

ATTACHMENT 5

**Applicant's Response Letter to the appeal dated
March 25, 2019**

Holland & Knight

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March 25, 2019

Sent Via E-mail:

Michael Guina City Attorney City of Emeryville 1333 Park Avenue Emeryville, CA 94608 mguina@emeryville.org	Andrea Visveshwara Deputy City Attorney City of Emeryville 1333 Park Avenue Emeryville, CA 94608 avisveshwara@emeryville.org
Charlie Bryant Community Development Director City of Emeryville 1333 Park Avenue Emeryville, CA 94608 cbryant@emeryville.org	Miroo Desai Senior Planner City of Emeryville 1333 Park Avenue Emeryville, CA 94608 mdesai@emeryville.org

Re: Public Market Parcel B – Response to Appeal

Dear Mr. Guina, Ms. Visveshwara, Mr. Bryant and Ms. Desai:

As you know, our firm represents AG-CCRP Public Market, L.P. in its application for a Final Development Permit (FDP) for the proposed office/research and development use on Parcel B of the Marketplace/Public Market project. We have received a copy of the appeal of the Planning Commission approval of the Parcel B FDP, sent by Wareham Development on February 8, 2019 (PC Appeal Letter). After reviewing the PC Appeal Letter, we have prepared a response that shows the appeal does not have merit. We provide our responses to you all as a courtesy for your consideration. We thank you for your substantial time and energy spent reviewing this proposal.

Background

At the outset, we note that Wareham has already had ample opportunity to comment on the Marketplace project and Parcel B FDP. There has been careful consideration of development on Parcel B for over a decade. The Marketplace Final EIR, certified on July 15, 2008, included analysis of the “Reduced Main Street Alternative.” The Reduced Main Street Alternative

included the realignment of Shellmound St. to allow the construction of 120,000 GSF office, 29,150 GSF commercial and parking on Parcel B. Mitigation measures were further modified to address the Reduced Main Street Alternative.

We note that Wareham already commented on the scope and scale of the development in 2007 before the EIR was certified. (See, e.g., Final EIR, Comment B5) Wareham's comments back in 2007 included many of the same comments about massing and design they are making again more than a decade later in 2019. These comments were addressed in the Final EIR, and, as noted above, the City Council certified the Marketplace EIR in July 2008 and approved the Preliminary Development Plan (PDP) in August 2008. With full and complete notice of the Marketplace project, Wareham proceeded with its development plan for the Emery Station West office/laboratory project, which we understand was later approved in 2010. And now, Wareham continues to raise comments on features already approved in the context of the EIR and PDP to slow the processing of this office/R&D project. As represented by the Public Market Food Hall vendors at the January 24, 2019 Planning Commission hearing, the Parcel B office/R&D project will complete the vision of the Marketplace project and activate the project's mixed uses to ensure its overall success.

Careful consideration of the current Parcel B FDP's conformance to the PDP and potential environmental impacts has occurred. Specifically, the Environmental Checklist Public Market Proposed Final Development Plan Project (attached to the January 24, 2019 Planning Commission staff report) demonstrates that 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. More specifically, the following responds to each specific comment raised in the PC Appeal Letter.

Response to Comments

Comment 1:

- 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.

Response 1:

As previously discussed in our January response letter to the Planning Commission (see letter from M. Stefan, dated January 22, 2019), the proposed Parcel B design fulfills the original vision of the PDP approved in 2008. The current plan — Parcels A and B — presents less visual

impacts than the original PDP. The approved PDP allowed a height of 120 feet on Parcel B. The proposed Parcel B building is 112 feet. As shown in the attached Exhibit A – PDP Conformance, the original PDP contemplated a much taller tower on Parcel A up to 175 feet. The approved Parcel A allows a height of up to 86 feet on the northern portion of the building and a height of up to 50 feet on the southern portion of the building structure. Altogether, Parcels A and B will allow for a less monumental sightline.

Much thought has gone into the Parcel B design with articulation in the massing at the two ends of the building and in the middle, resulting in more interesting retail corners and pedestrian spaces. The East wall design has been carefully designed as well. The proposed building design is intended to act as a four-sided building, a building with fronts on all sides and no back. The East and West facades of the building are similar and share in their size, proportion, and quality of windows, wall systems, expressed frame system, articulation of roofscape elements, open parking level design and expression, and generally limited articulation in the massing – a design strategy that was embraced by the Planning Commission at the December 13, 2018 Study Session and January 24, 2019 hearing where the plan was unanimously approved.

Further, the Public Market Art Plan has recently been approved, which will result in world class art throughout the project, including an installation on the East side of Parcel B. An example of the art that may be installed on the East side of Parcel B is shown in Exhibit B – Parcel B Artwork. The artwork will be visible by pedestrians from Amtrak passengers, the pedestrian bridge, and from the office buildings on the East side of the railroad.

While it is not part of the current consideration, the approved Parcel A plans include a bridge walk with at a “grand staircase” – as envisioned in the PDP – and elevator with access directly to Shellmound Street. Public art has also been focused in this area, with examples shown in Exhibit C – Parcel A Stairwell Plaza Art.

Comment 2:

- 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.

Response 2:

WIND 1 requires a wind analysis of “roof deck terraces” and within the “fourth floor breezeway between the Amtrak pedestrian bridge to the west side of the building.” The requirement applied to Parcel A, which is not currently under consideration. The proposed Parcel B building does not include any roofdeck or pedestrian breezeway.

