

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
SEPTEMBER 24, 2009**

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

The meeting was called to order at 6:30 p.m. by Chair Arthur Hoff. Commissioners present: Gail Donaldson, Lawrence Cardoza, Patricia Jeffery, Frank Flores, Jim Martin, and Art Hoff. Commissioner Scheuerman, excused absence.

**II. PUBLIC COMMENT - None**

**III. ACTION RECAP – August 27, 2009**

Concerning the discussion of the new General Plan on page 6, Commissioner Jeffery noted that there were additional motions related to the FAR in the eastern residential neighborhoods that did not pass. Jeffery made a motion for 0.5/0.75 including parking; Scheuerman seconded; this did not pass. Flores made a motion for a flat FAR of 0.75 including parking, with no bonus. Cardoza seconded this; this also did not pass.

Commissioner Martin said that on page 7, he wanted another bullet point under the Transit Center for “Alternative transportation facilities.”

Concerning the study session on Emery Station West on page 12, Commissioner Jeffery noted that several Commissioners commented that they would like to see a ground level plaza on Horton Street. Chair Hoff noted that he had commented that the plaza in the sky would not be used and should not be eligible for a bonus.

Following these corrections, Martin moved approval of the Action Recap, Cardoza seconded. The Action Recap was approved without objection.

**IV. DIRECTORS REPORT**

Director Bryant reported on recent City Council actions. On September 1, the Council approved the second reading of an ordinance extending the term of the existing Development Agreement with Madison Marquette for the Bay Street project by five years, to October 22, 2014. This was recommended for approval by the Commission at the July 23 meeting. In a related action, the Redevelopment Agency extended the Exclusive Negotiating Agreement and the Disposition and Development Agreement with Madison Marquette. It was a standing-room only crowd and a number of people spoke on the item, many of whom were affiliated with the East Bay Alliance for a Sustainable Economy and/or Residents United for a Livable Emeryville. The Council also approved the Local Hazard Mitigation Plan, which was spearheaded by the Economic Development and Housing Department with the involvement of the Building Division. This will make the City eligible for FEMA funding in the event of a natural disaster. Finally, the Council decided to cancel their November 3 meeting due to the municipal election.

On September 15, the Council was scheduled to consider the new General Plan, but due to the illness of the Mayor, this was postponed to October 6. The Mayor has said that, if the Council has not completed its deliberations on the General Plan by 11:30 p.m. on October 6, it will be continued to a special meeting on October 13. Concerning the Park Avenue Street Improvement project, the Council approved the redesign of the sidewalk in front of the Paula LeDuc property to provide access to parking while still providing space for street trees and street lights.

The General Plan and Zoning Update Steering Committee continues to work on the new Zoning Ordinance. On September 22 they discussed parking regulations. Upcoming meetings are on October 27, where sign regulations will be discussed, and December 8, where the bonus point system and design guidelines will be revisited.

Director Bryant reminded the Commission that the Annual Art Show runs from next Saturday, October 3 through Sunday, October 25 from 11 am to 6 pm daily, at the BRE building at 5815 Shellmound Way, across from the Woodfin Hotel. The opening reception, which is the social event of the year in Emeryville, will be from 6 to 9 pm next Friday, October 2.

## V. PUBLIC HEARING

- A. Pixar Animation Studios Development Agreement (PUD03-01)** – A proposal for a second amendment to the Amended and Restated Development Agreement (DA) for the Pixar Animation Studios Planned Unit Development (PUD) on a site of approximately 21 acres bounded by 45<sup>th</sup> Street to the north, commercial and parking uses fronting San Pablo Avenue to the east, Park Avenue to the south, and Hollis Street to the west. The proposed amendment would (1) allow the City the right to utilize a portion of the Cultural Arts Center Contribution to grant to a non-profit entity to be incorporated by the City which will utilize the funds to hire personnel to assist in programming and raising additional capital funds for the Cultural Arts Center and; (2) release Pixar of the obligation to sponsor a fundraising event for the Center. CEQA Status: A Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Program were adopted by the City Council on May 18, 2004. The subject amendment does not require further CEQA review. General Plan Designation: Commercial (C); Zoning Classification Planned Unit Development (PUD) Commercial (Applicants: Pixar Animation Studios and City of Emeryville Redevelopment Agency)(Owners: Pixar Animation Studios, ERPM, and Emeryville Redevelopment Agency) (APNs: 49-1539-1, 2, 4-2, and 5; 49-1027-37; 49-1041-59)

Planning Director, Charles Bryant, presented the staff report with staff's recommendation that the Commission recommend to the City Council approval of the requested modifications to the Development Agreement.

Anna Shimko, legal counsel for Pixar, spoke briefly. She stated this item has been under discussion for some time and feels all involved parties are on board.

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

A motion was made by Commissioner Flores, seconded by Commissioner Cardoza to accept Pixar's proposal for a second amendment to the amended and restated Development Agreement and a recommendation to the City Council for approval.

A substitute motion was made by Commissioner Donaldson requesting changes to Section B to read: "Pixar shall host another fundraiser event at the property within 5 years in coordination with the arts center development director. Said event shall not compete with the Emery Ed Fund". The motion was seconded by Commissioner Martin. Anna Shimko said on behalf of Pixar, she could not agree to change the language of the Development Agreement request and the original request would remain.

**Moved:** Donaldson  
**Seconded:** Martin  
**Vote:** Ayes: Donaldson, Martin  
Noes: Cardoza, Jeffery, Flores, Hoff  
Absent: Scheuerman

The substitute motion failed. The Commission returned to the original motion.

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

- B. AMC IMAX Signs (SA09-17)** – A Major Sign Permit to allow two new tower signs at the southwest corner of the Bay Street parking garage at 5614 Bay 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 (M-U); Zoning Classification: Planned Unit Development (PUD) Mixed Use. (Applicant: Pro Ad Signs.)(Owner: Madison Marquette) (APN: 49-1039-3).

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

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

Cynthia Zumwalt of ProAd Signs spoke briefly. She was available to answer questions relating to the signs.

A motion was made to approve the sign request.

**Moved:** Martin  
**Seconded:** Flores  
**Vote:** Ayes: Jeffery, Martin, Flores, Cardoza  
Noes: Hoff, Donaldson  
Absent: Scheuerman

#### **VII. COMMISSIONERS COMMENTS**

Commissioner Flores announced the cancellation of the Housing Committee meeting scheduled for October 7, 2009.

Chair Hoff noted that for those concerned about lengthy Planning Commission meetings, the average length of this and the previous meeting is only 4 hours.

#### **VIII. ADJOURNMENT** – The meeting was adjourned at 7:20 p.m.