

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
JULY 28, 2011**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

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

II. ELECTION OF OFFICERS

Motion: To elect Commissioner Donaldson as Chair for the 2011-2012 term.

Moved: Hoff
Seconded: Kuemmerle

Substitute Motion: To re-elect Commissioner Flores as Chair for the 2011-2012 term.

Moved: Cardoza
Seconded: Scheuerman

Vote on the substitute motion:

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

Motion failed. Vote on the original motion:

Ayes: Donaldson, Hoff, Kuemmerle, Flores
Noes: Scheuerman, Cardoza
Absent: Steinberg

Motion passed. Commissioner Donaldson elected Chair.

Motion: To elect Commissioner Flores as Vice Chair for the 2011-2012 term.

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

Motion passed. Commissioner Flores elected Vice Chair.

III. PUBLIC COMMENT - None

IV. ACTION RECAP – June 23, 2011

A motion was made for approval of the action recap of June 23, 2011 after the following corrections to page 3:

Commissioner Hoff said he stated regarding the Emeryville Center for the Arts, he felt the restaurant was in the wrong place, it should be on the north side of the building facing the

courtyard. He also said because of cost and being able to meet the budget, he had suggested giving up the theater and letting the school district have it as part of the Center of Community Life.

Commissioner Cardoza said he had stated the space is grossly inadequate to store documents for the Emeryville Historical Society.

Commissioner Scheuerman said he had recommended the architect work with a catering company to figure out kitchen/café logistics.

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

V. DIRECTORS REPORT

Director Bryant reported on recent City Council actions. On July 5, the Council passed the second readings of the two ordinances to amend the Interim Zoning Regulations for Personal Services and Light Wholesaling and Distribution, and to amend the significant and residential building demolition provisions. These ordinances were recommended for approval by the Commission at the May 26 meeting; they will take effect August 4.

On July 19, the Council accepted as complete the pedestrian/bicycle path and linear park constructed by Pixar between Park Avenue and 45th Street, and named it “Joseph Emery Park” in honor of the City’s founder and in recognition of the location of his house, which is memorialized by a plaque in the park. The Council approved a request for work on two weekends between August 27 and October 10, from 9 a.m. to 5 p.m., to replace HVAC equipment on the roof of the Bank of America building at 4120 San Pablo Avenue. The Council passed the first reading of an ordinance to reestablish the Redevelopment Agency pursuant to the “Alternative Voluntary Redevelopment Program”. This will require the payment of about \$13.2 million to the state this year, and about \$3 million every year thereafter, but it will enable the City to continue with its redevelopment activities. The Council passed various resolutions putting two items on the November ballot related to the Business Tax: one to increase the cap and one to increase the tax rate to 0.1% of gross receipts. Finally, the Council reappointed Commissioners Donaldson and Cardoza; Director Bryant congratulated them on their reappointments.

Staff continues to review sections of the new zoning regulations. The next Steering Committee meeting is scheduled for August 23, at which the Dimensional, Intensity, and Density Standards, a detailed outline of the entire code, and the latest versions of the zoning maps, use classifications and zoning matrix will be reviewed. At the September meeting, staff hopes to have a comprehensive review by the committee of the zoning matrix indicating what uses are allowed in what zones.

In cooperation with the Chamber of Commerce, Emeryville Center for the Arts, and 1500 Park Avenue, the City is planning a festival to celebrate the completion of the Park Avenue improvements. It is tentatively scheduled for Thursday, September 15, from 5:30 to 8:30 pm, in conjunction with a Chamber of Commerce “mixer”.

The Krubiner modular house at 5507 Beaudry was assembled on Saturday, July 9; Director Bryant noted that he and several other staff members, and several Planning Commissioners, were there.

Lawrence Berkeley National Laboratory is holding a series of community meetings in the cities that have responded to their Request for Proposals for a second campus. The community meeting for Emeryville will be here in the Council Chambers on Monday, August 8, starting at 7:30 p.m. [It was subsequently changed to the Hilton Garden Inn, and started at 7:00 p.m.] The purpose of the meeting is to show community support for the proposal to locate the second campus in Emeryville.

VI. PUBLIC HEARINGS

- A. **CrossFit Oakland (UP11-006)** – A Conditional Use Permit to allow a new Indoor Sports and Recreation use in an existing 5,000 square foot building at 1313 67th Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures. General Plan Designation: Industrial (IND). Zoning Designation: Industrial (IND) and North Hollis (N-H) Overlay. (Applicant: Robyn Alazraqui of Cross fit) (Owner: Larry Farb, Atlas Properties.) (APN: 49-1508-6).

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

The applicant, Robyn Alazraqui, spoke briefly and responded to questions from the Commission.

Commissioner Kuemmerle commented that she is a member of CrossFit.

The public hearing was opened.