While not mentioned by the appellant, we note that WIND 1 (Main Street and Reduced Main Street alternatives) requires design review for the Shellmound and UA theater buildings, which were designed to be taller than the Parcel B building, at 175 feet on the site now known as Parcel A, and 150 feet on the site now known as Parcel D.

For the purpose of additional disclosure, a wind analysis was conducted of the proposed Parcel B design. Donald Ballanti, a certified meteorologist, who previously prepared a Wind Analysis Memorandum evaluating the PDP (see Draft EIR, Appendix F) more recently prepared a report evaluating the current Parcel B FDP, attached as Exhibit D – Wind Analysis. The analysis concludes the following:

In summary, the proposed Parcel B building is somewhat exposed to prevailing wind directions and is aligned across the important west wind direction. However, the presence of naturally-ventilated parking garage space in the bottom half of the structure means that any upwind and downwind pressure differences generated at the top floors of the building would result in airflow through the parking garage floors and not wind accelerations at ground level. 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 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.

Accordingly, due to the inherent design of Parcel B with the naturally ventilated parking levels, there will little to no wind impacts from the project.

Comment 3:

- 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.

Response 3:

Please see Response 2 above regarding the wind analysis which concluded that due to the inherent design of Parcel B with the naturally ventilated parking levels, there will little to no wind impacts from the project. Moreover, because the inherent design of the Parcel B building will not cause wind impacts, it will not result in a wind patterns in the area between Parcel A and B.

Further, the appellant references a previously approved 170 foot gap between Parcel B and the approved Parcel A building. This references the previously approved Parcel B FDP allowing retail and parking. It has been determined that the prior Parcel B FDP is not economically feasible. The proposed Parcel B FDP proposes a gap similar to that in the relevant PDP, as shown in the attached Exhibit E – East Elevation Comparison.

Comment 4:

- 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.

Response 4:

A Transportation Demand Management Plan has been prepared and has been updated regularly. In 2014, Kimley Horn previously prepared a Public Market Transportation Demand Management Plan for the Public Market mixed use district. It includes several measures in each of the following categories: Employee/Visitor Elements, Carpools/Vanpool Elements, Car Share Elements, Transit Elements, Transit Elements. Measures that apply include:

- Provide a transportation alternatives information package to all new employee tenants.
- Preferred parking spaces will be reserved for carpool/vanpool/car share vehicles.
- Employee (long-term) parking spaces will be located in non-preferred areas of the parking facilities.

The plan is overseen by an on-site Transportation Coordinator. The plan was updated in December of 2017 to reflect a recommendation from the Fehr & Peers Transportation Assessment (dated May 6, 2015) to incorporate additional measures into the final TDM plan for the mixed use district. These measures include providing valet parking during periods of peak parking demand, imposing time limits on commercial parking, monitoring site parking demand and surveying site residents in annual commute and parking surveys. An updated figure depicting the planned TDM measures for Parcel B is included as Exhibit F – Parcel B TDM Plan. Specifically, the Parcel B TDM Plan shows preferential carpool/vanpool parking and car share vehicle hubs as well as how the Parcel B facilitates the multi-modal features of the mixed use district.

With respect to vehicular traffic, Kimley Horn recently prepared a trip generation evaluation that considered the proposed Parcel B proposal to that assumed in the PDP. This evaluation was included in the January 24, 2019 Planning Commission hearing staff report packet. The Kimley Horn analysis found that the land uses in Parcel B are expected to generate 36 fewer AM peak hour trips and 54 fewer PM peak hour trips when compared to the EIR use in 2008. In addition, the total Public Market trip generation with the proposed Parcel B project would result in 171 fewer AM peak hour trips and 468 fewer PM peak hour trips when compared to the approved PDP in 2008.

Kimley Horn further responded to the comment in the PC Appeal Letter that office uses generate trips at different times than retail uses, attached as Exhibit G - Kimley Horn Response). The response explains:

[The commenter is] correct that the vehicle trips for an office use occur at different times than for a retail use. However, the trip generation analysis that was conducted in the Emeryville Public Market Parcel B – Trip Generation Evaluation Final Letter, dated December 12, 2018 (Attachment A) accounts for these differences. While only focusing on the peak hour of traffic in the AM and PM periods, the previous 2008 EIR (which includes 120,000 sf of office and 29,150 sf of retail) and the proposed Parcel B (which includes 181,100 sf of research and development center and 14,100 sf of retail) were compared using trip generation rates from the industry standard Institute of Transportation Engineers (ITE) Trip Generation Manual. The trip generation rates are developed based on surveys collecting traffic counts during the AM and PM periods of adjacent street traffic at various sites throughout the country based on the square footage and land use. This evaluation concluded that the proposed Parcel B project would generate fewer AM and PM peak hour trips.

The above response confirms that the proposed Parcel B FDF would generate fewer trips than under the PDP.

Comment 5:

- 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.

Response 5:

As previously discussed in our January response letter, the statement that Parcel B violates the tower separation ordinance is not accurate. The Zoning Code recognizes the Marketplace PDP and provides that uses and development regulations shall be governed by the PDP and not later enacted regulations in the Zoning Code. (Zoning Code, Section 9-3.310) Accordingly, the tower separation provision of the Code is not applicable since it was adopted after the adoption of the PDP.

Further, Zoning Code Section 9-4.202(f) provides that in the “one hundred plus (100+) height district, buildings over one hundred feet (100') in height shall be separated from each other by a minimum horizontal distance equal to no less than the height of the taller building.” Since the Parcel A building is less than 100 feet, this section of the Code does not apply.

