

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
March 24, 2016**

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, Philip Banta and Steven Keller. Commissioner Sam Kang had an excused absence.

II. PUBLIC COMMENT - None

III. ACTION RECAP – February 25, 2016

Moved: Bauters
Seconded: Donaldson
Vote: Ayes: Keller, Cardoza, Gunkel, Donaldson, Banta, Bauters,
Excused: Kang

The Action Recap was approved without exception.

IV. DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions, and noted that he will be attending the American Planning Association National Planning Conference in Phoenix during the first week of April.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Keller met with the Stanford Health group and will need to be recused on Item VI.B due to a possible conflict of interest. Commissioner Banta met with the Stanford Health group and met with the applicants for the 6701 Shellmound project. Commissioner Cardoza met with the Stanford Health group, spoke on the phone with the Anton people, and met with Lennar about the Sherwin Williams site. Commissioner Bauters spoke on the phone and met on the site with the Anton people regarding the Nady project and met with the Stanford Health project team. Commissioner Donaldson spoke with the Stanford people and will need to be recused from the Nady project (Item VI.A), due to a possible conflict of interest. Chair Gunkel spoke on the phone with the Anton people regarding the Nady project and met with the Stanford Health Center team.

VI. PUBLIC HEARINGS

- A. 6701 Shellmound Street Residential Development ("Nady" Site)(UPDR13-004) -**
Consideration of certification of the Final Environmental Impact Report prepared for the 6701 Shellmound Street Residential Development; and a Conditional Use Permit and Design Review for a 186-unit residential development on a 2.27 acre site located at 6701 Shellmound Street. The project includes a Tree Removal Permit for removal of two street trees. CEQA Status: Environmental Impact Report prepared with public comment period ending on December 21, 2015. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR). Applicant: Anton Development Company LLC)(Owner: Nady Trust U/D/T)(APN:49-1490-2)

Commissioner Donaldson was recused on this item due to a potential conflict of interest.

The Final Environmental Impact Report was considered first, followed by approval of the project.

Miroo Desai, Senior Planner, introduced Lynette Dias with Urban Planning Partners, the City's consultant who prepared the EIR for this project. The consultant presented an overview of the EIR process, which included the purpose of the EIR, overview of CEQA process, summary of this environmental review process and the findings of the Final EIR.

The public hearing was opened.

Paul Marks, an engineer for Pham Radio, spoke on behalf of the radio station. He said although the revisions are moving in the right direction, with respect to the revised HAZ-1b, the mitigation measures presented do not adequately protect the construction workers or occupants from exposure to excessive levels of radio frequency electromagnetic fields, currents and voltages. He stated humans should not be exposed to radio frequency electro-magnetic fields that exceed the prescribed safety levels of the I-EEE Safety Standards. He suggested the mitigation measures be revised as specified by the I-EEE safety standards to limit exposure to the workers and occupants. He also suggested the City require the developer hire a qualified electrical engineer to check the project after it is completed to ensure it meets the I-EEE Safety Requirements.

The public hearing was closed.

A motion was made to certify the Final EIR.

Moved: Bauters
Seconded: Cardoza
Vote: Ayes: Keller, Cardoza, Banta, Bauters, Gunkel
Excused: Kang
Recused: Donaldson

Senior Planner, Miroo Desai, presented the staff report on the project, noting architectural and landscape modifications. Staff recommended approval of the project, subject to the conditions of approval in the report and as amended in the memo from staff dated March 24, 2016.

Tom Cox, architect for the project, made a presentation on the design changes that they have made from the directions given during the previous study sessions.

Gary Layman, landscape architect, expounded on the landscape changes.

The public hearing was opened.

Rod Hemni, Emeryville resident and a multi-family architect, spoke in support of the project. He said in general, the treatment of the building on the north is admirable. He suggested no checkerboard treatment at all in terms of coloration. He stated that the view from Shellmound is the best. He is concerned with the view from the north and noted a portion of the base is higher and does not work quite as well. He suggested more metal be used on the north side and open the base to provide more light inside and outside.

The public hearing was closed.

The Commission expressed appreciation for the applicant's willingness to work with the City on the changes that were suggested and said the project has come along quite nicely. The inside and the façade of the building reflect the applicant's responses to the suggestions over the course of the study sessions. It was recommended that the following conditions be included in the conditions of approval: only plants that are non-toxic to animals are to be used in the landscaping, the bike shop and exercise equipment shall be open to the public, and the outdoor exercise equipment is to be moved out of the public right of way.

