

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
July 24, 2014**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Lawrence Cardoza. Commissioners present: Sean Moss, Kairee Tann, Steven Keller, Brad Gunkel and Gail Donaldson. Commissioner Vanessa Kuemmerle had an excused absence.

II. Election of Officers

By acclamation, Sean Moss was elected Chair and Kairee Tann was elected Vice Chair.

Moved: Cardoza
Seconded: Keller
Vote: Ayes: Cardoza, Tann, Moss, Keller, Gunkel, and Donaldson
Excused: Kuemmerle

III. PUBLIC COMMENT

Paul Gerhardt, a resident of Pacific Park Plaza, stated that Pacific Park Plaza residents should be notified when signs are proposed for the high rise buildings west of I-80. Mr. Gerhardt noted that the required 300 foot notification distance is not adequate for high rise signs, and that communication and outreach with residents should happen in the early stages of planning, before such items come to the Planning Commission.

IV. ACTION RECAPS

A. Special Meeting of May 17, 2014.

A motion was made to approve the action recap.

Moved: Cardoza
Seconded: Donaldson
Vote: Ayes: Cardoza, Moss, Keller, Gunkel, and Donaldson
Abstained: Tann
Excused: Kuemmerle

B. Regular Meeting of June 26, 2014.

A motion was made to approve the action recap.

Moved: Keller
Seconded: Cardoza
Vote: Ayes: Cardoza, Moss, Keller, Gunkel, and Donaldson
Abstained: Tann
Excused: Kuemmerle

V. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council and noted that staff proposes to cancel the August Planning Commission meeting because there are no items for the agenda. The

Commission concurred. Director Bryant provided an update on the Nady project, notifying the Commissioners that the project was no longer active. Commissioner Moss asked whether any CEQA work had been done on the project: Director Bryant replied that the project was in the middle of the Initial Study/Mitigated Negative Declaration public review period when the project was withdrawn. Commissioner Keller asked for clarification regarding the effective date of the newly adopted development impact fees approved by the City Council on July 15. Director Bryant responded that the new development fees will not apply to building permits issued before September 15, 2014; but that the existing traffic impact fees will apply.

VI. PUBLIC HEARINGS

- A. **East BayBridge Façade Improvements (DR14-003)** - Consideration of a Major Design Review application to modify the façade of existing and resubdivided tenant spaces at 3839 Emery Street in the East BayBridge Shopping Center. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies 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 Classifications: Mixed Use with Residential and Regional Retail Overlay within a Major Transit Hub and Other Park Opportunity. Zoning Districts: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), Transit Hub Overlay (TH), and Pedestrian Priority Overlay (PP). (Applicant: Federal Realty Investment Trust)(Owner: East Bay Bridge Retail, LLC)(APN: 49-619-5). (Continued from the March 24, 2014 Planning Commission meeting.)

Assistant Planner Sara Billing made the staff presentation, with staff’s recommendation for approval. Marty Potts, MPA Architects, made a presentation on behalf of the applicant, and responded to questions from the Commission.

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

Commissioner Moss stated that, while the HOA he is a part of owns property within 500 feet of the project site, his individual unit is more than 500 feet away and thus, under State law, he is eligible to vote on the project.

Commissioners Moss, Gunkel, and Keller each reported that they had met individually with the applicant.

Following Commission discussion, a motion was made to approve the application with the following modifications to the Conditions of Approval:

- Change IV.C.3. from “bike racks” to “bike parking spaces”.
- Add a requirement for sign lights to be dimmable.
- Require a “no outlet” sign at the entrance to the residential drive behind the Bridgescourt Apartments south of Harlan Street.

Moved: Cardoza

Seconded: Keller

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

Noes: Moss

Excused: Kuemmerle

- B. Parc on Powell Master Sign Program (SIGN14-009)** – Consideration of a Master Sign Program application for tenant identity signage at 1333 and 1303 Powell 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, 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 within a Major Transit Hub. Zoning Districts: Mixed Use with Residential (MUR) and Transit Hub Overlay (TH). (Applicant: Ross/Luthin Creative) (Owner: Archstone Emeryville Residential LLC)(APN: 49-1317-1-1).

Commissioner Gunkel was recused because he owns his home within 500 feet of the project site.

Assistant Planner Sara Billing made the staff presentation, with staff’s recommendation for approval. The applicant made a brief presentation and responded to questions from the Commission.

The public hearing was opened.

Brad Gunkel expressed concern regarding internally illuminated signs, stating that they tend to be very bright and offensive.

The public hearing was closed.

A motion was made to approve the application as submitted.

Moved: Keller
Seconded: Cardoza
Vote: Ayes: Cardoza, Keller, Moss, Donaldson, Tann
Recused: Gunkel
Excused: Kuemmerle

- C. Parc on Powell Project Identity Signage (SIGN14-011)** – Consideration of a Major Sign Permit application for project identity signage at 1333 and 1303 Powell 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, 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 within a Major Transit Hub. Zoning Districts: Mixed Use with Residential (MUR) and Transit Hub Overlay (TH). (Applicant: Ross/Luthin Creative) (Owner: Archstone Emeryville Residential LLC)(APN: 49-1317-1-1).

Commissioner Gunkel was recused because he owns his home within 500 feet of the project site.

Assistant Planner Sara Billing made the staff presentation, with staff’s recommendation for approval. The applicant made a brief presentation and responded to questions from the Commission.

