



## 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, April 28, 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: (5) Chair Steven Keller  
Vice Chair Erika Mendez  
Planning Commissioner Zoë Chafe  
Planning Commissioner Al Dram  
Planning Commissioner Jack Ghizzoni

Excused  
Absence: (1) Planning Commissioner Henry Symons - Arrived at 6.35 p.m.

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

### 3.2 CONSIDERATION OF CANCELLATION OF JUNE 23, 2022 REGULAR MEETING, SCHEDULING A SPECIAL MEETING IN MAY TO DISCUSS TOPICS OF INTEREST, AND LIST OF TOPICS AND QUESTIONS TO BE DISCUSSED AT SPECIAL MEETING

A motion was made to cancel the regular Planning Commission meeting of June 23, 2022.

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

A motion was made to schedule a special Planning Commission meeting on Monday, May 16, 2022 at 6:30 p.m.

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

Following Commission discussion, Director Bryant summarized the topics of interest that the Commission indicated should be placed on the special meeting agenda, as follows:

- Parking
  - Overparking
  - Guidelines and criteria for 50% reduction at Transit Hubs
  - Methodology of estimating parking demand
  - Citywide parking tax on private parking lots
  - Future conversion of parking garages to other uses
  - Including parking in floor area ratio (FAR)
- Jobs-Housing Balance
  - Current jobs-housing balance
  - Appropriate balance for affordable housing
  - Number of jobs and/or housing units created by specific development projects
  - Additional jobs and/or units needed after a project is approved to return to the balance that existed before the project
- Incentivizing Home Ownership
  - Ways to encourage home ownership
  - Adding a community benefit category in the development bonus system
  - Below market rate opportunities for home ownership
- Parks and Open Space
  - POPOS (Privately Owned Public Open Space) versus common open space
  - Criteria/guidelines for indoor open space
  - Funding sources
  - Maintenance
  - Increasing park space in the City
- Below Market Rate Commercial Space
- Future of the Emeryville Skyline

A motion was made to approve the agenda for the special meeting, as summarized by Director Bryant.

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

#### 4. PUBLIC COMMENT

None.

#### 5. APPROVAL OF ACTION MINUTES OF MARCH 24, 2022

Commissioner Chafe noted that, for items 7 and 9.2, the minutes should indicate that her residence is between 500 and 1,000 feet of the EmeryStation Overland project site, rather than within 500 feet.

A motion was made to approve the Action Minutes as corrected.

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

#### 6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Bryant reported on recent City Council actions, and announced that a community meeting on the 5801 Christie Mixed Use Project would be held by the applicant on Wednesday, May 11 at 6 p.m. via Zoom.

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

Concerning Item 9.1, Chair Keller. Vice Chair Mendez and Commissioner Symons said they had met with the applicant. Chair Keller also indicated that he had met with a resident about the project.

#### 8. PUBLIC HEARINGS

**8.1 EmeryStation Overland (UPDR21-001)** – Consideration of a Conditional Use Permit and Design Review Permit to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating 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 block. The proposal also includes a Tree Removal Permit to remove 18 street trees located on 62nd Street, Overland Avenue and 63rd Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects, 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 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)

At the applicant's request, Item 8.1 was continued to the May 26, 2022 Planning Commission Meeting

## 9. STUDY SESSIONS

- 9.1 58Fifty Shellmound Life Sciences Tower (UPDR21-004)** – A third study session to review a proposed 14-story, 265-foot-high building accommodating 385,740 square feet of life science use (“Research and Development”), six townhouse residential units, and approximately 2,300 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, Senior Vice President CA Ventures; Russell Brenner, President, representing CA Health and Science Trust; and Michael Kehl, Architect and Senior Director, presented and responded to Commissioner questions.

Public comment was opened.

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

Rod Henmi, Christie Avenue resident and architect, recommended moving the tower volume to the east and siting the lower parking garage volume along the Christie Avenue frontage, which he said would result in a more pedestrian friendly environment along Christie Avenue and provide a roof deck facing the street with views of the Bay. Mr. Henmi provided architectural drawings that Director Bryant displayed on the screen.

