

**City Council November 5, 2019 Public Hearing**

**Marketplace Final Development Plan - Parcel B (Office and Garage)**

***Appellant:***            ***Wareham Development***

***Applicant:***           ***AG-CCRP Public Market LP***

***Architect:***           ***Hart / Howerton***

# RECOMMENDED PROCEDURE

- Staff Presentation  
*Council Clarifying Questions*
- Appellant Presentation (limited to 15 minutes)  
*Council Clarifying Questions*
- Applicant Presentation (limited to 15 minutes)  
*Council Clarifying Questions*
- Public Hearing (limited to 3 minutes per speaker)
- Rebuttal by Applicant (limited to 5 minutes)
- Rebuttal by Appellant (limited to 5 minutes)  
*Council Clarifying Questions*
- City Council deliberation, including questions to Applicant and/or Appellant
- Council Direction



# OVERVIEW OF STAFF PRESENTATION

- Council Action Requested
- Standard of Review
- Project Background and Chronology
- Project Proposal
  - Applicant's Proposed Alternative
- Project Conformity and Consistency with the Approved PUD/PDP
  - Conformity and Consistency of Applicant's Proposed Alternative
- Project Conformity with City Council Conditions of Approval for PUD/PDP (Key Issues Identified by City Council on October 1, 2019)
  - Conformity of Applicant's Proposed Alternative
    - Wind
    - Aesthetics
    - Building Height
- Conclusion



## COUNCIL ACTION REQUESTED

Staff recommends that the City Council open the public hearing, take testimony, close the public hearing, and then provide direction to prepare a resolution to either:

- (a) Approve the Commission's action upon finding that all applicable findings have been correctly made and all provisions of the Planning Regulations have been complied with; or
- (b) Approve the Commission's action but impose additional conditions and/or guarantees as it deems necessary to fulfill the purposes of the Planning Regulations; or
- (c) Disapprove the Commission's action upon finding that all applicable findings have not been made or all provisions of the Planning Regulations have not been complied with.

Pursuant to Planning Regulations Section 9-7.1405(d), the Council may also continue the hearing and request a supplemental report from the Planning Commission.





# STANDARD OF REVIEW

- Pursuant to Section 9-7.1407 of the Planning Regulations, when reviewing a decision on appeal, the City Council uses the same standards of review as the Planning Commission.
- Thus, when considering whether to approve, approve with modifications, or deny the Project, the Council must address the following findings, as set forth in Sections 9-7.1011 and 9-7.1004(b) of the Planning Regulations:
  - (1) The final development plan substantially conforms to the preliminary development plan.
  - (2) Changes and conditions of approval specified by the City Council in its approval of the preliminary development plan have been met.
- These findings must be based on substantial evidence in light of the whole record.
- If the Project were to be denied, the Applicant would be entitled to construct the garage only on Parcel B as approved by Planning Commission Resolution No. FDP15-001.
- Emphasis of tonight's presentation is on ability of the Project to meet the above findings. Issues raised in the appeal were addressed at City Council October 1, 2019 meeting. They will be referenced tonight as appropriate in discussing the Project's ability to meet the findings.



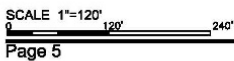
# PROJECT BACKGROUND AND CHRONOLOGY

On August 5, 2008 the City Council approved the Marketplace Planned Unit Development/ Preliminary Development Plan (PUD/PDP)

This approval laid out the site plan, mix of uses, heights of individual buildings and general massing.



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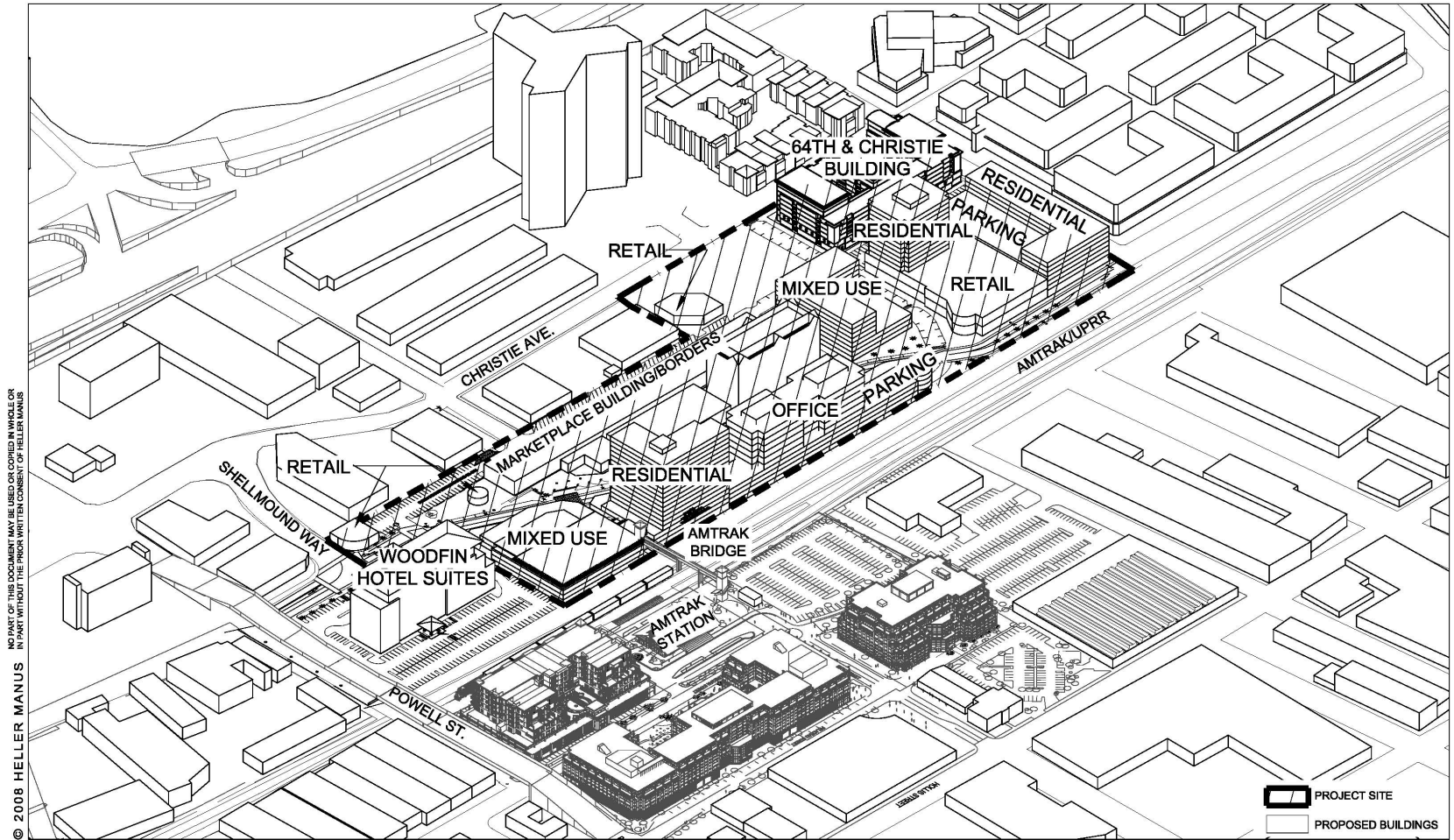


EMERYVILLE, CA

HELLER MANUS **HM**  
ARCHITECTS  
APRIL 16, 2008



# PROJECT BACKGROUND AND CHRONOLOGY



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SCALE: NONE  
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## MARKETPLACE REDEVELOPMENT

EMERYVILLE, CA

ILLUSTRATIVE BIRD'S EYE VIEW OF SITE

HELLER MANUS  
ARCHITECTS  
APRIL 16, 2008



City of Emeryville

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# PROJECT BACKGROUND AND CHRONOLOGY

On October 19, 2010, the City Council approved a Final Development Plan (FDP) for the first phase of development, a 190 rental residential building at 64th Street and Christie Avenue. This was before the code was amended to require Planning Commission approval of FDPs, and before the PUD was purchased by the Applicant. This building, the “Emme” project, has been constructed and is now occupied.

Between February 2015 and June 2016 the Planning Commission approved Final Development Plans (FDPs) for four new buildings, an expanded and renovated park and realignment of Shellmound Street and creation of 62<sup>nd</sup> and 63<sup>rd</sup> Streets and Market Drive:

Parcel E: Christie Avenue Park Expansion and Renovation (completed)

Parcel C-1: Grocery Store (completed)

Parcel C-2: 66-units wrapping the grocery store (under construction)

Parcel D: 233 residential units (partially occupied)

Parcel A: Residential building (167 units) (construction not started)

***Parcel B: Ground floor retail and 300 parking spaces***





# PROJECT BACKGROUND AND CHRONOLOGY



## Proposed FDP Build Out



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# PROJECT BACKGROUND AND CHRONOLOGY

## Parcel B Chronology

- Parcel B FDP was approved on June 23, 2016, and accommodated parking with ground floor retail. The garage would provide parking for existing commercial uses that have been served by previous surface parking lot (Parcel C) and are being served by existing parking lot (Parcel A).
- City Center wished to modify the proposal for Parcel B to accommodate office/laboratory space.
- 113-feet tall, 8 story building that includes:
  - 14,000 square feet of ground floor retail
  - 4 levels of structured parking (565 spaces)
  - 150,000 square feet of office/laboratory space on top 3 levels
- Parcel B Office/Laboratory FDP was approved by the Planning Commission on January 24, 2019
- The approval was appealed by Wareham on February 8, 2019



# PROJECT BACKGROUND AND CHRONOLOGY

## Parcel B Chronology (Continued)

- City Council remanded the appeal to the Planning Commission on March 19, 2019
- Planning Commission reviewed the appeal and unanimously re-approved the Project on May 14, 2019
- City Council called the Project for review on May 21, 2019
- The approval was again appealed by Wareham on May 29, 2019
- On October 1, 2019, the City Council considered the appeal and set a hearing date for November 5, 2019
- On October 31, 2019, the Applicant submitted a “Proposed Alternative” project