The owner of the property, Larry Farb, said there is a shared parking lot and a rather large surplus of space.

The public hearing was closed.

A motion was made to approve the conditional use permit for CrossFit Oakland.

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

- B. **The Towers Sign Program (SIGN11-008)** – A Major Sign Permit to allow new landlord signs and a tenant sign program for three office buildings (formerly known as the Watergate Towers) located at 1900-2200 Powell Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to placement of on-premises signs. General Plan Designation: Mixed Use with Non-Residential (MUN); Zoning Classification: Planned Unit Development – Office (PUD) (Applicant: Gensler Architects) (Owner: Emeryville Office, LLC) (APN: 49-1495-3-2 and -8, and 49-1521-6 and -7)

Senior Planner, Miroo Desai, made the staff presentation.

Applicant, Scott Gross, from Gensler Architects, made a presentation. He also responded to questions from the Commissioners.

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

A motion was made to approve the application with the added conditions that the tower signs be dimmable, with only white individual letters permitted; other signs such as colored letters or logos must come back to the Commission for separate approval.

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

There was a five minute break at 7:58 p.m. The meeting resumed at 8:03 p.m.

- C. **5701 Hollis Use Permit Modifications (UP08-11/DR08-23/VAR08-03)** – An amendment to a Conditional Use Permit and Design Review approved on March 26, 2009 to allow office, laboratory and other commercial uses in an existing approximately 11,300 square foot building located at 5701 Hollis Street. The project also included a parking variance. The amendment proposes a modification to a previously approved new entry consisting of metal and glass panels. Other changes include minor modifications to the parking layout and landscaping. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15301 which applies to minor modifications to existing structures. General Plan Designation (former): Mixed Use (M-U) and Open Space (O-S); Zoning Classification (former): Mixed Use (M-U), Outdoor Recreation (O-R), and North Hollis Overlay District (N-H) (Applicant: James Goring)(Owner: 5701 Hollis, LLC) (APN: (APNs: 49-1318-3; -8; and -9)

Miroo Desai, Senior Planner, presented the staff report, with staff's recommendation for approval of the modifications. She noted that staff was recommending an additional condition related to landscaping adjacent to the Greenway.

Applicant Jim Goring spoke briefly.

A motion was made to approve the Use Permit Modifications (UP08-11/DR08-23/VAR08-03), with the additional condition recommended by staff.

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

- D. **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 and new equipment cabinets on and below the water tower at 1255 Powell Street. 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 Associates, LLC) (APN: 49-1315-1).

Assistant Planner, Arly Cassidy, presented the staff report which stated staff had denied this application and the applicant is now appealing it to the Commission.

Applicant, Dave Christenson, made a brief presentation. He said staff has worked very hard on this project, however, they do not agree with their decision. He said the roof could not support the equipment because it was too heavy. Also the shelter area behind the building is not large enough to house the equipment.

Director Bryant said the plans were inadequate. There were no color samples, no landscape plans, or elevations. He asked the Commission to request complete plans before they make a decision. The applicant agreed to comply with all of Director Bryant's requests for additional plans.

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

Following discussion, the Commission directed the applicant to consider eliminating some parking spaces at the southeast corner of the parking lot, relocating the equipment cabinets to the south side of the building, and moving the fence forward. Director Bryant noted that this would probably require a parking variance and the Commissioners indicated that they were amenable to that.

This item was continued to the September 22, 2011 Commission meeting.

- E. Demolition Permit for Golden Gate Lock and Key Building** – A request to demolish a 18,175 square foot “significant” building (Golden Gate Lock and Key building) located at 3706 San Pablo Avenue between 37th Street and West MacArthur Boulevard. CEQA Status: A Mitigated Negative Declaration for the MacArthur San Pablo Mixed Use Project, which included the demolition of this building, was adopted by the City Council by Resolution No. 07-198 on December 4, 2007. General Plan and Zoning Designation: Mixed Use with Residential (MUR) and Neighborhood Retail Overlay (NR); (Applicant/Owner: City of Emeryville) (APN: 49-951-4-2)

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

Senior Planner Miroo Desai made the staff presentation with staff’s recommendation that the Commission recommend to the City Council that it make the finding that demolition of the building is in the best interest of the public health, welfare and safety.

Catherine Firpo, Community Development Coordinator in the Economic Development and Housing Department, answered questions regarding the condition of the building. She stated that inspectors from the Building Division went to check this building and there was an extensive list of requirements that would need to be completed to stabilize the building.

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

A motion was made to approve the finding required to demolish the Golden Gate Lock and Key Building and forward the Commission’s recommendation to the City Council.

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

VII. COMMISSIONERS COMMENTS - None

VIII. ADJOURNMENT – 9:50 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, August 25, 2011 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, and 1333 PARK AVENUE, EMERYVILLE, CA 94608