

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP**

**THURSDAY, JANUARY 22, 2009**

**I. CONVENE, ROLL CALL AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. by Chair Donaldson.

Commissioners present: John Scheuerman, Lawrence Cardoza, Arthur Hoff, Gail Donaldson, Patti Jeffery, Jim Martin, Frank Flores.

**II. PUBLIC COMMENT – None.**

**III. ACTION RECAP**

**Regular meeting of December 11, 2008.**

**Motion:** To approve Action Recap of the regular meeting of December 11, 2008.

**Moved:** Flores

**Seconded:** Cardoza

The Action Recap was approved without objection.

**IV. DIRECTOR'S REPORT**

Director Bryant reported on recent actions of the City Council, which had met twice since the last Planning Commission meeting. On December 16, the Council voted to amend the City's contract with Dyett & Bhatia for the General Plan and Zoning Update. The condition of approval that required the Bakery Lofts project to underground its wiring was deleted; a resolution to such effect was passed on January 20<sup>th</sup>. The Council heard a presentation by Wilbur Smith on the Parking and Transportation Plan, for which a future joint study session will be scheduled. Also, the Council voted for the 65<sup>th</sup> Street alignment of the I-80 pedestrian bridge.

At its January 20<sup>th</sup> meeting, the Council held a study session on the proposed Transit Center at the current Amtrak Station. The project includes 150,000 square feet of medical office, is 144 feet tall, with parking on an adjacent lot. Once the new General Plan is approved sometime in 2009, the proposed structure will likely be considered for approval, although it will still require a height bonus. The project will be considered in a Planning Commission study session in March.

Also at the January 20<sup>th</sup> meeting, the Council heard a status report and approved additional funding for the Alternative Transportation Study, and approved Phase II of the Pixar plans, the 39<sup>th</sup> and Adeline project, and a one-year extension for the Ocean Lofts project. Big Up deli, a new establishment, was granted a waiver for its traffic impact fee. A Request for Proposals (RFP) for the Park and Recreation Strategic Plan was approved and was issued on January 21<sup>st</sup>; an informational meeting will be held on February 4<sup>th</sup> and proposals are due on February 25<sup>th</sup>.

The General Plan Update Steering Committee reviewed the entire draft General Plan at their January 13 meeting. Upcoming events include:

Saturday, February 7 A display of the new General Plan will be open to the public at the Hilton Garden Inn.

Saturday, February 21 The Planning Commission and City Council will have a joint meeting devoted to the General Plan.

A free ride from the Emery-Go-Round to the February 7<sup>th</sup> event can be reserved by calling Deborah Diamond at (510) 596-4303. The draft EIR will be published in February and the

Planning Commission will hold a public hearing on it in March. The General Plan will likely be considered by the Planning Commission in May and adopted by the City Council in June of 2009. Currently, the Zoning code is being reviewed in preparation for its update.

**A. Quarterly Update on East BayBridge Center**

Staff has been meeting with Safeway about upgrading the Pak 'N Save grocery store located on San Pablo to a "Lifestyle" Safeway store.

**V. PUBLIC HEARINGS**

- A. Bakery Lofts, Phase IV (UP06-15; DR06-16; VAR07-03)** – Request for a one-year extension of a Conditional Use Permit, Design Review and parking variance for construction of 16 for-rent units, 2 live-work units and a 1,450 square foot café on a 12,339 square foot parcel. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to urban infill development. General Plan Designation: Mixed Use (M-U); Zoning Classification: Mixed-Use (M-U) (Applicant: Madison Park Financial Corporation) (Owner: B-3 Lofts, LLC) (APN: 49-1173-3). The project was approved by the Planning Commission on September 27, 2007.

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

Senior Planner Miroo Desai presented the details of the extension request.

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

Hector Gonzales, a representative of the developer, answered the Commission's questions on the specificity of the timeline, the concentration of studios versus multi-bedroom units, and the possibility of establishing a district in which the undergrounding of wires is required.

**Motion:** To grant the one-year extension of the Conditional Use Permit, Design Review and Parking Variance for the project.

**Moved:** Cardoza

**Seconded:** Scheuerman

**Vote:** Ayes: Scheuerman, Cardoza, Hoff, Donaldson, Martin.

Noes: Jeffery

Recused: Flores

- B. Avalon Signs (SA08-21)** – A Major Sign Permit to allow four new blade signs for ground level commercial spaces in a building located at 3850 San Pablo Avenue. 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: Commercial (C); Zoning Classification: General Commercial (C-G) (Applicant: East Bay Asian Local Development Corporation.)(Owner: Avalon Commercial LLC) (APN: 49-1024-10).

Assistant Planner Arly Cassidy presented the staff report and recommended approval of the application.

Sudhish Mohindroo, Principal at the SZFM Design Studio, answered questions and clarified items for the Commissioners.

The Commission discussed the signs' design and the need for a dimmer on the signs in case of residential disturbance. Modifications to the Conditions of Approval included:

- Sign C: change the white background to opaque
- Sign D: change the letter color of "Spa Salon" to translucent turquoise and the background ivory color to opaque.
- Install a single dimmer switch to control the brightness of all signs.