Finally, we understand that the City is considering whether to amend the tower separation requirement. At a Study Session on December 13, 2018, the Planning Commission voted to recommend eliminating the tower separation requirement and replace it with a requirement that a finding is made that towers over 100 feet tall are adequately separated. On February 5, 2019, the City Council made a similar recommendation at a Study Session. This indicates that the City has currently considered the tower separation ordinance and found that site specific analysis of tower separation is appropriate as a matter of policy.

Conclusion

The above discussion and related attachments support the Planning Commission’s determination that the approved Parcel B FDP approved by the Planning Commission conforms with the PDP.

We thank staff for the careful consideration of the Parcel B FDP and request denial of the appeal so that AG-CCRP may move forward to implement the final piece of the PDP to fulfill the vision that has been more than a decade in the making.

Sincerely yours,

HOLLAND & KNIGHT LLP



Chelsea Maclean

Cc: Mark Stefan, AG-CCRP Public Market, LP
Sig Anderson, AG-CCRP Public Market, LP
Eron Ashley, Hart Howerton
Christopher Pizzi, Hart Howerton

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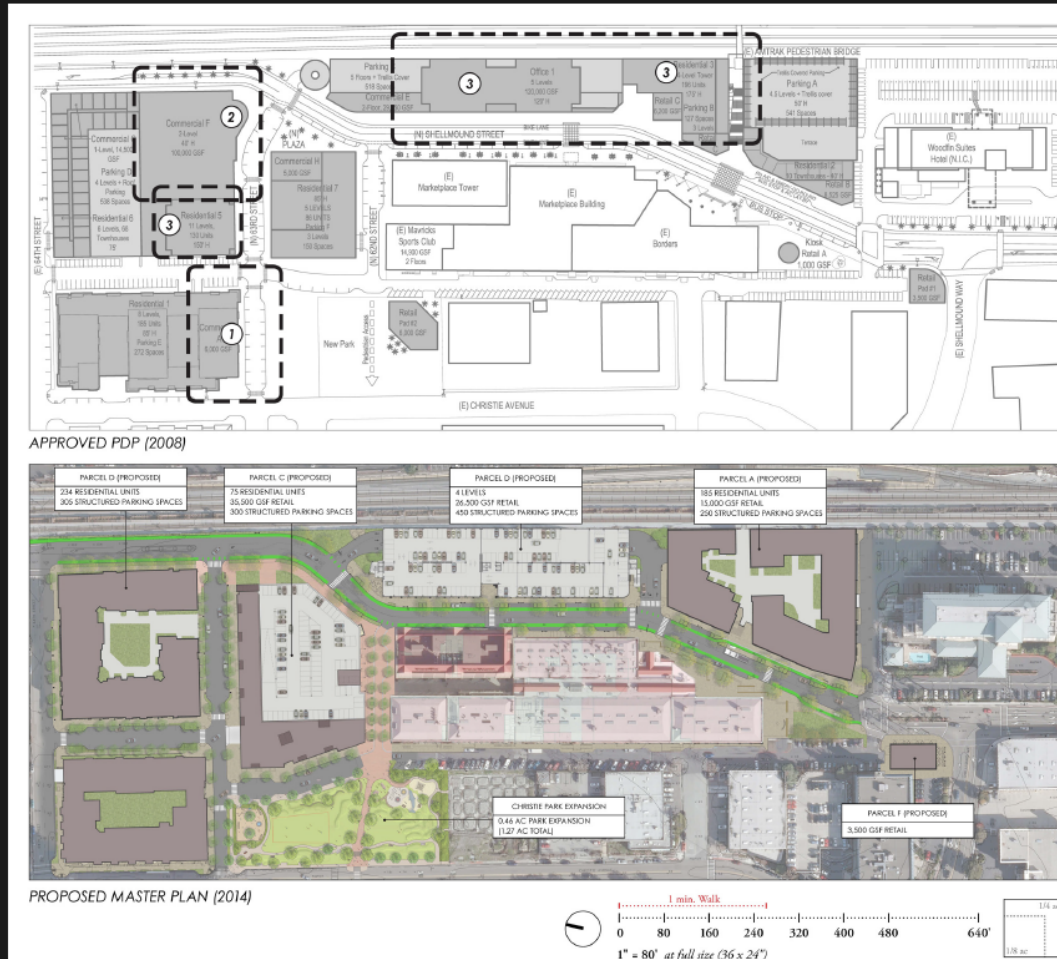
Attachments:

- Attachment A – PDP Conformance
- Attachment B – Parcel B Artwork
- Attachment C – Parcel A Stairwell Plaza Art
- Attachment D – Wind Analysis Report
- Attachment E – East Elevation Comparison
- Attachment F – Parcel B TDM Plan
- Attachment G – Kimley Horn Response Letter

