



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, January 27, 2022

6:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was convened via teleconference at 6:32 p.m. by Chair Steven Keller.

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. COMMISSION MATTERS

3.1 RESOLUTION DECLARING THE NEED FOR THE PLANNING COMMISSION TO CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC

Director Bryant read aloud a statement announcing that the meeting was being conducted by teleconference pursuant Assembly Bill 361, which provides for an exemption to the Brown Act, provided that the Planning Commission makes certain findings by majority vote no later than 30 days after it starts using the exemption, and every 30 days thereafter.

A motion was made to approve the resolution.

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

3.2 APPOINTMENTS TO EMERYVILLE/OAKLAND JOINT PLANNING AUTHORITY

Director Bryant gave a brief explanation of the Emeryville/Oakland Joint Planning Authority, and requested a nomination for the six regular members and one alternate from the Emeryville Planning Commission to the JPA Planning Council. Chair Keller nominated Commissioners Chafe, Dram, Ghizzoni, Mendez, Symons, and Zepko as the regular members, and himself as the alternate. The motion was seconded by Commissioner Zepko.

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

4. PUBLIC COMMENT

Lisa Findley, 6019 Christie Avenue, commented via online speaker card, asking whether an overall traffic study would be prepared of the cumulative impacts of the various development proposals on bicycle and pedestrian circulation, particularly in the Powell/Christie/Shellmound and Public Market areas.

5. APPROVAL OF ACTION MINUTES OF DECEMBER 9, 2021

A motion was made to approve the Action Minutes.

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

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions, noting the Christie Crowl, of Jarvis Fay & Gibson, LLP, had been appointed as Interim City Attorney through the end of April, while the search for a new City Attorney is ongoing. He also announced that there would be a community workshop via Zoom on the Housing Element on Wednesday, February 23, from 6:00 to 8:00 pm.

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

Regarding Item 9.3, Chair Keller and Commissioner Chafe said that they had met with Oxford Group and CCRP. Regarding Item 8.2, Commissioners Ghizzoni and Symons said that they would be recusing themselves because they both own their primary residences within 500 feet of the project site. Regarding Item 9.1, Vice Chair Mendez said that she would be recusing herself because BMR is a client of her employer and therefore a source of income. Regarding Item 9.3, Commissioner Ghizzoni said that he would be recusing himself because one of the applicants is a client of his employer and therefore a source of income.

8. PUBLIC HEARINGS

- 8.1 Duplex Conversion (UPDR21-007)** – Consideration of a Conditional Use Permit and Design Review application to modify an existing single unit building at 1291 55th Street into two units. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines 15303(b), which applies to new construction or conversion of apartments, duplexes and similar structures designed for not more than six 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) (Applicant: Elias Horat, Creates Cool) (Owner: Syed Zohair Rizvi) (APN: 49-1184-14)

Analisa Garcia, Assistant Planner, gave the staff presentation and responded to Commissioner questions.

Applicants Elias Horat, Creates Cool LLC, and Syed Rizvi and Zohair Rizvi, owners, 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: Chafe

Seconded: Mendez

Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Zepko, Mendez, Keller

Noes: (0)

Abstain: (0)

Absent: (0)

- 8.2 “The Emery” Master Sign Program (SIGN21-017)** – Consideration of a Major Sign Permit for a Master Sign Program for “The Emery”, formerly known as “Sherwin-Williams”, along Sherwin Avenue and Horton Street, including adjacent portions of Hubbard Street and 46th Street. 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 “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: Mixed Use with Residential; Zoning District: Planned Unit Development (PUD-7) and Park Avenue District Overly (Applicant: Scott Becerra, SignCraft, Inc.) (Owner: LMV II Emeryville Holdings, LP) (APNs: 49-1557-11, -12, and -13)

Commissioners Ghizzoni and Symons recused themselves from this item because they own their primary residences within 500 feet of the project site; they were moved to the “attendee” group.

Analisa Garcia, Assistant Planner, gave the staff presentation and responded to Commissioner questions.

Applicants Desiree Morgan, Project Manager, Lennar; Scott Becerra, SignCraft; and Nathan Tuttle, Vice President of Development, Lennar, 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: Mendez
Seconded: Chafe
Ayes: (5) Chafe, Dram, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Recused: (2) Ghizzoni, Symons

Commissioners Ghizzoni and Symons were moved from the “attendee” group back to the Planning Commission panel.

