



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, February 24, 2022

6:30 PM

Teleconference

1. CALL TO ORDER

The meeting was convened via teleconference at 6:30 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. 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 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: Chafe
Seconded: Ghizzoni
Ayes: (7) Chafe, Dram, Ghizzoni, Symons, Zepko, Mendez, Keller
Noes: (0)
Abstain: (0)
Absent: (0)

4. PUBLIC COMMENT

Rod Henmi, resident of Christie Avenue, expressed concern about multiple traffic studies for projects in the Christie/Shellmound zone that only consider the impacts of the individual projects, and suggested that the City take on the responsibility of undertaking a comprehensive traffic and parking study of all projects in the area.

5. APPROVAL OF ACTION MINUTES OF JANUARY 27, 2022

A motion was made to approve the Action Minutes.

Moved: Mendez
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.

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

Vice Chair Mendez said she had met with the applicants for item 10.2 in November. Regarding Item 9.1, Vice Chair Mendez said that she would be recusing herself because BMR is a client of her employer and therefore is 0a 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 2021, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

Navarre Oaks, Associate Planner, made the staff presentation and responded to Commissioner questions.

A motion was made to approve the report and forward it to the City Council.

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

9. PUBLIC HEARINGS

9.1 Emeryville Center of Innovation Master Sign Program (SIGN21-027) – Consideration of 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: 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: 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 because BMR is a client of her employer and left the meeting.

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.

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: Symons

Seconded: Ghizzoni

Ayes: (6) Chafe, Dram, Ghizzoni, Symons, Zepko, Keller

Noes: (0)

Abstain: (0)

Recused: (1) Mendez

Vice Chair Mendez rejoined the meeting.

The Commission took a break at 7.17 p.m. The meeting resumed at 7.21 p.m.

- 9.2 Bay Street Grocery Store (FDP21-002)** – Consideration of a 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 105 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: An addendum to the Environmental Impact Report for the South Bayfront Retail/Mixed Use Project that was certified by the City Council on February 2, 1999 (State Clearinghouse No. 97092058) has been prepared, and the project is further 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 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.

Christie Crowl, Interim City Attorney, provided information to clarify the record from the January 27 Planning Commission study session on this item. She noted that, due to technological issues, it was not possible to determine how Commissioners had voted on the straw poll that was taken during the study session, and advised the Commissioners that they were not bound by their vote in that straw poll and should have an open mind about the project that is proposed this evening..

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

The public hearing was opened

Rod Henmi, Christie Avenue resident, spoke in support of the project, saying that he appreciated the applicant’s response on the plaza and the addition of a signal that will improve pedestrian and car safety. He noted that the bridge over the railroad track will bring

pedestrians and bicyclists to the grocery store and theatres who will never have to cross a drive. Finally, he stated that the northern entry ramp has been safely designed and urged the Commission to approve the project as designed. He said he looks forward to using the grocery store.

Bobby Lee, Bay Street resident, spoke in support of the grocery store, intersection signal lights, and pedestrian scramble, and suggested a temporary closure of Ohlone Way to test the effect. He encouraged all City of Emeryville departments to meet and review traffic circulation prior to the holidays.

The public hearing was closed.

The public hearing was reopened to allow further dialogue between the applicant and the Commission. The public hearing was closed.

A motion was made by Chair Keller and seconded by Commissioner Chafe to approve the application with an additional condition of approval that “prior to the issuance of a building permit, the Community Development Director shall confirm that the final building plans for the Project incorporate removal of the northern entry ramp to the rooftop parking and the closure of Bay Street to motor vehicle traffic south of Ohlone Way.”

A substitute motion was made by Commissioner Symons to approve the application as submitted. The substitute motion died for lack of a second.

A vote was taken on the original motion.

Moved: Keller
Seconded: Chafe
Ayes: (6) Chafe, Dram, Ghizzoni, Zepko, Mendez, Keller
Noes: (1) Symons
Abstain: (0)
Absent: (0)

[Note: Following the meeting, at the request of the applicant, the language of the new condition was clarified to say “Prior to the issuance of a building permit, the Community Development Director shall confirm that the final building plans for the Project incorporate removal of the northern entry ramp to the rooftop parking and the closure of Bay Street to motor vehicle traffic between Ohlone Way and the surface parking lot on the south side of the grocery store”, because it was not the intent of the Commission to preclude motor vehicle access to the south side of the grocery store from Shellmound Street via Bay Street.]

The Commission took a break at 9.27 p.m. The meeting resumed at 9:35 p.m.