# PROJECT PROPOSAL

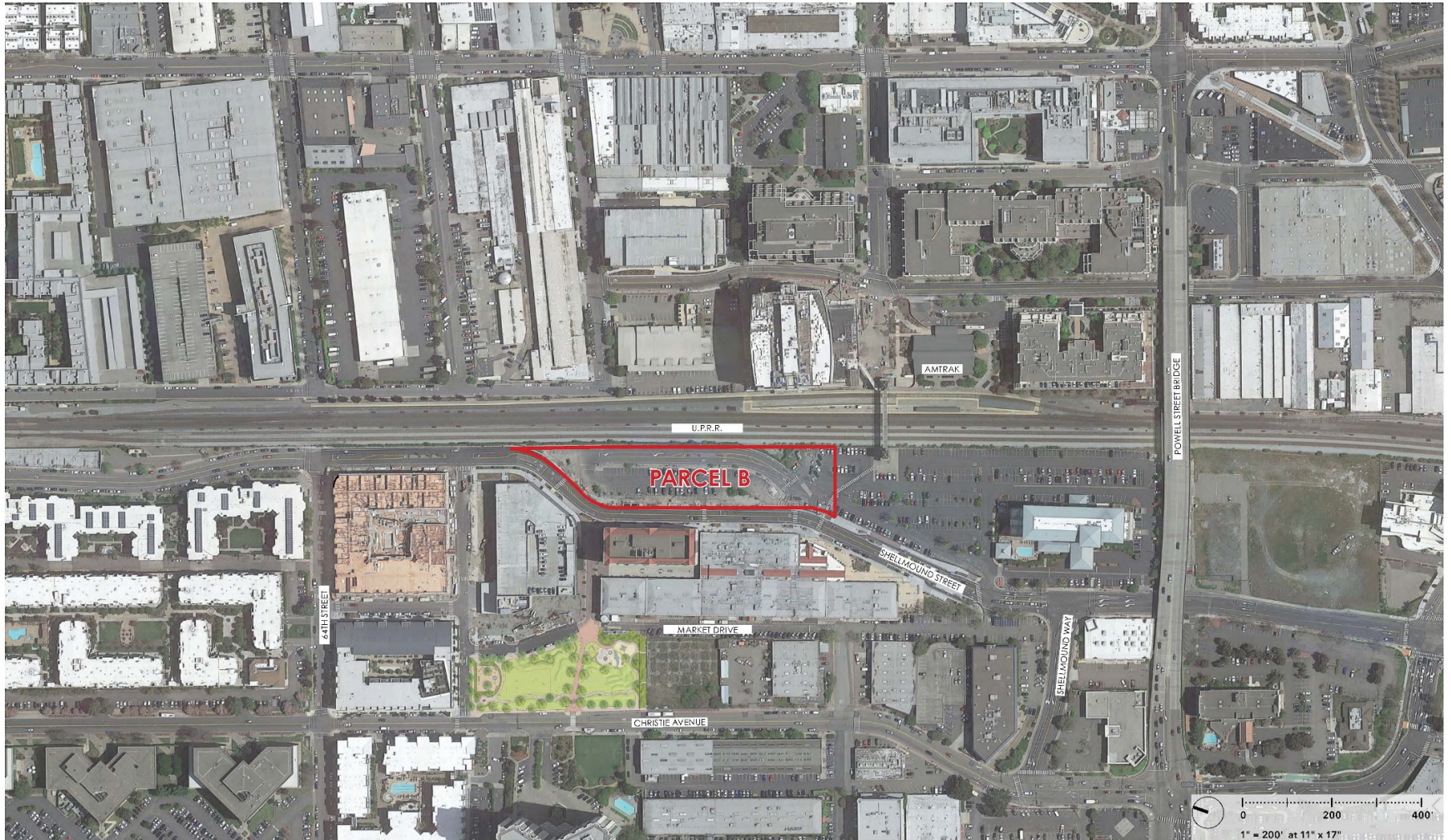


Project Site





# PROJECT PROPOSAL



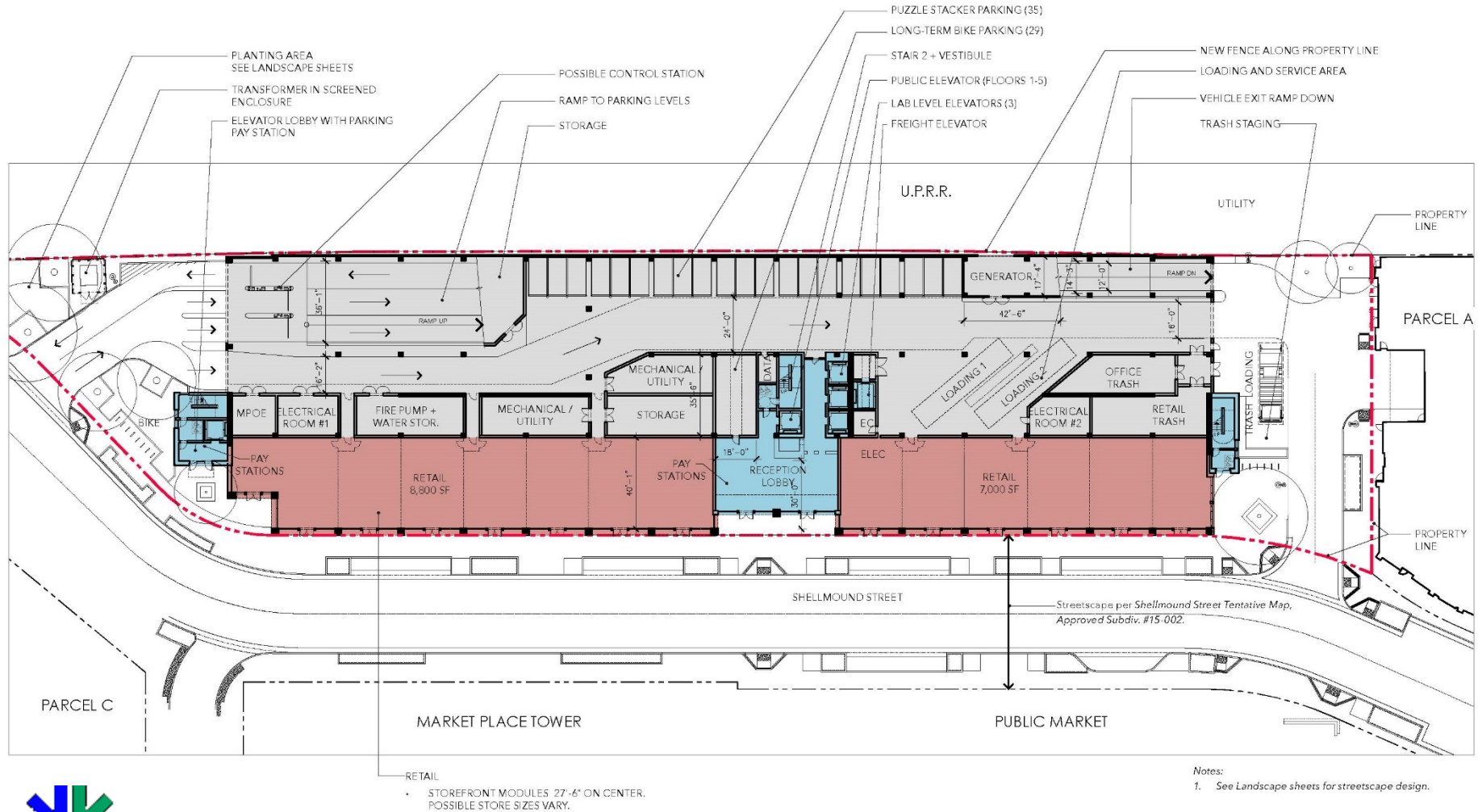
Project Site





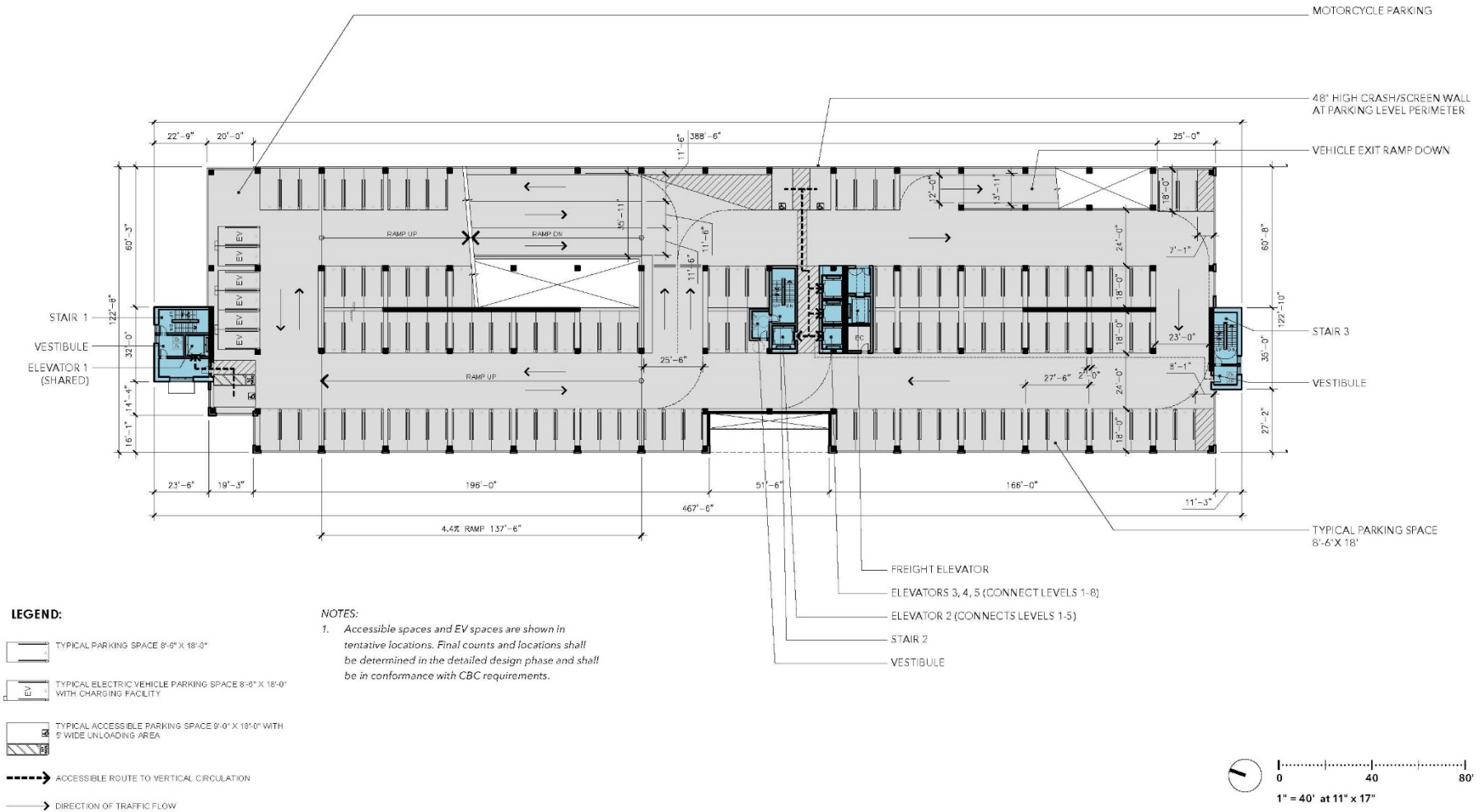
# PROJECT PROPOSAL

## Site Plan – Ground Floor



# PROJECT PROPOSAL

### Parking Level 2 (Level 3 and 4 Similar)

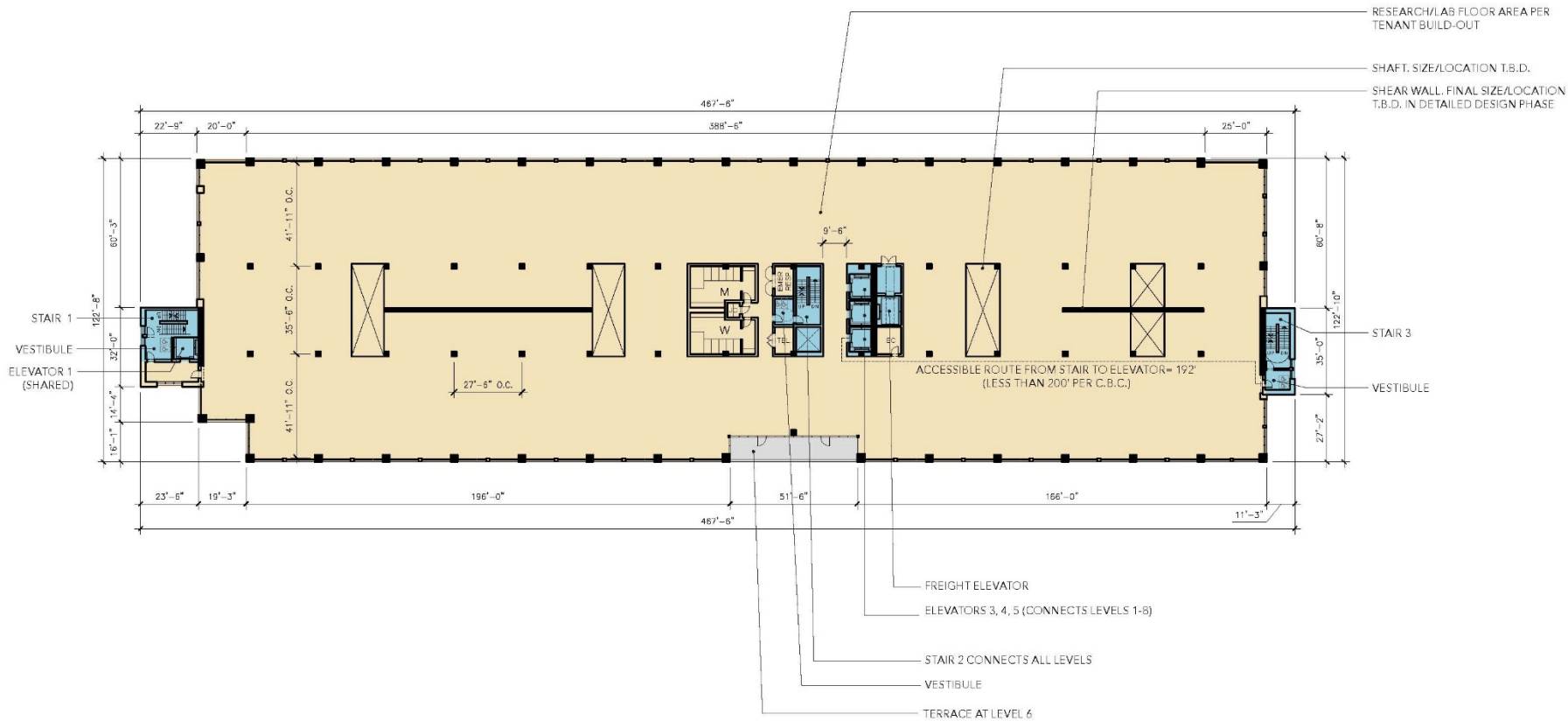


# PROJECT PROPOSAL

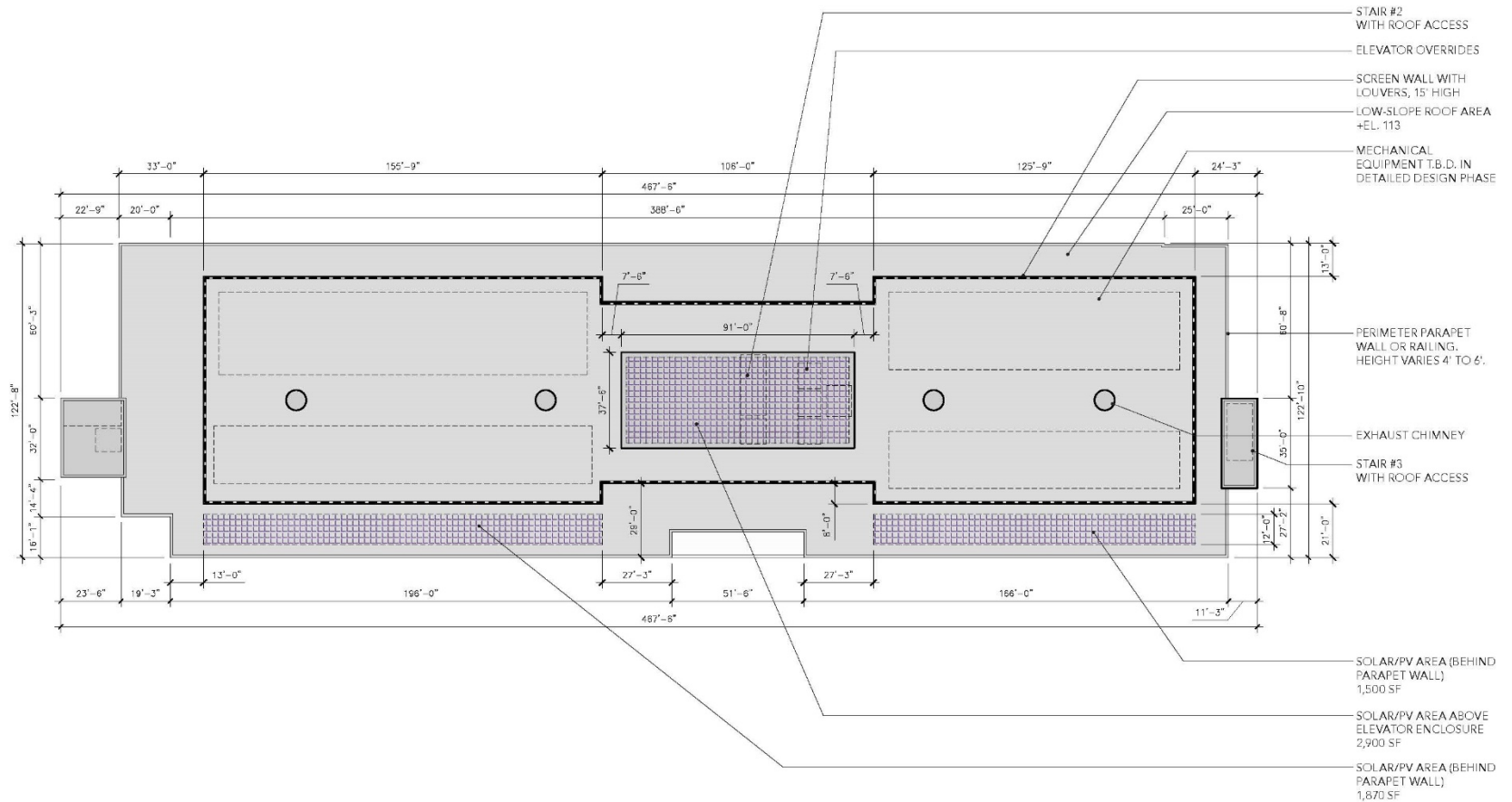
## Office/Laboratory Levels 6, 7 and 8

Notes:

1. Levels 6-8 could have any number of tenants. For example, 1 tenant could occupy all three levels, or each level could have 4 or more tenants.

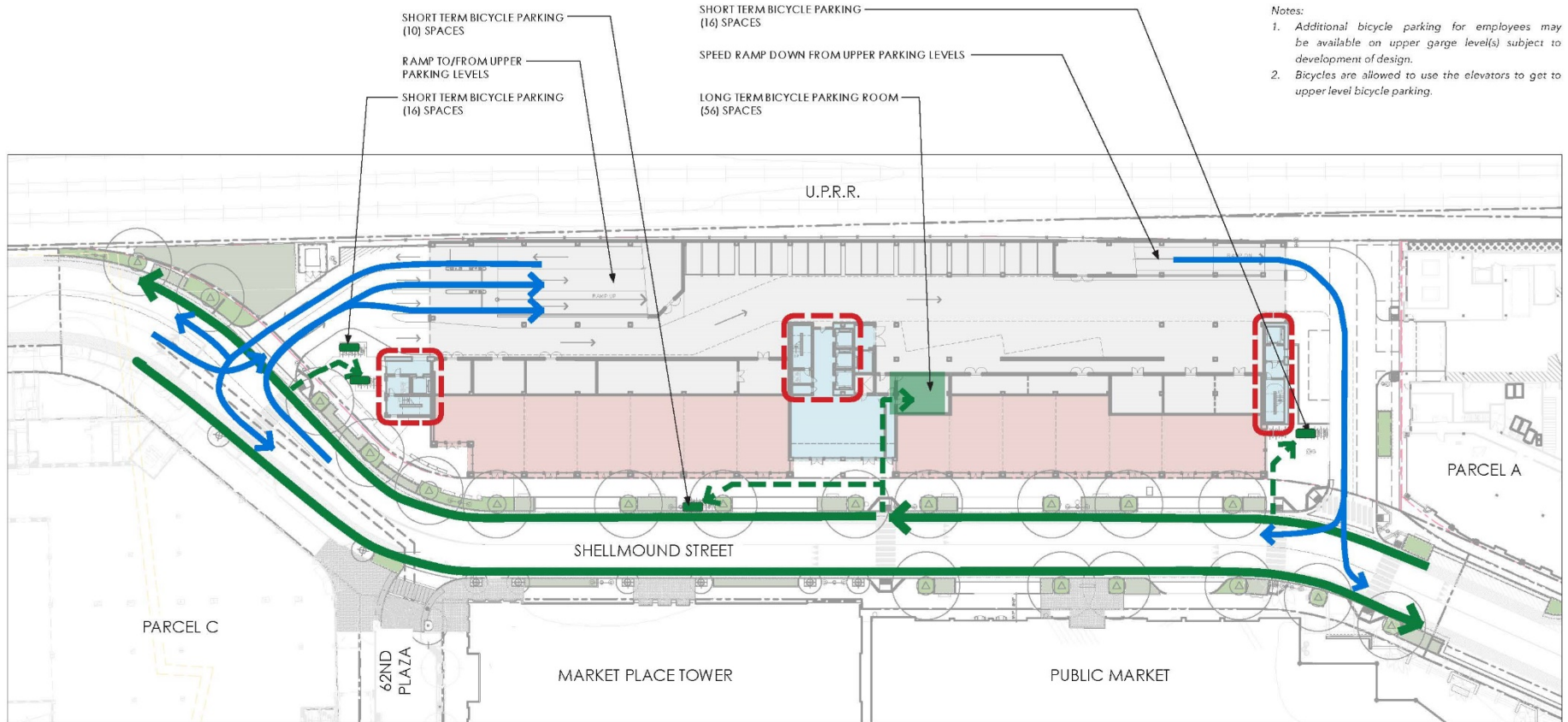


## Roof Level



# PROJECT PROPOSAL

## Vehicle and Bike Circulation



- Notes:
1. Additional bicycle parking for employees may be available on upper garage level(s) subject to development of design.
  2. Bicycles are allowed to use the elevators to get to upper level bicycle parking.

### LEGEND:

- ← BIKE CIRCULATION
- ← RIDER-BESIDE-BIKE CIRCULATION
- BIKE PARKING
- SECURE EMPLOYEE BIKE PARKING

- ← VEHICLE CIRCULATION
- VERTICAL CIRCULATION TO/FROM PARKING LEVELS

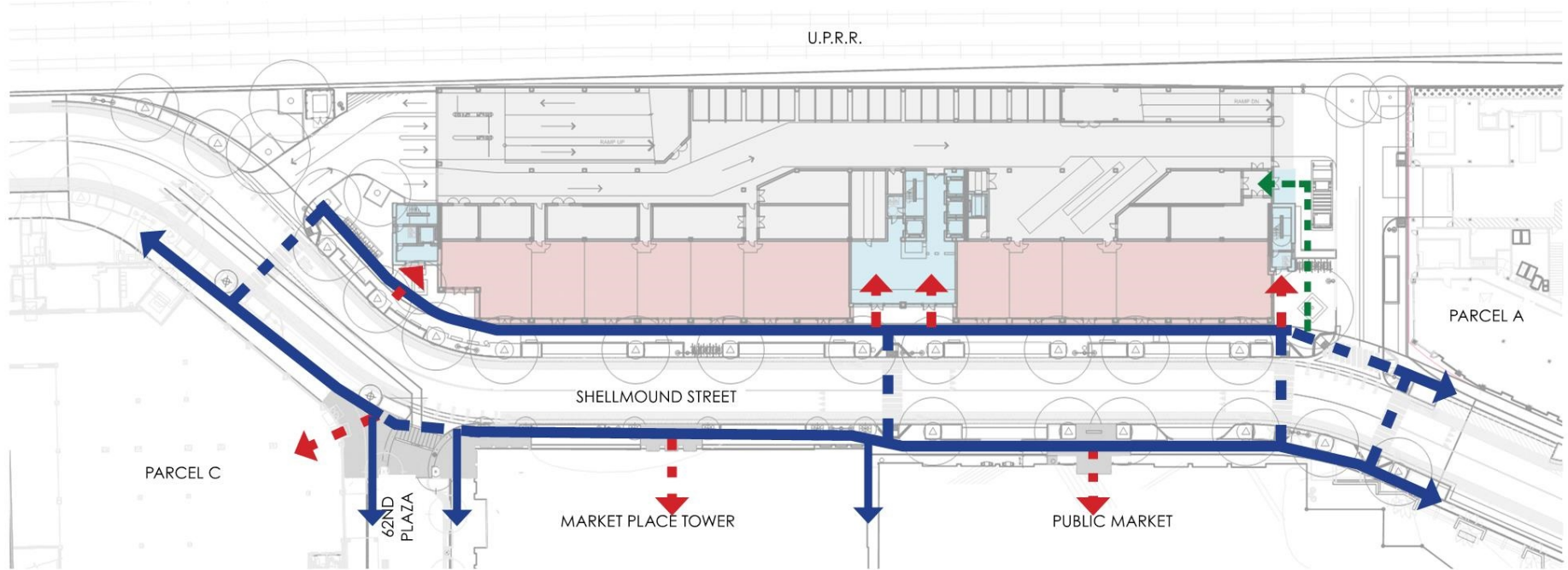




# PROJECT PROPOSAL

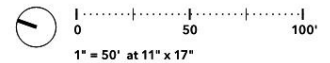
## Pedestrian Circulation

- Notes:
1. Pedestrian circulation and design of streetscape elements are consistent with Shellmound Street Tentative Map, Approved Subdiv. #15-002.
  2. Shellmound Streetscape is existing.



### LEGEND:

- ← PEDESTRIAN CIRCULATION ROUTE
- CROSSWALK
- MAJOR BUILDING ACCESS POINT
- SECONDARY ACCESS POINT



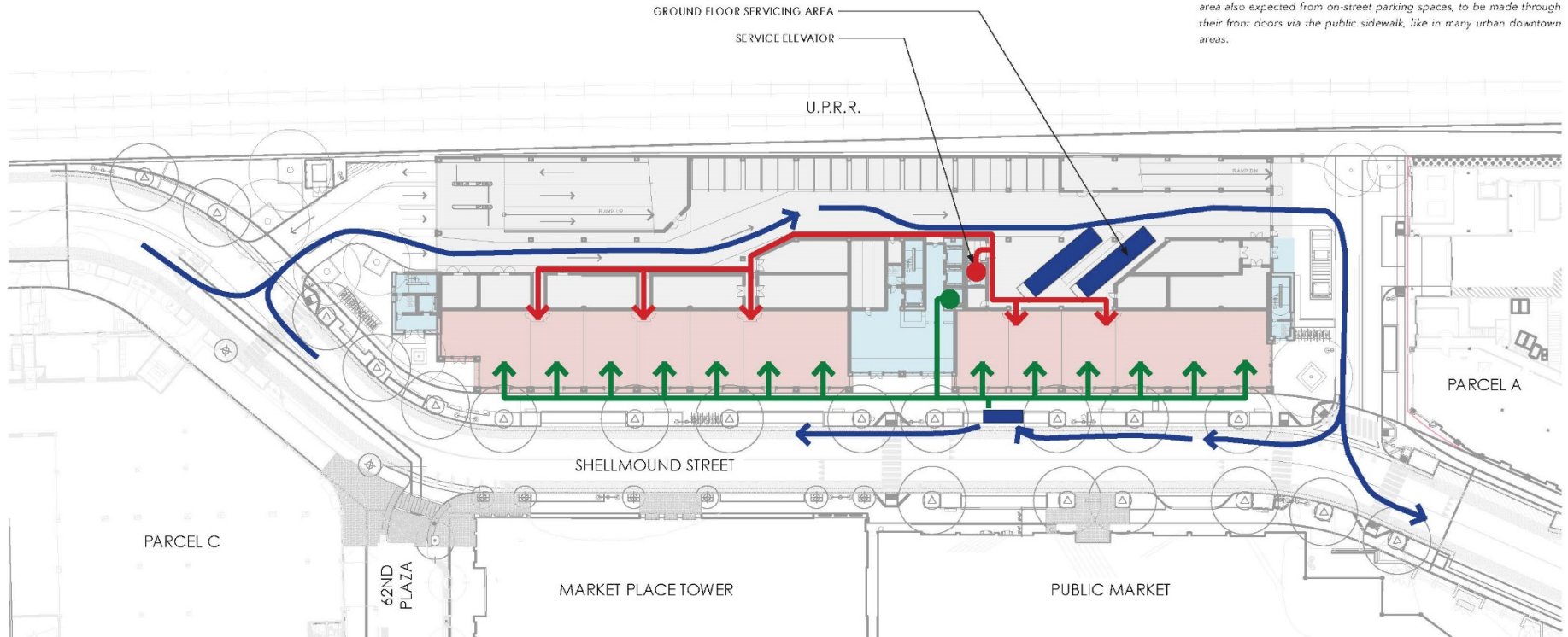


# PROJECT PROPOSAL

## Servicing Plan

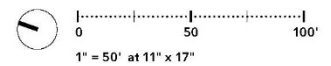
### Notes:

1. Deliveries to the upper floors: Delivery vehicles will park in the Ground Floor service area and deliver materials via the service elevator.
2. Deliveries to the ground floor mixed uses will be made by service vehicles primarily parked in the Ground Floor service area. Some retail deliveries are also expected from on-street parking spaces, to be made through their front doors via the public sidewalk, like in many urban downtown areas.



