

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
October 22, 2015**

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Brad Gunkel, Chair. Commissioners present: Lawrence Cardoza, Gail Donaldson, John Bauters, Sam Kang and Sean Moss. Commissioner Steven Keller arrived at 7:00 p.m.

II. PUBLIC COMMENT - None

III. ACTION RECAP – September 24, 21015

Commissioner Cardoza moved approval of the September 24, 2015 action recap. The motion was seconded by Commissioner Bauters. The motion was approved without exception.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He also reminded the Commission that there is no meeting in November; the next meeting will be on December 10.

A. Planning Commission Schedule. Consideration of Planning Commission meeting schedule for 2016.

A motion was made by Commissioner Bauters to approve the 2016 schedule as presented. The motion was seconded by Commissioner Moss and approved without exception.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. Marketplace Tentative Map (SUBDIV15-002) – Consideration of a Major Subdivision permit for a Tentative Map reconfiguring four existing parcels to create eight new parcels on a 13.88 acre site and to realign Shellmound Street and create 62nd Street, 63rd Street and Market Drive consistent with the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. The project involves removal of 19 street trees. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by the City Council on January 15, 2008. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Owners: AG-CCRP Public Market L.P.; City of Emeryville) (Applicant: AG-CCRP Public Market L.P.) (APNs: 49-1493-1; 49-1556-1; -2; -3 and -4)

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

Miroo Desai, Senior Planner, and Maurice Kaufman, Public Works Director, made the staff presentation. Staff recommended that the Commission approve the project with minor corrections to the map and resolution that had been distributed to the Commission.

The applicant spoke briefly and responded to questions from the Commission.

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

A motion was made to approve the Marketplace Tentative Map with the modifications presented by staff and the addition of a raised crosswalk across 63rd Street on the west side of the intersection with Market Drive.

Moved: Cardoza
Seconded: Bauters
Vote: Ayes: Cardoza, Gunkel, Donaldson, Bauters, Kang
Noes: Moss
Recused: Keller

A motion was made to recommend to the City Council that 62nd Street be closed to vehicular traffic other than emergency vehicles and that Market Drive be designed accordingly.

Moved: Moss
Seconded: Gunkel
Vote: Ayes: Moss, Gunkel
Noes: Bauters, Cardoza, Donaldson, Kang
Recused: Keller

The motion failed.

- B. Sutter Health Sign (SIGN15-023)** – Consideration of a Major Sign Permit for two high rise identification signs at 2000 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to placement of on-premises signs, and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed-Use with Non-Residential; Zoning District: Planned Unit Development (PUD-1) (Applicant: Toni Russin, Sutter Health) (Owner: KBS III Tower at Emeryville, LLC) (APN: 49-1521-7).

Sara Billing, Assistant Planner, made the staff presentation with staff’s recommendation for approval subject to the conditions of approval.

The applicant answered questions from the Commission regarding the sign.

The public hearing was opened.

Ruth Majors, Emeryville resident, expressed concerns with the light from the sign.

The public hearing was closed.

A motion was made to deny the approval for the Sutter Health Sign based on the findings that the proposed signs are not necessary because the nature of the establishment and its location do not require signage of the type proposed; the proposed signs are larger

than is necessary to adequately identify the establishment; and the signs are not of extraordinary design significance justifying their size.

Moved: Bauters
Seconded: Kang
Vote: Ayes: Kang, Bauters, Gunkel, Donaldson
Noes: Cardoza, Moss
Abstained: Keller

The application was denied. It was noted that the applicant still has the option to apply for a sign for staff approval under the Master Sign Program.

A motion was made to reconsider the application for approval.

Moved: Moss
Seconded: Keller
Vote: Ayes: Moss, Keller,
Noes: Bauters, Kang, Gunkel, Donaldson, Cardoza

The motion failed.

