

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
JANUARY 26, 2017**

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Chair Steven Keller. Commissioners present: Philip Banta, Linda Barrera, Lawrence Cardoza, Gail Donaldson and Sam Kang.

II. PUBLIC COMMENT – NONE

III. ACTION RECAP – December 8, 2016

A motion was made to approve the Action Recap.

Moved: Cardoza
Seconded: Donaldson
Vote: Ayes: Banta, Barrera, Donaldson, Cardoza, Keller
Abstain: Kang

IV. DIRECTORS REPORT

Director Bryant reported on recent City Council actions. He noted that on February 21 the Council will be appointing a new Planning Commissioner to fill the vacancy created by John Bauters' election to the City Council; the new Commissioner will be sworn in at the March 23 Commission meeting. He reported that staff is planning to have the study session on the Sign Regulations at the March 23 meeting; however, since the agenda for that meeting is somewhat heavy, he asked if the Commission would prefer to have a special meeting instead. After discussion, the Commission agreed by consensus to hold a special meeting to discuss the Sign Regulations on Thursday, March 9 at 6:30 p.m.

V. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Chair Keller said he would be recused from the Public Market Directional Master Sign Program due to the proximity of his residence. Commissioner Donaldson said she would be recused from the Sherwin Williams items because she works for a firm that does business with Lennar, and reported that she had had email correspondence with the applicant's representative for the Ocean Avenue Townhomes. Commissioner Barrera reported that she attended the community meeting for the Sherwin Williams park project and had email correspondence with the designer for the Ocean Avenue Townhomes.

VI. STUDY SESSIONS

- A. Sherwin Williams – Architectural Final Development Plan (FDP17-001)** – A study session to solicit comments on the Final Development Plan (FDP) design concept for buildings in the Sherwin Williams Planned Unit Development site. The Preliminary Development Plan (PDP) for the project was approved by the City Council on November 1, 2016. CEQA Status: An Environmental Impact Report was prepared for the project and certified by the Emeryville City Council on September 6, 2016. General Plan Land Use Classification: Mixed Use with Residential and Park/Open Space; Zoning District: Planned Unit Development (PUD-7) with Park Avenue District Overlay (P-A). (Applicant: LMC Emeryville I Investor LLC)(Owners: SWACE, LLC, c/o The Sherwin-Williams Company and City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency) (APNs: 49-1041-26-15 and -16)

Director Bryant presented the staff report on behalf of Miroo Desai, Senior Planner.

Commissioners Donaldson was recused and left the room.

Applicant, Kevin Ma of Lennar, the developers for the project, Ron Metzger of LPAS, Architecture & Design and Bill Shultz of ima design landscape architects, presented and responded to questions from the Commissioners.

The public comment period was opened.

Donna Briskin, 1500 Park Avenue, and Co-chair of the Park Avenue Resident's Committee (PARC), said they appreciate the support they have received from Lennar and the City and these renderings reflect their discussions. She said that it is really important that the architectural features, materials, setbacks, and façades reflect the community, and with the right design and scaling it will be fine. She said they will continue to be involved and asked that the planning guidelines be enforced to help maintain the spirit and design of the Park Avenue District Plan.

Andre Carpiaux, resident of Ocean Avenue, expressed concerns for the homeless and alternative energy.

Paul Germain, Co-chair of PARC, suggested a meeting between the developer and PARC prior to the presentation of the FTP for the existing building on Parcel A. They want to ensure that the pass-through is an invitation to enter the park. He expressed concerns that the building finishes should comply with the overlay district guidelines.

The public comment period was closed.

The Commission comments included a need for continuity among design styles with brick being used as unifying material. It was suggested that the courtyards in the buildings should face west, not east, to take advantage of sun and views and that while it was good to focus on the first 20 feet above ground, the upper stories are important too, as these buildings surrounding a big park. One Commissioner cautioned not to treat the side along the railroad as the "back" as it will be the front for the neighbors across the tracks at Bay Street. A need for more variation in building materials in District 2 was suggested similar to District 1 which is more varied and detailed. Another Commissioner suggested that District 2 should be a darker palette; lighter colors should be at District 3; and that there should be only limited use of plaster in the Railroad District. Travertine was preferred to stucco.

In response to comments about building materials, Director Bryant read the Commission the section of the Park Avenue District Plan guidelines on building materials.