### LEGEND:

- DELIVERY VEHICLE SPACES
- VEHICLE ROUTE
- PRIMARY DELIVERY ROUTE INTO STORE
- SECONDARY DELIVERY ROUTE INTO STORE

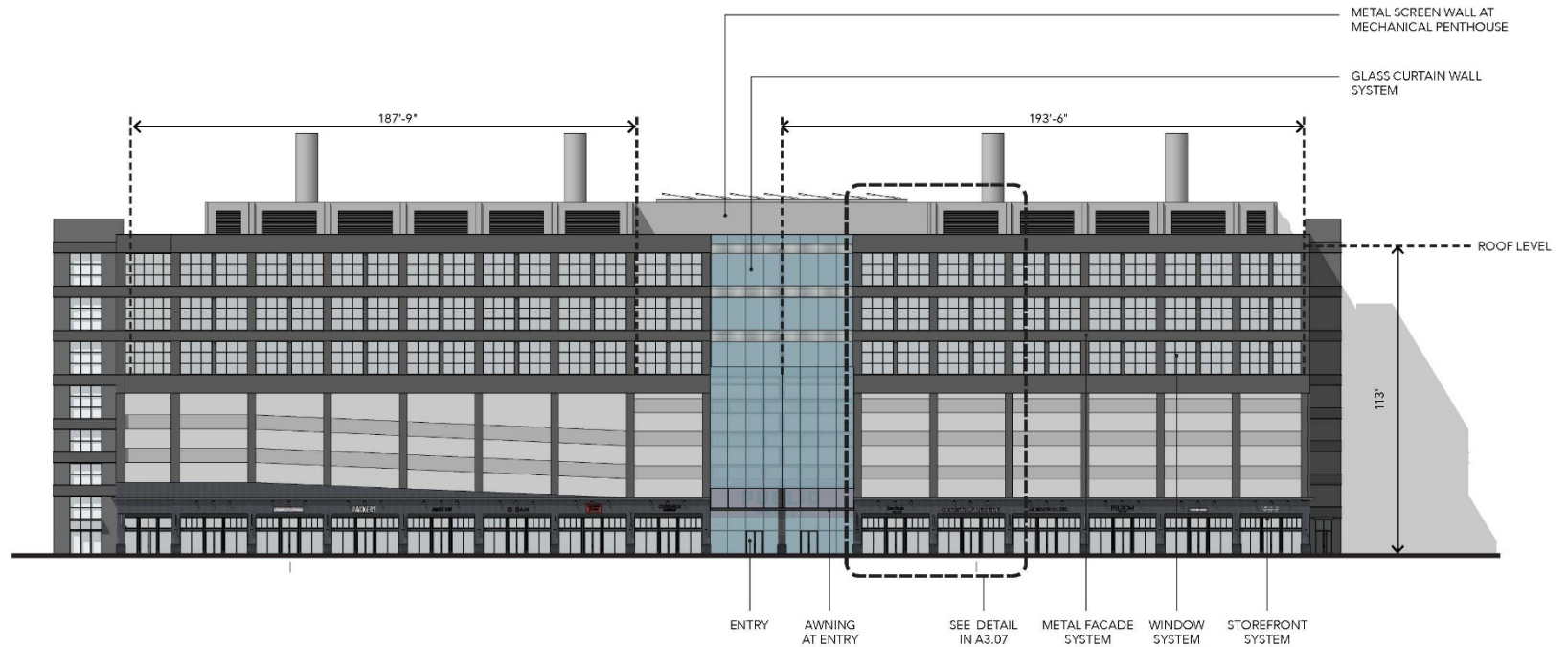


# PROJECT PROPOSAL

## West Elevation – Shellmound Street

*Notes:*

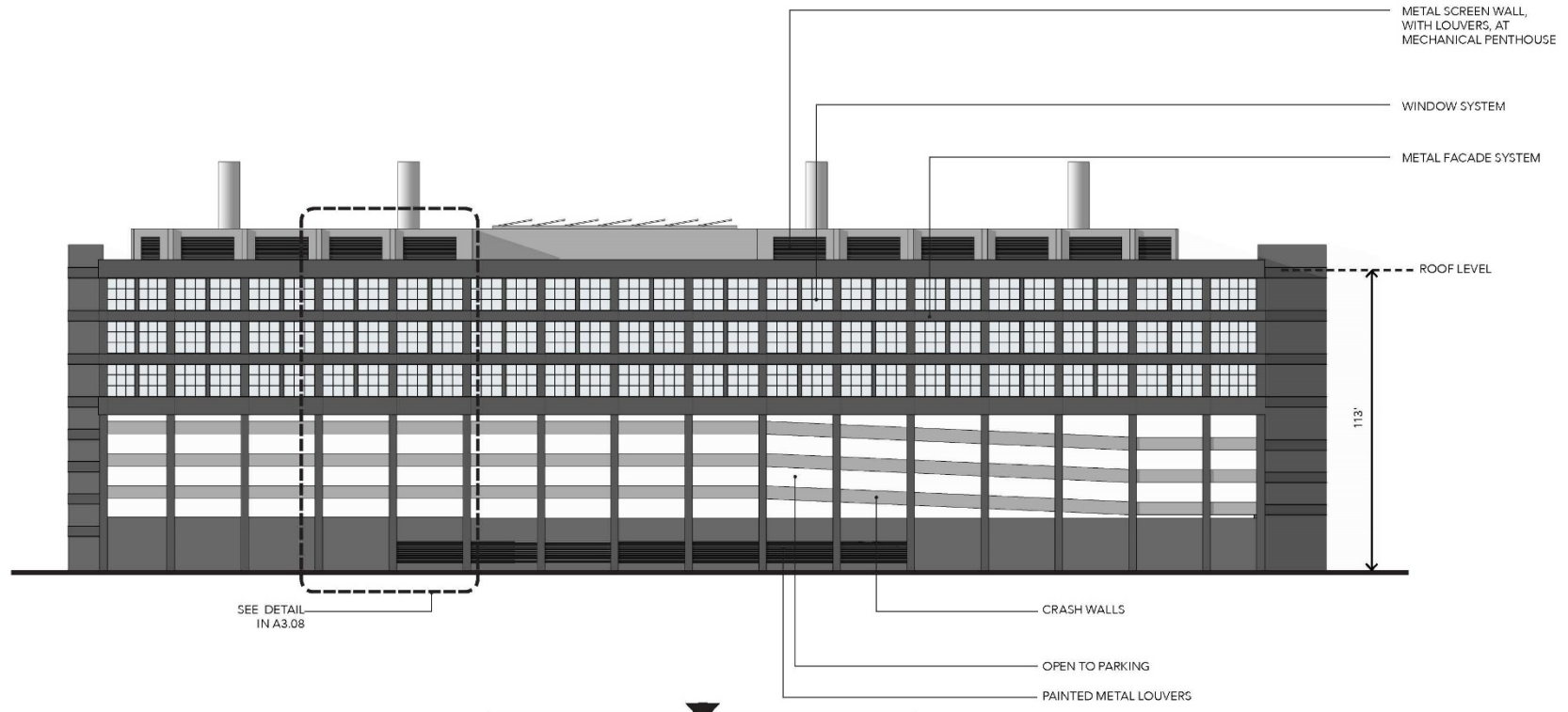
1. Street trees and furnishings omitted for clarity.
2. See A7.00 for Art concept.



# PROJECT PROPOSAL

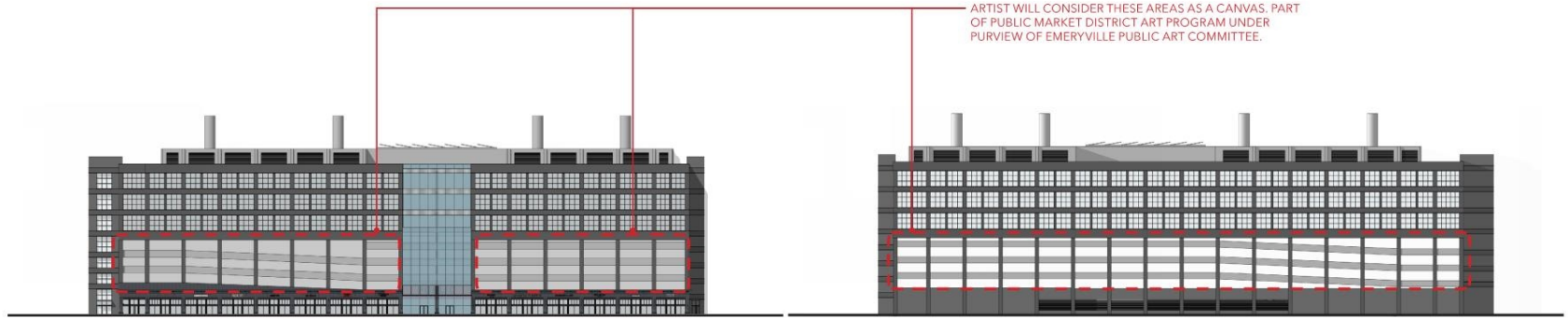
## East Elevation – Railroad

- Notes:
1. Street trees and furnishings omitted for clarity.
  2. See A7.00 for Art concept.



# PROJECT PROPOSAL

## Public Art on West and East Elevations



A. WEST ELEVATION

B. EAST ELEVATION

### C. SHORTLISTED ARTISTS:



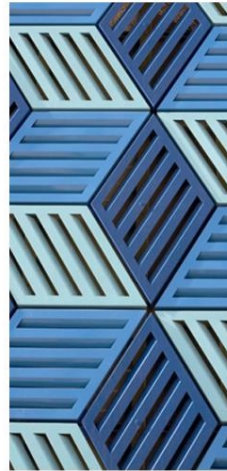
Christian Moller



Erwin Redl



Jacob Hashimoto



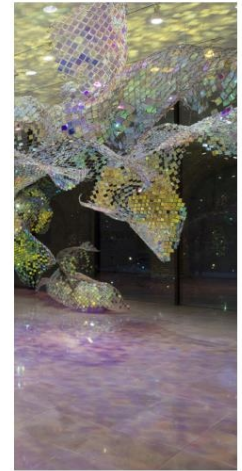
Jim Isermann



Mark Reigelman



Ray King



Soo Sunny Park

NOTE: SEE "EMERYVILLE PUBLIC MARKET FINAL ART MASTER PLAN"

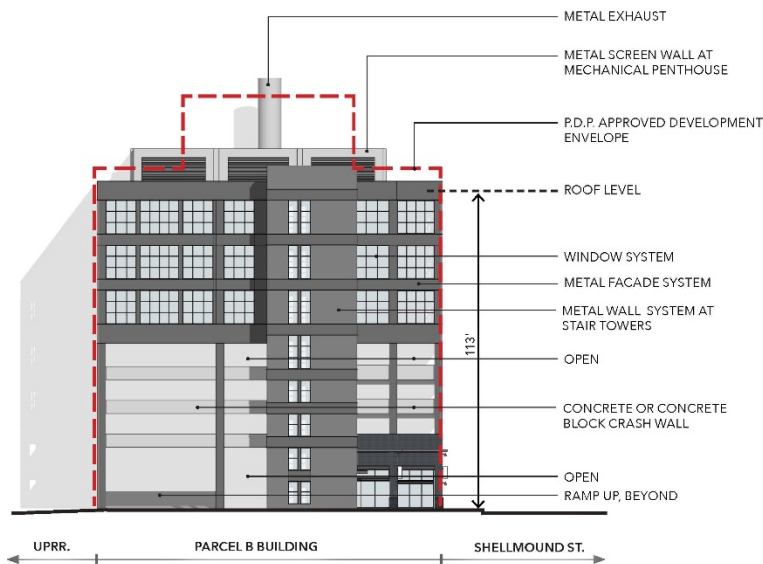




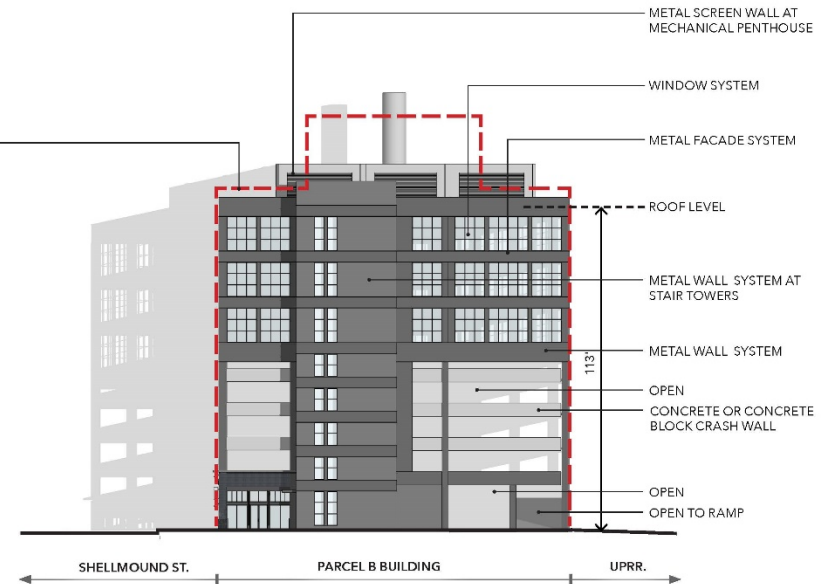
# PROJECT PROPOSAL

## North and South Elevations

Notes:  
Street trees and furnishings omitted for clarity.



C. NORTH ELEVATION

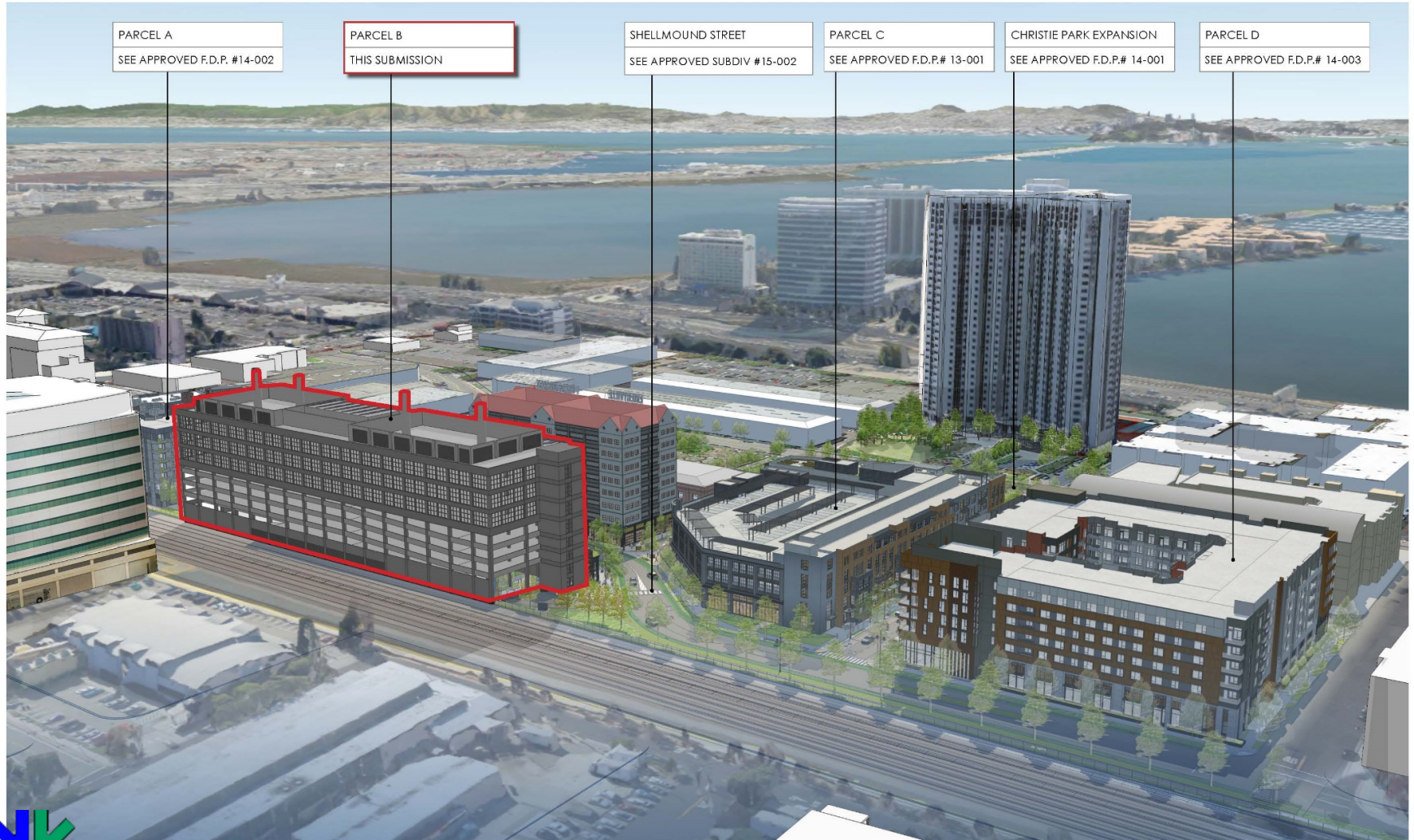


D. SOUTH ELEVATION



# PROJECT PROPOSAL

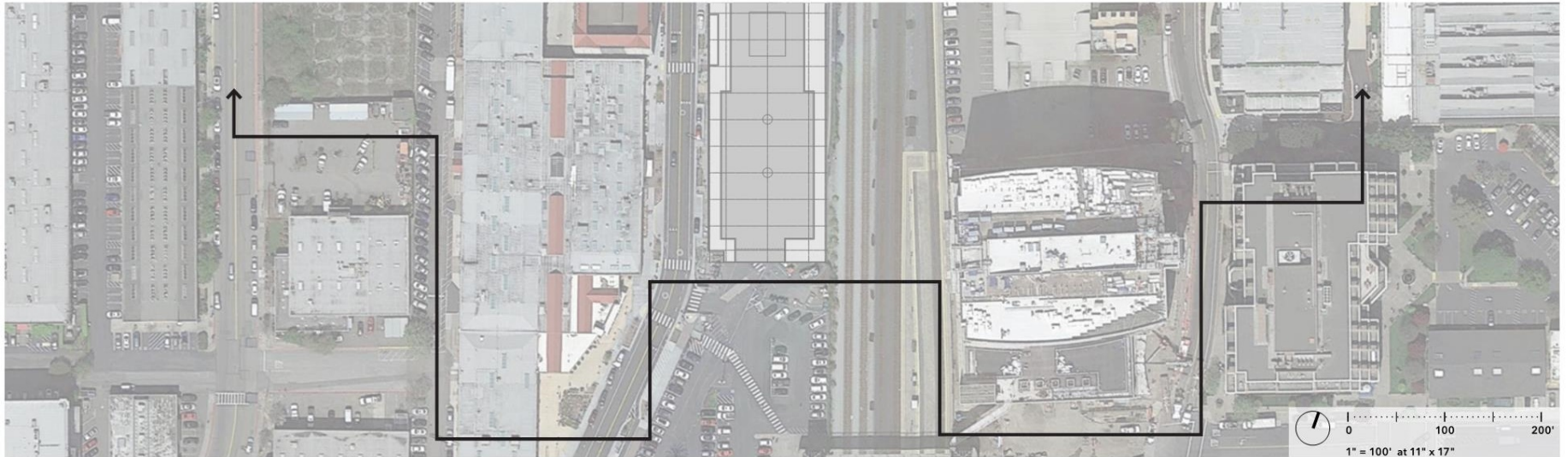
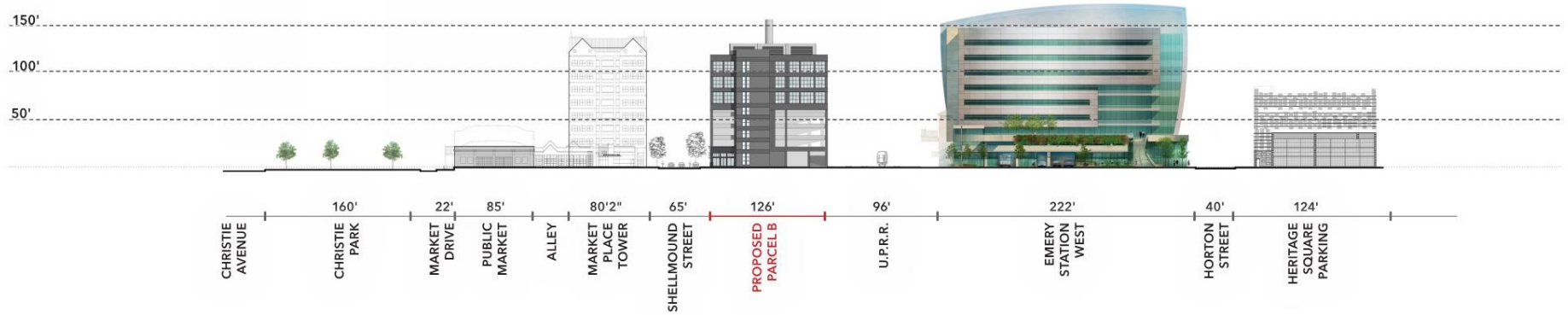
## Aerial View at Full Build-Out





# PROJECT PROPOSAL

## South Site Elevation



# APPLICANT'S PROPOSED ALTERNATIVE

- On October 31, 2019, the Applicant submitted a Proposed Alternative project for Parcel B.
- 120-feet tall, 9 story building that includes:
  - 15,700 square feet of ground floor retail
  - 4 levels of structured parking (500 spaces)
  - 150,000 square feet of office space on top 4 levels
- Laboratory floors reduced from 16' to 15' floor-to-floor.
- Parking reduced from 12' to 10'-8" floor-to-floor.
- Applicant states that new design responds to concerns they have heard about:
  - Wind
  - Public Art Integration
  - Articulation
  - Massing
  - Parking





# APPLICANT'S PROPOSED ALTERNATIVE

## DESIGN EVOLUTION

THE PROPOSED ALTERNATE INCLUDES A SERIES OF DESIGN CHANGES, ADJUSTMENTS AND CLARIFICATIONS THAT RESPOND TO FEEDBACK AND COMMENTS RECEIVED FROM THE CITY COUNCIL, COMMUNITY AND OTHER PARTIES.

