

**EMERYVILLE PLANNING COMMISSION**

**STAFF REPORT**

**Agenda Date:** December 12, 2019

**Report Date:** December 5, 2019

**TO:** Planning Commission

**FROM:** Community Development Department  
Miroo Desai, Senior Planner

**SUBJECT:** **Marketplace Redevelopment Project: Supplemental Report in the Appeal By Wareham Development of Resolution No. FDP18-001R As Requested by the City Council Action on November 5, 2019, Pursuant to Emeryville Municipal Code § 9-7.1405(d)**

**PROJECT LOCATION:** 6200 Shellmound Street  
(APN: 49-1556-16)

**APPLICANT:** City Center Realty Partners, (CCRP) (Mark Stefan)  
170 Grant Avenue, Sixth Floor  
San Francisco, CA 94108

**OWNER:** AG-CCRP Public Market, L.P.  
170 Grant Avenue, Sixth Floor  
San Francisco, CA 94108

**PROJECT DESCRIPTION:** Referral from the City Council for a supplemental report regarding an alternative proposal for a Final Development Plan (FDP) for “Parcel B” of the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) (referred to herein as the “Project”). The Project is an alternative to the FDP approved by the Planning Commission on May 14, 2019 (FDP18-001R). This will replace Final Development Plan FDP15-001 that was approved by the Planning Commission on June 23, 2016. The May 14, 2019 FDP included 15,800 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces. The Project includes 15,800 square feet of retail space, 150,000 square feet of office/lab space, and 500 parking spaces.

**GENERAL PLAN:** Mixed Use with Residential and Major Transit Hub

**ZONING** Planned Unit Development (PUD-2)

**DISTRICT:**

**ENVIRONMENTAL  
STATUS:**

The Environmental Impact Report for Marketplace Redevelopment Project PUD was certified by the City Council on July 15, 2008 (Resolution No. 08-126). The current Project proposes the FDP for a site within the Marketplace Redevelopment Project PUD. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no subsequent or supplemental environmental impact report is required for this Project.

**RECOMMENDED**

**COMMISSION  
ACTION:**

1. Open public hearing and take testimony regarding the project.
2. Close public hearing and consider Staff Report and Resolution.
3. Adopt Resolution CPC No. FDP18-001(A) recommending that the City Council approve the project and rescind Resolution CPC No. FDP15-001.

**PREVIOUS PLANNING COMMISSION AND CITY COUNCIL ACTIONS**

On August 5, 2008, the City Council approved the Marketplace Redevelopment Project Planned Unit Development (PUD)/Preliminary Development Plan (PDP) (Ordinance 08-0004). Between February 2015 and June 2016, the Planning Commission approved a number of Final Development Plans (FDPs) to allow the following: a grocery store (Parcel C1); realignment of Shellmound Street; creation of 62<sup>nd</sup> Street, 63<sup>rd</sup> Street and Market Drive; construction of three residential buildings (Parcel A, Parcel C2, and Parcel D); a parking structure with ground floor retail (Parcel B); and the redevelopment and expansion of Christie Avenue Park (Parcel E). The grocery store (Parcel C1) and the realignment of Shellmound Street and creation of 62<sup>nd</sup> and 63<sup>rd</sup> Street are now complete, and two residential buildings (Parcel C2 and Parcel D) are under construction. The grand opening for Christie Park was held on November 29, 2018.

A previous FDP for Parcel B (FDP15-001) was approved on June 23, 2016. That FDP accommodated parking with ground floor retail such that the parking garage would provide parking for existing commercial uses served by existing surface parking lots (i.e. uses on Parcel A and Parcel C). For this reason, the residential building on Parcel A cannot be built until the parking garage on Parcel B has been constructed. This previously-approved FDP included 26,000 square feet of retail space and 300 parking spaces.

As the Administrative Record for this Project reflects, the master developer and landowner, City Center Realty, proposed to replace the previously-approved FDP for Parcel B to accommodate 150,000 square feet of office/lab space in addition to 14,000 square feet of retail space and 565 parking spaces. The Planning Commission held a study session on this new proposal at the December 13, 2018 meeting and subsequently approved the Project at its January 24, 2019 meeting, thereby rescinding the FDP previously approved in 2016.