9. STUDY SESSIONS

- 9.1 Emeryville Center of Innovation Master Sign Program (SIGN21-027)** – Study session for a Major Sign Permit for a Master Sign Program for the Emeryville Center of Innovation, a new research and development campus which includes four research and development buildings fronting Hollis, 53rd, and Horton Streets, as well as a parking structure fronting Horton Street. CEQA Status: To be determined. General Plan Land Use Classification: Office/Technology and Park/Open Space; Zoning District: Planned Unit Development (PUD-3) (Applicant: Ethan Warsh, BioMed Realty) (Owner: BRE-BMR Chiron Lot LP) (APNs: 49-1041-29-1; 49-1544-1-4, and -2; and 49-1558-2, -3, and -4)

Vice Chair Mendez recused herself from this item and left the meeting because BioMed is a client of her employer.

Analisa Garcia, Assistant Planner, gave the staff presentation and responded to Commissioner questions.

Applicants Ethan Warsh, Biomed; Ashley Heermann, Project Manager, Biomed; and James Propp, Architect/Designer, presented and responded to Commissioner questions.

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

The Commission was generally supportive of the proposed Master Sign Program but questioned the need for the number of signs proposed and suggested an illustration showing how the signs will look together. The Commission also voiced concern about the proposed high-rise sign on Building B4 and requested the applicant to consider the unique architecture of the building. It was suggested that, while the overall height of the proposed Pedestrian Directional signs was acceptable, the text and graphics could be lowered by about three feet to make them more easily readable. The applicant thanked the Commission for their feedback.

Vice Chair Mendez rejoined the meeting.

The Commissioners took a break at 7:47 p.m. The meeting resumed at 7:55 p.m.

- 9.2 Bay Street Grocery Store (FDP21-002)** – A second 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. CEQA Status: To be determined. 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, gave the staff presentation and responded to Commissioner questions.

Applicants Craig Ramey, CenterCal; Jill Nickels, Nickels Group; Marco Esposito, SWA Landscape Architecture; and Eric Price, Lowney Architecture, presented and responded to Commissioner questions.

Public comment was opened

Bobby Lee, Bay Street resident, said he is excited about the grocery store and appreciated the early community engagement. He expressed concerns about pedestrian-bicycle-vehicle conflicts, bus, truck and passenger vehicle drop-off and pick-up, loading zone conflicts, and traffic light coordination, and said that he hoped the consultant study would address safety and circulation.

Christine Romano, Bay Street resident, said she loves the convenience of the grocery store. She expressed surprise regarding the rationale of moving the bus stop and said she was concerned about the impact some of the proposed street alterations would have on residents and bicycle riders.

Rod Henmi, Emeryville resident, Director of Design at HKIT Architects, expressed appreciation for changes in the project in response to comments by the Planning Commission and members of the public. He made suggestions for more plaza area, entry, center stage, and grand staircase enhancements. He spoke in support of the tree removal, and appreciation for the solution to bringing semi-trucks into the site.

Lisa Findley echoed Mr. Henmi's comments and said that she was among the owner-residents of Emeryville who had several critical comments at the last Planning Commission meeting. She expressed appreciation for the new design and the team's responsiveness to her concerns.

Director Bryant noted that the Commissioners had received several emails commenting on the project, including two from the applicant attaching a total of six comment letters in support, one from John Scheuerman, and one from Robert Pierce.

Public comment was closed.

The Commission expressed overall support for the project. The Commission supported staff recommendations for removing trees in the Ohlone Memorialization Park and replacing them with a native plant palette, and relocation of the bus stop to the proposed median. It was suggested that the design include features on which children could play. The need to differentiate the cycle track from pedestrian space was emphasized, and it was suggested that bicycle infrastructure also be included on the Ohlone Way roadway. The Commission suggested that the applicant consider removal of the northern ramp to the rooftop parking, citing intermodal conflicts and safety concerns. It was noted that other grocery stores in the area have rooftop parking that accommodate more parking spaces than this proposal, and that have only one entrance and exit. It was stated that keeping the northern ramp would only be acceptable if there were a traffic signal at Bay Street and Ohlone Way synchronized with the signal at Shellmound Street and Ohlone Way. Chair Keller called for a "straw poll" on removal of the northern ramp from the design, and indicated that he saw four Commissioners raise their hands, which is a majority of the Commission. The applicant thanked the Commission for their comments, and said they looked forward to reviewing the traffic study when it is available.

The Commissioners took a break at 9:45 p.m. The meeting resumed at 9:50 p.m.

- 9.3 Christie Avenue Mixed Use Project (UPDR22-001)** –Study session to review a proposed mixed-use project on a 3.76-acre site at 5801-5861 Christie Avenue, including a 12-story, 123-foot high residential tower with 98 units, a 13-story, 230-foot high commercial tower with approximately 464,000 square feet of research and development and office space, and a 9-story, 100-foot high parking structure accommodating 748 parking spaces. The project will include a new half-acre public park fronting Christie Avenue and will demolish all existing buildings on the site. CEQA Status: To be determined. General Plan Land Use Classification: Mixed Use with Residential, Major Transit Hub, and Other Park Opportunity; Zoning District: Mixed Use with Residential (MUR), Transit Hub Overlay (TH), and Pedestrian Priority Zone (PP) (Owner/Applicant: 5801 Christie Owner (DE) LLC c/o Oxford Properties Group) (APNs: 49-1494-3-2 and -4-8)

Commissioner Ghizzoni recused himself from this item and left the meeting because one of the applicants is a client of his employer.

