

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP**

**THURSDAY, SEPTEMBER 27, 2007**

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

The meeting was called to order at 6:30 p.m. by Chair Martin. Commissioners present: Arthur Hoff, Gail Donaldson, Lawrence Cardoza, Frank Flores, Patricia Jeffery and Angela Baranco.

**II. CITIZENS TO BE HEARD**

None

**III. ACTION RECAP – August 23, 2007**

Corrections were made by Commissioners Hoff and Martin. A motion was made by Commissioner Flores and seconded by Commissioner Baranco to accept the action recap after corrections. Motion approved without exception, with the noted corrections.

**Moved:** Flores  
**Seconded:** Baranco  
**Vote:** Ayes: Flores, Hoff, Donaldson, Cardoza, Baranco, Martin  
**Abstained:** Jeffery

**IV. DIRECTORS REPORT**

Director Bryant reported on City Council actions at their September meetings. On September 4, the Council held a study session on the Gateway @ Emeryville project and directed staff to prepare a request for proposals for a development project on an assembled site, including the Denny's, 76 gas station, and Kinko's parking lot parcels, for consideration by the Redevelopment Agency at a future meeting. The Council approved a contract with LSA to prepare an Initial Study/Mitigated Negative Declaration for the Papermill Project. The Council heard a status report on the traffic calming trial measures in the Triangle neighborhood; staff was directed to develop a strategy for reducing traffic on Salem and Essex Streets, and to report back to the Public Works and Transportation Committees, and then to hold a neighborhood meeting. This meeting has been scheduled for Monday, October 1, at 7:00 p.m. at the Senior Center. The Council also considered a report illustrating possible ways to implement the Redevelopment Agency's direction from the August 7 meeting to require the applicant for the Oak Walk project to move the sidewalk to the north side of the street trees to provide larger front yard areas for the relocated houses on 41<sup>st</sup> Street; following testimony from the applicant and Council deliberation, the idea was dropped.

On September 16, the Council held a special Sunday morning study session on the "Big 4 Traffic Study". Staff gave a PowerPoint presentation, and following public testimony and City Council deliberation, staff was directed to include an analysis of the study's recommendations as part of the Alternative Transportation Study by Nelson\Nygaard, which is just getting underway. The Council also directed staff to make the proposed bicycle/pedestrian bridge over the freeway at 65<sup>th</sup> Street a high priority project and to make the Ashby/Shellmound interchange project a low priority.

On September 18, the Redevelopment Agency approved a proposal to include the possibility of a future elevator in the east landing of the South Bayfront Pedestrian-Bicycle Bridge, but not to include it in the current project. The City Council considered possible modifications to the noise ordinance, but decided to leave it as is for now, at least until the current labor dispute at the Woodfin Hotel is resolved. As a result of concerns raised by residents of the Oliver Lofts project, the Council directed staff to conduct a cost analysis of undergrounding the overhead utility wires on 65<sup>th</sup> and Vallejo Street, and in the Triangle neighborhood, for discussion at a future Public

Works Committee meeting. The Council also considered a recommendation from the Transportation Committee to refer to the Planning Commission a proposed General Plan amendment to redesignate Horton Street from a collector to a local street, in order to discourage through traffic on the bicycle boulevard. Because of concerns about the traffic impacts this might have on other nearby streets, staff was directed to include an analysis of this proposal in the Alternative Transportation Study just getting underway by Nelson\Nygaard.

The General Plan Update Steering Committee held two meetings in September. On September 11, the committee heard an update on plans for the Emeryville Center for Community Life from School Superintendent Tony Smith and completed its discussion on 'areas of change' by making recommendations on the Powell/Christie area, Bay Street Site B, the Marketplace, the Watergate Market area, and the Shell gas station at the base of the peninsula. On September 25, the committee discussed transportation issues, identifying areas where an expanded street grid is desirable, and deliberating on which travel mode (pedestrian, bicycle, transit, or auto) might be dominant on the City's major streets. This discussion was continued to the October 9 meeting.

Director Bryant then reported on recent staffing changes. Planning Technician Susan Summerford has accepted a job as a Planner II in the City of Fremont; her last day with Emeryville will be October 5. Helen Bean has been hired as the new Director of Economic Development and Housing. Helen has 17 years of experience in economic development in the City of Concord. She began work in Emeryville on September 4.