This decision was appealed by Wareham Development to the City Council on February 8, 2019. The Council remanded the appeal to the Planning Commission on March 19, 2019 (Resolution No. 19-29) and directed the Commission to consider the issues raised in the appeal letter from Wareham Development and to hold a new public hearing on the project. The Planning Commission held a public hearing on April 25, 2019 and continued the item to a special meeting on May 14, 2019 where they unanimously approved FDP18-001 (“Appealed FDP”). This decision was called for review by the City Council on May 21, 2019 and also appealed by Wareham Development on May 29, 2019.

At its regular meeting on October 1, 2019, the City Council considered the appeal and then voted 4-1 (Council Member Donahue voted no) to set November 5, 2019 as the date for public hearing on the appeal (Resolution No. 19-141). During the City Council deliberations on October 1, 2019, staff identified the Council’s main points of concern as being related to the wind analysis and aesthetics (i.e. building design, including articulation and public art). The Council also questioned whether the 120-foot height for Parcel B applied to the entire parcel or only a portion of it. These issues were discussed by the City Council at the November 5, 2019 public hearing.

On October 31, 2019, prior to the November 5, 2019 public hearing, the applicant submitted revised plans, which represent the Project, and, which was discussed by the City Council at the November 5, 2019 public hearing. At the conclusion of the hearing, the Council voted unanimously to refer the item to the Planning Commission for a supplemental report pursuant to Emeryville Municipal Code § 9-7.1405((b)(3)). The Council’s direction to the Planning Commission included the following:

- Consider the plans entitled “Emeryville Public Market, Parcel B, Proposed Alternative”, dated October 31, 2019 as a baseline document for the FDP. (The attached plans entitled “Revised Development Plan”, dated December 3, 2019, are based on the October 31, 2019 plans.)
- Require the applicant’s submittal to the Commission is also to include any other necessary components of an FDP, as advised by staff. (These are included in the attached plans.)
- Require a condition of approval for the Project that will require that the roof deck comply with Condition of Approval III.A.3.c of the Marketplace Preliminary Development Plan. That condition states as follows: “Final design of the roof deck open space terraces on the Shellmound building shall be heavily landscaped to reduce wind and improve usability and shall incorporate porous materials or structures (e.g., vegetation, hedges, screens, latticework, perforated or expanded metal) which offer superior wind shelter compared to solid surfaces. Outdoor furnishings, such as tables, shall either be either weighted or attached to the deck.”(See Condition of Approval Number VII.A.11)
- Require a condition of approval that the City Council shall review any final art for the exterior of Parcel B prior to issuance of a building permit. (See Condition of Approval Number II. B.1)

- The Planning Commission shall examine, in the course of their review, public access to the roof deck space.
- The Planning Commission shall also examine and make recommendations related to trash enclosures and internalizing them to the parking structure.

**PROJECT PROPOSAL**

The table below illustrates the key difference between the Appealed FDP and the Project.

	<b>Appealed FDP</b>	<b>Project</b>
<b>Mix of Uses:</b>		
Retail	15,800 sq. ft.	15,800 sq. ft.
Office/Laboratory	150,000 sq. ft.	150,000 sq. ft.
Parking	560 spaces	500 spaces
<b>Height</b>	113 feet tall	120 feet tall (with an 82-foot setback at the south end)
	8 stories: 5 levels of parking and 3 levels of office/lab)	9 stories: 5 levels of parking; 4 levels of office/lab

Sheets 4 to 9 of the attached Alternative Design Plans illustrate the differences between the two FDPs by providing relevant sections, massing, site plan and elevations. These sheets also include the relevant information from the approved PUD/PDP to demonstrate conformity and consistency with the PUD/PDP, which is also described in this staff report below.

The proposal creates an 82-foot setback on top of the southern portion of the parking podium to create an outdoor deck. An additional story for office/laboratory space is now proposed to keep the office/laboratory square footage at the original 150,000 square feet. The height of the proposed building is increased only by 7 feet by reducing the height of the office floors from 16 feet to 15 feet and reducing the height of the parking levels from 12 feet to 10 feet 8 inches (See Sheet 5 – *Comparative Sections*). The ceiling height of the ground floor retail remains the same as before at 17 feet.

