

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
JULY 23, 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: Arthur Hoff, Lawrence Cardoza, Patricia Jeffery, Frank Flores, Jim Martin and John Scheuerman.

- II. PUBLIC COMMENT** - Assistant City Attorney, Michael Guina, informed the Commission that he had been assigned to other projects in the office and would not be staffing the Commission meetings. The meetings will now be staffed by Abby Bilkiss, Deputy City Attorney. He said he has enjoyed working with the Commission over the past few years.

- III. ACTION RECAP - June 25, 2009** - Planning Director Bryant said a correction to the Action Recap should reflect Commissioners Flores, Martin and Donaldson were absent from the May 28<sup>th</sup> meeting and therefore abstained on the approval of that Action Recap. After this correction, Commissioner Cardoza made a motion to accept the Action Recap, the motion was seconded by Commissioner Scheuerman and the Action Recap was approved without exception.

**IV. ELECTION OF OFFICERS**

Commissioner Cardoza made a motion to appoint Vice Chair Hoff as Chairman of the Commission, the motion was seconded by Commissioner Jeffery. By acclamation, Vice Chair Hoff was elected chair. Commissioner Cardoza moved the approval of Commissioner Flores to Vice Chair; the motion was seconded by Commissioner Scheuerman. By acclamation, Commissioner Flores was elected as Vice Chair of the Commission.

Newly elected Chair Hoff presided for the rest of the meeting.

**V. DIRECTORS REPORT**

Director Bryant congratulated Commissioners Hoff and Flores on their reappointment to the Planning Commission for three year terms from July 1, 2009 to June 30, 2012, which occurred at the July 21, 2009 City Council meeting. In other action, the Council set a hearing date for August 4 on the appeal by three Triangle residents of the Commission's June 25 approval of the Adeline Market. The Council also discussed the grand opening of the Doyle Hollis Park, but did not set a date. It will be sometime in August or early September, and will be announced ahead of time. The Council also approved budget reductions for fiscal year 2009-10. The Citywide operating budget reduction is over \$1 million. The Planning and Building Department has eliminated one contract building inspector and made additional cuts in other areas. Planning Commission compensation has been set at \$100 per month, the same as last year. But last year the Commission had already been paid at the rate of \$200 per month for 6 months, so there was no compensation for the last 6 months. The paperwork to reinstate payments at \$100 for four Commissioners who have opted for compensation has been put in and payments should begin again shortly.

The new General Plan is on track to come before the Commission at the August meeting. This will include the Final EIR, the analysis of FAR in residential neighborhoods that has been requested, the General Plan itself, and Interim Zoning Regulations to implement it. The General Plan and Zoning Update Steering Committee, having completed the General Plan, is now turning their attention to the new Zoning Ordinance. Next Tuesday, July 28 at 6:30 p.m. they will hold a meeting to discuss the first module of the Zoning Ordinance update, which is the bonus point system for density, height, and FAR.

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

Director Bryant reported that, due to the economic situation, there is currently little movement by Catellus on any upgrades or landscaping to the center. We expect that effort to restart when the economy improves. Meanwhile, talks are continuing between the City and Safeway concerning renovations and upgrades to the Pak N' Save store.

**VI. STUDY SESSION**

- A. Ambassador Housing (UP09-05/DR09-11)** – A Study Session on a proposed five-story, 59,802 square foot residential building and two three-story residential buildings with a total of 75 affordable housing units and 119 off-street parking spaces on a 34,280 square foot site. The project includes 5,275 square feet of open space in a central courtyard and a community room. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to urban in-fill development projects. General Plan Designation: Commercial (C); Zoning Classification: General Commercial (C-G). (Applicant: Resources for Community Development (RCD)) (Owner: Emeryville Redevelopment Agency) (APN: 5-481-1, and -2; 49-481-7, -8, -16, and -17).

Senior Planner, Miroo Desai, made the staff presentation. Lisa Motoyama, Housing Director at Resources for Community Development (RCD), spoke briefly explaining their role in this project. Kava Massih, of Kava Massih Architects made a PowerPoint presentation and introduced the project landscape architect. Jeff Miller, landscape architect, spoke briefly discussing the stormwater issues.

Yasmin Amer, of 3605 Adeline Street, expressed concerns about balconies on east elevation, safety, income level of people moving in, traffic, prevailing winds, and noise.

Janine Fryk, of 3604 Adeline Street, expressed concerns with shadowing of her property. She also had concerns with how the lack of sunlight will affect her garden along with traffic and parking issues.

