

EMERYVILLE CITY PLANNING COMMISSION

ACTION RECAP

**SPECIAL MEETING
APRIL 23, 2009**

I. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

The special meeting was called to order at 4:30 p.m. by Chair Donaldson. Commissioners present: Arthur Hoff, Lawrence Cardoza, Frank Flores, Patricia Jeffery, Gail Donaldson, John Scheuerman, and Jim Martin,

II. PUBLIC COMMENT - None.

III. STUDY SESSION

A. AB 1234 Ethics Training

Gregory Stepanicich of Richards Watson Gershon, Attorneys at Law, gave a PowerPoint Presentation entitled "AB 1234 Ethics Training and Update on Local Government Law – 2009 Seminar". He covered principles of ethics, the Brown Act, the Political Reform Act, Government Code Section 1090, the Public Records Act, and related information. He responded to questions from the Commission.

Certificates confirming the completion of this state-mandated training were distributed to the Commissioners, and to Council member Nora Davis who also attended, at the end of the meeting.

IV. ADJOURNMENT

The special meeting was adjourned at 6:30 p.m.

EMERYVILLE CITY PLANNING COMMISSION

ACTION RECAP REGULAR MEETING APRIL 23, 2009

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:40 p.m. by Chair Donaldson. Commissioners present: Arthur Hoff, Lawrence Cardoza, Frank Flores, Patricia Jeffery, Gail Donaldson, John Scheuerman and Jim Martin.

Chair Donaldson announced there was a special meeting held prior to the regular Commission meeting and stated there would be a short break before continuing the meeting. The meeting reconvened at 7:00 p.m.

II. PUBLIC COMMENT – None

III. ACTION RECAP – March 26, 2009

Commissioner Martin said that the use permit for 5701 Doyle Street should reflect 19 parking spaces in Phase 2, and that changes to the conditions for the Internet Café should have been itemized.

Motion to approve the Action Recap was made by Commissioner Flores and seconded by Commissioner Scheuerman, with corrections as noted by Commission Martin. The Action Recap was approved without objection.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. The appeal of Elevation 22 residents of the Planning Commission's January 22 approval of the Emery Station Greenway project was on the April 7 Council agenda, but was continued to the May 19 meeting so that Wareham can complete acoustical studies, discussions with neighbors, and negotiation of an Owner Participation Agreement with the Redevelopment Agency.

On April 21, the Council held a study session on the Draft Strategic Plan and Draft Business Plan for the Arts and Cultural Center. The Council and Agency passed several resolutions relating to funding and design of the temporary police headquarters at 64th and Christie that the Commission approved in February, as well as renovation of the existing building on Powell Street. They did not pass a resolution that would have exempted the project from the City's new Green Building Standards, which would have saved over half a million dollars, stating that it was important for the City to set an example in the construction of Green Buildings. The Council approved a construction contract and funding for the Park Avenue street improvements, which should be getting underway soon. A *Noise Waiver for Saturday Pile Driving requested by Pixar* was withdrawn after a number of citizens protested the proposal. Pile driving is scheduled for six weeks, from May 4 to June 12, 8 am to 5 pm. At the request of the Sierra Club, the City Council directed staff to look into reducing permit fees for solar panels on non-residential buildings.

The General Plan Update Steering Committee met on April 15 to review and resolve issues to date. They will meet again on June 9 for a final look at the draft General Plan, and again on July 28 to discuss the new Zoning Ordinance. The Draft Environmental Impact Report will be published in mid-May for a 45-day public comment period. Commission consideration of the new General Plan is expected in July or August, with adoption by the City Council in August or September. Meanwhile, the Housing Element is moving ahead and, following the Commission's action later this evening, will hopefully be adopted by the City Council on June 2, in time to meet the State's June 30 deadline.

A. Quarterly Update on East BayBridge Shopping Center

Director Bryant reported that negotiations are ongoing with Safeway and Catellus about converting the Pak N' Save market into a lifestyle Safeway store. A meeting was held in late March and a follow-up meeting is being scheduled.

