

## **EMERYVILLE PLANNING COMMISSION**

### **STAFF REPORT**

**Agenda Date:** December 12, 2013

**Report Date:** December 5, 2013

**TO:** Planning Commission

**FROM:** Planning and Building Department  
Miroo Desai, Senior Planner

**SUBJECT:** **Study Session: 6701 Shellmound Street Residential Development  
("Nady Site") (UPDR13-004)**

**PROJECT LOCATION:** 6701 Shellmound Street  
(APN: 49-1490-2)

**APPLICANT:** Avalon Bay Communities, Inc. (Jeff White)  
400 Race Street, Suite 200  
San Jose, CA 95126

**OWNER:** John Nady, Trustee of Nady Trust U/D/T January 21, 1997  
6701 Shellmound Street  
Emeryville, CA 94608

**PROJECT DESCRIPTION:** A study session to review a proposed 260-unit residential development on a 2.27 acre site located at 6701 Shellmound Street.

**GENERAL PLAN:** Mixed Use with Residential

**ZONING DISTRICT:** Mixed Use with Residential (MUR)

**ENVIRONMENTAL STATUS:** To Be Determined

**RECOMMENDED COMMISSION ACTION:**

- 1) To hear a presentation of the proposed project.
- 2) To provide direction and comment to the applicant and staff.

## **PROJECT PROPOSAL**

The applicant proposes to construct a 260-unit multi-family residential rental development on a 2.27-acre site at 6701 Shellmound Street. The project site is bounded by an I-80 off-ramp to the west and north, Ashby Avenue (in an underpass) to the north, Shellmound Street and the railroad mainline to the east, and the Ex’pression College campus to the south. The site is currently occupied by two two-story buildings (an office building and a warehouse building) that will be demolished to make way for the proposed development.

The proposed project is a six-level residential development on a podium over two and a half levels of parking. It provides a mix of studio (24); one bedroom (110); two bedroom (114); and three bedroom (12) units. The sizes of units vary between 770 square feet (studios) to 1,525 square feet (3-bedroom units). One-bedroom units are 850 square feet while two-bedroom units are about 1,230 square feet. All units will be provided with laundry facilities. See Sheet 2: “Project Summary” of attached project plans for additional data on the unit size and mix.

The applicant also proposes about 3,000 square foot of commercial space and 2,925 square feet of “fitness area” on the ground level that will front onto Shellmound Street, as does the lobby and the leasing office (See Sheet 13). All access will occur off Shellmound Street, with Sheet 11: “Access Diagram” showing how vehicle access and loading will occur on site and pedestrian access to the podium. Vehicular and bicycle parking occurs primarily on the first and the second level, which provide a total of 269 stalls and 365 bike spaces (See Sheets 13 and 14). There is also a partial basement level accommodating 61 stalls (See Sheet 12). Guest parking stalls (59) are located on the ground floor and are separated from residential parking (Sheet 13). Seven units fronting Shellmound Street located at the second level in addition to parking. Units on floors three to six are laid out around double loaded corridors with all three-bedroom units fronting the podium courtyard. Each floor has a mix of studio, one-bedroom, 2-bedroom and 3-bedroom units. (See Sheets 13-17). Sheet 18 provides cross sections of the building, which reaches a maximum height of 84 feet.

The project provides amenities in the form of a fitness room (2,925 square feet), storage area (4,000 square feet) and common open areas. Open areas include a small park (1,200 square feet) located adjacent to the building lobby fronting Shellmound Street, a dog run (8,850 square feet) sited along the western perimeter of the site and a roof garden (2,480 square feet).

## **DISCUSSION**

### **GENERAL PLAN AND ZONING**

**Land Use Designation:** The site is in the Mixed Use with Residential (MUR) General Plan land use classification and zoning district. Multi-family residential is a by-right use in this district. As the parcel size is between 1 and 5 acres, a conditional use permit and mix of uses are required by Section 9-3.303 of the Planning Regulations. The applicant is proposing 3,000 square feet of as-

yet undermined retail/commercial uses. Per Section 9-4.303(b), the proportional mix of uses is not prescribed, and shall be determined by the Planning Commission through the conditional use permit approval process. Alternatively, pursuant to Section 9-3.303(c), the Planning Commission may grant a conditional use permit for a single use if the applicant convincingly demonstrates that a mix of uses is infeasible; the applicant has not applied for such a use permit, and proposes that the 260 residential units and 3,000 square feet of retail/commercial space constitute the mix of uses. In a future meeting to consider the land use entitlements, the Planning Commission will need to determine whether the proposed uses are adequate to constitute a “mixed use project” as required by the Planning Regulations.

***Residential Density:*** The maximum allowed residential density is 100 units per acre by right and 135 units per acre with a development bonus. This calculates to 227 units by right and 306 units with a bonus. The project proposes 260 units, which calculates to about 115 units per acre (260 units/2.27 acres). The project therefore will need to provide public benefits as outlined in Section 9-4.204. Per Section 9-4.204(b)(1) bonus points needed for the proposed density is 43 points (Bonus Amount/ Bonus Increment x 100 or  $15/35 \times 100 = 43$ ).

***Building Intensity:*** The maximum allowed floor area ratio (FAR) is 4.0 by right and up to 6.0 with a development bonus. FAR applies to both residential and non-residential uses, but not to parking and loading areas. The proposed FAR is 3.53 and is allowed by right in this district.

***Height:*** The site falls in the 100+ height district, which allows 100 feet by right, and unlimited height above 100 feet with 100 bonus points and additional restrictions. The proposed height is 84 feet and is allowed by right.

***Bonus Points:*** Pursuant to Section 9-4.204 (b)(3), it is not necessary to earn separate points for bonuses in each category, i.e. FAR, density and height, but rather to earn the maximum number of points required in any category. As noted above, the proposed project requires no bonus points for FAR or height, and 43 points for residential density. The applicant has not yet identified the categories of public benefits in which the project is proposed to obtain bonus points.

***Parking and Loading:***

**Car Parking:** For multi-family residential uses, minimum parking requirements is the same as the estimated demand of 1 stall per unit for studios and one-bedroom units, and 1.5 stalls per unit for units with 2 bedrooms or more. In addition, 0.25 spaces per unit is the required guest parking. This calculates to 323 stalls (134 stalls for studios and one-bedroom and 189 stalls for units with 2 or more bedrooms) and 65 guest parking spaces ( $260 \times 0.25$ ), or a total of 388 spaces.

For commercial uses, the minimum parking requirement is 33% less than the estimated demand after subtracting the first 1,500 gross square feet. For the 3,010 square feet of proposed retail space, this calculates to a minimum of 3 spaces, based on an estimated demand of 3 spaces per 1,000 square feet.

The total minimum parking requirement is therefore 391 spaces. The project proposes a total of 338 spaces, which is less than this minimum requirement.