**Commissioner Comments:**

- So far, this is the best proposed project for this site
- Health issues with the close proximity to the freeway
- Requesting an air quality health assessment.
- Massing concerns – too much!!
- Need setbacks from the bungalows
- Privacy issues
- Would like larger units
- Nice articulation
- Reduce parking spaces
- Nice rustic materials
- Nice courtyard
- Garbage concerns – need waste manager/garbage consultant early involvement
- Make Plaza a place where people will want to utilize
- No two car garages along Adeline and 36<sup>th</sup> Streets
- Recommend two townhouses in U-shape, go up with the building
- Issues with cars backing out onto 36<sup>th</sup> Street, not a good idea
- More bike parking and less car parking
- Need bike lockers
- Step down apartments for sunlight
- Planters limit functionality of outdoor space
- Drop townhouse unit one floor
- Eliminate pathway along the side of bungalows
- Check into three tier puzzle parking
- Work with neighbors to solve issues

The applicants were directed to work with the neighbors to redesign the project to reduce the massing on the east side and to reduce the volumes of the townhouses.

There was a five minute break at 8:30, the meeting reconvened at 8:35.

## VII. PUBLIC HEARINGS

- A. South Bayfront (Site A) Development Agreement (PUD99-2)** – A request to extend a Development Agreement, approved on October 22, 1999 and set to expire on October 22, 2009, by five years. CEQA Status: A Final Environmental Impact Report for the South Bayfront Retail/Mixed Use Project was certified by the City Council on February 2, 1999. The extension of the Development Agreement does not require further CEQA review. General Plan Designation: Mixed Use (M-U); Zoning Classification: Planned Unit Development – Mixed Use (PUD-Mixed Use) (Applicant/Owner: Madison Marquette) (APN: 49-1038-9, -11, -12, -13, -15, -17; and -18; 49-1039-3 to -8).

Senior Planner, Miroo Desai, made the staff presentation.

Anna Shimko, Legal Counsel for the applicant, spoke briefly.

The public hearing was opened.

Ron Weller, General Manager for Bay Street said this area is being used for a parking lot. The area will be used for other uses in the future, in particular, a Christmas tree lot later in the year.

The public hearing was closed.

Motion: To approve the request to extend the South Bayfront (Site A) Development Agreement (PUD99-2) by five years.

**Moved:** Cardoza

**Seconded:** Flores

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

- B. Temporary Police Department Headquarters (UP09-01/DR09-01)** – A Conditional Use Permit and Design Review to temporarily move the Emeryville Police Department to a site east of Shellmound Street and south of Powell Street (“Site B”) during renovations of the current facility. The temporary structure will be 13 interlinked portable structures totaling 9,360 square feet. The existing public parking lot under the Powell Street Bridge to the north, as well as a newly paved area to the east of the portables, will be used for police parking. CEQA Status: This project is exempt from environmental review under the “General Rule” 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 project may have a significant effect on the environment. General Plan Designation: Commercial (C); Zoning Classification: Mixed Use (M-U). (Applicant: Emeryville Police Department) (Owner: Emeryville Redevelopment Agency) (APN: 49-1321-1-2 and 3-2).

Arly Cassidy, Assistant Planner, made the staff presentation. She noted amendments to the staff recommendation that the handicapped ramp be modular, that the landscaping be Bay Friendly hydroseeding, and that the Use Permit be good for 24 months.

Don Dommer, Architect for the project, responded to questions from the Commissioners regarding the length of time needed to get this project underway. He said they would need about five months to construct the portables on the site. Commander Jeannie Quan answered questions regarding the siren noise. She said there are three shifts and each shift is started with a burst of a siren which lasts for only one second.

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

Motion: To approve the Temporary Police Department Headquarters (UP09-01/DR09-01) with modifications to the conditions of approval as recommended by staff.

**Moved:** Martin

**Seconded:** Jeffery

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

- C. Amendment to Parking Ordinance** – Consideration of an Ordinance amending Article 55 of Chapter 4 of Title 9 of the Emeryville Municipal Code entitled "Off-Street Parking and Loading Regulations" to restrict parking in open space and yard areas, and to make other related amendments to the Municipal Code. CEQA Status: This project is exempt from environmental review under the "General Rule" 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.

Assistant Planner, Arly Cassidy, made the staff presentation.

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 staff re-work the language of the Ordinance to clarify some issues and bring it back to the Commission for further review.

**VIII. COMMISSIONERS COMMENTS** - None

**IX. ADJOURNMENT** – The meeting was adjourned at 9:40 p.m.