

# Exhibit E



**DGA** planning | architecture | interiors

May 29, 2019

Wareham Development  
Rich Robbins  
Geoffrey B. Sears  
1120 Nye Street, Suite 400  
San Rafael, CA 94901

Subject: Review of Applicant Noncompliance with Conditions of Approval  
Marketplace Redevelopment Project  
Planned Unit Development/Preliminary Development Plan  
Shellmound Street: 6340 & 6390 Christie Avenue  
File Number: PUD 04-02  
Exhibit A. Conditions of Approval, August 5, 2008

Dear Mr. Robbins and Mr. Sears,

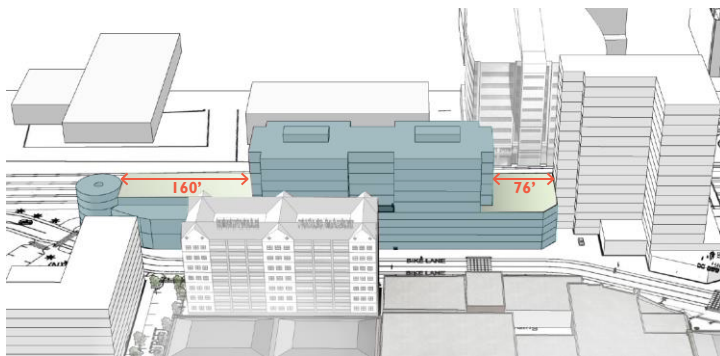
This letter is a summary of my review of the Emeryville Public Market, Parcel B, Final Development Plan, January 9, 2019 provided by City Center Realty Partners and approved by the City Planning Commission on May 14, 2019. Chapter 5 Urban Design, of the Emeryville General Plan focuses on enhancing the public realm and everyday livability, crafting a tapestry of distinctive, yet synergistic and connected districts, and strengthening Emeryville's identity and sense of place. It includes narratives, images and diagrams that provide clear guidelines for the design and development community to incorporate into their projects, with the intention of preventing negative impacts to the environment and urban fabric of the City of Emeryville. The Conditions of Approval, California Environmental Quality Act, and the goals and policies that detail compliance strategies are key tenets of the General Plan, evaluated by the Planning Department and enforced by the Planning Commission.

I have based my report on quoting the key points of Section II E. Design Related, items 1-6 of the Conditions of Approval and describing how the Applicant's scheme does not comply with these conditions. Note that Condition II. E.1 is also an aesthetics mitigation (AES-1) required by the Public Market EIR to mitigate significant environmental effects. Also, this letter responds to the Planning Commission Staff Report, Marketplace Redevelopment Project, Parcel B (Office and Garage) (FDP18-001r), April 25, 2019 as well as the City of Emeryville Memorandum dated May 14, 2019 to the Planning Commission continuing Item 7.1 from the April 25, 2019 Planning Commission Regular Meeting.

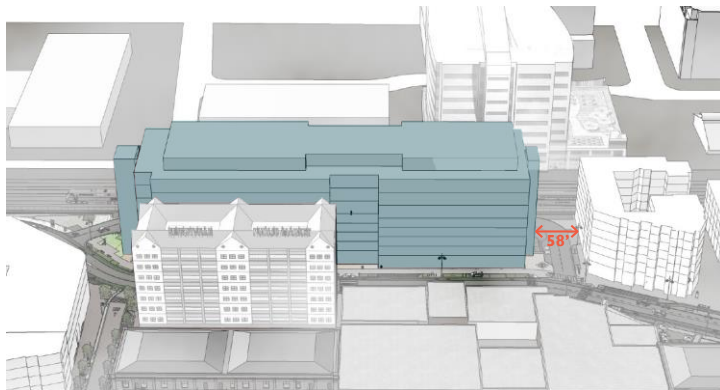


The April 25, 2019 Planning Commission Staff Report states that although the proposed FDP for Parcel B would contain 30,000 square feet more area and 42 more parking spaces compared to the approved PUD/PDP, the overall intensity of the PUD build-out would be less than allowed by the PDP. While true for the overall PDP the density of Parcel B needs to be viewed alone, in which case it is larger than allowed. Further, it ignores the physical impacts that are the result of these changes, and the failure to comply with the PDP Conditions of Approval mitigation measures.