Section 9-4.404 (g) allows a project to provide less than the required minimum with a conditional use permit, provided that the following findings can be made:

- (1) That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking and allowing modified working hours and telecommuting; and
- (2) That the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking.

The applicant has not yet identified the TDM measures that it plans on providing to the residents. However, the applicant plans to provide a parking survey study that demonstrates that the level of proposed parking will not result in adverse impacts. This study will be peer reviewed as part of the traffic analysis that will be conducted for the project’s environmental review.

**Bicycle Parking:** For Multi-Unit residential uses, the Planning Regulations require 1 short term bicycle parking space for every four visitor automobile spaces and 1 long term space for each dwelling unit. This calculates to 16 short term bicycle spaces (65/4) and 260 long term spaces for the proposed residential use. For commercial uses, the Planning Regulations require 1 short-term bicycle parking space per 10 automobile spaces, or 2 spaces, whichever is more; and 1 long-term bicycle parking space per 10 automobile spaces, or 2 spaces, whichever is more. This calculates to 2 short-term and 2 long-term bicycle spaces for the proposed commercial use. The project provides a total of 365 bicycle spaces within the first level of the secured parking garage, which is more than adequate to meet the requirement for long-term bicycle parking for the residential use (See Sheet 13). The plans show 17 short term spaces fronting the building (adjacent to the “Amenity: (Fitness)” area along Shellmound Street. In addition, spaces are also shown within the “public” portion of the garage on the west and north side.

**Loading:** Section 9-4.409(a)(3) require 2 small loading spaces for multi-family developments with 150-300 units. The project provides two loading spaces that are located near an elevator. (See Sheet 13).

***Courts:*** Section 9-4.304 outline standards for court design that ensure adequate light and air to residential units facing the interior courtyard. At this time it is not possible to determine whether the project meets the court requirements, as detailed floor plans that include window placement have not been prepared.

***Open Space:*** Section 9-4.303 requires new multi-unit residential buildings to provide a minimum of 60 square feet of open space per dwelling unit, consisting of 40 square feet of private open space (individual balconies, patios, etc.) and 20 square feet of common open space. Where

infeasible to provide private open space, common open space may be substituted for private open space at a ratio of 2:1. The project triggers a total of 10,400 square feet of private open space (without substitution) and 5,200 square feet common open space. The applicant proposes 6,690 square feet of common open space in the form a dog run, a park, and a roof garden that meets the common open space requirement. However, the applicant has not yet provided information regarding private open space at this time.

***Trash and Recycling:*** The project meets the requirements of Section 9-4.704 by providing a trash, recycling and composting storage area that is indoors and adjacent to a street (Shellmound Street). The project will need to show additional design detail to demonstrate that the amount of space for recycling materials is as large as the space for trash and that an area for bulky item collection such as mattresses, furniture, tire and major appliances is provided.

**Design Guidelines:** The Citywide design guidelines will also apply to this project. Provisions applicable to this site include:

- Sidewalks and Landscaping
- Building Massing
- Building Form and Articulation
- Architecture and Building Materials
- Open Space
- Signs
- Freeway/Railway Adjacent
- Mixed Use Developments

At this preliminary stage there is not enough information to assess the project’s compliance with the Design Guidelines.

***DCC Comments:***

The development concept was reviewed by the Development Coordinating Committee (DCC) on October 30, 2013. The Committee felt that the proposed design of podium-style stucco residential development provides minimal architectural interest. Some of the suggestions for non-residential spaces included community non-profit centers, outdoor recreational type uses, community garden, and incubator office type space for surrounding technical schools such as Ex’pression College. It was noted that the podium level did not show any type of landscaping treatment, and the ground level landscape/open space was seen as an afterthought and such would not provide viable and usable spaces. Fire Department staff suggested that fire access should be considered via a 20-foot lane that would connect Shellmound Street and go along the western property line. This could also function as a bicycle and pedestrian path, with “grasscrete” or a similar material for fire truck access; such a path could eventually connect to the future landing of the bicycle and pedestrian bridge over the freeway at 65<sup>th</sup> Street, and provide a way for bicycles and pedestrians to avoid a busy stretch of Shellmound Street. It was

suggested that this could also help address the General Plan’s designation of a possible “park opportunity site” in this vicinity.

***Bicycle Pedestrian Advisory Subcommittee (BPAC) Comments:***

BPAC reviewed the project at their December 2, 2013 meeting. The subcommittee recommended that there should be adequate signage to show availability of short term bicycle parking spaces for visitors to the project and that the spaces be located near main pedestrian entrances. The subcommittee also discussed the possibility to locating an Emery Go-Around bus stop in the vicinity of the project and the need for ensuring that there are no conflicts between vehicles and bicycles as they exit the garage. A preference was noted for commercial/retail tenants that were worker owned or co-operatives.

***Community Meeting Comments:***

The applicant held a community meeting at the Courtyard Marriot Hotel on November 21, 2013. Commissioners Gunkel and Keller along with Councilmember Davis attended the meeting. Approximately 5-7 community residents were present. It was acknowledged that the location was not suitable for typical commercial uses, and the applicant was pursuing other uses that would be feasible such as recreation related uses or uses that were compatible with neighboring uses such as Ex’pression College. The developers also stated that they were willing to provide commercial space free of cost to desirable uses. There was a suggestion that the proposed project was underutilizing the site, and that it could accommodate a taller building and take advantage of potential views of the Bay and San Francisco. There was a discussion on the design and the desire to move away from a multi-colored stucco building that was a general trend for multi-family development in the city.

**ISSUES TO BE CONSIDERED:**

Staff requests that the Commission provide comments and direction on the following issues and any other issues that the Commission identifies:

Mix of Uses: As noted above, while the Planning Regulations require there to be a mix of uses, the regulations do not outline the proportional mix. The applicant is proposing a primarily residential use consisting of 260 residential units, with about 3,000 square feet of commercial use. Staff requests that the Commission comment on whether the proposed mix of use groups is adequate to constitute a “mixed use project”, or, alternatively, whether the finding can be made that a mix of uses is infeasible on this site.

Parking: The project provides less than the minimum required on-site residential parking spaces (338 proposed, 391 required). As noted earlier, the minimum number of required spaces can be reduced and/or eliminated with a use permit. The findings that need to be made are that the use includes measures to encourage bicycling, walking, and transit use; and that the reduction or

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**December 12, 2013**

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elimination of the parking will not result in parking impacts on adjacent uses due to overflow parking. Staff requests that the Commission give direction regarding whether a parking reduction would be considered and under what circumstances.

Bonus: The project requires bonus points (43 points) for residential density. The applicant has not yet outlined what public benefits might be provided to obtain the necessary bonus points. Staff seeks direction regarding the Commission’s preferences for bonus categories at this site.

Unit Mix: Staff seeks direction whether the proposed residential unit size and mix is acceptable.

Open Space: Staff seeks direction on the proposed common open spaces in terms of its location and purpose.

