

**APPENDIX A**  
**NOP AND SCOPING COMMENTS**





## CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE  
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4300 FAX: (510) 596-4389

### **SECOND REVISION**

### **NOTICE OF PREPARATION**

#### **SHERWIN-WILLIAMS DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT (EIR)**

**To:** State Clearinghouse  
Governor's Office of Planning and Research  
Alameda County Clerk  
Responsible Agencies  
Interested Individuals and Organizations

**From:** Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

The City of Emeryville will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Sherwin-Williams Development Project (project). The City is requesting comments from responsible agencies regarding the scope and content of the environmental document. The public is also invited to submit comments regarding the scope of the EIR and issues that should be addressed as the document is prepared. Responses should be directed to: Miroo Desai, AICP, Senior Planner, City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608, mdesai@ci.emeryville.ca.us.

Due to time limits mandated by the California Environmental Quality Act (CEQA), responses must be received **no later than 5:00 p.m. on February 27, 2015**. Public agencies should indicate a contact person in their response to this Notice of Preparation.

A scoping session for the preparation of the EIR was held at **6:30 p.m. on January 27, 2015** at City Council Chambers, 1333 Park Avenue, Emeryville.

**Project Location.** The 10.05-acre project site is located within the City of Emeryville and in the County of Alameda. The site is generally bound by Horton Street to the east, Sherwin Avenue to the south, and Union Pacific Railroad tracks to the west. The future site of Horton Landing Park, owned by the City, is located immediately north of the project site, and a Novartis surface parking lot, the so-called "Rifkin Lot", is located immediately to the northeast. Temescal Creek runs near the northern boundary of the site. A project location map is included in Figure 1. The project site includes two parcels: one owned by Sherwin-Williams (8.59 acres) and one owned by the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency (1.46 acres).

**Project Description.** The proposed project would divide the project site into new parcels and roadways and construct a mixed-used development. The project would include a total of 621,000 square feet of residential space (540 units) and 94,600 square feet of commercial space. In addition to the park and open space, the project would also include a children's playground, an adult fitness space, and a central green within the Hubbard Circle. Ground level uses would include common space and commercial/retail uses. Because the site is over 5 acres, a planned unit development (PUD) is required, which would be adopted by ordinance and would govern the zoning of the project site. The project applicant is proposing two potential development options (Option A and Option B) that include the same level of total development. Table 1 below provides a summary of the development under both options. Figure 2 shows a conceptual site plan for Option A and Option B.

**Table 1: Project Development Scenarios Summary**

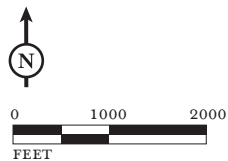
|  | Development Scenarios   |   |
|--|---|---|
|  | Option A  | Option B  |
| Parcel A (Existing Buildings 1 and 31) | Office: 74,000 SF<br>Building Height: 42 FT   |   |
| Parcel B-1                             | Residential: 175 units<br>Restaurant: 5,000 SF<br>Retail/Residential Amenities: 7,000 SF<br>Parking: 116 spaces<br>Total: 213,250 SF<br>Building Height: 75 FT (55 FT at Sherwin Avenue frontage) |   |
| Parcel B-2                             | Residential: 53 units<br>Ground Floor Office: 5,600 SF<br>Parking: 489 spaces<br>Building Height: 75 FT (55 FT at Horton Street frontage)<br>Total: 66,550 SF                                     |   |
| Parcel C-1                             | Residential: 104 units<br>Parking: 175 spaces<br>Total: 119,600 SF<br>Building Height: 75 FT<br>(55 FT at Sherwin Avenue frontage)  | Residential: 106 units<br>Parking: 111 spaces<br>Retail: 3,000 SF<br>Total: 124,900 SF<br>Building Height: 75 FT<br>(55 FT at Sherwin Avenue frontage)          |
| Parcel C-2                             | Residential: 128 units<br>Parking: 103 spaces<br>Retail: 3,000 SF<br>Total: 150,200 SF<br>Building Height: 75 FT  | Residential: 126 units<br>Parking: 114 spaces<br>Total: 144,900 SF<br>Building Height: 75 FT  |
| Parcel D                               | Residential: 80 units<br>Parking: 99 spaces<br>Total: 92,000 SF<br>Building Height: 100 FT  |   |
| Open Space                             | 90,605 SF   |   |
| Roads                                  | 48,352 SF   |   |
| Successor Agency Park Parcel           | 63,422 SF<br>Park located within interior of the site between Parcel C-1, Parcel C-2, Hubbard Circle West, and Sherwin Avenue   | 63,422 SF<br>Park located at southwestern corner of the site, immediately adjacent to the railroad tracks (west), Parcel C-1 (east), and Sherwin Avenue (south) |
| Total Development                      | 540 Dwelling Units (621,000 SF)<br>94,600 SF Commercial<br>16 street parking spaces   |   |
|  | 982 garage parking spaces   | 929 garage parking spaces   |

Source: ROMA Design Group, November 2014.

Potential Environmental Effects. Based on a preliminary environmental analysis of the project, discussion with City staff and the community, the following topics will be evaluated in the EIR: land use and planning; population and housing; transportation and circulation; air quality; global climate change; noise; geology, soils and seismicity; hydrology and water quality; hazards and hazardous materials; cultural resources; public services and recreation; utilities and service systems; and visual resources.



LSA



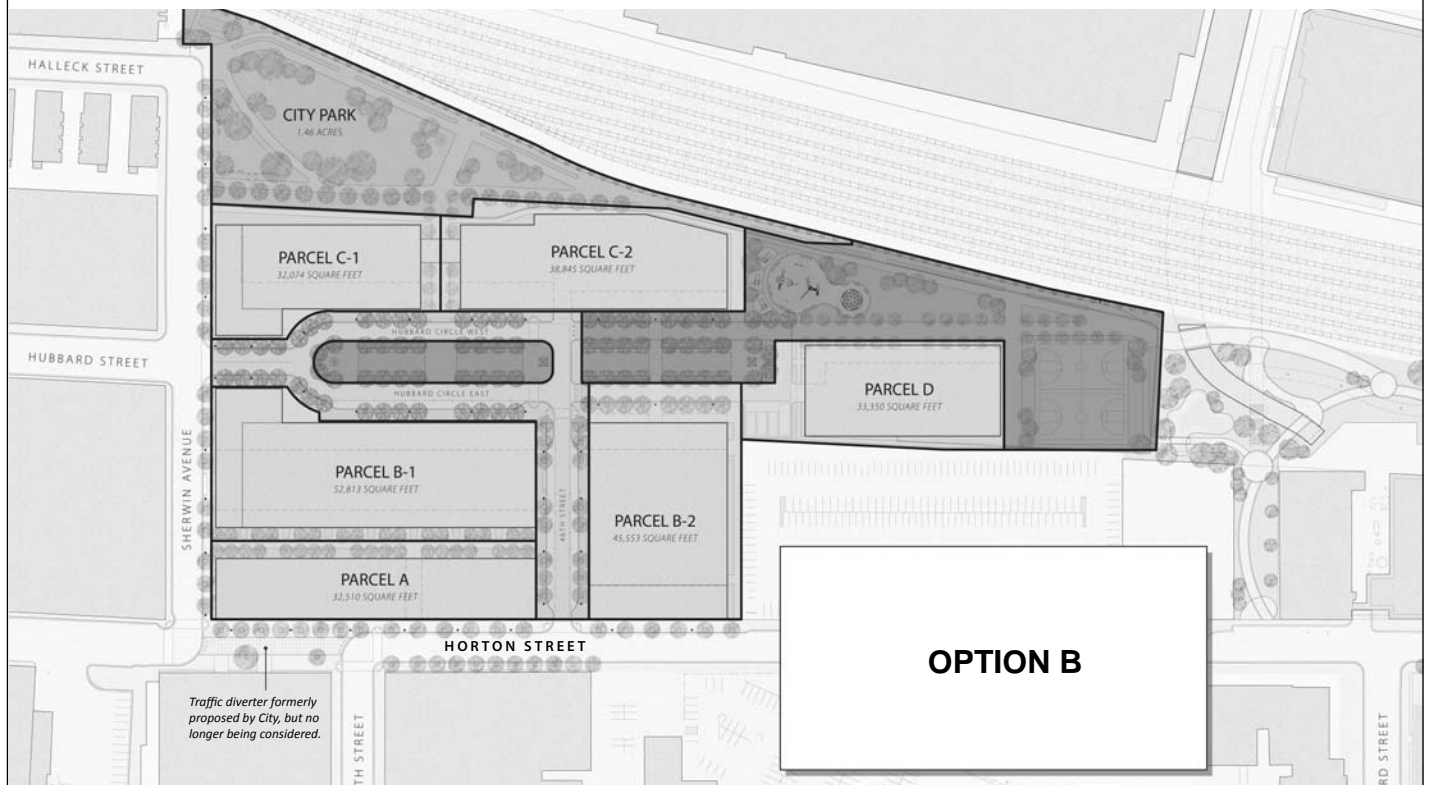
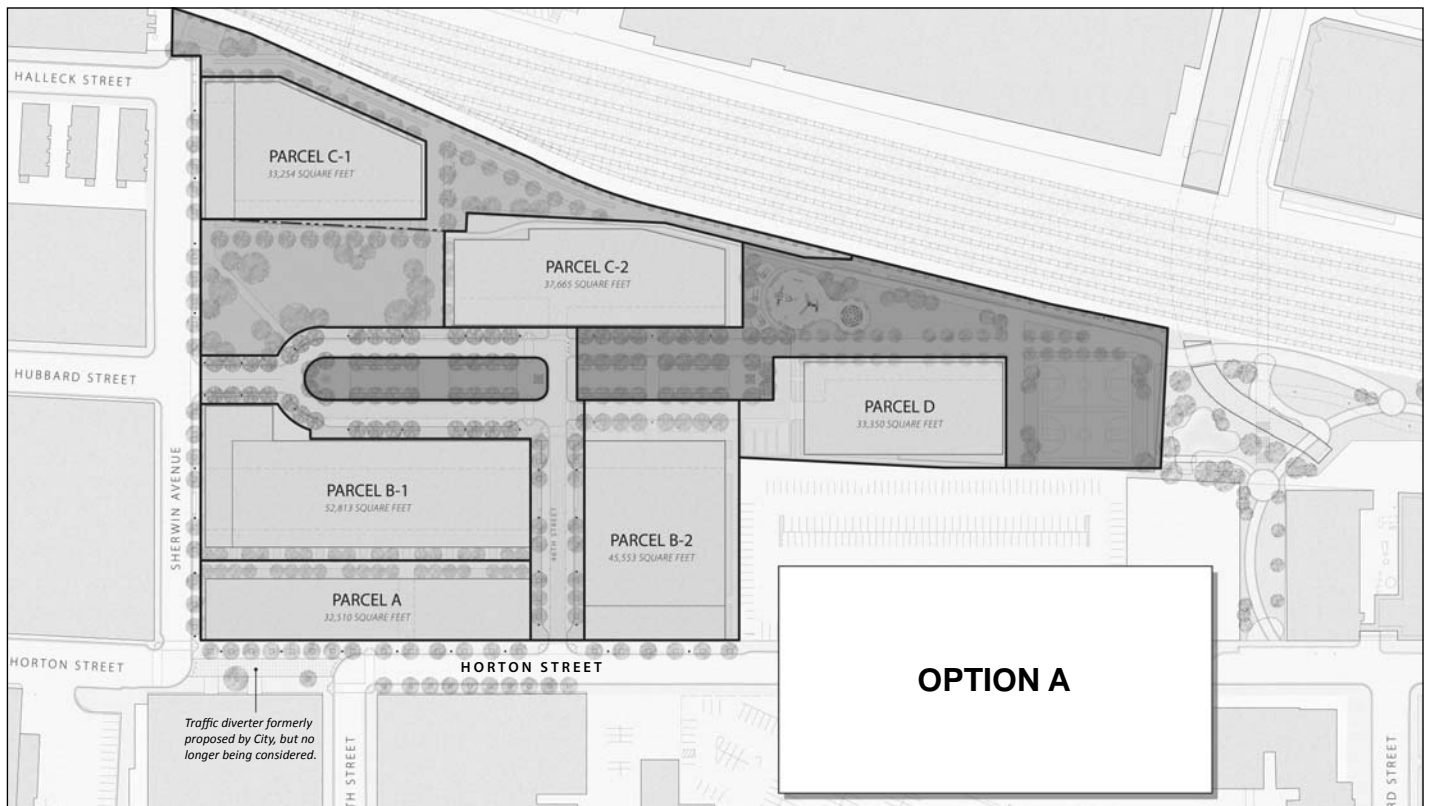
 Project Site

SOURCE: ESRI STREETMAP NORTH AMERICA (2012).

I:\CEM1404 sherwin-williams\figures\NOP\Fig\_1.ai (10/28/14)

*Sherwin-Williams Development Project NOP*  
Project Location and Regional Vicinity Map





LSA

FIGURE 2



NOT TO SCALE

SOURCE: ROMA DESIGN GROUP; LPAS & BKF, DECEMBER 1, 2014.

*Sherwin-Williams Development Project NOP*  
**Conceptual Site Plan - Options A and B**

I:\CEM1404 sherwin-williams\figures\NOP\Fig\_2.ai (12/2/14)

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-5530

FAX (510) 286-5559

TTY 711

www.dot.ca.gov



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January 14, 2015

FILE # ALA080139

ALA/80/PM 3.7

SCH# 2004122083

Ms. Miroo Desai  
Planning Division  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-8517

Dear Ms. Desai:

**Sherwin-Williams Development Project – Notice of Preparation (NOP)**

Thank you for including the California Department of Transportation (Caltrans) in the early stages of the environmental review process for the project referenced above. We have reviewed the Notice of Preparation for the Sherwin-Williams Development Project and have the following comments to offer.

***Lead Agency***

As the lead agency, the City of Emeryville is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see end of this letter for more information regarding encroachment permits.

***Traffic Impact Study (TIS)***

We recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis of potential significant traffic impacts this project may have on the SHS and adjacent roadway network. The TIS Guide

is available at the website address below and should consider the following:  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf).

1. Evaluation of traffic impacts generated by the proposed project to arterial State Route 123 (San Pablo Ave.) and Interstate (I-) 80 and I-580 on and off-ramp and mainline operations.
2. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. Clearly identify State ROW. Project driveways, local roads and intersections, parking, and transit facilities should be mapped.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. *Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections.* The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, is explained in detail in the TIS Guide, and should be applied to all State facilities.
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, should be included for the scenarios described above.
6. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.
7. Mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic should be identified.