The building functions in a similar manner as the earlier approved design and is described below.

*Circulation, loading and servicing pattern.* Vehicles will enter the building from the north end only, while exiting will be accommodated at both the north and south ends (Sheet 14 – Site Plan and Sheet 25 – Car and Bike Circulation Plan). Sheet 25 shows bicycle circulation, location of short-term bicycles spaces and about 1,000 square feet is designated for secured, internal employee bicycle storage. Long term bicycle parking is also provided at the northeast and

southwest corners of Levels 2, 3, 4 and 5 of the parking garage. (Please see Sheets 16, 17 and 18 -*Floor Plan Level 2, Floor Plan Levels 3 and 4, and Floor Plan Level 5*). Pedestrian circulation is shown on Sheets 26 and 27. Vertical circulation for pedestrians to and from parking levels occurs at the north and south ends and central lobby via staircases, and at the north end and central lobby via elevators.

The applicant is also proposing a valet parking program that initially will involve a “valet assist” strategy where drivers drive up into the garage to the upper two levels and drop off their cars with an attendant. This is planned primarily for busy lunch hours. Sheet 25 also shows the option of on-street drop off spaces along Shellmound Street if operations warrant this service. Under this option, valeted vehicles would enter the garage from the north end and would be returned to an off-street pick-up point at the south end. The applicant anticipates a management company to be contracted as needed to operate the valet service.

Sheet 24 – *Servicing Plan* and Sheet 23 – *Discards Collection Plan* shows short term deliveries and trash areas are located along the eastern side of the building with delivery and trash vehicles entering from the north end and exiting from the south end. All trash is stored within the building and only trash staging and parking of the hauler vehicle will occur outside the building.

Design: This is a rectangular building with the office/laboratory lobby entry in the middle of the retail storefronts on the ground floor. Due to the setback of the office/laboratory tower from the south end of the podium, the elevator core will now be offset towards the southern end of the office floors. Unlike the Appealed FDP, the glass curtain wall in the center of the west tower elevation does not extend from the ground to the top of the building but is limited to the office/laboratory levels on the top four floors of the building. A 17-foot first floor ceiling clearance is maintained to accommodate retail storefronts. The first three levels of the concrete parking structure will each be 10’ 8” in height, while the top level of the parking structure will be 11’ in height; the parking levels will be articulated by using some type of art panels on the east and west elevations. Sheet 44 – *Art Strategy* shows the locations of public art and shows work examples of seven artists that have been short-listed to do this work.

The top four levels of office/laboratory will each be 15 feet in height and are articulated using an industrial type window grid system. The overall building height will be 120 feet from grade to the roof with an 82-foot southern setback at the parking podium to create a private terrace at the sixth level. Roof top equipment is also proposed, with stacks visible behind a screen at the mechanical penthouse level (Sheet 20 – *Roof Plan*). The screen would extend an additional 15 feet above the roof, and the stacks would extend an unspecified distance above the screen. (Elevation Sheets 31, 32 and 33). East and west elevation details are provided on Sheets 32 and 31 respectively. Ground level storefront details are outlines on Sheets 36, 37 and 38). Renderings are provided on Sheets 40, 41, 42 and 43. Sheets 34 and 35 provide two cross sections of the proposed building.

The tower now includes notches at each corner measuring 16’ by 14’6”, and a 10’ recess measuring about 52’ wide on the east and west elevations of the office/laboratory tower, which more closely resembles the building massing illustrated in the Preliminary Development Plan.

The recess on the west elevation would feature glass curtain wall, while the recess on the east elevation would have the same rectilinear window system as the rest of the tower elevations.

Materials include three shades of stone, glass curtain wall, metal and glass window system, and structural concrete (as opposed to board formed). Sheet 39 – *Colors and Materials* provides materials and colors for the proposed project.

