

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
DECEMBER 10, 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, Art Hoff and John Scheuerman.

II. PUBLIC COMMENT - None

III. ACTION RECAP – October 22, 2009

Commissioner Cardoza moved approval of the Action Recap, Commissioner Scheuerman seconded. The Action Recap was approved without objection.

IV. DIRECTORS REPORT

Director Bryant reported on recent actions of the City Council. On November 17, outgoing Mayor Dick Kassis and Councilmember John Fricke made farewell comments, followed by the swearing-in of newly elected Councilmembers Kurt Brinkman and Jennifer West. The Council then elected Ruth Atkin as Mayor and Kurt Brinkman as Vice Mayor. The Council also made appointments of their members to the City's various committees. The Interim Zoning Regulations passed on second reading. These will take effect in 30 days, on December 17. Meanwhile, an identical urgency ordinance that was passed on October 27 took effect on November 12, the day that the new General Plan took effect, and will expire on December 17 when this regular ordinance takes effect. The City Council also approved the second reading and final passage of an ordinance for the amendment to the Pixar Development Agreement that was approved by the Commission at the September meeting.

On December 1, the Council approved a one-year extension of the planning approvals for the Papermill Project at Powell and Hollis Streets.

The Zoning Update Steering Committee continues to work on the new Zoning Ordinance. Last Tuesday, December 8, they discussed sign regulations. The next regular Steering Committee meeting on January 26 has been cancelled, so the next meeting will be February 23, at which the design guidelines will be discussed.

Director Bryant noted that there are a number of development projects that have been approved by the Commission that are being held in abeyance until better economic conditions to apply for a building permit and begin construction. Some of these projects may end up passing the three-year time limit imposed by the Zoning Ordinance, after which their planning permits will expire. A case in point is the San Pablo Townhomes at 45th Street, which was approved on December 11, 2006, and which will expire tomorrow. Staff understands that the developer is still interested in pursuing the project, but under the current code, a new planning application will now be required. Some cities have passed ordinances unilaterally extending all planning permits for one or two years because of the current economic circumstances. Director Bryant asked for the Commission's direction as to whether they would be interested in pursuing such a unilateral blanket extension of all planning permits, and recommending the same to the City Council. Commissioners expressed interest in this idea, and asked staff to agendize it for a study session at the next meeting.

V. PUBLIC HEARINGS

- A. **Ambassador Housing Project (UP09-05/DR09-11)** – A request to amend conditions of approval of the Ambassador Housing project that was approved by the Planning Commission on October 22, 2009. The project involves 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. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to urban infill development. General Plan and Zoning Classification: Mixed Use with Residential (MUR). (Owner: City of Emeryville); Applicant: Resources for Community Development) (APN: 5-481-1, and -2; 49-481-7, -8, -16, and -17).

Deputy City Attorney, Abby Bilkiss, presented a memo from City Attorney Michael Biddle expressing concerns with the Conditions of Approval wherein the Planning Commission imposed as a condition of approval of the project, the creation of a sub-committee of the Planning Commission to further approve the design of certain elements of the project's design. Attorney Biddle said the Commission does not have the authority to appoint a sub-group of the Commission to conduct design review. If there are elements of the design that the Commission is not pleased with, they should not approve the project and request the applicant come back later once they have addressed whatever issues that are of concern to the Commission.

Senior Planner, Miroo Desai, presented the staff report. Staff recommended the Commission delete the Condition of Approval No. VII.A.1. of the Use Permit and Design Review (UP09-05/DR09-11) that required design changes, since those changes have now been incorporated into the project.

Kava Massih of Kava Massih Architects, spoke briefly. Cliff Love of Cliff Love Architects spoke regarding the landscape issues.

The public hearing was opened.

Mayor Ruth Atkins, speaking as a resident, said this project has her full support. However this building is suffering from "metal fatigue". She would hate to see the old bricks not being used. She also said she would like to see different roofing and siding on the townhouses.

The public hearing was closed.

Commissioner Cardoza said this building has a variety of colors and this makes it interesting.

Commissioner Martin said he met with the architect and it is a vast improvement from previous submittal. He has no problems with the units on 36th Street. He suggested the architect work with staff to implement the amended Conditions.

Motion: To approve the request to amend the conditions of approval of the Ambassador Housing project, previously approved on October 22, 2009.

