

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
FEBRUARY 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, Vanessa Kuemmerle, Steven Steinberg and Frank Flores. Commissioners Hoff and Cardoza, excused absences.

**II. PUBLIC COMMENT - None**

**III. ACTION RECAPS**

**Regular meeting of January 27, 2011**

Motion: To approve action recap of January 27, 2011.

**Moved:** Scheuerman

**Seconded:** Kuemmerle

**Vote:** Ayes: Donaldson, Scheuerman, Kuemmerle, Flores, Steinberg  
Absent: Hoff and Cardoza

**IV. DIRECTOR'S REPORT**

Director Bryant reported on recent City Council/Redevelopment Agency actions. On February 1, the Council held a study session on the proposed Emeryville-Berkeley-Oakland Tram (EBOT) and directed staff to develop a grant proposal for a feasibility study. The Council passed the ordinance that was introduced on January 18 approving a Development Agreement for the 64<sup>th</sup> and Christie Residential Project and amending the Marketplace PUD conditions, as recommended by the Commission at the December meeting. The Council passed two ordinances to extend the time limit to repay debt and collect tax increment funds for the two redevelopment areas; these ordinances were introduced at the Council's special meeting on Saturday, January 22. The Council held a continued public hearing on extension of planning permits for the Ocean Lofts project, which was on the Commission's December agenda. At the conclusion of the hearing, the Council voted 4-1 (Mayor Davis dissenting) to grant the permit extension, but not to require or allow the demolition of the existing house until building permits for the replacement structures are ready to issue. A resolution memorializing this vote was passed on February 15. Meanwhile, the applicant applied for building permits for the two new houses on January 18.

On February 15, the Public Financing Authority, Redevelopment Agency, and City Council passed several resolutions to approve a cooperative agreement for public improvements and affordable housing in the event that the Redevelopment Agency is eliminated as proposed by the Governor, and approving the issuance and sale of revenue bonds to finance redevelopment activities. The Agency approved a Disposition and Development Agreement for the Ambassador Housing Project and appropriated approximately \$11 million in Agency funds for predevelopment and construction activities. The Council authorized the Mayor to sign a letter of support endorsing the proposal of Wareham and TMG for a second campus of the Lawrence Berkeley National Laboratory in the City of Emeryville. On a 3-2 vote, the Council directed staff to begin abatement actions concerning the residence of André Carpiaux at 1264 Ocean Avenue. The Council heard a status report on Kitty's cabaret permit in the aftermath of a fight last month that overwhelmed the resources of the Emeryville Police Department; the cabaret permit expired on December 31 and is in the process of being renewed; meanwhile, DJ activities have been curtailed until the cabaret license is renewed. The Council agreed to continue the recommendation of the Transportation Committee on Hollis Street bike lanes to a future meeting pending further study by the Public Works Director.

Staff continues to work diligently on the new Zoning Ordinance. The Executive Committee, consisting of the Chair, Vice Chair, Project Manager, and Planning Director, met February 3 and decided to cancel the Steering Committee meeting scheduled for February 22 because the material currently being reviewed and developed by staff is of a very technical nature and it was felt that a meeting at this point would not be productive. In lieu of the meeting, the Project Manager sent an email to committee members with a status report on staff's activities, and links to the various documents in case any Steering Committee members wish to review and comment on them. Current activities include finalizing the use classification definitions, use chart, and zoning maps; and reviewing/editing the sections on administration and the Subdivision Regulations. Staff will soon begin review of the nonconforming use section. The next meeting of the Steering Committee is scheduled for April 26.

Staff is still tentatively planning to have the Housing Advisory and Appeals Board meeting on the next regularly scheduled meeting date of March 24. However, more time may be needed to allow the property owner to respond to the City's demands, so it is possible that the Board meeting may be postponed to a future date.

## V. STUDY SESSION

- A. **Sustainable Communities Strategy** – A study session on a local-regional planning process mandated by SB 375 to coordinate transportation, land use and housing policy to reduce greenhouse gas emissions and house all of the region's population. The strategy will affect the Regional Transportation Plan, the Regional Housing Needs Allocation, and regional allocation of funding for local public facilities. Environmental review will be conducted by the regional agencies preparing the strategy.

