



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

SPECIAL MEETING

Wednesday, June 8, 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
Planning Commissioner Zoë Chafe
Planning Commissioner Al Dram
Planning Commissioner Henry Symons
Planning Commissioner Erica Zepko

Excused (2) Vice Chair Erika Mendez
Absences: Planning Commissioner Jack Ghizzoni

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. He noted that it was not necessary to make the findings at the June 8, 2022 special meeting because they had been made at the last regular meeting on May 26, 2022, less than 30 days previously.

3. PUBLIC COMMENT

None.

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

Chair Keller, Commissioner Dram, and Commissioner Symons each reported that they had had communications with the applicants for Item 6.1.

5. PUBLIC HEARINGS

- 5.1 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 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)

Director Bryant gave the staff presentation and responded to Commissioner questions.

Applicants Brandon Northart, Senior Planner, Urban Planning Partners; Matt Malone, Senior Associate, Perkins & Will; Rich Robbins, Founder, Wareham Development; and Geoff Sears, Partner, Wareham Development, made a presentation 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 Tree Removal Permit contingent upon City Council approval of the conditional use permit and design review for the project.

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

The Commission discussed approving the conditional use permit and design review for the new 300,000 square foot Research and Development building and parking structure, and denying the conditional use permit for parking spaces more than the maximum allowed based on the following findings:

- (a) That the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses.

The study completed by CHS Consulting (and peer reviewed by Fehr & Peers), used a matrix that, though current by industry standards, does not reflect the true circumstances in Emeryville, or the greater Bay Area, as detailed in the following sources:

- “Sources for Parking Demand Studies”, City of Dallas, Texas, Zoning Ordinance Advisory Committee, June 18, 2020.
- “Roughly Right or Precisely Wrong”, Access Magazine, by Donald Shoup, Spring 2002.

- “The Bay Area has twice as many parking spots as people—and there’s a hidden toll”, San Francisco Examiner, by staff writer Benjamin Schneider, March 3, 2022.
- “The Bay Area Parking Census - How much parking the region has, why it’s too much and what to do about it”, SPUR and Mineta Transportation Institute, February 28, 2022.
- Empirical research on parking utilization in Emeryville, by Steven Keller.
- GreenTRIP Parking Database, Pacific Park Plaza, TransForm, undated.

Facts of the area’s current overparking show that there is no evidence that more parking is needed, thus the applicant has not convincingly demonstrated the need for additional parking.

- (b) That the provision of the additional parking will not result in an overdependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.

As shown by the sources cited above, creating additional parking will create an overdependence on automobiles and will adversely impact transit, bicycles, and pedestrians. As stated in the applicant’s information, employees of the applicant’s current properties arrive at their jobs by driving, and it is believed that this will continue. Providing abundant parking will encourage this continued mode, thus creating an overdependence on autos that will adversely affect other methods of transportation.

Director Bryant suggested that, if the Commission were to deny the conditional use permit for parking spaces more than the maximum allowed, they might also consider modifying Conditions of Approval I.A.2 and VI.A.1.a., which stipulate how large the parking garage may be and how many parking spaces it may contain, as follows:

I.A.2. Design review approval for a new 80 feet tall “Research and Development” building and a new ~~55 feet tall, 496 space~~ parking garage in accordance with the approved plans described below, as modified by these Conditions of Approval. Prior to issuance of a building permit, the parking garage shall be redesigned to contain no more than 411 vehicular parking spaces.

VI.A.1.a. No greater than ~~496~~ 411 vehicular parking spaces of which ~~68~~ up to 92 spaces shall may be assigned to uses in the existing Hollis Building and ~~428~~ up to 319 spaces shall may be made available to the Research and Development Building. Prior to the use of the garage for tenants, the applicant shall submit a memorandum outlining the general rules for the garage including that parking will be made available to tenants, use of key card access only, 24/7 access for cardholder, first come-first serve space use and use of valet parking inside the garage only.

A motion was made to approve the conditional use permit and design review for the new 300,000 square foot Research and Development building and the new parking structure, and to deny the conditional use permit for parking spaces more than the maximum allowed based on the findings cited above, and to modify the conditions of approval as suggested by Director Bryant.

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

The Commission took a break at 8.16 p.m. and reconvened at 8.24 p.m.

6. STUDY SESSIONS

- 6.1 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)

Director Bryant gave the staff presentation and responded to Commissioner questions.

Applicants Lauren Krause, Vice President for Development, Oxford Properties; Greg Hadsell, HDR, Architect; and Marcel Wilson, Bionic Landscape made a presentation and responded to Commissioner questions.

Public comment was opened

Parissa Peymani, resident of The Terraces at 5858 Horton Street, spoke in favor of the project, saying that she had not seen a development as beautiful, and that she appreciated that the applicant had listened to the community.

Public comment was closed.

The Commission had no comments on the proposed PUD/PDP and DA amendments. Concerning the FDP, the Commission appreciated the changes from the previous design, including inclusion of a small plaza area, while recognizing the loss of housing on Parcel A. One Commissioner noted that the additional pedestrian connections to the garage from the grand staircase was a good feature of the project. Another Commissioner mentioned that it would be good if the elevator to the garage was large enough to accommodate cargo bikes, and to include electric outlets for bicycles in the garage for general public use.

7. PLANNING COMMISSIONERS COMMENTS

Chair Keller noted that this was his last meeting, and thanked the Commission and staff for their support during his many years on the Commission. He said that it was a lot of work but very rewarding, and a pleasure to serve. The Commission and staff thanked him for his service.

8. ADJOURNMENT

The meeting was adjourned at 9:31 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.