There was a break from 8:25 to 8:35

- C. Preservation of Significant Structures Ordinance (ORD12-001)** – Consideration of an ordinance amending three articles in the Planning Regulations in Title 9 of the Emeryville Municipal Code: Article 12 of Chapter 5 regarding preservation of significant structures, Article 4 of Chapter 3 regarding the Park Avenue District, and Article 4 of Chapter 4 regarding parking. These amendments would replace criteria defining significant structures with a table, map and photos listing significant structures, and extend a parking credit for reuse of significant structures with legal nonconforming parking deficiencies in the Park Avenue District to apply city-wide. CEQA Status: This ordinance is exempt from environmental review under State CEQA Guidelines Section 15378(a) in that it is not a "project" that has the potential for causing a significant effect on the environment, and under the "general rule" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

Diana Keena, Associate Planner, presented the staff report.

The public hearing was opened.

Athan Magganas, Emerville property owner, urged the Commission to take some time and see what this means for the community.

The public hearing was closed.

Following lengthy deliberations, a motion was made to recommend approval of the proposed ordinance with the following modifications:

- All buildings deleted from the list by the working group should be reinstated.
- The criteria should be retained as a guide to future modifications to the list.
- The criterion that a structure must be at least 50 years old should be deleted.
- A criterion should be added for buildings of exceptional architectural quality.
- Novartis Building 4 at 53rd and Hollis Street should be added to the list.

Moved: Gunkel
Seconded: Moss
Vote: Ayes: Keller, Moss, Gunkel, Donaldson, Kang, Bauters
Noes: Cardoza

VII. STUDY SESSION;

- A. **65th Street Multi-Unit Residential (UPDR15-001)** – A study session to review a proposal for a new 24-unit residential building consisting of all 2- and 3-bedroom units at 1225 65th Street. CEQA Status: To be determined. General Plan Land Use Classification: Medium-High Density Residential; Zoning District: Medium-High Density Residential (RMH) and North Hollis Overlay (N-H) (Applicant: Moshe Dinar, AIA) (Owner: Athan Magganas) (APN: 49-1504-8).

Sara Billing, Assistant Planner, presented the staff report.

Architect, Moshe Dinar, and applicant Athan Magganas, spoke briefly and responded to questions from the Commission.

The floor was opened for public comment.

Steven Rasmussen, business owner at 1198 65th Street, urged the Commission to respect all setback requirements. He said there were parking concerns especially during the construction.

David Helfant, nearby business owner, stated that Peabody Lane is a problem, and the project should have more parking. He urged that setbacks be respected.

The public comment was closed.

A majority of Commissioners expressed support for a setback variance on the west side. It was emphasized that the traffic study should include parking impacts, and traffic flow at the intersection of Vallejo Street and Peabody Lane. It was suggested that an active, pedestrian-oriented use be put on the ground floor along the 65th Street frontage, including possibly some townhouse units. It was also suggested that the internal route between the rear units and the lobby should be made less circuitous by moving the walkways from the west side to the east side of the building. Other issues discussed included cleanup of debris and property maintenance; architectural quality of the design and materials, unit design, trash, recycling, and composting requirements; parking requirements; the need to reduce floor area; emergency access on Peabody lane; and on-street parking enforcement.

VIII. COMMISSIONERS COMMENTS

Commissioner Keller suggested adding a discussion of citywide signs to a future agenda. City Attorney Guina noted that there was a recent Supreme Court decision on signage, and a study session would be an opportunity to brief the Commission about its implications for the City's sign regulations. Commission Keller also suggested a discussion about setbacks and possibly eliminating the 3-foot setback requirement. Other Commissioners expressed support. Director Bryant requested that the Commission allow him to evaluate staff workload to see when these issues can be addressed. The Commission agreed, with a preference that signs come first.

Commissioner Donaldson requested information on how the Parks and Recreation impact fees are being spent.

Commissioner Cardoza suggested that the Commission have a holiday gathering following the December 10 meeting.

Commissioner Kang commended the hard work of staff and said applicants should not take staff's work for granted. He suggested that applicants work with Commissioners beforehand, and also reach out to the community.

VIII. ADJOURNMENT – 10:45 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, DECEMBER 10, 2015 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.