DESIGN CHANGES ATTEMPT TO RESPECT FEEDBACK AND DIRECTION ALREADY RECEIVED DURING THE PUBLIC APPROVAL PROCESS FROM THE PLANNING COMMISSION, STAFF FROM MULTIPLE CITY DEPARTMENTS AND AGENCIES, AND OTHER COMMUNITY MEMBERS.

## WIND:

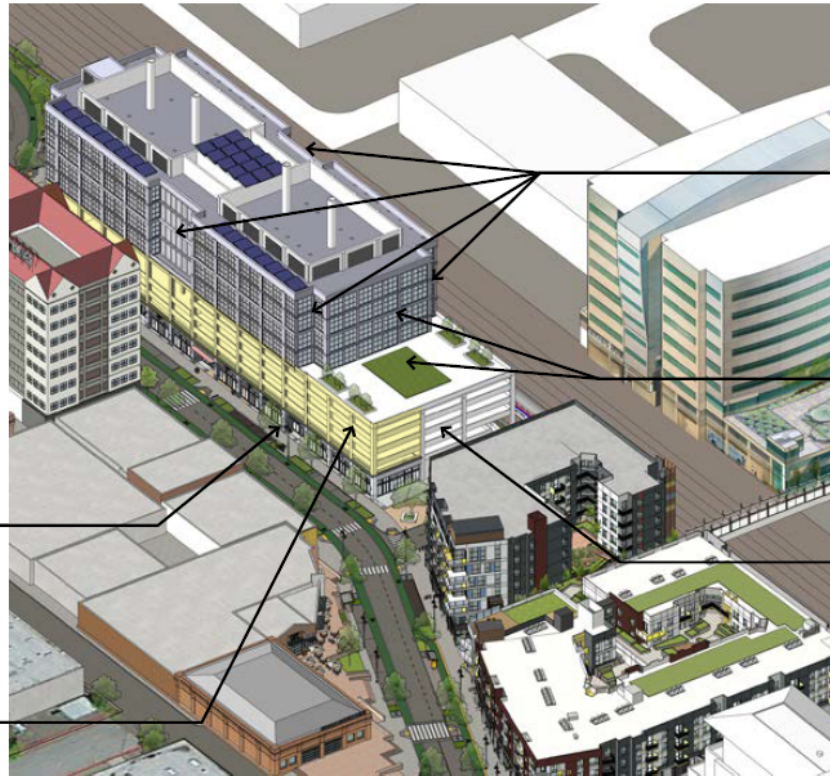
**CONCERN:** WE'VE HEARD CONCERNS ABOUT WINDY CONDITIONS AND WIND COMFORT ALONG SHELLMOUND STREET.

**RESPONSE:** THE OPEN-AIR PARKING GARAGE FORMING THE PROJECT'S "BASE" PROVIDES A BETTER RESPONSE TO WIND THAN THE SOLID BASE OF THE ORIGINAL P.D.P. (REFER TO THE WIND REPORT FOR DETAILS). STREET TREES ADD ADDITIONAL BUFFERING OF WIND TO ENHANCE WIND COMFORT.

## PUBLIC ART INTEGRATION:

**CONCERN:** WE'VE HEARD CONCERNS ABOUT THE NATURE OF THE PUBLIC ART AND HOW IT WILL BE INTEGRATED.

**RESPONSE:** THE BUILDING PROVIDES A CANVAS FOR PUBLIC ART, AND WILL INTEGRATE THE WINNING ARTISTS' CONCEPTS, WITH COUNCIL PARTICIPATION, ON THE EAST AND WEST SIDES OF THE "BASE". (REFER TO THE PUBLIC MARKET PUBLIC ART MASTER PLAN FOR DETAILS).



## ARTICULATION:

**CONCERN:** WE HEARD THAT THE BUILDING SHOULD CLOSER REFLECT THE ARTICULATION STRATEGY OF THE P.D.P.'S URBAN DESIGN.

**RESPONSE:** THE PROPOSED ALTERNATE FEATURES NOTCHES AT ALL FOUR CORNERS AND AT THE MIDDLE, LIKE THE P.D.P.

## MASSING:

**CONCERN:** WE HEARD THAT THE BUILDING SHOULD CLOSER REFLECT THE STEPBACK-CHARACTER OF THE P.D.P.'S URBAN DESIGN.

**RESPONSE:** THE PROPOSED ALTERNATE FEATURES AN 82' STEPBACK AT THE SOUTH END, LIKE THE P.D.P., FORMING A PLANTED TERRACE.

## PARKING:

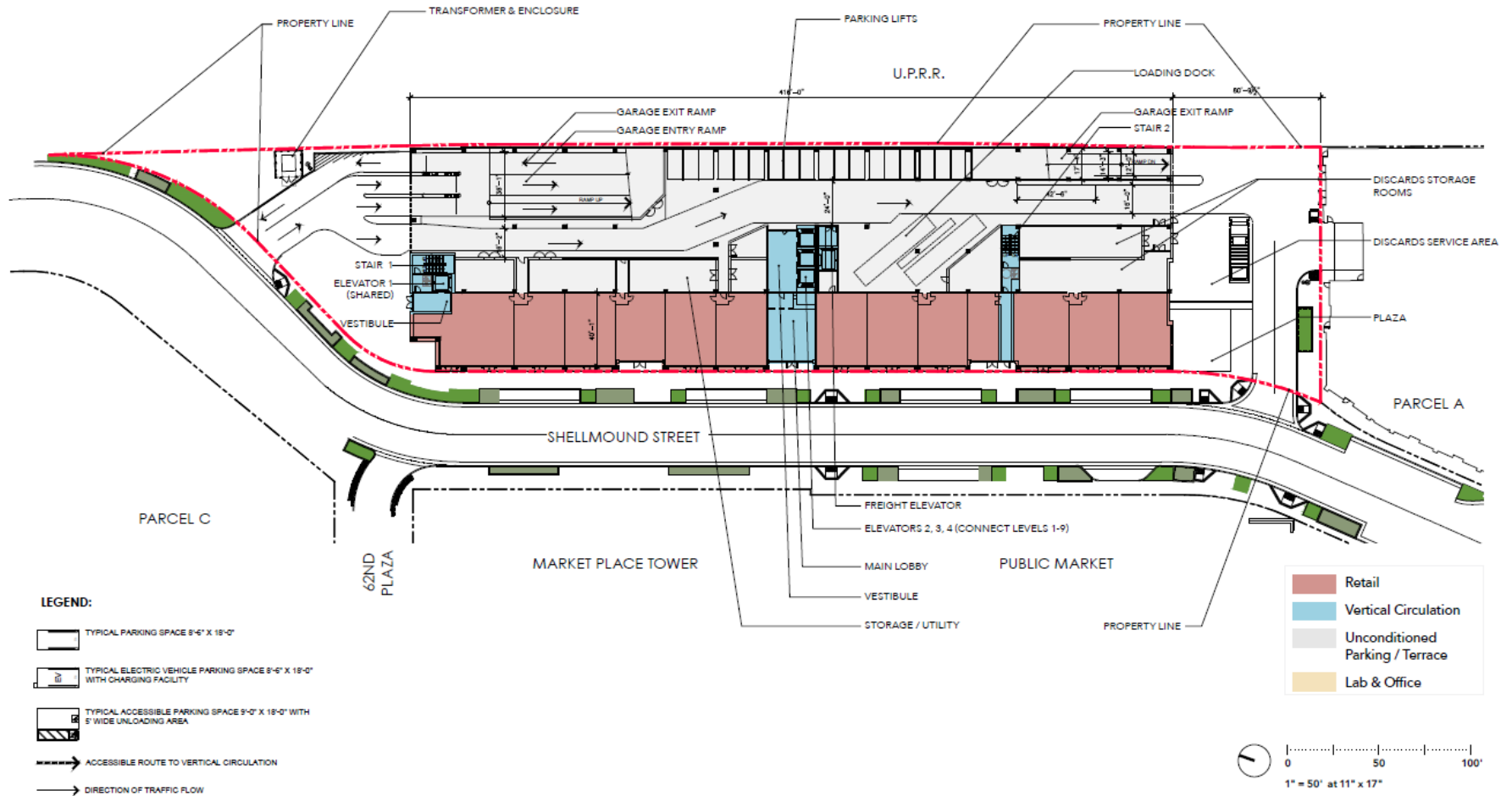
**CONCERN:** WE'VE HEARD THAT WE SHOULD AVOID THE OVER-PROVISION OF PARKING TO REINFORCE TRANSIT.

**RESPONSE:** WE'VE CUT BACK THE SIZE AND CAPACITY OF THE PARKING STRUCTURE BY 10%, WIDENING THE GAP AT THE BASE COMPARED TO THE APPROVED JANUARY F.D.P.