#### **A. 2006 Housing Element Implementation Report**

Associate Planner, Diana Keena, made the staff presentation. Commissioners noted that they supported the provision of low income housing, and recommended that the City Council approve the report for submission to the State Department of Housing and Community Development.

### **V. STUDY SESSION**

- A. 65<sup>th</sup> Street Lofts (UP07-09/DR07-15)** – A Study Session on a proposal to reuse the existing Baker Metal building located at 1265 65<sup>th</sup> Street for 21 live-work units and 4,432 square feet of ground level commercial space. The project also involves construction of 6 townhouses on a 0.2 acre double fronted vacant parcel on Ocean Avenue and Peabody Lane (a private street). CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 that applies to minor alterations to existing structures, Section 15303 that applies to construction of small, new structures, and Section 15332 that applies to urban infill development. General Plan Designation: Industrial (I) and Medium Density Residential (M); Zoning Classification: Light-Industrial (I-L) and Medium Density Residential (R-M) (Applicant: MRE Commercial/Sasha Shamzad) (Owners: California Syrup & Extract Company) (APN: 49-1469-1; -2; -12; -13; 49-1504-2)

Chair Martin recused himself, due to a possible conflict of interest.

Senior Planner, Miroo Desai, presented the staff report.

Applicant, Sasha Shamzad introduced himself and stated they do not plan to close off Peabody Lane. However, the easement issue would be left up to the courts.

Commissioner Hoff wanted to know if Peabody Lane is private property, and whether property owners on Ocean Avenue who back up to it have a right to use it for access.

Planning Director, Charles Bryant, responded that it is private property, and he did not really know about the rights of access. He has never seen any legal documentation that allows people to have access to it. However, it has been used by the public for over 100 years.

Architect, Phillip Banta, made a brief presentation. He stated they had refined their analysis, so that they won't need a General Plan Amendment for floor area ratio. He said they had held a neighborhood meeting and the concerns expressed by the neighbors were regarding height, bulk and open space. They changed the design to open up the center court and increase the green space of the proposed Ocean Avenue townhouses.

#### Public Comments

Vanessa Kuemmerle, of 1250 Ocean Avenue, handed out letters from two neighbors who were unable to attend the meeting. She said there were encroachment concerns and thinks the Ocean Avenue townhouse aspect of the project is too dense and the massing is too large for this area.

Jim Martin, resident of 1268A-64<sup>th</sup> Street, said he agreed with supporting the re-use of the Baker Metal Building. He expressed concerns regarding circulation and design. There is inconsistency in design. As to the circulation of this project, the pathway is very narrow and pedestrian access is not good. It would be a mistake to allow vehicles from Ocean to Peabody. He suggested installing lifts inside the existing building for parking. There are too many units.

#### Commissioner Comments

Commissioner Flores said he thinks the re-use of the Baker building is a great idea. More community meetings are needed for discussion of the design. He likes the garages at different angles.

Commissioner Hoff complimented the developer for using this building. He suggested less units and less bulk for the new townhouses. He said this project needs to be designed to be more compatible with the neighborhood.

Commissioner Jeffery thanked the applicant for saving this building. She suggested the applicant check with the Fire Department to find out their requirements. She said the townhouse project is too massive and she would like to see a revised site plan. She does not like the garages on Peabody Lane. They need to look at a more modest footprint.

Commissioner Donaldson said the townhouse should be reduced in size. She does not think the entryway is in a good location and questions the adequacy of parking space. She agrees with comments regarding the relationship of the building to the Greenway.

Director Bryant asked if they felt the necessity for a parking variance.

Commissioner Jeffery said she did not want to discuss a variance now. She wanted to see a revised site plan.

Commissioner Cardoza said he likes the building and agrees with other Commissioners comments. He and Commissioner Baranco said they would support reducing the parking requirement if public transportation is promoted.

## VI. SCOPING SESSION

- A. **39<sup>th</sup> and Adeline Mixed Use Project (UP06-12/DR06-19)** – A Scoping Session to accept comments from responsible agencies and the public about the scope of the Environmental Impact Report (EIR) that will be prepared for a mixed use project that will involve construction of 101 residential rental units and 1,000 square feet of retail space on a 1.12 acre parcel on Adeline Street between 39<sup>th</sup> Street and Yerba Buena Avenue, which is partially in the City of Oakland. General Plan Designation: Commercial (C);

Zoning Classification: General Commercial (C-G) (Applicant: Murakami-Nelson Architects) (Owner: Madison Park Financial Corporation) (APNs: 12-953-27,-31,-32, -33, and -34).

