

**EMERYVILLE CITY PLANNING COMMISSION
ACTION RECAP
DECEMBER 13, 2007**

I. CONVENE, ROLL CALL, AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. by Chair Martin. Commissioners present: Arthur Hoff, Gail Donaldson, Lawrence Cardoza, Patricia Jeffery, Angela Baranco and Frank Flores.

II. PUBLIC COMMENT- None

III. ACTION RECAPS – October 25, 2007 Regular Meeting and November 15, 2007 Special Meeting.

A motion by Commissioner Donaldson to approve the Action Recap of October 25 was seconded by Commissioner Jeffery and approved without exception, with Commissioner Flores abstaining.

After corrections by Commissioner Hoff to the Recap of November 15, 2007, Commissioner Cardoza moved approval and Commissioner Donaldson seconded the motion. The November Action Recap was approved without exception, with Commissioner Flores abstaining.

IV. DIRECTOR'S REPORT

Director Bryant introduced City Attorney Michael Biddle, who announced the promotion of Deputy City Attorney Michael Guina to Assistant City Attorney, and introduced new Deputy City Attorney Abby Bilkiss. They were congratulated and welcomed by the Commissioners.

On behalf of the Commission, Chair Martin expressed appreciation to City staff for their hard work during the year and presented staff with a large box of See's candy.

Director Bryant then reported on actions by the City Council at their last two meetings.

On November 20, the Redevelopment Agency approved a contract with Wilbur Smith Associates for a feasibility study of railroad quiet zones. The Council approved the first reading of an ordinance establishing a stormwater permit and referencing the Stormwater Guidelines. They also approved a rezoning ordinance for the Bakery Lofts Phase IV project, and appointed Kris Owens and Vanessa Kuemmerle to fill the two vacant resident seats on the General Plan and Zoning Update Steering Committee.

On December 4, the Council declared the results of the recent municipal election (all three incumbents were reelected), and elected Ken Bukowski Mayor and Ruth Atkin Vice Mayor. They passed the stormwater ordinance on second reading, and approved the San Pablo MacArthur Mixed Use Project on a 3-2 vote (Atkin and Fricke opposed). This project will be considered by the Oakland City Planning Commission on January 16.

The Park Avenue District Advisory Committee held its quarterly meeting on November 14, at which they heard updates on Sherwin-Williams, the Cultural Arts Center, Park Avenue street improvements and development projects in the district.

The General Plan Update Steering Committee met on November 27 and December 11. On November 27, they reviewed and commented on written materials and diagrams depicting their recommendations on parks and open space, and transportation. On December 11 they took a final look at all components of the preferred plan and heard consultant presentations on fiscal and transportation impacts. They were not able to get through all the material during the three hour meeting, so another special meeting has been scheduled for next Wednesday, December 19, from 6 to 9 pm. At that meeting, they will consider the floor area ratio (FAR) map, parks and open

space, transportation, and city structure. During the following month, staff and consultants will work on creating a final document of the preferred plan that represents the Steering Committee's direction. This will be reviewed at the Committee's January 22 meeting, prior to its presentation at a joint meeting of the Planning Commission and City Council in February.

Director Bryant asked the Commission about their preferences for dates and times for the joint meeting with the City Council. It was the consensus that the meeting should be on a Saturday, and that the materials should be made available to the public to review before the meeting, possibly with a display in the "link" outside the Council Chambers. Saturday, February 23 was the preferred date. [The City Council subsequently decided on the following Saturday, March 1.]

A. Discussion of Transportation Committee Proposal to Change the Mandates of the Bicycle/Pedestrian Advisory Subcommittee to Provide Advisory Responsibilities to the Planning Commission on All Development Projects That Impact Bicycle and Pedestrian Issues.

Associate Planner Diana Keena, and Peter Schultze-Allen, Environmental Analyst in the Public Works Department, made the presentation. After discussion and assurances that subcommittee review would not delay project review, the Commission agreed by consensus to recommend the change in mandate to the City Council.

V. ADMINISTRATIVE MATTERS

A. Marketplace Redevelopment Project: Recommendation to Certify Environmental Impact Report – Consideration of recommendation to the City Council to certify the Final Environmental Impact Report for the Marketplace Redevelopment project. (Applicant: TMG Partners; Owners: Marketplace Mortgage, LLC and Rockwood Christie, LLC) (APN: 49-1492-6-1; 49-1492-8; 1492-10-2; 49-1492-11; 49-1493-1; 49-1493-9-2; 49-1493-9-3; 49-1493-10-2; 49-1493-10-3; 49-1493-13; 49-1493-14; 49-1493-15)

Commissioner Donaldson recused due to a possible conflict of interest.

