TO: Planning Commission
FROM: Planning and Building Department
SUBJECT: Bullseye Glass
LOCATION: 4000 Harlan Street (APN: 49-618-10)
APPLICANT: Mark Schlientz
Kava Massih Architects
2830 Ninth Street
Berkeley, CA 94710
BUSINESS OWNER: Dan Schwoerer
Bullseye Glass
3610 SE 21st Street
Portland, OR 97202
PROPERTY OWNER: Eric and Kenneth Schmier
1475 Powell Street, Suite 201
Emeryville, CA 94608
PROJECT A Conditional Use Permit and a Design Review application to refurbish and reuse an existing 6,000 square foot building at 4000 Harlan Street. The use will include artisanal glass sales and warehousing, as well as classroom and showroom space, with a new building entrance on 40th Street and parking in a rear parking lot off of Harlan Street.
GENERAL PLAN DESIGNATION: Mixed Use with Residential
ZONING DESIGNATION: Mixed Use with Residential (MUR) and Park Avenue Overlay (P-A)
ENVIRONMENTAL STATUS: This project is exempt from environmental review under State CEQA Guidelines Section 15303(c) which applies to projects consisting of the
conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

**APPLICABLE**

Section 9-4.320(a) Use Classification System: Personal Services  
Section 9-4.82.13 Conditional Use Permit Requirements and Findings  
Section 9-4.84.4 Design Review Guidelines and Standards  
Section 9-4.55.9 Parking Requirements for Unspecified Uses  
Section 9-4.68.3 Bicycle Parking: General Requirements  
Section 9-6.203(d) Base Zones: MUR Mixed Use with Residential  
Section 9-6.204(d) Overlay Zones: P-A Park Avenue Overlay District  
Section 9-6.303 Uses Permitted, Conditionally Permitted, and Prohibited  
Section 9-6.314(b) Use Regulations and Standards in All or Several Zones: Standards

**RECOMMENDED**  
1. Open public hearing and take testimony regarding the project.  
2. Close public hearing and consider Staff Report and Resolution.  
3. Approve Conditional Use Permit and Design Review (UPDR10-002)

**PROJECT PROPOSAL:**

Bullseye Glass, a glass company in Portland, Oregon, proposes to refurbish and reuse the existing building at 4000 Harlan as their new second location. Bullseye Glass sells high quality glass to primarily architects and artisans and offers classes on the use of the glass. The proposed use of the space includes a showroom, training rooms, and a gallery space for glass pieces created by students and employees. Visitors to the space can enter from the rear parking lot off of Harlan Street, or through a new entrance on 40th Street, where improvements include new concrete stairs and ramp, bike parking and a bus stop bench, an expanded sidewalk and tree grates, and landscaping.

Page A0.0 of the plans includes the vicinity map and a description of the use; Page A0.1 shows pictures of the site as it appears currently. Page A1.1, the site plan, shows the entire building, of which Bullseye Glass is occupying only a part, the shared parking lot, and the landscaped area between the building and 40th Street. Specifically, the site plan calls out the widened sidewalk and tree grates, the new stair and ramp on 40th Street, the adjacent bike racks and bus stop bench, and, in the rear, the parking spaces provided and entryway. Also called out are proposed future improvements further east along the south elevation of the building, represented with dotted lines; building owner Ken Schmier has stated his intent to create two new entryways from this section of the building onto 40th Street, via a raised concrete deck. This can also be seen in the south elevation of the building, at the bottom of Page A1.1.

Page A2.0 shows the demolition plan and Page A2.1 the proposed floor plan. Here you can clearly see the two entrances, facing 40th Street and the rear parking lot, the showroom and
planning commission staff report
bullseye glass conditional use permit & design review (updr10-002)
january 27, 2011
page 3

gallery, and the training rooms. plans also include two small offices, bathrooms, and a
kitchenette and lunch room. the interior bike parking (for employees) will be located just inside
the main entrance, in the southern part of the showroom. pages a3.1 and a3.2 show the
building’s south, west and north elevations and a section of the building. the last page shows the
landscape plan and the range of plants proposed.

