

## **STAFF REPORT**

**DATE:** June 25, 1992

**ITEM:** Pacific Interment Service (UP92-10 and DR92-11)

**APPLICANT:** Frank Rivero  
860 2nd Street  
San Francisco, CA 94707  
(415) 442-1810

**PROPERTY OWNERS:** Montague Upshaw  
1075 40th Street  
Oakland, CA 94608

**PROPOSAL:** Request for approval of a Use Permit application to allow a funeral and interment service in an existing building; and a Design Review application to allow exterior modifications to the property located at 1094 Yerba Buena Avenue; General Commercial Land Use Classification and Zoning District; APN 049-0954-008.

**GENERAL PLAN CONFORMANCE:** C-G. General Commercial.

**ZONING CODE COMPLIANCE:** G-C. General Commercial.

**ENVIRONMENTAL ANALYSIS:** Categorically Exempt. Class 1-Section 15301, "Existing Facility."

### **SUMMARY:**

The applicant is requesting Use Permit approval to allow a funeral and interment service at 1094 Yerba Buena Avenue. The applicant is also requesting Design Review approval to allow exterior modification of an existing fence and wall. This proposal will introduce a viable business in the building and promote revitalization of the Yerba Buena Avenue area. The appropriate Use Permit and Design Review findings can be made affirmatively. Staff therefore recommends the Planning Commission approve these applications.

### **BACKGROUND:**

This subject parcel is located on the border of Oakland and Emeryville. The front portion of the site along Yerba Buena is located in the City of Oakland. The applicant proposes to convert an existing one story structure into a funeral and internment operation. In addition, a parking lot is proposed.

The building is constructed of concrete block and occupies nearly the entire site. This portion of Yerba Buena is developed with similar structures which extend along the front property lines. The space which is currently used for parking is along the front property line and access to the site is secured by an eight foot iron fence.

A use permit is required to allow a funeral and interment service project into the General Commercial Zoning District.

The surrounding land uses consist of a building maintenance supply office an automotive storage yard to the west, and a small commercial office and storage yard to the south, across Yerba Buena. The parcel to the immediate east (Fidelity Roofing) has a 15 foot high ivy covered block wall extending 250 feet along the front property line on Yerba Buena Avenue.

#### **DETAILS OF PROPOSAL:**

Pacific Interment Service is a mortuary specializing in alternative funeral arrangements, such as cremation. The proposed use will be located in an approximately 4500 square foot existing building. The proposed floor plan shows a driveway and entry garden, two bathrooms; record storage area; casket display area and garage will be located in the front (south) portion of the building. The interior area of the floor plan reveals a vestibule, hall and viewing room for the use of patrons. The rear (north) area of the floor plan proposes a workroom, walk-in refrigerator, and embalming room.

The business will have approximately two employees and will operate from 8:30 a.m. to 5 p.m. Monday through Friday. The applicant anticipates up to three deliveries of decedents per day. All loading and unloading of decedents will occur inside the garage area which has been designated for this purpose because it is outside the public view.

In addition, this facility will have two retorts (cremation machines) onsite. These UL listed retorts are manufactured by Industrial Equipment Manufacturing and exceed all pollution control requirements of the E.P.A. (Environmental Protection Agency) and the Bay Area Air Quality Control Board.

According to documentation provided by the applicant, these retorts will not produce foul odors, smoke or ash during operation.

#### **PARKING:**

Off street parking for the project will be located east of the subject building on a 4,284 (42' x 102') square foot lot. The parking plan shows 10 single loaded 90 degree parking stalls. In addition, one off-street parking space is proposed in the garage area. The eleven off street parking spaces which are currently proposed onsite, would exceed the minimum eight off street parking spaces required for this type of operation (Sec. 9-4.55.5(j)).

#### **DESIGN REVIEW:**

The proposed design changes proposed for the site are cumulatively minor in nature, and could have been handled administratively by staff. However, the Planning Commission has instructed staff to bring design review items before the Commission, when such requests are connected with various discretionary permits (i.e. use permits).

