

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
JANUARY 28, 2010**

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: Lawrence Cardoza, Patricia Jeffery, Frank Flores, Jim Martin, Art Hoff and John Scheuerman. Commissioner Gail Donaldson, excused absence.

II. PUBLIC COMMENT - None

III. ACTION RECAP – December 10, 2009

Commissioner Martin requested an addition to the fifth full paragraph on page 4 concerning the General Plan Amendment to the FAR map to read as follows, "...and that changes in the FAR would allow development without Commission review through the conditional use permit process."

Commissioner Cardoza moved approval of the Action Recap with this addition; Vice Chair Flores seconded. The Action Recap was approved without exception.

IV. DIRECTORS REPORT

Director Bryant reported on recent City Council actions. On December 15, the Council considered a report from the Transportation Committee about the Horton Street Bicycle Boulevard. The BPAC had recommended eliminating bike lanes and including on-street parking in Park Avenue District, and establishing thresholds of 3,000 vehicles per day and 25 miles per hour, above which traffic calming measures would be implemented. The Transportation Committee concurred in the BPAC recommendation to eliminate the bike lanes and include on-street parking, but recommended deferring on specific thresholds until further study was done. The Council took no action, but directed staff to come back with a proposal for a comprehensive plan for the full length of Horton Street as a bicycle boulevard as part of an update of the Bicycle and Pedestrian Plan. The Council also directed that a study session be scheduled for the first quarter of 2010 to discuss an update of the Traffic Impact Fee program to include bicycle, pedestrian, and transit facilities, as well as motor vehicle facilities, as called for in the General Plan.

On January 19, the Redevelopment Agency passed a "Resolution of Necessity" to acquire by eminent domain the last remaining part of the Greenway north of Powell Street, just south of 59th Street, which will complete that block. The City Council approved the amendment to the FAR map that was approved by the Commission at the December 10 meeting. Unlike the Commission, however, the Council split it into two resolutions, one on Pixar and one on Wareham. The Pixar FAR change was approved unanimously, and the Wareham FAR change was approved 3-2, with Councilmember West and Mayor Atkin voting "no".

The Zoning Update Steering Committee continues to work on the new Zoning Ordinance. The next meeting will be February 23, at which the design guidelines will be discussed.

The old Expo Design Center store at East BayBridge shopping center is becoming a Target. Per the Memorandum of Understanding for the Joint Planning Authority with Oakland, since the building is entirely in Oakland, we are doing administrative design review and Oakland will handle building permits and inspections. They are planning an opening date of March 2011. Target also has a corporate program of donating 5% of profits to the local community; donations to the Cultural Art Center and Child Development Center have been discussed.

The Park Avenue street improvements are moving along and should be completed by this summer. Staff is planning a grand opening celebration with a band, kids' jump house, and other festivities. Further details including the specific date and time will be forthcoming.

Our staff is participating in Berkeley's design of the bike path connection between our Greenway and the 9th Street Bicycle Boulevard. Their preliminary design is being unveiled tonight at their Bicycle Subcommittee meeting. Assistant Planner Arly Cassidy is there representing us but will be back later to present the second item on the agenda (NHI signs).

V. PUBLIC HEARINGS

- A. Emery Station West @ Emeryville Transit Center, Horton Street and 59th Street; and Heritage Square Garage, Horton Street at 62nd Street (UP09-03/DR09-18) – A Conditional Use Permit and Design Review permit for a proposal to remove two surface parking lots in the 5900 and 6100 blocks of Horton Street and construct two separate buildings: an office/laboratory building and a parking garage. The proposed Emery Station West building, adjacent to the Amtrak Station, is a 165 feet tall office accommodating approximately 248,300 gross square feet of office/lab space, 148 car parking spaces, 4 bus bays and ground level active space accommodating retail and transit (Amtrak) oriented functions. There is an open plaza on the third floor of the building that will connect to the existing pedestrian bridge over the railroad tracks. The proposed Heritage Square Garage building, on the east side of Horton Street, is a 73 foot tall building accommodating approximately 211,000 gross square feet of parking and providing 675 parking stalls. The proposal also includes reconfiguration of the plaza between the Amtrak Station and the proposed Emery Station West building to create a public plaza which will include a protected pedestrian waiting area and pedestrian access improvements. Approximately 13 street trees along 59th, 62nd, and Horton Streets will be removed as part of the project. CEQA Status: A Mitigated Negative Declaration was published for public review on November 7, 2009 and the comment period ended on December 9, 2009. General Plan Designation: Emery Station West: Mixed-Use with Non-Residential (MUR); Heritage Square Garage: Office/Technology (OT); Zoning District: Emery Station West: Mixed-Use with Non-Residential (MUR) and North Hollis Overlay (N-H); Heritage Square Garage: Office/Technology (OT) and North Hollis Overlay (N-H). (Owners: Westinghouse Electrical Corporation; Hollis R and D Associates; Wareham Development Corporation; City of Emeryville; Emery Station Office LLC II; Applicant: Wareham Development) (APN: 49-1489-15; -13-3; 49-1325-1-2; -2;-4)

Planning Director, Charles Bryant, presented the staff report in Senior Planner Miroo Desai's absence. Staff recommended that following a public hearing, the Planning Commission adopt the Mitigated Negative Declaration and then approve the project subject to staff's recommended revisions to the conditions of approval which were distributed tonight.

Applicant, Geoff Sears, spoke briefly. He stated there had been numerous community meetings regarding this project since 2006. He expressed his thanks to all of the people involved; staff, community, consultants and others. He introduced the architect and landscape architect who made a PowerPoint presentation.

The public hearing was opened.