Landscaping: Sheet 45 illustrates the existing streetscape planting to remain along Shellmound Street and a stormwater catchment area at the north end of the site, which is consistent with the landscape plan for Shellmound Street that was approved as part of the Tentative Map. Sheet 46 illustrates landscaping details of the proposed private terrace on the sixth floor. Sheet 47 provides a plant palette.

## **FINDINGS**

The City Council has requested that the Planning Commission render a supplemental report pursuant to Emeryville Municipal Code § 9-7.1405(d). Staff recommends that the Planning Commission consider whether the City Council could make the findings as required by Emeryville Municipal Code § 9-7.1004(b), in the event that the Council opts to impose conditions that in essence convert the Appealed FDP to the Project being considered by the Planning Commission under Emeryville Municipal Code § 9-7.1405(d)(2).

### Substantial Conformance with PDP

The zoning for this site is PUD-Mixed Use that was approved by the City Council in August 2008. The current proposal is consistent with this land use designation. Office and research laboratory uses are explicitly listed in the PUD conditions of approval as permitted uses.

The approved PUD/PDP calls for a building up to 120 feet tall on Parcel B, containing 120,000 square feet of office space, 29,150 square feet of commercial (retail) space, and 518 parking spaces. Compared to the approved PUD/PDP, the Project will have approximately 13,350 square feet less commercial space (15,800 square feet versus 29,150 square feet), 30,000 square feet more office space (150,000 versus 120,000 square feet), and 18 less parking spaces (500 spaces versus 518 spaces). The building height of 120 feet is consistent with the approved PUD/PDP height.

While the Project would contain 30,000 square feet more office space than the PDP calls for, the overall intensity of the PUD buildout would still be less than allowed by the PDP, as illustrated in the table and explanation below:

<b>Use</b>	<b>PDP</b>	<b>FDPs</b>	<b>Difference</b>
Residential	674 units	649 units	-25 units
Total Commercial	300,000 sq. ft.	209,800 sq. ft.	-90,200 sq. ft.
Retail	180,000 sq. ft.	59,800 sq. ft.	-120,200 sq. ft.
Office	120,000 sq. ft.	150,000 sq. ft.	+30,000 sq. ft.
Parking	2,082 spaces	1,499 spaces	-583 spaces



The total amount of commercial space in the PUD, including both office and retail space, will be 209,800 square feet under the various approved and proposed FDPs (150,000 square feet of office plus 59,800 square feet of retail), while the PDP allows for up to 300,000 square feet of commercial space (120,000 square feet of office plus 180,000 square feet of retail), so in total there will be 90,200 square feet less total commercial space (office and retail) than allowed by the PDP.

Please also refer to the November 5, 2019, City Council staff report for additional analysis of the Project's substantial conformance with the Marketplace PUD/PDP. For purposes of the analysis, the difference between the Appealed FDP and the Project is that the building height of the Project is taller by 7 feet when compared to the Appealed FDP. However, since the height of the building still falls within the parameters of the PDP/PUD, and the remaining details of the two FDP's are same for purposes of analyzing conformance with the PDP/PUD, the analysis set forth in the staff report for the November 5, 2019, City Council meeting is still applicable to the Project. Again, the Project complies with the PDP height as noted above and contains a marginal decrease in parking spaces.

#### **Satisfaction of Conditions of Approval:**

Please see November 5, 2019, staff report for a detailed analysis of the Project's satisfaction of Conditions of Approval. The analysis is applicable because the modifications of the current Project are primarily aesthetic through creation of a small deck on the sixth level and there are no changes to the uses or the square footage of the uses. The applicant, as before intends, to use public art for interest and articulation on the east and west elevations. However, the proposed public art will now be reviewed by the City Council prior to the issuance of building permit. (See Condition of Approval Number II. B.1.

#### **CONFORMITY WITH SHELLMOUND STREETScape DESIGN GUIDELINES**

The Shellmound Streetscape Design Guidelines outline sidewalk widths, paving materials, pedestrian amenities, streetscape furniture, landscaping, and design of multi-modal facilities such as bus stops. The Guidelines call for a minimum sidewalk width of 12 feet with a typical width of 16 feet. In cases where a parking lane is proposed, a clear width of 8 feet is required. The Project plans are consistent with the Tentative Map approval that was previously determined to be consistent with the Shellmound Streetscape Design Guidelines. (The Planning Commission approved the Tentative Map on October 22, 2015. The Phase I Final Map (Tract 8327) was recorded on August 23, 2016, and the Phase 2 Final Map (Tract 8334) was recorded February 9, 2017.)

