

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
FEBRUARY 28, 2013**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Vanessa Kuemmerle. Commissioners present: Lawrence Cardoza, Steven Steinberg, Kairee Tann, Gail Donaldson, John Scheuerman, and Vanessa Kuemmerle. Commissioner Sean Moss had an excused absence.

II. PUBLIC COMMENT – None.

III. ACTION RECAP – January 24, 2013

A motion was made to accept the Action Recap.

Moved: Cardoza

Seconded: Kuemmerle

Vote: Ayes: Donaldson, Scheuerman, Steinberg, Tann, Cardoza, Kuemmerle

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council. He noted that the new Planning Regulations were adopted on February 5 and will take effect on March 7; a copy for each Commissioner is on the dais. He announced that the March 28 Planning Commission meeting was being cancelled for lack of agenda items and that staff expects the public hearing on the Emeryville Center of Community Life project to be held in April [it was subsequently postponed to July].

V. PUBLIC HEARINGS

- A. Escuela Bilingüe Internacional Pedestrian Path** – Consideration of a General Plan Amendment and an amendment to the Pedestrian and Bicycle Plan to delete the pedestrian path connecting 45th Street and 47th Street along the eastern property line of Escuela Bilingüe Internacional. CEQA Status: This proposal is exempt from environmental review under State CEQA Guidelines Section 15378(a) in that it is not a “project” which has the potential for causing a significant effect on the environment, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

Commissioners Steinberg and Tann were recused due to possible conflicts of interest.

Senior Planner, Miroo Desai, presented the staff report and asked the Commission to recommend that the City Council approve the amendments to the General Plan and the Pedestrian and Bicycle Plan to delete the pedestrian path connecting 45th Street and 47th Street along the eastern property line of the EBI site.

The public hearing was opened.

Brian Donahue, Emeryville resident and member of Bicycle/Pedestrian Advisory Subcommittee (BPAC), said he would like to save the path. The people of Emeryville

want this path. He said the concerns with the “jog” in the path should have been resolved, and the solution would have been to have the path straightened.

Laura McCamy, Chairperson of BPAC, wanted to know how the City makes decisions. She said hopefully the majority rules. The path increases the safety of the neighborhood.

Eric Gascoyne, Emeryville resident, said he would have loved to see the path straight and the gates locked at night. He suggested reopening EBI’s Use Permit if the path is denied. People should have taken into consideration the noise issues.

The public hearing was closed.

A motion was made to approve the General Plan Amendment and the amendment to the Pedestrian and Bicycle Plan to delete the pedestrian path connecting 45th Street and 47th Street along the eastern property line of Escuela Bilingüe Internacional, and to recommend City Council adoption.

Moved: Scheuerman
Seconded: Cardoza
Vote: Ayes: Donaldson, Scheuerman, Cardoza, Kuemmerle
Recused: Steinberg, Tann
Absent: Moss

- B. Emeryville Center of Community Life Pedestrian and Bicycle Path** – Consideration of a General Plan Amendment and an amendment to the Pedestrian and Bicycle Plan to delete the pedestrian and bicycle path connecting 47th Street and 53rd Street along the western property line of the proposed Emeryville Center of Community Life. CEQA Status: This proposal is exempt from environmental review under State CEQA Guidelines Section 15378(a) in that it is not a “project” which has the potential for causing a significant effect on the environment, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

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

Miroo Desai, Senior Planner, presented the staff report and requested the Commission to recommend that the City Council approve the General Plan Amendment and an amendment to the Pedestrian and Bicycle Plan to delete the pedestrian and bicycle path connecting 47th Street and 53rd Street along the western property line of the proposed Emeryville Center of Community Life.

The public hearing was opened.

Cindy Montero, City of Emeryville Community Service Director, said the path would require that the swimming pool deck be narrowed.

Roy Miller, architect for Emery Unified School District, said there is a generator at the end of the path at 47th Street.

Laura McCamy, Chairperson of BPAC, said she would like to keep this path. She said it would be nicer to be able to get into ECCL without having to use busy San Pablo Avenue.

Jim Golden, Emeryville resident, referred to an e-mail he and his wife previously sent stating their objections to the path. He said the path won't improve anything and hopes the Commission approves the General Plan Amendment.

Matt Johnson of Emery Bay Village said this is a path that leads to nowhere.

Brian Donahue, Emeryville resident, said the applicant should present a more accurate video than was shown. He suggested making the pool deck a littler shorter and removing the generator is no big deal.

Kim Kumata, resident of Emery Bay Village said as much as she likes walking, the location of this path is not ideal. She does not see the need for another pathway.

The public hearing was closed.

A motion was made to deny the General Plan Amendment and the associated amendment to the Pedestrian and Bicycle Plan (i.e. to retain the path in both plans).