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

**Motion:** To approve the Major Sign Permit with modified Conditions of Approval.

**Moved:** Martin

**Seconded:** Cardoza

**Vote:** Ayes: Scheurman, Cardoza, Hoff, Donaldson Jeffery, Martin, Flores.

- C. AC Transit Hydrogen Fueling Station (UP08-09; DR08-20)** – A Conditional Use Permit and Design Review for a proposed hydrogen fueling station at AC Transit's Emeryville bus maintenance facility to fuel zero-emission cars and buses, in part utilizing power derived from solar-powered, renewable energy. The project is an extension of AC Transit's hydrogen fuel cell demonstration program. The bus facility is bounded by 47<sup>th</sup>, Doyle, and 45<sup>th</sup> Streets and properties fronting on San Pablo Avenue. The station would include a fueling facility inside the yard for zero-emission buses, and one along 45<sup>th</sup> Street for a limited number of zero-emission cars. CEQA Status: AC Transit, as lead agency, has determined that 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) (Owner/Applicant: AC Transit) (APNs: 49-1178-3, 49-1179-1, and 49-1180-1).

Senior Planner Miroo Desai made the staff presentation to the Commission and recommended approval.

Jaime Levin of AC Transit made a presentation to the Commission and introduced a team of experts in related fields.

Commissioner comments on the project included:

- What are the health risks for the school near by—documentation of lack of risk
- What are the pollutant types and amounts that the station will release/reduce?
- What is the danger of explosion? (minimal risk, small zone)
- What is the benefit to Emeryville? (the Hydrogen buses will operate on the 57 bus line)
- How long will the hydrogen station be there?
- Is the land use really the highest and best use?

The applicant responded to these questions.

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

**Motion:** To approve the project with a five year time limit as recommended by Staff.

**Moved:** Flores

**Seconded:** Martin

**Vote:** Ayes: Scheurman, Cardoza, Hoff, Donaldson, Jeffery, Martin, Flores.

- D. **Emery Station Greenway (UP08-04/DR08-10/VAR08-01)** – A Conditional Use Permit and Design Review to construct a new, four story 139,232 gross square foot office and laboratory building with some ground level commercial retail uses. The project involves demolition of an existing 8,589 square foot single story warehouse/office building and includes Greenway improvements in the northern portion of the block and expansion of the plaza at Powell and Hollis Streets. The project includes a height variance to allow a building height of 58.5 feet where 55 feet is the maximum permitted. The project also involves removal of four street trees along Hollis Street. CEQA Status: A Mitigated Negative Declaration was published on December 12, 2008 and the public review comment period ends on January 12, 2009. General Plan Designation: Mixed Use (M-U) and Open Space (O-S); Zoning Classification: Mixed Use (M-U), Outdoor Recreation (O-R), and North Hollis Overlay District (N-H) (Applicant: Ted Mahl) (Owner: Emerystation Triangle II, LLC/Wareham Group; HSP) (APNs: 49-1328-1-2 and 3-2; 49-1329-5-2, 5-3, 5-4, and 5-5).

Senior Planner Miroo Desai made the staff presentation and recommended approval for the project. Some minor clarifications were made.

Applicant Ted Mill of DJ Architects made a presentation; Geoff Sears and Rick Sharp of Wareham Development were also available for questions.

Commissioners commented on the issues of noise generation and the project's trees.

The public hearing was opened.

Melissa Gee, a resident of Elevation 22 and a member of their board, commented that the building's height would cast shadows on the units, the noise from Emerystation East was already bothersome, that there might be air quality issues with the lab use, and that the building's massing was too large.

Ron Silberman from Fordham Properties commented on the bright night-time lights, the potential noise issues, and the parking supply. He suggested including language about how the company or building should react to complaints about noise, light, and parking.

The public hearing was closed.

Commissioner Comments:

- Could lifts be installed on the ground floor in case of a need for increased parking?
- FAR of the application (aggregating land to meet the FAR requirement) ends up with a massive building—too big
- Excellent landscaping
- Hard to make findings for a variance—compatibility and harmony?
- Façade doesn't mirror Emery Station East
- FAR is okay

- The draft General Plan will increase the FAR to 1.5, which will allow more density on the overall site
- More articulation on Hollis would be good
- What happened to the large plaza at Hollis and Powell that was part of the original proposal for the site?

**Motion:** To adopt the Mitigated Negative Declaration for the project.

**Moved:** Martin

**Seconded:** Jeffery

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

**Motion:** To approve the Emerystation Greenway project

**Moved:** Flores

**Seconded:** Scheuerman

**Vote:** Ayes: Scheuerman, Cardoza, Hoff, Jeffery, Flores  
Noes: Donaldson, Martin.

## VII. COMMISSIONERS COMMENTS.

Flores: Great work on the Draft General Plan by the General Plan Update Steering Committee! The images and mapping look great. One of the best General Plans he has seen.

Hoff: Pak 'N Save's landscaping and parking lot are poorly maintained, as are their carts and front doors. They are an eyesore and should be better maintained. Staff was requested to investigate and report back.

## VIII. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.