the building is just over 6,000 square feet in size, with the building measuring 121’5” by 51’
and oriented east-west. the main entrance will be on 40th street, with stairs and a ramp
extending to the west, as well as bicycle parking and a new bus stop bench for the adjacent ac
transit bus stop on 40th street. the 40th street frontage also includes a large landscaped area on
both sides of the entrance, as well as an expanded sidewalk and new tree grates. on harlan
street, landscaping will be installed on the planting strip, and an existing roll up door will be
replaced with glass windows looking in on the gallery and showroom spaces. two metal gates
open from harlan street, one for the loading dock adjacent to the building, and one farther north
for the shared parking lot. the parking lot slopes upward from the gate to the entryway/loading
dock on the north side of the building, where car drivers can enter the building.

**operating characteristics:** bullseye glass will be open for business from 10 am – 6 pm, tuesday
– saturday and occasional sundays. they will have 3-4 full time employees and will hold three-
day-long training classes 2 to 3 times a month, usually on weekends and evenings, with up to 8
participants; classes will sometimes be held on sunday and monday, and until 8:30 pm.

**conformity to zoning regulations:**

**use**

there is no existing use classification that perfectly matches the bullseye glass company, which
conducts sales, creates glass, and holds classes. as holding classes is the most intensive aspect of
the proposed use, staff has classified the use as personal services.

the project site is in the mixed use with residential (mur) base zone. in the mur zone, the
personal services use requires a conditional use permit (cup); as the site is less than one acre,
no mix of uses on site is required.

the bullseye glass space adjoins a rug store to the east. to the north and northeast, light
industrial uses surround the space. to the west, the bessler building holds approximately 50
condominium units, and across 40th street to the south, the bridge court apartments stretches
for two blocks in each direction. bullseye glass is well aware of the residential uses to the south
and west, and has located its training rooms on the east side of the building, farthest away from
the bessler building. in addition, the location of the parking lot on the far side of the building
should shield the bridge court apartments from any noise generated by evening and weekend
class participants coming and going.
The property also sits within the Park Avenue District. All of the uses proposed as part of Bullseye Glass support the vision of Park Avenue as a lively district and are compatible with the land use policies of the Park Avenue District Plan.

Parking

The parking requirement for Personal Services is unspecified. According to Emeryville Municipal Code Section 9-4.55.9, when a use does not have a parking requirement specified, the Planning Commission shall determine the parking requirement, upon recommendation from staff. Staff recommends that the seven proposed parking spaces shown on the site plan be the parking requirement. The space is small, and is unlikely to generate large crowds of buyers or visitors. The highest parking demand is likely to occur at night or on weekends for classes, when abundant street parking on 40th Street is available. In addition, the building has an AC Transit bus stop in front of it and an Emery-Go-Round stop two blocks away in each direction on 40th Street. The site also provides bike parking for visitors and employees, and is adjacent to a bike lane facility that connects directly to MacArthur BART.

Bike parking is also required (See Zoning Code Sections 9-4.68.6 and 9-4.68.7) at a rate of 1 space/20 car spaces for both short and long term bike parking. Although this would result in a requirement of only one short term bike parking space, Bullseye Glass plans to install two racks, or four bike parking spaces, on 40th Street. A requirement of one long term space will be satisfied by the storage space provided inside the showroom; at least one space will be provided, possibly two.

Design Review

The existing building is brick, with a curved roof and a square end on Harlan Street. The building’s first floor sits approximately four feet above street level, requiring the use of ramps and stairs to access it. On the south side of the building, facing 40th Street, the front doors will be the only opening in the otherwise-solid brick wall. This condition is highly desirable for the glass company, as it prevents harsh southern sunlight from entering the showroom. Instead, they are letting more light into the building via a new large window on the west wall. This window replaces a roll up door, which means the glass will extend to the floor approximately four feet above street level, allowing passersby to see items in the showroom and gallery. In addition, existing steel sash windows on the west wall will remain.