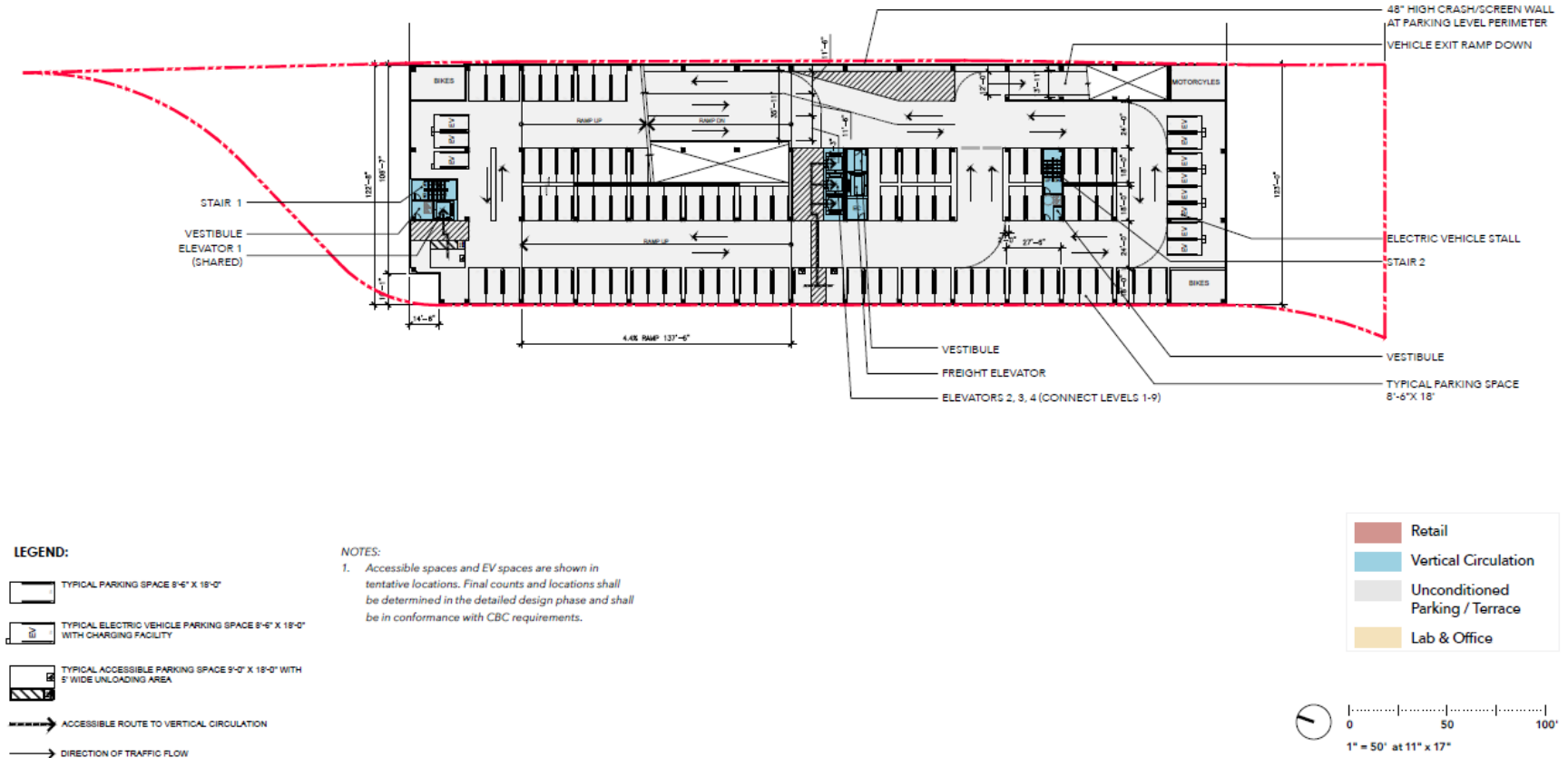
# APPLICANT'S PROPOSED ALTERNATIVE

## Site Plan – Ground Floor



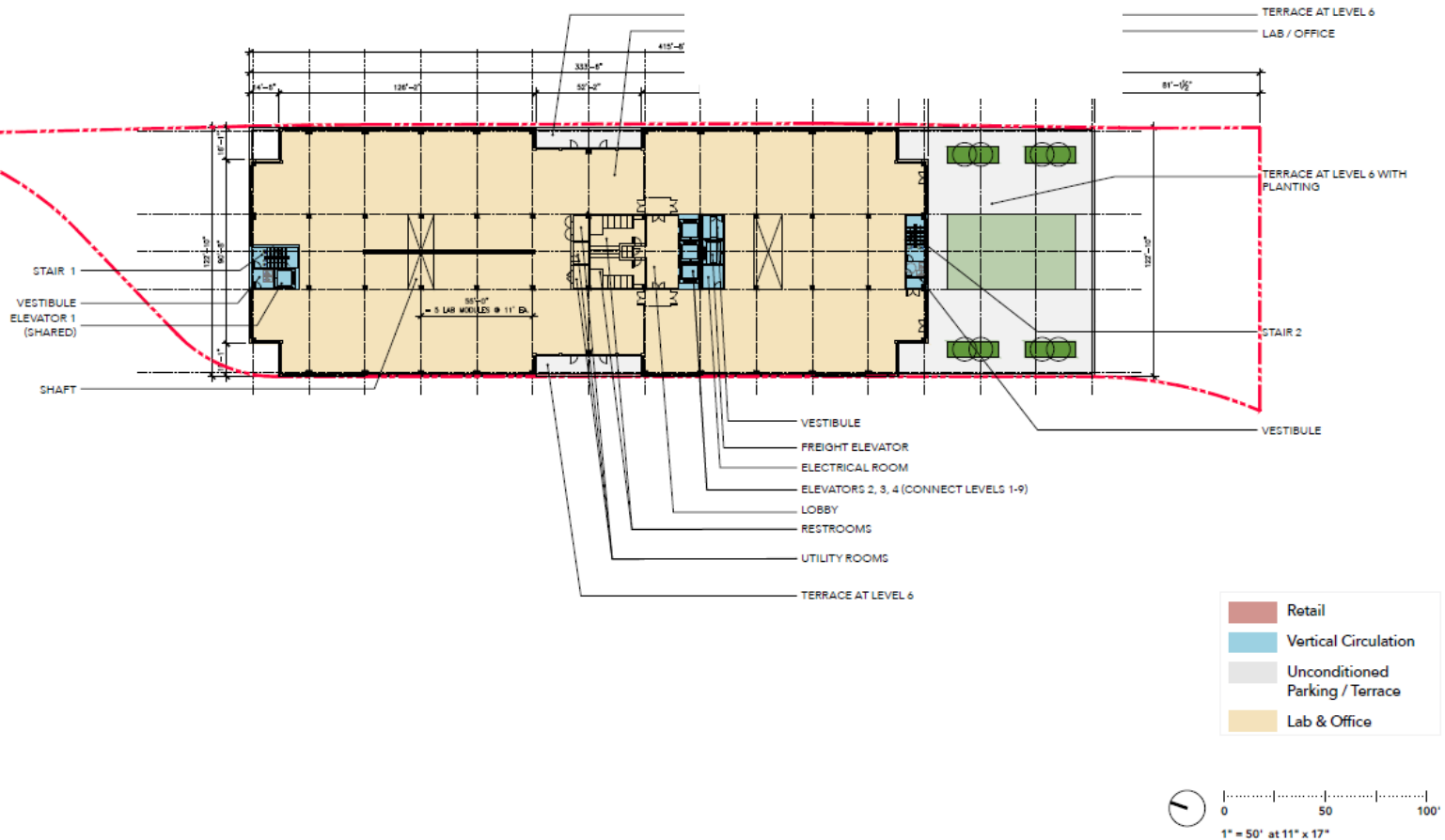
# APPLICANT'S PROPOSED ALTERNATIVE

## Parking Level 2 (Level 3 and 4 Similar)



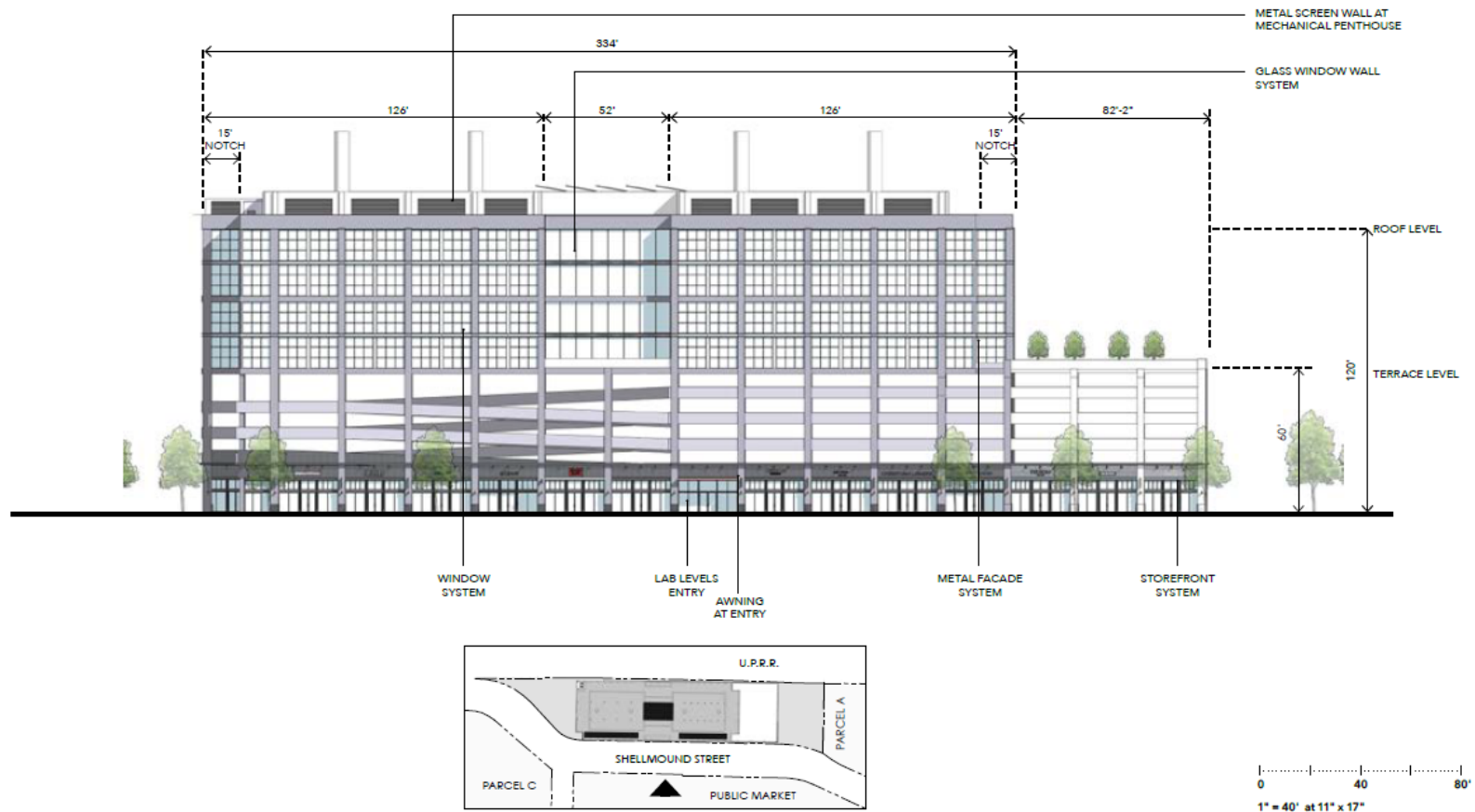
# APPLICANT'S PROPOSED ALTERNATIVE

## Office/Laboratory Levels 6, 7, 8 and 9



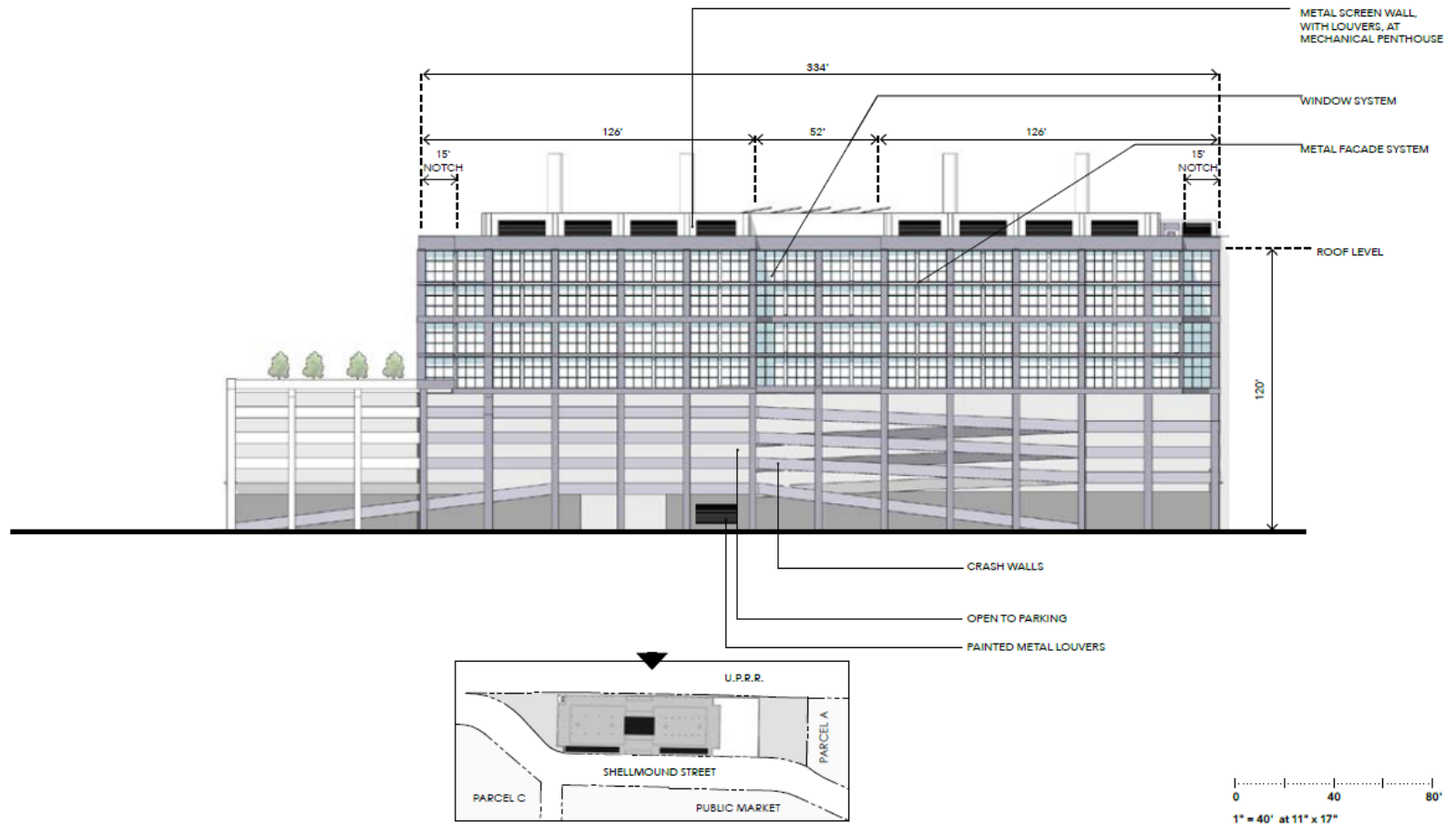
# APPLICANT'S PROPOSED ALTERNATIVE

## West Elevation – Shellmound Street



# APPLICANT'S PROPOSED ALTERNATIVE

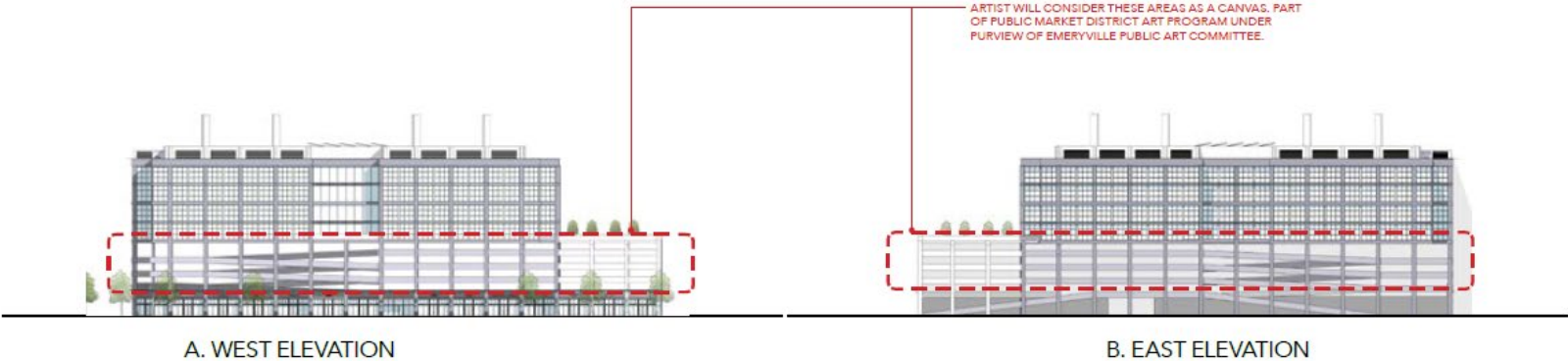
## East Elevation – Railroad





# APPLICANT'S PROPOSED ALTERNATIVE

## Public Art on West and East Elevations



### C. SHORTLISTED ARTISTS:



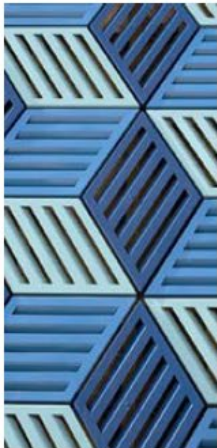
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Soo Sunny Park

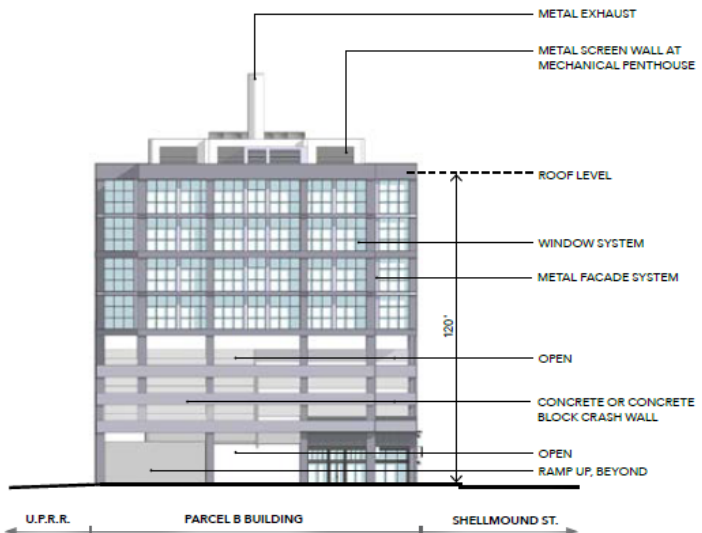
NOTE: SEE "EMERYVILLE PUBLIC MARKET FINAL ART MASTER PLAN"



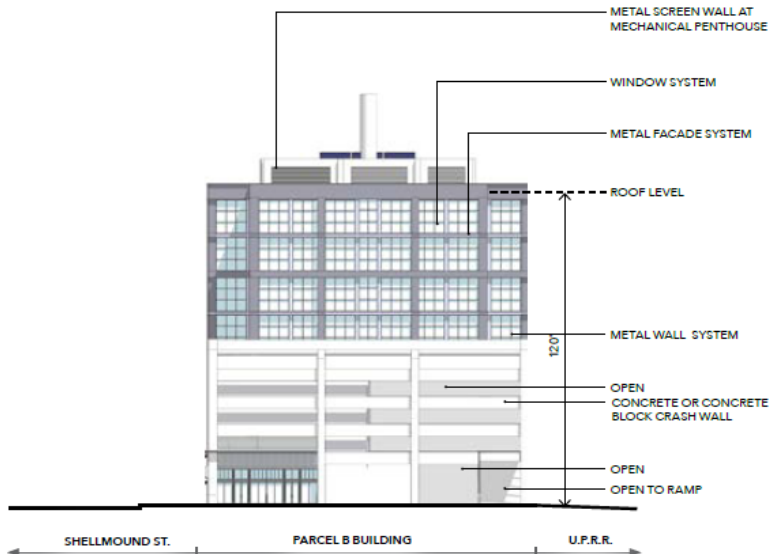
# APPLICANT'S PROPOSED ALTERNATIVE

## North and South Elevations

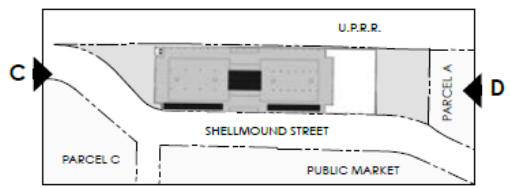
Notes:  
Street trees and furnishings omitted for clarity.



C. NORTH ELEVATION



D. SOUTH ELEVATION



0 40 80  
1" = 40' at 11" x 17"





# APPLICANT'S PROPOSED ALTERNATIVE



**Birds Eye View from Northwest**





# APPLICANT'S PROPOSED ALTERNATIVE

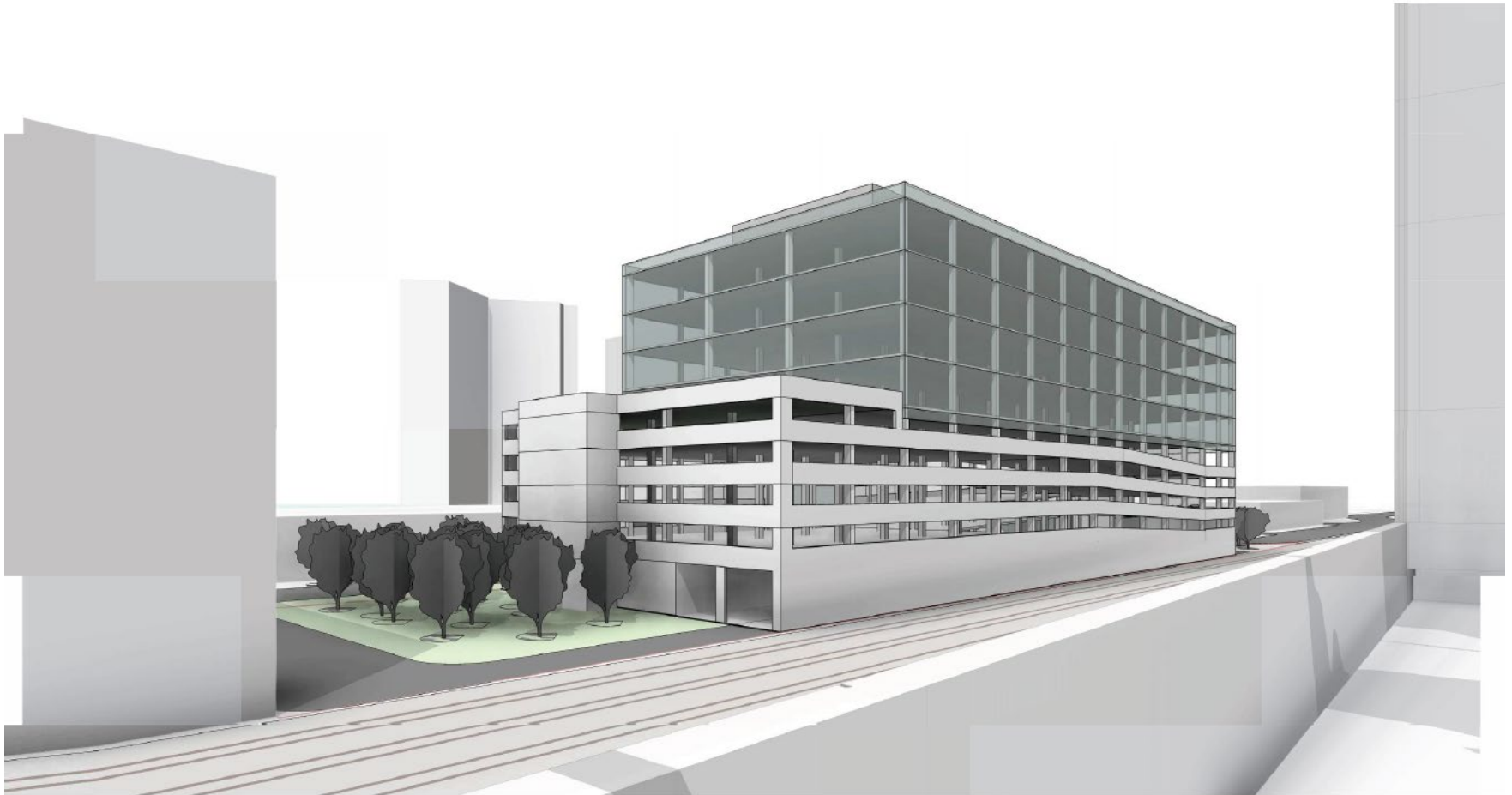


Birds Eye View from Southeast



# APPLICANT'S PROPOSED ALTERNATIVE

VIEW FROM EMERY STATION WEST - APPEAL OPTION I & IA



2 BUILDING PLANNING OPTIONS

**Wareham Appeal Option I & IA for Comparison**

WAREHAM  
DEVELOPMENT

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# APPLICANT'S PROPOSED ALTERNATIVE



FDP As Approved By Planning Commission for Comparison





# APPLICANT'S PROPOSED ALTERNATIVE



Wareham Appeal Option I & IA for Comparison





# APPLICANT'S PROPOSED ALTERNATIVE



**Applicant's Proposed Alternative**



## CONFORMITY WITH THE APPROVED PUD/PDP

PUD/PDP calls for a building up to 120,000 sq. ft. of office, 29,150 sq. ft. for commercial space, 518 parking spaces and height not exceed 120 feet.

These parameters may be modified so long as the FAR is does not exceed 2.0 in the aggregate, and the height and general massing does not exceed that in the approved PDP.

The FAR, with the inclusion of the Project is 1.84 and therefore does not exceed 2.0 as detailed in the staff report.

The Applicant's Proposed Alternative has similar floor area to the Project and would not alter the FAR calculation.

The Project's height is 113 feet, and therefore does not exceed the height in the PDP.

The height of the Applicant's proposed alternative is 120 feet, and therefore also does not exceed the height in the PDP.



## CONFORMITY WITH THE APPROVED PUD/PDP

While the Project would contain 30,000 sq. ft. more office space than the PDP calls for, the overall intensity of the PUD build out would still be less than allowed by PDP.

Use	PDP	FDPs	Difference
Residential	674 units	649 units	-25 units
Commercial (Total)	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	1,559 spaces	-523 spaces

Compared to Approved PDP, there will be 90,200 square feet of less commercial space.

The numbers would be similar for the Applicant's Proposed Alternative; parking would be reduced by 65 spaces so total FDPs parking would be 1,494 spaces and difference from PDP would be -588 spaces.





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Key Issues Identified By City Council at October 1, 2019 Meeting:

- Wind
- Aesthetics
- Building Height



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Wind

The EIR for the Marketplace Redevelopment Project found that the proposed shape and massing of the building that would be constructed at the Shellmound site could create accelerated wind areas in roof deck terraces and within the fourth-floor pedestrian crossing connection with the Amtrak bridge that could substantially affect pedestrian comfort.

The EIR found that implementation of two mitigation measures, WIND-1a and WIND-1b, would reduce any potential impact to a less-than-significant level.

WIND-1a required certain types of landscaping and building structures to be incorporated into the building designs of Parcel A.

WIND-1b required an examination of the fourth-floor breezeway between the Amtrak pedestrian bridge and the proposed Parcel A building to ensure that winds did not exceed 36 mph.

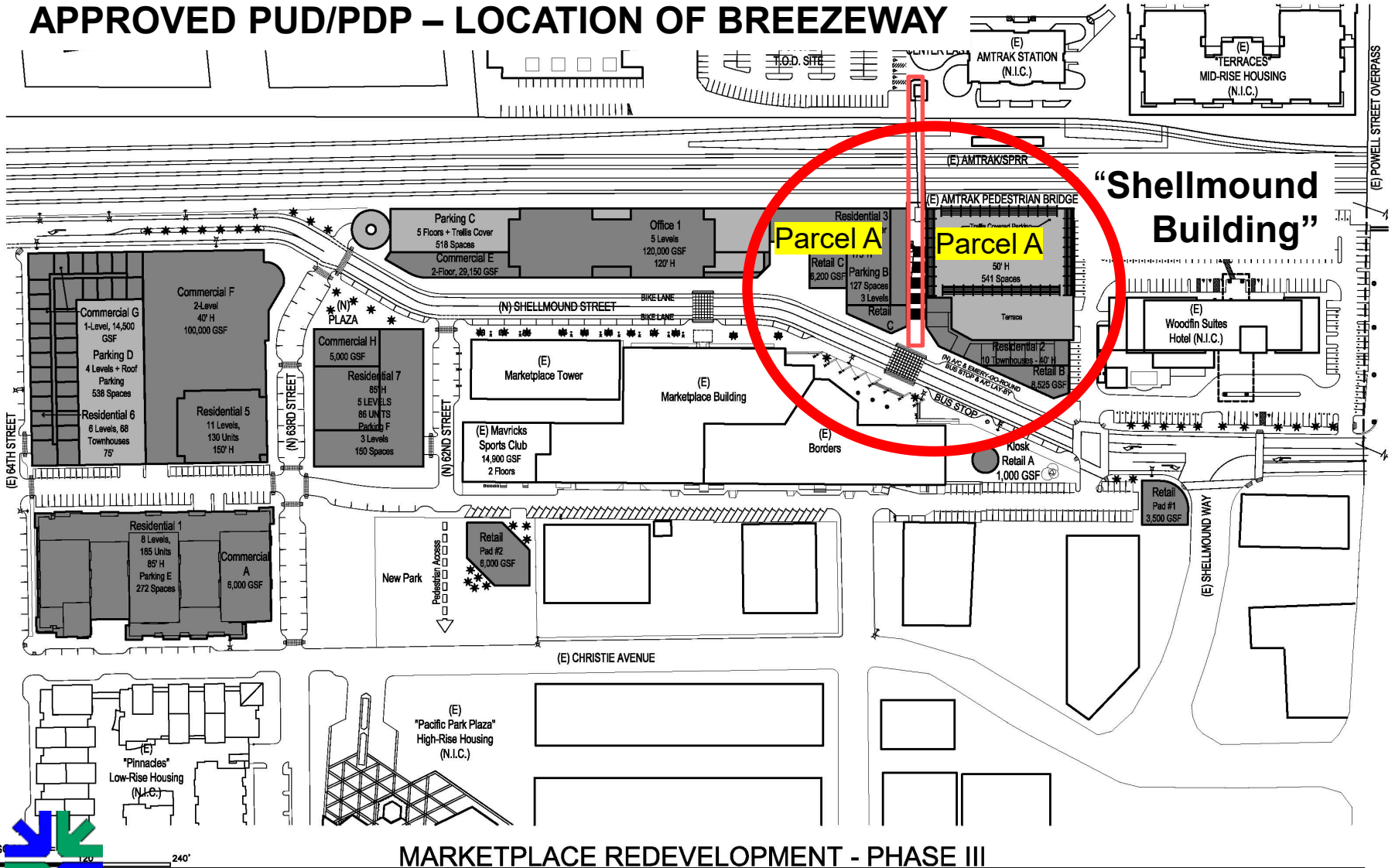
Neither of these mitigation measures are worded broadly to apply to the entire PDP or to Parcel B.

Neither the EIR nor the conditions of approval mentions a wind comfort threshold of 11 mph.



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## APPROVED PUD/PDP – LOCATION OF BREEZEWAY



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Wind (continued)

- Applicant submitted qualitative wind study by Certified Consulting Meteorologist Donald Ballanti, dated March 22, 2019, concluded:

“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.”
- Applicant submitted quantitative wind tunnel analysis by RWDI, dated May 13, 2019, based on construction of a scale replica of the Parcel B site and surroundings which were tested in a wind tunnel. Study concluded that the Project will result in no locations with winds over 36 mph, and number of locations with winds over 11 mph would be the same or less than existing.
- Appellant submitted wind study by CPP Wind Engineering and Air Quality Consultants (CPP), dated May 29, 2019, addressing the findings of the RWDI wind tunnel assessment. CPP study concluded that the Parcel B FDP will result in “uncomfortable” wind conditions in the corridor between Parcels A and B, whereas the original PDP building configuration will not.