#### **ENVIRONMENTAL STATUS**

On January 15, 2008, via Resolution No. 08-09, the City Council certified the Marketplace Redevelopment Project Environmental Impact Report (EIR) for the Marketplace Redevelopment Project Planned Unit Development ("Marketplace Project"). Subsequently on July 15, 2008, the Council adopted Resolution No. 08-126 which applied the EIR to the Planned Unit Development

(“PUD”), adopted mitigation measures, and adopted a Statement of Overriding Considerations for the Marketplace Project. The City adopted Findings of Fact Regarding Impacts and Mitigation Measures, a Mitigation Monitoring and Reporting Program for the Marketplace Redevelopment Project, Findings of Fact Concerning Alternatives, and a Statement of Overriding Considerations. The impacts that could not be mitigated to a less than significant level related to traffic and air quality were deemed acceptable because the Marketplace Redevelopment Project would advance local plans for the City, create jobs, and generate revenue. The current Project proposes a FDP for a site within the Marketplace Redevelopment Project.

CEQA Section 21166 and its corresponding CEQA Guidelines Section 15162 provide that once an EIR has been prepared, no subsequent or supplemental EIR shall be required by the lead agency unless: (1) substantial changes are proposed in the project which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guideline Section 15164(e) provides that a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. Again, this Project is within the scope of development evaluated by the previously certified EIR for the Marketplace Redevelopment Project.

A revised Environmental Checklist for this Project (“Marketplace Checklist”) was prepared in order to analyze whether any of the conditions specified under CEQA Guidelines Section 15162 would require a supplemental or subsequent EIR. As detailed in the Marketplace Checklist, there are not substantial changes in the proposed Project, nor changes to the circumstances under



which the Project will be undertaken, nor new information of substantial importance that would require preparation of a supplemental or subsequent EIR.

In addition to the Marketplace Checklist, the City further examined issues pertaining to both traffic impacts and wind impacts that were raised during the application process as well as during the various previous approvals and appeals of this Project. The Administrative Record for the Project includes a traffic study prepared at the Applicant's request by Kimley Horn as well as several wind studies submitted by both the Applicant and Wareham Development (the party that submitted multiple appeals of the Project). The staff report for the November 5, 2019 City Council meeting includes a summary of both the traffic study and several of the wind studies<sup>i</sup>, and a brief overview of those studies is provided below for convenience:

- As required by Mitigation Measure TRAF-1b, the Applicant has submitted a traffic study prepared by Kimley Horn that concludes that the proposed Project will not result in trip generation and traffic impacts that were not analyzed in the EIR. Concerning traffic analysis for the Project, Kimley Horn prepared a Trip Generation Evaluation dated December 12, 2018 that concluded that the proposed office, retail and parking uses would result in fewer AM and PM peak hour trips when compared to the approved 2008 PDP. (Please see AR 1831 – Tab 73).
- Applicant obtained a wind study to determine whether the current Project presented any wind impacts. This study, conducted by Certified Consulting Meteorologist Donald Ballanti and dated March 22, 2019, concludes that “based on the exposure, massing and orientation of the proposed building it would not have the potential to adversely affect ground-level winds near its base, at the proposed landscaped open spaces areas at the north and south ends of the site, within adjacent Parcel A to the south, or at properties east of the site on the far side of the UPRR train tracks.” (Please see AR 1780 – Tab 62; AR 2074 – Tab 87; AR2417 – Tab10 and 112; and AR3242 – Tab 148).
- Applicant obtained a Pedestrian Wind Study conducted by RWDI, dated May 13, 2019. The Pedestrian Wind Study was based on the construction of a scale replica of the Parcel B site and surroundings which were tested in a wind tunnel to simulate the winds approaching and interacting with the Project site. The study concluded that, of the 45 locations analyzed, in the Existing Configuration, 24 locations currently have wind levels exceeding 11 miles per hour ten percent of the time, which is identified in the study as the comfort criterion. With the Existing plus Project Configuration, the number of locations will be reduced to 15; and with the Project plus Cumulative Configuration, the number of locations will be 18. Concerning the significance threshold identified in the EIR of winds exceeding 36 miles per hour, under the Existing Configuration there is one location that meets this condition: location number 44 on the east side of the railroad near the pedestrian bridge tower adjacent to the EmeryStation West building, which has a wind speed of 40 miles per hour. In both the Existing plus Project and the Project plus Cumulative Configurations, no locations exceed 36 miles per hour, and location number 44 is reduced from 40 miles per hour without the Project to 28 miles per hour in both the Existing plus Project and the Project plus Cumulative Configurations. Thus, the wind tunnel analysis concludes that, overall, the Project will improve pedestrian wind comfort

