

SUMMARY OF WAREHAM'S APPEAL

1. The Parcel B Final Development Plan (FDP), meaning the project as proposed by City Center, is inconsistent with the Marketplace Redevelopment Preliminary Development Plan (PDP) which was originally approved by the City. Consistency with the original plan is a pre-requisite for approval.

- The PDP allows 120,000 square feet of office space over 5 levels (24,000 square feet per floor); the FDP includes 160,000 square feet of lab over 3 levels (53,500 square feet per floor).
- The PDP allows office space in an architecturally-articulated 200 foot long building element; the FDP proposes lab space in a completely unarticulated, boxy, 470 foot long building – a fundamentally rectangular box over a football field and a half long.
- The PDP allows up to 120 feet in height with major setbacks on both the north and south; the FDP proposes a project 113 feet in height that rises straight up over the entire site, with no setbacks.
- In a May 28th letter, Jeffrey Heller, the architect of the approved PDP plans, wrote that “the current building design does not substantially comply with the Original Development” and “significantly diminishes” it in numerous, specified ways.

2. The FDP does not comply with the conditions of approval imposed on the PDP.

- The FDP design violates aesthetic conditions specifically set forth as requirements of any FDP through its box-like design, creation of a visual wall along the railroad tracks, and lack of architectural detailing and stepped-back upper floors to achieve appropriate building height transitions.
- The FDP design was not assessed for wind impacts as required. Compared to the PDP design, the FDP design significantly increases ground-level winds along Shellmound Street and between the structures on Parcels A (at the pedestrian bridge) and B (the subject).

3. The FDP is inconsistent with the General Plan.

- The FDP design is inconsistent with Urban Design goals and policies requiring new development to step down and back from lower-scale development and the street edge, to avoid bulk and blank walls through vertical and horizontal articulation, and to employ changes in height, massing and/or design character.
- At a time when the City is actively considering eliminating minimum parking standards and encouraging people to take transit, the Project provides 560 parking spaces, hundreds more than required under current Code, thereby conflicting with Transportation Element goals and policies.

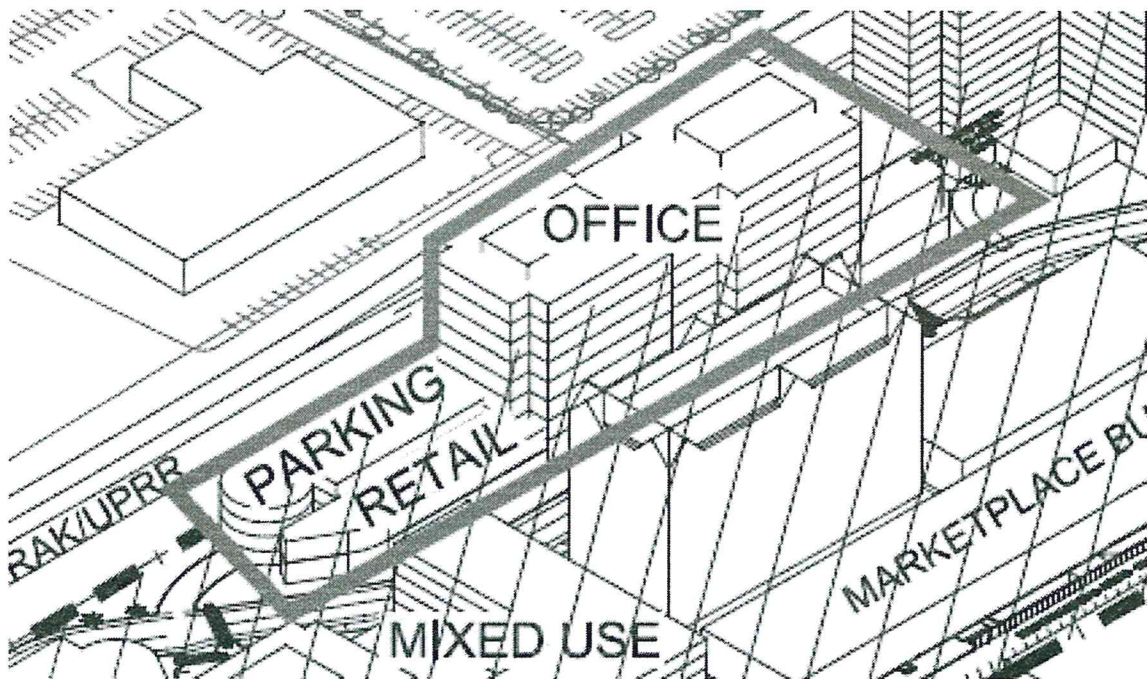
4. The FDP as proposed cannot be approved without further CEQA review.

- The change in building design and failure fully to implement the adopted aesthetic and wind mitigation measures implicates new or substantially more severe impacts that must be addressed under CEQA.
- The FDP design results in greater shade/shadow impacts than the PDP design that must also be studied.
- Unlike traffic studies conducted for other FDPs, the minimal traffic review done here does not provide any meaningful analysis of area traffic impacts.

5. Viable design alternatives are available for Parcel B.

- DGA Architects has provided two design alternatives that address concerns with the FDP by breaking up what is currently an extremely long, tall, and boxy structure.
- Both alternatives contain roughly the same amount of rentable square footage as the FDP design.
- One option includes somewhat less parking than the Applicant's proposal but still more than current code would allow; the other option retains all the parking the Applicant seeks but materially reduces the project's overall impact by going one level underground. Underground parking should not be summarily dismissed as infeasible and has indeed been successfully implemented on a number of projects in Emeryville and in neighboring cities.

PDP



FDP

