



ACTION MINUTES

Planning Commission

Planning Commissioners:

Steven Keller	Chair
Erika Mendez	Vice Chair
Zoë Chafe	Commissioner
Al Dram	Commissioner
Jack Ghizzoni	Commissioner
Henry Symons	Commissioner
Erica Zepko	Commissioner

REGULAR MEETING

Thursday, August 26, 2021

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was convened via teleconference at 6:30 p.m. by Chair Steven Keller. 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: (7) Chair Steven Keller
Vice Chair Erika Mendez
Planning Commissioner Zoë Chafe
Planning Commissioner Al Dram
Planning Commissioner Jack Ghizzoni
Planning Commissioner Henry Symons
Planning Commissioner Erica Zepko

3. SWEARING IN OF NEW COMMISSIONERS AL DRAM AND JACK GHIZZONI

The City Clerk swore in new Planning Commissioners Al Dram and Jack Ghizzoni. They were congratulated by their fellow Commissioners.

4. PUBLIC COMMENT

None

5. APPROVAL OF ACTION MINUTES OF JULY 22, 2021

A motion was made to approve the Action Minutes.

Moved: Symons
Seconded: Mendez
Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Mendez, Keller, Zepko
Noes: (0)
Abstain: (0)
Absent: (0)

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant noted that there were no City Council meetings in August, and that, due to their modified schedule, the next regular Council meeting would be on Monday, September 13, returning to the normal schedule of the first and third Tuesdays in October. He reminded the Commission that there would be a municipal election on Tuesday, November 2 to fill the City Council seat vacated by the resignation of Christian Patz. He reported that, on September 13, the Council would be considering the disposition of the Art Center appeal, and that staff was recommending that they set a public hearing for October 5. He also noted that the Governor's Brown Act waivers allowing virtual meetings would expire at the end of September, although there was pending legislation to allow it to continue. Therefore, the next Planning Commission meeting on September 23 would be via Zoom, but at this point, the format of future meetings is uncertain. Finally, Director Bryant took the opportunity to welcome Commissioners Dram and Ghizzoni.

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

None.

8. STUDY SESSIONS

8.1 58Fifty Shellmound Life Sciences Tower (UPDR21-004) – A study session to review a proposed 14-story, 265 foot high building accommodating 388,090 square feet of life science use ("Research and Development") with approximately 10,000 square feet of ground floor retail/amenity space at 5850 Shellmound Way. The project includes demolition of an existing 61,000 square foot office building. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), and Pedestrian Priority Zone (PP) (Applicant: Mike Lee/CA/SCC 5850 LS, JV, LLC) (Owner: Shellmound Christie Corporation) (APN: 49-1493-6)

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

Applicants Michael Lee, Vice President; Ryan Sadowy, Senior Director of Development; Peter Martin, Chief Financial Officer, all representing CA Ventures; Russel Brenner, President, Medical Office, representing CA Health and Science Trust; and Michael Kehl, Architect and Senior Director; and Jay Longo, Architect and Principal, representing Solomon Cordwell Buenz (SCB), architects, made a presentation and responded to Commissioner questions.

Public comment was opened

Director Bryant noted that two on-line speaker cards had been received earlier in the day, from Ron Henmi and Lisa Findlay. Both were in the list of attendees for the Zoom meeting, but neither raised their hands to speak, so Director Bryant read their on-line speaker cards.

Ron Henmi, 6019 Christie Avenue, commented via online speaker card about the project's impacts on traffic, parking, and building massing. He stated that the argument that residential development is infeasible here because of the nearby railroad tracks is bogus. He said that public benefits of the project should include traffic mitigation measures.

Lisa Findley, 6019 Christie Avenue, commented via online speaker card about the project's impacts on traffic, parking, shadows, views into their units via skylights, micro-climate, massing, and the proposed use versus a residential use.

Public comment was closed.

The Commissioners were not opposed to the proposed life sciences tower, and offered a number of suggestions, including adding retail and/or community-oriented ground floor active uses; providing the neighborhood's residents with amenities that they could use; and doing a preliminary traffic study now to assess how mitigations could be incorporated into the design at this early stage. However, they all expressed skepticism at the applicant's claim that a residential use is infeasible at this site, as stipulated in the Mixed Use with Residential (MUR) zoning regulations. They directed the applicant to provide a comprehensive analysis at the next study session of why residential use was not viable at this site.

9. PUBLIC HEARING

- 9.1 Planning Regulations Amendment to Allow Cannabis Manufacturing with a Minor Conditional Use Permit (ORD21-003)** – Consideration of a proposed ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code to allow Cannabis Manufacturing uses to be approved with a minor conditional use permit. CEQA Status: The proposed amendments are not considered a "project" under Public Resources Code Section 21065 and are not subject to CEQA. Even if they were considered a project, they would be exempt from environmental review under the "common sense exemption" at CEQA Guidelines 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.

Director Bryant gave the staff presentation 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 resolution recommending that the City Council adopt the proposed ordinance.

Moved: Mendez
Seconded: Chafe
Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (0)

10. PLANNING COMMISSIONER'S COMMENTS

Commissioners welcomed new Commissioners Dram and Ghizzoni.

11. ADJOURNMENT

The meeting was adjourned 8.26 p.m.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 23, 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.