A motion was made to approve the project subject to modifications to the conditions of approval as described above and as recommended by staff.

Moved: Keller
Seconded: Banta
Vote: Ayes: Keller, Banta, Cardoza, Gunkel, Bauters
Recused: Donaldson
Excused: Kang

There was a break from 8:25 p.m. to 8:35 p.m.

- B. AT&T Wireless Facilities Modifications (DR16-004)** – Consideration of a Design Review Permit to modify existing wireless facilities at 6363 Christie Avenue (Pacific Park Plaza). CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311 which applies to accessory structures, 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 Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR) and Transit Hub Overlay (TH) (Applicant: Talin Aghazarian) (Owner: Pacific Park Plaza Home Owners Association) (APN: 49-1494-12)

Sara Billing, Assistant Planner, presented the staff report, with staff's recommendation for approval subject to the conditions of approval.

The applicant, Talin Aghazarian, addressed the Commission and responded to questions.

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

A motion was made to approve the project.

Moved: Bauters
Seconded: Donaldson
Vote: Ayes: Bauters, Gunkel, Cardoza, Banta, Donaldson
Excused: Kang
Recused: Keller

VII. STUDY SESSIONS

- A. Stanford Health Center (DR15-020)** – Study session to review a design review proposal

for exterior changes to the EmeryStation Greenway building, including a canopy over the sidewalk, a valet parking area along Hollis Street, and new signage for a medical office use at 5800 Hollis Street. The proposal involves modifications to both private property and the public right-of-way, and includes removal of two street trees. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to modifications to existing facilities; 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: Office/Technology and Major Transit Hub; Zoning District: Office/Technology (OT), North Hollis Overlay Zone (N-H), and Transit Hub Overlay Zone (TH) (Applicant: Adam Books, Hensel Phelps) (Owner: EmeryStation Triangle, LLC) (APN: 49-1328-3-2)

Sara Billing, Assistant Planner, made the staff presentation.

The applicant addressed the Commission and responded to questions from the Commission

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

Commissioners were generally supportive of the project, but raised concerns about potential traffic impacts to nearby bicycle boulevards, the impacts of increases in signage to nearby residents, and how private uses in the public right of way impact the public realm. Commissioners also provided suggestions for increased public art visibility.

- B. Short Term Rentals** – Study session on whether and how to regulate short term rentals, which means renting out all or part of a dwelling unit for less than 30 days. CEQA Status: This project is exempt from environmental review under the “general rule” at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

Community Development Director, Charles Bryant, made the staff presentation for this item, in the absence of Associate Planner, Diana Keena who was out due to illness.

The public comment period was opened.

Fran Chiappetta and Mary Eileen Farrell, Watergate residents, were concerned with allowing owners to rent out their units for short terms. They said the short term renters were not as conscientious about maintaining the property since they were not the owners. They said they have seen a number of people on their properties that were strangers, and that creates concerns for safety. They also expressed noise concerns.

The public comment period was closed.

There was no clear consensus and a wide range of opinions expressed by the Commissioners, ranging from making no changes to current regulations, to allowing short term rentals with regulations, to a total prohibition.

VIII. ADMINISTRATIVE ITEM

- A. Capital Improvement Program** - Review of the proposed Five Year Capital Improvement Program for Fiscal Years 2016-17 through 2020-21, for consistency with the Emeryville General Plan pursuant to California Government Code Section 65403(c).

Due to the lateness of the hour, the Commission agreed to dispense with a staff presentation.

A motion was made to find that the Capital Improvement Program is consistent with the General Plan.

Moved: Keller
Seconded: Bauters
Vote: Ayes: Keller, Banta, Cardoza, Gunkel, Donaldson, Bauters
Excused: Kang

A recommendation was made to request the City Council allocate funds of \$2,000,000 from other CIP projects for a gateway to the City at Powell and Christie, and to paint the water tower to promote civic identity.

Moved: Gunkel
Seconded: Donaldson
Vote: Ayes: Banta, Donaldson, Gunkel, Keller
Abstain: Bauters, Cardoza
Excused: Kang

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT – 11:15 P.M.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, APRIL 28, 2016 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.