Moved: Kuemmerle
Seconded: Scheuerman
Vote: Ayes: Donaldson, Scheuerman, Steinberg, Kuemmerle
Noes: Cardoza
Recused: Tann
Absent: Moss

- C. AT&T Blackdot Wireless Extension (DR11-008)** – An application for an extension of a minor design review permit and variance, originally approved on appeal by the Planning Commission on October 27, 2011. The application involves installation of new antennae on the water tower and construction of two new shelters to the south side of the building for equipment cabinets and trash. A variance was required for the removal of one parking space. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to accessory structures. General Plan and Zoning Designation: Mixed Use with Residential (MUR). (Applicant: Eric Corkery, AT&T Wireless.)(Owner: Watertower Association, LLC) (APN: 49-1315-1)

Arly Cassidy, Assistant Planner, presented the staff report with staff's recommendation for approval.

The public hearing was opened.

Brian Donahue, Emeryville resident, wanted Commissioner Cardoza to tell everyone where he got his information from, in reference to comments he had made during the public hearing on the Emeryville Center of Community Life path. He said that this was "poetically connected" to the issue at hand.

The public hearing was closed.

A motion was made to approve the AT&T extension request.

Moved: Steinberg
Seconded: Donaldson
Vote: Ayes: Donaldson, Scheuerman, Steinberg, Tann, Cardoza, Kuemmerle

- D. Message Use at Andante (UP00-21)** – Zoning Compliance Review for a new massage use in the ground floor of the Andante residential development, as required by the Conditions of Approval of the project. The use would occupy the storefront at 3996 San Pablo Avenue, Unit G and would utilize the shared commercial parking within the existing garage. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations to existing facilities. Previous General Plan Designation: Commercial (C); Previous Zoning District: General Commercial (C-G); Current General Plan and Zoning Designation: Mixed Use with Residential (MUR) and Neighborhood Retail overlay (NR). (Applicant: Yi-Dun Fang Wei.)(Owner: Mas Investment LLC) (APN: 49-1546-10)

Assistant Planner, Arly Cassidy, presented the staff report with staff's recommendation for approval.

The applicant spoke briefly.

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

A motion was made to approve the Message Use at Andante (UP00-21).

Moved: Steinberg
Seconded: Kuemmerle
Vote: Ayes: Donaldson, Scheuerman, Steinberg, Tann, Cardoza, Kuemmerle
Absent: Moss

There was a five minute recess.

VI. STUDY SESSION

- A. 3800 San Pablo Avenue Mixed Use Project (“Maz” Building) (UPDR13-001)** – Study session on a proposal to reuse an existing 25,000 square foot building for commercial uses and to construct a new 100-unit rental apartment building and parking structure on the existing surface parking lot to the east, on the site of the “Maz” building at 3800 San Pablo Avenue. The site is partially in Oakland, and the City of Oakland has agreed that Emeryville may take the lead on all planning and building permits. General Plan Land Use Designation: Mixed Use with Residential, Neighborhood Retail Overlay, and Major Transit Hub. Zoning Districts: Mixed Use with Residential South (MURS), Neighborhood Retail Overlay (NR), Pedestrian Priority Overlay (PP), and Transit Hub Overlay (TH). (Applicant: Holliday Development)(Owners: William H. Banker Trust, CSP Properties LLC, and FCM Properties San Pablo Avenue LLC)(APNs: 12-952-24 and 25; 49-925-4, 6, and 7)

Senior Planner, Miroo Desai, presented the staff report. The staff requested direction from the Commission.

Applicant, Rick Holliday, made a PowerPoint presentation. Architect Kevin Wilcox also made a PowerPoint presentation.

Commissioners' comments:

- In general, the Commissioners felt that the project was an exciting one, and expressed a preference for additional two and three bedroom units.
- An art gallery was suggested as a potential use for the ground space.

- A green roof was suggested for the existing building in order to mitigate the glare that would be seen from the proposed residential building and to provide open space.
- Concern was expressed regarding the massing of the building and that a few more elevations were needed in order to accurately assess its appearance.
- A more detailed design is needed for the public plaza and in general more open space that would be available to the public should be provided.
- A suggestion was made to move the residential lobby and the flexible space from the south side to the corner of 39th and Adeline Streets in order to shorten the walk to the bus stops on 40th Street.
- Bike lockers were seen as a better method of providing secured bike parking.
- Public improvements and energy efficiency were identified as preferred categories for obtaining bonus points for the proposed height, floor area ratio and residential density.

The applicant, Rich Holliday, said they do not have any tenants yet, however there has been interest in opening a yoga studio, a physical therapy business and a small grocery store.

VII. ADMINISTRATIVE ITEM

- A. **General Plan Annual Progress Report** - Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2012, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

Diana Keena, Associate Planner, and Catherine Firpo, Community Economic Development Coordinator, made the staff presentation. Staff requested that the Commission comment on the draft report and recommend City Council approval of the General Plan Annual Progress Report for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

The Commission unanimously approved the General Plan Annual Progress Report.

VIII. COMMISSIONERS COMMENTS - None

IX. ADJOURNMENT – 9:29 p.m.