

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
AUGUST 22, 2013**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Vanessa Kuemmerle. Commissioners present: Lawrence Cardoza, Sean Moss, Kairee Tann, Steven Steinberg, and John Scheuerman. Commissioner Gail Donaldson had an excused absence.

II. PUBLIC COMMENT - None

III. ACTION RECAP – July 25, 2013

After clarification on Item B of the Emeryville Center of community Life (ECCL) by Commissioner Moss that Commissioner Tann was recused and was serving as a citizen on the sub-committee, a motion was made to approve the Action Recap.

Moved: Kuemmerle

Seconded: Scheuerman

Vote: Ayes: Moss, Scheuerman, Cardoza, Kuemmerle, Tann

Abstained: Steinberg

Absent: Donaldson

IV. DIRECTOR'S REPORT

Director Bryant noted that the City Council had been on recess and had had no meetings in August.

He reminded the Commission that, at their September meeting, the two new Commissioners, Steven Keller and Brad Gunkel, would be sworn in for their first meeting, the Commission would be electing a new Chair and Vice Chair for 2013-2014, and outgoing Commissioners John Scheuerman and Steven Steinberg would be recognized for their service.

He announced that the Pedestrian-Bicycle Plan has won an American Planning Association State award. BPAC representatives and staff will be receiving the award at the State APA Conference in Visalia on October 7.

He reminded the Commission about the upcoming "Dinner and a Movie" series, beginning with Ghostbusters in Doyle Hollis Park on Friday, September 13th.

Director Bryant announced that, after five years, Assistant Planner Arly Cassidy's last day with the City will be September 30. Her actual last day on the job will be Friday, September 27, and she will have an item to present to the Commission at the September 26 meeting.

V. OLD BUSINESS

- A. Emeryville Center of Community Life (ECCL) (UPDR12-001) (Continued from July 25, 2013)** – A Conditional Use Permit and Design Review to redevelop the Emery Secondary School site to accommodate an approximately 129,805 square foot multi-story multi-use facility on a site of about 7.7 acres bounded by San Pablo Avenue on the east, 47th Street on the south, 53rd Street on the north, and Emery Bay Village on the west. The campus will co-locate the elementary and secondary schools and accommodate the City's community services and recreation programs, and will be operated jointly by the Emery Unified School District and the City of Emeryville. The project also includes a Conditional Use Permit for height over 30 feet and a Tree Removal Permit to remove 20 existing street trees along 47th Street. CEQA Status: A draft Mitigated Negative Declaration was published by the Emery Unified School District as lead agency on June 11, 2013, and the 30-day public review and comment period ended on July 11, 2013. General Plan Designation: Public/Neighborhood Retail Overlay; Zoning Districts: Public (P)/Pedestrian Priority Overlay (PP)/Neighborhood Retail Overlay (NR). (Owners/Applicants: Emery Unified School District/City of Emeryville) (APN: 13-1182-5-3, -8-4, and 23-4; 49-1181-1, 49-1182-15-8)(Public hearing closed July 25, 2013.)

Commissioner Tann was recused due to a potential conflict of interest.

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

Mark Serbernich, with Nexus Partners, made a PowerPoint presentation on the additional changes to the Community Commons, the 53rd Street Greenway and the bike/pedestrian path.

At the Planning Commission meeting on July 25, Commissioners Moss and Tann (as a private citizen) were asked to meet with the applicant to address some of the Commission's concerns. They reported the meeting was very productive. Members of the School Board as well as City and School District staff attended the meeting. The Commissioners said they were pleased with the overall outcome of the meeting.

The public hearing was re-opened.

Eric Gascoyne, Emeryville resident, said he is concerned with the planned removal of the redwood trees. Also he feels that phasing in a pathway in Phase II will not happen because there will not be any funds available by that time.

Brian Donahue, Emeryville resident, expressed concerns that the bike/pedestrian path will not happen. He thinks the Commission should insist that the path is done now. He also said, allowing a wall to be built now that will have to be demolished later for the bike path, is wasteful spending.

The public hearing was closed.

A motion was made to approve the project as presented, with additional conditions that the Commission had listed at their July 25 meeting and several additional conditions proposed by staff.

A substitute motion was made to approve the project as presented with an additional condition that the path must be designed and constructed as part of the Phase I project. On the substitute motion:

Moved: Kuemmerle
Seconded: Steinberg
Vote: Ayes: Steinberg, Kuemmerle
Noes: Moss, Scheuerman, Cardoza
Absent: Donaldson
Recused: Tann

The substitute motion failed. A vote was then taken on the original motion.

Moved: Cardoza
Seconded: Steinberg
Vote: Ayes: Scheuerman, Cardoza, Moss
Noes: Steinberg, Kuemmerle
Absent: Donaldson
Recused: Tann

VI. PUBLIC HEARINGS

- A. **Escuela Bilingüe Internacional Signs (SIGN13-020)** – A Major Sign Permit to install three non-illuminated signs, two painted and one on the gate posts to the school. 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 with Neighborhood Retail Overlay and Medium-Density Residential. Zoning Designation: Mixed Use with Residential (MUR) with Neighborhood Retail (NR) and Pedestrian Priority (PP) overlays. (Applicant and Owner: Escuela Bilingüe Internacional.)(APN: 49-1174-26-1, -27, -28, -29, -30, 31-2, -31-3).