The massing changes triggered by the additional Commercial Laboratory space and additional parking count in the FDP for Parcel B in January are significantly different from, and inconsistent with the PDP and have a severe negative impact on the scale of the neighborhood and the environmental impacts associated with Parcel B.



PDP Massing PUD 04-02



FDP Massing FDP 18-001r

The General Plan has several goals and policies for Skyline and Building Bulk. These include:  
**UD-P-33** Bulky and monolithic buildings shall be prevented through vertical articulation, such as step backs at higher floors, and less floor areas heights increase to reduce apparent bulk of buildings. Horizontal articulation, such as varied setbacks, recessions/projections, changes in materials, and building transparency...

**UD-P-36** Where large floor plates are permitted, buildings shall be required to adhere to height, setback, and step back standards, as required for view and sun access...

**UD-P-38** New developments should employ changes in height, massing, and/or design character to create careful transitions in scale and density. Where the PDP was compliant with these goals and policies, the approved FDP does not.

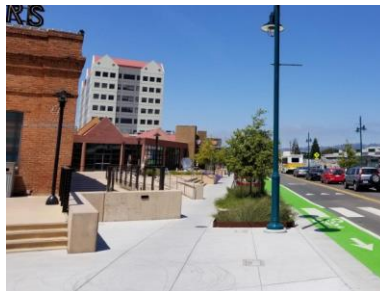
The following sections quoted from the *Marketplace Redevelopment Project PUD04-02: Exhibit A. Conditions of Approval August 5, 2008* are the evaluative criteria for determining neighborhood compatibility and substantial conformance with the approved PDP. The current design fails to substantially conform with; *Section II General Conditions; item E. Design Related: 1. Each of the following five measures shall be incorporated into the final project design (AES-I), as it does not incorporate these measures into the final project design:*

***Condition of Approval II.E.1*** *The proposed structures shall adequately reference, and be visually compatible with and not detract from the surrounding industrial buildings.*

The proposed structure does not adequately reference and is not visually compatible with surrounding existing industrial buildings, or approved mixed use buildings on Parcels A, C and D. The Public Market is a 1-2 story masonry industrial adaptive re-use project that succeeds and sets a precedent for the type of reference that is appropriate for the area. Parcel B does not take any cues from industrial buildings in Emeryville. There are great examples of larger scale industrial buildings in Oakland and San Francisco that could bring a much more compatible aesthetic to this neighborhood. This building detracts from the mixed-use projects that surround the Public Market to the North (Parcel C, Parcel D) and the forthcoming Parcel A project, all of which are well designed within the guidelines suggested in the Conditions of Approval. These buildings contribute to a scale that is prevalent in Emeryville.



Parcel D, Mixed Use Multi Family  
63rd & Shellmound St.



Emeryville Public Market looking  
North, One-two story Retail Adaptive  
Re-use



Hyatt House Emeryville,  
Shellmound St.



Parcel C, Grocery and Parking, Articulation  
consistent with General  
Plan



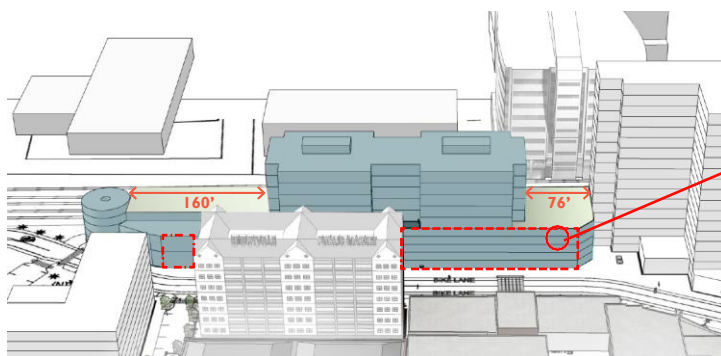
Warehouse Adaptive Re-use, San-  
some St. SF



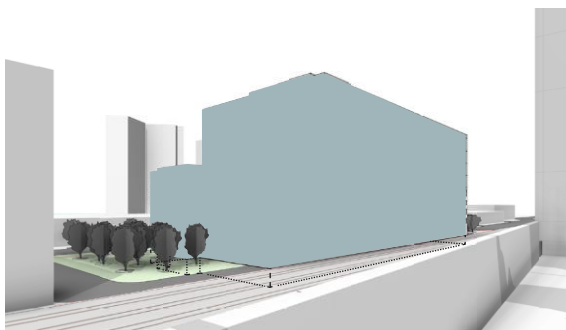
Emery Station 1, Horton St.,  
stepping consistent with General  
Plan

**Condition of Approval II.E.1** Create streetscape vitality and enhance the pedestrian experience through detailed treatment of building facades, including entryways, fenestration, and signage, vertical walls broken up with architectural detailing, protruded and recessed tower elements, stepped back upper floors to provide appropriate building height transitions to adjacent buildings, and through the use of carefully chosen building materials, texture and color.

