



ACTION MINUTES

Planning Commission

Planning Commissioners:

Christine Scott Thomson	Chair
C. Tito Young	Vice Chair
Zoë Chafe	Commissioner
Steven Keller	Commissioner
Erika Mendez	Commissioner
Vacant	Commissioner
Vacant	Commissioner

REGULAR MEETING

Thursday, February 25, 2021

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting convened via teleconference at 6:30 p.m. by Chair Christine Scott Thomson. 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: (5) Chair Christine Scott Thomson
Vice Chair C. Tito Young
Planning Commissioner Zoë Chafe
Planning Commissioner Steven Keller
Planning Commissioner Erika Mendez

Excused (0)
Absence:

3. RECOGNITION OF OUTGOING COMMISSIONERS DEEPAK SOHANE AND MIGUEL GUERRERO

Director Bryant reported that former Commissioner Sohane was unable to attend tonight's meeting, so his recognition has been continued to the March 25, 2021 Planning Commission meeting.

Director Bryant read the resolution in recognition of former Commissioner Miguel Guerrero, to which Commissioners and staff contributed. Mr. Guerrero thanked the Commission and staff and said that he hopes to find his way back to Emeryville at some time. The Commissioners thanked Mr. Guerrero for his service and leadership; they also expressed their congratulations on the beauty of his choice of a new home in Portland.

4. PUBLIC COMMENT

Henry Symons, Emeryville resident, introduced himself to the Commission, saying that he has been serving on the Housing Committee for four years and is applying to serve on the Planning Commission.

5. APPROVAL OF ACTION MINUTES OF JANUARY 28, 2021

A motion was made to approve the Action Minutes.

Moved: Young
Seconded: Keller
Ayes: (5) Chafe, Keller, Mendez, Young, Thomson
Noes: (0)
Abstain: (0)
Absent: (0)

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions.

7. DISCLOSURE OF EX PARTE COMMUNICATIONS AND IDENTIFICATION OF CONFLICTS OF INTEREST

Commissioners Chafe, Keller, Young, and Thomson each said they had met with Ethan Warsh and/or Salil Payappilly of BioMed about the BMR Emeryville Center of Innovation. Commissioner Mendez stated that she would recuse herself from item 9.2 because BioMed is a client of her employer and therefore a source of income.

8. ADMINISTRATIVE ITEM

8.1 General Plan Annual Progress Report – Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2020, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

Navarre Oaks, Associate Planner, presented and responded to Commissioner questions. Valerie Bernardo, Housing Coordinator, was available to answer questions.

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

A motion was made to approve the report.

Moved: Keller
Seconded: Mendez
Ayes: (5) Chafe, Keller, Mendez, Young, Thomson
Noes: (0)
Abstain: (0)
Absent: (0)

9. PUBLIC HEARINGS

- 9.1 Sherwin Williams Building 1-31 Adaptive Reuse (FDP20-001)** – Consideration of a Final Development Plan for adaptive reuse of the existing Building 1-31 in the Sherwin Williams Planned Unit Development/Preliminary Development Plan (PUD/PDP) that includes the design of the pedestrian and bicycle pass-through required by the PUD/PDP. The PUD/PDP 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; Zoning District: Planned Unit Development (PUD-7) with Park Avenue District Overlay (P-A). (Applicant/Owner: Steelwave LLC/Bridget Metz) (APN: 49-1557-6) (This project was heard and approved by the Planning Commission on December 10, 2020, but due to a noticing defect, it needs to be re-heard and re-approved.)

Director Bryant presented and 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.

Moved: Keller
Seconded: Chafe
Ayes: (5) Chafe, Keller, Mendez, Young, Thomson
Noes: (0)
Abstain: (0)
Absent: (0)

- 9.2 BMR Emeryville Center of Innovation (FDP19-002)** – Consideration of a Final Development Plan to demolish two existing buildings and surface parking and construct four 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. The project includes utility improvements and circulation improvements including one-way cycle tracks in each direction on Horton Street from 53rd Street to 45th Street; one-way cycle tracks in each direction on 53rd Street from Horton Street to Hollis Street; a diverter at Stanford Avenue and Horton Street; a Pedestrian Hybrid Beacon protected crosswalk at the parking structure on Horton Street; and a traffic signal at the intersection of Horton Street and 53rd Street. The project also includes an application for a Tree Removal Permit for 22 street trees including six European Hornbeams (*Carpinus betulus*) on the north side of 53rd Street between Chiron Way and Horton Street, seven Red Maples (*Acer rubrum*) on the east side of Horton Street north of 53rd Street, and six Brazilian Peppers (*Schinus terebinthifolius*) and three Chinese Pistache (*Pistacia chinensis*) on the west side of Horton Street north of new 46th Street. CEQA Status: An addendum to the Environmental Impact Report for the Chiron Development Plan that was certified by the City Council on August 8, 1995 (State Clearinghouse #94063005) has been prepared. 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 stated that she was recused on this item because BioMed is a client of her employer and therefore a source of income; she then left the meeting.