On the north side, four large banks of the same existing steel sash windows will take up most of the wall. The applicant will also install a new storefront entry on the north side, with a glass door and sidelights. In addition, the guardrail around the loading dock and up the accessible ramp from the parking area will be replaced, and the canopy over the entry will be refurbished. No signage is proposed at this time, though the applicant plans to install at least one sign. Staff has requested that the sign include glass elements that speak to the use of the building. The sign will be processed administratively under a Minor Sign Permit.
A large area along 40th Street is currently covered with grass and weeds. Although some of this area will be taken up with the new ramp and stair, most of it will still be available for planting. Drought-tolerant plants will be used on both sides of the main entry and in the planting strip on Harlan Street. Taller plants will sit closer to the building, with lower plants extending out towards 40th Street.

A number of sections of the Design Guidelines apply to this project, and the applicant and owner have been very responsive in meeting these additional requirements. The following Guidelines apply to and are met by the project:

- A-2 Sidewalks 7.5 feet wide
- A-4 Install tree grates to enlarge walkable area of sidewalk
- A-15 Bay-friendly landscaping
- B-7 Orient pedestrian entries to be visually open and free of visual obstructions
- B-10 Bicycle parking located near entrances and exits
- C-9 Design street wall to create interest and reinforce pedestrian scale
- E-6 Building articulation: use awnings
- E-14 Orient primary entrance to face a public street

No applicable guidelines remain outstanding as unmet. The same is true for the Park Avenue District Plan: the proposed plans easily meet the design guidelines and street standards.

STAFF COMMENTS:

The project was reviewed at the December 15, 2010 Development Coordinating Committee meeting. Staff had a number of comments, including the need for ramp and main entrance along 40th Street, a request for a trash and recycling plan, a request for improved landscaping, and the recommendation to use tree grates. All of these comments were addressed in later design iterations.

CONCLUSION:

Staff recommends approval of the proposal subject to the attached conditions of approval.
RESOLUTION CPC NO. UPDR10-002

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE
APPROVING A CONDITIONAL USE PERMIT AND DESIGN REVIEW TO
REFURBISH AN EXISTING BUILDING FOR BULLSEYE GLASS, A PERSONAL
SERVICES USE AT 4000 HARLAN STREET (APN:49-618-10)

WHEREAS, on December 7, 2010 Kava Massih Architects submitted an application on behalf
of Bullseye Glass for a Conditional Use Permit and Design Review to refurbish an existing
building at 4000 Harlan Street for a Personal Services use; and

WHEREAS, the Emeryville Planning Commission held a duly and properly noticed public
hearing on the project on January 27, 2011 to solicit public comments and review and consider
the application; and

WHEREAS, the Emeryville Planning Commission has reviewed and considered the staff report
and attachments thereto, the plans, all public comments, and the proposed Bullseye Glass at 4000
Harlan Street subject to the conditions and requirements set forth in Exhibit A attached to this
Resolution and the applicable standards of the Emeryville Zoning Ordinance (“the Record”);
now, therefore, be it

RESOLVED, that the Planning Commission of the City of Emeryville hereby finds that the
project is exempt from the California Environmental Quality Act (CEQA) under State CEQA
Guidelines Section 15303(c) which applies to projects consisting of the conversion of existing
small structures from one use to another where only minor modifications are made in the exterior
of the structure; and be it further

RESOLVED, that in approving UPDR10-002, the Planning Commission makes the following
findings required by Emeryville Municipal Code Sections 9-4.82.13 and Section 9-4.84.4(b):

Section 1. Conditional Use Permit Findings Pursuant to Section 9-4.82.13:

(a) That the location, size, design and operating characteristics of the proposed use
will be compatible with and will not adversely affect or be materially detrimental
to: neighborhood character with consideration being given to harmony in scale,
bulk, coverage, and density of nearby uses, buildings and structures; the
availability of civic facilities and utilities; the capacity and physical character of
surrounding streets; the physical safety of the immediate area; and the amount of
light falling on adjacent buildings and open spaces;

The proposed project involves the refurbishment of an existing building for a
Personal Services use. This use complements the area and the Park Avenue
District and will provide an additional amenity to the neighborhood’s
residents, shoppers, businesses and artists.

(b) That the proposed use is consistent with the capability of the circulation, water
supply, wastewater disposal, fire, police and school systems to operate adequately
and cost effectively.
The existing building is adequately served by all required public service systems.

