

**EMERYVILLE PLANNING COMMISSION  
ACTION RECAP  
October 27, 2016**

**I. CONVENE AND ROLL CALL**

The meeting was called to order at 6:30 p.m. by Chair Steven Keller. Commissioners present: Linda Barrera, John Bauters, Gail Donaldson, Sam Kang, Lawrence Cardoza, and Steven Keller. Commissioner Philip Banta had an excused absence.

**II. PUBLIC COMMENT – None**

**III. ACTION RECAP – September 22, 2016**

Director Bryant offered corrections on page 3 to note that Commissioner Bauters was recused on the three votes pertaining to the Sherwin Williams Development Project. A motion was made to approve the Action Recap with this correction.

<b>Moved:</b>	Bauters	
<b>Seconded:</b>	Cardoza	
<b>Vote:</b>	Ayes:	Barrera, Bauters, Cardoza, Keller
	Abstain:	Donaldson, Kang
	Absent:	Banta

**IV. DIRECTOR'S REPORT**

Director Bryant reported on recent City Council actions and noted that a "Harvest in the Park" event will be held on Saturday, October 29, from 3:30 to 5:30 pm in the gymnasium at ECCL.

**V. PLANNING COMMISSION SCHEDULE**

Director Bryant presented the proposed Planning Commission schedule for 2017. Commissioner Bauters moved approval and Commissioner Donaldson seconded the motion. The motion was approved without exception.

**VI. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

Commissioner Bauters said he had met with the applicant on the Grifols Signs project; he had met with the applicant and architect for the 4-Plex Expansion project and had received correspondence from neighbors of that project; and he had met with representatives of PG&E on the Building G Demolition project. Commissioner Donaldson said she had met with the applicant on the 4-Plex Expansion project and attended the community meeting. Commissioner Barrera said she had attended the community meeting on the 4-Plex Expansion project.

**VII. PUBLIC HEARINGS**

**A. Grifols Signs (SIGN16-017)** – Consideration of a Major Sign Permit for three illuminated wall signs at 5350 Horton 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, and 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. General Plan Land Use Classification: Office/Technology; Zoning District: Planned Unit Development (PUD-3) (Applicant: DGA Architects) (Owner: Grifols Diagnostic Solutions) (APN: 49-1041-48-3)

Assistant Planner Navarre Oaks presented the staff report recommending that the Planning Commission approve the Major Sign application for Grifols subject to the Conditions of Approval.

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

A motion was made to approve the application with an amendment to Condition IV.C.2 to require that the north and south signs be turned off between 8:00 p.m. and 7:00 a.m. every day.

<b>Moved:</b>	Bauters	
<b>Seconded:</b>	Cardoza	
<b>Vote:</b>	Ayes:	Barrera, Bauters, Donaldson, Kang, Cardoza, Keller
	Absent:	Banta

## VIII. STUDY SESSIONS

- A. **4-Plex Expansion (UPDR16-007)** – A second study session to review a Conditional Use Permit and Design Review proposal to add below grade parking and additional floor area to an existing four-unit residential building at 1271 64th Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(e) which applies to additions to existing structures, and 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. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (NH) (Applicant/Owner: Aquis Bryant) (APN: 49-1471-15)

Assistant Planner Navarre Oaks presented the staff report recommending that the Commission provide comments on the issues raised by staff and any other issues identified by the Commission.

The owner, Aquis Bryant, addressed the Commission. Architect Travis Harvey explained the changes that had been made to the design. They responded to questions from the Commission.

The public comment period was opened.

Joy Ashe, 1262 64<sup>th</sup> Street resident, expressed appreciation for the wood and the changes that were made but felt concerned about the third story. She felt there was not a need for a third bedroom. She pointed out that the house next to her had a third bedroom and still had three roommates living there. She did not want to delay the project but wanted to ensure that project is good for everyone.

Kaj Kardel, 1275 64<sup>th</sup> Street resident, expressed that the new proposal looks much better than the previous one. However, he was concerned about the flat roof deck. He stated that people throw cigarette butts into his property. He said he hates the idea of a third floor looking down at his property, but he likes the beautiful terra cotta roof. He also expressed concern about more people and more cars on the street.

Ladd Lindsay, 1258 64<sup>th</sup> Street resident, asked if there were restrictions on the number of unrelated adults that can live in a unit and expressed that there should be.

Cheryl Webb, 1272 63<sup>rd</sup> Street resident, expressed appreciation that the property was going to be revived. She like the idea of the building keeping its original footprint. She was glad the underground parking was removed from the plans because she did not think it was feasible.

Jesse Macquiddy, 1275 64<sup>th</sup> Street resident, expressed dismay about the way the previous tenants were evicted. He said that other third story units in the neighborhood were not really third story units, but were mostly garage units. He liked the terra cotta roof and expressed concerned about maintenance of the screening. He remarked that the renderings were not accurate and that four vehicles would not fit in the front yard. He stated that the applicant did not consider the community.

Joy Ashe, 1262 64<sup>th</sup> Street resident, spoke again and said the nobody wanted to delay the project; they just want to make sure that it is “happy” for everybody.

Gassia Salibian, 1267 64<sup>th</sup> Street resident, expressed happiness over the project moving forward. She stated that the style of the project does fit into Emeryville because Emeryville is eclectic. She would rather see something that is different than cookie cutter homes. She mentioned that Berkeley is much more uniform. She wished that the plans included underground parking so that the front yard could be a yard. She did not think that a third floor would necessarily bring in more cars.

The public comment period was closed.

