan Designation: Medium Density Residential (M); Previous Zoning Classification: Medium Density Residential (R-M) and North Hollis Overlay District (N-H) (Applicant/Owner: Ali Eslami) (APN: 49-1469-6).

- F. **Panera Bread (UPDR10-001)** – A Conditional Use Permit application to create a new 4,000 square foot pad for a Convenience Eating and Drinking Establishment at the southwest corner of Horton and 40th Streets, and a Design Review application to construct a new 4,000 square foot building for Panera Bread with outdoor seating. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(c) which applies to small new construction projects in urban areas. General Plan and Zoning Designation: Mixed Use with Residential (MUR) and Regional Retail Overlay (RR). (Applicants: Catellus and Panera Bread; Owner: Catellus) (APN: 7-617-16-5)

Arly Cassidy, Assistant Planner, presented the staff report, with staff's recommendation for approval of the application. Steve Buster, a representative from Catellus, gave a short presentation about the project and stated that he, Mark Ethrington of Panera, and Christopher Wadleigh of Fancher Development Services were available for questions from the Commissioners.

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

The Commissioners commented that they were disappointed with the design, which they felt was loud and unrestrained, especially the large signs. A questions about the design of the signs was clarified by Mr. Wadleigh, who stated that the signs were internally illuminated channel letters in a non-illuminated background. He also stated that the yellow stucco on the materials board would be replaced by the brown paint chip provided to staff.

Commissioners thought that the mural of wheat (Panera's decorative theme) proposed for the south wall should instead have a theme related to Emeryville's history and character, and should be larger. Charlie Bryant suggested that a Condition of Approval could be inserted requiring the mural and addressing the details of the process. One Commissioner stated that there was a lack of scale and pedestrian interest to the building, which felt stark, as if it were near a freeway. The Commissioner suggested that more colors and articulation be used on the building.

A Commissioner also suggested that a different species of tree be used for the two trees proposed along the west wall, as the current species listed was very small; larger trees were suggested, such as those located near Pac N Save. Vines were also suggested for the east and west walls. Another Commissioner asked for articulation along the building walls, as well as a pedestrian scale. A commissioner suggested that the sidewalks be widened and a planting strip be installed along the curb, with café seating on the sidewalk. A questions was asked about the staff/break room, and the lockers at the rear of the building were pointed out.

Motion: To approve the application for a new Panera Bread, with the following conditions:

- A green screen system along the east and west walls to add articulation;
- A large mural on the south wall with a them relating to Emeryville;
- Keep the north-facing sign as it is proposed, and leave signs as they are, to be modified in the future if complaints are received;
- Change two western trees to a larger species.

Moved: Commissioner Flores
Seconded: Commissioner Cardoza
Vote: Ayes: Donaldson, Hoff, Kuemmerle, Steinberg, Cardoza and Flores
Noes: Scheuerman

- G. Parks and Recreation Strategic Plan**– Consideration of a Parks and Recreation Strategic Plan to implement the Parks, Open Space, Public Facilities and Services policies of the General Plan. The Strategic Plan includes recommendations for improving existing parks, developing future parks, improving parks programs, and prioritizing projects. It also includes capital and operating cost estimates and funding strategies. CEQA Status: Environmental Impact Report for General Plan certified by City Council on October 13, 2009.

Diana Keena, Associate Planner, presented the Parks and Recreation Strategic Plan, with staff's recommendation for approval of the plan. Ryan from MIG made a presentation about the plan and answered a few questions.

The public hearing was opened. Larry Farb, a property owner of land east of Hollis between 66th and 67th Streets, spoke. He requested that the circled "C" on the map of parks, indicating a proposed park, be moved so that it did not sit entirely on his property. He stated that it should be closer to the greenway and the housing east of it. Charlie Bryant commented that the circled letters are meant to indicate a future park's general location, which is open to change as events develop.

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

Commissioners commented on a number of details in the plan. One Commissioner suggested that photographs of the podium open space at Emery Station East should be included in the documents. Another Commissioner commented that housing adjacent to the Recreation Center should be geared toward low cost teacher housing, and that structures in parks should not be rented out to commercial businesses. Another Commissioner agreed, and asked that the idea of restaurants in parks be removed from the plan entirely. After a question, staff clarified that new parks do not have to match the proposal exactly, as the Plan is not etched in stone. A Commissioner asked that the Plan emphasize the need to patch small parks together, due to lack of large parks. The Commissioners agreed to recommend that the sentence referring to restaurants in parks should be removed.

Motion: To recommend approval of the Parks and Recreation Strategic Plan to City Council, with the removal of the sentence referring to restaurants in parks, additional clarity that new parks do not need to match the suggestions in the Plan exactly, and an increased emphasis on the need to patch smaller parks together in the Executive Summary.

Moved: Commissioner Scheuerman
Seconded: Commissioner Donaldson
Vote: Ayes: Donaldson, Hoff, Kuemmerle, Scheuerman, Steinberg, Cardoza and Flores

VI. COMMISSIONERS COMMENTS

Commissioner Donaldson requested that, when project extensions are heard by the Commission, the original plans approved be included in the packets for review.

- VII. ADJOURNMENT** – The meeting was adjourned at 9:40 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, MAY 27, 2010 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608