Design: Although a detailed architectural design has not yet been developed, this preliminary submittal indicates a multi-colored stucco building broken into multiple rectilinear masses with various accent features. Staff seeks the Commission’s comments on this preliminary design concept.

## **ENVIRONMENTAL REVIEW**

Staff has hired Urban Planning Partners, Inc. to conduct environmental review for the project, as required by the California Environmental Quality Act (CEQA).

## **PERMITS AND PROCESS**

Permits Required: The project will require a conditional use permit for a project on a site of more than one acre in the MUR zone, bonus residential density, parking below the minimum and perhaps for a single use; and design review for new construction.

Process: Regardless of comments received at the study session, the project will need to undergo a permit review process. Submission of a formal application and additional project information and analysis may raise issues not identified in this report. These will be identified and addressed in the staff report when the project is brought back to the Commission for a hearing and decision.

## **RECOMMENDATION:**

After hearing a presentation from the applicant and receiving public testimony, staff requests that the Planning Commission provide comment on issues outlined above and any other issues identified by the Commission.

**Attachment:**

Project Plans





## Project Team

### Developer:

Avalon Bay  
Jeff White  
jeff\_white@avalonbay.com  
415.284.9080  
455 Market Street  
San Francisco, CA 94501

### Architect:

MBH Architects  
Clay Fry  
Clayf@mbharch.com  
510.814.3437  
2470 Mariner Square Loop  
Alameda, CA 94501

### Civil:

### Landscape:

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Unit Information	Sq.Ft. Per Unit (Approx Average per type)	Building 1	Total Sq.Ft.	Unit Ratio
Unit Studio	770	24	18,480	9%
Unit_1	850	110	93,500	42%
Unit_2	1,230	95	116,850	37%
Unit_2 (Corner)	1,295	19	24,605	7%
Unit_3 (Corner)	1,525	12	18,300	4%
Total		260	271,735	100%
Units Per Typical Floor		43		
Average Unit Size			1,045	

Parking Information	Total
Total Parking (Stalls)	330
Commercial: Retail (Dog/Bike) Required Parking	5
Residential City Required Parking	388
Residential Client Requested Parking	325
City: Deficient Parking	63
Client: Surplus Parking	0
Gross Total Parking Area (Approx)	141,140
Parking Ratio (Parking Stalls to Units)	1.25

Gross Area Per Floor (Sq.Ft.)	Building 1	Garage Total	Total Area
Basement	2,065	26,150	28,215
First Floor	16,750	58,620	75,370
Second Floor	17,400	56,370	73,770
Third Floor	51,645	0	51,645
Fourth Floor	52,830	0	52,830
Fifth Floor	52,830	0	52,830
Sixth Floor	52,830	0	52,830
Seventh Floor	52,830	0	52,830
Eighth Floor	50,165	0	50,165
Total	349,345	141,140	490,485

Gross Area Information	Building 1	Area Ratio
Commercial: Retail (Dog/Bike)	3,010	1%
Amenity (Roof Garden)	2,480	N/A
Amenity (Fitness Area)	2,925	1%
Storage	4,440	1%
Trash	1,490	0%
Mechanical/Maintenance	10,475	3%
Leasing Office	2,745	1%
Mail Room	375	0%
Circulation/Lobby	50,853	15%
Unit Total	271,735	78%
Building Total (Without Garage)	349,345	100%

Floor Area Ratio	3.53 (Net Garage)	4.97
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Site Information	Total Sq.Ft.	Area (Acre)
Site Area	98,775	2.27

Density	Units	Units per Acre
Max Density Required	227	100
Density Proposed	260	115