Senior Planner, Miroo Desai, made the staff presentation.

Lynette Dias of LSA made a brief PowerPoint presentation regarding the Environmental Impact Report.

Commissioner Martin questioned the letters received and asked if Ms. Dias wanted to go through each of them. She said she would review them later.

Sam Tabibnia with Fehr and Peers spoke briefly.

Public Comment

John Scheuerman, resident at Pacific Park Plaza, which is across the street from this project, said initially he had concerns regarding the project, but after reading the EIR, he feels much better about it.

Motion to approve the Environmental Impact Report for the Marketplace Redevelopment Project and recommend certification by the City Council.

Moved: Cardoza

Seconded: Baranco

Votes: Ayes: Flores, Hoff, Jeffery, Martin, Cardoza, Baranco
Recused: Donaldson

VI. PUBLIC HEARINGS

- A. **Shellmound Renovation, 5811 Shellmound Street (UP07-12/DR07-16)** – A Conditional Use Permit and Design Review to convert an existing 13,394 square foot vacant building at the southwest corner of Shellmound Street and Shellmound Way (formerly Sherwin Williams retail paint store) to office and bank uses. The project involves exterior improvements such as new treatment of exterior walls, new window system, new cornice treatment, new signage and landscaping. The proposal also involves removal of three street trees. General Plan Designation: Mixed-Use (M-U); Zoning Classification: Mixed-Use (M-U) (Applicant/Owner: BRE Properties/John Wayland) (APN: 49-1493-2-3)

Commissioner Donaldson recused due to a possible conflict of interest.

Miroo Desai, Senior Planner, made the staff presentation.

Applicant, John Wayland with BRE Properties, made a brief presentation. He clarified that Wells Fargo's relocation is not a done deal. However, if they don't relocate, they will find another bank or retail for that spot.

Paul Farrell, architect, made a brief overview of the site plan. There were also comments regarding the landscaping and replacement of trees.

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

Commissioners discussed improved landscaping, downlighting on the south wall of the building, landscaping such as a trellis and vines on the south wall, street trees, and removal of the fence on the south side of the parking lot.

Commissioners directed the following modifications to the conditions of approval:

- There is to be landscaping in the bays along Shellmound Street, on the southern side of the parking lot, and in pockets along Powell Street on the south side of the building.
- There is to be downlighting along the Powell Street sidewalk.
- The fence on the south side of the parking lot is to be removed.
- The two staff recommendations concerning hazardous materials and removal of barbed wire on the roof are to be added to the conditions.

Motion to approve the Shellmound Renovation project with recommended changes.

Moved: Cardoza

Seconded: Hoff

Vote: Ayes: Flores, Hoff, Jeffery, Martin, Cardoza, Baranco

Recused: Donaldson

- A. **Time Extension for Courtyards at 65th Street Temporary Banner Sign, 1465 65th Street (SA07-09)** – Request for a six-month extension for display of a temporary advertising banner at an existing residential development. Sign area is greater than that allowed by the Zoning Ordinance to be approved administratively. The Planning Commission approved this temporary banner for a six-month period on May 24, 2007. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a), which applies to placement of on-premises signs at existing facilities. General Plan Designation: Industrial (I). Zoning District: Light Industrial (I-L) and

North Hollis Overlay District (N-H). (Applicant: Terry Howard; Owner: Alliance Residential) (APN: 49-1543-1)

Associate Planner, Diana Keena presented the staff report.

Terry Howard, applicant, spoke briefly responding to questions from Commissioners.

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

Commissioner Hoff moved denial of the extension and Commissioner Baranco seconded motion to deny.

Commissioner Martin said the applicants were given six months to come up with a permanent sign. This temporary sign has to come down. He does not want to set a precedent.

Commissioner Cardoza said an extension would not be fair to the other apartment building owners.

Commissioner Flores said he feels the sign works.

Commissioner Hoff withdrew the motion, so the request for a time extension was not approved. The applicant was directed to remove the banner.

VII. COMMISSIONERS COMMENTS

Commissioner Hoff asked staff to look into the possibility of removing the fence on the south side of Powell Street below the overpass west of Shellmound Street.

The Commission expressed a desire for a workshop and/or materials on the Design Review process.

Holiday Greetings were expressed by all.

VIII. ADJOURNMENT – The meeting was adjourned at 8:23 p.m.