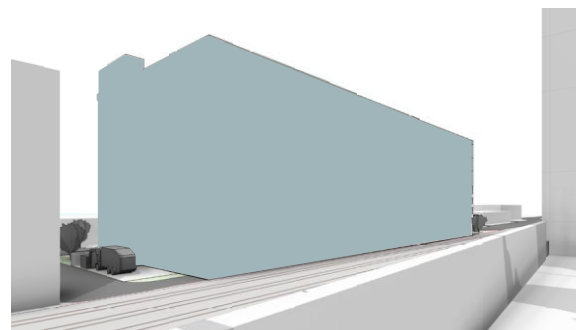
This project lacks vitality, variety and architectural detail. The retail is nominally differentiated from levels above but the lack of variety in massing, and the relentless repetition of same size structural bays creates a monotonous pedestrian experience. The only detail that provides relief is the entrance bays on the West facade, being slightly recessed at the ground floor. This design will negatively impact the streetscape due to the over shadowing height and length of the facade. Variations in the massing proposed are very small in relation to a building this size and do not successfully mitigate the wall like appearance of the building. *The General Plan follows the principle of “stepping down” to lower scale development in the city, as well as stepping back upper floors from the street edge in order to transition between various heights and densities.* The PUD/PDP massing incorporates a clear definition of a street wall at approximately 4 stories that successfully transitions to proposed heights on Parcel A, Parcel C, and Parcel D. This scheme also provides a terrace above the street that could be a public open space and visual relief for building East of Parcel B. This type of space can effectively enhance the pedestrian experience. The current FDP massing does not provide this opportunity. The massing of the tower in the PDP massing also recesses bays, inverts corners and significantly reduces the size of the tower floors. These moves significantly reduce the impact of the massing on the neighborhood. The proposed structure does not incorporate any massing that transitions to adjacent buildings.



PDP Massing incorporates stepping, vertical recesses, and inverted corners to mitigate bulk and transitions to adjacent properties



Alternate Scheme provides terrace and open space enhancing pedestrian experience



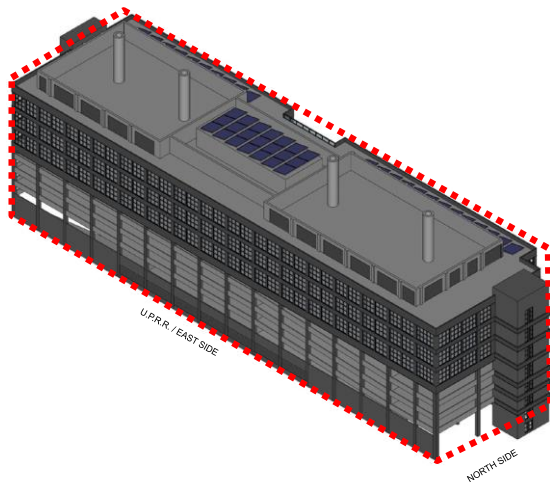
Current design creates visual barrier and a service yard with no public open space



**Condition of Approval II.E.1** Design of Building facades shall include sufficient detail to avoid the appearance of blank walls or box-like forms.

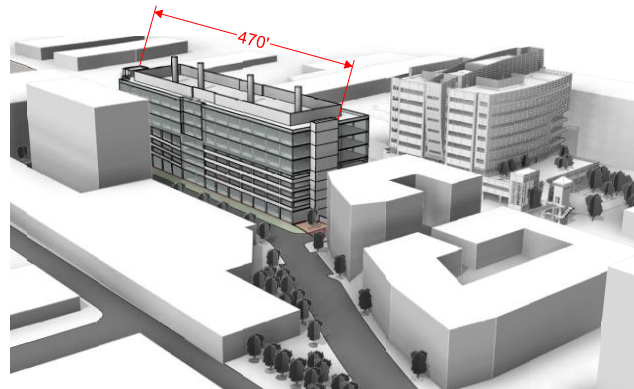
The primary form of this design is a box; 470' long x 122' wide x 113' high. With the exception of a stair/ elevator towers at either end, the massing result of the garage and lab floors above are identical, contributing to an overwhelming box-like form.