California Public Resources Code 21159.28 provides for streamlined analysis of impacts from cars and light duty truck trips on the State Highway System (SHS) provided certain conditions are met. 21159.28(c) states (when referencing streamlining provisions) that "nothing in the foregoing relieves any project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety or operations of the



regional transportation network or local streets and roads.”

If this project does not qualify for streamlining provisions under SB 375 regarding traffic impact analysis, or there are impacts to the structure, safety or operations of the SHS, based on the project’s location and potential for significant traffic impacts, Caltrans requests a TIS to assess the impact of this project on the SHS and the adjacent road network.

### ***Vehicle Trip Reduction***

Consider locating housing, jobs, and neighborhood services near major mass transit centers. Circulation should be configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

Travel Demand Management (TDM) policies should be developed to encourage transit use thereby reducing vehicle trips on the State Highway System. Consider lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: [http://www.mtc.ca.gov/planning/smart\\_growth/parking](http://www.mtc.ca.gov/planning/smart_growth/parking).

The secondary impacts to pedestrians and bicyclists resulting from any traffic mitigation should be described with safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

### ***Traffic Impact Fees***

Development plans should require traffic impact fees based on projected traffic impacts and/or cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on Caltrans ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

### ***Feasible Mitigation Measures***

Caltrans recommends considering mitigation measures such as negotiating a co-operative agreement with Caltrans or other agencies where the City agrees to make a fair-share payment towards improvements that the applicable agencies agree to implement in a timely manner. The City or project proponent can apply for an encroachment permit from Caltrans to perform work in the State-owned ROW to implement the necessary mitigation. There may also be other measures that can be taken by the City that do not require improvements to the SHS but ensure the project’s direct and indirect traffic impacts, including contribution to mitigating cumulative impacts to the extent feasible.

Ms. Desai, City of Emeryville  
January 14, 2015  
Page 4

***Transportation Management Plan***

A Transportation Management Plan (TMP) or construction TIS may be required of the developer for Caltrans approval prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>.

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579.

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

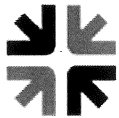
Should you have any questions regarding this letter, please call Sherie George at 510-286-5535 or [sherie.george@dot.ca.gov](mailto:sherie.george@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
Acting District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



## Sherwin-Williams Project Scoping Meeting

City of Emeryville

January 27, 2015, 6:30 p.m.

**WRITTEN COMMENT:** If you wish to provide written comments this evening, please complete this form and provide to City staff. Thank you for your comments.

NAME

COLIN SPANE

MAILING ADDRESS

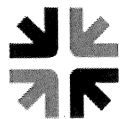
5713 HORTON ST, 94608 SUITE A

EMAIL

COLIN@WEARESLAUSDINAVIA.COM

COMMENTS:

WHAT ARE YOUR WATER WASTE SOLUTIONS?  
ARE YOU PLANNING TO REUSE OR REPURPOSE  
THE EXORBITANT AMOUNT OF GREY WATER?  
STORM WATER?



## Sherwin-Williams Project Scoping Meeting

City of Emeryville

January 27, 2015, 6:30 p.m.

**WRITTEN COMMENT:** If you wish to provide written comments this evening, please complete this form and provide to City staff. Thank you for your comments.

NAME

GARY GRIMM

MAILING ADDRESS

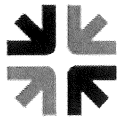
1420 45 ST # 32

EMAIL

gggrimm@mindspring.com

COMMENTS:

To be submitted by the  
deadline



## Sherwin-Williams Project Scoping Meeting

City of Emeryville

January 27, 2015, 6:30 p.m.

**WRITTEN COMMENT:** If you wish to provide written comments this evening, please complete this form and provide to City staff. Thank you for your comments.

NAME

MARGARET FISHER

MAILING ADDRESS

1420 45<sup>th</sup> St #16

EMAIL

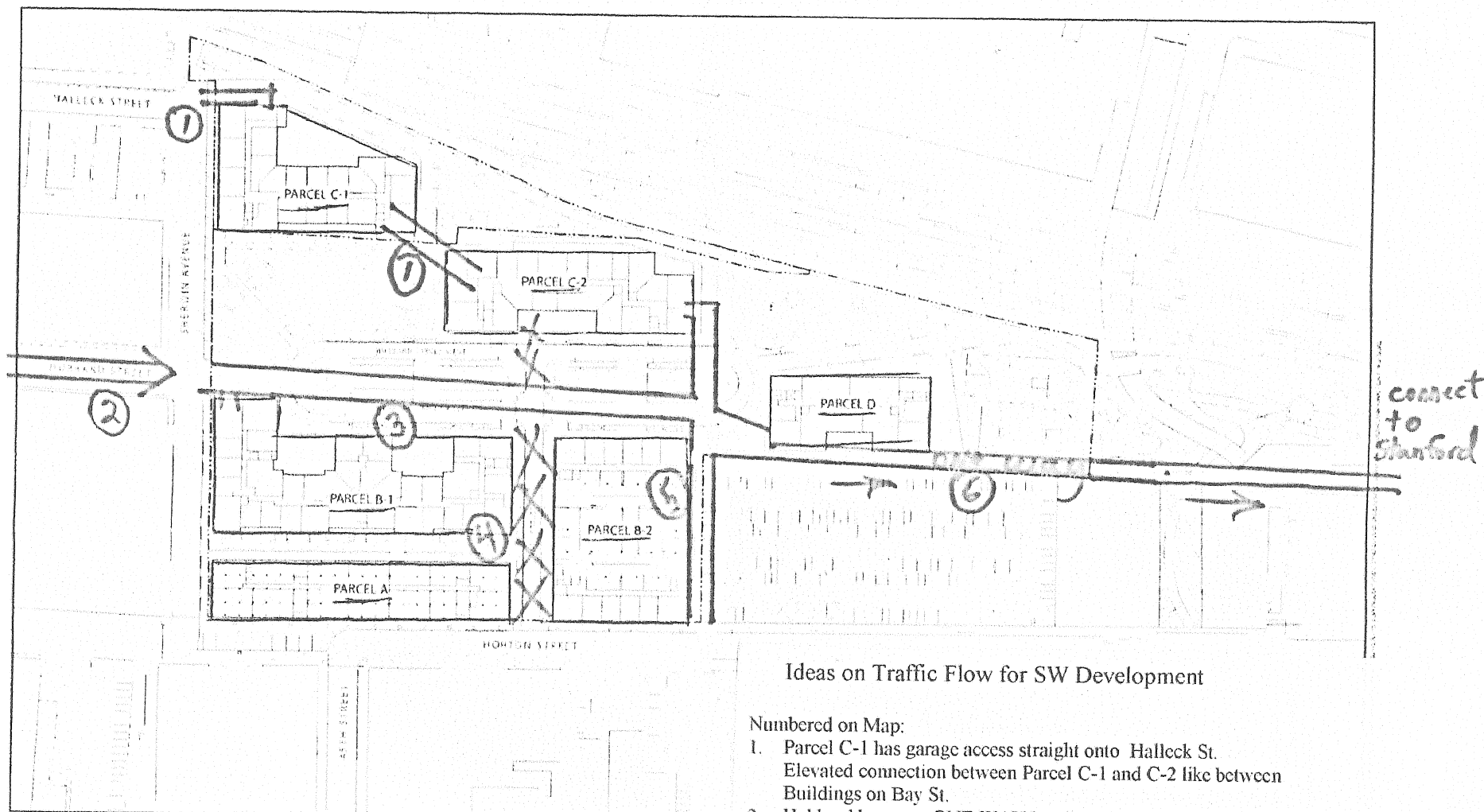
~~MAFISHCO~~ MAFISHCO@gmail.com

COMMENTS:

1) RE: ALTERNATIVES

After SW remediation in the 1990s I installed double paned windows & closed system a/c. - Very effective against noise & dirt - even today w/ jackhammering outside my Horton St. window

2) ACOUSTICS in addition to quantifying decibels please study acoustics - SW HORTON Bldg is A SOUNDING BD. that bounces sound to nearby walls & tint interior spaces of Artists CoOp.



OPTION A:

### Ideas on Traffic Flow for SW Development

#### Numbered on Map:

1. Parcel C-1 has garage access straight onto Halleck St. Elevated connection between Parcel C-1 and C-2 like between Buildings on Bay St.
2. Hubbard becomes ONE WAY heading North. Stop sign at Sherwin.
3. The Circle Green is eliminated.
4. The Developer's extended addition to 45<sup>th</sup> Street is eliminated.
5. New two way street off of Horton running to C-2.
6. A new road (two way to Parcel D) that becomes a single one way lane running North on or along the Novartis property. This lane exists onto Stanford St. The lane could facilitate an easing of future traffic bottlenecks when Novartis builds on their empty lots. This lane ending at Stanford provides a fairly direct and signaled approach to Hollis, Powell and the Freeway. The one way lane going North would have to get over the creek and maybe under the pedestrian bridge otherwise it is just negotiating with Novartis for unused land

Submitted by John Wolf 1500 Park Ave 1/27/2015



## Miroo Desai

---

**From:** mafish99@sbcglobal.net  
**Sent:** Thursday, January 29, 2015 3:45 PM  
**To:** Miroo Desai  
**Subject:** Environment Impact Study Sherwin Williams Response to Scoping Mtg

Dear Miroo Desai,

Here is a second letter. We were told it was highly recommended we write even if we spoke at the meeting.

Re: Sound Noise Dirt

I request the E.I. Review include an acoustical study as well as a measurement of current and anticipated decibels.

1. The Horton wall of the Sherwin Williams building is a sounding board.

It sends sound one block north and south, and sound bounces off the walls opposite it on Horton St. Someone speaking in a normal voice anywhere on Horton St. in front of the building can be heard for quite a distance. The sound additionally bounces off of a small wall partition to a garden at the Artists' Cooperative back gate entrance on Horton St.

This small wall deflects sound/noise into the 45th St. carport and studio entrances.

The net result is that sound bounces off of the Horton St. buildings and travels good distances.

2. Sound bounces from SW building off the PGE building and back into the center of the Artists Cooperative parcel, indoors and outdoors:

3. After the SW toxic soil remediation of the late 1990s, double-paned windows were installed in my studio #16 which has windows facing West onto Horton St.

These replaced the original and quite broken windows of the building. The result is a very effective mitigation of jack hammering, back up beepers, etc.

4. Also installed in Studio 16 was a closed system air conditioner and fan. This provides a comfortable temperature indoors without the need to open windows.

**5. Both the windows and air system are extremely effective in mitigating construction noise and dirt.**

**I recommend they be installed in all studios/residences with windows opening onto Horton St. before construction begins, as part of the cost of the project, given this the five-year anticipated noise and dirt.**

6. All are welcome to come by Studio 16 to note the sound/air ambiance. Hopefully on a noisy hot day, with a comparison to any of the other Horton St. studios that have the original windows.

Thank you,  
Margaret Fisher  
510-653-5009

## **EIR considerations for Sherwin Williams project from Residents United for a Livable Emeryville**

January 27, 2015

### *Considering that:*

This project will have a huge impact not only on the surrounding area, but also on the city as a whole

Emeryville is a desirable location with many options in terms of development

Developers should not decide our needs, but conform to residents' and small business' interests

....we must get it right. Of primary importance is that the Sherwin Williams project conform to the **General Plan**, the **Housing Element**, the **Bicycle/Pedestrian Plan**, the **Park Ave. District Plan** and other design guidelines that have been laboriously created and approved by citizens. This attention to previously decided issues will alleviate many questions about approvals.

The following are the primary considerations for RULE, a city-wide residents' group interested in making Emeryville a desirable place to live:

**Traffic and transit:** Traffic should be routed to minimize the impact on all surrounding areas as well as to maintain Horton St. as a bicycle boulevard. Car parking should be unbundled and minimized in favor of other transit options such as bicycle paths and parking for bicycles (including trailers) that is easily accessible to building entrances; efforts must be made to encourage mass transit; a subsidy for the 53<sup>rd</sup> St. overpass (to encourage bike traffic through the property) should be considered

**Housing:** we have a housing crisis in our city. Residents leave the city after their rents are raised by double digits; families leave to find suitable housing; our workers cannot find affordable housing and are forced to commute long distances. With the objective of creating equity and a more stable, diverse population, we request that a generous percentage of units be owner-occupied; a significant percentage be affordable and family-friendly. Our city is not served in any way by creating more huge blocks of luxury housing for transient, young singles.

**Building massing and design:** density, height and shading must be considered so that quality-of-life impacts can be minimized for the community at large. A mixture of smaller density and larger density buildings would improve the appeal to residents. The architecture should be in character with the neighborhood and be varied and of high

quality to avoid the worst features of a PUD. Archeological considerations must be addressed.

**Economics of mixed use:** the distribution of uses should be altered to improve the financial impact on the general fund. We recommend a cost/benefit analysis to determine the correct mix of retail, office and residential uses. The city should reap more in benefits than we invest. We recommend increasing the retail component, which would improve the prospects of the individual stores and the city's coffers. Retail should be non-formula and local-serving. (Subsidy by the developer may be necessary and it should be spelled out in writing.)

**Public access:** Re: POPOS : Public access should be permanent and equal to access on public streets. No signage regarding "private property" to be allowed.

**Respectfully submitted, RULE Steering Committee, January 27, 2015**

April Atencio  
Sarah Harper  
Ruth Major  
William Reuter  
Lillian Schroth  
Joan Strasser  
Judith Timmel

**From:** [Miroo Desai](#)  
**To:** [Amy Paulsen](#)  
**Subject:** FW: SHERWIN-WILLIAMS PROJECT SCOPING MEETING 1/27/2015:RICHARD AMBRO, Ph.D. ADDITIONAL COMMENTS AND REFS RE: ARCHAEOLOGICAL CONCERNS: Continuation  
**Date:** Thursday, January 29, 2015 10:03:36 AM  
**Attachments:** [image001.jpg](#)

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This is the latest from Richard Ambro – resident archaeologist!



