

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
SPECIAL MEETING  
OCTOBER 11, 2012**

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

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

**II. PUBLIC COMMENT – None**

**III. ADMINISTRATIVE ITEM**

**A. Art.com Sign (SIGN11-013)** – Two Art.com signs facing north and south near the top of the high-rise building at 2100 Powell Street, as previously approved by the Planning Commission on February 23, 2012. (APN 49-1495-9).

1. **Modification of Sign Permit SIGN 11-013.** – Consideration of modification of sign permit SIGN 11-013 pursuant to stipulated terms as agreed to by Art.com.

or

2. **Order of Revocation or Modification of Sign Permit SIGN11-013.** Consideration of an order to initiate an action to revoke or modify the existing sign permit SIGN 11-013 pursuant to the Revocation Procedures at 92 of Chapter 4 of Title 9 of the Emeryville Municipal Code.

Ben Stock, outside counsel for the City, addressed the Commission and said since the last meeting the City had obtained a light expert. He said Art.com is willing to test the lighting of the sign. He suggested various dates in November for the evidentiary hearing, if the Commission moves ahead with the Order of Revocation or Modification. They talked with Siebel and Siebel thinks Art.com's signs are brighter than their signs were.

Kevin Lucas with Art.com said he believes strongly that their sign is not a nuisance. He understands that some of the residents want the sign to be removed, but he maintains that the Art.com sign at 35% dimness is dimmer than Siebel signs were.

All of the Commissioners shared if and when they had viewed the signs. Most stated that they did not detect any difference from the previous brightness of the signs.

The floor was opened for public comment.

Residents of Pacific Park Plaza at 6363 Christie made the following comments:

Laurie Karzen said the permit process is flawed. The dimming percentage Art.com is talking about is not acceptable. The sign is a public and private nuisance and is affecting the quality of life of the residents at Pacific Park Plaza. She said the sign on the north side should be revoked and the sign on the south side should be modified.

Brian Gross said both signs are completely out of keeping with signs in the area. At night the signs are a blur and garish when viewed from a distance. The color and materials of the sign is not harmonious with the building.

Harold Jones said he was requesting the modification. Art.com has already violated the conditions of approval. He said the colors change two to three times a day and the sign was not being maintained because a portion of the lettering was not lighted. He also said there were municipal code violations.

Stanley Hegg urged the Commission to move forward with the Order of Revocation or Modification.

Paul Gerhardt said nothing has changed in the past two weeks. The dimming has not worked. The sign is making him ill and he is suffering from lack of sleep. He stated the LED light is extreme light pollution and requested the Commission to begin the revocation procedure and remove the Art.com sign.

Kari Wolsky said the meeting has a large presence of Pacific Park Plaza residents but Art.com has not come out except for their counsel. She said the sign is causing her lack of sleep. She is also concerned about the negative effect the light will have on property values. She wants the issue resolved.

Kris Owens said she is not affected directly by the sign but indirectly because real estate values will go down. No one other than YESCO feels the signs are all right. She is requesting the Commission move forward with the Order of Revocation or Modification.

Reza Illkhani said the light from the sign is directly in his face when he is in his bedroom.

Betsy Cooley, a resident of Emeryville, who does not live at Pacific Park Plaza, said she thinks the sign should be removed and is very disturbed by Art.com's attitude. She would not want this type of problem to happen to her.

Gabe Bosso said this sign was a mistake. This is an advertising sign and should be taken down.

Kevin Lucas, counsel for Art.com said if the sign is dimmed below 35%, the colors are no longer true. He said the sign was a dual purpose sign – business and advertising. He also said dimming the sign may render it illegible or change the colors. They are willing to have the sign measured for brightness and are willing to cooperate with the City.

The public comment period was closed.

Commissioners Comments:

- Change the LED lighting on north facing sign, either by covering the pucks with channel letters or replacing the pucks with dimmer ones.
- Encourage Art.com to work with the neighbors to resolve this issue.
- Try a more cooperative approach. As a good faith effort, Art.com should turn off sign at sunset.

A motion was made to order the initiation of an action to revoke or modify sign permit SIGN11-013, and to set November 29 as the date for the evidentiary hearing.

**Moved:** Cardoza

**Seconded:** Kuemmerle

**Vote:** Ayes: Donaldson, Moss, Scheuerman, Steinberg, Tann, Cardoza, Kuemmerle

**IV. COMMISSIONERS COMMENTS - None**

**V. ADJOURNMENT – The meeting was adjourned at 7:40 p.m.**