- B. Sherwin Williams – Public Park and Open Space Final Development Plan (FDP17-002)** – A study session to solicit comments on the Final Development Plan (FDP) conceptual design programming of the public park and other public open spaces within the Sherwin Williams Planned Unit Development site. The Preliminary Development Plan (PDP) for the project was approved by the City Council on November 1, 2016. CEQA Status: An Environmental Impact Report was prepared for the project and certified by the Emeryville City Council on September 6, 2016. General Plan Land Use Classification: Mixed Use with Residential and Park/Open Space; Zoning District: Planned Unit Development (PUD-7) with Park Avenue District Overlay (P-A). (Applicant: LMC Emeryville I Investor LLC)(Owners: SWACE, LLC, c/o The Sherwin-Williams Company and City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency) (APNs: 49-1041-26-15 and -16)

Commissioners Donaldson was recused and left the room.

Applicant, Kevin Ma of Lennar, the developers for the project, and Bill Shultz of ima design landscape architects, presented and responded to questions from the Commissioners.

The public comment period was opened.

Jack Ghizzoni, a resident owner of 1500 Park Avenue and a member of PARC, said he was glad to see that the Sherwin Williams development plans were improving and serving the needs of the community. PARC would like to avoid traffic and parking issues that would happen if it were a destination park. It should be a bicycle or pedestrian destination and increase the use of the nearby Park Avenue Plaza. Locate the children's play area near the affordable housing section. Do not over-program, keep the space flexible to encourage use. Open grassy areas with trees would increase desirability. He suggested adding a dog park in the northern section near the walkway that leads from Bay Street to the park. Distribute public art throughout the space.

Andre Carpiaux, resident of Ocean Avenue, expressed concern about Amtrak trains blowing their horns.

Sharon Wilchar 1420 45th Street and a member of PARC, said they know that this won't be Millennium Park; however, it can be a special space with use of public art. Emeryville has a rich public art tradition. She noted several examples of nationally recognized public art in Emeryville, and said that public art expectations are high. The Sherwin Williams development is in the City's arts district and PARC appreciates Lennar's acknowledgement of this, and this will be amplified with the use of public art throughout the project. There are public art requirements of 1% for commercial uses and ½% for residential uses. She encouraged an approach that supports artistic excellence and invites an exploration of this 8½-acre site. She expressed concerns that, because the buildings are being built in phases, consideration should be given to the continuity of public art use.

Rob Arias, Emeryville Warehouse Lofts, 13-year resident, asked that we honor the history of the site, which used to be the Oakland Trotting Park, and the Sherwin Williams factory, possibly through the use of public art or historical markers.

Mike McConnell, 1500 Park Avenue and founding member of PARC, said the plaza at the end of Park Avenue is a cul-de-sac designed as a public space. Consider what is already in the neighborhood and incorporate it. Currently there is work to create a dog park next to Target and the Bay Street residents want a dog park at the north end of the park, which would be a perfect use of the space. The bicycle bridge and the Horton Landing Park are now being planned separately and he would like the Planning Commission to look at what is competing and what is cooperating. Buildings can be art; he said he loved the comments that these be imaginative and great buildings, a tribute to the art district. The process is really working, the meetings with Lennar and PARC have been great and the meeting at ECCL was outstanding. He said he really feels that this should be seen as a community park and not a City park. Do not want cars – bicycles are welcome. Encourage the use of trees and foliage that attracts birds and butterflies – not palm trees that attract crows. This is included in the plans; he said he just wanted to highlight it.

The public comment period was closed.

Commissioners' comments:

One Commission felt that it should be like the High Line in New York with organic planting and sculptures. Installation of bleacher seating facing the railroad was suggested along with a need for a smooth transition between vegetation and hardscape. Other suggestions included installation of landscaping to attract wildlife, living walls, exercise equipment and a children's play area near the affordable housing building, and lots of public art. Another Commissioner stated that the park should have a strong theme and suggested a concept of a "circuit loop" of sculpture around the site. A concept called "Incredible Edibles" in Great Britain with raised beds of vegetables that anyone can pick was also suggested. A concern was expressed about the feeling of the pass-through with high walls on either side. It was also suggested that the sidewalks should meet minimum City requirements and be wider if possible, and that the internal streets should feel like "village" streets.

In response to Mr. Carpiaux's comments, Director Bryant noted that trains do not blow their horns in the vicinity of this site, since there are no grade crossings in the area, and the Amtrak station is a half mile north. The trains that go by here are relatively quiet.

The developer said there would be much more detail for the April Planning Commission meeting.

There was a break from 8:27 p.m. to 8:36 p.m.

- C. Ocean View Townhomes (UPDR16-004)** – A study session to review a Conditional Use Permit and Design Review proposal to demolish an existing single family home and replace it with a four-unit residential building at 1270 Ocean Avenue. 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 District Overlay (NH) (Applicant: Indigo Design Group) (Owner: Farshid Vahedian) (APN: 49-1469-10)

Navarre Oaks, Assistant Planner, presented the staff report and responded to the Commissioner's questions. Kristen Personett, Indigo Design Group, applicant, addressed the Commission and responded to questions.