(c) That the proposed use with its impacts and at its proposed location is consistent with the General Plan;

The General Plan Land Use Classification for the property is Mixed Use with Residential. The proposed use of Personal Services is consistent with the General Plan Land Use classification as well as consistent with the following General Plan goals and policies:

**Land Use Goal LU-G-1**: An overall balance of uses—Employment, residential, cultural, destination and local retail—as well as a full range of amenities and services necessary to support a vibrant community.

**Land Use Goal LU-G-13**: Local employment opportunities—encourage establishment of businesses that will employ and serve Emeryville residents.

**Land Use Policy LU-P-27**: A diversity of commercial uses to insulate the City’s fiscal base from downturns in particular markets shall be maintained.

**Transportation Policy T-P-2**: The design, construction, operation, and maintenance of city streets shall be based on a “complete streets” concept that enables safe, comfortable, and attractive access and travel for pedestrians, bicyclists, motorists, and transit users of all ages and abilities.

**Transportation Policy T-P-46**: Private developments and major public infrastructure projects will provide adequate rights-of-way for all modes of transportation.

(d) That the proposed use at its proposed location will provide a facility which will contribute to the general well-being of the surrounding neighborhood or community.

The proposed use will provide an additional amenity to residents, shoppers and local businesses and artists.

(e) That the proposed use complies with all applicable standards and requirements of the Zoning Ordinance.

The site is located in the Mixed Use with Residential (MUR) zoning district and Park Avenue District Plan overlay. The project complies with the
applicable standards outlined in Section 9-6.314(b) (Use Regulations and Standards in All or Several Zones: Standards).

(f) That, an environmental determination has been prepared in accordance with CEQA.

This project is exempt from environmental review under State CEQA Guidelines Section 15303(c) which applies to projects consisting of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Section 2. Major Design Review Findings Pursuant to Section 9-4.84.4(b)

(1) The site subject to design review shall be graded and developed with due regard for the natural terrain, aesthetic quality, and landscaping, so as not to impair the environmental quality, value, or stability of the site or the environmental quality or value of improved or unimproved property in the area;

The site has an existing building and parking lot already in place. No new grading will take place.

(2) A building, structure, or sign shall: (a) Relate congruously to its site and property in the immediate and adjacent areas; and (b) Not be of such poor quality of design as to adversely affect the environmental quality or desirability of the immediate areas or neighboring areas; (c) Not impede the benefits or occupancy of existing property or environmental quality thereof in such areas or the stability and value of improved or unimproved real property in such areas with attendant deterioration of conditions affecting the health, safety, and general welfare of the community;

The existing building is of red brick, matching the adjacent building on 40th and the industrial character of the buildings around it. The proposed improvements will make the building more accessible and improve the overall design of the building, and will have no significant environmental impact.

(3) A site shall be developed to achieve a harmonious relationship with the area in which it is located and adjacent areas, allowing originality which does not impair the environmental quality or value of improved or unimproved property or prevent appropriate development and use of such areas or produce degeneration of properties in such areas with attendant deterioration of conditions affecting the health, safety, and general welfare of the City;
The proposed improvements will make the site more harmonious with the surrounding area and will improve the surrounding property values.

(4) Open space, parking areas, pedestrian walks, signs, illumination, and landscaping (including irrigation) shall be designed and developed to enhance the environmental quality of the site, achieve a safe, efficient, and harmonious development, and accomplish the objectives set forth in the precise plan of design and design criteria;

The proposed landscaping, stair and ramp, and bus stop bench will enhance the building street frontage and will add greenery where none existed before. The landscaping will act as a visual buffer between the sidewalk and the building.

(5) Electrical and mechanical equipment or works or fixtures and trash storage areas shall be designed and constructed so as not to detract from the environmental quality of the site. Electrical and mechanical equipment or works and fixtures and trash storage areas shall be concealed by an appropriate architectural structure which uses colors and materials harmonious with the principal structure, undergrounded if appropriate, or some other reasonable alternative;

No equipment is visible from the street.

(6) For the purpose of determining a reasonable implementation of said design and the effect on the environmental quality of the area, the components considered in design review shall include but not be limited to exterior design, materials, textures, colors, means of illumination, landscaping, irrigation, height, shadow patterns, parking, access, security, safety, and other usual on-site development elements. Recommendations as to site coverage and the intensity of proposed developments may also be made.

