

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
DECEMBER 8, 2011**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Commissioner Gail Donaldson, Chairperson. Commissioners present: Lawrence Cardoza, Vanessa Kummerle, John Scheuerman, Steven Steinberg, and Gail Donaldson. Commissioner Flores came in after roll-call.

Planning Director, Charles Bryant, announced Commissioner Art Hoff had resigned from the Commission that afternoon, due to health issues. Director Bryant said an appropriate farewell would be planned for him.

Chair Donaldson said she was sorry to hear of Commissioner Hoff's resignation and stated he would be missed.

II. PUBLIC COMMENT

Ron Silberman expressed concerns with the crematorium on Horton Street. He said he feels that the owners have not provided enough information regarding the burn-off on the north façade of the adjacent building. He said he has written letters to them and they referred him to Planning Director Bryant. Director Bryant told him that the crematorium was grandfathered in and the City could not do anything about it. He said he felt there were dangerous toxins resulting from part of their burn offs. He said he had received complaints from the residents at the Age Song building regarding noise.

Director Bryant said he will consult with the City Attorney to see if there is anything that can be done. The Bay Area Air Quality Management District (BAAQMD) has issued a "permit to construct" new cremators, which will help the situation, but they have not moved forward on this.

III. ACTION RECAP – October 27, 2011

After addition by Commissioner Scheuerman regarding the Wells Fargo item on page 2, regarding left turns from Shellmound Street, a motion was made to approve the Action Recap.

Moved: Flores

Seconded: Scheuerman

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

IV. DIRECTOR'S REPORT

Director Bryant reported on the three Council meetings that have occurred since the last Planning Commission meeting on October 27.

On November 1, the Council extended the deadline from October 31 to December 31 to complete sidewalk replacement on Park Avenue on the block just east of the Civic Center. The owner had been fined by staff for cutting down a street tree without a permit; he appealed this to the Council, and in June, the Council agreed to refund the fine after the sidewalk is rebuilt. The fine has been paid and will be refunded when the work is done. The Council also passed an ordinance to amend the Municipal Code provisions related to sandblasting to make them consistent with the Noise Ordinance. This ordinance was introduced on October 4.

On November 15, the Community Development Commission heard a status report on Site B and the proposal for a Macy's and public parking garage. The Council heard a status report on the current Traffic Impact Fee. The Council approved the proposal *Public Market "Green Living Room"* design that was presented to the Commission at the October 27 meeting. The Council approved a noise waiver for LBA Realty to complete site work to rebuild the entrances of the three Watergate office towers, with restrictions. The Council considered a proposed assessment district to underground overhead wires along Hollis Street between Powell and Ocean, and the adjacent side streets. They decided to hold the item over and directed staff to provide more information about possible expansion of the district into adjacent areas. The Council heard an information report about marketing efforts for the America's Cup yacht race that will take place in San Francisco in 2012 and 2013. The Council approved the Transportation Committee recommendation for sharrows and bike lane striping on Emery Street.

On December 6, the Council certified the results of the November 8 election and swore in the newly-elected Councilmembers, Mayor and Vice Mayor; made appointments of themselves and members of the public to various boards and committees; and approved the official list of City holidays and Council meeting schedule for 2012. The Council approved the concept of a Building Occupancy Resumption Program, to certify third-party inspectors for post-disaster building evaluation for Novartis, Wareham, and PG&E. As directed at the November 15 meeting, staff presented an informational report about the possible expansion of the proposed underground utility district along Hollis Street between Powell and Ocean. The Council approved two resolutions to start the process of forming the district, and directed staff to continue studying the possibility of establishing an undergrounding district in the northern part of the North Hollis area.

The public review draft of the Pedestrian and Bicycle Plan has been released. It was presented to the Bicycle/Pedestrian Advisory Subcommittee on November 7 and discussed on December 5, with the discussion continued to the next meeting on January 9. It will then be presented to the Public Works and Transportation Committees. A Planning Commission study session is scheduled for February, and an adoption hearing will be held later in the spring. It is available for review from the City's website.

Upcoming community workshops on the Center of Community Life will be held on Tuesday, December 13, from 6 to 9 pm at City Hall, and on Wednesday, January 25, from 6 to 9 pm at the Ralph Hawley school site on 61st Street.

PG&E sponsored a design competition for a "zero net energy" design for the Sherwin Williams site. On December 7, Councilmember Davis, Senior Planner Miroo Desai, and Director Bryant attended the awards ceremony at the American Institute of Architects San Francisco headquarters where the winners were announced. We have arranged to have the designs displayed in City Hall after the first of the year.

V. PUBLIC HEARINGS

- A. **Papermill Park Design** – Consideration of the design of a public park to be built on the site of an existing City parking lot on the north side of Stanford Avenue between Hollis and Doyle Streets. Design and construction of the park is a condition of approval of the previously approved Parkside Mixed Use project (formerly known as "Papermill Mixed Use Project") that includes construction of 166 residential units, 3 live-work units, 13,698 square feet of ground level flexible space and 4,618 square feet of ground floor retail space in two buildings on a 2.35 acre site bounded east-west by Doyle Street and Hollis Street and north-south by Powell Street and Stanford Avenue. The construction of the public park will include removal and replacement of 38 trees. CEQA Status: A Mitigated Negative Declaration was approved for the Papermill Mixed Use Project and was adopted by the City Council on November 18, 2008. General Plan and Zoning Designation: Mixed-Use with Residential (MUR) (previously Mixed Use (M-U)); (Applicant: Archstone Smith) (Owners: Emery PJ & CM LLC; City of Emeryville) (APN: 49-1041-57-1; -58-1; -65-2; -66; -67; and -68)

Senior Planner, Miroo Desai, made the staff presentation. Staff recommended approval. Scott Fleur, project architect, made a brief presentation. He responded to Commission questions concerning surfacing of the dog park, security, and trees.

The public hearing was opened.

Ron Silberman said he had walked through other community parks and would encourage as few irrigation nozzles as possible.

The public hearing was closed.

A motion was made to approve the Papermill Park Design and forward the recommendation to the City Council.

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

- B. Water Efficient Landscape Ordinance (ORD11-003)** - Planning Commission consideration of an amendment to the Emeryville Municipal Code to: add Article 70, "Water Efficient Landscaping" to Chapter 4 of Title 9; to amend section 9-4.54.2(a) "Water Conservation" of Chapter 4 of Title 9; to add Chapter 36 "Water Waste Prohibition" to Title 5; and to amend section 1-1.03 of Chapter 1 of Title 1 and section 1-2.01 of Chapter 2 of Title 1 regarding penalties. This ordinance would apply city-wide. CEQA Status: The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15307 of the State CEQA Guidelines regarding actions by a regulatory agency for protection of natural resources, 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.

Associate Planner, Diana Keena, made the staff presentation. She noted that the exception for recycled water in Section 9-4.54.2 (a) should have been deleted.

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

A motion was made to approve ORD11-003 with the amendment to delete the exception regarding recycled water, and forward the recommendation to the City Council.

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

VI. COMMISSIONERS COMMENTS

Chair Donaldson presented Director Bryant and staff with holiday candy.

Get well wishes from everyone were extended to Art Hoff .

VII. ADJOURNMENT – 7:55 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, JANUARY 26, 2012 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.