

## **ATTACHMENT 1**

**Wareham Appeal Letter dated February 8, 2019**

February 8, 2019

Mayor and City Council

City of Emeryville  
133 Park Avenue  
Emeryville, CA

Re: Marketplace Parcel B

Dear Mayor and City Council members:

We reluctantly appeal the recent Planning Commission approval of the latest Final Development Plan ("FDP") for Parcel B at the Marketplace. A developer and landlord active in the Emeryville community since 1978, we care greatly about long term impacts that developments can have on the community, particularly because we, Wareham, rarely sell any of our developments.

We are compelled to file this appeal because key quality of life issues are negatively impacted and go against the intent and spirit of the overall Marketplace project's approval in 2008. As designed, the proposal diminishes the pedestrian experience and aesthetics at the Emeryville Amtrak Station. In addition, we find a number of technical requirements established in that 2008 approval have not been met in the latest approval.

This latest proposal, actually promoted to the developer by the Planning Commission, greatly removes the important visual connections between the two key centers of City activity - the Marketplace and our EmeryStation campus anchored by the Emeryville Amtrak station. The latest plan for Parcel B diminishes space and separation between buildings, and has created adverse opportunity for wind tunnels, making the pedestrian experience uncomfortable. These two important projects should be able to relate to one another. This "football field and a half" long vertical massing block does more to separate the projects than connect them.

Emeryville has had a storied history of creating public-private partnerships to develop the City with transit, cycling routes, open space and other quality of life features. We feel that aspects of the approved Parcel B FDP, particularly in conjunction of the already-approved Parcel A development, works against these community goals, and particularly impacts negatively the important public space that the Emeryville Amtrak Intermodal Transit Center represents.

The Marketplace's 2008 approval set forth a number of requirements for each separate Final Development Plan. Our review finds that a number of important requirements of the project's Environmental approval have not been met. Specifically:

- 1) Requirement AES 1 calls for the final designs to "create a vital streetscape that enhances the pedestrian experience, avoid blank walls or box-like forms".

The project's design, extremely close to the equally tall and boxy existing Marketplace Tower to its west, will create a stark and dark cavern between them which will make the retail at their bases very uninviting public spaces. The proposed design indeed could not be more boxy,

antithetical and contrary to this requirement. The original 2008 approval indeed included large buildings along the railroad tracks. However, in that original approval they have varying and modulated heights and facade, with several important openings and livable gaps between different building masses.

- 2) Requirement WIND 1 calls for a wind study to review the winds that will exist on the pedestrian bridge. No such wind study was presented.

It certainly seems that the current design, with only the narrowest of gaps between buildings, will create a wind tunnel here and that those conditions deserve extra study.

- 3) WIND -1 also specifically says that any Final Design should "avoid narrow gaps between buildings where winds could be accelerated". The current design does exactly the opposite.

The prior approved design for Parcel B had a roughly 170 foot gap between it and the approved Parcel A building. The most recent approved design reduced the gap by almost half, to only less than 80 feet. This narrow gap eliminates any real visual connection between the eastern side of the railroad station and EmeryStation campus and the Marketplace, while increasing negative wind patterns. This is not to mention the fact that the prior wider gap was filled with a single-story retail pad building, possibly a restaurant, which would be an attractive area of activity. The current narrow gap only houses the dumpster that will serve the new building.

- 4) Requirement TRAF 1-b states that the Applicant will submit a Transportation Demand Management Plan to the City for review and approval prior to completion of the FDP. This did not occur as far as we can tell.

The traffic timing and impacts of the proposed office use are very different than those of retail. Office use primarily creates heavy commute-time trips while retail trips are much more dispersed throughout the day. The fact that the staff report says that total traffic counts are slightly less than the prior approval disregards the very real timing impact of those trips. The change of uses proposed with the latest Parcel B proposal deserves such detailed analysis.

- 5) We have been told that the City's "tower separation ordinance", which requires certain distances between buildings over 100 feet tall, does not apply in this case because the three buildings in question all were approved prior to the ordinance. Even if that is technically correct, the ordinance was put in place as the policy of the City for important planning and aesthetic reasons that matter regardless of some technicality. Built right out to the limits of its property lines, the new project is closer to our new EmeryStation West project than the ordinance guidelines allow, and is much, much closer to the existing Marketplace Tower than the ordinance allows.

We are not against the density nor uses proposed in this project, but are most concerned about how they are massed on the site. With no modulation, nor relief or separation, the proposed mass becomes a wall. A taller, narrower, building, with more separation that allows air, space, sunlight, would certainly be a greater improvement.

We also reserve the right to bring additional information to bear on this project and our appeal that might have meaning to your review.

In conclusion, it is regrettable that we feel we must appeal this latest Parcel B changed. Our concern is that it is best to seek refinement now, for the greater good of the City Center. We admire the passion that the Planning Commissioner articulated for greater density. That said, we respectfully disagree with the conclusion and Commission approval as designed. Though we have no argument with density, we do feel strongly that the project should be smart density, highlighted with architectural relief, texture, and articulation that is modulated as the original 2008 plan set forth. That would be a greater addition to the project and the community.

Very truly yours,



Richard K. Robbins

Wareham Development