Alternatively, it is possible to reduce the tower floor plate sizes and add another level of Lab. Requiring a reduced floor to floor height in the garage and lab floors, this enables an additional Lab level, remaining below the 120' height limit, and significantly reducing the mass of levels above the garage. Many examples exist of Class A Lab space developed with 15' floor to floor height, including Wareham's recently completed project to the East (where slab to slab heights are actually 14'-10"). This alternative would be compliant with the Conditions of Approval, breaking the box-like form into a massing strategy that transitions to neighboring buildings, and delivers the same area requirements as the existing Parcel B design. The General Plan seeks building form *to be articulated to create visual interest, prevent bulky structures, and avoid blank walls.*

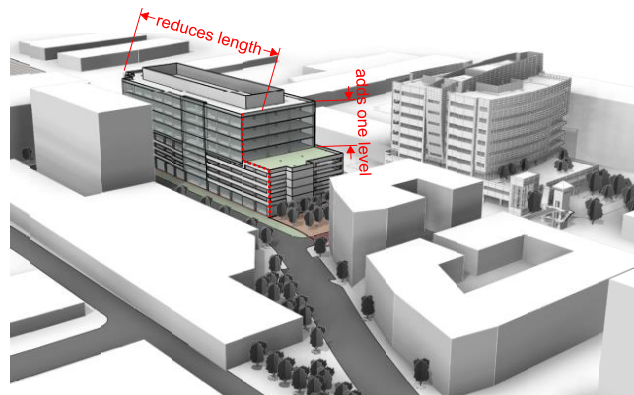


2. 3-D VIEW FROM THENORTHEAST

Current scheme Box-Like and bulky without visual interest



Current scheme does not provide transitions to adjacent buildings



Alternative scheme provides appropriate building height transitions to adjacent buildings

**Condition of Approval II.E.1** Exterior materials utilized in construction of new buildings, as well as site and landscape improvements, shall be high quality and shall be selected for both their enduring aesthetic quality and for their long-term durability, and their compatibility with the design motif of surrounding buildings.

The color palette for Parcel B is generally dark gray. The size and amount of this dark color is not compatible with the surrounding buildings. Metal panels are specified for the exterior cladding of the lab levels. Painted metal panels (particularly dark colors) do not have a long lifespan, particularly on west facing walls due to salt air and sunlight exposure. Repainting metal panels is possible but is specialized, to be done properly, and very expensive. Products like Neolith and Terracore may provide better durability in the marine environment, and be more compatible with the balance of the material palette presented.



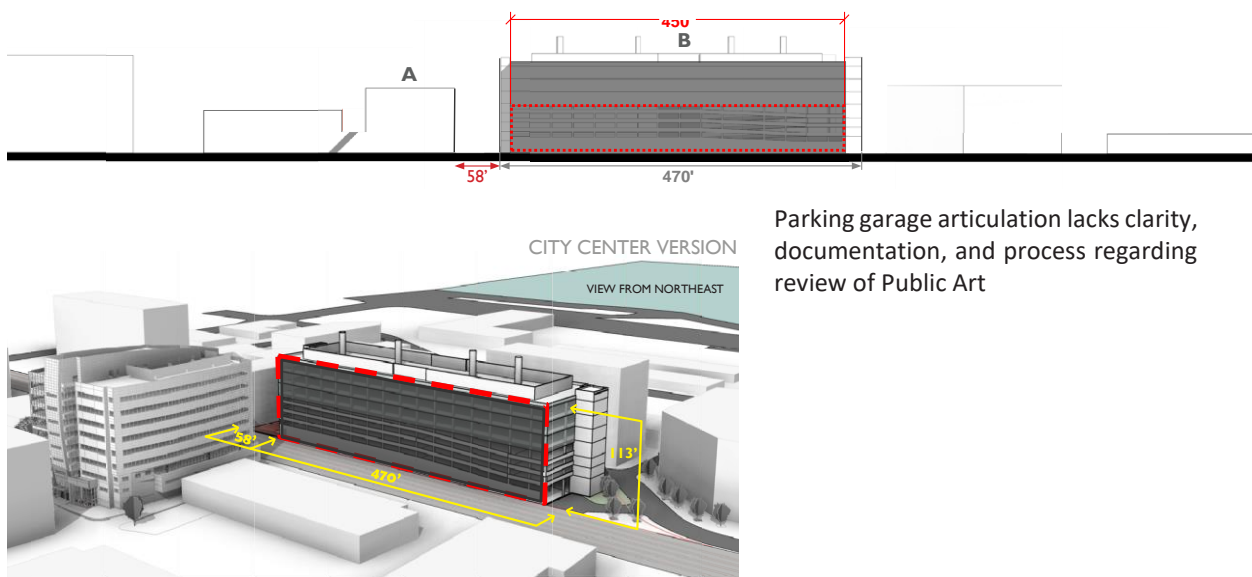
Dark Palette incompatible with neighborhood at this scale

