

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
MARCH 24, 2011**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chair Frank Flores. Commissioners present: Gail Donaldson, John Scheuerman, Steven Steinberg. Lawrence Cardoza, Arthur Hoff and Frank Flores.

II. PUBLIC COMMENT – None

III. ACTION RECAP – February 24, 2011

Motion: To approve action recap of February 24, 2011.

Moved:	Steinberg	
Seconded:	Scheuerman	
Vote:	Ayes:	Donaldson, Scheuerman, Flores, Steinberg
	Abstained:	Hoff and Cardoza
	Absent:	Kuemmerle

Commissioner Vanessa Kuemmerle arrived at 6:33 p.m.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions by the City Council. On March 1, the Public Financing Authority, Redevelopment Agency, and City Council decided not to issue redevelopment bonds at this time due to the uncertainty in the bond market created by proposed state legislation to eliminate redevelopment in California. The City Council passed a resolution of intent to vacate a portion of the Stanford Avenue street right-of-way at the northwest corner of Hollis Street and Stanford Avenue to facilitate a property exchange to accommodate development of the Greenway adjacent to 5701 Hollis Street. The 5701 Hollis Street project, including the proposed property exchange, was previously approved by the Commission on March 26, 2009.

On March 15, the Redevelopment Agency authorized the purchase of the office building at 5900 Christie Avenue adjacent to the Emeryville Public Market as a possible future housing site. A conditional use permit applicant pending before the Commission for medical office uses in the building has been put on hold by the applicant pending the outcome of the purchase negotiations. The City Council unanimously approved a request for a noise waiver to allow installation of a pre-manufactured modular home at 5507 Beaudry Street on one weekend (Saturday and Sunday) between June 11, 2011 and September 4, 2011 between 8:00 a.m. and 6:00 p.m. The project was previously approved by the Commission on February 28, 2008, and a building permit was issued on January 10, 2011. The Council passed a resolution authorizing the City Manager to submit a Community Based Transportation Planning (CBTP) grant application to the California Department of Transportation (Caltrans) to study transit improvements between the MacArthur BART station and Emeryville, including a possible "Emeryville-Berkeley-Oakland Tram" (EBOT) that was presented at a study session on February 1.

Staff continues to review sections of the new zoning regulations. The focus in March was to continue review of the second draft of the chapter on code administration and permits and the first draft of the subdivision regulations. Review of the code sections on non-conforming uses was also started this month. A progress report was sent via email to the Zoning Update Steering Committee and interested parties on March 17. The next Steering Committee meeting will be April 26.

The State Department of Toxic Substances Control (DTSC) is holding a community meeting right now in the Garden Level of Old Town Hall on the draft community safety plan for remediation of the Sherwin Williams site with all the people who will be involved in carrying out and monitoring the site cleanup, which is expected to begin in April or May. This is unfortunate timing, since all members of the Planning staff are here at the Commission meeting and unavailable to attend the Sherwin Williams meeting. However, other City staff are in attendance.

The Housing Advisory and Appeals Board tentatively scheduled for tonight has been postponed indefinitely. Redevelopment funds would be used to abate the property in question, and due to the Governor's current efforts to eliminate redevelopment in California, such funds might not be available in the future. The meeting will be rescheduled in the future if it appears that the City will be able to proceed with the abatement action.

V. STUDY SESSION

- A. **Sustainable Transportation Plan** – Discussion of a draft Sustainable Transportation Plan to implement the Transportation policies of the General Plan. The draft plan includes strategies to improve transit services, pedestrian and bicycle connectivity, transportation demand management, parking management, and wayfinding. CEQA Status: Environmental Impact Report for General Plan certified by the City Council on October 13, 2009.

Diana Keena, Associate Planner, presented the staff report and introduced Linda Rhine with Nelson\Nygaard who made a PowerPoint presentation.

The floor was opened for public comments. There were none.

The Commissioners made the following comments:

The overall document:

- Split the document into a findings report and a concise strategic plan.
- Mention pedestrian and bicycle improvements briefly and refer to the Pedestrian and Bicycle Plan. We will have to make sure they get into the Pedestrian and Bicycle Plan.

