



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, September 23, 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. Director Bryant 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 Steven Keller
 Vice Chair Erika Mendez
 Planning Commissioner Al Dram
 Planning Commissioner Jack Ghizzoni
 Planning Commissioner Henry Symons
- Absent: (2) Planning Commissioner Zoë Chafe
 Planning Commissioner Erica Zepko

3. COMMISSION MATTERS

3.1 Recognition of Former Commissioners Christine Scott Thomson and C. Tito Young

Director Bryant read a resolution of appreciation in recognition of former Commissioner Christine Scott Thomson. Ms. Thomson thanked the Commission and staff. A motion was made to approve the resolution.

- Moved:** Keller
- Seconded:** Mendez
- Ayes:** (5) Dram, Ghizzoni, Symons, Mendez, Keller
- Noes:** (0)
- Abstain:** (0)
- Absent:** (2) Chafe, Zepko

Director Bryant noted that, although former Commissioner C. Tito Young was not in attendance, a similar resolution had been prepared for him, which had been provided to all of the Commissioners.

3.2 Consideration of Planning Commission Meeting Schedule for 2022

A motion was made to approve the Planning Commission meeting schedule for 2022.

Moved: Mendez
Seconded: Ghizzoni
Ayes: (5) Dram, Ghizzoni, Symons, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (2) Chafe, Zepko

4. PUBLIC COMMENT

None.

5. APPROVAL OF ACTION MINUTES OF AUGUST 26, 2021

Chair Keller noted that Director Bryant, rather than he, had read the COVID statement at the beginning of the meeting. A motion was made to approve the Action Minutes with this correction.

Moved: Keller
Seconded: Symons
Ayes: (5) Dram, Ghizzoni, Symons, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (0) Chafe, Zepko

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions. He reminded the Commission that the Annual Emeryville Celebration of the Arts exhibition was coming up on October 2-31 at Bay Street, and that there would be an opening reception on Friday, October 1 from 6-9 pm. He also noted that the State has passed a new law, AB361, that allows the Commission to continue to hold virtual meetings for the duration of the State of Emergency. It requires that the Commission make certain findings to declare the need for a virtual meeting at the beginning of every meeting that is held by teleconference. The first such findings will be on the next Commission agenda on October 28.

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

Commissioner Ghizzoni stated that he would be recused from Item 9.1 because Oxford Properties is a client of his employer. Vice Chair Mendez stated that she would also be recused from Item 9.1 because her primary residence is in the Marketplace development, and her employer previously did work related to the project.

8. PUBLIC HEARINGS

8.1 Two Unit Replacement, 1270 64th Street (UPDR20-004) – Consideration of a Conditional Use Permit and Design Review to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64th Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b), which applies construction of up to six new dwelling units, and 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. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (N-H) (Applicant: Leonardo Escaroz) (Owner: William Sellier, Daniel Stamatoiu, et al.) (APN: 49-1470-10-3)

This item was continued to a future meeting

- 8.2 Four-Unit Replacement, 1271 64th Street (UPDR21-005)** – Consideration of a Conditional Use Permit and Design Review proposal to construct four new units and demolish four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64th Street. (UPDR16-007, previously approved by the Planning Commission on December 8, 2016.) CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(b), which applies construction of up to six new dwelling units, and 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. General Plan Land Use Classification: Medium Density Residential; Zoning District: Medium Density Residential (RM) and North Hollis Overlay (NH) (Applicant/Owner: Aquis Bryant) (APN: 49- 1471-15)

This item was continued to a future meeting

9. STUDY SESSIONS

- 9.1 Marketplace Redevelopment Project Parcels A, B and F (FDP21-001)** – A study session to review a proposed Final Development Plan (FDP) for Parcels A, B, and F of the Marketplace Redevelopment Project along Shellmound Street between Shellmound Way and 63rd Street. The proposed FDP would include three buildings on Parcels A and B comprised of an eight-level 322,744 square foot Research and Development building, a four level, 83,434 square foot Research and Development building with 7,460 square feet of ground floor retail space, and a seven-level parking garage accommodating 883 parking spaces. In addition, 18 residential units are proposed on Parcel F. General Plan Land Use Classification: Mixed Use with Residential and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Owner/Applicant: Emeryville Holdings (DE) LLC, c/o Oxford Properties Group) (APN: 49-1556-15; -16; and -17)

Director Bryant stated that he had been in contact with Commissioner Zepko and had learned that she was ill and unable to attend the meeting. The recusals of Commissioner Ghizzoni and Vice Chair Mendez and the absences of Commissioners Chafe and Zepko left only three Commissioners to consider the item, which was not sufficient to constitute a quorum. Therefore, the item was continued to the next meeting on October 28, 2021.

