

**EMERYVILLE CITY PLANNING COMMISSION  
ACTION RECAP  
August 25, 2016**

**I. CONVENE AND ROLL CALL**

The meeting was called to order at 6:30 p.m. by Chair, Steven Keller. Commissioners present: Lawrence Cardoza, Gail Donaldson, Philip Banta and John Bauters. Commissioner Kang had an excused absence.

**II. RECOGNITION OF OUTGOING COMMISSIONER BRAD GUNKEL**

A Resolution from the Commission to Commissioner Gunkel for his years of service was read and presented to him by Community Development Director, Charles Bryant. Commissioner Gunkel expressed his appreciation to the Commission and staff for all of their cooperation and sharing of knowledge and experience while serving as a Planning Commissioner. Commissioner Bauters moved the resolution, Commissioner Donaldson seconded. It was passed without exception.

**III. PUBLIC COMMENT**

None

**IV. ACTION RECAP – July 28, 2016**

After correction of a speaker's name by Commissioner Bauters, he moved approval of the Action Recap and Chair Keller seconded the motion. The action recap was approved without exception.

**V. DIRECTOR'S REPORT**

Director Bryant reported on actions of the City Council at the special Council meeting on August 16, 2016. He noted that the Council will be interviewing applicants for the vacant Planning Commission seat on September 6, and will be appointing one of them to the Commission, who will be sworn in at the next meeting on September 22. The two applicants are Linda Barrera and Christine Scott Thomson. He also reminded the Commission that the ribbon cutting ceremony for the Emeryville Center of Community Life will be on Thursday, September 1 starting at 10 a.m.

**VI. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

On Item VIII.A., the 6-Unit Townhomes on Beaudry Street, Commissioner Bauters said he had had a conversation with the applicant, Jake Aftergood, an e-mail from Ken Bukowski, and an e-mail exchange with neighboring property owner, Henry Siegel. Commissioner Banta said he had had a phone call from Jake Aftergood.

**VII. PUBLIC HEARINGS**

- A. 5876 Beaudry Street New Unit (UPDR16-003)** – Consideration of a Conditional Use Permit and Design Review for a new one-bedroom unit at a property with two existing units located at 5876 Beaudry Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b) which applies to new construction or conversion of apartments, duplexes and similar structures designed for not more than six dwelling units; 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (NH) (Applicant: Brad Gunkel) (Owner: Aaron Hokamura) (APN: 49-1331-17)

Sara Billing, Assistant Planner, made the staff presentation.

Applicant, Brad Gunkel, spoke briefly and responded to questions from the Commission.

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

The Commissioners said they wanted a verbal commitment from the applicant/owner to increase the landscaping in the project, which was given.

A motion was made to approve the application for 5876 Beaudry Street New Unit (UPDR16-003).

**Moved:** Cardoza  
**Seconded:** Banta  
**Vote:** Ayes: Banta, Cardoza, Keller, Donaldson, Bauters  
**Absent:** Kang

- B. Doyle Street Lofts Amendment (UPDR14-002)** – Consideration of an amendment to the conditions of approval of a Conditional Use Permit and Design Review permit to add square footage to two previously approved units at 5532 Doyle Street resulting in no exterior design modifications. The project was approved by the City Council on January 20, 2015. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15302 which applies to replacement or reconstruction of existing structures and 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) (Applicant: Alex Bergtraun) (Owner: Jim Hamaduni) (APN: 49-1313-22)

The staff presentation was made by Assistant Planner, Sara Billing, with staff's recommendation for approval.

Applicant, Alex Bergtraun, 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 Doyle Street Lofts Amendment (UPDR14-002).

**Moved:** Cardoza  
**Seconded:** Banta  
**Vote:** Ayes: Banta, Cardoza, Keller, Donaldson, Bauters  
**Absent:** Kang

## II. STUDY SESSIONS

- A. 6 Unit Townhomes (UPDR16-002)** – A study session to review a Conditional Use Permit and Design Review proposal to demolish four existing residential units and replace them

with six new residential units at 5876 – 5880 Doyle Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b) which applies to new construction or conversion of apartments, duplexes and similar structures designed for not more than six dwelling units, 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; Zoning District: Mixed Use with Residential (MUR) and North Hollis Overlay (N-H) (Applicant: Jake Aftergood) (Owner: Kenneth J. Schmier 2010 Separate Living Property Trust and Eric S. Schmier 2010 Living Trust) (APN: 49-1330-12 and-13)

Assistant Planner, Sara Billing, presented the staff report.

Arborist, Molly Batchelder, SBCA Tree Consulting, addressed the Commission concerning the project’s impacts on trees on the site and adjacent properties.

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

The applicant, Jake Aftergood and his brother, Aaron Aftergood, spoke and responded to questions from the Commission. They introduced their new architect, Tom Dolan.

Commissioners raised concerns regarding the potential impact of the proposed development on the neighboring redwood trees and provided feedback on project design, unit design, and landscaping, and noted the applicant’s lack of responsiveness to many of the Commission’s previous comments.