View Looking Northeast



View Looking Southwest





View South on Shellmound



Neighborhood Context | 4





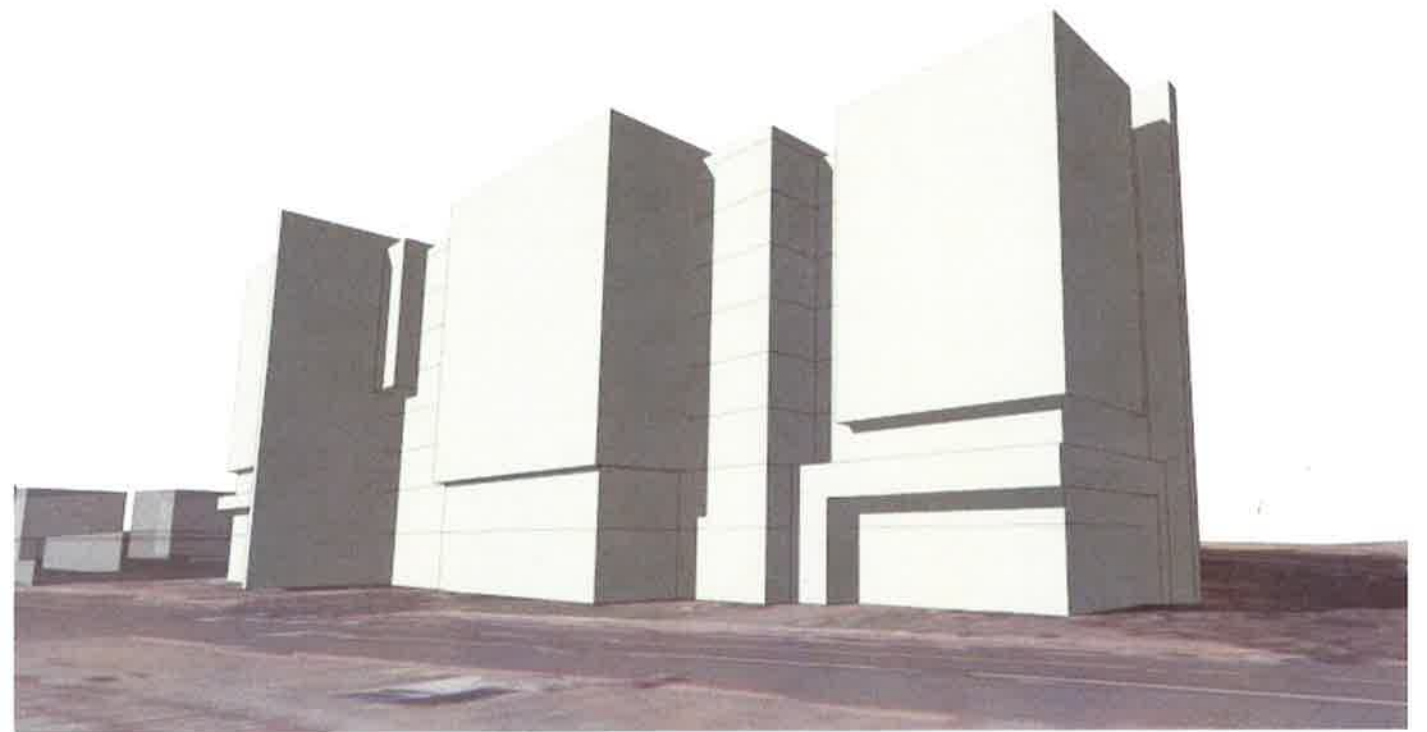
View North on Shellmound



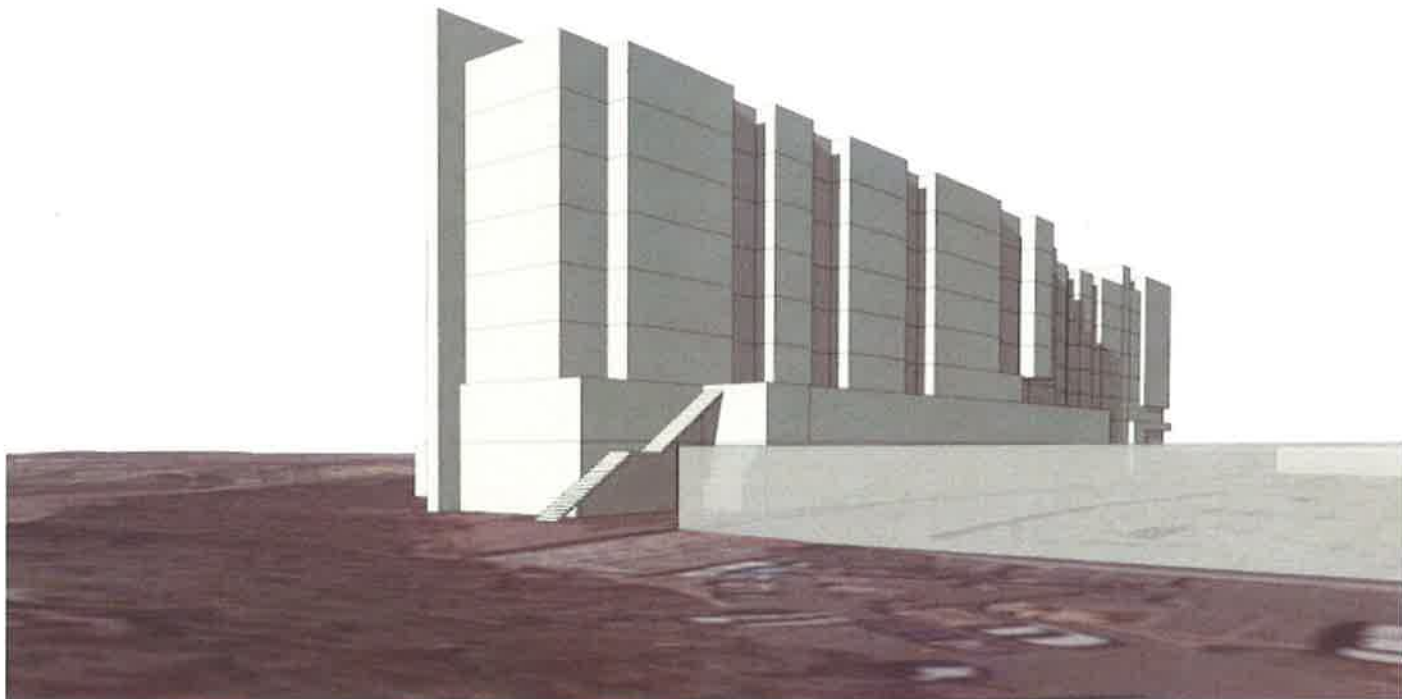
Neighborhood Context | 5



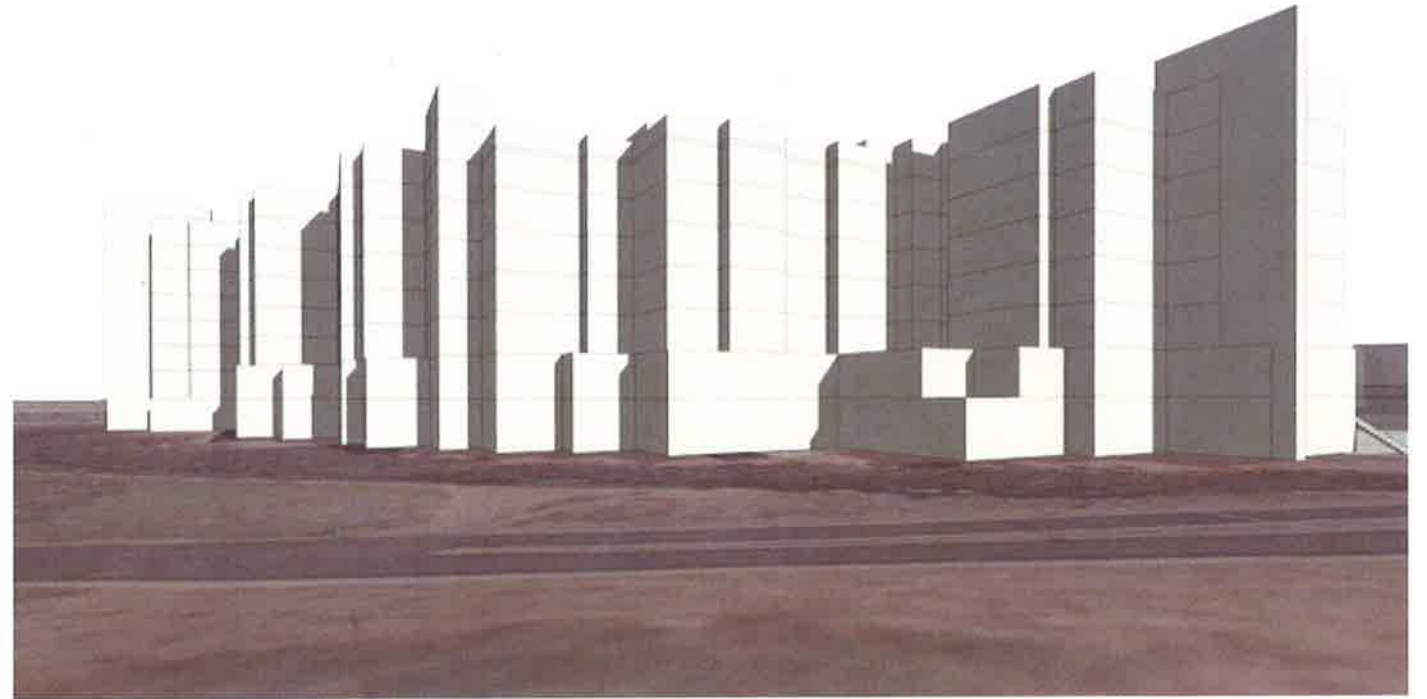
View North on Shellmound St



View South on Shellmound St



View North on I-580



View South on I-580



Plan

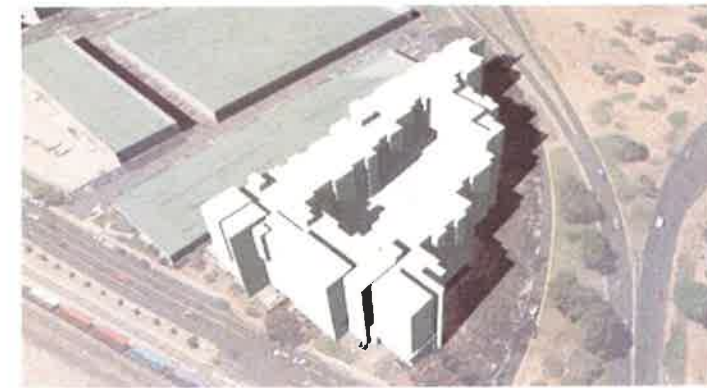
Southwest

Northeast

March 21



June 21



September 21



December 21





Plan

Southwest

Northeast

March 21



June 21



September 21



December 21