The project includes improvements to an existing building and a new use that will bring life to the surrounding neighborhood. It is consistent with the Park Avenue District Plan and the Emeryville Design Guidelines.
AND BE IT FURTHER RESOLVED, that the Planning Commission hereby approves UPDR10-002 for a new Personal Services use located at 4000 Harlan Street, as submitted on December 7, 2010, subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

APPROVED by the Planning Commission of the City of Emeryville at a regular meeting held on Thursday, January 27, 2011 by the following votes:

AYES:__________________________________________

NOES:_________________________ ABSTAINED:__________________________

EXCUSED:_________________________ ABSENT:__________________________

CHAIRPERSON

APPROVED AS TO FORM:

RECORDING SECRETARY         ASSISTANT CITY ATTORNEY
CONDITIONS OF APPROVAL

Bullseye Glass
4000 Harlan Street
UPDR10-002: Exhibit A. Conditions of Approval
January 27, 2011

I. COMPLIANCE WITH APPROVALS

A. PROJECT APPROVALS. The project shall be constructed and operated in accordance with the following actions by the Planning Commission:

1. A Conditional Use Permit to allow a Personal Services use in an existing building at 4000 Harlan Street. The project shall be constructed and operated in accordance with the staff report dated January 27, 2011, as modified by these Conditions of Approval.

2. Design Review approval for modifications to the existing building, including a new ramp and stair at a new entrance on 40th Street, bicycle parking and a new bus stop bench, landscaping along both streets and improvements to the rear entry, in accordance with the approved plans described below, as modified by these Conditions of Approval.

Any additional uses or design modifications, including signs, will require a separate application and approval.

B. APPROVED PLANS. Final plans submitted for a building permit shall be reviewed by the Planning Director to confirm that the plans substantially conform to the following except as modified by these Conditions of Approval: [Planning]

1. The architectural drawings entitled Bullseye Glass Co., submitted by Kava Massih Architects, Pages A0.0 – A3.2 including a last unlabeled page with landscaping details, submitted on January 12, 2011.
C. **APPROVAL EFFECTIVENESS AND DURATION.** Pursuant to Section 9-4.82.10 of the Emeryville Municipal Code, this permit shall automatically expire if an application for a building permit has not been filed and fees have not been paid within one year from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Planning Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Planning Commission for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.

D. **INSTALLATION AND MAINTENANCE OF IMPROVEMENTS.** All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Planning Director.

E. **COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN.** No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on this site shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.

F. **FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL.** If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville (“City”), then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

G. **APPLICATION TO SUCCESSORS IN INTEREST.** These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this zoning approval.

II. **GENERAL CONDITIONS**

A. **INDEMNIFICATION.** Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the City of
Emeryville Redevelopment Agency, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the Indemnified Parties) against all claims, demands, and judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant’s design, construction and/or maintenance of the public improvements set forth in the final building plans. Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney’s fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and normal day-to-day business expenses incurred by the City including, but not limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest. [City Attorney]

III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Traffic and Parking Management Plan during Construction. Prior to issuance of a building permit for any portion of the project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. [Public Works]

B. DURING CONSTRUCTION. Violations of the following conditions and any other applicable conditions may result in a stop work notice being issued or any other measures that the City deems necessary.

1. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips
and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).

2. **Street Debris.** All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant’s cost.

**IV. PUBLIC IMPROVEMENTS**

A. **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

1. **Street Improvements.** Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed improvements for all street frontages of the project (i.e. Harlan and 40th Streets), including, but not limited to, construction or reconstruction of the curbs, gutters, sidewalks, driveways, curb cuts and street trees in conformance with the City of Emeryville standards and the Americans with Disabilities Act and implementing regulations and California accessibility regulations, unless the Public Works Director determines that the curb, gutter and sidewalk are already in conformance and in good condition. There shall be an effective width of at least 4 feet between obstacles (light poles, street signs, pedestrian seating, building frontages, landscaping, curb, etc.).

   [Public Works]

2. **Sanitary Sewer.** Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed plans and design calculations for providing sewer service to the site. If an existing sanitary sewer lateral is to be reused, it shall comply with the City Sanitary Sewer Infiltration/Inflow Reduction Standards. As requested by the Public Works Director, Applicant shall be required to review the existing public sanitary sewer main to determine if there is sufficient capacity to serve the proposed project and shall be responsible to perform any off-site improvements that may be necessary to serve the proposed project.