conditions, and will not exceed the thresholds of significance identified in the EIR. (Please see AR 1780 – Tab 62; AR 2074 – Tab 87; AR2417 – Tab10 and 112; and AR3242 – Tab 148).

- Appellant submitted a wind study conducted by CPP Wind Engineering and Air Quality Consultants (CPP), dated May 29, 2019, addressing the findings of the RWDI wind tunnel assessment. The CPP study summarizes that the FDP will result in “uncomfortable” wind conditions in the corridor between Parcels A and B, whereas the original PDP building configuration will not because there is no “corridor” between Parcel A and B in the PDP because the buildings are shown as being connected. However, at no time does the CPP Wind Study conclude that the Project will cause wind levels to exceed 36 mph. (Please see AR 1780 – Tab 62; AR 2074 – Tab 87; AR2417 – Tab10 and 112; and AR3242 – Tab 148).
- The Applicant submitted a response letter that includes a review of CPP’s study by RWDI. The RWDI review of the CPP study notes that CPP considers only the wind results at a few locations between Parcels A and B and does not compare to baseline conditions.
- Applicant submitted another a Pedestrian Wind Study conducted by RWDI, dated November 1, 2019 that examined the Project that includes a roof deck at the sixth level. This report conducted that the wind speeds for the Project are expected to meet the wind hazard criterion including in locations on the east side of the railroad tracks near the pedestrian bridge tower. (Please see AR 1780 – Tab 62; AR 2074 – Tab 87; AR2417 – Tab10 and 112; and AR3242 – Tab 148)

Regarding traffic and wind impacts, no substantial changes in the proposed Project, or to the circumstances under which the Project will be undertaken, and no new information of substantial importance exists which would require preparation of a subsequent or supplemental EIR. Both the Applicant’s and the Appellant’s wind studies conclude that the Project will not cause winds exceeding 36 miles per hour. The Applicant has complied with the condition of approval and the Council's request for a wind study demonstrating that this Project does not have wind impacts. Applicant has also prepared a traffic analysis showing the Project will generate fewer traffic impacts when compared to the PDP.

All other impact areas are evaluated in the Marketplace Checklist and, as noted, there have been no substantial changes in the proposed Project, or to the circumstances under which the Project will be undertaken, and no new information of substantial importance exists which would require preparation of a subsequent EIR. The Project complies with the relevant EIR mitigation measures.

#### City Council Direction and Response

As noted above, in referring this item to the Planning Commission for a supplemental report, the City Council directed the Commission to consider several things including: (1) a condition of approval from the PDP to mitigate wind on the roof deck terrace, (2) a condition of approval

requiring City Council review of any final art for the exterior of the building, (3) public access to the roof deck spaces, and (4) internalizing trash enclosures to the parking structure. These issues are discussed below.

*Compliance with PUD/PDP Condition of Approval Number III.A.3 (c).* This condition requires that the “final design of the roof deck open space terraces on the Shellmound building shall be heavily landscaped to reduce wind and improve usability and shall incorporate porous materials or structures (e.g., vegetation, hedges, screens, latticework, perforated or expanded metal) which offer superior wind shelter compared to solid surfaces. Outdoor furnishings, such as tables, shall either be either weighted or attached to the deck. (WIND-I).” The proposed landscaping details of the roof deck are shown on Sheet 46 of the attached plans.

