

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
JUNE 23, 2011**

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

The meeting was called to order at 6:30 p.m. by Frank Flores, Chairperson. Commissioners present: Gail Donaldson, Steven Steinberg, Lawrence Cardoza, Vanessa Kuemmerle, John Scheuerman, Arthur Hoff and Frank Flores.

**II. PUBLIC COMMENT**

Tol Trunks, a concerned citizen, spoke about a cancer vaccine.

**III. ACTION RECAP – May 26, 2011**

A motion was made for approval of the action recap of May 26, 2011.

**Moved:** Cardoza

**Seconded:** Scheuerman

**Vote:** Ayes: Donaldson, Hoff, Kuemmerle, Scheuerman, Steinberg, Cardoza, Flores

**IV. DIRECTORS REPORT**

Director Bryant reported on recent actions of the City Council. On June 7, the Council held a study session on the design Emeryville Center for the Arts. The Council and Redevelopment Agency created the Community Development Commission of Emeryville (CDCE), an entity enabled by State law that will allow the City's housing and redevelopment programs to continue, with whatever resources are left, if the State is successful at eliminating the Redevelopment Agency. In the future, all Agency activities will be administered by the CDCE. The Council approved the Mayor's proposal to move forward with requesting BART to rename the MacArthur BART station to add Emeryville to the name, as called for in the General Plan. In response to a citizen request, the Council directed staff to prepare amendments to the City's sign regulations for Council consideration to allow sandwich board signs on the sidewalk in front of businesses, off-site directional signs to businesses in less-trafficked locations and farmers' market signs throughout the city.

On June 21, the Council considered an appeal of a fine that had been imposed by staff for the illegal cutting of street trees on the south side of Park Avenue in the block just west of the Civic Center. The Council upheld the fine, but since the applicant is planning to completely rebuild the sidewalk and planting strip on this block, they decided to credit the amount of the fine towards the cost of this work. The Council considered a request for Saturday concrete pours at the Emery Station Greenway project on July 9 and 16. The applicant requested 7 a.m. to 6 p.m., with finishing working extending to 9 p.m. After discussing several options, the Council finally approved 8:30 a.m. to 7:30 p.m. with finishing work extending to 10:30 p.m. The Council unanimously approved the first reading of an ordinance amending the Interim Zoning Regulations for Personal Services and Light Wholesaling and Distribution that was approved by the Commission at the May meeting; it is expected to be passed on July 5 and take effect August 4. The Council unanimously approved the first reading of an ordinance amending the significant and residential building demolition provisions that was approved by the Commission at the May meeting; it is expected to be passed on July 5 and take effect August 4.

Staff continues to review sections of the new zoning regulations. Since the last Steering Committee in April, staff has continued to work on the use classifications and zoning district sections, and the consultant has submitted the General Provisions, Dimensional Standards, and

Definitions chapters. However, there is not enough material to review to warrant holding a Steering Committee meeting at this time. Staff met with the Executive Committee (Chair Vanessa Kuemmerle and Vice Chair John Scheuerman) on Monday, June 20 and it was decided to cancel the June and July meetings, so the next regular meeting will be on August 23. At that meeting, we will go over the Dimensional, Intensity, and Density Standards, as well as the latest version of the use classifications and zoning matrix.

In cooperation with the Chamber of Commerce, Emeryville Center for the Arts, and 1500 Park Avenue, the City is planning a festival to celebrate the completion of the Park Avenue improvements. It is tentatively scheduled for Saturday, September 17, from 3 p.m. to 9 p.m., with family-oriented activities from 3 to 6, a "ribbon cutting" between 5 and 6, and "dancing under the stars" on the plaza from 6 to 9.

The modular "Krubiner House" at 5507 Beaudry is scheduled to be assembled on Saturday, July 9 between 8 a.m. and 6 p.m.

Chair Bryant reminded the Commission that they will be electing the Chair and Vice Chair for the coming year at the next Planning Commission meeting on July 28.

