

EMERYVILLE CITY PLANNING COMMISSION

ACTION RECAP

OCTOBER 23, 2008

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 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. ACTION RECAPS

A. Regular meeting of September 25, 2008

Motion: To approve Action Recap of the regular meeting of September 25, 2008.

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

B. Special meeting of September 27, 2008 (retreat/bus tour)

Motion: To approve Action Recap of Special meeting of September 27, 2008

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

IV. DIRECTOR'S REPORT (Get from Charlie)

Director Bryant introduced the newest member of the Planning staff, Arly Cassidy, Assistant Planner. Her duties will be that of the previous Planning Technician in addition to writing staff reports and making presentations to the Commission. Arly said she was happy to be with the City and was looking forward to working in the Department.

A. Planning Commission Schedule. Consideration of Planning Commission meeting schedule for 2009.

The Planning Commission schedule for 2009 was approved without exception.

B. Quarterly Update on East BayBridge Center

V. STUDY SESSIONS

A. 65th Street Lofts (Baker Metal) and Ocean Avenue Townhomes (UP07-09/DR07-15) –

A Study Session to review conversion of the existing Baker Metal building located at 1265 65th Street to 13 residential units, 6 live-work and a small café. The proposal also includes construction of 5 townhomes on a 0.2 acre vacant parcel on Ocean Avenue, backing onto Peabody Lane (a private street). CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303 that applies to construction of small, new structures, and Section 15332 that applies to urban infill development. General Plan Designation: Industrial (I) and Medium Density Residential (M); Zoning Classification: Light-Industrial (I-L), Medium Density Residential (R-M), and

North Hollis Overlay District (N-H) (Applicant: MRE Commercial; Owner: Shamszad Construction and Development, Inc.) (APN: 49-1469-1; -2; -12; -13; 49-1504-2).

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

Senior Planner, Miroo Desai, presented the staff report with staff recommending approval.

Applicant Phillip Banta made a brief presentation. Owner Sasha Shamszad also spoke briefly.

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

Commissioner Comments:

- ❖ Commissioners liked the project, prefers Option B
- ❖ Likes the 15ft. setbacks.
- ❖ Extra treatment on the wall rather than echoing the corrugated panels.
- ❖ Turning radius to Liquid Sugar would require an easement.

- B. HSP Parking Structure (UP08-03; DR08-06)** – A Study Session to review a proposal to construct a new 6-story, 626-space parking structure located at 5900 Hollis Street, near the intersection of 59th and Doyle Streets. 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), and North Hollis Overlay District (N-H) (Applicant: Francis Collins; Owner: HSP Limited) (APN: 49-1477-1-1;-7)

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

Senior Planner, Miroo Desai presented the staff report and requested the Commission provide comment and direction regarding design, size and scale of the project and its non-compliance with the North Hollis Plan.

Applicant, Phillip Banta, spoke briefly. He stated there had been community meetings and he had spoken with Council members regarding the project and has received considerable feedback.

Commissioner Scheuerman wanted to know if there was a Transportation Demand Survey in place, and if this would be a paid parking facility.

The applicant stated the parking for the tenants would be a part of the tenant's rent. The additional parking would be for others.

Commissioner Martin wanted to know who was interested in the 200 extra parking spaces that he was requesting.

Commissioner Hoff wanted to know the actual parking demands. The applicant said the need for parking exceeds the availability. He said he would be comfortable in selling the 200 spaces. He also stated he does not want to have a mixed use building on the greenway.

The public hearing was opened.

Brian Donahue said the size of this project would shade the community garden. He also said offering more free parking would create more traffic which the city doesn't need.

David , the owner of a business at 5900 Hollis Street with ten employees, said parking

is a number one concern because it is a nightmare. He encouraged the Commission to consider approving the project if they seriously wanted to keep small businesses like his in the city.

----- Jennings expressed concerns with traffic and placing such a large structure at this location. The building would be creating a big black hole at night which would not be conducive for walking the greenway.

Sam , a resident of Watergate, said he is an advocate for the Community Gardens, and this project is extremely detrimental to the gardens and disrespectful to the greenway.