Exhibit A – PDP Conformance

Marketplace Redevelopment

HART HOWERTON 12 | 11 | 2014



PDP Conformance



2008 PDP



2014-2019 FDP'S

2008 PDP vs. 2019 FDP | Comparison of Massing from West

HART HOWERTON



2008 PDP

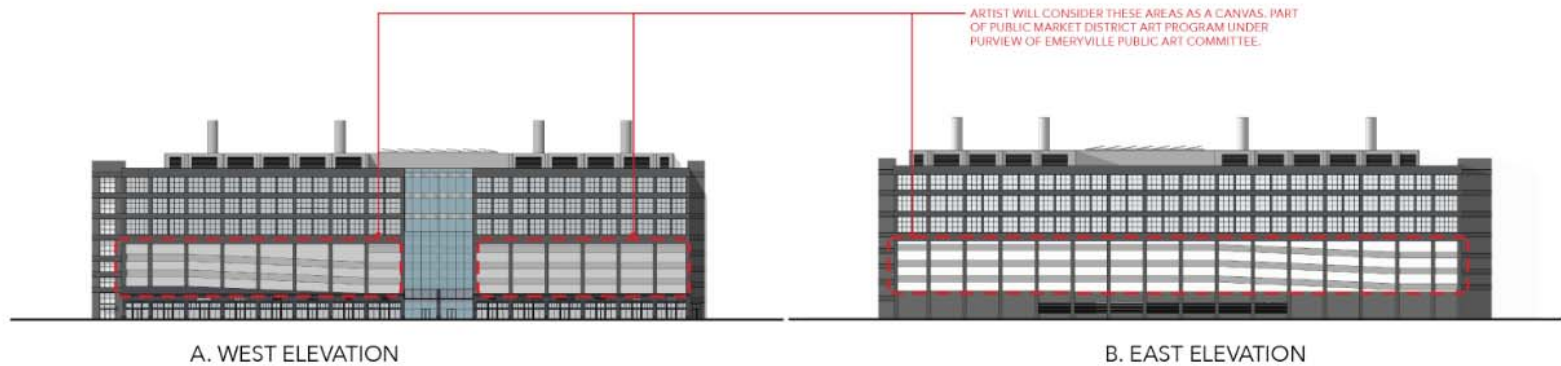


2014-2019 FDP'S

2008 PDP vs. 2019 FDP | Comparison of Massing from Southeast

HART HOWERTON

Exhibit B – Parcel B Artwork



C. SHORTLISTED ARTISTS:



Christian Moller



Erwin Redl



Jacob Hashimoto



Jim Isermann



Mark Reigelman



Ray King



Soo Sunny Park

**Exhibit C –
Parcel A Stairwell Plaza Art**



Exhibit D – Wind Analysis

Donald Ballanti
Consulting Meteorologist

1424 Scott Street
El Cerrito, CA 94530
(510) 234-6087

March 22, 2019

Mark Stefan
AG-CCRP Public Market, L. P.
170 Grant Avenue, Sixth Floor
San Francisco, CA 94108

Subject: Wind and Comfort Evaluation for the Emeryville Public Market Parcel B Project

Dear Mr. Stefan:

This letter-report summarizes my findings and recommendations concerning microclimate and wind conditions of the proposed Emeryville Public Market Parcel B Project. I have based this report on my analysis of the climate of the area, a site visit and a review of project plans and elevations. My purpose is to provide an evaluation of outdoor comfort conditions within the proposed facility, identify potential problems and, where possible, provide recommendations for improving on-site comfort conditions.

Existing Conditions

The closest source of long-term wind data to the project site is the former Alameda Naval Air Station, located about 5 miles southwest of the project site. Data from this site show that westerly winds are the most frequent and strongest winds during all seasons.¹ This is the primary wind direction during the spring and summer months when sea breezes predominate. A secondary maxima in wind direction frequency is evident for southeasterly winds, which is the wind direction associated with winter storms. While the average wind speed for southeasterly winds is not the highest of all wind directions, this is the likely wind direction of peak winds measured over the year. Calm winds occur about 10% of the time. The annual average wind speed at Alameda Naval Air Station is 8.6 miles per hour and annual average wind speed at the project site would be somewhat less than this.

Air Pollution Meteorology • Dispersion Modeling • Climatological Analysis

¹Wind direction refers to the direction from which the wind is moving. Thus, a westerly or west wind moves from west to east.

Mark Stefan

March 22, 2019

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Wind conditions partly determine pedestrian comfort and safety on sidewalks and in other public areas. Large buildings can redirect wind flows around and down to street level. The project site is occupied by a mixture of open areas and buildings up to eight stories in level, resulting in increased wind speed and turbulence at street level. The generally breezy character of Emeryville results from its flat, open land and exposure to persistent wind off of the San Francisco Bay.

The Emeryville Public Market development site is occupied by a mixture of open areas and buildings up to eight stories in height. Further west, a mixture of buildings from one to 30 stories in height offer some shelter from prevailing westerly winds off San Francisco Bay. Parcel B is located at the east edge of the Emeryville Public Market site and is partially sheltered from prevailing winds by the 2-story Public Market building, the 8-story Marketplace Tower and similar-sized buildings on Parcel C and D.

Building Aerodynamics

The construction of a building results in severe distortions of the wind field. The building acts as an obstacle to wind flow. The deceleration of wind on the upwind side of the structure creates an area of increased atmospheric pressure, while an area of decreased atmospheric pressure develops on the downwind side. Accelerated winds generally occur on the upwind face of the building, particularly near the upwind corners and along the building sides. The downwind side has generally light, although variable, winds.

The strength of ground-level wind accelerations near buildings is controlled by exposure, massing and orientation of the structure. Exposure is a measure of the extent that the building extends above surrounding structures into the wind stream. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a small building can cause wind problems if it is freestanding and exposed.

Massing is important in determining wind impact because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above-ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind problems. Buildings that have an unusual shape or utilize set-backs have a lesser effect. A general rule is that the less continuous a building's faces are (vertically or horizontally), the lesser the probable wind impact at ground level.

Orientation determines how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with their wide axis across the prevailing wind direction will have a greater impact on ground-level

Mark Stefan
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winds than a building oriented with its long axis along the prevailing wind direction.

