

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
OCTOBER 27, 2011**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Commissioner Gail Donaldson, Chairperson. Commissioners present: Lawrence Cardoza, Vanessa Kuemmerle, John Scheuerman, Steven Steinberg, Frank Flores, and Gail Donaldson. Absent: Art Hoff

II. PUBLIC COMMENT - None

III. ACTION RECAP – September 22, 2011

A motion was made to accept the Action Recap of September 22, 2011.

Moved: Scheuerman
Seconded: Cardoza
Vote: Ayes: Scheuerman, Cardoza, Donaldson, Kuemmerle, Steinberg, Flores
Absent: Art Hoff

IV. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council/Community Development Commission. On October 4, the Council had first reading of an ordinance to amend the Municipal Code provisions related to sandblasting to make them consistent with the Noise Ordinance, approved a \$70,000 grant to the Emeryville Center for the Arts for preconstruction activities, and heard a status report on the project. On October 18, the Council approved the Transportation Committee recommendation for reconfiguring the lane striping on Emery Street, south of 40th, to provide for a 6-foot bike lane in each direction.

The Zoning Update Steering Committee met on Tuesday, September 27 and reviewed the new use classification system, and then met again on Tuesday, October 25, and reviewed and approved the matrix indicating what uses are permitted, conditionally permitted, or prohibited in each zone. The committee will now have a break for the holidays and will reconvene on January 24. Meanwhile, staff has finalized the detailed outline for the new code, and has completed a draft of Chapter 2, Use Classification, based on the Steering Committee's comments.

Director Bryant noted upcoming meetings, including workshops on the Center of Community Life on November 19 and December 13, and site clean-up meetings for 3706 San Pablo Avenue on November 3, and for 1301 59th Street on November 7.

A. Planning Commission Schedule for 2012

The schedule was approved by unanimous consent.

V. STUDY SESSIONS

A. Wells Fargo Bank (DR11-024) – A study session on a proposal to construct a new, single-story 4,995 square foot bank facility at the northwest corner of Shellmound Street and Christie Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(c) which applies to new construction of small commercial buildings. General Plan and Zoning Designation: Mixed Use Residential (MUR)/Regional Retail Overlay (RR); (Owner: Emeryville Hotel Development Venture II) (Applicant: Wells Fargo Bank) (APN: 49-1515-11-2)

Senior Planner, Miroo Desai, presented the staff report and requested the Commission provide direction regarding this proposal.

Maurice Kaufman, Public Works Director, addressed the traffic concerns at Shellmound and Christie. He suggested placing bollards, lengthening the left turn lane and adding a crosswalk at this intersection.

Applicant, David Danis, representative for Wells Fargo, made a brief presentation, and architect, Paul Ferro made a PowerPoint presentation.

The Chair asked for public comments, there was no one who wished to speak.

Planning Commission Comments:

Everyone agreed that it was great that the corner will be made into a prominent location. The corner plaza needs softening with landscaping, sculpture, and/or artwork. General support for the project was expressed by the Commission.

- B. Public Market “Green Living Room”** – A study session on a proposal for developing the Emeryville Public Market’s sustainable improvements consistent with the City’s application to the State Housing and Community Development Department for a \$1.35 million Catalyst Award. The Emeryville Public Market “Green Living Room”, on the west side of Shellmound Street north of Shellmound Way, is proposed to include landscaping and access improvements, bicycle sharing and parking, renewable energy, electrical vehicle car charging and parking reconfigurations, and environment educational and art displays.

Chair Donaldson was recused due to a potential conflict of interest. Vice Chair Flores presided.

Amber Evans, Coordinator in the Economic Development and Housing Department, made the staff presentation. Applicant, Denise Pinkston, with TMG made a brief presentation.

Public comments were requested, there were none.

Commissioners commented that this was an exciting project, totally transforming this area. It was noted that this is an opportunity to create a bicycle and pedestrian path to connect Christie to Shellmound. Suggestions were to widen the sidewalk on Shellmound and incorporate a lot of greenery.

There was a short break from 7:56 p.m. to 8:02 p.m.

VI. PUBLIC HEARINGS

- A. Panera Bread (UPDR10-001)** – A request for modifications to a Conditional Use Permit to create a new 4,000 square foot pad for a Convenience Eating and Drinking Establishment at the southwest corner of Horton and 40th Streets, and a Design Review permit to construct a new 4,000 square foot building for Panera Bread with outdoor seating. The project was originally approved by the Planning Commission on December 9, 2010. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(c) which applies to small new construction projects in urban areas. General Plan and Zoning Designation: Mixed Use with Residential (MUR) and Regional Retail Overlay (RR). (Applicants: Catellus and Panera Bread; Owner: Catellus) (APN: 7-617-16-5)

Assistant Planner, Arly Cassidy, made the staff presentation. Staff recommended approval according to the conditions of approval.

Applicant, Mark Etherington, spoke briefly.

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

A motion was made to approve the request for Panera Bread (UPDR10-001) with the following amendments: Bike lockers to be installed within 4 years and 5 more Eucalyptus trees to be added along Horton Street.

Moved: Flores
Seconded: Cardoza
Vote: Ayes: Kuemmerle, Steinberg, Donaldson, Flores, Cardoza, Scheuerman
Absent: Hoff

The applicant wanted to have an opportunity to comment on the new conditions of approval.

Following the public hearing on the AT&T Blackdot Wireless Appeal, a motion was made by Commissioner Flores to reconsider the Panera vote and the motion was seconded by Commissioner Cardoza. The Commissioners voted unanimously to reconsider the item.