**MIROO DESAI, AICP**

Senior Planner, City of Emeryville  
1333 Park Avenue, Emeryville, CA 94608-3517  
510-596-3785 (direct) 510-658-8095 (fax)  
[mdesai@emeryville.org](mailto:mdesai@emeryville.org)

**From:** Richard Ambro [mailto:richardambro@gmail.com]  
**Sent:** Wednesday, January 28, 2015 1:33 PM  
**To:** Miroo Desai; cbyant@ci.emeryville.ca.us  
**Subject:** SHERWIN-WILLIAMS PROJECT SCOPING MEETING 1/27/2015:RICHARD AMBRO, Ph.D. ADDITIONAL COMMENTS AND REFS RE: ARCHAEOLOGICAL CONCERNS: Continuation

**I accidentally sent an incomplete draft to you so I will now complete it.**

Please pass this E-mail on to the LSA team:

LSA should consult:

[PREHISTORIC]

Buss, M.  
1982 *Archaeological Survey Report for the Proposed High Occupancy Vehicle Lanes from the Bay Bridge to the Carquinez Bridge.* Report on file at CALTRANS District 04, Oakland. [see Exhibit 3A: for corrected locations of recorded prehistoric sites along Temescal Creek, mislocated due to post-1900 Filling in of Bay and channelization and realignment of Creek]

[HISTORIC PERIOD: MEXICAN-EARLY GOLD RUSH PERIOD]

Von Schmidt, A. W.  
1852 *Plan of Rancho de San- Antonio Claimed by Vicente Peralta & Others.* [A True Copy of the Original 1852 Map, Presented to Charter Members of the Alameda County Historical Society]. Copy in the collection of Richard Ambro,  
Ph.D., Emeryville, CA

[GOLD RUSH]

United States Coast Survey

1856 *San Francisco Bay, California: Table Sheet XXV*. Photocopy of Draft Ms  
map, in Map Collection, University of California- Berkeley.

[ There appear to be several structures spotted on North and South  
bank of Temescal Creek in or near Project.

EIR should require a detailed history of Historic Period land use/ occupation to identify other  
potential archaeological resources.

For general background, they should review Ambro et al. 1997;  
Emeryville Historical Society 2005; various EHS Newsletters.

Ambro, Richard; Arrol Gellner, Donald Hausler, Paul Herzoff, Tony Molatore, Ray Rainieri,  
Vernon Sappers, Sandra Sher, Nancy Smith, and Phil Stahlman  
1996 *Early Emeryville Remembered- Historical Essays & Photographs*; Compiled for the  
Emeryville Centennial 1996. Emeryville Historical Society.

Emeryville Historical Society

2005 *Emeryville- Images of America*. Arcadia Publishing, Charleston SC, Chicago IL,  
Portsmouth NH, San Francisco CA.

**To Reach Richard Ambro:**

**(510) 655-7951 [e-mail] [richardambro@gmail.com](mailto:richardambro@gmail.com)**

Feel free to contact me if you have any questions, etc.

Regards,

Richard Ambro, Ph.D.



# UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA

## Carpenters Local 713, Alameda County

Mailing Address  
1050 Mattox Road  
Hayward, California 94541-1298



Union Meetings:  
Second and Fourth  
Thursdays

Phone: 510-581-7817

Fax: 510-581-1267 • E-Mail: [office@carpenters713.org](mailto:office@carpenters713.org) • Dispatch Fax: 510-733-2509 • [www.carpenters713.org](http://www.carpenters713.org)



January 20, 2015

Via Email and U.S. Mail

Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608  
Email: [mdesai@ci.emeryville.ca.us](mailto:mdesai@ci.emeryville.ca.us)

Re: Sherwin Williams Development Project

Dear Ms. Desai;

Carpenters Local 713 appreciates the opportunity to take part in the review process for the proposed Sherwin Williams Development Project (the Project) and looks forward to commenting on the draft Environmental Impact Report (DEIR).

The Project presents tremendous economic opportunities if properly implemented, but also presents significant environmental impacts that must be reduced or eliminated to the maximum extent feasible. Local 713 intends to participate in the CEQA process to ensure that the City complies with CEQA's mandate to minimize the Project's environmental impacts while maximizing its economic benefits for the community and skilled craft workers. In particular, we request that the City analyze all impacts required by CEQA, including, but not limited to the following:

- Environmental impacts of construction;
- Impacts resulting from construction related employment;
- Impacts resulting from building operation;
- Impacts resulting from the urban form of the development;

Many of these topics will require analysis of hydrology, transportation and traffic, air quality, land use, population and housing, and public services.

### 1. Construction Impacts

Workers, including, most likely, members of Local 713, and nearby residents will be exposed to these impacts for the entire construction phase of the project.

The EIR should analyze measures to minimize construction impacts, including the impacts of construction worker commutes, including, but not limited to:

- Local-hiring preferences that will greatly reduce vehicle emissions from daily worker commutes;
- The traffic, air quality, storm water, and greenhouse gas (GHG) impacts of out-of-area workers who commute to the jobsites;
- Measures to reduce particulate matter emissions from construction equipment;
- Measures to reduce emissions of volatile organic compounds (“VOCs”) and nitrogen oxides (“NOx”) from construction equipment.

## **2. Economic Impacts of the Project’s Construction Employment.**

Since the Project will undoubtedly have significant, unmitigated environmental impacts, a statement of overriding considerations will be required (14 Cal.Code Regs. §15093(b)). The agency must make “a fully informed and publicly disclosed” decision that “specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.” (14 Cal.Code Regs. §15043(b)) Key among the findings that the lead agency must make is that:

“Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.. [and that those] benefits of the project outweigh the significant effects on the environment.” (Pub. Res. Code §21081(a)(3), (b))

Therefore, the EIR must analyze the likelihood that the Project will provide “employment opportunities for highly trained workers.” Furthermore, many projects in Emeryville and surrounding communities have been constructed with lower-wage, out-of-area workers. The EIR must analyze the employment impacts, and compare the economic impacts of the Project with and without a local hiring preference or other mechanism to increase the likelihood of local employment for skilled craft workers. Also, the EIR must set forth the assumptions being used for the underlying hourly-wage assumptions. In particular, does the analysis assume that workers will be paid prevailing wages, and if so, on what facts is that assumption based?

Finally, if the City does not impose local-hiring preferences, what will be the impact on the jobs-housing balance for the area? In particular, will there be impacts on overcrowding and blight conditions and on public services from an increase of low-wage workers in lower-cost residential neighborhoods in Emeryville, Alameda County, and throughout the region?

## **3. Impacts of Building Operation**

Buildings are recognized significant users of energy and other resources, both in their construction as well as their operation. New construction will result in an increase of ongoing environmental impacts and resource depletion. Thus the EIR should evaluate the environmental impacts of building operations and consider the adoption of a LEED gold or platinum standard, or another similar standard that achieves the performance objectives of these standards but does not have their same documentation requirements, for all construction in the project area.

#### **4. Affordable Housing**

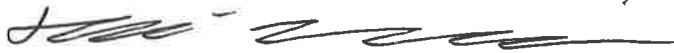
The Project presents an excellent opportunity for the City to meet demand for affordable housing. The EIR should address:

- How much affordable housing demand will be created by the Project?
- Which neighborhoods in the City can be expected to absorb the affordable housing demand created if the project does not add to the city's affordable housing stock?
- What will be the extent to which "doubling up" and overcrowding will occur if workers have insufficient local affordable housing options and the physical impacts on neighborhood resulting from overcrowding?
- How can the Project maximize opportunities for provision of affordable housing?

#### **Conclusion**

The Project will have impacts on the City of Emeryville. We hope that the City uses the CEQA process to minimize the Project's environmental impacts while maximizing the economic and other benefits that the Project presents to the City, area workers, and the region. We look forward to reviewing the Draft Environmental Impact Report.

Sincerely,



Daniel Calamuci  
Research-Analyst  
Carpenters Local 713

DC:ans  
opeu #29  
afl-cio

CERTIFIED MAIL 7010 3090 0001 0560 2888

## Miroo Desai

---

**From:** Steven Tipping <s.tipping@tippingstructural.com>  
**Sent:** Monday, February 02, 2015 10:28 AM  
**To:** Miroo Desai  
**Cc:** Lu Tipping; Christian Tipping  
**Subject:** Sherwin-Williams Development Project

Hi Miroo,

I write to voice my opinion on option A vs option B for the new development at the Sherwin-Williams site. I am the owner of a unit at the Emeryville Lofts project and a unit at the Blue Star project. Both of these projects are located directly across the street from the Sherwin-Williams site. I am in favor of option B, which locates the park adjacent to the railroad tracks. Locating the park near the tracks will greatly increase the amount of sunlight the park will receive and the park will feel much more open (and the children can watch the trains go by). Placing the park to the east of Parcel C-1, as shown in option A, will result in the building constructed on Parcel C-1 casting an afternoon shadow over the park and the park will be surrounded by buildings on three sides. Also, the building constructed on Parcel C-1 will be located directly along the railroad tracks and subject to the noise created as the trains go by.

I hope you will consider these ideas when choosing the location of the park.

All the best,

Steve

--

**Steven Tipping, SE** President

**TIPPING STRUCTURAL ENGINEERS**

1906 Shattuck Ave, Berkeley CA 94704

(510) 549-1906 ext 222

[www.tippingstructural.com](http://www.tippingstructural.com)

Please update your records with my new email address.

## Miroo Desai

---

**From:** Robert Ortbal <robert@ortbal.com>  
**Sent:** Saturday, January 31, 2015 1:00 PM  
**To:** Miroo Desai  
**Subject:** Environmental Impact Study for Sherwin Williams

Dear Miroo Desai,

I am writing to voice my concern and request the E.I. Report include an acoustical study in its report.

My studio #24 in the Artists Coop is directly across the street from the Sherwin Williams Building on Horton Street. It has a wall of the original windows that go from waist height to the top of my 13 feet high ceiling. The wall runs the entire length of my studio approx. 60 ft.

It was unfortunate that i was not able to attend the meeting on Tuesday night to voice my concerns in person. I am a college professor. My semester and classes began this week so I was not able to make it.

Realizing that this project could run for 5 years, I believe Margaret Fisher's recommendation to install windows and an air system to help mitigate the noise and dirt during construction needs to be an essential part to this construction project.

I urge you to take the necessary steps to see that this becomes a reality.

Thanks you for your time and consideration in this very important matter.

Sincerely,

Robert Ortbal

Studio #24  
510-459-8237 cell  
510-653-6543 studio



**From:** [Nora Pauwels](#)  
**To:** [Miroo Desai](#)  
**Subject:** Sherwin-Williams development  
**Date:** Monday, February 09, 2015 10:28:41 AM

---

Miroo Desai, AICP

Senior Planner

City of Emeryville

1333 Park Avenue

Emeryville, CA 94608

I live in the 45<sup>th</sup> Street Artists' Co-op on Horton Street across from the existing Sherwin-Williams building.

I believe that this project can be wonderful but right now we are very worried about the impact of the construction. We are artists that spend most of our time here.

The windows on Horton Street are old and single pane, they let in a lot of noise even when closed. Open windows are our only ventilation system.

A 5 year construction plan with the existing windows will ruin the productive lives of the artists that live and work here.

It will severely affect the business of my husband who has a bookbinding business on Horton street and needs to work in a dust free environment.

Something should be done to minimize the effect of the construction.

New windows might be very effective.

Nora Pauwels

1420 45<sup>th</sup> Street #21

Emeryville Ca 94608

STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., ROOM 100  
West SACRAMENTO, CA 95691  
(916) 373-3710  
Fax (916) 373-5471

Edmond G. Brown, Jr., Governor



January 8, 2015

Miroo Desai  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-8517

RE: SCH # 2004122083 Sherwin-Williams Development Project, Alameda County.

Dear Mr. Desai,

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in blue ink that reads "Katy Sanchez".

Katy Sanchez  
Associate Government Program Analyst

CC: State Clearinghouse

**Native American Contacts  
Alameda County  
January 7, 2015**

|  |   |   |   |
|--|---|---|---|
| Jakki Kehl<br>720 North 2nd Street<br>Patterson , CA 95363<br>jakkikehl@gmail.com<br>510-701-3975  | Ohlone/Costanoan  | Amah Mutsun Tribal Band of Mission San Juan Bautista<br>Irenne Zwierlein, Chairperson<br>789 Canada Road<br>Woodside , CA 94062<br>amahmutsuntribal@gmail.<br>(650) 400-4806 Cell<br>(650) 332-1526 Fax | Ohlone/Costanoan  |
| Coastanoan Rumsen Carmel Tribe<br>Tony Cerda, Chairperson<br>240 E. 1st Street<br>Pomona , CA 91766<br>rumsen@aol.com<br>(909) 524-8041 Cell<br>(909) 629-6081 | Ohlone/Costanoan  | Don Hankins<br>P.O. Box 627<br>Forest Ranch, CA 959421<br>(530) 343-3489 Voice/fax<br>(530) 592-7469  | Miwok   |
| Katherine Erolinda Perez<br>P.O. Box 717<br>Linden , CA 95236<br>canutes@verizon.net<br>(209) 887-3415   | Ohlone/Costanoan<br>Northern Valley Yokuts<br>Bay Miwok | Muwekma Ohlone Indian Tribe of the SF Bay Area<br>Rosemary Cambra, Chairperson<br>P.O. Box 360791<br>Milpitas , CA 95036<br>muwekma@muwekma.org<br>(408) 205-9714<br>(510) 581-5194                     | Ohlone / Costanoan                                      |
| Trina Marine Ruano Family<br>Ramona Garibay, Representative<br>30940 Watkins Street<br>Union City , CA 94587<br>soaprootmo@comcast.net<br>(510) 972-0645       | Ohlone/Costanoan<br>Bay Miwok<br>Plains Miwok<br>Patwin | The Ohlone Indian Tribe<br>Andrew Galvan<br>P.O. Box 3152<br>Fremont , CA 94539<br>chochenyo@AOL.com<br>(510) 882-0527 Cell<br>(510) 687-9393 Fax   | Ohlone/Costanoan<br>Bay Miwok<br>Plains Miwok<br>Patwin |

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locatvie Americans with regard to cultural resources for the proposed SCH 2004122083 Sherwin-Williams Development Project, Alameda County.