Moved: Martin

Seconded: Flores

Vote: Ayes: Martin, Jeffery, Flores, Hoff, Donaldson, Cardoza, Scheuerman

- B. **Bakery Lofts, Phase IV (UP06-15; DR06-16; VAR07-03)** – Request for a second one-year extension of a Conditional Use Permit, Design Review and parking variance for construction of 16 for-rent units, 2 live-work units and a 1,450 square foot café on a 12,339 square foot parcel. CEQA Status: This project is exempt from environmental

review under State CEQA Guidelines Section 15332, which applies to urban infill development. General Plan and Zoning Classification: Mixed Use with Residential (MUR). (Applicant: Madison Park Financial Corporation) (Owner: B-3 Lofts, LLC) (APN: 49-1173-3). The project was approved by the Planning Commission on September 27, 2007, and a first one-year extension was approved on January 20, 2009.

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

Miroo Desai, Senior Planner, presented the staff report with staff's recommendation for approval.

Commissioner Martin asked for some explanation on the financial climate regarding the project. Applicant, John Protopapas responded. He said they had secured approximately 80% of equity for the project.

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

Motion: To approve request for a second one-year extension for the Bakery Lofts, Phase IV project.

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

- C. **Woodfin Hotel Signs (SA09-28)** – A Major Sign Permit to allow three larger replacement wall signs at the north, west and south faces of the Woodfin Hotel at 5800 Shellmound 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 and Zoning Classification: Mixed Use with Residential (MUR). (Applicant: Ed Lackey, California Signs.)(Owner: The Hardage Group) (APN: 49-1493-11).

Assistant Planner, Arly Cassidy, presented the staff report. Staff recommended approval.

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

Hugh McIntosh, General Manager of the Woodfin Hotel, spoke briefly.

Commissioner Donaldson said there should be a level of illumination requirement. She suggested some mechanism be put in the conditions for dimming lights if they are determined to be too bright

Motion: To approve the replacement of three wall signs for the Woodfin Hotel with the added condition regarding a mechanism for dimming the lighting.

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

- D. **General Plan Amendment to Floor Area Ratio Map** – Consideration of an amendment to the Emeryville General Plan to modify the Maximum Floor Area Ratios map (Figure 2-3) to increase the maximum floor area ratios on the Pixar Animation Studios property bounded by Park Avenue, Hollis Street, 45th Street, and properties fronting on San Pablo Avenue; and on the Wareham Development property between Hollis Street and the railroad from Powell Street to 64th Street. CEQA Status: Environmental Impact Report certified by City Council on October 13, 2009. (Applicant: Initiated by Emeryville City

Council) (Owners: Pixar Animation Studios, ERPM, Emeryville Redevelopment Agency, and Wareham Development, Inc) (APNs: 49-1539-1, 2, 4-2, and 5; 49-1027-37; 49-1041-59; 49-1487-5-3; 49-1488-1; 49-1489-13-3, 14, and 17)

Planning & Building Director, Charles Bryant, presented the staff report. Staff recommended approval of the proposed amendment to the General Plan.

The public hearing was opened.

Anna Shimko of Cassidy Shimko Dawson Kawakami, representing Pixar and Wareham, spoke in support of the proposal.

The public hearing was closed.

Commissioners generally expressed support for the increased FAR on the Pixar site. However, Commissioners Donaldson, Jeffery, and Martin expressed opposition to the increased FAR on the Wareham site, saying that they did not agree with the corresponding height increase that had been approved by the City Council, and that changes in the FAR would allow development without Commission review through the conditional use permit process.

Motion: To recommend City Council approval of the proposed General Plan Amendment to the Floor Area Ratio Map.

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

VI. COMMISSIONERS COMMENTS

Commissioner Scheuerman said that now that the General Plan is completed, we should start a dialogue about transit and traffic problems in the Bayfront area from IKEA to Pacific Park Plaza. Director Bryant responded by describing the urban design study that is currently underway by WRT for the Powell Street and Shellmound Street corridors, and that will include transit and traffic, as well as pedestrian and bicycle improvements.

Chair Hoff complimented the staff and City Attorney's office for a job well done. He said he has worked with many different Boards and Commissions and this group is the greatest. He wished all a happy holiday season.

VII. ADJOURNMENT – The meeting was adjourned at 8:15 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JANUARY 28, 2010 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608