The applicant proposes to upgrade an existing wrought iron fence; install planters and landscaping; and modify an existing precast concrete wall to provide access along Yerba Buena Avenue and to the facility. The proposed changes are reasonable and necessary for the successful operation of the business.


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**RECOMMENDATION:**

Staff recommends that the Planning Commission approve UP92-10 and DR92-11 based upon the findings included in the attached Resolution and subject to the conditions of Approval.

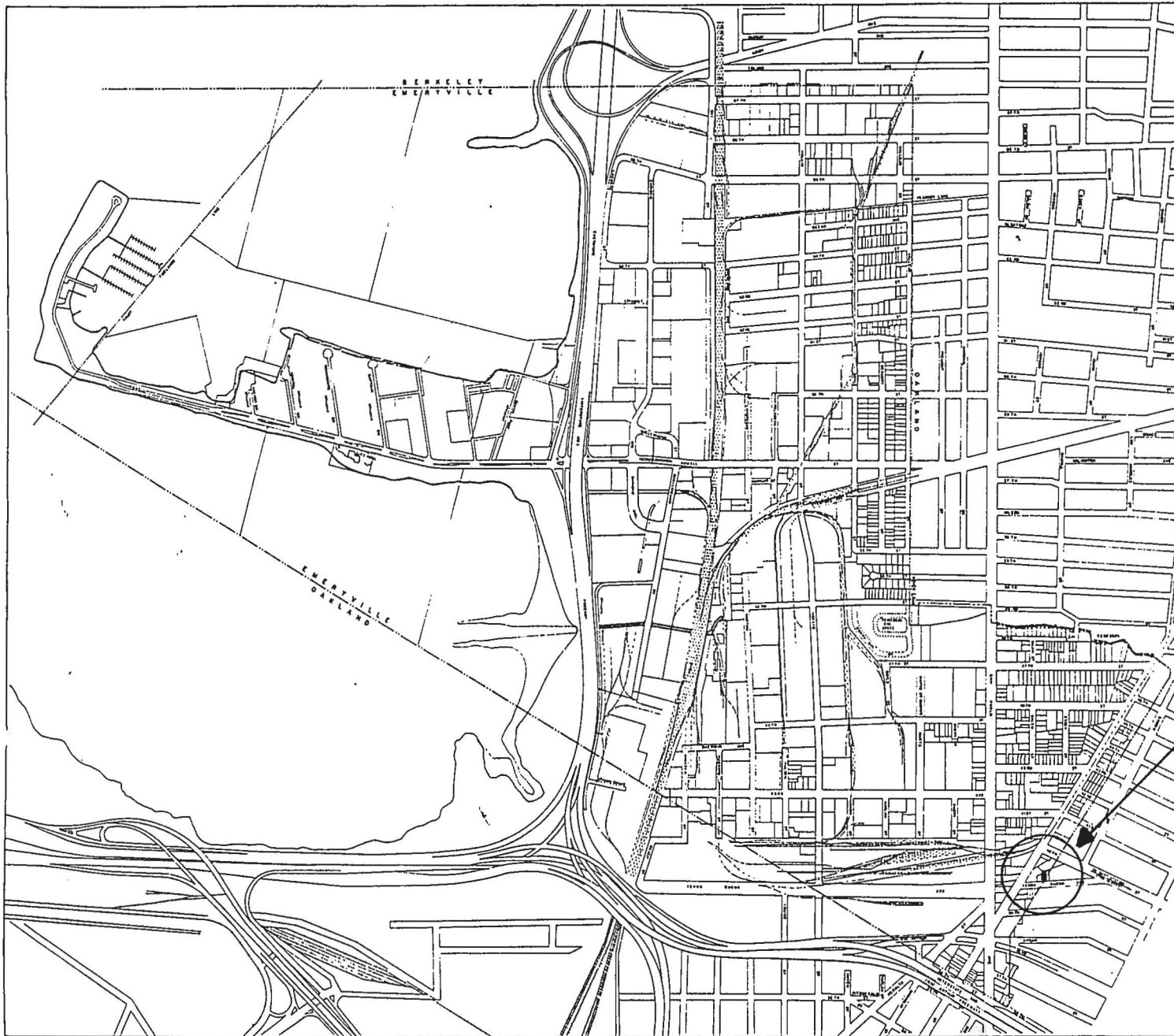
**ATTACHMENTS**

Conditions of Approval  
Resolution  
Location Map  
Development Plans


  
\_\_\_\_\_  
City Planner

  
\_\_\_\_\_  
Planning Director





**CITY OF  
EMERYVILLE**





INCORPORATED 1894

Pacific Interment Service  
(UP92-10 and DR92-11)