The public comment period was opened.

Tom Modoc, resident 64th Street, said he thinks that there should be two or three units. He is concerned for the lady to the west who will be hemmed in by 30-foot tall buildings and lose all her light. It is not compatible with the neighborhood.

Vanessa Kuemmerle, 1250 Ocean Avenue, said she does not believe that this project is in keeping with the North Hollis Overlay, it is too large. While it may not be the largest building on the block it is next to the smallest building. In keeping with the small amount of single family homes that are in the area, perhaps a duplex would make more sense. She said we are losing the quality of our neighborhood with this type of density.

Lee Steinmetz, 1250 Ocean Avenue, said he is really disturbed by the size and scale of what is being proposed and the idea of tearing down one of the few single family homes in the area. He said he especially feels for the home next to it to the west. A precedent of

destroying small single family homes is not good. The Spanish style is not in keeping with the neighborhood.

Andre Carpiaux, 1264 Ocean Avenue, said he was not notified of project, and expressed concern with flooding in the neighborhood.

The public comment period was closed.

The Planning Commission echoed the speakers' comments, suggesting that the applicant revise the project to better fit in with the existing neighborhood, the Emeryville Design Guidelines, and the North-Hollis Area Urban Design Program.

- D. Public Market Directional Master Sign Program (SIGN16-028)** – A study session to review a Master Sign Program covering Public Market Parcels A, B, C, D, G, the tower building and Christie Avenue Park. This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to placement of on-premises 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, Park/Open Space, and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant/Owner: AG-CCRP Public Market L.P.) (APNs:49-1556-1; -2; and -3)

Chair Keller was recused; Vice Chair Cardoza presided for this item.

Navarre Oaks, Assistant Planner, presented the staff report and responded to the Commissioner's questions. Tim Bacon, City Center Realty Partners, and Tom Pforsich, True North Signs, applicants, addressed the Commission and responded to questions.

The public comment period was opened; there was no one wishing to speak; the public comment period was closed.

The Commission generally liked the design of the proposed signs, and suggested that the external illumination of the proposed signs be revised for better sign visibility. However, the Commissioners did not feel that they would be able to make the required findings necessary to approve a variance for private signs in the public right of way, but could approve signage that contained only wayfinding messages for public facilities such as bus stops and Christie Avenue Park.

VII. PUBLIC HEARINGS

- A. Short-Term Rental Ordinance (ORD16-003)** – Planning Commission consideration of amendments to Title 9 of the Emeryville Municipal Code to add Article 22 on Short-term Rentals and to add provisions pertaining to Short-term Rentals to other sections. The proposed amendment is exempt from environmental review under Section 15301 of the State CEQA Guidelines regarding existing facilities, specifically operation and leasing of existing structures, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

Diana Keena, Associate Planner, made the staff presentation and responded to the Commissioner's questions.

The public hearing was opened.

Hirsh Jain, Public Policy Manager for Airbnb, addressed concerns on housing, the stock of affordable housing, and nuisances. He said Airbnb has made a concerted effort to stop rentals being taken from the market through caps of 90 days. The break-even point at which it becomes profitable to rent out a property on a short term basis is 180 to 200 days. As for nuisances, he said no one wants to live next door to a party house. They have developed a Neighbor Tool whereby they can identify nuisance houses and remove them from the platform.

Michelle Shadows, Harbormaster, Emeryville Marina, expressed concern that boat owners want to make income from their vessels. They do not support short-term rentals at the marina due to liabilities around security and safety.

The public hearing was closed.

The Commission deliberated and decided to make several modifications to the ordinance:

1. In Section 9-5.2204(a), change the limit on non-hosted rentals from 90 calendar days to 180 calendar days.
2. In Section 9-5.2205, add a lease agreement as proof of residency.
3. In the recitals of the resolution, strike everything from the second “Whereas” after “exacerbate the shortage of affordable housing stock in the City”, and strike everything from the third “Whereas” after “and as it related to multi-family buildings”.

A motion was made to recommend to the City Council that the proposed amendments to the Planning Regulations be adopted with the above modifications.

Moved: Keller
Seconded: Kang
Vote: Ayes: Banta, Barrera, Donaldson Kang, Keller
Noes: Cardoza

VIII. COMMISSIONERS COMMENTS – None.

IX. ADJOURNMENT – The meeting was adjourned at 10:48 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, FEBRUARY 23, 2017 AT 6:30 P.M.
IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608**