## V. STUDY SESSION

- A. **Emeryville Center for the Arts, 4060 Hollis Street (DR11-010)** – A Study Session on an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building to accommodate an arts and cultural center. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to in-fill development projects. General Plan and Zoning Designation: Public (PUB); (Owner/Applicant: Emeryville Redevelopment Agency) (APN: 49-618-4)

Miroo Desai, Senior Planner, made the staff presentation.

Sheila Bergman of the Emeryville Center for the Arts (ECA) made a short presentation and answered questions from the Commission.

Mark Jensen of Jensen Architects made a presentation and answered questions from the Commission.

Tim Barde of Fehr and Peers spoke about the traffic study the firm had completed.

Maurice Kaufman, Director of Public Works, gave commentary on the placement of trees along 40<sup>th</sup> and Hollis Streets.

Steve Batchelder, City Arborist, recommended that the mature trees already in place on 40<sup>th</sup> Street remain, and not be removed and replaced with trees along the curb.

### Public Comments

Rick Tejada-Flores, resident, commented on the need for storage for the gallery, clearance for large art pieces through the entrances, and the need to pay attention to the sizing and arrangement of the various spaces. Sheila Bergman responded that the ECA was considering leasing a storage space along with other art organizations in the city.

### Commissioner Comments

All of the Commissioners expressed excitement over the ambitious project.

Commissioner Cardoza said there were too many uses in one space, and worried about the functionality of the project, especially with regards to storage and delivery. He recommended creating an upper level for office, storage, and theater dressing room uses.

Commissioner Scheuerman felt the retail store was okay inside the building, without direct street access, and that the trash enclosure was fine outside the building, where it was shown on the plans. He was comfortable with the trees on 40<sup>th</sup> Street remaining where they were. He felt the parklet was not functional, but was okay with it moving farther north, away from the intersection, or being narrower (not projecting into the street as far). He was also okay with Commissioner Cardoza's suggestion of putting uses on a second floor. He felt the café/kitchen space didn't work well.

Commissioner Donaldson commented that, if value engineering required phasing of the project's components, the retail store could wait to be phased in. She suggested that the parklet be a temporary installation at first, to ensure it would be used, but said it was not in a good location; as an alternate outdoor seating option, she suggested creating a larger opening in the building wall at the café, so the space had more access to the sidewalk. She liked the juxtaposition of old and new in the project. She felt the mature 40<sup>th</sup> Street trees should stay where they are and the trash should stay outside the building.

Commissioner Kuemmerle was fine with the trees staying where they are, the retail component staying within the building, and the trash remaining outside the building, as shown on the plans. She liked the outdoor seating at the theater entrance, but had doubts about the functionality of the long table and benches shown in the shared plaza between the proposed ECA and Old Town Hall. The Commissioner said there were too many things going on in the space, and was concerned that there wasn't room for the daily activities and last minute projects associated with theater and gallery uses. She wasn't sure the café space would work. She felt moving parking to the east side of Hollis Street was important and that the parklet would serve to protect the front garden area. She also requested that the existing fountain in the plaza be reused or repurposed in some way.

Commissioner Steinberg felt that the gallery space was too small, and should be expanded to the full length of the building, out to Hollis, to access pedestrians there and create more interest along the street. He asked if the café space could be moved within the space, perhaps next to the courtyard, and its scope reduced from a full restaurant space to just a coffee shop. He also felt the conference room was bigger than is necessary, as are the back of house uses and layout.

Commissioner Hoff had no comments.

Chair Flores said the trees on 40<sup>th</sup> Street should be kept as is, and trash outside was fine. He liked the outdoor seating plan, but wondered if the café use was necessary, and suggested just a coffee shop would be enough, and could perhaps be phased in later or eliminated altogether. He felt there should be more storage and that the multipurpose rooms on the plan might be repurposed as storage. He didn't feel the parklet worked at its location on Hollis, and agreed that it should start out as a temporary installation.

At Chair Flores' direction, a special Planning Commission meeting was set for the Commissioners to walk through the existing building at 4060 Hollis Street. The meeting will take place on Monday July 18, 2011 at 6:30 p.m. and is open to the public; the Commission will meet in front of City Hall and walk over to the site.