PAINT COLOR TO MATCH "CITYSCAPE" (SW 7067) AT ROOFTOP MECHANICAL SCREEN WALLS	PAINT COLOR TO MATCH "GRIZZLE GRAY" (SW 7068) AT METAL FACADE ELEMENTS	PAINT COLOR TO MATCH "IRON ORE" (SW 7069) AT METAL FACADE ELEMENTS	PAINT COLOR TO MATCH "DARK BRONZE" (ANODIZED) AT STOREFRONTS	PAINT COLOR TO MATCH "CLASSIC BRONZE" AT STOREFRONTS
FINISHES + MATERIAL				
CONCRETE BLOCK AT CRASH WALLS	PAINT TO MATCH "SLATE GRAY #18" BY CENTRIA AT LOUVERS	"STONE" TILE 3 ACCENT AT RETAIL BASE	"STONE" TILE 2 AT RETAIL BASE	"STONE" TILE 1 COLUMN ACCENT AT RETAIL BASE

**Condition of Approval II.E.2** Towers and buildings along the rail road tracks shall be articulated with treatment such as variations in building planes, colors and materials, balconies and trellises to ensure that no visual wall is created along the rail road right of way. Visible exteriors of the structures shall be designed to blend in with the urban fabric of the neighborhood.

The overall length and height of this design visually segregates the Emeryville Public Market from the Amtrak Station and all development east of the railroad tracks. There are no variations in building planes on the east façade of this building. There are no apparent significant changes in the depth of the wall. The metal panel is practically flush to the window frame and the glass is only a few inches back from the face of the frame/ metal panel. This means there will be little if any modulation of light and shadow that help to articulate an apparent scale that can be referenced to other buildings. There are no balconies or trellis like elements that break down the scale of the East façade. The design creates a 450' long visual wall with no articulations in the massing to blend in with the urban fabric of the neighborhood.

The design lacks articulation that diminishes or modulates the massive scale of the East and west Facades. Although there is a slight recess at one location on the West facade, the lack of details that bring shadows and modulate the relentless order prohibits relationships that bring scale to the neighborhood. Each façade incorporates the same frame and window system, and same dark color palette with the only exception being the entry bay on the West. There is no articulation that responds to the existing scale of the neighborhood. While the concept of incorporating Public Art into the parking garage presented by the applicant appears to mitigate the lack of detail and lack of craft associated with parking structures of this type, the documentation that supports it is vague. The Conditions of Approval also lack specificity regarding the public review of the Public Art. The area associated with Public Art is approximately 50% of the East and West facades. Clearly the scope and budget for these treatments needs to be communicated. Simply painting the crash walls will not achieve the adornment and articulation required to conform to the Conditions of Approval.





In conclusion the Parcel B design does not conform or comply with the General Plan Urban Design goals and policies or the Design Related items 1-6 of the Conditions of Approval. The bulk and mass of the project is box-like and makes no attempt to transition to the mixed use residential scale of the neighborhood. Further, the design lacks articulation to mitigate the enormity of the East and West Facades, leaving the parking garage 50% façade area not clearly documented enough to evaluate. Where previous FDP's for Parcels A, C, and D have successfully conformed and set an example of the positive impacts that result from following the bylaws, the Parcel B design risks creating a tremendously negative impact to the Emeryville tapestry of districts and weakening the Emeryville sense of place.

Sincerely,



Scott Williams AIA  
Design Principal  
LEED AP BD+C  
DGA planning | architecture | interiors