Nicholas Ribaud, Emeryville resident, expressed concerns with the impact of the current design on the pedestrian experience, livability and traffic in the area.

Lisa Findlay, Emeryville homeowner within 200 feet of the site and professor of architecture, expressed concerns about the absence of changes addressing neighbor concerns from previous meetings, the addition of six townhouses that do little to address the City's commitment to work-live imbalance, and the provision of usable public space for Emeryville residents..

Judy Krasnick, resident 6023 Christie Avenue, expressed concerns with the livability and traffic impact caused by the current design, and supported the alternative drawing that proposes to set the mass of the building farther back from Christie Avenue.

Moira Noiseux, Resident, 6400 Christie Avenue, expressed concern regarding the massing of the building and traffic.

Public comment was closed.

The Commission appreciated the applicant's inclusion of townhomes and generally felt that the proposed mix of uses was acceptable, but encouraged the applicant to explore the possibility of adding a few more residential units. Several Commissioners opined that the applicant should consider reducing the building massing along Christie Avenue by moving the tower towards the eastern portion of the site, as was also suggested by a public commentor. Commissioners stated that it was important to create a continuous pedestrian experience along Christie Avenue and that the project should include an element that would draw community members to the site.

- 9.2 Marketplace Redevelopment Project Parcels A, B and F (PUD04-003/DA15-001/FDP21-001)** – A study session to review a proposed amendment to the Planned Unit Development/Preliminary Development Plan (PUD/PDP) for the Marketplace Redevelopment Project (PUD04-003), an amendment to the associated Development Agreement (DA15-001), and a new Final Development Plan (FDP) for Parcels A and B 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 six-level parking garage accommodating 711 parking spaces. 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)

At the applicant's request, Item 9.2 was continued to the May 26, 2022 Planning Commission Meeting

The Commission took a break at 8.50 p.m.; the meeting resumed at 8.58 p.m.

- 9.3 Mass Timber (STUDY22-001)** – A study session to review a proposal to add a community benefits category to Section 9-4.204(e) of the Planning Regulations for the use of Mass Timber construction in place of traditional steel-and-concrete construction in order for a project to earn development bonus points. CEQA Status: To be determined.

Nancy Humphrey, Environmental Programs Supervisor in the Public Works Department, gave the staff presentation and responded to Commissioner questions. Frances Yang, Associate, ARUP; Bryce Tanner, Founder and Lead Designer, ARUP; and Miya Kitahara, Program Manager, StopWaste responded to Commissioner questions.

Public comment was opened.

Ruju Rathod, Emeryville resident and sustainability consultant and architect, asked whether the Commission had evaluated the weight of these points versus those being offered currently to Emeryville developers, and whether this proposed community benefit should be broadened to include low-carbon materials and reduced concrete use.

Director Bryant noted that he had received an on-line speaker card on this item, and read the comment, as follows:

Rod Henmi, Christie Avenue resident and architect, stated that he generally supports the use of mass timber. However, he is against the proposal to provide bonus points to developers for mass timber construction, as they are already getting cost benefits from its use. He suggested that the ordinance needs to ensure that there are no loopholes that would enable clever use of its measures to acquire bonus points without providing the environmental benefits. He said the minimum building height should be nine stories to qualify for bonus points and it should only be used to replace steel and concrete.

Commissioners generally expressed their excitement for mass timber and supported its use. Commissioners commented that the bonus should only be available for buildings over seven stories tall (i.e., that cannot be built with traditional wood-frame construction), that the use of concrete topping for flooring should be limited, and that, in the future, the bonus point system should address other types of sustainable materials, such as low carbon concrete.

**10. PLANNING COMMISSIONER'S COMMENTS**

Commissioner Symons asked about the boulders that had been placed in the open area at the south end of the future Art Center building at 40<sup>th</sup> and Hollis Streets. Director Bryant said that he would look into it and get back to him.

**11. ADJOURNMENT**

The meeting was adjourned at 9.47 p.m.

**THE NEXT SCHEDULED REGULAR MEETING WILL BE HELD ON THURSDAY, MAY 26, 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.**