V. STUDY SESSIONS

A. SB 375: Regional Land Use and Transportation Planning to Reduce Greenhouse Gas Emissions – Presentation by Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee, on "Draft Policies for the Bay Area's Implementation of SB 375".

Planning Director, Charles Bryant, made opening statements and introduced Mr. Droettboom who then made a PowerPoint presentation on SB375.

V. PUBLIC HEARINGS

A. Magnolia Terraces – 4001 Adeline Street (UP05-12/DR05-13/VAR05-04) – A request to amend a Conditional Use Permit, Design Review, and Variance for restoration of an existing fourplex previously relocated from 1077 41st Street to the northwest corner of 40th and Adeline Streets. The request is to change the use from four residential units to five independent living units for people with developmental disabilities, and to eliminate the lower level parking garage. The original permits were approved by the Planning Commission on October 27, 2005. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b), which applies to new construction and conversion of small structures of up to six dwelling units in urbanized areas. General Plan Designation: Commercial (C); Zoning: General-Commercial (C-G). (Applicant: Housing Consortium of the East Bay) (Owner: Emeryville Redevelopment Agency) (APN: part of 49-1025-21-5, and all of 49-1025-26-3)

Senior Planner, Miroo Desai, made the staff presentation. The applicant Darin Lounds, introduced the other members of the Housing Consortium of the East Bay, Irving and Jennifer, and they made a PowerPoint presentation.

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

Commissioner Comments

- Architecturally, the project looks great
- Concerns with parking and planter boxes
- Comments were made about the window pattern and colors
- Appreciates having the building restored and providing a place for people with disabilities

A motion was made to approve the request to amend the Conditional Use Permit, Design Review and Variance for the Magnolia Terraces project (UP05-12/DR05-13/VAR05-04) at 4001 Adeline Street.

Moved: Hoff

Seconded: Martin

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

B. Krubiner Pre-fabricated House, 5507 Beaudry Street (UP08-01/DR08-01/VAR08-01) Request for a one-year extension of a Conditional Use Permit, Design Review, and Variance to construct a 2,053 square foot single family residence on a 2,940 square foot vacant parcel. The project included a front setback variance to allow an 11 foot front setback where 18 feet is the required minimum. CEQA Status: This project is exempt

from environmental review under State CEQA Guidelines Section 15303 which applies to small, new structures. General Plan Designation: Medium Density Residential (M); Zoning Classification: Medium Density Residential (R-M). (Applicant/Owner: Seth Krubiner) (APN: 49-1313-13). The project was approved by the Planning Commission on February 28, 2008.

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

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

It was the consensus of the Commission that this is a great project and a motion was made to approve the request for extension.

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

- C. Housing Element of the General Plan** – Consideration of revised Housing Element. Revisions include updated data and added information in response to the State Housing and Community Development Department (HCD) review comments. CEQA Status: A Notice of Intent to Adopt a Negative Declaration was circulated on March 20, 2009.

Deborah Diamond, Project Manager for the General Plan Update and Amy Hiestand, Community Economic Development Coordinator, co-authors of the Element, made the presentation. They reviewed some of the changes since the first presentation to the Commission and asked the Commission to approve the Housing Element and forward to the City Council with a recommendation for adoption.

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

Commissioners said a huge amount of work had been put into this project and an excellent job had been done.

Planning Director, Charles Bryant, commented that Emeryville was the only city in the Bay Area to get this job done on time and it was accomplished by two employees who only work part-time.

A motion was made to approve the Housing Element of the General Plan and forward recommendation for adoption to the City Council.

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

- D. Green Building and Bay-Friendly Landscaping Ordinance** – Consideration of an Ordinance adding Chapter 18 to Title 8 of the Emeryville Municipal Code entitled "Green Building and Bay-Friendly Landscaping." The ordinance will require City projects and Public-Private Partnership projects over defined thresholds to meet specific green building and sustainable landscaping standards. CEQA Status: This project is exempt from environmental review under the "General Rule" provisions at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment and Section 15378(b)(2), which applies to general policy and procedure making.

This item was continued to a future Planning Commission meeting.

VII. COMMISSIONERS COMMENTS - None

VIII. ADJOURNMENT – The meeting was adjourned at 9:50 p.m.