**Native American Contacts  
Alameda County  
January 7, 2015**

Indian Canyon Mutsun Band of Costanoan  
Ann Marie Sayers, Chairperson  
P.O. Box 28                      Ohlone/Costanoan  
Hollister                      , CA 95024  
ams@indiancanyon.org  
(831) 637-4238

Linda G. Yamane  
1585 Mira Mar Ave                      Ohlone/Costanaon  
Seaside                      , CA 93955  
rumsien123@yahoo.com  
(831) 394-5915

Amah MutsunTribal Band of Mission San Juan Bautista  
Michelle Zimmer  
789 Canada Road                      Ohlone/Costanoan  
Woodside                      , CA 94062  
amahmutsuntribal@gmail.com  
(650) 851-7747 Home  
(650) 332-1526 Fax

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed SCH 2004122083 Sherwin-Williams Development Project, Alameda County.**

**Ann Holsberry  
Gary J. Grimm**

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1420 45<sup>th</sup> St., Studio #32  
Emeryville, CA 94608  
Telephone: (510) 848-4140  
Email: gjgrimm@mindspring.com

February 6, 2015

**Via Email: mdesai@ci.emeryville.ca.us**

**TO:** Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

**FROM:** Ann Holsberry & Gary Grimm

**RE: Sherwin-Williams Development Project  
Environmental Impact Report (EIR) Preparation  
Written Responses to Revised Notice of Preparation (NOP)**

Thank you for the opportunity to submit our personal written comments on the scope of the EIR as noticed in the Second Revised Notice of Preparation (NOP). We appreciate your extension of the deadline for submission of written comments. In this submittal, we will focus on a few key areas that relate to assessment of environmental effects that we feel are especially important.

### **Cumulative Impacts**

The environmental effects of this project must be considered by themselves and also viewed together with the effects of other projects causing related impacts. These other projects include past projects, the effects of other current projects and the effects of probable future projects. Some of the other projects that should be reviewed would include the Novartis Master Plan; EmeryStation West & Emeryville Transit Center (59<sup>th</sup> & Horton); Parc on Powell (Sanford/Powell & Hollis); EmeryStation Greenway (58<sup>th</sup> & Hollis); Pixar Warehouse (5000 Hollis); Emeryville Center of Community Life (47<sup>th</sup> & San Pablo); potential replacement of the Banker Marks building bounded by Park, Sherwin, Horton & Hubbard Streets identified by our neighbors at 1500 Park Ave; and others.

In reviewing the nature of each environmental resource being assessed, the environmental review of cumulative impacts should follow the list approach as requested above and as indicated in section 15130 of the CEQA Guidelines. Using a summary of projections contained in an adopted local or regional planning document, or a prior environmental



document, would not be appropriate in this instance as such plans are not sufficiently accurate in their relationship to this project nor do they contain current information relating to the other relevant projects.

### **Project Options/Alternative Approaches**

We strongly support the alternative designs proposed by Paul Germain at the January 27<sup>th</sup> Scoping Session and as submitted in the written comments of others at the Coop. These alternative designs are identified as Sherwin Williams Development CEQA Alternatives A, A2 & A3, and were prepared by members of the 45<sup>th</sup> Street Artists' Coop. They are proposed alternatives that substantially reduce or avoid the potential environmental impacts of the project by reducing density, reducing building heights, modifying residential buildings, stepping down the perimeters of the buildings, extending 45<sup>th</sup> Street into the project area, moving 46<sup>th</sup> Street to the north, rerouting traffic circulation, and other modifications to the applicant's Options A&B.

### **Noise**

The environmental noise impacts of the construction related activities during the extended duration of construction of the project should be carefully reviewed. These are not brief or short-term impacts. This consideration and review is especially important to us as artists in that most of the art work at the Coop is done during daytime hours, when the construction activities will be occurring. Our work must not be disrupted by these long-term noise impacts.

The construction activity should include detailed project construction discussion throughout the document in the evaluation of relevant environmental impacts, including noise from this construction activity. The impacts should be mitigated and avoided as much as possible. This evaluation of impacts should include and consider the following:

- Construction commencement date, the phasing plan for construction, and the timeline going forward – the environmental assessment cannot be done without this information;
- Hours and days of construction;
- Access to site and traffic circulation patterns during construction;
- Construction worker parking during construction and whether it will be contained on-site;
- Types of construction equipment anticipated for project construction and the noise levels of each type of construction equipment;
- Equipment staging and materials areas and whether it will be done onsite;
- Compliance with requirements of the Deed Restriction on the site, beyond the type of land use that may occur;
- Mitigation and impact avoidance measures that can be provided to reduce noise impacts in addition to compliance with applicable City ordinances; and

- How the acoustics relating to the structures in the vicinity of the construction activities may increase or reduce the noise in the surrounding neighborhoods.

### **Air Quality Impacts**

In consideration of the air quality effects of this project, it is important to assess increased air pollutant levels that will be generated by the project construction and the long-term additional traffic that will occur in the project area. This assessment should include airborne dust particles, VOC vapors, and petroleum hydrocarbon related vapors. The windows in many of the studios in the Coop are kept open during daytime working hours in the warmer months of the year in order to maximize sunlight and ventilation. If we are forced to keep our windows closed to minimize dust, air pollutants, and noise, our ability to use our live/work space will be significantly compromised.

### **Land Use Planning**

In the October 30, 2014 Planning Commission scoping session, the need was expressed to do sunlight and shadow studies relating to the open space area of the project. We agree. However, in addition, the sunlight and shadow studies should also focus on the impacts of the project buildings on the neighboring properties, especially the Coop located across Horton Street from the project. The quality and duration of light and sunlight is very important to the work that is done in the art studios of the Coop. In addition, comments have been presented to the City about the Coop's intentions regarding installation of solar panels. This should be considered as well.

In conducting the sunlight & shadow studies, the study should show to-scale diagrams of all existing buildings on the project as well as the location of neighboring structures and properties that would be affected. At a minimum, this study should demonstrate the shadow impacts on the project itself and neighboring properties during each of the four seasons; spring, summer, fall, & winter. It should also show the shadows during various times of the day, with a focus on afternoon hours.

### **Transportation /Traffic Circulation**

We believe that a robust Traffic Management Plan and traffic circulation studies must be done for this project. The air pollution impacts of the increase in automobile and truck traffic as a result of the construction activities and long-term use of the property must also be considered. Commenters have indicated that this may be the most densely populated housing development in Emeryville and may increase the City's population by 10%. Traffic conditions on Horton, Hollis, 40<sup>th</sup> and other streets are already very congested when incidents on Interstate 80 occur, or a special retail sale or event occurs in the neighborhood.

Consideration of all automobile/truck traffic implications should be examined for the Alternative approaches referenced above for moving 46<sup>th</sup> Street to the northern boundary

of the property, and extending 45<sup>th</sup> Street through Parcels A & B1 into the Hubbard Street extension in the project area. This would affect the traffic management and circulation in the area.

In Summary, we urge that these comments be considered in the CEQA process, and that the Project Alternatives be closely reviewed in order to avoid and mitigate the adverse environmental impacts of this proposed project.

We request that we be specifically notified of relevant meetings and hearings as the project application moves forward.

Thank you for considering our comments.

Gary Grimm & Ann Holsberry  
1420 45<sup>th</sup> Street, Studio #32  
Emeryville, CA 94608

January 26, 2015

Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

*Subject: Notice of Preparation for Sherwin-Williams Development Project Environmental Impact Report (EIR)*

Dear Ms. Desai:

We are residents and business owners located at the Emeryville Warehouse Lofts and are very much looking forward to the development of the vacant Sherwin-Williams site as a vibrant mixed use infill development that complements the Park Avenue District neighborhood. Both the General Plan and the Park Avenue District Plan address the Sherwin-Williams site and support a development plan that encourages a mix of uses, a transition to smaller-scale development adjacent to the Park Avenue District and architectural design that respects the scale, massing and building materials of the Park Avenue District. Our comments are presented below.

### **Project Description**

Project impacts are assessed based on the Project Description. It is essential that a detailed Project Description be presented in the EIR to ensure that a complete and comprehensive assessment of project impacts are identified and evaluated. The Project Description should include the following information:

- Development phasing: identify the development proposed for each phase of construction and the estimated time-line to complete each construction phase. Identify the number of construction truck trips by phase, the number of construction workers by phase and where they will park. Identify the construction truck route(s) and location of potential lane closures by construction phase.
- Option A and B should be evaluated at an equal level of detail.
- Estimated number of office and retail workers.
- Size of residential units; e.g. number of studios, 1-bedroom, 2-bedroom and 3 bedrooms or larger, and estimated number of residents by unit size.

- Percentage of residential units that are for purchase and for rental.
- On-site circulation plan showing vehicle access points onto adjacent streets, traffic flow and garage entrances/exits.
- Location of on-site loading docks and designated truck delivery zones.
- Type of building materials, colors and exterior lighting.
- Building elevations must show building height to the top of rooftop mechanical equipment/enclosures if such equipment is proposed for project buildings.
- Conceptual landscape plan for open space areas and description of what will be provided in the open space areas.

### **Construction Impacts**

For each applicable section of the EIR, please identify the construction impacts by the development phasing identified in the Project Description. Include a summary table of all construction impacts by development phase and recommended mitigation measures in the Summary chapter of the EIR.

### **Traffic and Circulation**

The project site has poor access. To the west the railroad tracks are a barrier with no potential for vehicle access to and from the site. Halleck and Hubbard Streets and Sherwin Avenue are designated local streets intended to carry low volumes of local traffic and accommodate all travel modes; e.g. pedestrian, bike and vehicle, with equal priority (Figure 3-6 General Plan). Halleck and Hubbard Streets currently have weekday on-street truck loading which often create conflicts with vehicles. Horton Street, a designated Bicycle Boulevard, also has weekday on-street truck loading between Sherwin Avenue and Park Avenue, again creating conflicts with vehicles. The EIR should address the following:

- Construction traffic - how will the trucks access the site? Evaluate the construction route plan described in the Project Description and analyze construction truck traffic impacts within the Park Avenue District.
- Construction worker parking - if parking will not be provided for construction workers on-site, prepare a parking study that identifies the availability of on-street parking within a minimum two block radius from the project site and determine the adequacy of existing on-street parking to accommodate construction workers.
- Increased traffic on Halleck Avenue, Sherwin Avenue, Hubbard Street and Horton Street. All of these streets have inadequate capacity for the substantial increases in vehicles that would be generated by the project. Please identify vehicle trip distribution and increased volumes on these streets as well as Holden Street, Hollis Street, Park Avenue, 45<sup>th</sup> Street and Stanford Avenue. The traffic analysis must account for proposed traffic calming measures on Horton Street.

- The cumulative traffic analysis must include future projects identified in the Novartis master plan, including the entitled 200-foot building north of the project site. Also include the approved Arts Center on Hollis Street, and other projects currently under review, approved and under construction within the Park Avenue District, including the potential replacement of the warehouse building bounded by Park Avenue, Horton Street, Sherwin Avenue and Hubbard Street.
- Queuing on Sherwin Avenue and Horton Street that may occur resulting from ingress/egress from Project parking garages.
- Parking analysis to confirm adequate provision of parking on the project site to serve the Project. Prepare a parking survey of available on-street parking within a minimum two block radius from the Project site. Identify project-related impacts to on-street parking. If a parking survey was prepared for construction worker on-street parking, this survey can be used to assess project impacts to on-street parking.
- Impacts to pedestrians and bicyclists due to increased traffic on nearby local streets. Halleck Street and Sherwin Avenue between Hubbard and Halleck Street are designated as a Bay Trail route (see Figure 3-3 of the General Plan). Horton Street is designated a bicycle boulevard and Halleck Street and Sherwin Avenue between Hubbard and Halleck Streets are designated Class III (See Figure 3-4 of the General Plan). A significant increase in traffic on these streets would diminish the quality experience and increase potential safety conflicts. Potential conflicts between project-generated traffic and bicyclists and pedestrians on these streets should be identified and analyzed.

### **Aesthetics/Urban Design**

The Park Avenue District Plan and the General Plan recognize the uniqueness of the Park Avenue District with its small scale older industrial and commercial buildings that are of distinctive architectural character and diversity. The EIR should address the following:

- Shadows cast by the Project – a shadow study must be prepared to assess shadow impacts on- and off-site. The project features open space areas and a future City park. We need to know if the open space areas will be in sun or shade a majority of the daytime hours.
- Wind study – a wind study must be prepared to assess wind impacts at the open space areas and future park. We need to know if the massive building blocks will affect wind patterns creating windy and uncomfortable conditions in the open space areas and City park during daytime hours when the public is most likely to use them.
- Light and glare - assessment of proposed exterior lighting plan and lighted signage; and assessment of building façade materials that may cause glare.
- Urban design - assessment of building heights and massing and their compatibility with surrounding buildings. Assessment of ground floor building treatments and their relationship to Sherwin Avenue and Horton Street.

- Historic buildings – assess project compatibility with historic buildings within the vicinity of the project site as well as the project’s potential to diminish the overall historic character and quality of the Park Avenue District.

### **Compliance with General Plan**

A comprehensive evaluation of Project compliance with the General Plan and Park Avenue District Plan as well as other applicable plans should be included in the Land Use and Planning chapter of the EIR. This analysis should be presented in a table format.

### **Alternatives**

Section 15126.6 of the CEQA Guidelines specifies a range of reasonable alternatives to the project that could feasibly accomplish most of the basic objectives of a project and could avoid or substantially lessen one or more of the significant effects. We request the following alternative to the project be evaluated:

- Reduced Residential Density Alternative – a mix of housing types that include townhouses and smaller scale 3 to 4 story residential blocks oriented to increase natural light and cross ventilation into the residential units. Building heights greater than 55 feet will be located at the northern part of the project site that is west of the Novartis parking lot which is entitled for a 200-foot tower. This would provide a building scale, height and massing more compatible with the Park Avenue District and would be consistent with the General Plan: “Appropriate transitions.....The building heights and intensities from the core will transition to smaller-scale development in adjacent districts such as the Park Avenue District and residential neighborhoods.” (Page 5-3 of the General Plan).

Sincerely,

### **1500 Park Sherwin Williams Committee**

Rob Arias  
Donna Briskin  
Krisna Hanks  
Patricia Jeffery  
Mike McConnell  
John Wolf

January 13, 2015

Miroo Desai, Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-3517

Dear Ms. Desai:

Re: Revised Notice of Preparation of a Draft Environmental Impact Report for the  
Sherwin-Williams Site Redevelopment, Emeryville

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Revised Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Sherwin-Williams Site Redevelopment located in the City of Emeryville (City). EBMUD has the following comments.