The Commissioners generally thought the overall design of the project was a big improvement from the last set of plans. The Commissioners made recommendations regarding the overall design including either removing or changing the top of the fence, more articulation of the building, a sloping roof instead of a parapet, glass rather than metal railings, planters on the roof-deck to be maintained at all times, and a redesign of the units so that they conform to the family friendly design guidelines, although this is not required. Commissioners said they would like the owner to encourage future tenants to use the Emery Go-Round and add more bike parking. In the next set of plans the Commissioners would like to see a more detailed landscape plan and a view shed analysis showing where the windows are looking and indicating that they do not violate neighborhood privacy. It was also suggested that there be a Condition of Approval requiring the front fence to remain closed at all times to prevent tenants from parking on the sidewalk.

There was a break from 8:05 p.m. to 8:15 p.m.

- B. Demolition of PG&E Building G (UPDR16-006)** – A study session to review a proposal to demolish a 17,000 square foot building located at the southwest corner of Hollis and 45th Streets that is designated as a Significant Structure per Section 9-5.1210 of the Planning Regulations. CEQA Status: Preparation of an Environmental Impact Report will be required because the project involves demolition of a building that is a contributor to a district that has been determined eligible for listing in the National Register of Historic Places. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR) and Park Avenue District Overlay (PA) (Applicant/Owner: PG&E) (APN: 49-1032-14)

Senior Planner Miroo Desai presented the staff report recommending that the Commission provide comments on the issues raised by staff and any other issues identified by the Commission.

In response to a question from the Commission, Director Bryant noted that the historic preservation “state forms” were prepared by Caltrans as part of the Environmental Impact Report for the Cypress Freeway replacement project in 1990. He noted that even if a property is listed on the National Register of Historic Places, which this property is not, that is not a guarantee that it will not be demolished.

Sara Sadler, PG&E Senior Land Planner, stated that PG&E plans to utilize the site to store assets which are important in the event of an emergency, and which she said would contribute to the safety and welfare of the public. She stated that they have a use permit for the site to be utilized as such. She said that PG&E hired an engineering firm to conduct a structural analysis of the building, which they found seismically unsafe. She pointed out that PG&E has not used it for a warehouse, since it was previously used as a laboratory, and retrofitting the building would be cost prohibitive, 300% greater than the cost to demolish. She specified that PG&E is planning to do an EIR and mitigate the environmental impacts.

Prasanth Tanikella, Structural Engineer with Zenith Engineers, consultant to PG&E, expressed that any building can be retrofitted but it is about the cost. He stated that his firm performed an analysis and created an order of magnitude cost estimate. They found that the building had several deficiencies and posed life safety hazards. He pointed out that the connections of the roof truss to the concrete wall were not adequate to support seismic loads; that the concrete walls were corroded and the rebar was exposed; and that the foundation was not adequate due to the soil bearing, which was not adequate to hold the building. He also pointed out that the glass faces were not seismically joined and thus, in a seismic event the glass would shatter, posing a life safety hazard to people in and around the building.

In response to questions from the Commission, Ms. Sadler indicated they would like to keep the slab so as not to disturb the soil due to contamination. She stated that PG&E did not put up a fence yet because they wanted to put together a complete package. She stated that the cost to demolish was approximately \$400,000 and the cost to retrofit was approximately \$2 million, not including the EIR. She also mentioned that the cost of the demolition was approved as part of PG&E’s General Rate Case by the California Public Utilities Commission. The Engineer indicated that they have not conducted a soil test and that their findings were based upon the capacity volume and the California Building Code. The Engineer indicated that the analysis was not based on occupancy but on life safety, which means entering and exiting the building to retrieve assets. He also mentioned that the cost to retrofit a building for storage or occupancy would be about the same.

The public comment period was opened.

Rob Arias, 1500 Park Avenue, said that his opposition to this project is emphatic. He noted that he writes for the E’ville Eye blog and has received several thousand comments in opposition to the project and no comments from any residents in favor of the project. He stated that the reason PG&E proposes to demolish the building is that they do not want to take care of it and that PG&E did not reach out to the community and is using a seismic event to instill fear. He feels that many developers would be interested in the building and that PG&E can propose a better project. He indicated that PG&E should be cited for neglecting the building.

The public comment period was closed.

The Commissioners unanimously agreed that the finding cannot be made that demolition of the structure is in the best interest of the public health, welfare, or safety. Since the report

was incomplete, the Commissioners could not determine that the building was detrimental to the community. The Commissioners generally felt that a mostly empty lot with transformers and other electrical equipment is a low quality land use in an urban core. They reminded the applicant that the proposal was inconsistent with Emeryville's plans including the Park Avenue District Plan. They indicated that to demolish a Tier 1 significant building, one would have to meet the highest bar possible. The Commissioners felt that retaining the building façade alone gave the building a cemetery/prison appearance. The Commissioners offered suggestions on cost effective ways to retrofit the building such as supporting the truss and adding shearing to the roof, re-glazing the windows, fixing the doors (to avoid break-ins), and removing hedges. They also suggested hiring a security guard to protect PG&E's assets. The Commissioners said they would like to see a plan that proposes a better use for this space, further explores retrofitting as an option, adheres to Emeryville's tradition of adaptive reuse, and preserves the district's unique and funky character. Lastly, the Commission asked the applicant to provide more information about the General Rate Case.

**IX. COMMISSIONERS COMMENTS**

Commissioner Donaldson said it would be helpful for staff to ask more from applicants in residential neighborhoods in terms of analyzing impacts on adjoining properties, including windows and open space. For signs, she said she would like to see a view shed analysis to get a real understanding of neighborhood impacts. Chair Keller expressed support for these requests.

**X. ADJOURNMENT** – The meeting was adjourned at 9:07 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, DECEMBER 8, 2016 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**