

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
REGULAR MEETING  
AUGUST 23, 2012**

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

The meeting was called to order at 6:30 p.m. by Chairperson Gail Donaldson. Commissioners present: Lawrence Cardoza, Gail Donaldson, Steven Steinberg, Sean Moss and Kairee Tann. Commissioners Kuemmerle and Scheuerman had excused absences.

**II. SWEARING IN OF NEW COMMISSIONER**

Karen Hemphill, City Clerk, administered the Oath of Office to the new Planning Commissioner, Kairee Tann.

**III. ELECTION OF OFFICERS**

Chair Donaldson suggested that when a new Chairperson takes office, he/she not preside until the following meeting. This will allow him/her the opportunity to have the pre-conference meeting with the Planning Director and City Attorney prior to the meeting. This suggestion was accepted by the Commission.

Chair Donaldson nominated Commissioner Vanessa Kuemmerle for the new Chair and the motion was seconded by Commissioner Steinberg. The motion was accepted without objections.

Commissioner Steinberg nominated Commissioner Cardoza as the new Vice Chair, Commissioner Donaldson seconded the motion. The motion was accepted without objections.

**IV. PUBLIC COMMENT - None**

**V. ACTION RECAP – June 28, 2012**

A motion was made to approve the Action Recap as submitted.

**Moved:** Cardoza

**Seconded:** Steinberg

**Vote:** Ayes: Steinberg, Donaldson, Moss, Cardoza

Abstained: Tann

Absent: Kuemmerle, Scheuerman

**VI. DIRECTORS REPORT**

Director Bryant reported on actions by the City Council since the Commission's last meeting in June. He noted that Commissioner Moss was reappointed, and new Commissioner Kairee Tann was appointed, at the July 17 Council meeting.

The Zoning Update Steering Committee met on August 30 and finished reviewing all of the chapters of the proposed new Planning Regulations. A community meeting is scheduled for September 29 at 10 a.m., and a joint Planning Commission/City Council study session is scheduled for October 30 at 6:00 p.m. This will be followed by a final Steering Committee meeting on November 15 and Planning Commission and City Council adoption hearings in December and January.

## VII. ADMINISTRATIVE ITEMS

- A. **Art.com Roof Sign (SIGN11-013)** – Discussion of the Art.com sign at the top of 2100 Powell Street, previously approved by the Planning Commission on February 23, 2012. (APN: 49-1495-9)

Arly Cassidy, Assistant Planner, made the staff presentation.

The floor was opened for public comments.

The following residents of Pacific Park Plaza, 6363 Christie Avenue, spoke on this item:

Laurie Karzen stated she has lived in Emeryville for 20 years. She said it is not just the brightness of the Art.com sign that she dislikes, it is also the garishness. It reflects on her television and it is very disturbing. She stated she had communicated with Tony Hill of Art.com and he was not willing to make any further changes to the sign. She stated that she had no problem with the former Siebel sign. The Art.com sign is so bright that it is an illegible blur from a distance. She said she does not trust the dimming and did not notice any change after the first dimming.

Brian Gross said he is a 27 year resident of Emeryville. The sign looks like a sign you would find in Las Vegas. The light intensity is too bright.

Paul Gerhardt said he is a property owner and has lived in Emeryville since 1978. He feels the sign is an eye sore. It is inappropriate for Emeryville. The sign is so bright it intrudes into every room of his home, even with all of the blinds drawn. The colors are garish. It is offensive and should be turned off.

Michael Millman is concerned with diminishing property values as a result of this bright sign. The lights are so bright that you can see them even with the blinds closed. He suggested the sign color be changed to that of the Siebel sign. He also said the sign is obstructive to the view. Thirty eight percent of the units in the building, (220 units), are affected by this sign.

Kari Wolsky said she has lived in Emeryville for seven years and agrees with the other resident's comments. She said she can not rest comfortably in her home. She had a guest over to spend the night and the light from the sign was so uncomfortable that her guest had to sleep on the floor. She said the sign is a public nuisance and should be turned off or dimmed to the level of the Siebel sign.

Reza Ilkhani said the sign should be turned off in the evening or, diminish its brightness to be comparable to the Siebel sign. The glare is blinding. It may have an impact on the resale value of property.

Stan Hegg agreed with the other speakers. He said it is disingenuous to compare this sign with the other business signs designating a particular business. He cautioned the Commission not to set a precedent with this type of sign for the city.

Kris Owens, resident and board member of Pacific Park Plaza, said although her home is on the other side of the building, she is constantly approached by residents complaining about the sign. She agrees that the sign is atrocious, and impacts the property values of those affected.

City Attorney, Michael Biddle said, Art.com did obtain approval for this sign legally, and a resolution of this situation will take some time. He said there were several options the Commission could take to resolve the problem. He referred to several sections of the Municipal Code which can be cited to resolve this issue. He also said the Commission

could wait and see if Art.com dims their lighting to an acceptable level. Mr. Biddle stated that, under the provisions of the Municipal Code, an order to initiate the revocation/modification process could be considered at the September Commission meeting and, if passed, an evidentiary hearing would then be held in October. This would result in a recommendation to the City Council, who could take action to modify or revoke the permit later this year or early next year. After considerable discussion the Commission directed that an item be placed on the next agenda to consider the initiation of the process set forth in the Municipal Code to modify or revoke the sign permit if Art.com's efforts to address this issue are not successful.

#### **VIII. PUBLIC HEARINGS**

- A. Tree Removal Permit, Ocean Lofts, 1258 Ocean Avenue (TREE12-001)** – A request for a permit to remove one street tree to accommodate a driveway in conjunction with the demolition of an existing single family residence and construction of two detached approximately 1,700 square residential units. The project was originally approved by the City Council on April 17, 2007. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303 which applies to construction of small, new structures. General Plan Designation: Medium Density Residential (M); Zoning Classification: Medium Density Residential (R-M) (Applicant/Owner: Ali Eslami) (APN: 49-1469-6)

This item was postponed until a future meeting.

#### **IX. COMMISSIONERS COMMENTS**

Chair Donaldson welcomed new Commissioner, Kairee Tann, to the Commission. Commissioner Tann thanked Chair Donaldson and said she was looking forward to working with the Commissioners.

- X. ADJOURNMENT** – The meeting adjourned at 7:43 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 27, 2012 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**