

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
SEPTEMBER 26, 2013**

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, Sean Moss, Kairee Tann, Gail Donaldson, Steven Keller and Brad Gunkel.

II. SWEARING IN OF NEW COMMISSIONERS AND RECOGNITION OF OUTGOING COMMISSIONERS

Two new Commissioners, Brad Gunkel and Steven Keller were sworn in by City Clerk, Karen Hemphill.

Chair Kuemmerle expressed thanks to the outgoing Commissioners, Steven Steinberg and John Scheuerman for their service. Resolutions for both of them were read and presented by Chair Kuemmerle.

Both Commissioners said they have enjoyed working on the Commission and expressed their thanks to staff and the Commission.

A Resolution was read and presented by Chair Kuemmerle to Arly Cassidy, Assistant Planner, who is leaving the City after 5 years of service. Arly expressed her thanks and said it has been a wonderful experience.

III. ELECTION OF OFFICERS

Chair Kuemmerle moved to nominate Vice Chair Lawrence (“Buzz”) Cardoza as the new Chair and Commissioner Sean Moss as Vice Chair. The motion was seconded by Commissioner Keller and the motion passed by acclamation. Chair Cardoza presided for the remainder of the meeting.

IV. ACTION RECAP – August 22, 2013.

A motion was made by Commissioner Kuemmerle to accept the Action Recap of August 22.

Moved: Kuemmerle

Seconded: Tann

Vote: Ayes: Moss, Kuemmerle, Cardoza, Tann

Abstained: Donaldson, Gunkel, Keller

V. DIRECTOR’S REPORT

Director Bryant reported on recent City Council actions. He noted that a community meeting on the Sherwin Williams project will be held on Wednesday, October 16 at 7 p.m. in Old Town Hall,

and that there will be a study session on the project at the next Commission meeting on October 24. He announced that the Western Institute for Social Research use in the Vue 46 café space, approved by the Planning Commission in July, has fallen through due to “financial entanglements” on the part of the seller that had not previously been disclosed. He noted that Liz Altieri, former General Plan and Zoning Update Steering Committee member and one-time chair, and member of other City committees, passed away recently, and that a gathering to celebrate her life would be held at Trader Vic’s on Friday, September 27 from 6 to 9 p.m. He reminded the Commission that the opening gala for the Annual Celebration of the Arts Show would be on Friday, October 4 from 6 to 9 p.m. at Bay Street in a storefront at the corner of Bay and Christie, opposite the Gap; the show will run for three weeks in October. Finally, he noted that he had put two items for the Commissioners on the dais: a new book from the American Planning Association called *The Planning Commissioners Guide*, and a thumb drive containing the General Plan, Planning Regulations, numerous other City plans and reference documents, State planning laws and regulations, regional planning information, and basic Planning Commission reference materials.

VI. PUBLIC HEARINGS

- A. **The Broken Rack (UPDR13-003)** – A Conditional Use Permit for a Bar/Nightclub/Lounge use and accessory pool hall to occupy an existing 10,260 square foot building at 5768 Peladeau Street and for access directly from the building onto the City-owned greenway, as well as Design Review for improvements to the exterior. The business will include a bar, tables with food service, pool tables and other games. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor alterations 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 Designation: Mixed use with Residential with Major Transit Hub overlay. Zoning Designation: Mixed Use with Residential (MUR) with North-Hollis (N-H) and Transit Hubs (TH) overlays. (Applicant: Marilyn and Wayne Boucher)(Owner: TW Properties) (APN: 49-1318-7-4)

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

Applicant, Marilyn Boucher, answered questions from the Commissioners and addressed their concerns regarding parking and other issues. She stated she did not see a problem with the parking. Their business is mostly a nighttime business and they will share a 35 space parking lot with the other business on the property.

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

Commissioners Comments:

- Not enough attention given to the north elevation, everything is very plain.
- Need shades for windows to address the glare and add to the attractiveness of the building.
- Add potted trees on north side of building to add character.
- Location of trash enclosure will make it difficult to keep area clean.
- Suggest putting a mural on blank wall.
- Happy to see this building being used.
- Remove mirror film from windows on Peladeau side, and use some other type of covering that will provide enough transparency to see movement on the inside.

The applicant said the trash enclosure will have a drain and water source. Therefore, there will be no problem in keeping the area clean.

The architect also spoke briefly addressing the Commission's concerns.

The Commission requested some additional conditions be added to the Conditions of Approval:

- 1) Provide four indoor bike parking spaces for customers.
- 2) Have staff provide security service in parking area for half an hour after closing to ensure that patrons are not disruptive.
- 3) Mirror film on windows facing Peladeau Street shall be removed. Any replacement window covering shall be sufficiently transparent to allow indoor activity to be apparent from the street.
- 4) The Commission's strong preference is that the public art for the project consist of a mural with an interurban rail theme on the east wall of the building facing the Greenway.

A motion was made to approve the Conditional Use permit for UPDR13-003 with the additional conditions.

Moved: Keller

Seconded: Tann

Vote: Ayes: Keller, Moss, Kuemmerle, Cardoza, Donaldson, Tann, Gunkel

- B. Development Agreement for Emery Station West @ Emeryville Transit Center/Heritage Square Garage (DA13-001)** – Consideration of a Development Agreement for the previously approved Emery Station West @ Emeryville Transit Center/Heritage Square Garage project. The project involves removal of two surface parking lots in the 5900 and 6100 blocks of Horton Street and construction of two separate buildings: an office/laboratory building and a parking garage. The Emery Station West Building is a seven-story office building accommodating office/lab space, car parking, bus bays, and ground level retail and transit oriented functions. The Heritage Square Garage is a seven-story building accommodating parking stalls. The City Council approved the Conditional Use Permit and Design Review for the Project pursuant to Resolution No. 10-33 (February 16, 2010), and extended the approvals pursuant to Resolution No. 12-25 (February 7, 2012). CEQA Status: The City Council adopted a Mitigated Negative Declaration pursuant to Resolution 10-32 (February 16, 2010). General Plan Designation: Mixed-Use with Non-Residential (Emery Station West parcel); Office/Technology (Heritage Square parcel). Zoning Designation: Mixed-Use with non-Residential (MUN) (Emery Station West parcel); Office/Technology (OT) (Heritage Square Parcel); North Hollis Overlay District (N-H) (both parcels). (Applicant/Owner: Wareham Development, Emery Station Associates, LLC, Westinghouse Electric, Inc. (formerly Viacom, Inc.), City of Emeryville) (APN: 49-1489-15; -13-3; 49-1325-1-2; -2; -4)

This item was postponed to a future meeting.

VII. COMMISSIONERS COMMENTS

Commissioner Donaldson thanked Arly Cassidy for her hard work and wished her well. She noted that Peter Schultze-Allen, Environmental Analyst in Public Works, is also leaving and will be missed.

Commissioner Kuemmerle suggested that the Commissioners retreat be a tour of local family-friendly housing projects instead of signs. Other Commissioners agreed.

VIII. ADJOURNMENT – 8.25 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, OCTOBER 24, 2013 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.