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

Senior Planner Miroo Desai made the staff presentation and introduced the EIR consultant.

Adam Weinstein, planner with LSA, made a brief presentation.

#### Public Comments

Tappie DuFresne, of 1028 39<sup>th</sup> Street, said she would like to submit her comments and concerns in writing.

Director Bryant informed her that the deadline for accepting written comments is October 5.

Commissioner Cardoza said in his opinion, the brick building has no architectural value and is not worth saving.

Commissioners Jeffery and Hoff said the EIR should look at alternatives for restoration of the building and scaling down the building.

Commissioner Martin said the EIR should take into consideration comments made by the Commission at in the study session.

There was a break at 8:25 and the meeting reconvened at 8:30.

## VII. PUBLIC HEARINGS

- A. **Bakery Lofts, Phase IV (UP06-15; DR06-16; MIS07-02; GPA07-02; RZ07-01)** – A Conditional Use Permit, Design Review and parking variance for construction of 18 for-rent units and a 1,450 square foot café on a 12,339 square foot parcel. The project includes a Parcel Map to create condominium units. The project also requires a rezoning from the Medium Density Residential (R-M) district to the Mixed Use (M-U) district; a General Plan Amendment from the Medium Density Residential (M) land use designation to the Mixed Use (M-U) land use designation, and a rezoning from the 30-foot height district to the 40-foot height district. CEQA Status: This project exempt from environmental review under State CEQA Guidelines Section 15332, which applies to urban infill development. General Plan Designation: Medium-Density Residential (M); Zoning Classification: Medium Density Residential (R-M); (Applicant: Madison Park Financial Corporation) (Owner: B-3 Lofts, LLC) (APN: 49-1173-3).

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

Senior Planner Miroo Desai made the staff presentation, with staff's recommendation for approval.

Applicant, Jon Protopapas, with Madison Park, spoke briefly.

Erika Schultze and Terry Flynn, applicant's architects, made a brief presentation.

The public hearing was opened.

Racheljoy Rodas, Resident Manager of the Bakery Lofts, and an employee of Madison Park Financial Developers, spoke reiterating her comments that were submitted in writing

to the Commission along with other written comments from residents of Bakery Lofts. She along with other residents expressed opposition to having the gates removed. She cited numerous crimes that have occurred on the property and around the property, and expressed concerns for the general safety of the residents at Bakery Lofts that would make the removal of the gates unacceptable.

The public hearing was closed.

Considerable discussion followed by the Commission, with the following changes being made to the conditions of approval:

- Two of the ground floor units facing Adeline Street (a one-bedroom unit and a two-bedroom unit) are to be designated as live-work/flex space, thereby reducing the proposed number of dwelling units from 18 to 16.
- The northern unit on the third floor of the Adeline Street frontage is to be pulled back 6 feet from the adjacent parapet to allow for a terrace and to break up the building massing.
- The parapet at the south end of the Adeline Street frontage is to be raised about 12 inches.
- Native plant materials are to be emphasized around the “faux creek” (this was the applicant’s intent, but it was not adequately captured in the conditions).
- The applicant is to work with staff to develop a means for opening up the cafe terrace to the general public when the cafe is open, such as by means of a rolling gate or moveable fence.
- The cafe windows along Adeline Street are to be made wider.
- Vertical greenery is to be added along the Adeline Street frontage.
- Courtyard elevations are to be activated with varying heights, rooflines, and colors.
- The relationship and combined use of the cafe and community room above it are to be resolved.

Commissioner Jeffery noted that, despite these changes which she feels are an improvement, she cannot support the project because of the “motel” balconies.

Motion: To approve the Use Permit, Design Review, and Parcel Map for the Bakery Lofts Phase IV project with the above changes to the conditions of approval, and to recommend City Council approval of the General Plan Amendment and rezoning.

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

- B. Condominium Conversion, 1266 62<sup>nd</sup> Street (MIS06-05)** – A Parcel Map to convert five existing residential units located in two buildings to condominiums. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15315 that apply to minor land divisions. General Plan Designation: Medium-Density Residential (M); Zoning Classification: Medium Density Residential (R-M); (Applicant: Andrea Park) (Owners: Peter and Sarah Sandhill) (APN: 49-1472-5).