Good ideas:

- Many of the recommendations are workable now at low cost.
- Parking maximums are a good idea.
- Street closures for pedestrian events could include a farmers market on Doyle and 63rd at Doyle Hollis Park.

Ideas that should be added:

- Recommend an origin-destination study.
- Mention the need for a low-cost (not Transbay fare) bus from the middle of Emeryville to downtown Berkeley (not just from the eastern edge of Emeryville).
- Improve the connection to the Peninsula, activate the area under I-80, and improve signage to the Bay Trail.
- Establish a transbay bus stop in the Powell-Christie-Amtrak area.
- Transit should be accessible to all.

- Discuss the Capital Corridor as a commuter train, different from interstate Amtrak service.
- We should require electric vehicle parking with charging stations.
- Color bicycle lanes increase drivers' awareness of cyclists.
- We need safer crossings of San Pablo Avenue.
- Universal size parking spaces reduce space devoted to parking.
- Emery Go-Round should go to residential neighborhoods and the city's perimeters.

VI. PUBLIC HEARINGS

- A. **Escuela Bilingüe Internacional (UP10-007)** – A Conditional Use Permit to establish a school that includes pre-kindergarten through 8th grade classes in an existing 28,000 square foot building located at 4550 San Pablo Avenue. The school will occupy the building in three phases over approximately four years as current leases held by Social Vocational Services (portion of first floor) and Living Hope Christian Center (second floor) expire. The existing parking area will be reconfigured to provide required parking spaces, a play area and landscaping. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations to existing structures. General Plan Designation: Mixed Use with Residential/Neighborhood Retail Overlay, and Medium Density Residential; Zoning: Mixed Use with Residential (MUR)/Neighborhood Retail Overlay (NR), and Medium Density Residential (RM). (Applicant: Escuela Bilingüe Internacional) (Owner: Sterling Bank and Trust and EHO San Pablo LLC) (APNs: 49-1174-26-1, 27, 28, 29, 30, 31-2, and 31-3)

Senior Planner, Miroo Desai, presented the staff report with staff's recommendation for approval, subject to the conditions of approval. She noted that staff has recommended some modifications to the conditions of approval, which are on the dais.

In response to a Commission question, Director Bryant said there are more parking spaces on the site than this project will ever need. The parking area is to double as a playground in the area not being used.

A PowerPoint presentation was made by the applicant, Erika Terrideuka. Maggie Saylip also made a brief presentation. She introduced Jeffery Miller with Bill Bavey Architects. He said they would meet all of the required standards and would be providing electric car charging stations.

The public hearing was opened.

Elaine Villarin, business owner at 1500 Park Avenue, said she thinks this is a wonderful project and it has her support.

Evelyn Herrera, resident of 5514 Doyle Street, said she supports this project.

Ashley Capon, employee at 1350 Park Avenue, said this is a wonderful project and she supports it.

Chuyen Zey a student at UC Berkeley wanted to know how they will deal with the traffic situation.

Eric Gascoyne, resident and owner of 1093 45th Street said he thinks they need to do an EIR. He feels the traffic, land use and noise conflicts with the General Plan. He said they should do a Traffic Impact report. He feels the project is not compatible in a residential zone.

Two young students of the school, Valentina Sanchez and Camila Sanchez said they support the project. They think EBI is a good and powerful school.

The public hearing was closed.

Chair Flores said he had met with the applicant; all other Commissioners also indicated that they had met with the applicant. Chair Flores said he feels this is a great location for this school. He said he lives across the street from Santa Fe school and noise has never been a problem. He said he feels privileged to have a ground breaking school coming to Emeryville.

Commissioner Hoff said he thinks it is a wonderful project and will give his support.

Commissioner Steinberg said he agrees this is a great project and will vote to approve it.

Commissioner Donaldson said she lives across the street from a school and the noise and traffic is not a problem. She supports this project.

Commissioner Kuemmerle said she visited the school and was very impressed. The outreach from the applicants was very much appreciated.

Commissioners Scheuerman and Cardoza agreed with other Commissioners.

Motion: To approve the Conditional Use Permit for Escuela Bilingüe Internacional with modified conditions as recommended by staff.