Project Site

**BASE MAP with  
LOT LINES**



3-21-89



CERTIFICATE NO. 58

Pursuant to the provisions  
of Chapter 19, Division 3 of the Business and Professions Code

PACIFIC INTERMENT SERVICE, INC

is hereby granted a

## CREMATORY LICENSE

to operate

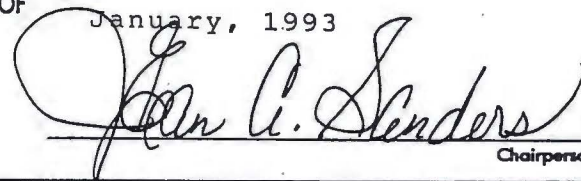
Pacific Interment Service, Inc  
1094 Yerba Buena Avenue  
Emeryville, CA 94608

In Witness Whereof, the Board  
has caused this certificate to be issued



WITNESS MY HAND AND SEAL

THIS 12th DAY OF January, 1993

  
Chairperson

**RESOLUTION CPC NO. UP92-10 and DR92-11**

**Pacific Interment Service**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A USE PERMIT AND DESIGN REVIEW APPLICATION SUBMITTED BY FRANK RIVERO TO ALLOW A FUNERAL AND INTERMENT SERVICES ON THE PROPERTY LOCATED AT 1094 YERBA BUENA AVENUE; GENERAL COMMERCIAL LAND USE CLASSIFICATION AND ZONING DISTRICT; APN 049-954-008.**

**WHEREAS**, the City of Emeryville Planning Commission received a request for approval of a Use Permit Application to allow funeral and interment services, and a Design Review Application to allow exterior improvements of a building located at 1094 Yerba Buena Avenue; and

**WHEREAS**, the Planning Commission makes the following findings related to the proposed Use:

- 1) 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 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 design and operating characteristics of the proposed use can be handled adequately on the subject property. Exterior changes to the building will be minor with no increase in the size of the structure, therefore impacts on the adjacent area will be minimal.**

- 2) 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 proposed use will occupy an existing building which was previously used for a commercial type activity. Adequate services and utilities already exist which are sufficient to handle the requirements of the proposed new use.**

- 3) 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 General Commercial. language in the Emeryville General Plan sites that this category is to "accommodate a diverse range of commercial activities" (Page III-95). Approval of this project will be consistent with the General Plan because it will introduce a commercial use in the building.**

- 4) 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 project will provide an opportunity to upgrade an existing building without the disruption to the neighborhood that often occurs with new buildings. This project will introduce a commercial operation that is compatible with other similar commercial uses in the area.**

- 5) That the proposed use complies with all applicable standards and requirements of the Zoning Ordinance;

**The Zoning Classification for the property is C-G (General Commercial). Pursuant to Section 9-4.22 of the Emeryville Zoning Ordinance, funeral and interment services are permitted in this zoning district with the granting of a use permit. As conditioned, the proposed project complies with all applicable standards and requirements of the Zoning Ordinance.**

- 6) That, an environmental determination has been prepared in accordance with CEQA.

**Pursuant to Section 15301 of the California Administrative Code, the proposed use is exempt from the provisions of CEQA because it qualifies as a Class 1 project - Minor Alterations of an Existing Structure - and no negligible or expansion of use is proposed.**

**WHEREAS**, the Planning Commission makes the following findings related to the Design Review Application:

- 1) That the proposed building, parking lot, and landscape improvements will not impair the environmental quality or value of improved or unimproved property in the area;

**Because the project involves minor alteration to the building, the environmental quality will not be adversely impacted.**

- 2) That the proposed building, parking lot, and landscape improvements will be developed to achieve a harmonious relationship with the surrounding area.