   [Public Works]

3. **Underground Utility Lines.** All new and existing on-site electrical and communication lines shall be placed underground.
B. PRIOR TO BEGINNING CONSTRUCTION IN THE PUBLIC RIGHT OF WAY

1. Encroachment Permit. Prior to beginning construction in the public right of way, Applicant shall apply for and receive an encroachment permit for all work and improvements within the City’s right of way or City easements. As required by the Public Works Director, Applicant shall post the required security and provide evidence of liability insurance as part of the encroachment permit process. Applicant shall pay for all inspection fees associated with work within the City’s right of way.

[Public Works]

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Completion of Public Improvements. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that all off-site and on-site public improvements are completed in accordance with the final building permit and improvement plans or that other arrangements acceptable to the Public Works Director have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit.

[Public Works]

D. ONGOING

1. Damage to Public Facilities. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage at its expense and to the satisfaction of the Public Works Director, including but not limited to sidewalk repair, street slurry seal or street reconstruction.

V. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Parking. Prior to the issuance of a building permit, the Planning Director shall confirm that the final building plans for the project incorporate:

[Planning]

a. A minimum of 7 vehicular parking spaces in the parking behind the building. Parking spaces shall be clearly numbered consecutively on plans.
b. A minimum of twelve (12) bicycle parking spaces as set forth below:

i. Four (4) guest parking spaces in visible locations near entrances in the form of inverted U bike racks with verticals at least 30 inches apart enabling cyclists to lock frame and wheel to rack or post with a U-lock, and with adequate clearances.

ii. One (1) employee bicycle parking spaces in an enclosed, limited-access area or outdoor lockers with roofs.

VI. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Elevations/Colors/Materials/Site Plan. Prior to the issuance of a building permit, Applicant shall submit a color scheme, samples and details of all exterior elevations and building materials of sufficient size to the Planning Director for review and approval. Materials to be submitted shall include, but not be limited to, all perimeter gates and fences, window treatments, storefront windows and doors, awnings, outdoor furniture, paving and lighting fixtures. [Planning]

2. Recycled Water. Prior to the issuance of a building permit, Applicant shall submit plans for the approval of the Planning Director showing the design of a plumbing system to serve nonpotable uses in common areas including, but not limited to, landscaped areas and planters, if recycled water is available at the project site at a reasonable cost, is of adequate quality, will not be detrimental to public health, and will not adversely affect downstream water rights, degrade water quality or injure plants, fish and wildlife. In addition, Applicant shall submit a letter from the recycled water provider (East Bay Municipal Utility District) stating requirements for recycled water plumbing, prior to issuance of building permit. If Applicant is not complying with the requirements of the recycled water provider, Applicant shall provide a written explanation of its actions. [Planning]

3. Trash Facilities. Prior to the issuance of a building permit, the Planning Director and Public Works Director shall review and approve the design and siting of any new trash facilities. Trash and recycling enclosures shall be covered. The trash and solid waste facilities shall incorporate design features for the project that are conducive to collecting and storing...
recyclables and shall incorporate recycling collection at a designated facility within the site area at appropriate locations. The trash enclosure shall be screened with vines. [Planning and Public Works]

4. **Development Sign.** The project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed twelve square feet. Other development/marketing signs may be approved administratively by the Planning Director provided that they are removed prior to issuance of a final certificate of occupancy. [Planning]

5. **Exterior Lighting.** Prior to issuance of a building permit, Applicant shall provide sufficient information for the Planning Director to confirm that exterior lighting for the project complies with the following standards and criteria: [Planning]

   a. Parking area illumination shall conform to the requirements of Article 55 of Chapter 4 of Title 9 of the Emeryville Municipal Code.

   b. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.