Plan

Southwest

Northeast

March 21



June 21

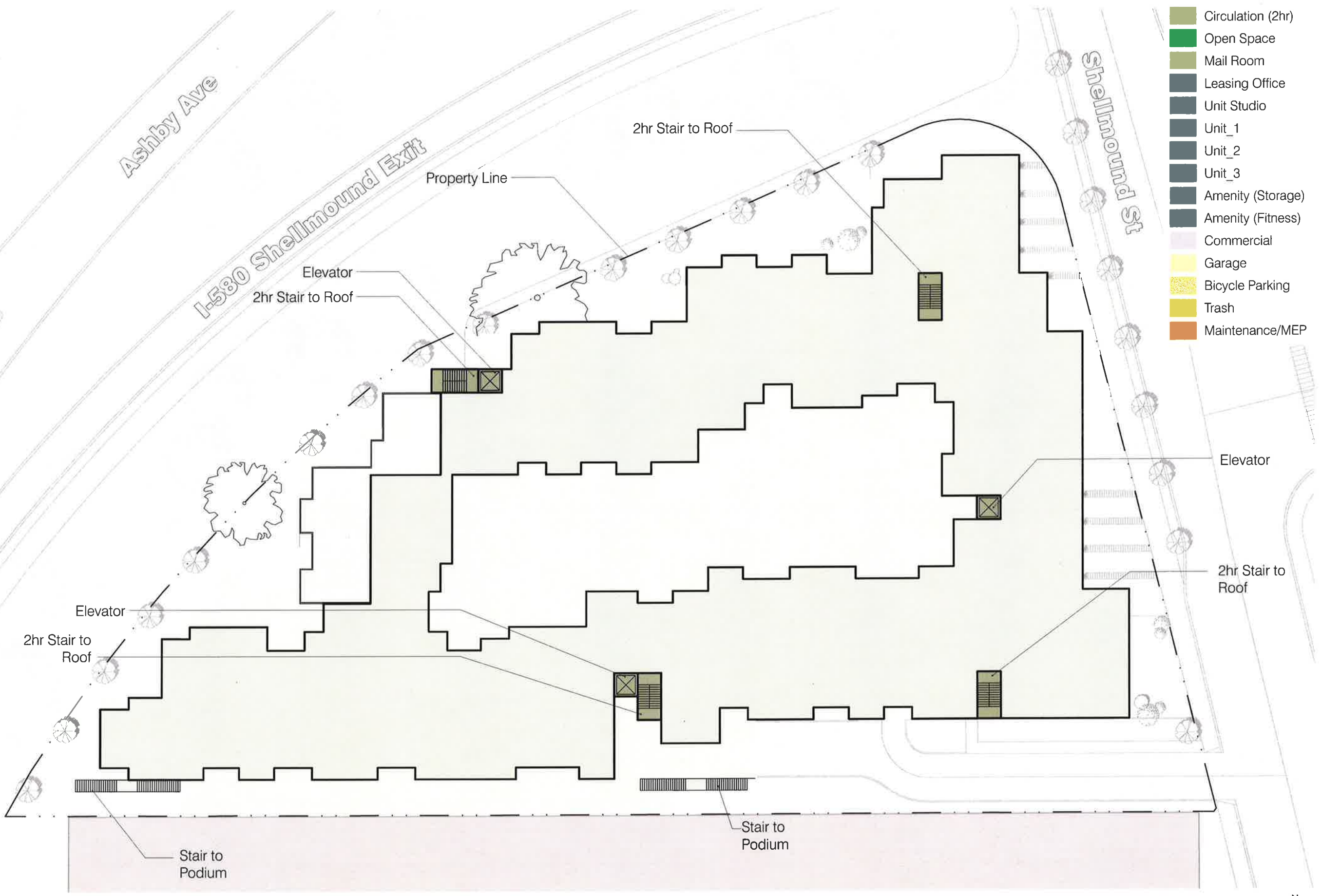


September 21



December 21





- Circulation (2hr)
- Open Space
- Mail Room
- Leasing Office
- Unit Studio
- Unit\_1
- Unit\_2
- Unit\_3
- Amenity (Storage)
- Amenity (Fitness)
- Commercial
- Garage
- Bicycle Parking
- Trash
- Maintenance/MEP



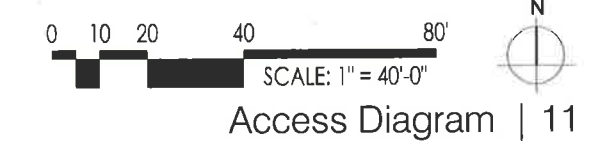


- Circulation (2hr)
- Open Space
- Mail Room
- Leasing Office
- Unit Studio
- Unit\_1
- Unit\_2
- Unit\_3
- Amenity (Storage)
- Amenity (Fitness)
- Commercial
- Garage
- Bicycle Parking
- Trash
- Maintenance/MEP