**The overall design and scale of the building and site improvements will be consistent with surrounding properties.**

- 3) That the exterior upgrading will visually improve the building and enhance property values with the area.

**The project will rehabilitate an existing dilapidated building in such a manner that will enhance property values; now, therefore, be it**

**RESOLVED**, that the Emeryville Planning Commission has reviewed and considered the subject Use Permit and Design Review applications; and be it

**FURTHER RESOLVED**, that the proposed project is consistent with the intent of the General Plan and is compatible with surrounding land uses; and be it

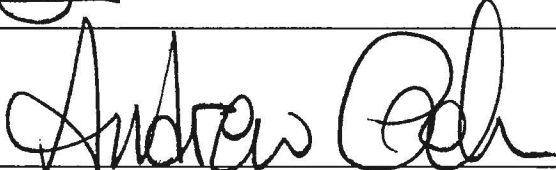
**FURTHER RESOLVED**, that the Planning Commission hereby approves **UP92-10**, subject to the Conditions of Approval and the regulations of the Zoning Ordinance.

**APPROVED** by the Planning Commission of the City of Emeryville at a regular meeting held on **Thursday, June 25, 1992**, by the following votes:

**AYES:** \_\_\_\_\_

**NOES:**     0     **ABSTAINED:**     0    

**EXCUSED:** \_\_\_\_\_ **ABSENT:**     0    

  
\_\_\_\_\_  
CHAIRPERSON

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
RECORDING SECRETARY

  
 CITY ATTORNEY



RESOLUTIONS CPC NO. UP92-10 and DR92-11

**APPROVED**

CONDITIONS OF APPROVAL  
JUNE 25, 1992

JUN 25 1992

PACIFIC INTERMENT SERVICE  
1094 Yerba Buena

(UP92-10 and DR92-11))

**I. COMPLIANCE WITH APPROVAL PLANS**

- A. The project shall comply with drawings designated as Exhibit "A" dated June 25, 1992, except as hereinafter modified.
- B. The applicant shall comply with all provisions of the Emeryville Municipal Code.
- C. The applicant shall be responsible for assuring that any successor in interest in the property is informed of its terms and conditions of this zoning approval.

**II. PUBLIC WORKS CONDITIONS**

- A. Prior to issuance of a Certificate of Occupancy, applicant shall replace broken curb, gutter, and sidewalk, subject to the approval of the City Engineer.
- B. All parking areas and driveways shall be patched, sealed and striped, subject to the approval of the City Engineer.

**III. FIRE DEPARTMENT**

- A. Fire Department access to the buildings during normal working hours for the purpose of fire code inspections shall be the responsibility of the owner and/or owner agent.

**IV. POLICE DEPARTMENT**

- A. The applicant shall paint and/or install easily visible contrasting address code numbers for patrol purposes.
- B. The applicant shall install lighting and security equipment which shall be reviewed and approved by the Police Department prior to occupancy of the building.

**V. GENERAL CONDITIONS**

- A. The site shall be kept free of trash and debris, and trash receptacles shall be placed within trash enclosures at all times. Trash shall not be stacked above walls of enclosure.
- B. Adequate maintenance shall be provided to prevent deterioration of all exterior improvements by the owner so that the subject project remains visually attractive to the public at all times.

**APPROVED**

**JUN 25 1992**

Resolution CPC No. UP92-10  
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- C. The applicant shall provide adequate space for recycling containers as approved by the Planning Director.
- D. The applicant shall secure a permit and/or approval from the Bay Area Air Quality Control Board. The documents, which certify the two proposed retorts will operate in a clean environmentally efficient manner, shall be reviewed and approved by the Planning Department prior to occupancy of the building.
- E. Cremation retorts shall produce no noticeable odors beyond the property boundaries.
- F. Prior to occupancy of the building, the applicant shall provide evidence of approval of Oakland City Planning Commission approval.
- G. Failure to comply with any of the conditions or limitations set forth in the subject conditions of approval shall be cause for revocation of this permit.