- 9.2 Bay Street Grocery Store (FDP21-002)** – A study session to review a proposed Final Development Plan (FDP) for Parcel B of the South Bayfront Retail/Mixed Use Project (“Bay Street”). The proposed FDP is for a new 48,446 square foot grocery store with open rooftop parking that will accommodate approximately 139 parking spaces. It will also involve demolition of the existing building housing the EQ3 furniture store and other retail stores, and that formerly housed the Old Navy store and Elephant Bar restaurant. In addition, the project will involve removal of the existing plaza area in front of the Barnes and Nobles bookstore to accommodate ground level parking and vehicular circulation. General Plan Land Use Classification: Mixed Use with Residential and Regional Retail Overlay; Zoning District: Planned Unit Development (PUD-4) (Applicant: Lowney Architecture) (Owner: 5616 Bay Street Investors LLC) (APN: 49-1039-8)

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

Applicants, Craig Ramey, CenterCal; Chelsea Maclean, HK Law; Jill Nickels, Nickels Group; Marco Esposito and Barry Bourbon, Gensler Architects; and Eric Price and Ken Lowney, Lowney Architects, presented and responded to Commissioner questions.

Public comment was opened.

Director Bryant noted that he had received three on-line speaker cards, from Bobby Lee, Ron Henmi, and Lisa Findley. Messrs. Lee and Henmi were in attendance and made their comments verbally.

Bobby Lee, Bay Street homeowners association board member, expressed his support for the project and the new developer compared with the previous owners. He expressed concerns regarding parking, traffic circulation, loading, relocation of the plaza, and the commitment of the grocery store tenant.

Christine Romano, resident of Bay Street apartments, while excited about the possibility of a grocery store, expressed concerns about the loss of the plaza space; pedestrian bridge construction timing; pedestrian, bicycle, and vehicular traffic congestion; the need for a traffic signal at Bay Street and Ohlone Way; and safety of pedestrians, bicyclists, and cars.

Rod Henmi, architect and resident of Christie Avenue, spoke in support of the grocery store, and said he supported the staff recommendation for a relocated plaza. He said that the rest of the proposed increase in open space is basically just widened sidewalks. He suggested an amphitheater in a new open space area at the base of the grand staircase to the food terrace.

Lisa Findley, 6019 Christie Avenue, commented via online speaker card, expressing support for the grocery store and other improvements to the Bay Street center, and also support for the staff suggestion of a relocated plaza. She suggested taking that one step further by eliminating the parking deck access ramp next to the creek and extending the plaza all the way to Ohlone Way to connect to the proposed plaza at the base of the new bridge staircase. She said that this would help to address conflicts between cars, pedestrians, and cyclists at the Ohlone Way/Bay Street intersection. She also expressed concern about daytime cruising on Bay Street, and said that blub-outs, speed bumps, and other traffic calming measures could help to address this.

Director Bryant also noted that three lengthy comment emails had been sent to the Commission from Sunny Lau, Sherman Lau, and Bobby Lee.

Public comment was closed.

The Commissioners all liked the proposed use and expressed the need for a grocery store in this part of the city. Concerns were expressed regarding inter-modal traffic circulation and the removal of the existing plaza. One Commissioner noted that the plaza is used often by children with their families, as well for hosting large events. Another Commissioner commented that widened sidewalks could not be considered a replacement for the plaza. It was suggested that there should be a clear separation between vehicles, bicycles, and pedestrians. Several Commissioners stated that the staff suggestion of keeping Bay Street closed to vehicles south of the proposed ramp was a good compromise between the needs of the grocery store proprietor and the need to retain the plaza area. The Commission also agreed that, if the applicant incorporated the staff suggestion for a relocated plaza into their design, it would preclude the need for a Preliminary Development Plan amendment.

10. PLANNING COMMISSIONER'S COMMENTS

None.

11. ADJOURNMENT

The meeting was adjourned 8.28 p.m.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, OCTOBER 28, 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.