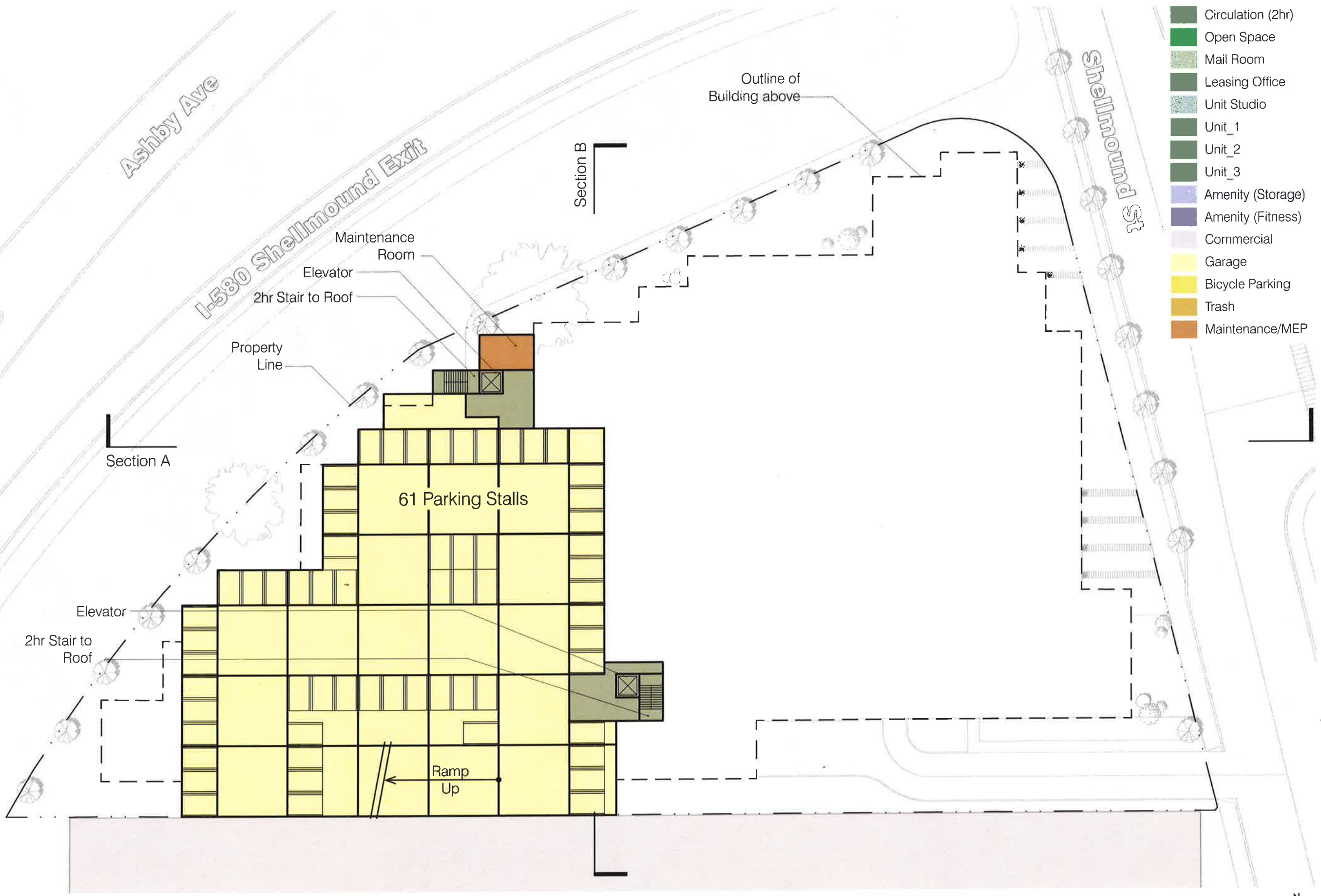
Podium Access

Podium Access

Vehicle Access  
Loading Access



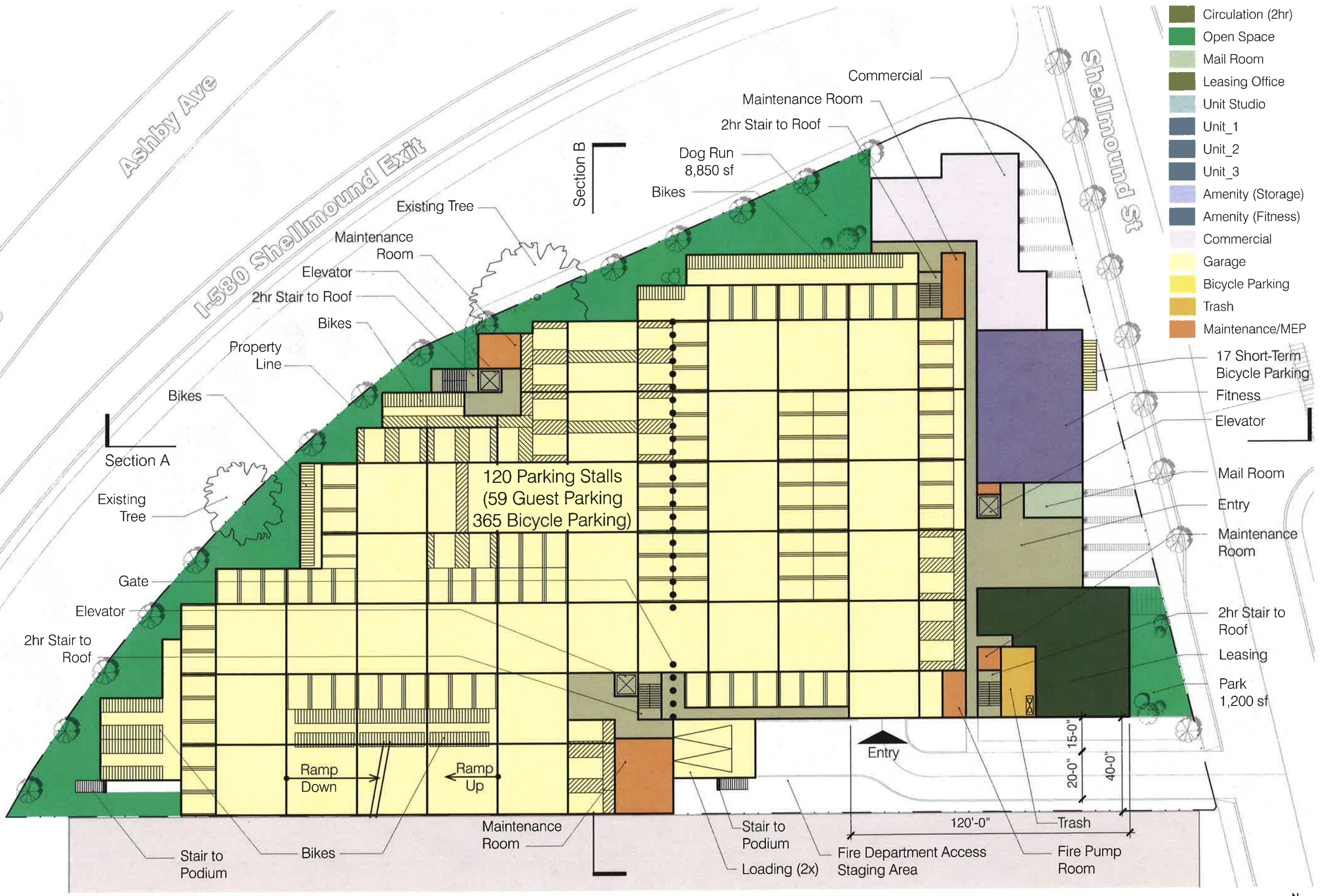
Access Diagram | 11



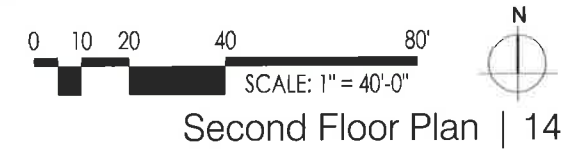
- Circulation (2hr)
- Open Space
- Mail Room
- Leasing Office
- Unit Studio
- Unit\_1
- Unit\_2
- Unit\_3
- Amenity (Storage)
- Amenity (Fitness)
- Commercial
- Garage
- Bicycle Parking
- Trash
- Maintenance/MEP

