



## 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

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Thursday, May 26, 2022

6:30 PM

Teleconference

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**1. CALL TO ORDER**

The meeting was convened via teleconference at 6:31 p.m. by Vice Chair Erika Mendez, who presided over the meeting in Chair Keller's absence.

**2. ROLL CALL**

Present: (5) Vice Chair Erika Mendez  
Planning Commissioner Zoë Chafe  
Planning Commissioner Al Dram  
Planning Commissioner Jack Ghizzoni  
Planning Commissioner Henry Symons

Excused  
Absence (1) Chair Steven Keller

Absent (1) 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:** Symons

**Ayes:** (5) Chafe, Dram, Ghizzoni, Symons, Mendez

**Noes:** (0)

**Abstain:** (0)

**Absent:** (2) Keller, Zepko

**4. PUBLIC COMMENT**

None.

**5. APPROVAL OF ACTION MINUTES OF APRIL 28, 2022**

A motion was made to approve the Action Minutes.

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

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

Director Bryant reported on recent City Council actions, and announced that a second community meeting on the 5801 Christie Mixed Use Project would be held by the applicant on Thursday, June 9 at 6:30 pm via Zoom. He also noted that the City Council would be making its annual committee appointments on June 21, which covers all City committees, including the Planning Commission. Finally, he noted that a special Planning Commission meeting would be held on June 8; Vice Chair Mendez is recused from both items on the agenda, and Commissioner Ghizzoni has indicated that he is not available on June 8, but the other five Commissioners have all confirmed their attendance.

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

Commissioner Ghizzoni said that he would need to recuse himself from Item 8.2 because one of the applicants is a client of his employer, and also from Item 9.1 because the project site is close to his residence.

Commissioner Symons said that he had ex parte communications with the developer for Item 8.2, and also would need to recuse himself from Item 9.1 because the project site is close to his residence.

Vice Chair Mendez said that she would be recusing herself from Item 8.2 because it is close to her residence, and her employer participated in a study that was presented as an alternative to this project by Wareham Development. She also noted that the applicant for Item 9.2 is a client of her employer, but that item has been continued to the special meeting on June 8, so she would not need to recuse herself from that item tonight.

Commissioner Dram said that he had a meeting with the developer of Item 8.2.

**8. STUDY SESSIONS**

**8.1 Housing Element of the General Plan (STUDY21-001)** – A study session to review the draft 2023-2031 Housing Element of the General Plan.

Navarre Oaks, Associate Planner, and Valerie Bernardo, Community and Economic Development Coordinator II, presented and responded to Commissioner questions. Nicole West, project consultant from PlaceWorks, was also available to respond to questions

Public comment was opened.

Wendy Medeiros, Emeryville resident since 2008, asked where people could apply for rental units in properties that are currently under construction. Ms. Bernardo directed her to the Housing Portal on the City's website, and provided information on The Emery project. She also noted that an Affordable Housing Portal is being developed in cooperation with Alameda County and is one of the programs in the draft Housing Element.

Public comment was closed.

The Commission expressed appreciation that multiple programs in the draft Housing Element address the need for affordable ownership units, as well as for improved access to affordable housing information. The Commission was supportive of the draft Housing Element as presented, and had no recommendations for modifications.

- 8.2 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 a ten-level approximately 421,000 square foot Research and Development building, a pavilion building of about 3,000 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)

Because of recusals (Ghizzoni and Mendez) and absences (Keller and Zepko), there was not a quorum for this time; therefore, it was continued to the special meeting on June 8, 2022.

The Commission took a break at 7:47 p.m. and reconvened at 7:54 p.m.

## 9. PUBLIC HEARINGS

- 9.1 The Lab Master Sign Program (SIGN22-009)** – Consideration of a Major Sign Permit for a Master Sign Program for multi-tenant and building signage for The Lab, located at 4383 Horton Street fronting Horton Street and Sherwin Avenue. 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 (P-A) (Applicant: Stephen Kelley, Clear Sign & Design) (Owner: Steelwave LLC) (APN:49-1557-6)

Because of recusals (Ghizzoni and Symons) and absences (Keller and Zepko), there was not a quorum for this time; therefore, it was continued to the next regular meeting on July 28, 2022.

- 9.2 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 496 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)

Due to a notification error, this item was continued to the special meeting on June 8, 2022.

- 9.3** **Mass Timber (ORD22-001)** – Consideration of an amendment to Section 9-4.204(e) of the Planning Regulations to add a community benefits category 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: This project is exempt from environmental review under 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.

Nancy Humphrey, Environmental Programs Supervisor in the Public Works Department, gave the staff presentation and responded to Commissioner questions. Frances Yang, Associate, ARUP, 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 recommend that the City Council adopt the proposed amendment to the Planning Regulation, with one correction to delete the word “internal” from the “Requirements” column of Table 9-4.204(e).

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

#### **10. PLANNING COMMISSIONERS COMMENTS**

Vice Chair Mendez said that she is not seeking reappointment to the Planning Commission because she is moving out of Emeryville, and expressed her appreciation for the Commissioners and staff. Commissioners expressed their gratitude for her contributions to the Commission.

#### **11. ADJOURNMENT**

The meeting was adjourned at 8.10 p.m.

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