Emeryville resident, Brian Donahue, said he had spoken to Planning Director Bryant several weeks ago regarding his concerns with bicycles; and Mr. Bryant said he was not aware there was an issue with the bicycles. Mr. Donahue said the traffic analysis in the Mitigated Negative Declaration was inadequate because traffic calming should be required on Horton which would divert traffic to Hollis. He said he thinks an EIR is needed for this project.

Scott Donahue, Chair of the Bicycle Pedestrian Advisory Committee, said the statement in the project description, "Proposed building will improve traffic for all transportation," is not true as it relates to bikes. Pedestrians could pose a problem for cyclists. Safety issues are also of great concern.

The public hearing was closed.

Discussion ensued about the traffic analysis and other issues in the Mitigated Negative Declaration. Staff and Consultants responded to the Commission's questions.

Motion: To approve the Mitigated Negative Declaration for the project.

Moved: Cardoza

Seconded: Scheuerman

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

Excused: Donaldson

There was a ten minute break from 9:35 – 9:45.

Commissioner Martin expressed concerns regarding closing off the podium and roof terrace. He said he understands the concerns with security, however he feels a condition of approval could address keeping the area open with more lighting and security. He thinks there should not be any security gates at the podium unless there's a problem. The landscape is done well, but he has concerns about the bridge connection. Transition has not been thought through. There should be a condition that addresses this, with a redesign of the connection to be approved by staff. He does not like the west façade, the other sides are fine.

Commissioner Cardoza said his views are just the opposite of Commissioner Martin's. He thinks the existing bridge looks like a concentration camp. The west side is fine; it has a curving element that goes to the top. Maybe improve the existing bridge and not try to match it.

Commissioner Jeffery thanked the design team. She said she appreciates the trees. The bridge could be more open. The building is too bulky and massive. It is not compatible with the surrounding area. She would like to see something a little more slender and scaled back. She said this project should encourage people to take the train. She said she cannot support the project as designed.

Commissioner Scheuerman said this is really a great building for Emeryville. He said simplicity can be a wonderful thing and he likes the west façade of the building. He supports keeping the podium level open. If there is a problem with security, then that could be addressed at the appropriate time. The operation of the elevator should be 24/7. He has concerns with the parking garage. He feels the garage can be done better with treatment of metal panels. He said perforated overlapping panels could be used.

Commissioner Flores said the design is exceptional. The bridge needs more treatment. He does not like having gates. The west side looks nice. The awning can be better and more lighting is needed.

Commissioner Hoff said he can not support this project. He said a plaza in the sky is not an amenity. The podium should be eliminated.

Commissioner Martin suggested additional Conditions of Approval:

- Troughs for bikes in the grand staircase.
- Elevator operable to rooftop terrace at southwest corner of building 24/7
- Bridge treatment should be redesigned for staff approval – relationship of structural supports shall be considered

- No security gates until and unless there's a problem. If problems arise, bring issue back to the Commission for consideration of further action.

Motion: To approve conditional use permit and design review for the project with the four additional conditions noted above and the revisions to the conditions recommended by staff.

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

Chair Hoff asked staff to explain the implications of this tie vote. Deputy City Attorney Abby Bilkiss said that it meant that the project was not approved, and that this action by the Commission is appealable to the City Council.

- B. National Holistic Institute (NHI) Signs (SA09-30)** – A Major Sign Permit to allow three wall signs at the west and south faces of the new National Holistic Institute at 5900 Doyle 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 with Residential (MUR); Zoning District: Mixed Use with Residential (MUR) and North Hollis Overlay (N-H). (Applicant: Landmark Innovative Industries.) (Owner: 59 Doyle LLC) (APN: 49-1476-5, -6, -7).

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.

Motion: To approve the major sign permit for National Holistic Institute.

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

VI. STUDY SESSION

- A. Time Extension for Planning Permits** – Study session on options for extending the expiration date of planning permits to a total of five years from the date of final approval. CEQA Status: This proposal is exempt from environmental review under the "general rule" at State CEQA Guidelines 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.

Planning Director Bryant made the staff presentation.

Commissioner Hoff said after three years, applicants should come in and apply for the extension.

Commissioner Cardoza said a case by case extension should apply to only the projects that are in the pipeline now. He suggested a maximum of five years for the extension.

Director Bryant said staff would prepare a draft ordinance to bring back to the Commission at the next meeting for a vote.

VII. COMMISSIONERS COMMENTS

Commissioner Flores announced an open studio art exhibit at Bakery Lofts on March 31st. He said he just came back from the United Arab Emirates where there is lots of interesting development.

Commissioner Jeffery said they have not received any Project Status Reports lately. Director Bryant said they are now on-line and will forward the link to the Commissioners.

Commissioner Martin asked what would happen with the additional conditions that the Commission had discussed for the Transit Center project. Director Bryant said that, if the project were appealed, the City Council would be made aware of them and could add them if they wished.

Commissioner Martin noted that the paint has been stripped off the bricks on the building at the southwest corner of Powell and Hollis; it looks nice. Commissioner Flores said that he was told the adjacent Sushi Village was being redone.

Commissioner Hoff said the Heritage Square garage was a prime example of why the City Council made a mistake in excluding parking from FAR.

Commissioner Scheuerman asked if they could have a study session on WRT's Powell and Shellmound studies. Director Bryant said the City Council will be having a study session and the Commission will be advised of the date.

Commissioner Cardoza said he had attended a ribbon cutting for Age Song, which is a beautiful building, and met architect Ted Dang who has a permit pending for a building on Christie, which he is going to allow to expire.

VIII. ADJOURNMENT – The meeting was adjourned at 10:50 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, FEBRUARY 25, 2010 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608