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

Applicants Ofer Zer, Oxford Properties; Mark Stefan, City Center Realty Partners; Peter Buffington, Smith Group; Lily Lai, Smith Group; Ben Huie, Kimley Horne; and David Walker, PWP Landscape, presented and responded to Commissioner questions.

Public comment was opened

Rod Henmi, Emeryville resident, Director of Design at HKIT Architects, expressed concerns about traffic, and said that the central drive proposed by staff should be included. He said that the proposed project's height would have an impact on surrounding properties, and requested that alternative massing and shadow studies be prepared. He also had concerns about the public space in the lobby and asked that the Commission make the proposed large operable wall a condition of approval, with seven-day access, and encouraged inclusion of the proposed café. He also asked that residents within a 1,000 foot radius be notified of community meetings by mail.

Lisa Findley, Professor of Architecture, resident of Christie Avenue Commons, expressed appreciation for the expertise of the design team and echoed Mr. Henmi's concerns regarding traffic flow and the impact of the project on surrounding buildings, agreeing with the need for shadow studies. Ms. Findley spoke in support of the staff proposal for traffic circulation and expressed concerns for the site density, and underdeveloped and uninspiring housing project. She suggested that the housing be moved to the north side of the site to be farther from the gas station and the busy Powell/Christie intersection.

David L expressed concerns about the impact of the demolition and construction phases on the occupants of the existing building to the north.

Chair Keller noted that it was 11:18 pm and asked the Commission if they would agree to continue past 11:30 pm. The Commission agreed by consensus to continue the meeting in order to complete the agenda.

Director Bryant noted that the Commissioners had received an email from John Scheurman, and that there were on-line speaker cards, which he then read.

An anonymous speaker commented, via on-line speaker card, that Emeryville has several available housing sites which are in much more desirable locations and not on a high traffic corner such as this proposal. In addition, the potential danger and liability of being next to a gas station was never mentioned in the review. The proposed R&D center is not needed as there several other R&D projects available or under construction.

Bobby Lee commented, via on-line speaker card, said that, if the proposed bus pullout is for the Emery Go-Round, the Emeryville Transportation Management Association should be contacted early in the process. He asked whether any attempts have been made to

acquire the adjacent 76 gas station or the Denny's restaurant sites. He said that having a park facing a major intersection does not feel like a comfortable experience for park users. He asked that an ownership housing opportunity be considered, especially for two and three bedroom units.

Public comment was closed.

Commissioners appreciated the mix of uses, and stated a preference for more residential units. It was noted that traffic circulation needed to be further analyzed and addressed. There was support for the staff recommendation for a central drive, with access from the Shellmound Way/Christie Avenue intersection, while minimizing disruption of the open space area. Bicycle parking and circulation was emphasized, and active transportation connections through the site and to adjacent destinations was encouraged. The proposed half-acre public park and other open space was appreciated, although it was suggested that it be designed more for families, and that the public open space in the lobby of the biotech building could be problematic. Commissioners agreed with the staff comment for making the parking garage adaptable for other uses in the future, and for spreading the parking structure out as a podium with the new buildings above, rather than three separate buildings. Further information was requested to justify the amount of parking proposed. Commissioners expressed skepticism about the viability of the proposed green walls. It was noted that the siting of the residential building did not allow for views of the Bay, and proximity of the residential use to the gas station was noted as an important consideration. A suggestion was made that the residential component of this project be eliminated in exchange for the property owners constructing the entitled 167 units on Parcel A of the Public Market, which they also own. The applicant thanked the Commission for their comments and said that they would all be taken into consideration as the project moves forward.

Commissioner Ghizzoni rejoined the meeting.

10. PLANNING COMMISSIONER'S COMMENTS

Dealing with proposals for indoor privately owned public open space (POPOS) was raised as an issue for further discussion. Director Bryant noted that it was addressed in the Emeryville Design Guidelines and could be included in future project deliberations, or scheduled as a future study session. Signage and wayfinding for POPOS was also mentioned as an issue for future discussion.

11. ADJOURNMENT

The meeting was adjourned 11:44 pm.

THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, FEBRUARY 24, 2022 AT 6:30 P.M. VIA TELECONFERENCE IN ACCORDANCE WITH CALIFORNIA ASSEMBLY BILL 361 OR IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608 IF THE STATE OF EMERGENCY HAS BEEN LIFTED.