

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
REGULAR MEETING
JUNE 28, 2012**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chairperson Gail Donaldson. Commissioners present: Lawrence Cardoza, Vanessa Kuemmerle, John Scheuerman, Frank Flores, Gail Donaldson and Steven Steinberg. Commissioner Sean Moss arrived after roll call.

II. PUBLIC COMMENT - None

III. ACTION RECAP – May 24, 2012

A motion was made to approve the Action Recap after corrections by Commissioners Kuemmerle and Steinberg.

Moved: Scheuerman

Seconded: Flores

Vote: Ayes: Scheuerman, Cardoza, Donaldson, Kuemmerle, Flores, Steinberg
Abstained: Moss

IV. DIRECTORS REPORT

Special recognition and Resolutions were given to Commissioner Frank Flores who resigned from the Commission after serving for six years, because he is moving to Oakland, and to the General Plan Project Manager, Deborah Diamond, who is leaving the City after nine years to devote time to her consulting business. Commission Chair, Gail Donaldson, read both Resolutions and thanked them for their dedicated service to the City of Emeryville and said they will definitely be missed. Both recipients thanked the Commission and said they have enjoyed working for the City and with such wonderful colleagues.

Director Bryant reported on actions taken by the City Council at their June 5 and June 19 meetings, including interviews of applicants for the two open Planning Commission positions; appointments are expected to be made at the July 17 Council meeting. Among other things, the Council also approved the City budget for the next two fiscal years.

Director Bryant reported on recent activities of the Zoning Update Steering Committee. He asked for a Commission recommendation to the City Council to update the committee roster by redesignating Vanessa Kuemmerle from a resident member to a Planning Commission representative, and eliminating the two vacant resident and one vacant business positions; this recommendation was approved without objection by the Commission. The Steering Committee meetings scheduled for July 24 and August 28 conflict with Oversight Board meetings, so will be rescheduled. A community meeting will be held in late September, and a joint City Council/Planning Commission study session is scheduled for October 23. Commissioners expressed agreement with that meeting date. [It was subsequently changed to October 30.] The new planning regulations will then be brought back to the Commission for an adoption hearing on December 13.

The U.S. Green Building Council's national GreenBuild Conference will be in California for the first time November 14-16 in San Francisco. We have a scholarship from StopWaste.org to send one Commissioner. Anyone who is interested should contact Peter Schultze-Allen directly.

The July 26 Commission meeting is cancelled due to lack of agenda items; the next meeting will be on August 23.

V. PUBLIC HEARINGS

- A. **Fire Station #2 (DR10-07)** – A request for a two year extension of a Design Review permit to rebuild the City of Emeryville's Fire Station #2, located at 6303 Hollis Street, originally approved on June 24, 2010. The proposed building will be a total of 12,930 square feet. The first floor will include a public lobby, classroom, offices and a day room, as well as three apparatus bays. The second floor will consist of bunk rooms and a workout space. Four street trees will be removed as part of the project: two on Hollis Street and two on 63rd Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332 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 Designation: Public (PUB) with Neighborhood Retail Overlay (NR); Zoning Designation: Public (PUB) with Neighborhood Retail Overlay (NR) and North-Hollis Overlay (N-H). (Applicant/Owner: City of Emeryville) (APN: 49-1487-2-2) (Continued from May 24, 2012 meeting.)

Arly Cassidy, Assistant Planner, made the staff presentation.

Staff responded to questions from the Commission.

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

A motion was made to approve the two year extension of Design Review (DR10-07) to rebuild Emeryville's Fire Station #2.

Moved: Cardoza

Seconded: Scheuerman

Vote: Ayes: Kuemmerle, Steinberg, Moss, Donaldson, Flores, Cardoza, Scheuerman

- B. **Shellmound Design Guidelines** – Proposed design guidelines for new pedestrian and streetscape standards for Shellmound Street between Christie Avenue and 63rd Street. An amendment to the Emeryville Design Guidelines will also be considered, to allow these guidelines to supersede the citywide design guidelines in the event there is a discrepancy between the two. CEQA Status: This project is exempt from environmental review under 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. (Continued from January 26, 2012 meeting.)

Michelle DeGuzman, Community Economic Development Coordinator, made the staff presentation.

John Gibbs of WRT made a brief presentation.

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

After considerable discussion by Commissioners, a motion was made to recommend the Council adopt the Shellmound Design Guidelines and amended Emeryville Design Guidelines with the following revisions: A minimum clear pedestrian zone of 8 feet, indication of the Bay Trail route through the area, removing references to "downtown", noting successful tree species in the area for use elsewhere in the district, using shrubs that grow to three feet or less, indicating that ground floors of buildings should have "active" rather than just "retail" uses, and noting that activation of the area under the Powell Street Bridge as a destination is very desirable, including possible permanent space such as market stalls.

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

There was a five minute break from 8:30 to 8:35.

- C. Modifications to Landscape Plan, 1051 45th Street (UP06-07/DR06-06)** – An amendment to a previously approved Conditional Use Permit and Design Review to allow changes in the landscape plan. On August 24, 2006 the Planning Commission approved a Conditional Use Permit and Design Review to convert the first floor of an existing building into a dwelling unit bringing the total number of units on the project site to three. CEQA Status: The original project was exempt from environmental review under State CEQA Guidelines Section 15301, which applies to alterations to existing structures and the proposed amendment also qualifies for this exemption. General Plan Designation and Zoning Classification: Medium Density Residential (R-M). (Applicant/Owner: Iqbal and Baljinder Kullar) (APN: 49-1081-3)

Commissioner Flores was recused due to a possible conflict of interest.

Senior Planner, Miroo Desai, made the staff presentation.

The applicants, Baljinder Kullar, Ravi Kullar and Iqbal Kullar addressed the Commission and responded to the complaints from neighbors. They said they came to the City and were told they did not need a permit for the work they were doing. Nancy Templeton, Community Preservation Officer, had come out and said everything looked fine.

The public hearing was opened.

Cindy van Empelof 1053-45th Street, spoke briefly referring to her letter to the Commission dated June 24, 2012, which outlined in detail her rejection of the proposed modifications.

Mark Lemaire, 1053-45th Street, referred to his letter, with a signed petition from neighbors, to the Planning Commissioners dated June 20, 2012 which stated the concerns they have with the request for modifications. Specifically, they would like to see the condition of the property at 1051-45th Street returned to the way the Planning Commission approved it in 2006, that is, with a plan for appropriate living landscaping and a workable plan to keep it that way.

The public hearing was closed.

Consulting Attorney, Michael Guina, said the Commission had several options: 1) accept staff recommendations, 2) accept staff recommendations with additional conditions, or 3) reject the staff's recommendations and stay with the original approval from 2006. He also said that if the Use Permit is not adhered to, the City could take code enforcement action or go to court and declare a public nuisance. The code enforcement action would be done prior to going to court.

The Commissioners went over the entire site plan and made comments about each area.

Planning Director Bryant suggested the removal of the concrete between the wheel strips and planting low maintenance plants. He also suggested the applicant compile all of the Commissioners' comments, redraw the proposed landscape plan and come back at a future meeting.

Chair Donaldson agreed with the Director and directed that this item be continued to a future meeting.

VI. **COMMISSIONERS COMMENTS** – None

VII. **ADJOURNMENT**- 10:15 p.m.

**THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, AUGUST 23, 2012 AT 6:30 P.M.
IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**