



## ACTION MINUTES

### Planning Commission

**Planning Commissioners:**

D. Miguel Guerrero	Chair
Christine Scott Thomson	Vice Chair
Gail Donaldson	Commissioner
Steven Keller	Commissioner
Erika Mendez	Commissioner
Deepak Sohane	Commissioner
C. Tito Young	Commissioner

#### REGULAR MEETING

**Thursday, April 23, 2020**

**6:30 PM**

**Council Chambers**

#### 1. CALL TO ORDER

The meeting convened via teleconference at 6:33 p.m. The Chair read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

#### 2. ROLL CALL

Present: (6) Chair D. Miguel Guerrero  
Planning Commissioner Gail Donaldson  
Planning Commissioner Steven Keller  
Planning Commissioner Erika Mendez  
Planning Commissioner Deepak Sohane  
Planning Commissioner C. Tito Young

Excused Absence: (1) Vice Chair Christine Scott Thomson

#### 3. SWEARING IN OF NEW PLANNING COMMISSIONER ERIKA MENDEZ

The City Clerk swore in new Planning Commissioner Erika Mendez. Commissioner Mendez commented that she was excited for the opportunity and looking forward to helping make Emeryville a better City.

#### 4. PUBLIC COMMENT

None.

#### 5. CENSUS 2020 REPORT: WHEN, WHAT, AND WHY IT'S IMPORTANT

Brad Helfenberger, Youth and Adult Services Manager, Community Services Department, presented information on the 2020 U.S. Census and responded to questions from the Commission.

#### 6. APPROVAL OF ACTION MINUTES OF FEBRUARY 27, 2020

This item was continued to the next Commission meeting on May 28, 2020, because there were not enough Commissioners present who had been in attendance at the February 27, 2020 meeting to approve the action minutes.

## 7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He added his congratulations to Commissioner Mendez on her appointment and swearing in. He noted that the Council would be making regular Planning Commission appointments on June 16; Commissioner Donaldson and Chair Guerrero's terms expire on June 30, and he noted that Commissioner Donaldson has indicated that she is not seeking reappointment. He expressed appreciation to City staff who are working from home and continuing to provide all of their regular services to the people of Emeryville, plus all of the additional demands resulting from the current health crisis. Commissioners also expressed their gratitude and praise for the work done by staff.

## 8. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Commissioner Mendez stated that she would be recused from Item 9.1 because BioMed is a client of her employer.

## 9. STUDY SESSION

**9.1 BMR Emeryville Center of Innovation (FDP19-002)** – A second Study Session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP" (PUD 93-2), that was approved by the City Council on August 15, 1995. CEQA Status: To Be Determined. General Plan Land Use Classification: Office/Technology and Park/Open Space; Zoning District: Planned Unit Development (PUD-3) (Applicant/Owner: BRE-BMR 53rd LP) (APNs: 49-1041-29-1, -49, 70-2, and 71-2; and 49-1544-1-1, -2, -5, and -6)

Commissioner Mendez was recused from this item.

Miroo Desai, Senior Planner, gave the staff presentation and responded to Commissioner questions.

Salil Payappilly, BioMed Realty, and John Mickow, Flad Architects, applicants, gave a presentation and responded to Commissioner questions.

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

The majority of the Commission's comments were directed at the proposed parking garage building, B13/14. It was commented that the parking count was still too high and there was a concern regarding the impact on 55 units of Sherwin Williams Building D that will be facing the garage building, given the small buffer between the two buildings and the fact that landscaping in this buffer would pose challenges due to insufficient light. One Commissioner felt that the impact of the garage would also be felt on the 22 units of the Sherwin Williams Building B2 that face the new 46th Street. Several Commissioners opined that the applicant should consider dropping the parking count from the proposed 2,018 spaces to about 1,500-1,600 spaces. The Commission encouraged use of a robust Transportation Demand Management (TDM) plan to achieve a reduction in the parking count. The Commission encouraged the applicant to consider lower parking ratios, particularly for future Buildings 8A and 8B. One Commissioner showed examples of various garage buildings and indicated that the proposed stairway maybe be out of scale for the area. There was a suggestion that the northwest corner of the garage needed further refinement and that the applicant should consider some kind of visual art in this corner similar to the San Jose Airport garage building. The Commission indicated that they would like to see shadow studies for the project for three times during the day (9 am, noon and 3 pm) on the equinoxes (March 21 and September 21), and on the solstices, which are the longest and the shortest days of the year (June 21 and December 21). They also preferred the sidewalks to have widths between 7-8 feet. There was a preference expressed for

increasing the proposed 20-foot setback of Building B1 at the corner of Stanford Avenue and Hollis Street. It was suggested that the plant palette should be drought resistant and Bay-friendly and conform with any City guidelines regarding trees in this neighborhood. It was suggested that the next set of plans include a wayfinding program for the campus, a palette for street infrastructure and materials, addition of green infrastructure, outline of ramps inside the garage building, and the location of ADA and street parking. There was also a suggestion of introducing a water feature and building a model for the proposal for better reading of the project.