Evaluation of Project

The Parcel B site is bounded by the relocated Shellmound Street to the west and north; the UPRR train tracks to the east, and Parcel A to the south. The Parcel B development project proposes an new 8-story mixed-use building with an entry lobby, bike parking, retail and servicing areas at ground floor, 3-4 levels of structured parking for building users/Public Market district patrons and research lab space at the top 3 floors. The project site includes landscape and utilities improvements, and small landscaped open space areas at the north and south ends of the site. An access way at the south end of the site provides vehicle entry/exiting for both Parcel B and Parcel A.

The west side of the building is proposed to include public art mounted on the facade of the parking floors. The artwork could be two or three-dimensional, potentially illuminated and made of LEDs, metal mesh, aluminum, Kevlar, or fiber resin.

The proposed building would be partially sheltered from prevailing winds. The northern half of the building would be sheltered by the Marketplace Tower just across Shellmound Street, during west winds. The site is currently fairly exposed to southeast winds, but this exposure would be greatly reduced when the proposed building on the adjacent Parcel A is constructed.

The orientation of the proposed building reflects the shape of the parcel, with the long axis of the building aligned north/south. This would maximize interception of winds from the west, while minimizing the interception of winds from the southeast direction.

The massing of the building would have a profound effect on how the building changes the wind. Although the building has a rectangular footprint and would be considered slab-shaped, the lower half of the structure would be naturally-ventilated parking garage space, which makes all building faces discontinuous with respect to wind. Because the parking levels connect the upwind and downwind sides of the building, regardless of wind direction, the type of pressure differences between the up-wind and down-wind sides of the building that typically drive wind accelerations near the base of a building cannot occur, since the pressure difference would be relieved by air flowing through the garage floors. The proposed public art display on the west side of the building would allow air to flow through the garage floors and would have no effect on wind around the building.

In summary, the proposed Parcel B building is somewhat exposed to prevailing wind directions and is aligned across the important west wind direction. However, the

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Mark Stefan

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presence of naturally-ventilated parking garage space in the bottom half of the structure means that any upwind and downwind pressure differences generated at the top floors of the building would result in airflow through the parking garage floors and not wind accelerations at ground level. 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 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. Since the project does not have the potential to adversely affect wind, wind tunnel or computerized computational fluid dynamics testing would not be recommended for this project.

I hope that you find this report helpful. Please call if you have questions or would like more information.

Sincerely,

A handwritten signature in cursive script, reading "Donald Ballanti".