6. **Landscaping Plans.**

   a. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site landscaping and irrigation plan for the approval of the Planning Director. The plans shall conform to Article 54 of Chapter 4 of Title 9 of the Municipal Code and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. [Planning]

   b. Prior to the issuance of a building permit, Applicant shall submit a detailed off-site landscaping and irrigation plan for the approval of the Public Works Director. The plans shall conform to Article 54 of Chapter 4 of Title 9 of the Emeryville Municipal Code, Bay Friendly Landscaping Practices as per the guidelines from StopWaste.org and Section B of the attached Stormwater Pollution
Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. Street trees shall be of a species approved by the Public Works Director and shall be spaced no farther than 25 feet on center or as approved by the Director. Street trees may require tree grates and an automatic sprinkler system.

Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. As part of the encroachment permit fees, the applicant will pay to have the City Consulting Arborist perform soil and drainage tests in the public right of way areas that will have tree plantings. The City also requires the applicant to pay for the installation of structural soil or other engineered products, as per City standards and in consultation with the arborist, under sidewalk areas, to provide adequate rootable soil volume areas for healthy street trees. The amount of rootable soil volume to be provided per tree is based on the size of the tree at maturity: 600 cubic feet of rootable soil volume shall be installed per small tree, 900 cubic feet per medium-sized tree and 1200 cubic feet per large-sized tree. The plan shall also discuss proper drainage to be provided for all street trees based on the Consulting Arborist’s soil and drainage findings which could entail extensive excavation for sumps or trenching with clean sand or rock backfill. All imported soils shall be tested and the results provided to the City for approval before import. Import soil shall be amended with compost per city standards in place of other soil amendments. Street trees may require tree grates and an automatic sprinkler system.

Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. The replacement trees shall be provided off-site but within the vicinity of the project site. [Public Works]
Note: The on-site and off-site landscaping and irrigation plans required by conditions (a) and (b) above may be combined into a single landscaping and irrigation plan showing both on-site and off-site improvements.

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. **Sign Permit.** Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 61 of Chapter 4 of Title 9 of the Emeryville Municipal Code. [Planning]

2. **Completion of Landscaping.**
   a. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Planning Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. [Planning]
   b. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Public Works Director that all off-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. [Public Works]

3. **Equipment/Storage.** Prior to issuance of a certificate of occupancy, the Planning Director shall confirm that: [Planning]
   a. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
b. All trash enclosures shall be completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building.

c. All visible vents, gutters, down spouts, flashings, and the like shall match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.

C. ONGOING

1. **Landscaping.** All landscaping shall be maintained in a healthy, growing condition at all times. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Planning Director.

2. **No Outside Storage.** There shall be no outside storage of any type in parking areas. Those areas shall be kept free of obstruction and available for their designated use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored on the parking areas.

3. **Maintenance and Graffiti Removal.** The site and improvements shall be well maintained and kept free of litter, debris, weeds and graffiti. Any graffiti shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the original wall or fence as most practically feasible.

4. **Exterior Lighting.** Exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian access ways while limiting off-site spillover of light through shielding, particularly along Harlan and 40th Streets. No light shall create a hazard for auto drivers.

5. **Public Entrance.** The exterior door on the south side of the building, along 40th Street, shall remain open to the public as an entrance and exit during all times that the glass company is open for business.
BULLSEYE GLASS CO.

4000 HARLAN STREET
EMERYVILLE, CA

PLANNING INFO:
SITE APN NUMBER: 049 061801000
SITE AREA: 6,000 S.F.
ZONE: M-U
PROPOSED USE: PERSONAL SERVICES
REQUIRED PARKING: UNSPECIFIED BY CODE
PARKING PROVIDED: (7) SPACES (PER LEASE)

SHEET LIST:
A0.0 COVER SHEET
A0.1 BUILDING PHOTOS
A1.1 SITE PLAN
A2.0 DEMOLITION PLAN
A2.1 FIRST FLOOR PLAN
A3.1 EXTERIOR ELEVATIONS
A3.2 EXTERIOR ELEVATION / BUILDING SECTION

PROJECT DESCRIPTION:
Bullseye Glass Co. is a manufacturer of colored glass for art and architecture with worldwide distribution and a strong commitment to research, education, and promoting glass art. They are based in Portland, Oregon. They plan to renovate the 6,000 s.f. space at 4000 Harlan to provide facilities for instruction and training in the use of the products along with over-the-counter sales. The tenant improvements will be primarily interior with some minor exterior work.