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

Following Commission discussion, a motion was made to approve the application with the following modifications to the Conditions of Approval:

- Reduce the linear dimensions of the “Parc on Powell” wall sign by 10%.
- Change the depth of the “Parc on Powell” wall sign from 7 inches to 4 inches.
- Change the word “retail” to “customer” for the parking entrance wall signs.
- Add the international parking logo to all parking signs.

Moved: Cardoza

Seconded: Moss

Vote: Ayes: Cardoza, Keller, Moss, Tann

Noes: Donaldson

Recused: Gunkel

Excused: Kuemmerle

VII. STUDY SESSION

- A. **Christie Avenue Park Redesign and Expansion** – Study Session on a proposed Final Development Plan (FDP) to redesign and expand Christie Avenue Park as required by the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008. CEQA Status: Environmental Impact Report for Marketplace Redevelopment Project PUD certified by City Council on January 15, 2008. General Plan Land Use Classification: Existing Park: Park/Open Space; Expansion Area: Mixed Use with Residential, Other Park Opportunity. Zoning District: Existing Park: Park/Open Space (PO), Pedestrian Priority Overlay Zone (PP), Transit Hub Overlay Zone (TH); Expansion Area: Planned Unit Development (PUD-2). (Applicant: City Center Realty Partners) (Owners: City of Emeryville, AG-CCRP Public Market L.P.) (APNs: 49-1493-1; 49-1556-2).

Senior Planner Miroo Desai made the staff presentation. Mark Stefan, City Center Realty, addressed the Commission and then turned the presentation over to Eron Ashley and Anne Howerton from Hart Howerton, landscape architects.

Commissioner Keller was recused because he owns his home within 500 feet of the project site.

The floor was opened for public comments.

John Jackson, Emeryville resident, said that the City controls the property to the south of the proposed park area. Housing can go elsewhere: Emeryville has limited park space and this area should be added to the park.

Jerry Kopel, Emeryville resident, said the trees in the park should be preserved. They are used by migratory birds and are the only trees in the area that serve this purpose. Mr. Kopel stated that he did not know if this could be a possible legal issue. Additionally, the periphery of the existing park on the eastern side is not friendly: benches face parked cars. A new park should have some acoustic and visual separation from parked cars.

Steven Keller, Emeryville resident, said that a dog park is necessary. Mr. Keller said that creating spaces for movies and events is a waste of space due to the wind, cold and shadows in the park. Mr. Keller also stated that the cut-through path is very important and that any sculptural element should not be in the way of the path. Sports courts are provided at other parks: they are not necessary here. The retail pad also is not

necessary; there is enough retail in the area. Mr. Keller stated that the existing berm is not safe and that it needs to be removed.

Dennis Kane, Emeryville resident, said that there are many mothers and babies in the neighborhood that need to be accommodated. Mr. Kane stated that he largely agrees with Steven Keller: the berm is unsafe and a basketball court is not needed. What is needed is a place for mothers and kids to play; the City needs to support the younger population.

Marcelline Krafchick had to leave early and provided written notes to Director Bryant, which he read out loud: overall the project looks good; however, Ms. Krafchick is concerned about the park being a potential source of noise.

Commission Comments

Commissioner Moss asked Director Bryant if the sites to the south of the park are required to be used for affordable housing. Director Bryant replied that the parcel immediately to the south was purchased with affordable housing money, while the remaining Christie Avenue parcels were not. It has not yet been determined whether the affordable housing must be developed on this site or whether it can be spread across all the Christie Avenue sites or relocated to another site.

The Commissioners noted that a children's play area would be well used, noting that a well-designed play area can turn a park into a destination. Incorporating natural elements, such as berms, and public art features, such as climbable sculptures, should be looked in to. It was noted that any design should include ADA features so that all children can be included in the play area.

A dog park was also discussed as an important park feature. It was noted that a dog park should be located away from the children's play area, should not be round in shape, and would be most usable if it were fenced-in using a linear or rectangular shape. The Temescal Creek dog park was referenced as being a good sized dog park for most users.

Many comparisons were made to Doyle-Hollis Park, particularly as it is similar in size to what the expanded Christie Avenue Park will be. The open lawn area was mentioned as a valuable flex-space providing for a wide range of activities. However, it was noted that Doyle-Hollis Park is a very busy park that does not cater to those looking for respite.

The existing trees, and whether to replace or keep them, was discussed extensively. The Commissioners stated that more information is needed to better understand options, suggesting an arborist study be provided.

Other concerns raised included the need for both physical and visual permeability from park edges, de-emphasizing the proposed movie screen area, and utilizing park design to make sure the narrower northern portion of the park does not feel constrained. It was also suggested that the connecting area between the park and the planned Public Market plaza be surfaced with pavers and closed off to through traffic.

No one spoke in favor of including a retail pad as part of the park, while several Commissioners noted that a retail pad in the park is not necessary.

For future presentations, it was requested that information be included to demonstrate where daylight falls on specific park elements. It was also noted that reviewing alternative

park designs would be helpful, but that alternatives do not need to include incorporating the existing park design.

VIII. COMMISSIONERS COMMENTS

Commissioner Keller announced that Scarlet City Roasters, a new café at Adeline Street and Yerba Buena Avenue, is having a soft opening the first week of August.

IX. ADJOURNMENT – 10:28 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, OCTOBER 2, 2014 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.