## VI. PUBLIC HEARINGS

- A. **AC Transit Tree Removal, 1177 47<sup>th</sup> Street** – Request to remove and replace two street trees located on 45<sup>th</sup> Street fronting AC Transit Bus Maintenance facility at 1177 47<sup>th</sup> Street. The tree removal is necessitated as part of the Use Permit for a Hydrogen Fuelling Station approved by the Planning Commission on January 22, 2009 (UP08-09/DR08-20) at this site. 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: Public/Park; Zoning Classification: Public (PUB) (Owner/Applicant: AC Transit) (APNs: 49-1178-3, 49-1179-1, and 49-1180-1).

Miroo Desai, Senior Planner, made the staff presentation.

Maurice Kaufman, Director of Public Works, provided information on the trees along 45<sup>th</sup> Street.

Steve Batchelder, City Arborist, provided information on the health and requirements of the trees on 45<sup>th</sup> Street and street trees in general.

Jaimie Levin, Director of the Hydrogen Program at AC Transit, spoke about the cost of proper tree installation and the need to limit the scope of the project to the proposed replacement of just two trees.

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

A motion was made to approve the Tree Removal Permit with the correction to the Resolution that the replacement trees are to be 48-inch box trees (not 24-inch).

**Moved:** Hoff

**Seconded:** Cardoza

**Vote:** Ayes: Donaldson, Hoff, Kuemmerle, Scheuerman, Steinberg, Cardoza, Flores

- B. **7-Eleven 24-hour Operation (UP11-005)** – A Conditional Use Permit to allow a new 7-Eleven store at 4000 San Pablo Avenue to be open 24 hours per day. (Staff is recommending limiting the store's hours to 6:00 a.m. to 12:00 midnight.) CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures, and Section 15332 which applies to in-fill development projects. General Plan and Zoning Designation: Mixed Use with Residential (MUR) and Neighborhood Retail Overlay (NR); (Applicant: Tina Ardeshiri for 7-Eleven. Owner: BayRock Oaks, LLC) (APN: 49-1555-11).

Arly Cassidy, Assistant Planner, made the staff presentation.

Sergeant Dauer of the Emeryville Police Department answered questions from the Commission about Police concerns, especially noise.

Tina Ardeshiri representing 7-Eleven Corporation made comments.

The public hearing was opened.

Stuart Gruendl, part owner of Bay Rock LLC, the developer of the Oak Walk project, spoke. He said they had struggled to find a retail tenant for the corner. He described the busy urban scene along San Pablo Avenue and 40<sup>th</sup> Street, and said that residents of the project were comfortable with 7-Eleven going into the space.

Dennis Daily, Senior Real Estate Representative for 7-Eleven, said the store planned to be a good neighbor, but that the constrained hours affected them financially. He requested that the hours be limited to 4:00 a.m. to 12:00 a.m. midnight, if they be limited at all.

The public hearing was closed.

#### Commissioner Comments

Chair Flores took a straw vote on the hours the Commissioners felt were acceptable for 7-Eleven. One Commissioner voted yes to the store being open 24-hours per day, while six Commissioners voted yes to the store being open from 4:00 a.m. to 12:00 a.m. (midnight).

A motion was made to approve the Conditional Use Permit to allow 7-Eleven to operate from 4:00 a.m. to 12:00 a.m. (midnight) daily, with the added condition that all napkins and food trash items be labeled with 7-Eleven's logo.

**Moved:** Flores  
**Seconded:** Scheuerman  
**Vote:** Ayes: Donaldson, Hoff, Kuemmerle, Scheuerman, Steinberg, Cardoza, Flores

#### **VII. COMMISSIONERS COMMENTS**

Chair Flores thanked his fellow Commissioners for agreeing to an additional meeting for the ECA walk-through on July 18, and reminded them to think about nominations for Chair and Vice Chair for the next Planning Commission meeting.

#### **VIII. ADJOURNMENT – 9:37 P.M.**

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, July 28, 2011 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608**