*Public Art.* Attached proposed Condition of Approval Number II.B.1 requires approval of all public art proposed for the exterior of the building by the City Council prior to the issuance of a building permit. Note that Condition of Approval Number VII.A.10, as previously approved by the Commission, stipulates that “the open parking on the north and south elevations shall be screened with an aesthetically pleasing treatment that is compatible with that of the east and west elevations.”

*Terrace/Roof Deck:* The applicant does not propose to provide public access to the roof deck space on the sixth floor, and has provided the following reasons:

CCR believes that making terrace/roof deck publicly accessible is logistically infeasible, as it cannot be effectively policed due to its location at about 60 feet and lack of adjacency to other publicly used areas, as would normally be the case with successful, publicly accessible open space. They also state that its economically infeasible, requiring its own elevator and two sets of stairs (and security) and places an undue burden on CCRP, adding estimated \$1.5 million to project costs. The changes thus far made at the request of Council and Commission, and in response to appellant, have continued to put the Project’s economics under severe pressure, jeopardizing the Project’s feasibility. And lastly, the vertical circulation tower will pop out from the south end of the building and reduce the “gap” between Parcel B and Parcel A by 20 feet, which could negatively impact appellant. They also state that CCRP has provided a quality public open space in the district by renovating and enlarging Christie Park.

*Trash Enclosures:* All trash from retail and office and laboratory uses will be collected and stored inside the building on the ground floor. Only staging of trash and parking of the hauler vehicle will occur outside the building. (See Sheets 23 and 24).

#### Other Conditions of Approval

*Traffic and Circulation:* Staff noted that the design of the garage is consistent with the Transportation Assessment done by Fehr and Peers dated May 18, 2015, and that the following recommendations have been incorporated with modifications as conditions of approval:

- Six months following the completion and occupancy of Parcel B, the Project Applicant shall conduct a crosswalk assessment of the uncontrolled pedestrian crossings of Shellmound Street.

Monitoring shall be performed under direction of the Public Works Director and shall include information such as levels of pedestrian, bicycle and vehicle activity along and across the Shellmound Street corridor between the Hyatt House hotel driveway and 63rd Street. The extent of vehicle queues that form at the crossing locations during periods of peak activity shall also be noted. Should vehicle queues at uncontrolled pedestrian crossings extend to adjacent intersections, the Project Applicant shall work with the Public Works Director to identify treatments that would better allocate the right-of-way between vehicles and pedestrians. The Project Applicant shall also be responsible for the installation of identified treatments. (Condition of Approval Number VI.C.2)

- Signage should be installed on northbound Shellmound Street approximately 150 feet south of the northern parcel B driveway alerting drivers of the all-way stop-controlled intersection at the northern Parcel B garage driveway. (Condition of Approval Number IV.A.1(d))

Staff further recommends that electronic signage regarding availability of parking spaces should be installed at appropriate locations to minimize cruising for parking. (Condition of Approval Number VI.A.2)

### **RECOMMENDATION:**

After hearing a presentation from the applicant and receiving public testimony, Staff recommends that the Planning Commission recommend that the City Council approve the Project subject to the attached Conditions of Approval and rescind Final Development Plan FDP15-001 approved for Parcel B on June 23, 2016.

### **Attachments:**

1. Revised Environmental Checklist Public Market for the Final Development Plan Project
2. Draft Resolution with Exhibit A: Conditions of Approval
3. FDP Plans entitled Emeryville Public Market Parcel B – Revised Development Plan dated December 3, 2019.

Please See Administrative Record for:

- (a) RWDI Wind Study dated November 1, 2019 (See AR 3242 – Tab 148)
- (b) November 5<sup>th</sup> City Council Staff report (See AR 3248- Tab 151)
- (c) Kimley Horn Trip Generation Evaluation Memo Dated December 12, 2018 and February 21, 2019 (See AR 1831- Tab 73)

**Administrative Record can be found at:** <http://emeryville.org/marketplaceparcelb>

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