Donald Ballanti

Certified Consulting Meteorologist

Exhibit E – East Elevation Comparison

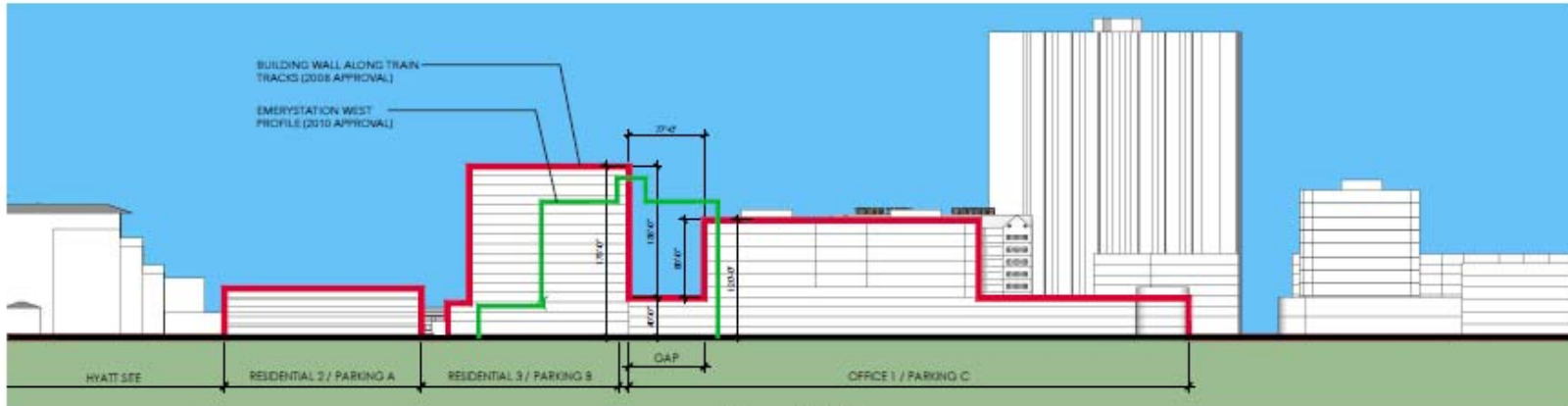


Figure 1: PDP



Figure 2: FDP

	WALL AREA ALONG TRAIN TRACK FRONTAGE	Δ
Figure 1, PDP	85,021 SF	-
Figure 2, FDP	72,748 SF	15% LESS

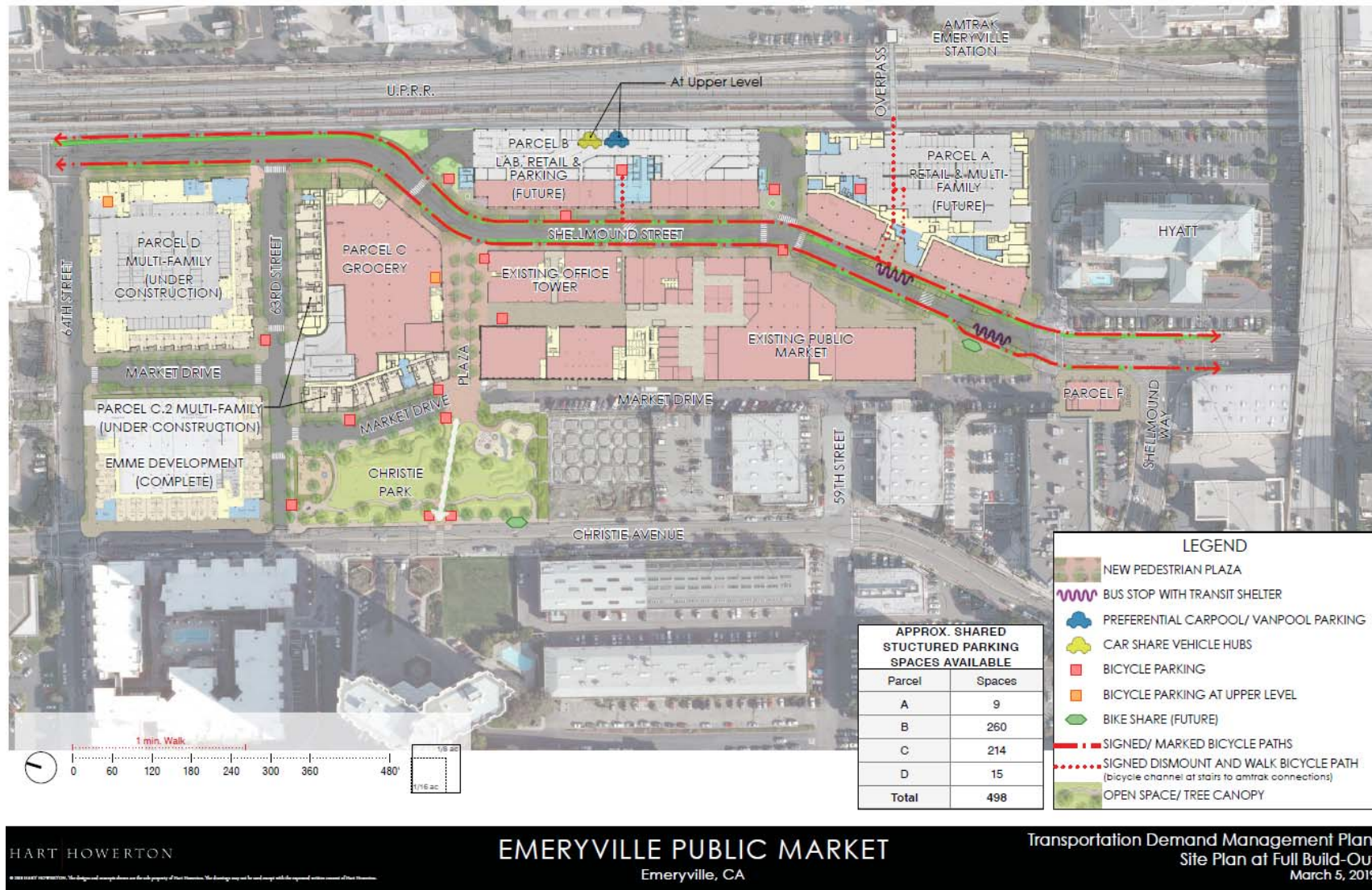
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1" = 100' at 11" x 17"

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EMERYVILLE PUBLIC MARKET - PARCEL B
Emeryville, California

PDP vs. FDP:
Building Wall Along Train Tracks
March 6, 2019

Exhibit F – Parcel B TDM Plan



**Exhibit F –
Kimley Horn Response Letter**



February 21, 2019

Mark Stefan
AG-CCRP Public Market, LP
170 Grant Avenue, Sixth Floor
San Francisco, CA 94108
(transmitted via email)

RE: *Emeryville Public Market Parcel B – Traffic Response to Appeal Letter*

Dear Mr. Stefan:

For the proposed Parcel B project in the Emeryville Public Market, an appeal letter from Wareham Development dated February 8, 2019 was submitted to the Mayor and City Council of Emeryville. As it pertains to traffic, Comment #4 states:

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 re 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.

Kimley-Horn Response: You are correct that the vehicle trips for an office use occur at different times than for a retail use. However, the trip generation analysis that was conducted in the *Emeryville Public Market Parcel B – Trip Generation Evaluation Final Letter*, dated December 12, 2018 (**Attachment A**) accounts for these differences. While only focusing on the peak hour of traffic in the AM and PM periods, the previous 2008 EIR (which includes 120,000 sf of office and 29,150 sf of retail) and the proposed Parcel B (which includes 181,100 sf of research and development center and 14,100 sf of retail) were compared using trip generation rates from the industry standard Institute of Transportation Engineers (ITE) *Trip Generation Manual*. The trip generation rates are developed based on surveys collecting traffic counts during the AM and PM periods of adjacent street traffic at various sites throughout the country based on the square footage and land use. This evaluation concluded that the proposed Parcel B project would generate fewer AM and PM peak hour trips.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Huie".