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Wind (continued)

- Applicant submitted response letter by RWDI dated June 7, 2019 that includes a review of CPP's study. RWDI notes that CPP considers only wind results at a few locations between Parcels A and B and does not compare to baseline conditions.
- Applicant submitted an updated wind tunnel analysis by RWDI, dated November 1, 2019, that analyzed the Applicants Proposed Alternative project, and the PDP design, which was not included in their previous analysis. Conclusions:
  - Proposed Alternative project will result in no locations with winds over 36 mph, and wind comfort conditions would be about the same as existing.
  - PDP design would result in 5 locations along Shellmound Street with winds over 36 mph, and winds in corridor between Parcel A and B would generally be slightly worse for the PDP than for either the Project or the Proposed Alternative.

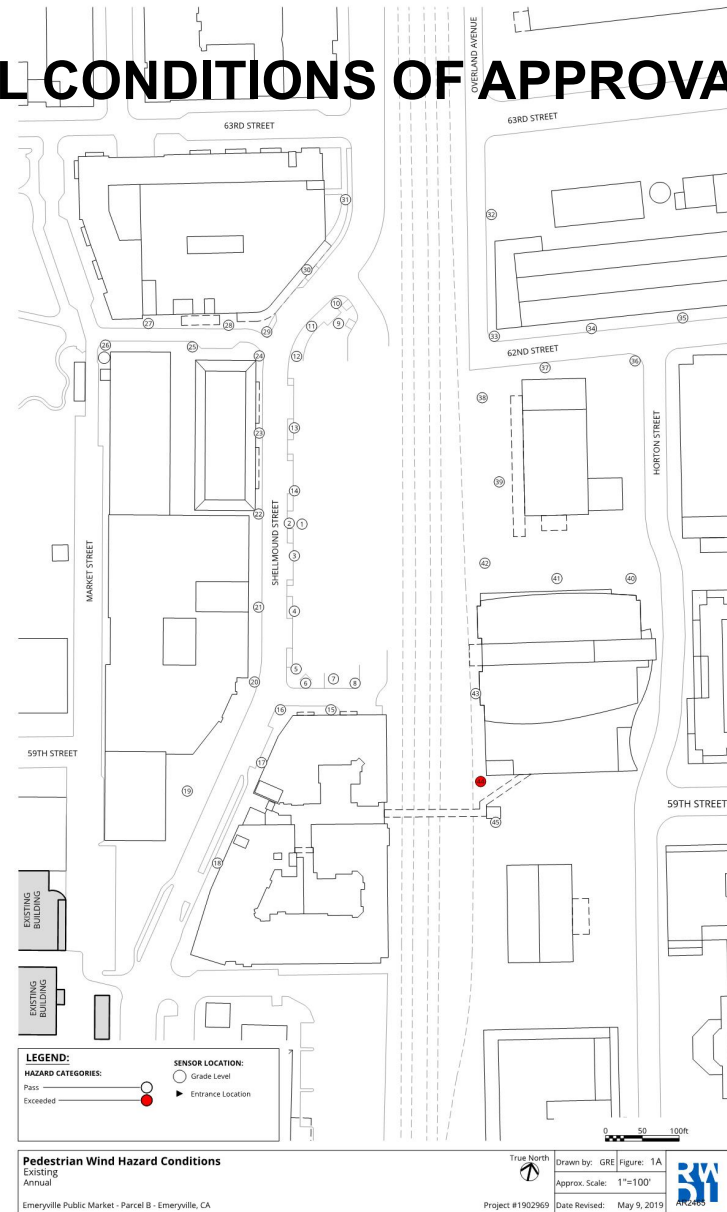


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Hazard Conditions: Existing

45 Locations

- 44 Pass (less than 36 mph)
- 1 Exceeds 36 mph

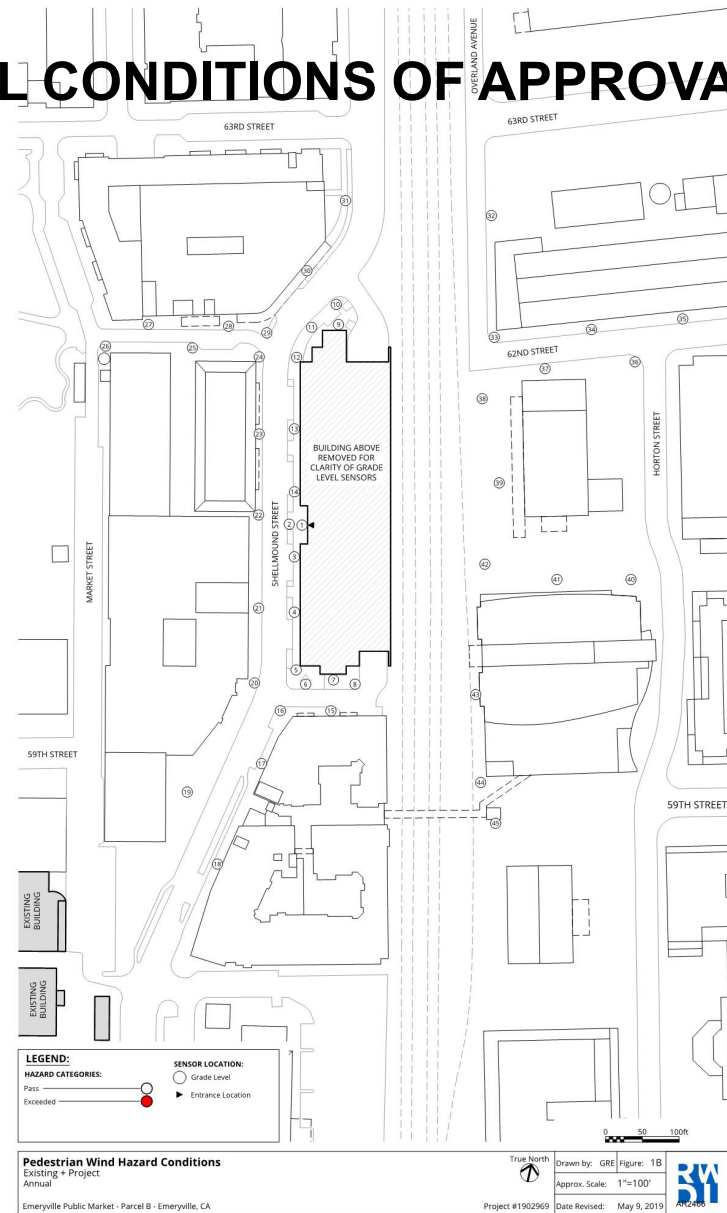


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Hazard Conditions: Existing + Project

### 45 Locations

- 45 Pass (less than 36 mph)
- 0 Exceed 36 mph

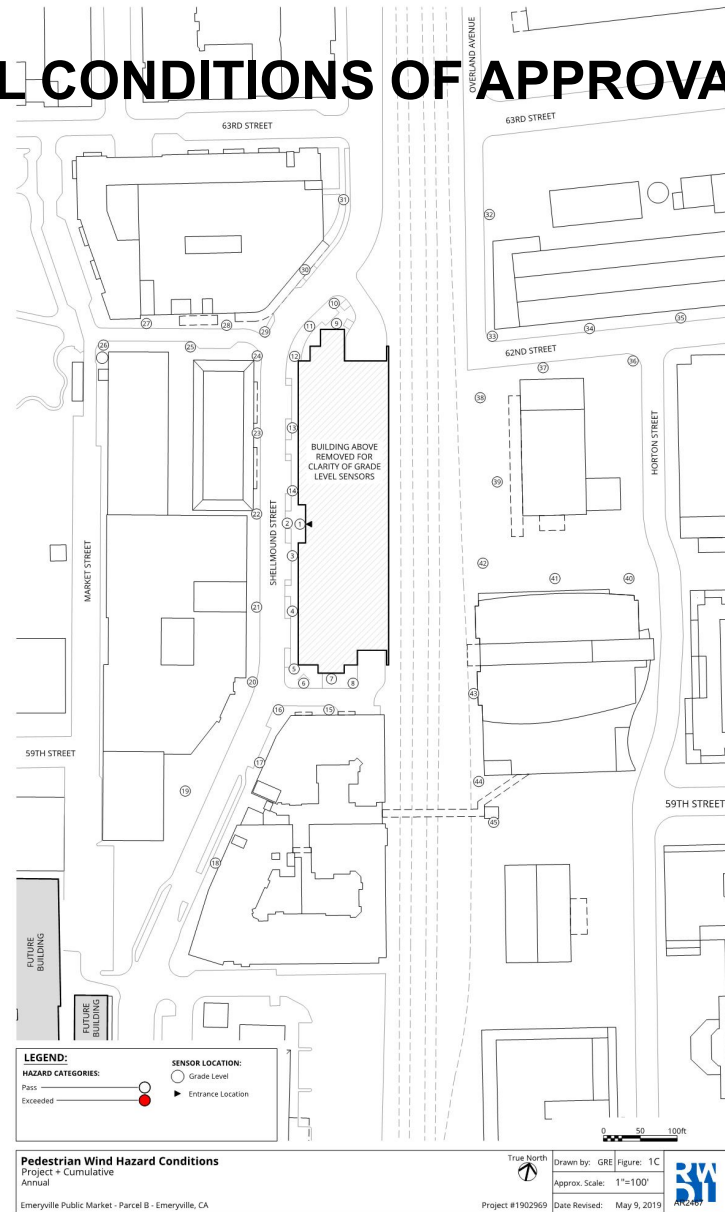


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Hazard Conditions: Existing + Project + Cumulative

### 45 Locations

- 45 Pass (less than 36 mph)
- 0 Exceed 36 mph



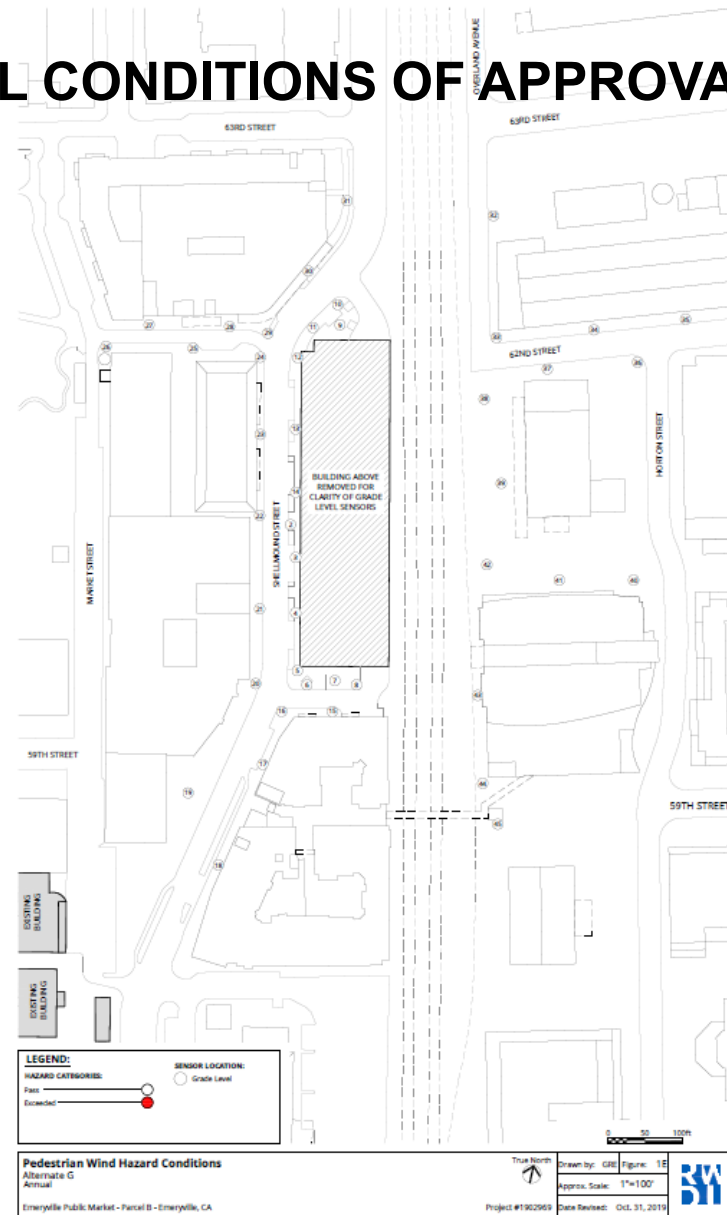


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Hazard Conditions: Existing + Applicant's Proposed Alternative

45 Locations

- 45 Pass (less than 36 mph)
- 0 Exceed 36 mph

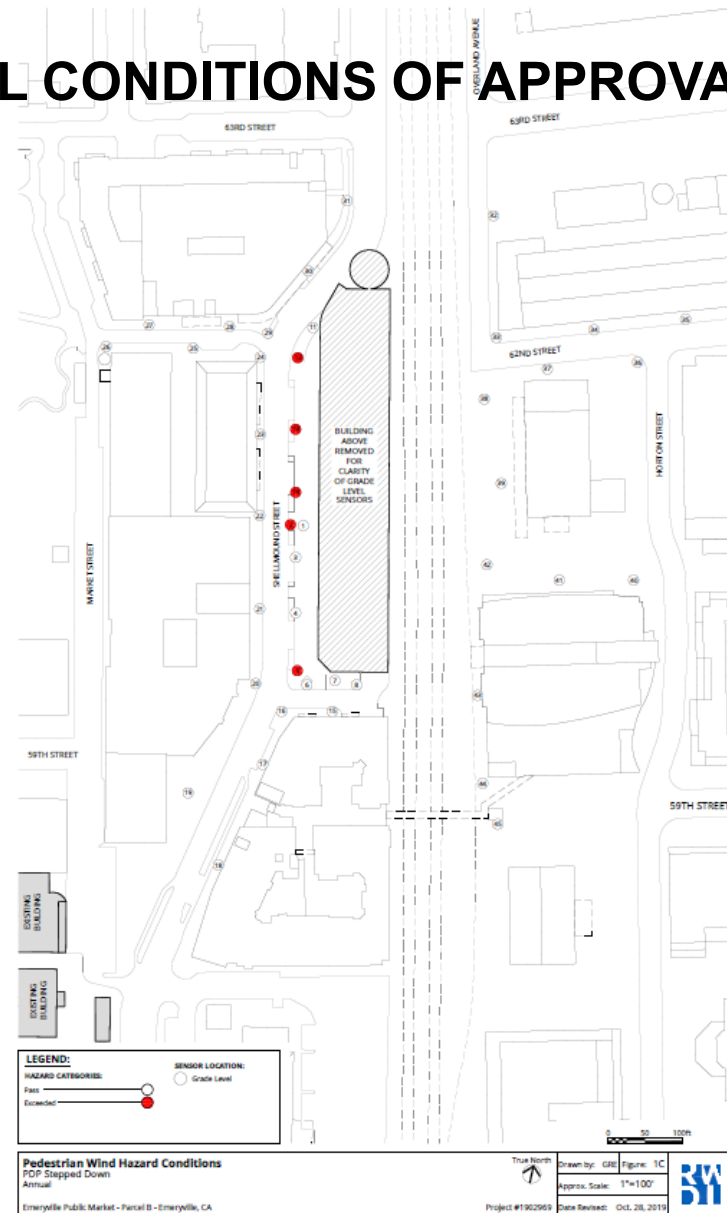


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Hazard Conditions: Existing + PDP

45 Locations

- 40 Pass (less than 36 mph)
- 5 Exceed 36 mph



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Comfort Conditions: Existing

45 Locations

- 21 Less than 11 mph
- 24 Exceed 11 mph

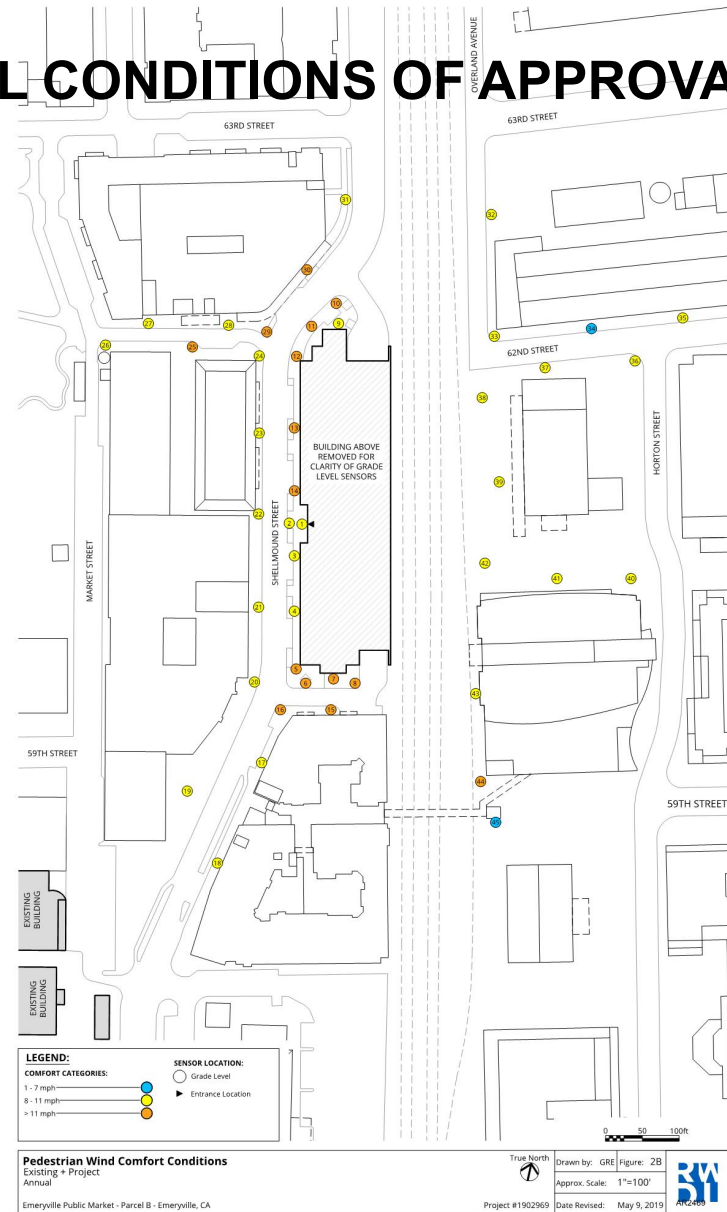


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Comfort Conditions: Existing + Project

45 Locations

- 30 Less than 11 mph
- 15 Exceed 11 mph



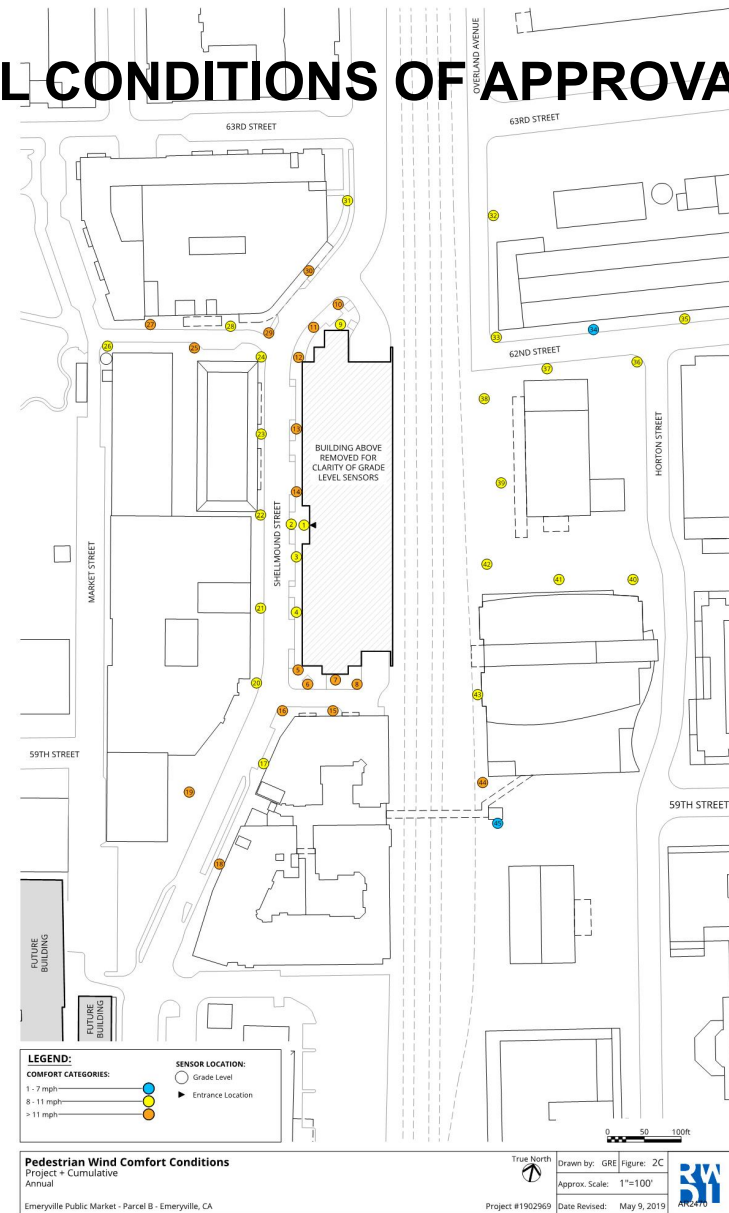


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Comfort Conditions: Existing + Project + Cumulative