Jean Robertson said she likes the green screen for the building, but it is still just a big concrete box. The proposed location of this project is an inappropriate place for this type of structure.

Larry McSweeney said the bikeway is beautiful now, but more traffic would present a problem. He is opposed to this project because of its density, height and the increase of greenhouse emissions created by the increased traffic.

Judith Timmell said she supports having businesses in this type of structure, but feel this is a one-sided approach by creating a massive parking structure. Why sabotage the greenway? There should be activity on the ground level of this building.

April----- said she agreed with the other speakers. She does not feel safer with having security guards at this location at night. Also, the project should meet with the North Hollis Design Plan.

Elizabeth Montgomery said she does not like the box building. She said the applicant should stay with the scale. Also, the empty parking spaces at night pose a security risk.

Valarie Fuentes of 63rd and Doyle said she has a garden in the Community Garden. She stated that this is a place to live, not just work and opposes this project. She suggested having an artist competition to create a better structure.

Teal Young of 5585 Horton Street suggested demolishing the existing structures and rebuilding.

Carol Bellas said she had waited for 3 years for a spot in the garden, and if this big building is allowed to be built there, it will reduce the tranquility of the garden area.

Michael Skelly said he is a little biased. He has a little plot in the garden and would like to see the building without the green on it if it is approved.

Gail Donaldson, resident at 286-61st Street, said the structure as proposed is out of scale. It is too bulky and the location is inappropriate for this type of structure.

Sandra Stewart said she was speaking in behalf of the parking structure. She feels this is an asset.

Michelle ----- is a Community Garden member. She does not have parking. Businesses and residents need parking spaces and she supports the project.

Roger Nelson said previous Planning Commission decisions have harmed business and quality of life. He is in support of the project.

Ron Silberman said years ago there was no shortage of parking. But the reality of putting this structure here is not conducive to the quality of life. The applicant can find another location for the garage.

Mason Myers a tenant in the building now said the structure is too large for this location.

In addition to the speakers tonight, staff received 18 e-mail comments on this item. Fourteen were against the project; two were for the project and one comment letter.

The public hearing was closed.

Commissioner Comments

- ❖ Suggested the applicant furnish a model to help with the visualization of the project.
- ❖ There does seem to be a definite need for more parking, but needs to reach a compromise.
- ❖ Applicant needs to comply with the Hollis Street Plan.
- ❖ There should be screening of the building without the green covering, so if plants aren't there the building would still look nice.
- ❖ Needs active spaces along the Greenway
- ❖ Lifts should be explored
- ❖ Building is clearly out of scale with other buildings in the area.
- ❖ Need better renderings.
- ❖ Commission needs to know who would be using the extra spaces.
- ❖ There is a definite safety issue here.
- ❖ Access what may impact the children who attend the school directly across the street from the project.
- ❖ Need to assist tenants that are currently in the building.
- ❖ LED lighting could be used to light the structure.
- ❖ Bulk too much for area, perhaps split building in half. Set four stories back more than 15 feet.
- ❖ Front of building should be activated.

There was a five minute break at 8:45. The meeting resumed at 8:50.

VI. PUBLIC HEARINGS

- A. Bakery Lofts, Phase IV (UP06-15; DR06-16; VAR07-03)** – A request to modify a Condition of Approval regarding undergrounding of utilities imposed by the Planning Commission as part of approval 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. The project was approved on September 27, 2007. 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).

Commissioner Flores recused due to a possible conflict of interest.

Miroo Desai, Senior Planner, presented the staff report. Staff recommended the Commission deny the request to modify the conditions of approval. However, if the Commission wishes to approve the request, staff should be directed to prepare a resolution for consideration at the next Commission meeting.

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

Motion: To deny the request for modification of the Conditions of Approval regarding undergrounding of utilities imposed by the Planning Commission.