10. STUDY SESSIONS

- 10.1 EmeryStation Overland (UPDR21-001)** – A second study session to review a proposal to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating approximately 495 parking spaces on an approximately 113,325 square foot site on the block bounded by Overland Avenue and 62nd, 63rd, and Hollis Streets. The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby’s Café and 41 live-work units, and demolition of all other structures on the western portion of the site. CEQA Status: To be determined. General Plan Land Use Classification: Office/Technology and Major Transit Hub; Zoning District: Office/Technology (OT), North Hollis Overlay (N-H), and Transit Hub Overlay (TH) (Owner/Applicant: Wareham Development) (APN: 49-1488-1)

This item was continued to the March 24, 2022 Planning Commission meeting.

- 10.2 58Fifty Shellmound Life Sciences Tower (UPDR21-004)** – A second 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. This study session will primarily focus on the issue of mix of uses. CEQA Status: To be determined. 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, and Chadrick Smalley, Economic Development and Housing Manager, made the staff presentation and responded to Commissioner questions. Mr. Smalley summarized the findings of the City’s consultant who concurred with the applicant’s consultant that a residential development is economically infeasible on this site at this time.

Applicants Michael Lee, Senior Vice President and Pete Hofman, Senior Analyst, representing CA Ventures; Russell Brenner, President, representing CA Health and Science Trust; and Michael Kehl, Architect and Senior Director, representing Solomon Cordwell Buenz (SCB), architects, presented and responded to Commissioner questions.

Public comment was opened.

Rod Henmi, Christie Avenue resident and architect, expressed concerns with the height and absence of set-back of the building, and traffic from the project. He offered several alternative suggestions to maintain this friendly neighborhood.

Director Bryant noted that he had received 10 on-line speaker cards on this item, and he proceeded to read the comments, as follows:

Nick Ribaldo, resident of 6015 Christie Avenue, expressed concerns with parking and traffic issues, building height creating significant shadows to many neighboring buildings, and curb appeal impacts as the shear height of the building is right on the sidewalk.

Jessica Luetkemeyer, resident of 6015 Christie Avenue, expressed opposition to the project, citing the building’s height and shade, proximity to the street/sidewalk, and traffic problems.

Moira [no last name given], resident of 6047 Christie Avenue, expressed concerns with the impact of vehicular traffic and suggested the addition of a parking entrance and reducing the building height, and that the builders could sponsor a pedestrian bridge over Powell Street.

Lisa Findley, homeowner at 6015 Christie Avenue, within 200 feet of the site, and a professor of architecture, expressed her opposition to the project due to the building height, its location at an intersection with heavy traffic, and its relationship to the street making it loom as a wall next the sidewalk casting shadows over surrounding buildings and streets. She said it will generate significant traffic congestion/parking issues. She expressed opposition to the proposed use, which she said is yet another bio-tech facility instead of housing. She urged the Commission to send the developers back to the drawing board.

Judy Krasnick, renter at the Christie Commons live-work building, expressed opposition to the proposal due to traffic congestion that will worsen with the completion of the current projects under construction, and this building will magnify those issues.

Sherman Lim, 6037 Christie Avenue, expressed his concerns about the impacts of traffic, and reduced parking spaces to encourage the use of public transit and bicycles. He said he believes that the additional cars will try to park on city streets. He stated that the building is almost 85% the height of Pacific Park Plaza, and would be right on the sidewalk.

Anonymous, a 10+ year Emeryville resident, expressed opposition to the project because of inadequate parking, that the proposed tower would sit right up to the street and would negatively impact the safe, friendly, and green neighborhood.

Anonymous expressed support for the project, saying it will increase property value and jobs for Emeryville in the long run. Biotech R&D in the technology industry right now is going through major transformation. It's not the same as old biotech in years past. It's a new generation of biotech. If we get in it now, we can position Emeryville like South Bay Silicon Valley.

Rinabeth Apostol, resident of 6017 Christie Avenue, expressed her strong opposition to the project due to the existing parking and traffic pressure from new housing and retail/entertainment developments, along with concern that families of locals and residents of neighboring cities would be inhibited from patronizing malls, parks and restaurants in the area. She asked that the Commission allow Emeryville to thrive as a unique city by allowing the population to grow by the number of families who can call it home, and not by the stories of an eyesore building.

Maria Bernardo, resident of 6017 Christie Avenue, expressed opposition to the project because of the congestion it will add to an already congested area and the lack of adequate parking in the building which may disrupt bus routes, vehicles, pedestrians, and cyclists, with an additional concern about potential increase in traffic accidents, She urged the rethinking of this proposal.

Public comment was closed.

The majority of the Commissioners indicated that they understood the conclusions of the applicant's and City's consultants analyses, that a large residential development is not financially feasible on this site at this time, but stated that at least some amount of housing should still be considered as part of the proposal. It was suggested that a few townhouse units could be located on the ground floor, and would therefore not require elevators. The applicant was requested to develop two options for future Commission consideration, one with residential units on the ground floor, and the other with community amenity space, along with an analysis of the feasibility of each.

10. PLANNING COMMISSIONER'S COMMENTS

None

11. ADJOURNMENT

The meeting was adjourned at 11.24 pm.

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