## **WATER SERVICE**

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) will be required as the project would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling unit project. While EBMUD approved a WSA for the project on March 10, 2005, a new WSA may be required due to the changes in scope of the project. Please submit a written request to EBMUD to determine if a new WSA is required or if the approved WSA is still valid. Preparation of the WSA will require that EBMUD contact the project sponsor to gather data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request was received.

EBMUD's Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. A main extension, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required depending on domestic water demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead-time, which should be provided for in the project sponsor's development schedule.



The Notice of Preparation indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period (from 2014 through 2036). Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER RECYCLING**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plants, fish and wildlife to offset demand on EBMUD's limited potable water supply.

The project's site is immediately adjacent to EBMUD's existing East Bayshore Recycled Water Project distribution pipeline in Emeryville extending along Horton Street. This project presents several opportunities for recycled water uses ranging from landscape and park irrigation, toilet flushing and other non-potable commercial applications that can be served by the current active recycled water pipelines in the vicinity of the proposed development. Therefore, EBMUD recommends that the City and their developers maintain continued coordination and consultation with EBMUD as they implement the various components of the Sherwin Williams Development regarding providing recycled water for appropriate non-potable uses. If recycled water use is required as determined by

EBMUD, the applicant will be responsible for extension of recycled water pipelines to the proposed development and within the development.

## **WATER CONSERVATION**

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,



William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:TRM:dks  
sb15\_003.docx

cc: Bruce Dorfman  
TDP East Bay Partners LLC  
39 Forrest Street, Suite 201  
Mill Valley, CA 94941

Joe Ernst  
SRM Associates  
2220 Livingstone Street, Suite 208  
Oakland, CA 94606

Richard Weaver  
SWACE, LLC  
c/o Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
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**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

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March 2, 2015

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ALA/80/PM 3.7

SCH# 2004122083

Ms. Miroo Desai  
Planning Division  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-8517

Dear Ms. Desai:

**Sherwin-Williams Development Project – Notice of Preparation (NOP)**

Thank you for including the California Department of Transportation (Caltrans) in the early stages of the environmental review process for the project referenced above. This letter is in response to the Notice of Preparation received February 2, 2015 and reiterates information in our previous letter dated January 14, 2015.

***Lead Agency***

As the lead agency, the City of Emeryville is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The City should work with Caltrans to develop co-operative agreements to fund the future improvements of nearby State facilities to ensure that the Project's direct and indirect traffic impacts, including contribution to cumulative impacts, are mitigated to the extent feasible.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

***Traffic Impact Study***

We recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis of potential significant traffic impacts this project may have on the State Highway System (SHS) and adjacent roadway network. The TIS Guide is available at this website

<[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)> and should consider the following:

1. Evaluation of traffic impacts generated by the proposed project to arterial State Route 123 (San Pablo Ave.) and Interstate (I-) 80 and I-580 on and off-ramp and mainline operations.
2. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. Clearly identify State ROW. Project driveways, local roads and intersections, parking, and transit facilities should be mapped.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. *Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections.* The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, is explained in detail in the TIS Guide, and should be applied to all State facilities.
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, should be included for the scenarios described above.
6. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.
7. Mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic should be identified.

If this project does not qualify for streamlining provisions under SB 375 regarding traffic impact analysis, or there are impacts to the structure, safety or operations of the SHS, based on the project's location and potential for significant traffic impacts, Caltrans requests a TIS to assess the impact of this project on the SHS and the adjacent road network.

### ***Vehicle Trip Reduction***

Consider locating housing, jobs, and neighborhood services near major mass transit centers.

Ms. Desai, City of Emeryville  
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Circulation should be configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

Transportation Demand Management (TDM) policies should be developed to encourage transit use thereby reducing vehicle trips on the State Highway System. Consider lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: [http://www.mtc.ca.gov/planning/smart\\_growth/parking](http://www.mtc.ca.gov/planning/smart_growth/parking).

The secondary impacts to pedestrians and bicyclists resulting from any traffic mitigation should be described with safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

#### ***Traffic Impact Fees***

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic impacts and/or cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on Caltrans ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

#### ***Transportation Management Plan***

A Transportation Management Plan (TMP) or construction TIS may be required of the developer for Caltrans approval prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices* and the other transportation management plan requirements of the corresponding jurisdictions. Please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579. Further information is available at the following website: <http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>.

#### ***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

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Should you have any questions regarding this letter, please call Sherie George at 510-286-5535 or [sherie.george@dot.ca.gov](mailto:sherie.george@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
Acting District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

February 17, 2015

**SUBJECT: COMMENTS ON NOTICE OF PREPARATION FOR SHERWIN WILLIAMS  
DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT**

Dear Ms. Desai;

Grassetti Environmental Consulting (GECO) and Light Planning have been retained by the 45<sup>th</sup> Street Artists' Cooperative (Cooperative) to assist in their participation in the City's CEQA process for the Sherwin Williams Development Project. On behalf of the Cooperative, we are submitting these comments on the Notice of Preparation (NOP) for the project EIR. We had previously submitted a detailed letter on project's design issues and compliance with the City's plans and policies for the Council's consideration in the January 20 study session, which we have attached to this letter. Issues raised in that letter also are comments on the NOP. Our comments on the EIR scope are presented below.

Unstable/Incomplete Project Description

As detailed in our Study Session letter (attached) and summarized under "Plan Compliance Issues" below, the proposed project appears to conflict with a number of City policies, including density provisions. In addition, City staff has not deemed the project application to be complete. Further, the applicant continues to revise the project, substantially changing the open space and circulation days before the most recent City Council Study Session. For these reason, the project description appears to be unstable and incomplete. It is highly likely that the project will need to be substantially revised, with possible changes to layout, open space, and density. It would be inappropriate for the City to close the comment period on the NOP prior to the application being complete because the public and responsible agencies could be denied essential information relevant to commenting on the project. In addition to the items noted in staff's incomplete letter of October 24 email to the applicant (incomplete subdivision and phasing information), the current Preliminary Development Plan (PDP) is lacking the following items:

- The schematic submittals are of insufficient detail and of too small of a presentation scale for decision makers to make informed decisions regarding the development proposal. Full-sized scalable drawings, identifying uses and occupancy types, including floor plans and full building sections with roof-top equipment and penthouses, as well as schematic elevations also are needed to identify impacts.



- Graphic displays of site areas devoted to private and common open space allotments, and mandatory 10% site landscaping areas for each created parcel as well as calculations of net project site area.
- Visual simulations of building envelopes and massings in context with existing and proposed conditions.
- Sun and shading studies
- Assessment of visual and shading effects of roof-top equipment and penthouses should also be included
- Calculations of floor area of parking garage and access drives.
- A Transportation Management Plan specifically geared to reducing and managing automobile trips to and from the site as a part of the application. Given the high total parking allowances and significant potential trip generation impacts of the project, appropriate site layout and circulation system design may be dependent upon such a Plan.
- Project phasing is not addressed.

Moreover, because the project is to be subdivided into individual parcels that may be separated and sold the project application should include a Tentative Map (TM) showing lot boundaries as is required as part of a PUD submittal (Section: 97.1005.E). The map should include all appropriate drainage, utility, cross access and maintenance agreements necessary to maintain comprehensive functionality of the project as a master development following potential parcel separation. The TM should also demonstrate how each individual lot would comply with requisite setback, height, landscape and density and intensity standards, among others, of the General Plan, Zoning Ordinance and other governing regulations as stand alone developments after potential sale or conveyance and separation. Reciprocal arrangements for access to 'residential amenities' should also be demonstrated, and permanent parking allotments encoded for each individual parcel's usage. The Map should also indicate whether sufficient sanitary sewer and waste-water treatment capacity and other public utilities exist to serve the site.

Therefore we are requesting that the City suspend CEQA review of the proposed project until these issues have been worked out and the development application is complete. Moving forward with a potentially infeasible project renders the CEQA process meaningless, and skews alternatives such that they respond to a larger project than may even be permissible. As noted in our attached letter, because of these deficiencies, it is premature to start the CEQA process. As the court stated in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192- 193, 139 Cal.Rptr. 396, "[o]nly through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." Thus, "[t]he defined project and not some different project must be the EIR's bona fide subject." (Id. at p. 199, 139 Cal.Rptr. 396.) Without the information described above, the proposal's benefits simply cannot be meaningfully balanced against its environmental costs.

#### Plan Compliance Issues

The proposed floor area ratios, building heights, and layout of streets do not conform to Park Avenue District Plan guidelines and standards. The EIR should describe and analyze the Project's conformance with those specific guidelines and limitations as well as its conformance with all other policies, goals and standards of that District Plan.

In discussing the Project's conformance with City plan's and policies especial attention should be given to the project's adherence to building bulk, tower spacing, sky exposure and uninterrupted sunlight policies of the Urban Design Element and Zoning Ordinance.

The EIR should address the Project's conformance with setback, open space, landscaping, building separation, density and other requirements for residential usage as well as calculations of net lot acreage, both before and after potential and anticipated land subdivision.

The EIR should examine the project's conformance with the Bicycle Plan particularly in terms of placement and design of bicycle paths with respect potential conflicts with project and cumulative traffic hazards on Horton Street and other surrounding streets.

Policy T-P-3 of the Transportation Element of the General Plan states that a Quality of Service Standard shall be developed and used by the City to measure transportation performance of projects. The development of said standard is identified in the General Plan work plan as a 0 – 5-year action item. In the absence of the QOS standard, the City lacks an appropriate standard for measuring transportation performance as mandated in its General Plan. The EIR should explain how and why the Project approval process should go forward until such time as City standards are enacted by which its transportation impacts could be analyzed and measured. Any alternate metrics utilized for analyzing transportation impacts should be spelled out and the rationale for their substitution should be presented. The analysis also should evaluate the Project in terms of General Plan policy T-P-5, minimizing Vehicle Miles Traveled, T-P 62 regarding Project loading space, and other Parking and Traffic Demand policies.

The EIR should explain why the Project should be considered mixed-use rather than essentially residential (see discussion in attached Study Session comment letter). If the project is determined to be a residential one, then it should be evaluated as such in the EIR for compliance with provisions of the City's zoning ordinance and General Plan.

The EIR should assess the Project's impacts on the City's ability to meet targeted share of affordable housing, per the City's Housing Element and its regionally designated housing allotment.

Finally, as discussed above, the EIR should evaluate the proposed plan in light of the fact that parcels may be sold off separately, such that each parcel includes adequate open space, service and utility provision, and conformance with other applicable City land use and development standards.

#### Cumulative Impacts

The EIR's traffic, noise, air quality, aesthetics, wind, shading, and health risk analyses should be evaluated in the context of cumulative impacts of the many reasonably foreseeable, planned, entitled, or under construction buildings in the area. Cumulative impacts should consider both construction and operational effects on these resources. Section 15130 of the CEQA guidelines provide that the cumulative impact assessment may either use the listing approach, or projections from local or regional planning documents. Because of the number of specific projects that are planned, approved, or under construction, the former method would be most appropriate. Use of the plan method would lead to an inaccurate assessment of short- and mid-term cumulative impacts, as it would not reflect actual proposals. For the long-term cumulative impacts, we recommend that a combination of the list and plan approaches be used, where known projects in the pipeline are addressed as a list and long-term planned buildout also is considered.

Projects in the pipeline include but are not limited to:

- The Novartis Master Plan
- EmeryStation West & Emeryville Transit Center (59th & Horton)
- Parc on Powell (Sanford/Powell & Hollis)
- EmeryStation Greenway (58th & Hollis)
- Pixar Warehouse (5000 Hollis)
- Emeryville Center of Community Life (47th & San Pablo)
- Potential replacement of the Banker Marks building bounded by Park, Sherwin, Horton & Hubbard Streets
- Restoration Hardware 40<sup>th</sup>/Hubbard project

### Construction Impacts

The EIR should evaluate the full suite of potential construction impacts, including noise, air quality, traffic, parking, and health risks. Because construction will occur over 5 years or longer, temporary impacts should not be considered less than significant based on their impermanent nature, and should be fully evaluated and mitigated.

Specifically, at a minimum the EIR should address:

- Construction access and truck loading/unloading. As mitigation, delivery of construction materials by rail should be required.
- Construction traffic blockages on Horton and Sherwin, and attendant impacts to emergency response.
- Construction dust emission impacts to health and to the ability for artists to conduct their work (much of which requires a dust-free environment), especially in light of the full-time live-work occupancy of the 45<sup>th</sup> Street Artists' Cooperatives, and the fact that that building's only ventilation is from opening windows and skylights.
- Construction noise impacts to the full-time occupants of the 45<sup>th</sup> Street Artists' Cooperative. The analysis should consider specific physical conditions such as noise permeability of 45<sup>th</sup> Street building windows in identifying impacts and mitigation measures. It may be necessary to retrofit the 45<sup>th</sup> Street building with double pane windows and air conditioning before the start of construction of the Project. Note that the City's noise ordinance assumes that residents are not home during the work-day – in this case, they would be, resulting in potentially significant impacts to home and work lives of residents.
- Please note that residents have previously experienced some similar noise and air quality impacts during the remediation of the site, and would be considered experts under CEQA (per Oro Fino v. Eldorado County and Berkeley KJOB v. Board of Port Commissioners decisions).
- Health risks associated with potential hazardous materials in construction dust and vapors (from VOC (hydrocarbon) vapor emissions)

### Public Services/Utilities

The EIR should evaluate the impacts of the proposed project and cumulative development on police and fire services, water supply, sewage treatment, storm drainage, schools, parks, and energy infrastructure. Note that General Plan compliance is not proof of a less-than-significant impact to

these resources.

### Growth Inducement

The 100-unit per acre density proposed for the project is greater than any other Emeryville project. The EIR should evaluate the potential growth inducing impacts of the precedent that would be created by permitting this additional density at this site.

### Traffic

As noted above, absent adoption of a Quality of Service Standard by the City, it is not clear how this impact can be adequately addressed in the EIR. At a minimum, however, the following items should be included in the assessment.

In addition the quantified trip generation and traffic volume projections, analysis of traffic and circulation should address impacts associated with roadway system design and functionality within the Project as well as on streets and roadways external to it. The EIR also should assess the Project's impacts on flow, distribution patterns and overall functionality of the proposed roadway extensions within the Project as well as on streets and roadways external to it.