Diana Keena, Associate Planner, presented the staff report. There were no comments. The Commissioners thanked her for the presentation.

## VI. PUBLIC HEARINGS

- A. **Heart and Soul Center of Light (UP11-002)** – A Conditional Use Permit to allow a Religious Assembly use in an existing 15,000 square foot building located at 6101 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 in-fill development projects. General Plan and Zoning Designation: Mixed Use with Residential (MUR). (Applicant: Heart and Soul Center of Light) (Owner: Ann Morrissey) (APN: 49-1494-1-5)

Commissioner John Scheuerman was recused due to a possible conflict of interest.

Arly Cassidy, Assistant Planner, made the staff presentation with staff recommending approval.

Teressa Blackman, an employee of Heart & Soul Center of Light spoke briefly explaining some of the services that would be provided through this ministry.

Applicant, Rev. Andrietta Earl addressed the Commission with their vision for this type of service and stating their willingness to cooperate with the neighbors to make sure this activity does not negatively impact them in any way.

The Commissioners expressed concern relating to sound issues.

Director Bryant said there is a noise condition already in place as part of the building department process that addresses sound issues.

The public hearing was opened.

Bill Grimason, a neighbor at 6045 Christie, said he has a party wall with this proposed use and controls some of the parking spaces. He opposes this use because parking was very problematic when other businesses used this space.

Sherman Lim of 6037 Christie said he owns several spaces at this location and he opposes this use due to the limited parking spaces.

Deborah Roundtree, business owner, said she has participated in the services and feels the parking valet could direct the parking and does not feel there will be a noise problem. She supports the project.

Chun Wong expressed concerns regarding the parking spaces. The spaces are privately owned. This is not a good match.

Rod Henmi said he supports this project. There was a meeting with the neighbors and minister. They think parking will not be an issue. As far as the noise is concerned, the music is relatively quiet. He feels this will be a good use and will help to raise adjoining property values.

Sue Johnson, a merchant, said they are good neighbors and she supports the project.

Patty Honfuer, an employee at 6037 Christie, said the applicants knew about the parking situation because it was brought to their attention about a month ago. She does not support this project.

The public hearing was closed.

Commissioners Steinberg, Flores and Kuemmerle expressed concern with the parking.

Commissioner Kuemmerle suggested reviewing the application after three months to see if there were any issues with parking. She feels this is a good use for this space and would support the project.

Commissioner Donaldson said she feels the sound is an issue and there might be a problem with parking. She suggested having something in writing regarding the possible noise issue.

Chair Flores said he does not think the acoustics will be a problem. Parking could be a problem, but feels with a valet, it could work. He suggested the conditions reflect the noise issue would be checked in three months and again in the next three months to make sure everything is working. If the first three months show there is a problem, they would have three months to rectify the situation prior to the second three months check, or the project would be referred back to the Commission for possible modification of conditions of approval.

Staff noted that the parking requirement for churches is one space per 50 square feet of assembly area, and suggested a condition that the worship space be limited to 50 square feet for every parking space that the church is able to provide through valet parking.

Motion: To approve the Conditional Use Permit for Heart and Soul Center of Light with additional conditions regarding three and six months compliance reviews and parking.

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

- B. **EmeryStation Greenway Tree Removal (TREE11-001)** – Proposal to remove four existing Cottonwood trees along the Greenway within the construction zone of the EmeryStation Greenway project. It is proposed to replant the removed trees at the Emeryville Marina, and to install four replacement Cottonwood trees on the Greenway prior to the completion of the EmeryStation Greenway Project. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations to existing facilities; Section 15304, which applies to minor alterations to land; and Section 15061(b)(3), the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Applicant: DPR Construction) (Owner: City of Emeryville) (APN: 49-1328-5)

This item was removed from the agenda. The developer decided to work around the trees and therefore, they would not need to be removed.

**VII. COMMISSIONERS COMMENTS**

Chair Flores sent congratulations to Commissioner Cardoza and family on the arrival of their new grandchild. He also wished Commissioner Hoff a speedy recovery from his illness.

- VIII. ADJOURNMENT** – The meeting was adjourned at 8:20 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, MARCH 24, 2011 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608**