Moved: Martin
Seconded: Jeffery
Vote: Ayes: Jeffery, Scheuerman, Donaldson, Martin

Noes: Cardoza
Abstained: Hoff
Recused: Flores

- B. Granite Expo, 4041 - 4065 Hollis Street (UP06-09/DR06-12/VAR06-05)** – A request to amend an existing parking variance to waive 10 additional parking spaces, allowing a total of 54 spaces where 99 are the required minimum. On September 28th 2006, a Conditional Use Permit and Design Review permit were approved to convert an existing warehouse into retail space, office and indoor parking area. The project included a parking variance to allow 64 parking spaces where 99 were the required minimum. The applicant requests an amendment to the parking variance to eliminate 10 indoor parking spaces to create an area for processing order pick-up, customer loading and temporary storage of customer purchases. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations to existing structures. General Plan Designation: Industrial (I); Zoning Classification: Light Industrial (I-L), and Park Avenue Overlay District (P-A) (Owner and Applicant: Jacky Li) (APN: 49-617-17-2; 22-2; 23; and 24).

Senior Planner, Miroo Desai, made the staff presentation with staff's recommendation for approval and a modification to the conditions to state, "If parking becomes a problem, the City can modify conditions."

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

Commissioner Comments

- ❖ Inadequate storage and loading space
- ❖ Great project

Motion: To approve amendment request for (UP06-09/DR06-12/VAR06-05), with modification to the conditions of approval as recommended by staff.

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

- C. Bay Street Apartments (SA08-17)** – A Major Sign Permit to allow three sets of illuminated cabinet signs at 5684 Bay Street (Bay Street Apartments). 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: Mixed Use (M-U); Zoning Classification: Planned Unit Development - Mixed-Use (PUD-M-U) (Applicant: Barbara Ford) (Owner: Windsor Metropolitan, LLC) (APN: 49-1038-010).

Senior Planner, Miroo Desai, presented the staff report.

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

Applicant Richard Swartz, complimented the Planner's knowledgeable presentations. He commented that the colors on Sign A are changeable.

Motion: To approve the Major Sign Permit request (SA08-17).

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

- D. **Papermill Project, 5780 Hollis Street (UP07-07/DR07-11)** – A Conditional Use Permit and Design Review to allow construction of 166 residential units, 3 live-work units, 11,913 square feet of ground level flexible space and 4,373 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 existing two-story building on the western half of the site will be demolished. The brick façades on two sides of the existing one-story building on the eastern half of the site will be retained and incorporated into the proposed project. The existing City parking lot to the south of the site will be replaced by an extension of Stanford Avenue Park. The project will involve removal of 12 street trees: 10 street trees along the Powell Street frontage and 2 street trees along the Doyle Street frontage. CEQA Status: A Mitigated Negative Declaration was published on August 18, 2008 and the public review comment period ends on September 17, 2008. General Plan Designation: Mixed-Use (M-U); Zoning Classification: Mixed-Use (M-U) (Applicant: Archstone Smith) (Owner: API Emeryville Parkside, LLC; Diversified Holdings; City of Emeryville) (APN: 49-1317-1-1; 49-1041-66; -67; and -68)

Miroo Desai, Senior Planner, made the staff presentation. Staff requested the Commission adopt the ISMND, and recommend approval of the project to the City Council subject to the Conditions of Approval.

Applicant, Amir Massih, with Archstone Smith, made a PowerPoint presentation.

The environmental architect clarified the heights of the planters and the configuration of the lawn area.

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

Commission Comments

- ❖ Would like to see the healthy trees remain
- ❖ No flowering pears on Powell Street
- ❖ If new trees matched the trees across the street a more aesthetic appearance would be achieved.
- ❖ Likes the way the units are staggered.
- ❖ Different material from stucco would have been an extreme improvement
- ❖ Colors could have been more vibrant
- ❖ Suggested using brick to minimize the number of tall C3 planters in the courtyard

Motion: To adopt the Initial Study/Mitigated Negative Declaration and to recommend the Council move as quickly as possible to secure the property within 3 to 6 years.

Moved: Martin

Seconded: Flores

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

- E. **Green Building and Bay-Friendly Landscaping Ordinance (ORD08-03)** – 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 meeting.

VII. COMMISSIONERS COMMENTS

Commissioner Flores said he had gone to the top of Adeline Place and this is really a great project.

Commissioner Martin said it would be nice to have a boiler plate to address ambient noises.

VIII. ADJOURNMENT – The meeting was adjourned at 11:40 p.m.