Given the confluence of numerous driveways for all of the Project garages in close proximity to the intersection of the oval roadway and the new 46<sup>th</sup> Street extension, the traffic analysis should analyze the relative functionality of the roadway system as designed in terms of circulation flow, pattern, and turn or crossing conflicts (bicycle and pedestrian included) as well as its adequacy in regards to stacking and queuing at garages, driveways, and at each turn and stopping point in the roadway. The analysis should identify appropriate forms of signalization, especially at the 45<sup>th</sup> and 46<sup>th</sup> and Horton intersections. Project and cumulative impacts on all intersections leading to I-80 and Emeryville shopping areas also must be evaluated.

The EIR should consider the implications and potential impacts on traffic circulation of the proposed Horton Avenue traffic diverters (and other traffic calming measures), including potential to divert through traffic on Horton into the Project driveways. It also should address Project and cumulative traffic volumes both within the internal Project circulation system as well as the surrounding system of streets. Potential impacts of project traffic with and without the planned Horton Avenue diverters also should be addressed.

In addition to local traffic problems, back-up from the I-80 Emeryville off-ramp on I-80 are worsening and are affecting traffic flows on the freeway in general. Therefore the EIR traffic study must include project and cumulative impacts to the I-80 off-ramps and on-ramps, as well as to main-stem I-80 traffic at peak hours.

CEQA has recently been amended to include a phased-in requirement that EIRs consider the project's impacts on vehicle miles traveled, as well as levels of service and the Quality of Service metric required by the City's General Plan. Please include each of these metrics in the EIRs traffic section.

### Hydrology/Water Quality

The project description should include a conceptual stormwater drainage and on-site treatment

plan in full compliance with City's Provision C-3 LID stormwater requirements, as issued by the California Regional Water Quality Control Board. It is not clear that, under the proposed plan's high development density and impervious footprint, the runoff generated can be effectively treated on-site without adversely affecting the use of the open space/park areas. This issue should be fully evaluated in the EIR.

The depth of excavation and footings (i.e. piles) should be evaluated with respect to migration paths for contaminated groundwater.

Impacts of sea-level rise to the capacity of storm drains to discharge to the Bay also should be evaluated for the anticipated lifetime of the project.

### Geology

The Project Description should fully evaluate the project's grading plans, including the quantities of soils proposed to be imported/exported (and potential impacts to dust, air toxics, air quality, traffic, and noise, from excavating and off-hauling materials).

### Hazardous Emissions/Health Risk

Potential health risks to neighboring residents/workers to possible hazardous dust and to emissions from construction trucks and project traffic should be carefully evaluated. A full health risk screening should be conducted for both construction and operation of the project, considering the 24-hour/day occupancy of nearby buildings, and reliance on windows/skylights for ventilation. Project construction equipment and haul trucks should be required to be natural gas powered to reduce the health risks associated with diesel emissions. In addition, CO concentrations must be conducted at all nearby intersections.

The DTSC has required and the Sherwin-Williams Company has filed a deed restriction to the property with respect to residential uses that requires, among other things, a detailed assessment of soil VOC's and petroleum hydrocarbon vapors prior to permitting any residential structures on the site. See Article IV Restrictions and Requirements in the deed restriction. Therefore the EIR must include a detailed evaluation of the required soil management plan, project compliance with prohibited activities, non-interference with installed remediation measures, potential soil vapor and petroleum hydrocarbon emission hazards, as well as mitigation measures for any such hazards.

### Aesthetics

The EIR must provide full photo-simulations of the proposed buildings as viewed from Horton and Sherwin Streets. Photo-simulations also should include the approved 150- and 200-foot towers on the Novartis parcel, as well as other relevant cumulative projects. These are essential for the public and decision-makers to fully understand project visual impacts in context.

### Shadows, Solar Access, and Wind

The 45<sup>th</sup> Street Artists Cooperative relies on daytime natural light for living and working activities. In addition, the Cooperative is investigating the feasibility of a plan to install solar panels on the building to reduce energy consumption. Therefore it is imperative that the EIR fully evaluate the proposed project's impacts on shading and ambient lighting to all units in the 45<sup>th</sup> Street building,

as well as to rooftop skylights and photovoltaic potential.

Residents have noted that the taller Novartis/Grifols buildings on Horton Street north of the site have created a canyon effect with respect to wind (and shade). The proposed project buildings must be fully evaluated for the potential to create wind tunnels on Horton Street as well as on open space internal to the project some of which is, in effect, City park land. Cumulative wind and shading impacts of the proposed project plus the permitted towers on the adjacent Novartis site also must be considered.

### Alternatives

The proposed Sherwin Williams PUD is an excessively large and dense project. The residents of the 45<sup>th</sup> Street Artists' Cooperative are requesting that substantially reduced density and reconfigured site plan alternatives be included in the EIR to reduce and avoid its impacts on the surrounding neighborhood, as well for its own inherent functionality and for conformance with City of Emeryville Plans, Policies and Development goals.

Towards that end, the 45<sup>th</sup> Street Artists' Cooperative, working with other neighborhood residents, have developed a realistic set of conceptual alternatives that we are requesting be evaluated in the EIR (as opposed to the applicant's theoretical site-stuffing exercise). These are shown in the attached figures. These alternatives were reviewed by the City's Park Avenue District Advisory Committee on February 11, 2015. The Committee had positive responses to the overall design, building placement, reduced heights, cut-through of the existing building, and reduced density.

The EIR should assess the comparative impacts of these alternative to those of the proposed project, and refine them further to reduce any significant impacts, as is the purpose of alternatives. Additionally, these should all be considered feasible absent independently reviewed financial information showing otherwise (per Sierra Club v. CC County decision). If the City parcel cannot be used for development, then the EIR should revise these alternatives to relocate the development and open space accordingly. The Cooperative looks forward to working with staff and the applicant to refine these alternatives.

- **Alternatives A1, A2, A3** would reduce the number of dwelling units, mass, height and parking by approximately thirty percent compared with the proposed project. These alternatives would substantially reduce trip generation/traffic impacts, noise, shading of adjacent residential resident properties and air pollution. An extension of the existing 45<sup>th</sup> Street is shown extending into the project and intersects with Hubbard Street. This extension aligns the existing street grid and assumes a reduction in traffic, turning motions and air pollution. Pedestrian and bicyclist Colonnades are shown on the ground floor of the existing building where it is intersected by 45<sup>th</sup> Street and at the North and South ends of the building. The "sectioning" of this building and the use of the existing building columns as part of the colonnade will illuminate historical construction methods and materials of the existing building. The additional pedestrian and bicycle access points will encourage non-vehicle access into the project and correspond to reductions in vehicle traffic, noise and pollution. The parking structure is relocated to the western edge of the proposed development adjacent to the railroad tracks and is lined with residential units on three sides. This relocation will minimize parking associated noises within the project and on adjacent residential properties. The relocated structure also should shield residences from noise from the railroad operation. Noise impacts from the freeway maze to the west and

adjacent parking structures located on the Ikea and Bay Street parcels also will be reduced by the sound barrier created by the relocated parking structure.

- **Alternative A2 is identical to A1** except that 45<sup>th</sup> Street is not extended into the project.
- **Alternative A3 is identical to A2** except that residential/retail buildings A1 and A2 are not bisected by the proposed extension of 45<sup>th</sup> Street.

Please feel free to contact us if you have any questions regarding these comments. The 45<sup>th</sup> Street Artists' Cooperative looks forward to working with the City to assure that the public and decision-makers are provided with a comprehensive environmental impact report.

Sincerely



Richard Grassetti  
Principal  
Grassetti Environmental Consulting

Joseph Light  
Light Planning

Attachments:

January 20 Study Session Letter  
45<sup>th</sup> Street Artists Cooperative Development Alternatives Plans



City Council  
City of Emeryville  
1333 Park Ave.  
Emeryville, CA 94608

January 20, 2015

**SUBJECT: 45<sup>TH</sup> STREET ARTISTS' COOPERATIVE COMMENTS ON SHERWIN WILLIAMS  
PROJECT DESIGN AND GENERAL PLAN COMPLIANCE**

*Honorable Council Members*

*Grassetti Environmental Consulting (GECO) and Light Planning have been retained by the 45<sup>th</sup> Street Artists' Cooperative (Cooperative) to assist in their review of the proposed Sherwin Williams Planned Unit Development (PUD) project. On behalf of the Cooperative, we are submitting these comments on the project's design issues and compliance with the City's plans and policies for the Council's consideration in the January 20 study session.*

*In summary, the proposed Sherwin Williams PUD is an excessively large and dense project. The residents of the 45<sup>th</sup> Street Artists' Cooperative are requesting that it be scaled downward and that its layout and a number of its components be reoriented, to reduce its impacts on the surrounding neighborhood, as well for its own inherent functionality and for conformance with City of Emeryville Plans, Policies and Development goals. We also further note that the schematic submittals are of insufficient detail and of too small of a presentation scale for decision makers to make informed decisions regarding the development proposal. The Council should ask for a more fully studied plan (as was suggested by several Planning Commissioners) before rendering opinion on the study concepts.*

*Further on that note, even though tonight's hearing is just a study-session based on very partial information and no entitlements or guarantees will be issued, study concept plans which face limited and only partially considered scrutiny can become cemented in form, and become "the Project" for CEQA review, thereby possibly precluding better and more desired approaches. Therefore, it is important that Council members have the time and information to carefully study this project.*

*Scale, Layout and Density: It should be emphasized that this is a very large project. At 100 dwelling units/net acre it will be the densest project in the City, and far larger and more intense than existing habitations in its immediate Park Avenue District surroundings. As proposed, it would place 540 new dwelling units with close to 1,000 parking stalls, generating thousands of daily motor vehicle trips funneled through a truncated, and arguably conflict prone, internal circulation system and thence to already congested local roadways. With buildings ranging from seven to ten stories and a seven story parking garage directly on Horton Street, it is not perfectly clear how this project adheres to the Park Avenue District vision of "fine grain and small block pattern..." Even with the*



extension of Hubbard Street through the site, it is arguable that the project as proposed has more the character of a super block than an urban-grain development participating in the general system of local streets (though impacting upon them).

The apparent organizing feature of the project is an extension of Hubbard Street as a central, north/south, oval linear park, modeled after 0.85 acre South Park in San Francisco, with interlinked connections to forthcoming city parks and open spaces. While the concept of a formal and sheltered interior plaza is compelling, the comparison with South Park breaks down under closer analysis. South Park's setting and character is that of a secluded enclave detached from the surrounding heavily trafficked general roadway system in a city of relatively low household vehicular usage. It is engirded by 58 two- to three-story residences lining an oval street which experiences quite low volumes of traffic. By contrast, the proposed oval park, Hubbard/46<sup>th</sup> Street extension, which will provide 0.58 or 0.56 or 0.30 acres (depending on the Report) of open space, will serve ten times the number of dwelling units with hundreds of dedicated parking stalls. As a result, rather than serving as a relief from the grid of traffic streets as does South Park, the proposed oval road and 46<sup>th</sup> Street dog-leg will tend to function more as an extension of the general roadway system itself.

Moreover, South Park's east/west orientation and low rise street wall allows direct sunshine to fall onto the park throughout much of the day and year. Due to its north/south orientation and taller wall surround, the proposed oval (particularly under the currently more viable Option B) has a very high likelihood of being cast in shade. It also provides measurably less open space than does South Park. Its much higher wall ground relationship, could also result in a perceptively cramped and ill proportioned open space. These issues were noted by some Planning Commissioners, who requested shade studies prior to making a recommendation and a lowering of buildings and by the DCC which called for a wider park presumably to serve as a functional open-space as well as to reach for sunlight.

In addition to the formal and functional questions of the extension of Hubbard Street as a linear open space, its functionality as a circulation system also presents potential conflicts and inefficiencies that should be further thought through. The original alignment of the Hubbard extension as is shown in the General Plan, is a straight street with a dog-leg at the north end of the property turning towards Horton along the edge of, and providing secondary access to, the adjoining Rifkin Parcel which is entitled with a large development of its own.

The revised street layout by contrast, presents a number of high-volume entry drives converging at or near the oval's point of intersection with 46<sup>th</sup> Street (particularly in Option B where Building C-2's traffic is funneled through Building C-1 via a street level driveway crossing the pedestrian linkage between the oval and recreation park and through a second story bridging structure - visually and functionally impacting interconnection between the oval open space and the rail-side park—rather than exiting directly onto Sherwin Avenue). In addition to the problematic potential of this convergence in and of itself (sufficient queueing distances as just one problematic potential as an example), the oval arrangement of the roadway entails a number of extra turnings, crossings and potentials for congestion and conflict, particularly at the convergence point, then would a longer straight street say, with more dispersed driveway connections and without a mid-block intersection with the dog-leg. Shifting the 46<sup>th</sup> Street debouchment onto Hubbard is also of particular concern to the residents of the 45<sup>th</sup> Street Artists' Cooperative, as its newly proposed location of intersection is close, but off-set from their facing parking lot exit, thereby posing possibly higher hazard cross-turning conflicts between the two. The relocation also deprives the

*adjoining Rifkin parcel access to Hubbard as had apparently been planned.*

*Other observations on the circulation: the revised plan shows bike and pedestrian path (as designated for off-street Class 1 Bike Path on the General Plan) crossing directly in front of the C buildings driveway. As shown, the pathway changes from a paved driveway type directly onto the street in front of the garage. Drivers entering or exiting the garage are thereby deprived of visual cues of a bike crossing as a result of the change in paving, possible driveway like curbing and its convergence onto the roadway. A visually continuous bike lane separate from the street (Class I) would be safer.*

*Also, the proposed traffic diverter shown on Horton Street, though not under the control of the applicant, could cause drivers to circle within the project in order to access either north or south access increasing traffic and turn conflicts within it. It might also result in usage of the new Hubbard extension as a shortcut bypass by north/south drivers from outside the project, exacerbating circulation short-falls and impediments of the oval as designed.*

*Revised Plans and Countable Lot Acreage. In the concept plan presented to the Planning Commission in October, the oval was to be 550' long reaching to building D and providing stub access to the Rifkin parcel. As noted by staff in their report, the proposed project density of 540 units and SF of floor area (not including an unknown 100,000's of SF of garage) was above the allowances of the District even assuming maximum bonus points. In response, the applicant has revised the plans relabeling the northern oval park and roadway segment as driveway and bike-path/emergency vehicle route. They also replaced the connector to the adjoining parcel with dysfunctional grouped loading stalls for the entire project. The applicant has, through this relabeling of roadways, claimed to increase the net size of the parcel thereby increasing the allowable density and intensity of the project. This design would allow traffic on an open space area, rendering the open space useless for residents. We are requesting that the Council reject this slight of hand and send the application back for an appropriately reduced density design.*