The applicant responded to the new conditions. He said the additional trees were fine, but he did not have the authority to agree on the bike lockers and would have to take this new condition back to his office.

A new motion was made to approve the project with the additional trees and not to change the condition regarding bike lockers.

Motion: Flores
Seconded: Cardoza
Vote: Ayes: Kuemmerle, Steinberg, Donaldson, Flores, Cardoza, Scheuerman
Absent: Hoff

- B. AT&T Blackdot Wireless Appeal (DR11-008)** – An appeal of the Planning Director's denial of a minor Design Review application to install new antennae on the water tower and two new equipment shelters below the water tower at 1255 Powell Street, and a Variance to remove one parking space in order to move the shelters to the south side of the building. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to accessory structures. General Plan and Zoning Designation: Mixed Use with Residential (MUR). (Applicant: Dave Christenson, AT&T Wireless.)(Owner: Watertower Association, LLC) (APN: 49-1315-1). (Continued from July 28, 2011 meeting.)

Arly Cassidy, Assistant Planner, made the staff presentation. Staff recommended approval, based on the new design.

Dave Christenson, representative for AT&T spoke briefly.

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

A motion was made to approve the new design (DR11-008).

Moved: Cardoza
Seconded: Steinberg
Vote: Ayes: Kuemmerle, Steinberg, Donaldson, Flores, Cardoza, Scheuerman
Absent: Hoff

- C. **City Storage, 4000 Adeline Street (UPDR11-002)** – A Conditional Use Permit and Design Review to remodel and reuse an existing 28,800 square foot building for self storage, a corner retail space, and a manager’s residential unit at 4000 Adeline Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 which applies to in-fill development projects. General Plan and Zoning Designation: Mixed Use with Residential (MUR). (Applicant: Kava Massih Architects) (Owner: Jane Foley, Jane Foley Investments, LLC.) (APNs: 49-1022-4)

Vice Chair Flores was recused due to a potential conflict of interest.

Assistant Planner, Arly Cassidy, presented the staff report. Staff recommended approval with recommended changes.

The applicant, Lester Schwartz and architect Shawn Fritz, spoke briefly.

Kava Massih, of Kava Massih Architects, spoke briefly and offered alternative designs to mitigate the concerns of the adjacent property owner regarding the wall between the two properties.

The public hearing was opened.

Cynthia Carpenter, resident at 1007 41st Street, expressed concerns with the wall height, shadowing and ventilation of the Green City Lofts garage which will be affected by this large wall. She stated that the garage has no other ventilation and the wall will be 5 feet from her windows.

The public hearing was closed.

Mr. Massih said the wall had been dropped as low as possible.

The Commissioners expressed thanks for the changes that had been made to this project and also expressed concerns for the impacts of the neighboring property owner. They suggested the applicant work with the neighbor to arrive at some acceptable wall treatments.

The applicant said he had offered Ms. Carpenter that he would spend up to \$10,000 to have an acceptable treatment done to the wall.

A motion was made to approve the conditional use permit and design review for City Storage (UPDR11-002), with an additional condition that the applicant voluntarily work with the neighbor to reach a mutually satisfactory design solution for the wall.

Moved: Cardoza
Seconded: Scheuerman
Vote: Ayes: Kuemmerle, Donaldson, Cardoza, Scheuerman
Noes: Steinberg
Absent: Hoff
Abstained: Flores

- D. **Urban Outfitters Roof Sign (SIGN11-016)** – A Major Sign Permit to install a new neon sign on the roof of a new Urban Outfitters store at the Public Market at 5903 Shellmound Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to accessory structures including on-premise signs. General Plan Designation: Mixed Use with Residential (MUR). Zoning Designation: Planned Unit Development-Mixed Use (PUD). (Applicant: US Sign and Mill Corporation.) (Owner: Marketplace Mortgage LLC) (APN: 49-1493-10-5)

Chair Donaldson was recused due to a potential conflict of interest. Vice Chair Flores presided.

Arly Cassidy, Assistant Planner, presented the staff report, with staff's recommendation for approval.

Denise Pinkston of TMG Partners, spoke briefly and introduced the applicant Craig Streetzel, who discussed the project.

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

Commissioner Cardoza said he wanted the sign turned off when the store is closed. The applicant agreed to turn off the sign when the Marketplace closes.

A motion was made to approve the Urban Outfitters Roof Sign (SIGN11-016), with an additional condition that the sign be turned off when the Marketplace closes.

Moved: Scheuerman
Seconded: Kuemmerle
Vote: Ayes: Kuemmerle, Steinberg, Flores, Cardoza, Scheuerman
Absent: Hoff
Abstained: Donaldson

- E. Sign Regulations Ordinance (ORD11-004)** – Planning Commission consideration of an amendment to Article 61 of Chapter 4 of Title 9 of the Emeryville Municipal Code concerning regulation of signs on private property. This ordinance would apply city-wide. CEQA Status: This proposal is exempt from environmental review under State CEQA Guidelines 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.

Assistant City Attorney, Michael Guina, made the staff presentation and requested the Commission forward to the City Council for adoption.

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

A motion was made to forward the Sign Regulations Ordinance (ORD11-004) to the City Council with a recommendation for adoption.

Moved: Flores
Seconded: Donaldson
Vote: Ayes: Kuemmerle, Steinberg, Donaldson, Flores, Cardoza, Scheuerman
Absent: Hoff

VII. COMMISSIONERS COMMENTS

Get well wishes from everyone were extended to Commissioner Hoff .

VIII. ADJOURNMENT – 9:45 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, DECEMBER 8, 2011 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608