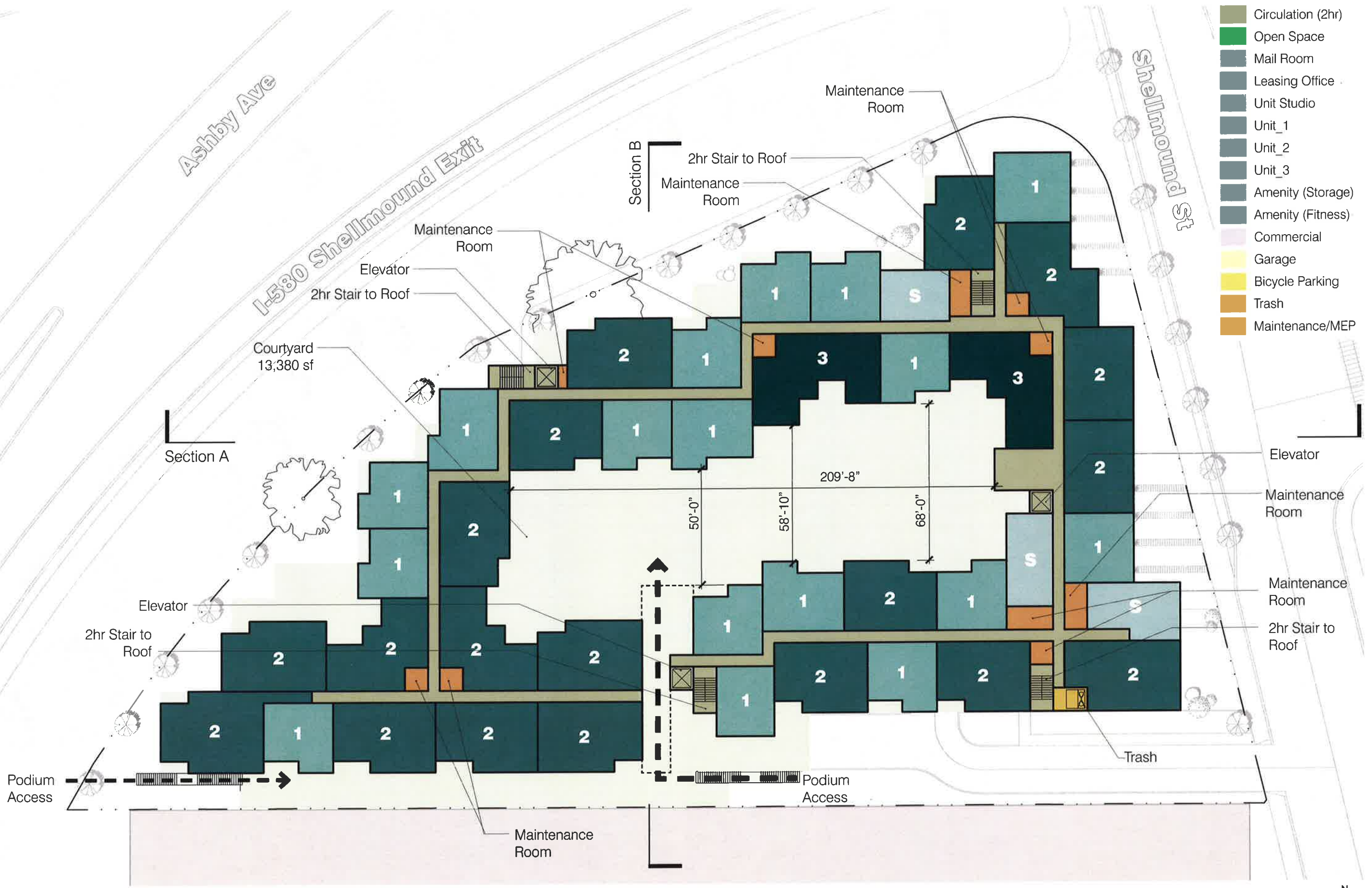
0 10 20 40 80'  
SCALE: 1" = 40'-0"  
Basement Plan | 12











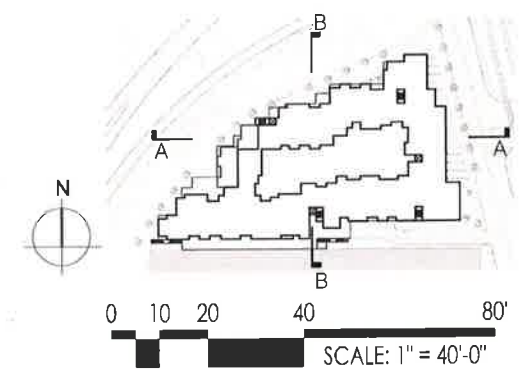
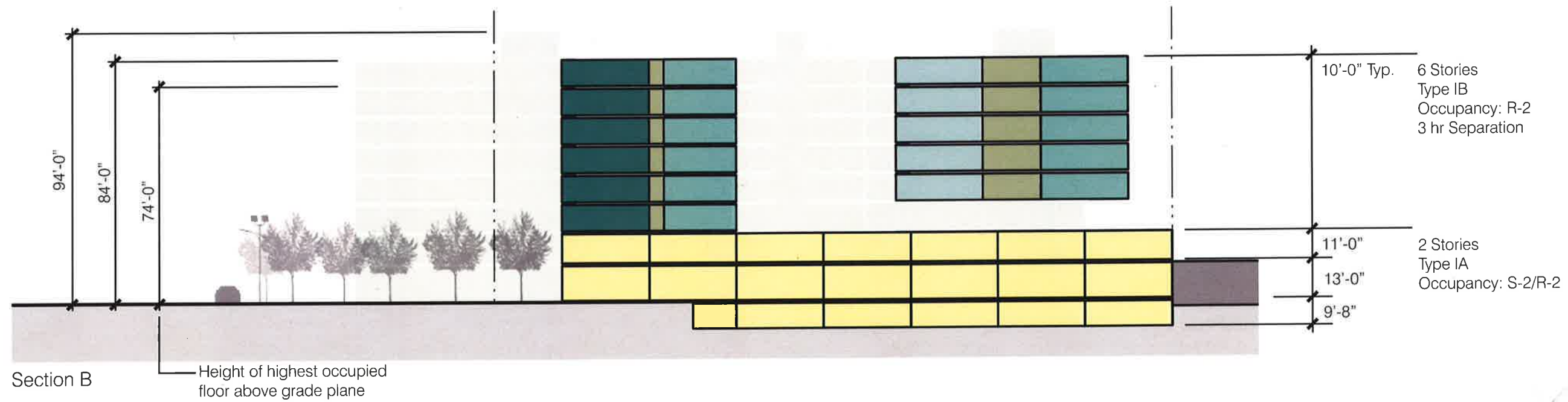
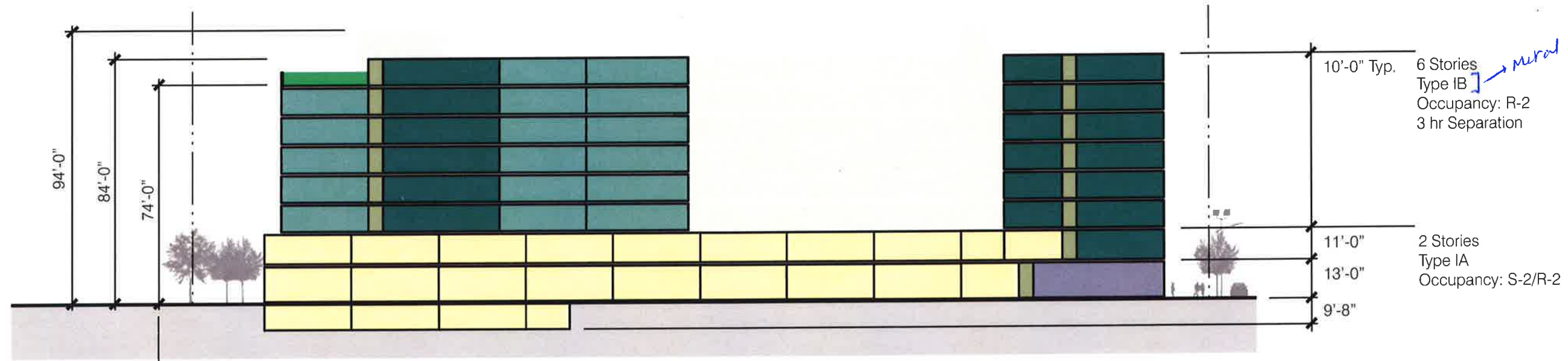