*Additionally, this change in the geometries (from oval to rectangle) and ground treatment of the northern half of the oval, also has the effect of obviating the initial concept rationale of formal oval plaza, and its truncated remnant undoes whatever urban design sense it may have once had.*

*Alternative Concept: For the purposes of improving the project's internal layout and reducing its conflicts with the surrounding community, we present the following suggestions regarding placement of the passive open space area as well as the street and building layout. We also are requesting that the Council substantially reduce the project's density.*

*First, The whole project needs to be scaled downward and redesigned. Building B-2, which is little more than a seven-story parking garage festooned with a veneer of units on two sides.*

*In addition its size and character problem, Building B-2, as placed, faces directly across Horton Street onto a raw industrial back-lot, fitted with an uninviting soils remediation incinerator. It also adjoins a barren industrial parking lot slated for intense development with high-rise towers. (Given their proximity, Building D's location may conflict with Zoning policies regarding tower spacing, and Building D's views, and light and air access may be blocked by the planned towers.) The veneer of units applied to the front of the building will do little to disguise and moderate its essential and overwhelming character as a seven-story parking garage as prominently seeable from the street and other properties. Rather, the parking garage massing will tend to render the draping units as visual incongruities.*

*Reducing the bulk of that building and pushing it off the street, behind a park, which could be made by relocating the interior open space, would allow residents of fronting units to look onto the more protected parklet rather than the raw industrial setting of the street frontage. Also, bringing a plaza to the street could provide a better and more functional 'activating' experience to the frontage than a would a continuous street wall, by providing a strategic break from linear massing, as is encouraged by the City's design guidelines and specifically cited in the Park Avenue District Plan, which calls for small grain developments and sidewalks punctured by landscaping and street furniture.*

*Second, as described above, the oval open space in the middle of the residential site is flawed design. It would perhaps be better to abandon the central oval concept, leave the Hubbard extension a straight boulevard with the 46<sup>th</sup> Street dog-leg remaining along the Rifkin Parcel (away from the 1420 45<sup>th</sup> Street residences driveway) as currently shown in the General Plan, and relocating the passive open space in the oval to the Horton Avenue frontage on the site periphery. Doing this would insure full morning sunlighting of the passive open space while narrowing Hubbard Avenue would facilitate the goal of pushing Building B-2 (which should also be pared down to a community scale and designed in a manner that is functionally residential in program and appearance), to the west behind the new plaza at the 46<sup>th</sup> /Hubbard exit.*

*Use Category:* Although the project is categorized as mixed-use, consistent with the District's designation, it is in fact, essentially a residential project. Of over 641,000 SF of new construction (not counting several hundred-thousand more feet of uncounted and undisclosed floor area within the multiple parking garages) only 20,600 (3.2%) of that construction is designated as commercial. Moreover, much, if not most, of that footage, is apparently allotted to 'live-work' or 'residential amenities' uses, which are part and parcel of the residential project itself, and not commercial.

*Over 70% of the total 96,600 SF of commercial space identified for the project is comprised by the existing building on Parcel A on a designated lot of its own at the periphery of the project area. Since that building is simply an existing commercial one that is being reoccupied, and has little integral interface with the larger project, it should, for all functional purposes, be considered a stand-alone reuse of an existing commercial building (one that is very likely to be sold and separated from the larger essentially residential project), rather than new commercial space in a mixed-use development. The remainder 'token' commercial spaces proposed are not sufficient to consider the project a mixed use development appropriate to the zoning designation and District Plan.*

*If a functionally wholly residential project is acceptable to City at this location, requisite residential development standards as they pertain to setbacks, private open space, landscape and building separation design and zoning standards should be applied. At any event, all 'live-work' units that are provided should be designed to have a fully functional 'work' arrangement. (Many purported 'live-work' developments are more akin to a simple residential unit-style than functional art, work or craft spaces.)*

*Parcelization:* Since the project is to be subdivided into individual parcels that may be separated and sold the project application should include a Tentative Map showing lot boundaries as is required as part of a PUD submittal (Section: 97.1005.E). The map should include all appropriate drainage, utility, cross access and maintenance agreements necessary to maintain comprehensive functionality of the project as a master development following potential parcel separation. The TM should also demonstrate how each individual

lot would comply with requisite setback, height, landscape and density and intensity standards, among others, of the General Plan, Zoning Ordinance and other governing regulations as stand alone developments after potential sale or conveyance and separation. Reciprocal arrangements for access to 'residential amenities' should also be demonstrated, and permanent parking allotments encoded for each individual parcel's usage. The Map should also indicate that sufficient sanitary sewer and treatment capacity and other public utilities exist to serve the site.

Completeness of Application: We are requesting that, in addition to the subdivision map mentioned above, the PUD application submittals include:

- Full-sized scalable drawings, including floor plans and full building sections
- Graphic displays of site areas devoted to private and common open space allotments, and 10% site landscaping areas
- Visual simulations of building envelopes and massings in context with existing and proposed conditions
- Sun and shading studies
- Preliminary assessment of roof-top equipment and penthouses should also be included
- Floor area of parking garage and access drives should also be enumerated.
- Given the high total parking allowances and significant potential trip generation impacts of the project. It is also imperative that a Transportation Management Plan specifically geared to reducing and managing automobile trips to and from the site as well as guiding an appropriate site layout and circulation system design be prepared as part of the application rather than as an after consideration condition.

Conclusion: The project design is flawed and requires reworking with respect to open space, circulation, and density.

- The density is excessive. The concept plan for the study session, which is 80 units higher than the Housing Element forecast, assumes maximum feasible build-out with maximum attainable bonus points. The Council should not permit this conceptual super-maximum or other less than optimal aspects of the project as described above. Only three other developments in Emeryville have densities of as much as 85 units/acre. At 100 units an acre the study concept would create the most densely inhabited project in City; instead, the applicant should be instructed to scale the project downward and re-conceptualize the design and layout based upon these and other relevant comments from others.
- The oval concept is flawed and has been compromised in concept by the latest redesign.
- The internal open space is no longer functional and now a roadway is being improperly considered open space to permit excessive density.
- The proposed circulation plan is flawed and needs to be re-worked.
- The project is essentially a residential project under the guise of a mixed-use project. The Council should provide clarity as to whether it desires a residential project on the site (which would be required to comply with residential standards), or a true mixed use project, with greater commercial space.
- The application is incomplete and the scale of plans submitted is unsuitable to appropriate analysis.

In addition, because of these deficiencies, it is premature to start the CEQA process. As the court stated in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, 139 Cal.Rptr. 396, "[o]nly through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its

*environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." Thus, "[t]he defined project and not some different project must be the EIR's bona fide subject." (Id. at p. 199, 139 Cal.Rptr. 396.)*

*Please feel free to contact us if you have any questions regarding these comments. The 45<sup>th</sup> Street Artists' Cooperative looks forward to working with the City and project applicant to create a development plan that enhances the neighborhood for all of the neighboring residents.*