Community Development Director, Charles Bryant, stated exactly what findings the Commission needed to make to approve this project. He noted that compliance with all zoning standards is not sufficient. Because this is a discretionary approval, the Commission must also find, among other things, that the project is compatible with the surrounding area.

The applicant expressed his appreciation for the feedback and asked if they should come back with the project as a study session item or for approval.

Director Bryant suggested taking the item to the City Council as a study session item, since it will ultimately require City Council approval.

There was a break from 8:07 p.m. to 8:16 p.m.

- B. Rug Depot Redesign (UPDR16-005)** – A study session to review a Conditional Use Permit and Design Review proposal to modify two existing buildings to provide interior parking spaces and two medium-sized retail locations at 4045 Horton Street and 4056 Hubbard Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(a) which applies to interior and exterior alterations to existing facilities, Section 15332 which applies to in-fill development projects, 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; Zoning District: Mixed Use with Residential (MUR), Park Avenue District Overlay (PA), and Pedestrian Priority Zone Overlay (PP) (Applicant/Owner: David Himy) (APN: 49-617-9 and -10)

Sara Billing, Assistant Planner, presented the staff report.

Architect, Sudhish Mohindroo, from SZFM Design Studio spoke 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.

The Commission was generally supportive of the project, and provided feedback regarding the proposed parking, design and landscaping. The Commission discussed possible modifications to the sidewalk and bus stop area on the 40<sup>th</sup> Street side of the project.

- C. 4-Plex Expansion (UPDR16-007)** – A study session to review a Conditional Use Permit and Design Review proposal to add below grade parking and additional floor area to an existing four unit residential building at 1271 64<sup>th</sup> Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301(e) which applies to additions to existing 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: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (NH) (Applicant/Owner: Aquis Bryant) (APN: 49-1471-15)

Sara Billing, Assistant Planner, made the staff presentation.

Applicant, Aquis Bryant, addressed the Commission and introduced architect Jose Cruz Robos, who responded to questions.

The public comment period was opened.

Richard Ambro, 64<sup>th</sup> Street resident, expressed concern about parking and the eviction of the tenants of the building.

Tom Modoc, 64<sup>th</sup> Street resident, expressed appreciation for elimination of the front yard parking and its replacement with landscaping, but expressed concern about the size and design of the project. He also expressed skepticism about the feasibility of the proposed underground parking.

Josh Roberts, long-term neighborhood resident, said the proposal does not fit the character of the neighborhood, and expressed concern about the eviction of the tenants of the building. He said the landscaping proposal appeared to only be for the rear of the property, and there should be some in the front.

Susan Kester, 1265 64<sup>th</sup> Street, said the project did not maintain the historic residential character of the neighborhood, including the height and underground parking. She said the proposal should be in the style and character of the existing housing on the block, and within the same footprint.

Joy Ashe, 1262 64<sup>th</sup> Street, said this is an ugly building and anything would be an improvement. She expressed concern about parking and said there should be landscaping in front of the building. She said that, if the building is brought forward and made taller, it will swallow the houses on either side. She said they welcome new neighbors, but it should be done in a way that is respectful of the people that live there.

Jim Martin, 1268 64<sup>th</sup> Street, said he agreed that this building needs attention, but that the applicant had done demolition work without City permission, and had displaced a tenant who grew up on the block. He said it is disrespectful the way the applicant has moved forward and treated the neighborhood. He expressed surprise that the project did not require a height variance, and said he would like accurate height information. He said this should be done as sensitively as possible to the surrounding buildings and neighborhood, and the Commission should receive information about the adjacent structures. He expressed concern about the design of the roof deck and the design and feasibility of the underground parking garage. He questioned whether storage should be included in floor area ratio (FAR), which might put the project over the allowable FAR.

Lynn Perkins, 1258 64<sup>th</sup> Street, Unit A, said the existing older home next to the subject property would be completely dwarfed by this proposal. She said a previous project next to her house caused a significant loss of light and privacy in her back yard, and expressed concern that a similar result would occur for the house adjacent to the proposed project.

Monica Giudici, 18 year resident of 64<sup>th</sup> Street, expressed concerns about parking, the feasibility of the proposed underground garage, the size of the building, and the lack of landscaping.

The public comment period was closed.

The architect responded to the speakers' comments and questions from the Commission. He said the front will be landscaped, and the parking garage was designed to conform to the code. He said the building is now a fourplex and will continue to be a fourplex. He noted that photos of the surrounding homes were included in the application, and there is a wide variety of building sizes and designs, including several three story buildings. He said the proposed third level is set back and will not be visible from the street.

The applicant said he had done some demolition work without a permit because he didn't realize that it was required, but then got a permit. He said that by the time he purchased the building the tenants had left.

The Commission expressed concerns about the proposed design and questioned the feasibility of the below grade parking, but did appreciate that the existing building was proposed to be improved. They suggested that the applicant meet with the neighbors to try to resolve issues.

**IX. COMMISSIONERS COMMENTS** - None

**X. ADJOURNMENT** – The meeting was adjourned at 10:00 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 22, 2016 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL 1333 PARK AVENUE, EMERYVILLE, CA 94608.**