Ben Huie, P.E.
California Professional Engineer #C76682

Attachments

Attachment A - *Emeryville Public Market Parcel B – trip Generation Evaluation Final Letter*

kimley-horn.com

4637 Chabot Drive, Suite 300, Pleasanton, CA 94588

925 398 4840

Attachment A



December 12, 2018

Mark Stefan
 AG-CCRP Public Market, LP
 170 Grant Avenue, Sixth Floor
 San Francisco, CA 94108
 (transmitted via email)

RE: **Emeryville Public Market Parcel B – Trip Generation Evaluation
 Final Letter**

Dear Mr. Stefan:

A development plan is being proposed for Parcel B in the Emeryville Public Market in Emeryville, CA. Kimley-Horn will conduct an analysis that considers the proposed plans in relation to the 2008 Environmental Impact Report (EIR). The following discusses the methodology, analysis, and results of the traffic and parking assessment.

BACKGROUND

In August 2008, the City of Emeryville approved the Marketplace Preliminary Development Plan (PDP). The PDP planned for 120,000 square feet of office and 29,150 square feet of commercial, and parking. Parcel B is now being proposed to include research and development center square footage instead of office square footage and less retail square footage than before. An updated project description was provided in December 2018 and includes a summary of the new uses for the Parcel B site. It should be noted that the project description includes square footages for servicing and vertical circulation in the gross square footage of the building. Table 1 summarizes these land uses for Parcel B, as well as the change from the 2008 PDP. The office and research and development center land uses are listed as gross floor area and the retail land use is listed as gross leasable area because those are the metrics used for trip generation purposes. To determine the gross square footage for the research and development center use, the vertical circulation and servicing areas were proportionally assigned to the research and development center and retail components of the project. It should be noted that during the project programming during the EIR process, it was the intent to list the office square footage as leasable office area and not gross square footage.

Table 1 – 2008 EIR and 2018 Proposed Parcel B Land Use Summary

Land Use	2008 PDP	2018 Proposed	Difference
Office Land Use including Research and Development Use (Gross Floor Area)	120,000 SF	181,100 SF	+61,100 SF
Retail Land Use (Gross Leasable Area)	29,150 SF	14,100 SF	-15,050 SF
Total	149,150 SF	195,200 SF	+46,050 SF

kimley-horn.com

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PARCEL B TRIP GENERATION COMPARISON

Trip generation is typically estimated by using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition¹. This is the standard reference in the industry for determining trip generation for potential projects. The land use that best represents the proposed research and development use is Research and Development Center (Land Use 760) and Shopping Center (Land Use 820) for the retail use. The retail use is consistent with the previous trip generation comparisons for this project in the *Emeryville Public Market Trip Generation Evaluation* letter by Kimley-Horn dated October 21, 2013. The average rate for each land use was used to estimate the project trips.

Other trip generation considerations were reviewed. Internal capture reductions, which account for the interaction among different uses in a multi-use development, were determined to be relevant for Parcel B because the project has a mix of retail and office uses. The internal capture reductions follow the methodology stated in the ITE *Trip Generation Handbook*, 3rd Edition². This methodology uses the National Cooperative Highway Research Program (NCHRP) 684 Internal Trip Capture Estimation Tool. This tool uses the raw trip generation calculations for the individual uses from the ITE *Trip Generation Manual* and applies proximity adjustment factors and unconstrained internal trip capture rates to determine the demand between the land uses and then balances these values to estimate the number of external trips for each use.

In addition, the *Marketplace Transportation Assessment* memorandum by Fehr and Peers, dated May 18, 2015, used a trip reduction of 15 percent for external walk/bike trips and a 10 percent reduction for external transit trips. A 30 percent pass-by trip reduction was assumed for the retail uses. To be consistent with this study, the same trip reductions were assumed for this study. Table 3 shows the expected vehicle trips for the previous 2008 EIR project and Table 4 shows the expected vehicle trips for the proposed 2018 project.

Table 5 summarizes the difference between the 2008 EIR project trip generation and the 2018 proposed project trip generation. The proposed project is expected to generate 36 fewer AM peak hour trips and 54 fewer PM peak hour trips when compared to the EIR use.

¹ *Trip Generation Manual*, 10th Edition, Institute of Transportation Engineers, Washington, D.C., 2017.

² *Trip Generation Handbook*, 3rd Edition, Institute of Transportation Engineers, Washington, D.C., 2017.

Table 3 – Previous 2008 EIR Parcel B Project Trips

ITE Land Use Code ¹	Land Use	Size	Units	AM Peak				PM Peak			
				Rate	Total	In	Out	Rate	Total	In	Out
710	General Office Building	120	KSF	1.16	139	120	19	1.15	138	22	116
820	Shopping Center	29,150	KSF	0.94	27	17	10	3.81	111	53	58
Total Project Trips					166	137	29		249	75	174
Internal Capture Reduction ²					-16	-8	-8		-10	-5	-5
External Walk/Bike Trip Reduction ³ (15%)					-25	-21	-4		-37	-11	-26
External Transit Trip Reduction ⁴ (15%)					-17	-14	-3		-25	-8	-17
Total External Trips					109	95	14		177	51	126
Pass-By Trip Reduction ⁵ (30%)					-32	-28	-4		-53	-15	-38
Net New Project Trips					77	67	10		124	36	88

¹ Based on ITE Trip Generation Manual, 10th Edition² Based on ITE Trip Generation Handbook, 3rd Edition³ Based on MXD+ model from Marketplace Transportation Assessment memorandum from Fehr and Peers⁴ Based on MXD+ model from Marketplace Transportation Assessment memorandum from Fehr and Peers⁵ Based on Marketplace Transportation Assessment memorandum from Fehr and Peers