Miroo Desai, Senior Planner, presented and responded to Commissioner questions. She noted that, earlier in the day, staff had sent a memo to the Commission containing modified conditions of approval recommended by staff concerning access to Chiron Way, the traffic

diverter at Stanford Avenue and Horton Street, and cycle tracks on Horton and 53rd Streets, as well as a modified resolution for the requested Tree Removal Permit that would require payment of a replacement value fee for the nine street trees to be removed.

Applicants, Salil Payappilly, and Ethan Warsh, BioMed Realty; John Mickow, Flad Architects; Sarah Moos Thompson, Bionic Landscape Architects; Claire Maxfield, Atelier 10, Sustainability Consultant; and Cecily Barclay, Perkins Coie, Land Use Attorney, presented and responded to Commissioner questions. Included in their presentation was a new Tree Preservation and Removal Plan that would call for the preservation of additional on-site trees and the planting of additional new trees.

The public hearing was opened.

Director Bryant noted that four on-line speaker cards had been received earlier in the day, that the Commissioners had previously received nine emails regarding the proposed street tree removal, and that two emails had been received from citizen John Bauters.

There was no one in attendance wishing to address the Commission during the public hearing. Director Bryant read the online speaker cards that had been received earlier in the day.

Josephine Chien, 5514 Doyle Street, commented, via online speaker card, that she represented the cohousing community on Doyle Street, and that they did not want the sunlight on their building reduced because they are planning to install solar panels. She stated that the proposed parking garage was too large and would encourage single-occupant traffic. She objected to the proposed signal at Horton and 53rd Streets because replacing the current stop sign would give cars priority over bicycles and pedestrians.

Laura McCamy, 5514 Doyle Street, commented, via online speaker card, that she objected to the proposed signal at 53rd and Horton Streets because it would prioritize cars over pedestrians and bicycles and was incompatible with this intersection to bike boulevards; she requested that it be eliminated from the plan. She also objected to the proposed parking garage and said that the developer should invest in improved transit options.

Evan Lovett-Harris commented, via online speaker card, that he objected to the proposed parking garage and urged the Commission to add a condition of approval to the project to require substantial investment in bike/pedestrian/public transit infrastructure impacted by these additional car trips.

Judith T. Timmel, 5514 Doyle Street, via online speaker card, expressed concern about maintaining the integrity of the bicycle boulevard on Horton Street, saying that the proposed parking garage would increase traffic on the street, and that the proposed traffic signal would increase the speed of car traffic on Horton Street.

The public hearing was closed.

The Commissioners deliberated on the proposed project, and discussed possible modifications to the conditions of approval, including the recommended modifications that staff had sent to the Commission earlier in the day.

Director Bryant presented a new recommended condition related to the proposed traffic signal at 53rd and Horton Street, which stated that, in the design of the Public Improvements, the Public Works Director would determine whether the signal is needed, with the intent of eliminating it if possible.

Ms. Desai presented new recommended conditions of approval referencing the applicant's new Tree Preservation and Removal Plan and stating that all trees located along Hollis Street shall be designated as Street Trees under the City's Urban Forestry Ordinance even if they are located on private property.

Assistant City Attorney Andrea Visveshwara summarized the modified conditions of approval that had been discussed by the Commission, including those sent to the Commission earlier in the day by staff and those discussed during the Commission's deliberations.

The modified conditions included:

- I.B.2: Incorporating new Tree Removal and Preservation Plan into the approved plans.
- II.D.5: Modifying design for access to and through Chiron Way.
- III.A.14: Referencing new Tree Removal and Preservation Plan.
- IV.A.1(g)v: Modifying design of traffic diverter at Horton Street and Stanford Avenue.
- IV.A.1(g)vi: Modifying design of one-way cycle tracks along Horton and 53rd Streets.
- IV.A.1(h)i: Eliminating signal at 53rd and Horton Streets if possible.

It was also noted that the Tree Removal Permit resolution had been modified to require payment of the replacement value fee of the nine street trees to be removed.

A motion was made to approve the Final Development Plan with all of the new conditions discussed tonight.

Moved: Keller
Seconded: Thomson
Ayes: (4) Chafe, Keller, Young, Thomson
Noes: (0)
Abstain: (0)
Absent: (0)
Recused: (1) Mendez

A motion was made to approve the Tree Removal Permit, with modifications to the resolution as recommended by staff.

Moved: Keller
Seconded: Young
Ayes: (4) Chafe, Keller, Young, Thomson
Noes: (0)
Abstain: (0)
Absent: (0)
Recused: (1) Mendez

Commissioner Mendez rejoined the meeting.

9. PLANNING COMMISSIONERS COMMENTS

Commissioner Mendez said she had noticed that the Corten trim around some stormwater retention planters was broken off and asked how best to inform the City so it can be fixed. Public Works Director Mary Grace Houlihan said they could be reported on See-Click-Fix, and the City will then alert the party responsible for maintaining them.

10. ADJOURNMENT

The meeting was adjourned at 9.49 pm.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, MARCH 25, 2021 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.