45 Locations

- 27 Less than 11 mph
- 18 Exceed 11 mph

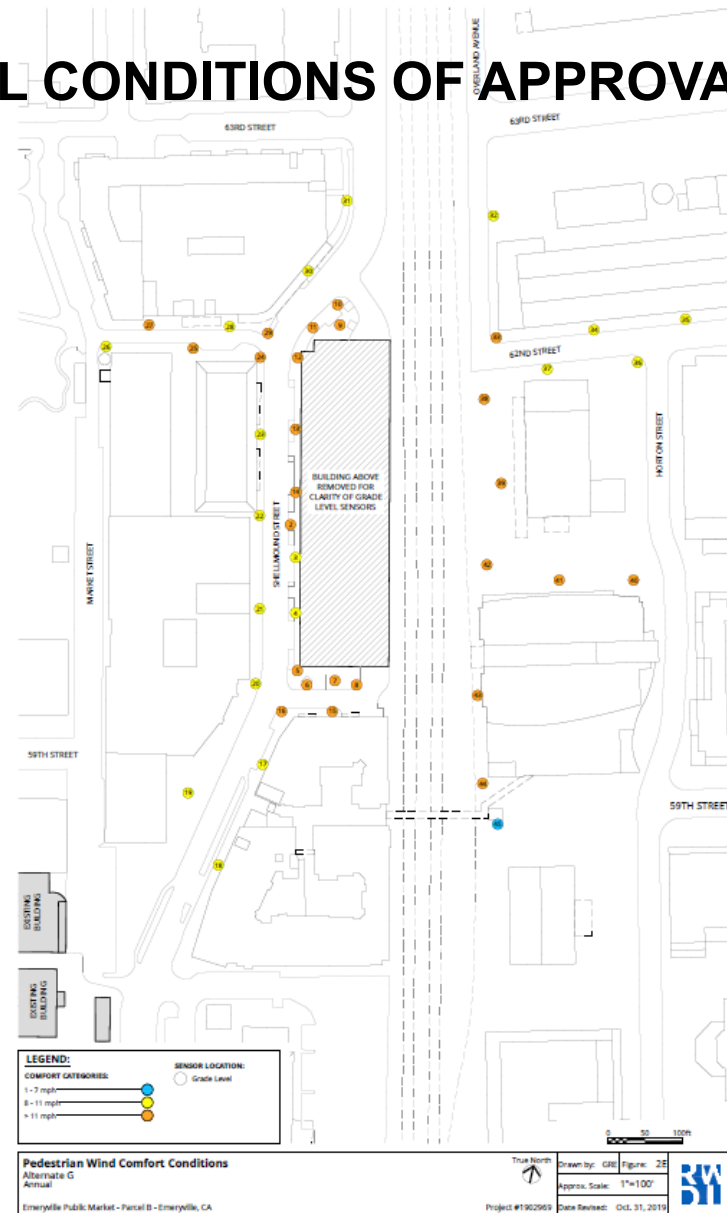


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Comfort Conditions: Existing + Applicant's Proposed Alternative

44 Locations

- 19 Less than 11 mph
- 25 Exceed 11 mph

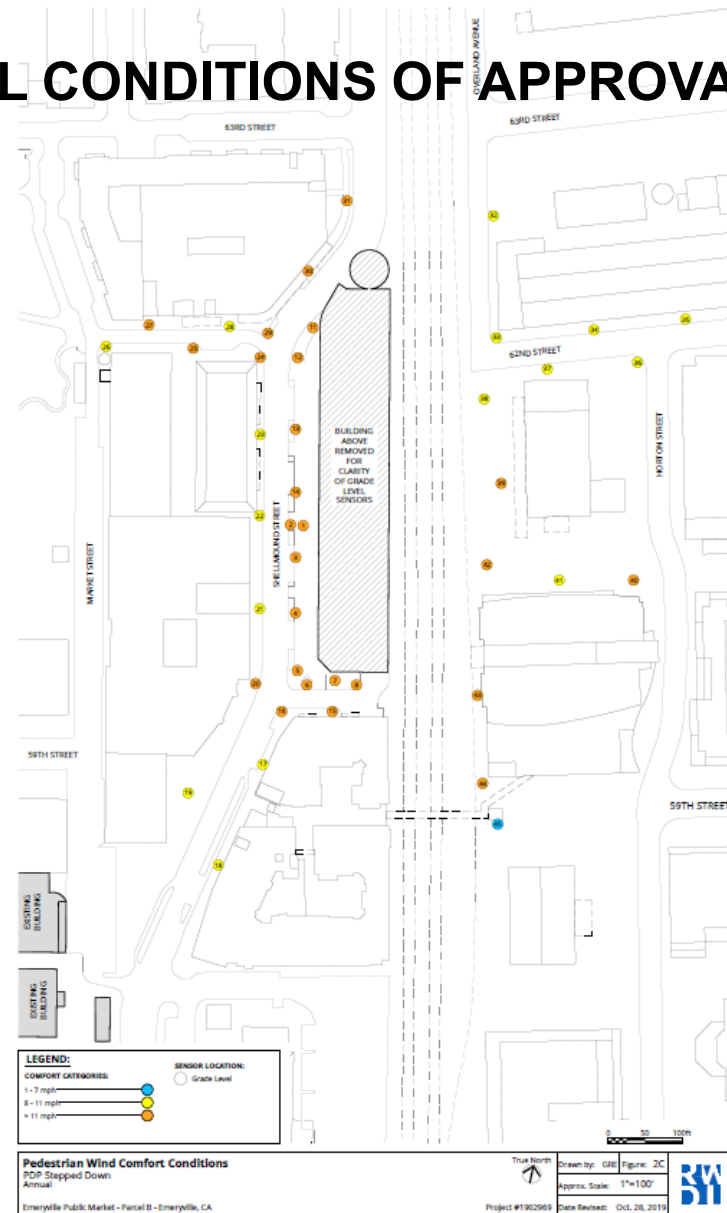


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Pedestrian Wind Comfort Conditions: Existing + PDP

43 Locations

- 17 Less than 11 mph
- 26 Exceed 11 mph



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Wind Conclusions:

- The Project does not result in winds exceeding 36 mph, and therefore complies with conditions of approval related to wind.
- Conditions of approval do not specify a wind speed threshold for wind comfort. Project will result in pedestrian wind comfort conditions similar to existing conditions.
- Applicant's Proposed Alternative would result in similar wind conditions to the Project, and likewise would comply with conditions of approval related to wind.





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

Appellant highlights several conditions with which the project purportedly does not comply.

Design related conditions are not discrete and compliance with them is not a “yes” or “no” answer.

It is up to the decision-making body to make findings of compliance.



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

“Proposed structures shall adequately reference and be visually compatible with **surrounding industrial buildings.**”

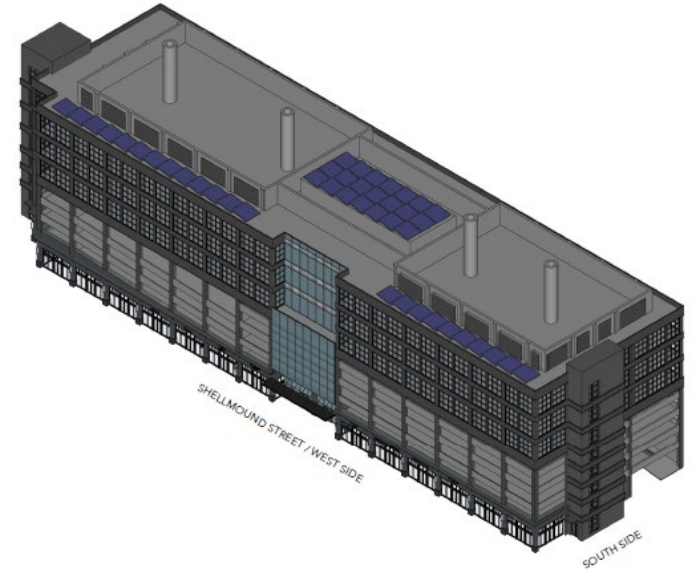
The only surrounding industrial building is the existing Public Market building, a 1-2 story masonry industrial adaptive re-use project that sets a precedent for the type of reference that is appropriate for the area. The Project’s “smoke stack” features and divided glass and metal window system are signature industrial type design that reference the surrounding industrial buildings.



PUBLIC MARKET ENTRY



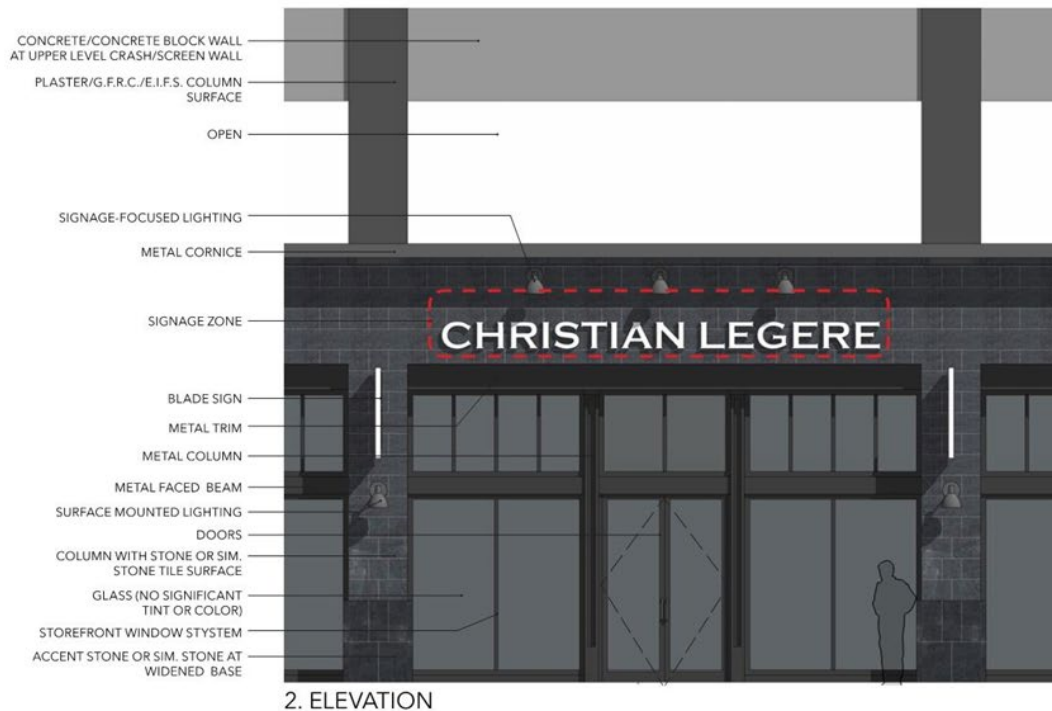
PUBLIC MARKET AND NEW WATERTANK



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

“Create streetscape vitality and enhance 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 height transitions to adjacent buildings, and through use of carefully chosen **building material, texture and color**”.





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

“Design of building facades shall include sufficient **articulation** and detail to avoid appearance of blank walls and box-like forms.”

The term “articulation” is not defined in the Planning Regulations. However, the term does appear in several places in the Planning Regulations, from which its meaning can generally be inferred as a variation in wall plane that creates visual interest. Features that create shadow lines and reduce the appearance of an unbroken flat wall may be considered articulation.

For example, in the Section of the Planning Regulations that designates Significant Structures, the term “articulated” is used to describe the significant features of five of the 85 buildings on the list. One of these is the Public Market West building, whose “significant features” include “articulated brick, pilasters, cornice and parapet”.

The Project’s building base and storefront design provides articulation with the use of stone, metal, and glass at the ground level. Architectural details of the building façade include accent stone, metal trims, metal faced beam, stone column and tile surfaces, glass window and doors, blade signs and mounted lighting at the first level. The top levels of office/laboratory are articulated using an industrial type window grid system.



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

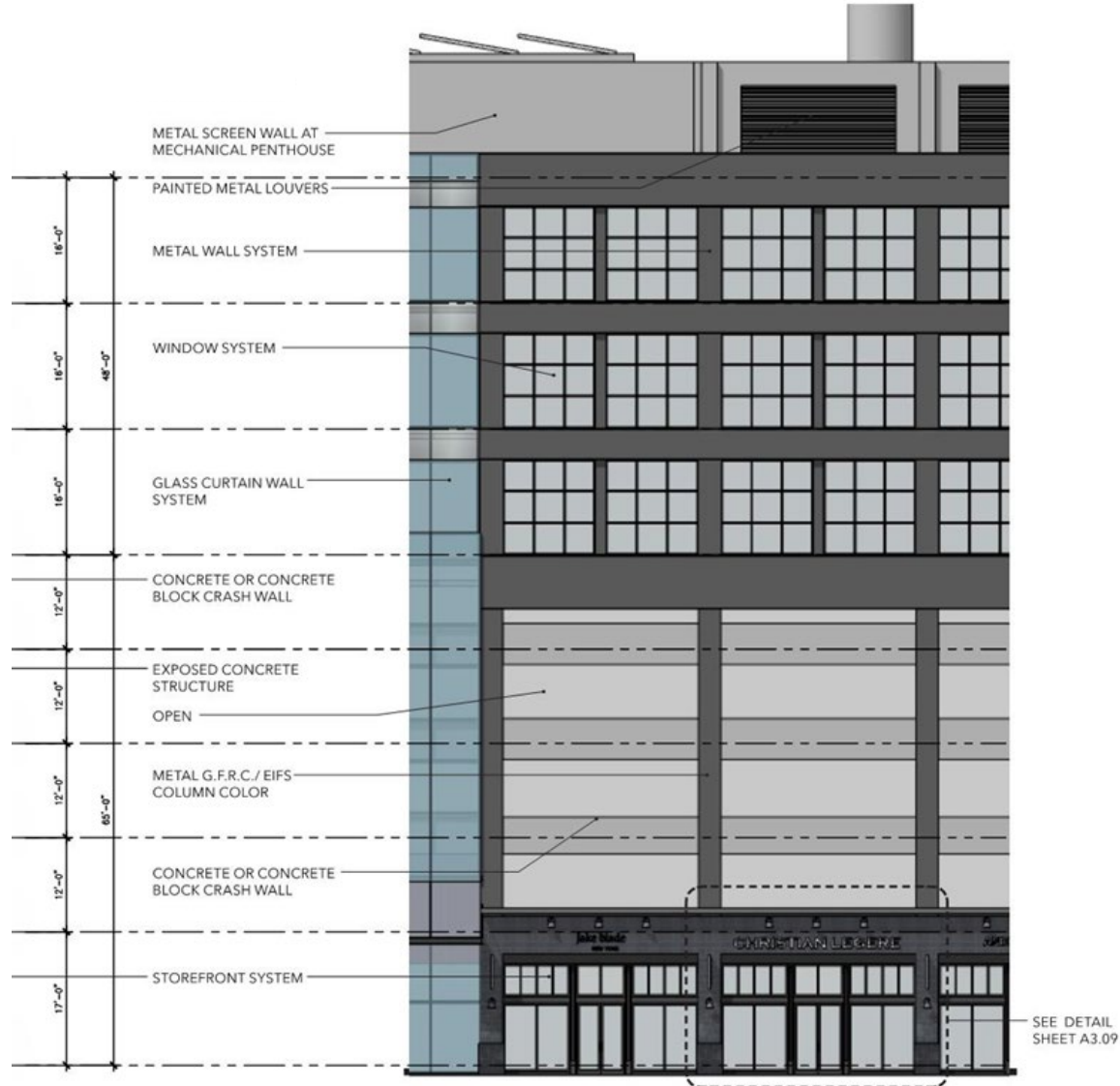


Public Market West, with articulated brick, pilasters, cornice and parapet



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics

“All proposed new buildings shall be shown in detail.... Towers and buildings along the railroad tracks shall be articulated with treatment such as variations in building planes, color and materials, balconies and trellises to **ensure that no visual wall is created along the railroad right of way.**

The Project’s four levels of concrete parking structure will each be articulated by art panels on the east and west elevations. In addition, the Planning Commission conditions of approval require 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.”

Since the Applicant is proposing to use public art to satisfy a planning condition of approval, the City Council could add a condition of approval to the FDP requiring that the public art to be applied to the building be approved by the City Council prior to issuance of a building permit, to confirm that it adds sufficient articulation to satisfy the requirements of the PUD conditions of approval.

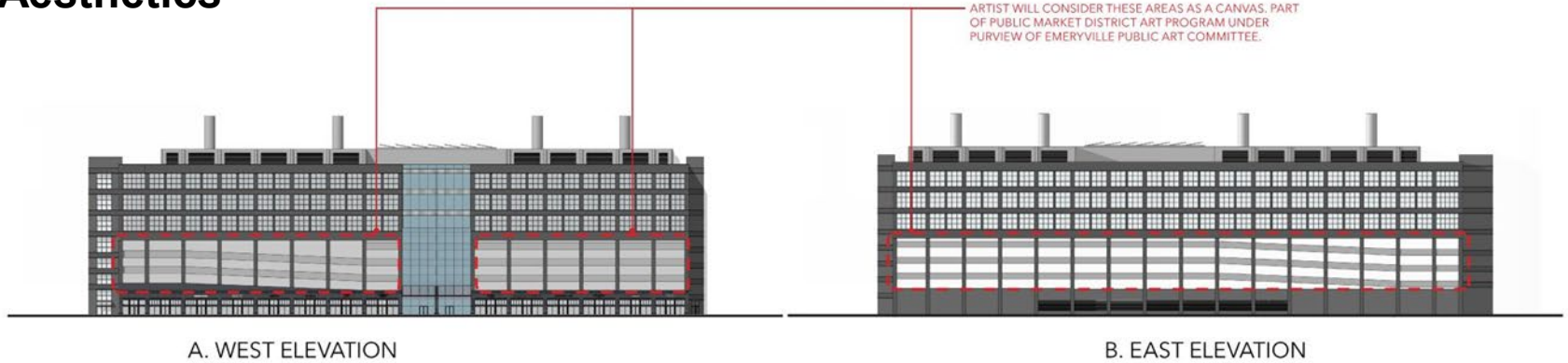
The Applicant’s Proposed Alternative plans include a statement that “the building provides a canvas for public art, and will integrate the winning artists’ concepts, with Council participation, on the east and west sides of the ‘base’.” [emphasis added]





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics



### C. SHORTLISTED ARTISTS:



NOTE: SEE "EMERYVILLE PUBLIC MARKET FINAL ART MASTER PLAN"



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Aesthetics Conclusions:

- The Project complies with conditions of approval related to aesthetics and design by:
  - Successfully referencing surrounding industrial buildings.
  - Creating streetscape vitality and enhance pedestrian experience through detailed treatment of building facades, and through use of carefully chosen building material, texture and color.
  - Including sufficient articulation and detail to avoid appearance of blank walls and box-like forms.
  - Ensuring that no visual wall is created along the railroad right of way through the use of public art on the building facades.
- Applicant's Proposed Alternative would result in similar aesthetic conditions to the Project, and likewise would comply with conditions of approval related to design.