Table 4 – Proposed 2018 Parcel B Project Trips

ITE Land Use Code ¹	Land Use	Size	Units	AM Peak				PM Peak			
				Rate	Total	In	Out	Rate	Total	In	Out
760	Research and Development Center	181,100	KSF	0.42	76	57	19	0.49	89	13	76
820	Shopping Center	14,100	KSF	0.94	13	8	5	3.81	53	25	28
Total Project Trips					89	65	24		143	39	104
Internal Capture Reduction ²					-8	-4	-4		-6	-3	-3
External Walk/Bike Trip Reduction ³ (15%)					-14	-10	-4		-22	-6	-16
External Transit Trip Reduction ⁴ (15%)					-9	-7	-2		-14	-4	-10
Total External Trips					58	44	14		101	26	75
Pass-By Trip Reduction ⁵ (30%)					-17	-13	-4		-31	-8	-23
Net New Project Trips					41	31	10		70	18	52

¹ Based on ITE Trip Generation Manual, 10th Edition² Based on ITE Trip Generation Handbook, 3rd Edition³ Based on MXD+ model from Marketplace Transportation Assessment memorandum from Fehr and Peers⁴ Based on MXD+ model from Marketplace Transportation Assessment memorandum from Fehr and Peers⁵ Based on Marketplace Transportation Assessment memorandum from Fehr and Peers

Table 5 – Parcel B Trip Generation Comparison

Scenario	AM Peak			PM Peak		
	Total	In	Out	Total	In	Out
2008 EIR	77	67	10	124	36	88
2018 Proposed	41	31	10	70	18	52
Difference	-36	-36	0	-54	-18	-36

PUBLIC MARKET LAND USE COMPARISON

In addition to the Parcel B trip generation evaluation, the Public Market, as a whole, was compared with the new proposed Parcel B land uses. Table 6 shows the land uses for the Public Market, as approved in the PDP in August 2008. As time has passed, Final Development Plans (FDP) have been approved for the various parcels. Table 6 shows the approved land uses for the Public Market, including the proposed Parcel B project, as of 2018. As shown, with the proposed Parcel B project, the Public Market would consist of 29 fewer residential dwelling units, 108,775 fewer square feet of retail use, 120,000 fewer square feet of office use, and 181,100 additional square feet of research and development center when compared to the approved PDP.

Table 6 – Public Market Land Use Comparison

Parcel	Land Use	Units	Approved PDP (in 2008)	Approved FDP with Parcel B (in 2018)	Difference
A	Residential	Dwelling Units	206	167	-39
	Retail	Square Feet	14,725	14,000	-725
B	Retail	Square Feet	29,150	14,100	-15,050
	Office	Square Feet	120,000	0	-120,000
	R&D Center	Square Feet	0	181,100	+181,100
C	Residential	Dwelling Units	86	66	-20
	Retail	Square Feet	5,000	30,000	+25,000
D	Residential	Dwelling Units	198	223	+25
	Retail	Square Feet	114,500	0	-114,500
E	Residential	Dwelling Units	0	0	0
	Retail	Square Feet	3,500	6,000	+2,500
64 th /Christie	Residential	Dwelling Units	185	190	+5
	Retail	Square Feet	6,000	0	-6,000
Retail Pads	Retail	Square Feet	7,000	7,000	0
Public Market Total	Residential	Dwelling Units	675	646	-29
	Retail	Square Feet	179,875	71,000	-108,775
	Office	Square Feet	120,000	0	-120,000
	R&D Center	Square Feet	0	181,100	+181,100

A trip generation evaluation was conducted to determine if the increase in research and development land use is offset by the decrease in residential, retail, and office uses. The latest ITE *Trip Generation Manual* was used to estimate the difference in vehicle trips based on the differences in units for each land use between the approved PDPs in the EIR and the approved FDPs with the proposed Parcel B shown in Table 6. The residential uses were assumed to be ITE *Trip Generation Manual* land use code 221a, multifamily housing (mid-rise) in a dense multi-use urban area. The retail and office uses were assumed to be the same land uses as above for the Parcel B analysis. Table 7 shows the expected difference in vehicle trips. As shown, the total Public Market trip generation with the proposed Parcel B project would result in 171 fewer AM peak hour trips and 468 fewer PM peak hour trips when compared to the approved PDP in 2008.

Table 7 – Difference in Public Market Trip Generation

ITE Land Use Code ¹	Land Use	Size	Units	AM Peak				PM Peak			
				Rate	Total	In	Out	Rate	Total	In	Out
221a	Multifamily Housing (Mid-Rise)	-29	DU	0.20	-6	-1	-5	0.18	-5	-4	-1
710	General Office Building	-120.00	KSF	1.16	-139	-120	-19	1.15	-138	-22	-116
760	Research and Development Center	181.10	KSF	0.42	76	57	19	0.49	89	13	76
820	Shopping Center	-108.775	KSF	0.94	-102	-63	-39	3.81	-414	-199	-218
Net Difference in Project Trips					-171	-127	-44		-468	-212	-256

¹ Based on ITE *Trip Generation Manual*, 10th Edition

CONCLUSIONS

The land uses in Parcel B are expected to generate 36 fewer AM peak hour trips and 54 fewer PM peak hour trips when compared to the EIR use in 2008. In addition, the total Public Market trip generation with the proposed Parcel B project would result in 171 fewer AM peak hour trips and 468 fewer PM peak hour trips when compared to the approved PDP in 2008. Therefore, the proposed land uses in Parcel B should not result in any additional impacts than the impacts identified in the EIR.

Sincerely,



Ben Huie, P.E.
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