Commissioners Steinberg and Tann were recused due to possible conflicts of interest.

Assistant Planner, Arly Cassidy, presented the staff report.

Applicant, John Horsch, commented on the project.

The public hearing was opened.

Eric Gascoyne, Emeryville resident, said he is displeased that the city has allowed this project to be built in this residential area. He said it does not fit and is obnoxious. He said the lights that are there are too bright. He suggested neutral earthy colors, smaller signage and dimmer lighting.

The public hearing was closed.

Commissioner Kuemmerle said she feels the size of the lettering is too large and is not sure of the bright colors. It was suggested the elements of the signs at 47th and San Pablo be reduced by 10%

The applicant agreed to collaborate with staff to design a smaller sign.

A motion was made to approve the project with a condition that the areas of the three elements of the proposed sign at the corner of 47th Street and San Pablo Avenue be reduced by 10%.

Moved: Cardoza
Seconded: Scheuerman
Vote: Ayes: Kuemmerle, Moss, Scheuerman, Cardoza
Absent: Donaldson
Recused: Steinberg, Tann

There was a break from 8:20 p.m. until 8:25 p.m.

- A. 3800 San Pablo Avenue Mixed Use Project (“Maz” Building) (UPDR13-001) – A Conditional Use Permit and Design Review to reuse an existing 25,000 square foot building for commercial uses and to construct a new 105-unit rental apartment building and parking structure on the existing surface parking lot to the east, on the site of the “Maz” building at 3800 San Pablo Avenue. The project also includes a Tree Removal Permit to remove two street trees on 39th Street. The site is partially in Oakland, and the City of Oakland has agreed that Emeryville may take the lead on all planning and building permits. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects. General Plan Land Use Designation: Mixed Use with Residential, Neighborhood Retail Overlay, and Major Transit Hub. Zoning Districts: Mixed Use with Residential South (MURS), Neighborhood Retail Overlay (NR), Pedestrian Priority Overlay (PP), and Transit Hub Overlay (TH). (Applicant: Holliday Development)(Owners: William H. Banker Trust, CSP Properties LLC, and FCM Properties San Pablo Avenue LLC)(APNs: 12-952-24 and 25; 49-925-4, 6, and 7)**

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

Senior Planner, Miroo Desai, made the staff presentation with staff's recommendation for approval.

Applicant, Rick Holliday, of Holliday Development, made a short PowerPoint presentation.

Ann Cheng of TRANSFORM spoke briefly requesting additional conditions in regard to their Green TRIP certification of the project.

The public hearing was opened.

Marcus Johnson, a business owner in Emeryville, said he thinks this is a great project.

The public hearing was closed

Jack Duffy, a design engineer for the project, addressed the Commission and responded to questions.

A motion was made to approve the project with the added conditions that every unit would be equipped with a washer and dryer, or that a common laundry area be provided, and that AC Transit EasyPasses be offered to residents for two years.

Moved: Scheuerman

Seconded: Kuemmerle

Vote: Ayes: Scheuerman, Kuemmerle, Cardoza, Steinberg, Tann

Abstained: Moss

Absent: Donaldson

- C. Development Agreement for Emery Station West @ Emeryville Transit Center/ Heritage Square Garage (DA13-001)** – Consideration of a Development Agreement for the previously approved Emery Station West @ Emeryville Transit Center/Heritage Square Garage project. The project involves removal of two surface parking lots in the 5900 and 6100 blocks of Horton Street and construction of two separate buildings: an office/laboratory building and a parking garage. The Emery Station West Building is a seven-story office building accommodating office/lab space, car parking, bus bays, and ground level retail and transit oriented functions. The Heritage Square Garage is a seven-story building accommodating parking stalls. The City Council approved the Conditional Use Permit and Design Review for the Project pursuant to Resolution No. 10-33 (February 16, 2010), and extended the approvals pursuant to Resolution No. 12-25 (February 7, 2012). CEQA Status: The City Council adopted a Mitigated Negative Declaration pursuant to Resolution 10-32 (February 16, 2010). General Plan Designation: Mixed-Use with Non-Residential (Emery Station West parcel); Office/Technology (Heritage Square parcel). Zoning Designation: Mixed-Use with non-Residential (MUN) (Emery Station West parcel); Office/Technology (OT) (Heritage Square Parcel); North Hollis Overlay District (N-H) (both parcels). (Applicant/Owner: Wareham Development, Emery Station Associates, LLC, Westinghouse Electric, Inc. (formerly Viacom, Inc.), City of Emeryville) (APN: 49-1489-15; -13-3; 49-1325-1-2; -2; -4)

This item was continued to a future meeting.

VII. COMMISSIONERS COMMENTS - None

VIII. ADJOURNMENT – 10:00 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 2013 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.