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

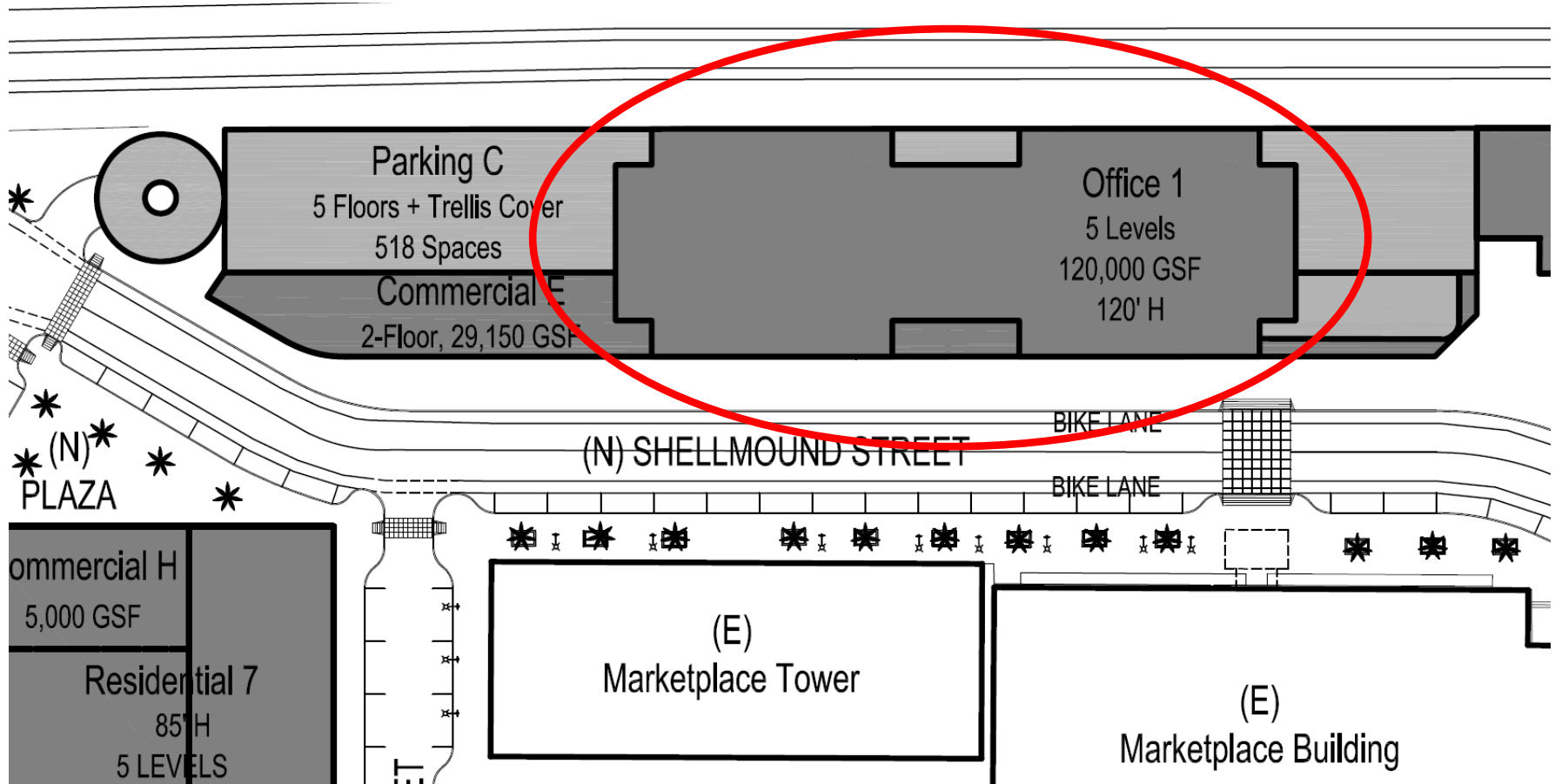
## Height

- Conditions of approval specify height of various sites, but do not specify how much of each site are subject to various heights.
- For site now known as Parcel B, conditions of approval say only “Height: Maximum height not to exceed 120 feet.”
- Diagrams in PDP that indicate building heights are illustrative, not to be taken literally regarding building footprints.



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

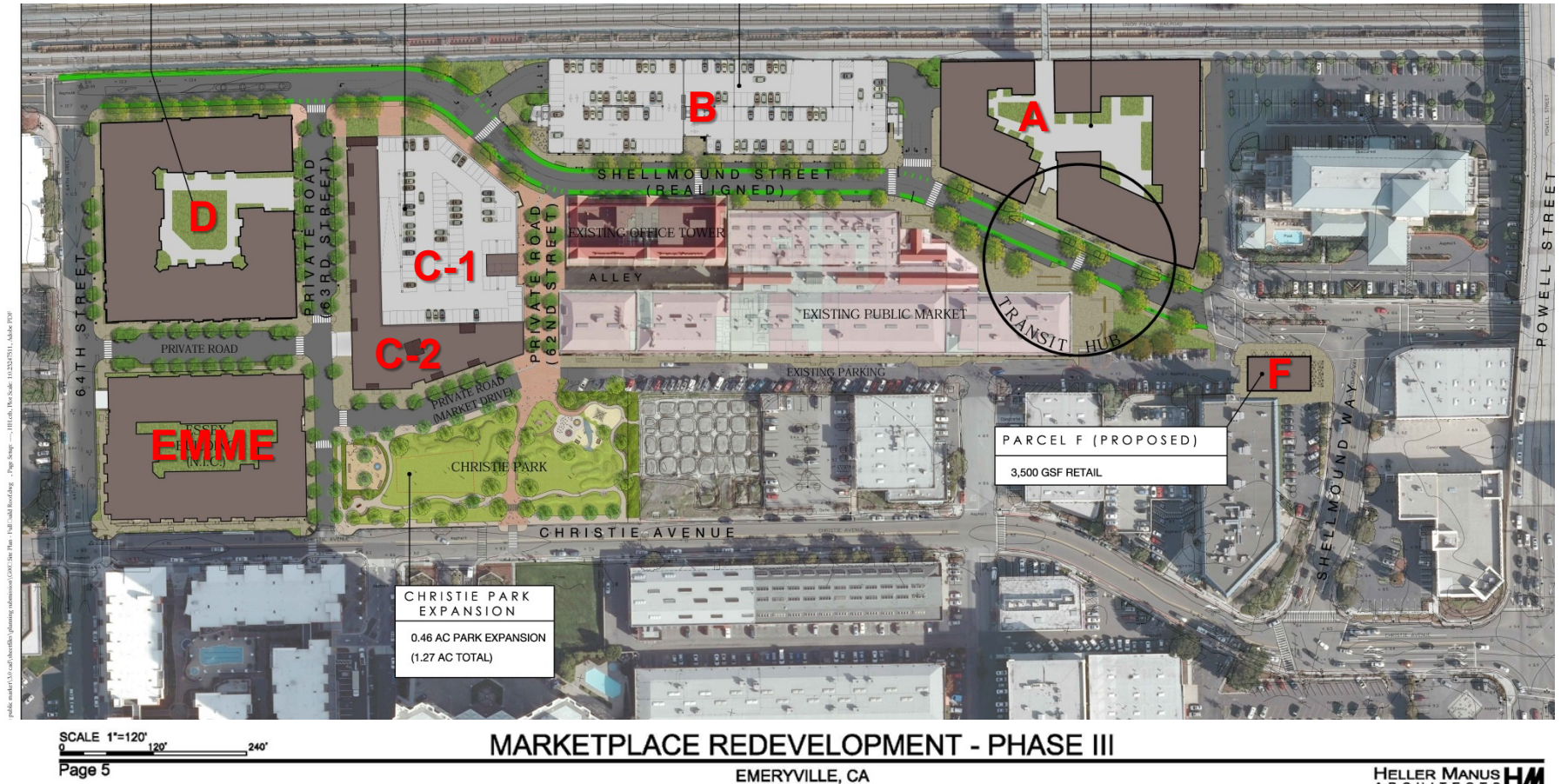
## Height





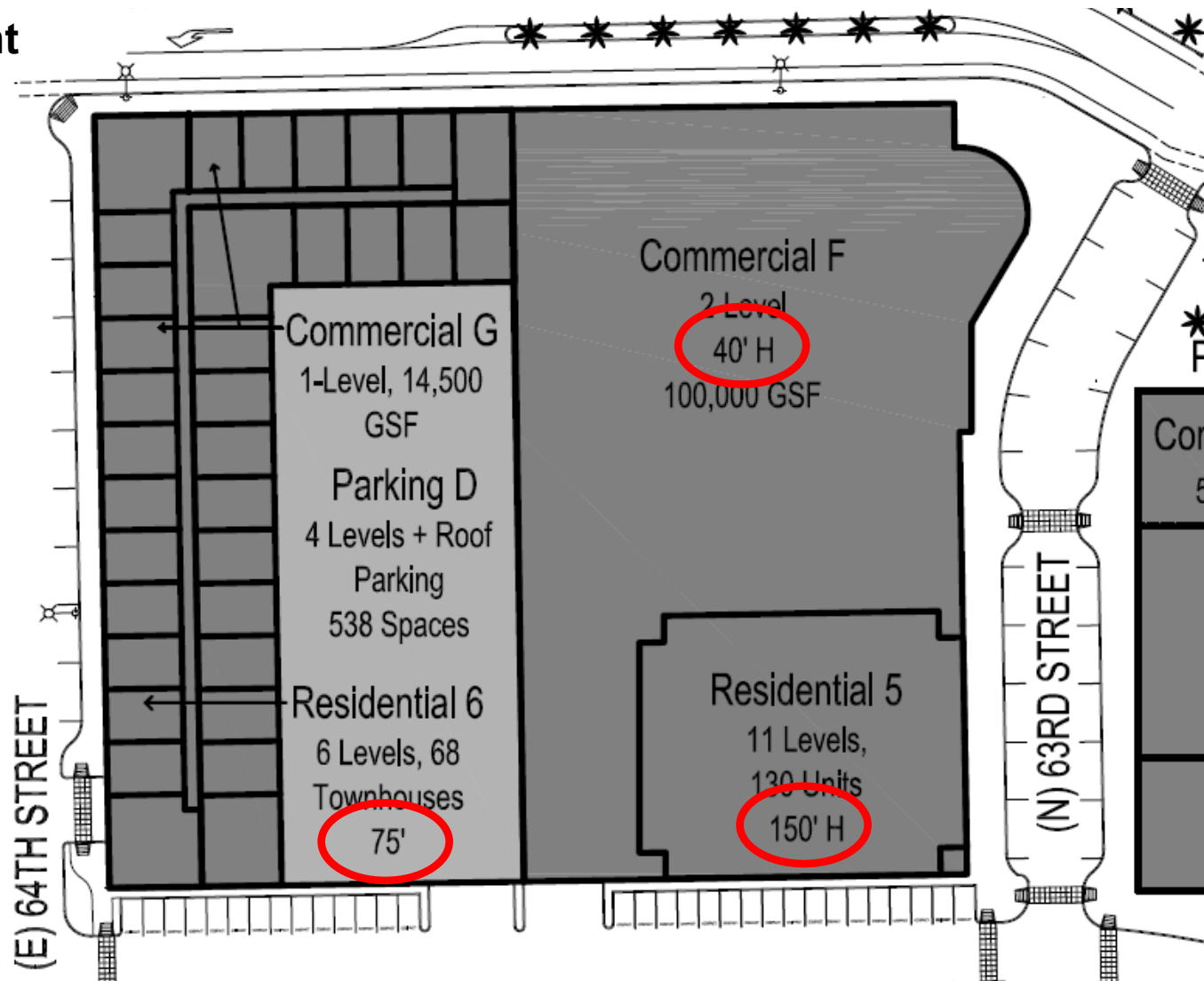
# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Height



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

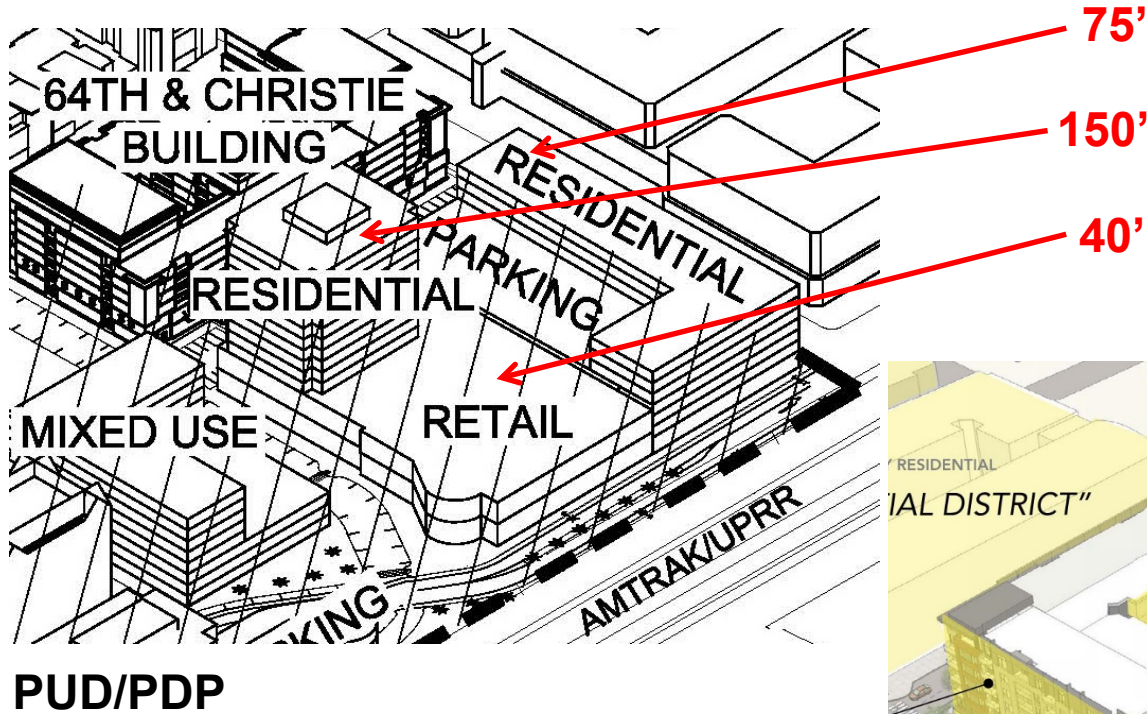
Height



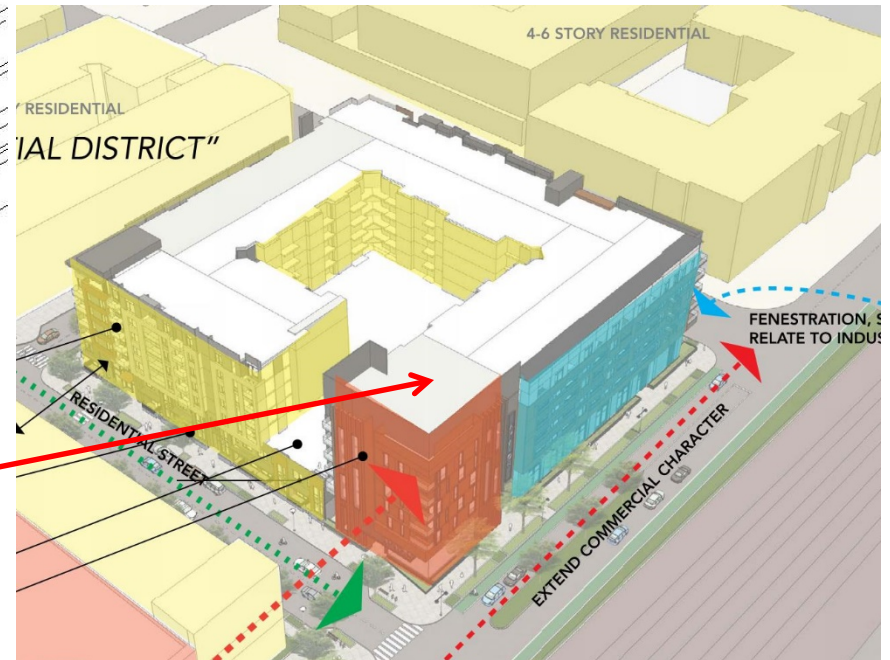


# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Height

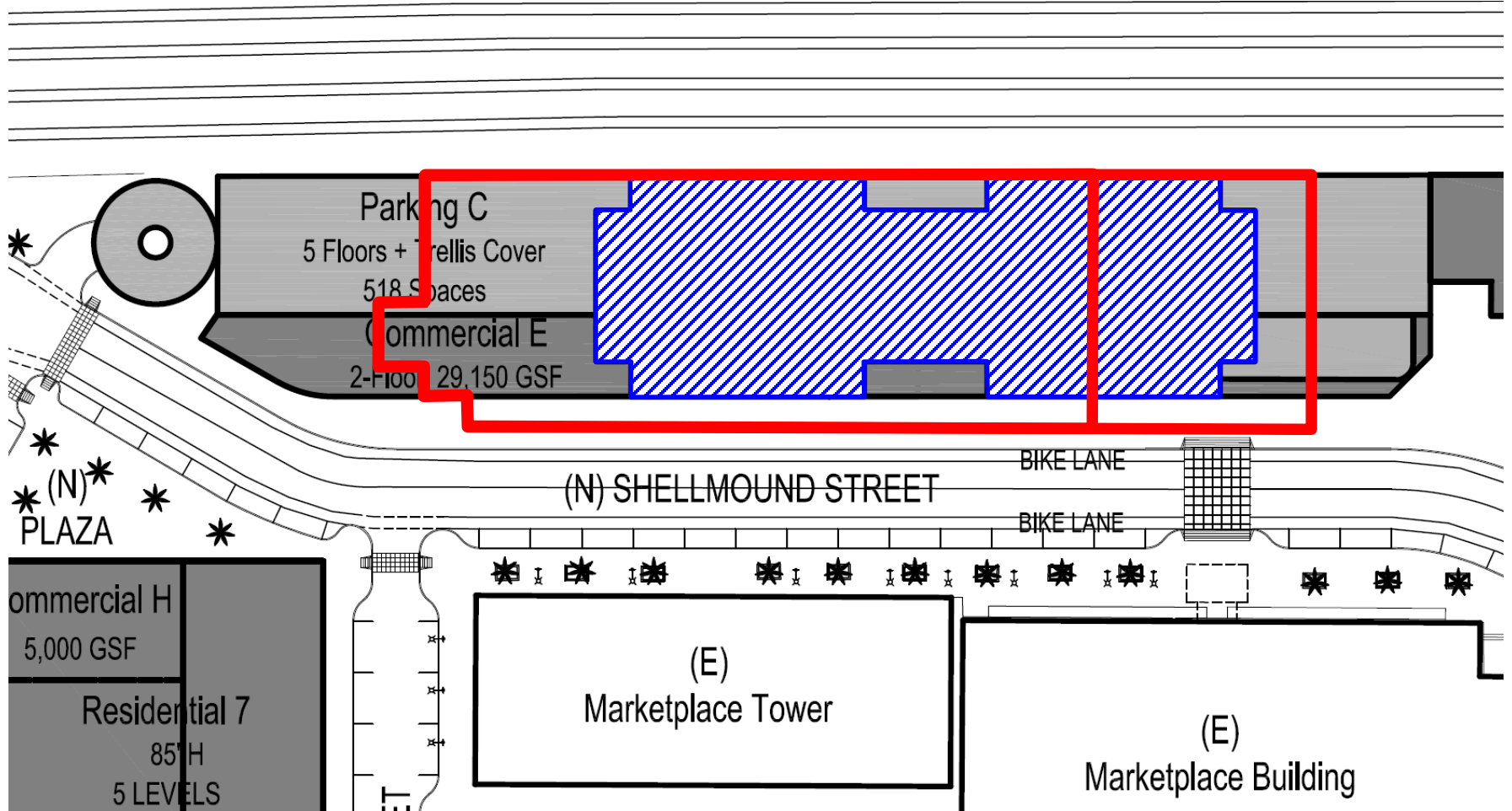


## APPROVED FDP



# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Height





# CONFORMITY WITH CITY COUNCIL CONDITIONS OF APPROVAL

## Height Conclusions:

- PDP diagrams are illustrative and are not to be taken literally.
- At 113 feet, Project conforms with condition of approval calling for a maximum height of 120 feet on Parcel B.
- Applicant's Proposed Alternative, with a height of 120 feet, also conforms to this condition of approval.



# CONFORMITY WITH PUD/PDP AND CONDITIONS OF APPROVAL

## Overall Conclusions:

- Project substantially conforms to the preliminary development plan.
- Project conforms to the conditions of approval specified by the City Council in its approval of the preliminary development plan.
- Applicant's Proposed Alternative also substantially conforms to the preliminary development plan and to the conditions of approval.



# CONCLUSION

Staff recommends that, after holding a public hearing, the City Council provide direction to staff to prepare a resolution to either:

- (a) Approve the Commission's action upon finding that all applicable findings have been correctly made and all provisions of the Planning Regulations have been complied with; or
- (b) Approve the Commission's action but impose additional conditions and/or guarantees as it deems necessary to fulfill the purposes of the Planning Regulations; or
- (c) Disapprove the Commission's action upon finding that all applicable findings have not been made or all provisions of the Planning Regulations have not been complied with.

Pursuant to Planning Regulations Section 9-7.1405(d), the Council may also continue the hearing and request a supplemental report from the Planning Commission.