## 10. PUBLIC HEARINGS

Commissioner Mendez rejoined the meeting.

- 10.1. Adeline Springs Extension Request (UPDR17-009)** – Consideration of a request for a second one-year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on March 22, 2018 to demolish an existing 5,866 square foot building (“U.S. Spring”) and construct a new, five story building that will accommodate 29 rental residential units and 4 to 6 live-work units on a 12,528 square foot parcel located at 3637 Adeline Street. The Commission approved the first one-year extension on March 28, 2019. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential South (MURS) and Transit Hub Overlay (TH) (Applicant/Owner: RB Adeline LLC, Ali Kashani) (APN: 49-481-15)

Miroo Desai, Senior Planner, gave the staff presentation and responded to Commissioner questions. Ali Kashani, applicant, was available to respond to questions.

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

A motion was made to approve the extension request.

**Moved:** Keller

**Seconded:** Sohane

**Ayes:** (6) Donaldson, Keller, Mendez, Sohane, Young, Guerrero

**Noes:** (0)

**Abstain:** (0)

**Absent:** (1) Thomson

- 10.2 Public Market Master Sign Program (SIGN19-017)** – Consideration of a Major Sign Permit for a Master Sign Program for the Public Market along Shellmound Street between Shellmound Way and 63rd Street, including adjacent portions of 62nd Street and an interior courtyard. CEQA Status: 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 and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant: AG-CCRP Public Market, L.P. c/o City Center Realty Partners, LLC) (Owner: AG-CCRP Public Market, L.P.) (APNs: 49-1556-7, -15, -16, -17, -22, -23, -24).

Navarre Oaks, Assistant Planner, gave the staff presentation and responded to Commissioner questions. Christopher Pizzi, Hart Howerton, applicant, responded to Commissioner questions.

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 a stipulation that the west side of the main market hall and brick building be added to the Master Sign Program.

**Moved:** Keller

**Seconded:** Young

**Ayes:** (6) Donaldson, Keller, Mendez, Sohane, Young, Guerrero

**Noes:** (0)

**Abstain:** (0)

**Absent:** (1) Thomson

- 10.3 Floor Area Ratio Increase (UP20-002)** – Consideration of a Major Conditional Use Permit to add 449 square foot of floor area to an existing mezzanine to expand an existing office use at 1375 55<sup>th</sup> Street. CEQA Status: this project is exempt from environmental review under State CEQA Guidelines Section 15301(e)(2) which applies to small 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: Mixed Use with Non-Residential; Zoning District: Mixed Use with Non-Residential (MUN) (Applicant: Claire Mischeaux) (Owner: Weinberg, Rogers & Rosenfeld) (APN: 49-1184-13).

Navarre Oaks, Assistant Planner, gave the staff presentation and responded to Commissioner questions. Claire Mischeaux, applicant, was available to respond to questions.

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.

**Moved:** Donaldson

**Seconded:** Sohane

**Ayes:** (6) Donaldson, Keller, Mendez, Sohane, Young, Guerrero

**Noes:** (0)

**Abstain:** (0)

**Absent:** (1) Thomson

- 10.4 Bird-Safe Building Standards (ORD20-002)** – Consideration of a proposed ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code by adding Article 8 to Chapter 4, and amending Article 7 of Chapter 4, regarding bird-safe building design. CEQA Status: This project is exempt from environmental review under the “common sense exemption” 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.

Diana Keena, Associate Planner, gave the staff presentation and responded to Commissioner questions.

The public hearing was opened.

The City Clerk read aloud two public comments received via the online speaker card:

Noreen Weeden expressed support for the ordinance. She said that birds provide many benefits, and the US Fish and Wildlife Service estimates that one million birds die every day in collisions with buildings. She said that the Golden Gate Audubon Society supports this ordinance and encourages its approval by the Planning Commission.

An anonymous commenter expressed support for the proposal, saying that this ordinance is based on what has worked in other cities.

The public hearing was closed.

A motion was made to approve the proposed amendments to the Planning Regulations and to recommend that the City Council adopt them.

**Moved:** Donaldson

**Seconded:** Keller

**Ayes:** (6) Donaldson, Keller, Mendez, Sohane, Young Guerrero

**Noes:** (0)

**Abstain:** (0)

**Absent:** (1) Thomson

#### 11. PLANNING COMMISSIONERS COMMENTS

Commissioners repeated their gratitude for the work of the staff and welcomed Commissioner Mendez. Commissioner Mendez said she looked forward to meeting everyone in person. Commissioner Young noted that he was on the East Coast working for the Small Business Administration, assisting businesses that have been affected by COVID-19.

#### 12. ADJOURNMENT

The meeting was adjourned at 11:07 pm.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, MAY 28, 2020 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608.**