Commissioner Donaldson recused herself due to a possible conflict of interest.

Miroo Desai, Senior Planner, presented the staff report.

The applicant spoke briefly explaining the landscape plan.

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

Commissioner Martin suggested the applicant look for opportunities to provide more landscaping.

Motion: To approve the Condominium Conversion at 1266-62<sup>nd</sup> Street, with revisions regarding landscaping, parking, and removal of concrete.

**Moved:** Jeffery

**Seconded:** Flores

**Vote:** Ayes: Flores, Hoff, Jeffery, Martin, Cardoza, Baranco

Recused: Donaldson

- C. Sherwin-Williams Demolition Approval (PUD04-01)** - Consideration of a request for permission to demolish the building on the north side of Sherwin Avenue at Hubbard Street, which is a Tier 2 architecturally significant building in the Park Avenue District. The State Department of Toxic Substances is requiring Sherwin-Williams to demolish the building, which was used for mixing paint, in order to assess and remediate contamination. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15308, which applies to actions by regulatory agencies for protection of the environment. General Plan Designation: Industrial (I). Zoning Classification: Light Industrial (I-L). (Applicant/Owner: Sherwin-Williams) (APN: 49-1041-26-15).

Commissioner Jeffery recused herself, due to a possible conflict of interest.

Associate Planner Diana Keena made the staff presentation. Staff recommended approval of demolition of the building.

The public hearing was opened.

Patricia Jeffery of 1500 Park Avenue suggested additional language in the resolution to include protective measures for Building 1/31 during demolition of Building 28.

Ken Kern said he has concerns with toxins during demolition. He said there are three young children in close proximity to the site. There needs to be a report done on the site and information furnished as to a contact person, other than Sherwin Williams, in the event there is a need to speak with someone during the demolition process.

The public hearing was closed.

Director Bryant said Barbara Cooke with DTSC, which is the lead agency for remediation of the site, is the person to contact.

Randy Smith with CDM of Walnut Creek, consultant to Sherwin Williams, said the Regional Water Quality Control Board (RWQCB) would be the people to contact for the demolition. Demolition is different from remediation. Demolition is underway now, and all fluorescent lights, lead, and asbestos are being removed; air, vibration, and dust monitors are in place.

Commissioner Martin requested the demolition plan be referenced in the resolution.

Larry Mensen of Sherwin Williams said the written plans are in place and being followed by the contractor.

Motion: To approve demolition of Sherwin-Williams Building 28 on the north side of Sherwin Avenue at Hubbard Street with recommended additional language to the resolution.

**Moved:** Hoff  
**Seconded:** Cardoza  
**Vote:** Ayes: Flores, Hoff, Martin, Donaldson, Cardoza  
Abstained: Baranco  
Recused: Jeffery

- D** **Stormwater Treatment Facilities Ordinance, City-Wide (ORD07-02)** - Ordinance replacing Chapter 13 of Title 6 of the Emeryville Municipal Code entitled "Stormwater Management and Discharge Control Program" with a revised chapter entitled "Stormwater Treatment Design, Management, and Discharge Control Program". The ordinance will refer to the Stormwater Design Guidelines for Green, Dense Redevelopment, and will address design, inspection and maintenance of stormwater treatment measures in development projects. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15307, which applies to actions by regulatory agencies for protection of natural resources, and Section 15308, which applies to actions by regulatory agencies for protection of the environment.

Diana Keena, Associate Planner, made the staff presentation.

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

Motion: To approve the Stormwater Treatment Facilities Ordinance and recommend its adoption by the City Council.

**Moved:** Jeffery  
**Seconded:** Flores  
**Vote:** Ayes: Flores, Hoff, Jeffery, Martin, Donaldson, Cardoza, Baranco

### **VIII. COMMISSIONERS COMMENTS**

Commissioner Martin asked about the new streetlights that have been put in on 65<sup>th</sup> Street by the Glashaus project; they don't match any other streetlights in the city. Director Bryant reported that these are temporary streetlights; PG&E has already removed the utility poles that had the old streetlights on them, and the new standard Emeryville streetlights have not arrived yet.

Commission Martin asked why the tree wells have not been enlarged as part of the new curb, gutter, and sidewalk that is being installed on the north side of 65<sup>th</sup> Street opposite the Glashaus project. Director Bryant said he would look into that and report back.

### **IX. ADJOURNMENT** – The meeting was adjourned at 11:05 p.m.