Typical Floor (Fourth - Seventh) Plan | 16







- T.O. Stairs/Elevators
- +94'-0"
- T.O. Roof
- +84'-0"
- Eighth Floor
- +74'-0"
- Seventh Floor
- +64'-0"
- Sixth Floor
- +54'-0"
- Fifth Floor
- +44'-0"
- Fourth Floor
- +34'-0"
- Third Floor
- +24'-0"
- Second Floor
- +13'-0"
- First Floor
- 0'-0"

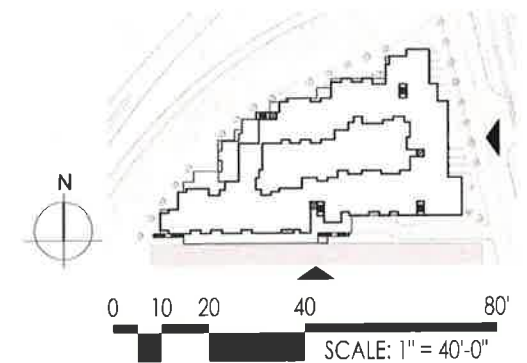


East Elevation

- T.O. Stairs/Elevators
- +94'-0"
- T.O. Roof
- +84'-0"
- Eighth Floor
- +74'-0"
- Seventh Floor
- +64'-0"
- Sixth Floor
- +54'-0"
- Fifth Floor
- +44'-0"
- Fourth Floor
- +34'-0"
- Third Floor
- +24'-0"
- Second Floor
- +13'-0"
- First Floor
- 0'-0"



South Elevation



Elevations | 19



- T.O. Stairs/Elevators
- +94'-0"
- T.O. Roof
- +84'-0"
- Eighth Floor
- +74'-0"
- Seventh Floor
- +64'-0"
- Sixth Floor
- +54'-0"
- Fifth Floor
- +44'-0"
- Fourth Floor
- +34'-0"
- Third Floor
- +24'-0"
- Second Floor
- +13'-0"
- First Floor
- 0'-0"

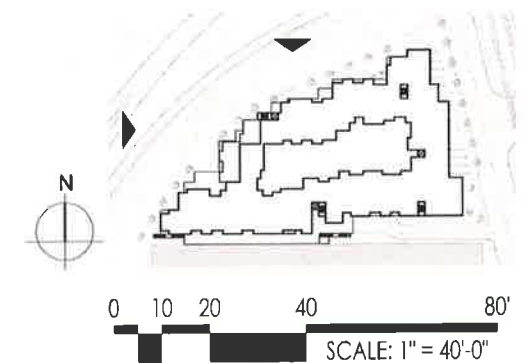


West Elevation

- T.O. Stairs/Elevators
- +94'-0"
- T.O. Roof
- +84'-0"
- Eighth Floor
- +74'-0"
- Seventh Floor
- +64'-0"
- Sixth Floor
- +54'-0"
- Fifth Floor
- +44'-0"
- Fourth Floor
- +34'-0"
- Third Floor
- +24'-0"
- Second Floor
- +13'-0"
- First Floor
- 0'-0"



North Elevation

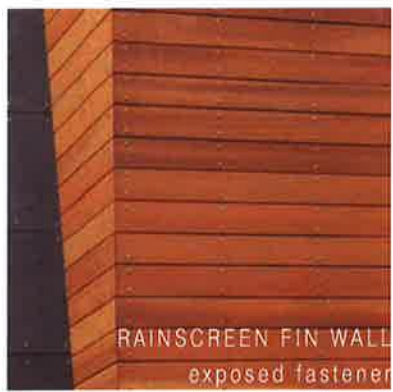


Elevations | 20





SHELLMOUND STREET ELEVATION



RAINSCREEN FIN WALL  
exposed fasteners



BRUSHED ALUMINUM



DARK PAINTED STEEL



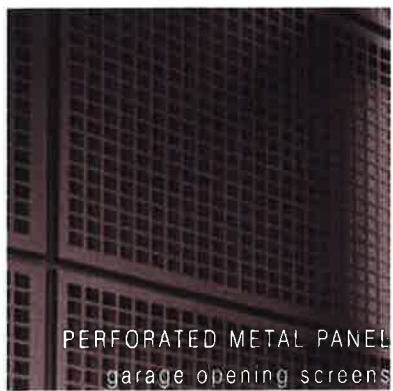
VENETIAN PLASTER  
sierra red



PLASTER PAINT  
SW6171 chatroom



PLASTER PAINT  
SW7008 alabaster



PERFORATED METAL PANEL  
garage opening screens



METAL MESH ART  
screen option



STAINED WOOD  
canopy



BOARD-FORM CONCRETE



ACCENT PAINT  
SW6903 cheertful



PLASTER PAINT  
SW7062 rock bottom



29 OCTOBER 2013  
PROJECT NO: 48429  
2470 MARINER SQUARE LOOP  
ALAMEDA, CA 94501  
T 510.865.8663 F 510.865.1611  
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