Moved: Flores
Seconded: Donaldson
Vote: Ayes: Donaldson, Hoff, Kuemmerle, Scheuerman, Steinberg, Cardoza, Flores

- B.** **5900 Christie Avenue Medical Use (UP11-001)** – A Conditional Use Permit to allow a Medical Services use in an existing 14,367 square foot building located at 5900 Christie Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures and Section 15332 which applies to urban in-fill development projects. General Plan and Zoning Designation: Mixed Use with Residential (MUR). (Applicant: Rick Kattenburg.) (Owner: Diversified Properties II.) (APN: 49-1493-4)

At the applicant's request, this item was continued to a future meeting.

- C.** **Pictopia Sign (SIGN11-001)** – A Major Sign Permit to allow one new wall sign on the front, street-facing wall at 1300 66th 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: Industrial (IND); Zoning Classification: Industrial (IND) and North Hollis Overlay District (N-H). (Applicant: Damian Taylor.) (Owner: Larry Farb) (APN: 49-1508-6)

Assistant Planner, Arly Cassidy, presented the staff report with staff's recommendation to approve.

Commissioner Hoff said the sign appears quite large. He said the sign's square footage should not be larger than the side of the building. He suggested the black border around the sign be eliminated.

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

Commissioner Scheuerman said he thinks the sign is appropriate and he does not have a problem with it.

Commissioner Donaldson said the sign looks fine to her, it looks like an architectural

design.

Commissioner Kuemmerle said it is a little large, but sedate. One large sign is enough. She suggested taking the two small signs down.

Chair Flores said he has no problems with the sign.

Motion: To approve the Major Sign Permit for Pictopia.

Moved: Donaldson

Seconded: Scheuerman

Vote: Ayes: Donaldson, Kuemmerle, Scheuerman, Steinberg, Cardoza,
Flores

Noes: Hoff

- D. Public Market Sign and Entry (DR11-005)** – A Major Sign Permit and Minor Design Review for three new signs and one new entryway at the West, North and East entries to the Public Market at 5959 Shellmound Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures and Section 15311(a) which applies to accessory structures including on-premise signs. General Plan Designation: Mixed Use with Residential (MUR); Zoning Classification: Planned Unit Development (PUD). (Applicant: TMG Partners). (Owner: Marketplace Mortgage LLC). (APN: 49-1493-10-5)

Commissioners Scheuerman and Donaldson were recused due to possible conflicts of interest.

Assistant Planner, Arly Cassidy, made the staff presentation with staff's recommendation for approval.

Applicant, Denise Pinkston with TMG Partners, spoke briefly. Rob Anderson, architect, also spoke explaining in more detail the sign material, which is acrylic lettering.

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

Commissioner Steinberg said there were too many materials being used. He is not fond of the stucco. He said the whole composition does not do the location justice.

Commissioner Kuemmerle said the imagery is confusing.

Commissioner Flores said it is good to have the property owner trying to improve the property and compared to what is there now, this is a vast improvement.

Commissioner Hoff said this sign looks like a hodge podge.

Commissioners discussed the following modifications to the conditions of approval:

- In condition V.A.1, delete the last sentence, which has references to fences, gates, and other items that are not part of this application.
- Since a dimmer switch will not work with this type of sign, modify condition V.A.3.c to delete references to it, and replace with language to the effect that "applicant shall take appropriate steps to reduce the brightness of the sign" if complaints are received.

There was also discussion about the proposed artwork on either side of the doors, but it was decided not to include this in the conditions.

Motion: To approve the Major Sign Permit and Minor Design Review for the Public Market Sign and Entry, with amended conditions as discussed above.

Moved: Flores
Seconded: Cardoza
Vote: Ayes: Flores, Cardoza
Noes: Hoff, Kuemmerle, Steinberg
Recused: Donaldson, Scheuerman

The motion failed.

Director Bryant stated the applicant had 15 days from the Commission's decision to appeal to the City Council.

VII. COMMISSIONERS COMMENTS

Chair Flores congratulated Commissioner Cardoza on the birth of his granddaughter and said he was glad Commissioner Hoff was feeling better.

VIII. ADJOURNMENT – 9:39 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, APRIL 28, 2011 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608