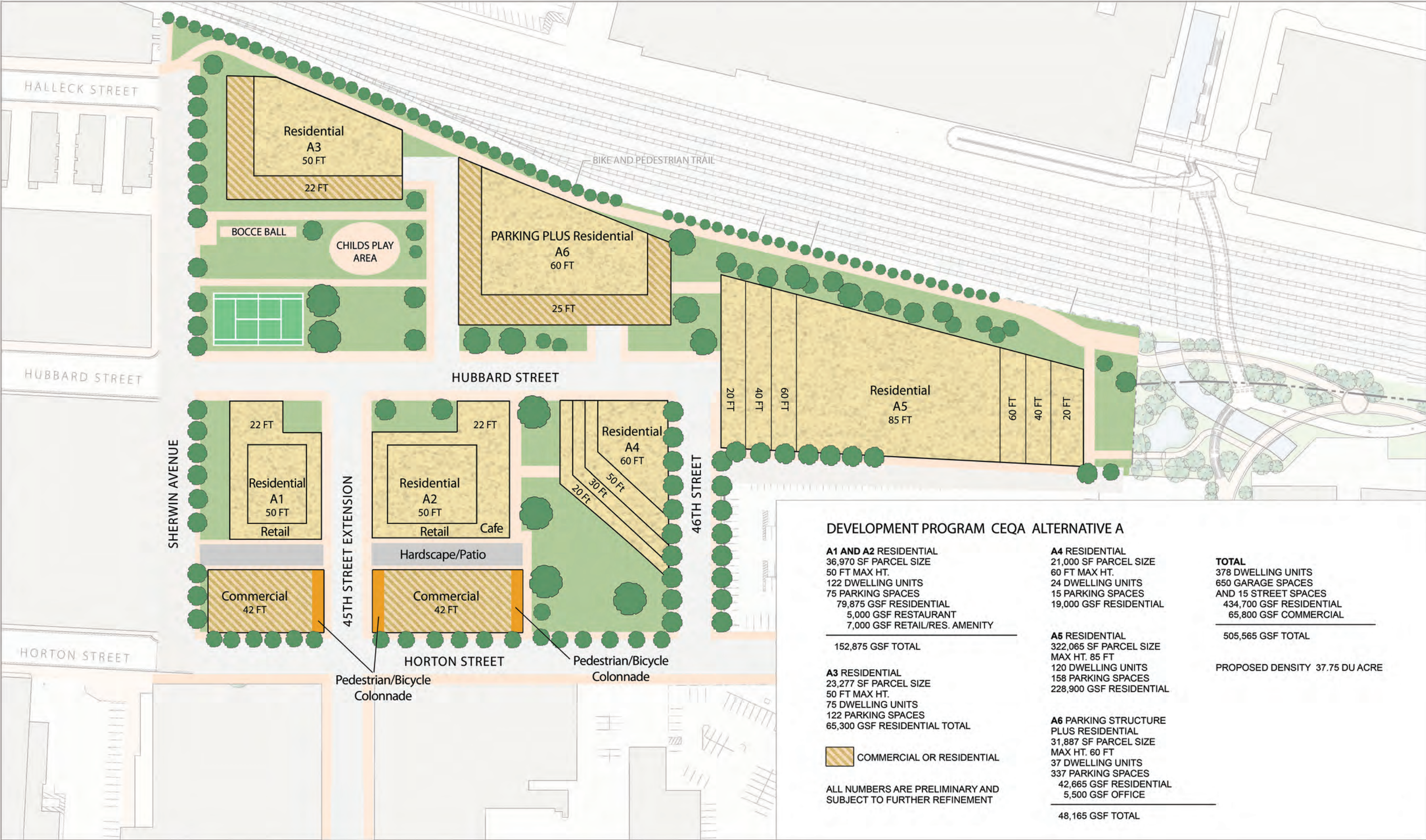
Sincerely



Richard Grassetti  
Principal  
Grassetti Environmental Consulting

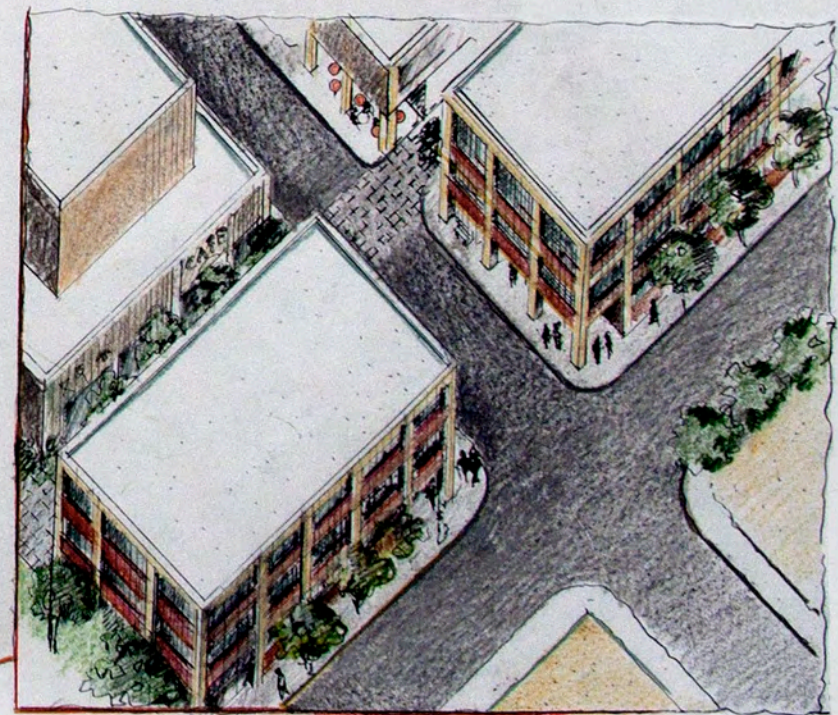
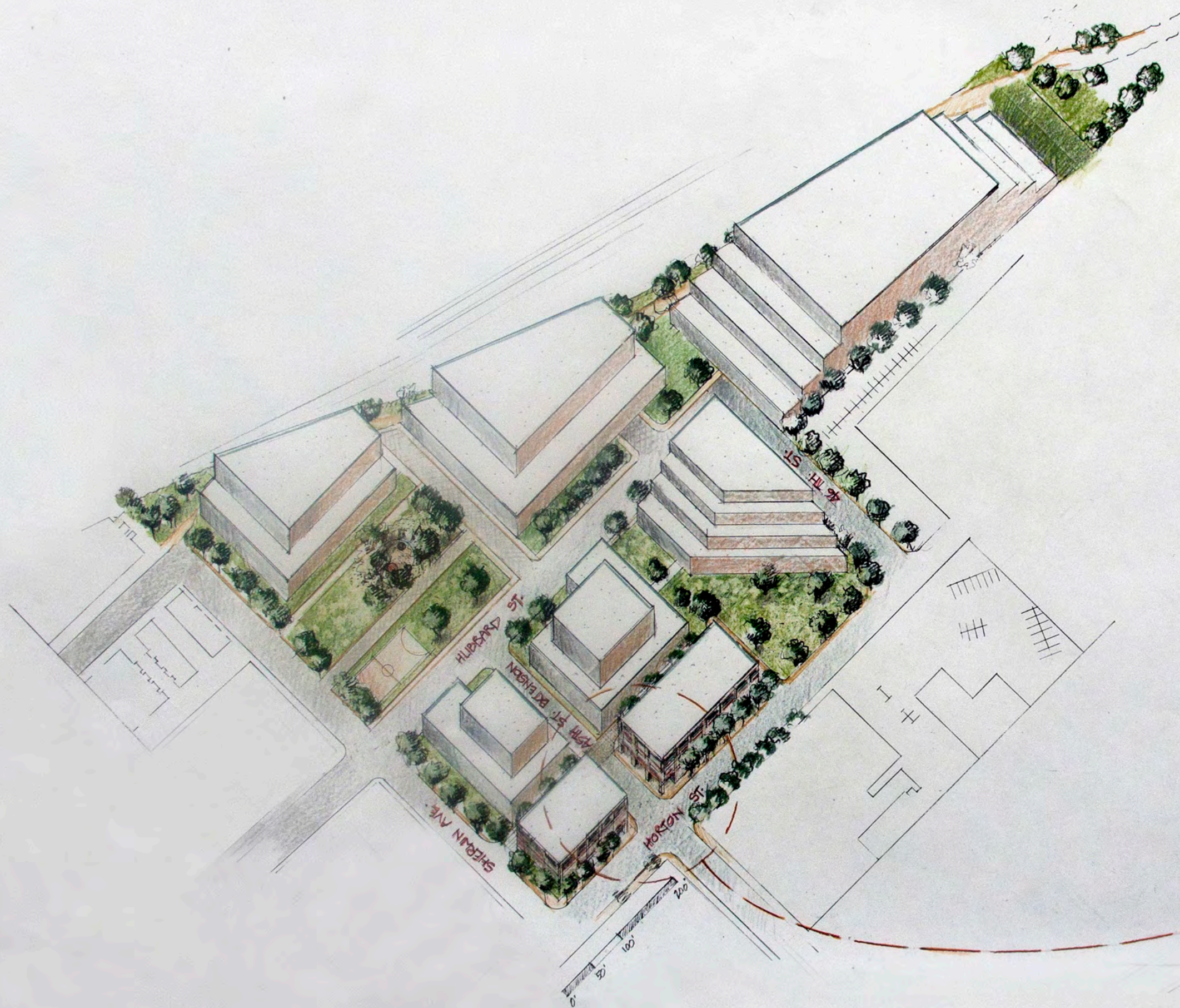
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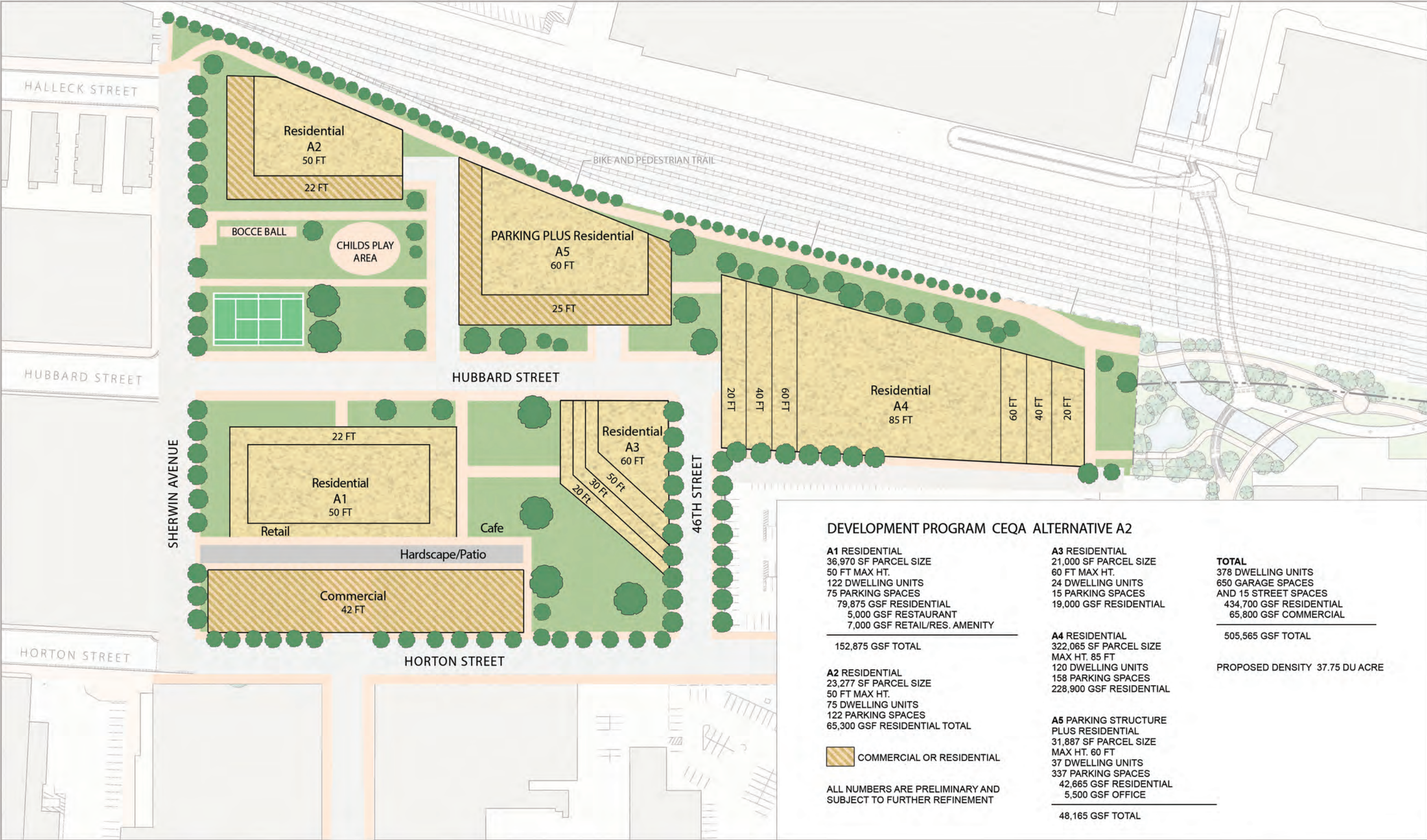


SHERWIN WILLIAMS DEVELOPMENT  
CEQA ALTERNATIVE A  
PREPARED BY THE 45TH STREET ARTISTS COOP



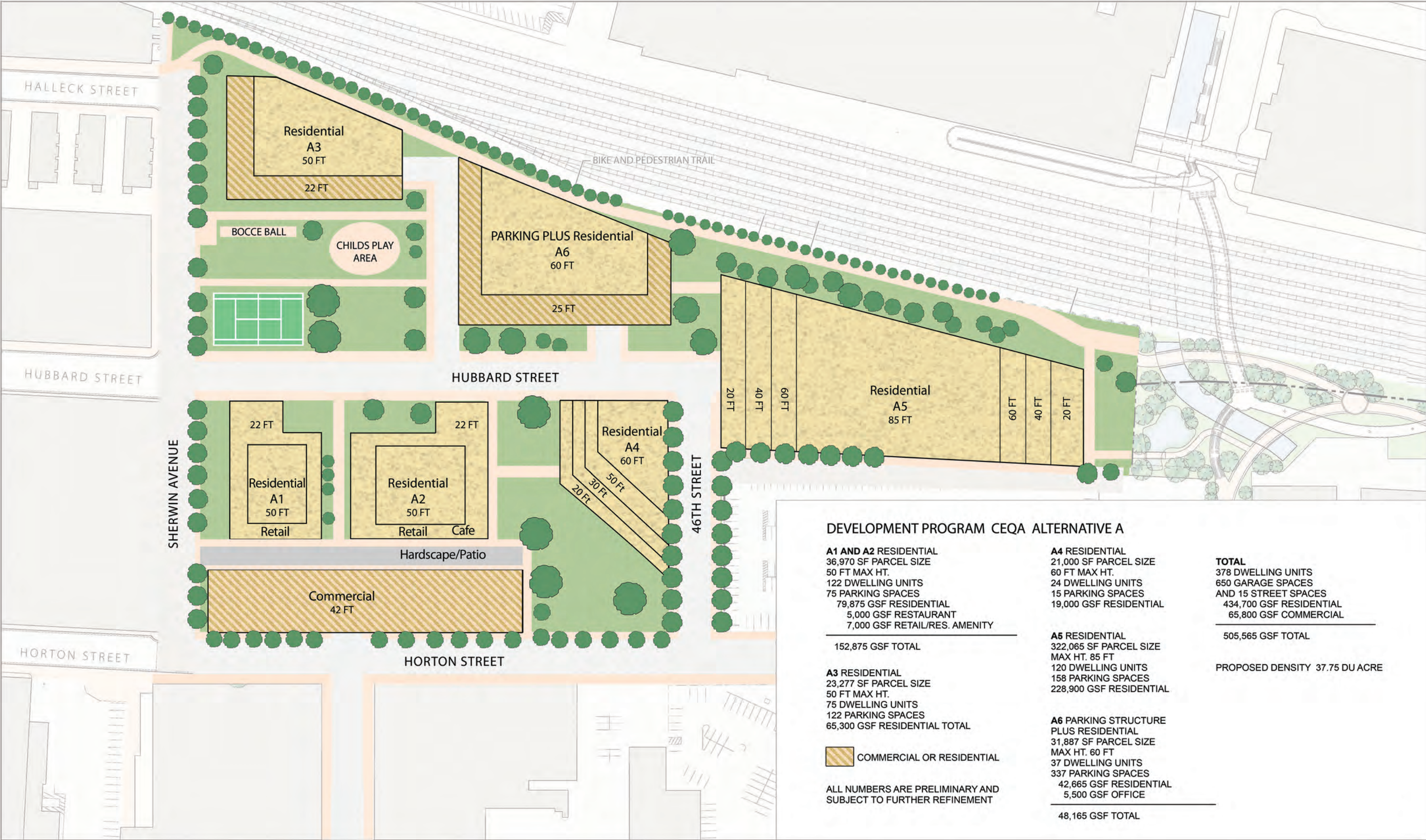






SHERWIN WILLIAMS DEVELOPMENT  
CEQA ALTERNATIVE A  
PREPARED BY THE 45TH STREET ARTISTS COOP





DEVELOPMENT PROGRAM CEQA ALTERNATIVE A

**A1 AND A2 RESIDENTIAL**  
36,970 SF PARCEL SIZE  
50 FT MAX HT.  
122 DWELLING UNITS  
75 PARKING SPACES  
79,875 GSF RESIDENTIAL  
5,000 GSF RESTAURANT  
7,000 GSF RETAIL/RES. AMENITY

152,875 GSF TOTAL

**A3 RESIDENTIAL**  
23,277 SF PARCEL SIZE  
50 FT MAX HT.  
75 DWELLING UNITS  
122 PARKING SPACES  
65,300 GSF RESIDENTIAL TOTAL

COMMERCIAL OR RESIDENTIAL

ALL NUMBERS ARE PRELIMINARY AND  
SUBJECT TO FURTHER REFINEMENT

**A4 RESIDENTIAL**  
21,000 SF PARCEL SIZE  
60 FT MAX HT.  
24 DWELLING UNITS  
15 PARKING SPACES  
19,000 GSF RESIDENTIAL

**A5 RESIDENTIAL**  
322,065 SF PARCEL SIZE  
MAX HT. 85 FT  
120 DWELLING UNITS  
158 PARKING SPACES  
228,900 GSF RESIDENTIAL

**A6 PARKING STRUCTURE  
PLUS RESIDENTIAL**  
31,887 SF PARCEL SIZE  
MAX HT. 60 FT  
37 DWELLING UNITS  
337 PARKING SPACES  
42,665 GSF RESIDENTIAL  
5,500 GSF OFFICE

48,165 GSF TOTAL

**TOTAL**  
378 DWELLING UNITS  
650 GARAGE SPACES  
AND 15 STREET SPACES  
434,700 GSF RESIDENTIAL  
65,800 GSF COMMERCIAL

505,565 GSF TOTAL

PROPOSED DENSITY 37.75 DU ACRE



TO: Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608  
mdesai@ci.emeryville.ca.us

February 27, 2015

FROM: Tim Curran  
4250 Horton St. #13  
Emeryville, CA 94608  
[2timcurran@gmail.com](mailto:2timcurran@gmail.com)

RE: Sherwin Williams/ SRM Ernst Proposed PUD  
Environmental Impact Report Scoping - Public Comments

The following is a submission for inclusion to the Environmental Impact Report (EIR) for the Sherwin Williams/ SRM Ernst Planned Unit Development.

An Alternative "Build by Right" Conceptual Plan is included for study in the EIR, attached (email) and plan sheet. Conceptual Plan areas intended for study:

- "Build by Right" zoning limits to building heights, density and intensity.
- Alternative configuration of internal streets.
- Alterations to perimeter streets - circulation and on-street parking.

## 1. Traffic Circulation; Perimeter Street Parking, Safety, Noise, Pollution

The Horton Street Bicycle Blvd. guidelines set forth in the General Plan require that diverters be installed to reduce the traffic volume to under 3000 vehicle trips/day. Presently the count is above 3000.

The City is planning traffic calming measures to bring the Horton St. Bicycle Blvd. into compliance with General Plan (Bicycle Pedestrian Plan) guidelines. Level 4 traffic calming measures will be introduced to slow vehicle speeds and possibly reduce volumes. If volumes don't decrease with Level 4 measures, Level 5 - traffic diverters- will be introduced. The effect of diverters on local circulation, with and without PUD traffic, requires study.

(cont.)

#### Horton Street Diverters:

- (A) Northbound @ 40th, Southbound @ 45th
  - effect on thru traffic volumes/circulation
  - effect on local traffic circulation
  - effect on street parking
- (B) North/Southbound @ Sherwin and 45th, Southbound @ Stanford
  - effect on thru traffic volumes/circulation
  - effect on local traffic circulation
  - effect on street parking
  - effect on Grifols parking lots

How will the PUD traffic volume increases impact the Bicycle Blvds. designated on Horton St., 45th St., 53rd. St. and Stanford Ave.?

How will the traffic volume increases impact the Safe Streets to Schools provisions in the General Plan?

How will the traffic volume increase noise in live/work residences on Horton St. and 45th St.? At peak hours, at non-peak hours?

Driveways and loading docks line Horton Street. Commercial trucks access loading docks and double park for deliveries. Vehicles entering the street from business and residential parking areas encounter traffic traveling above speed limits. Study is required regarding the safety of vehicles accessing loading docks and entering the streets from parking areas with increased PUD traffic.

#### Horton Street Loading Docks and Driveways:

- Crematorium loading dock
- Bashland Shop/Warehouse loading dock
- Peets Warehouse driveway to parking lot
- Grifols Warehouse loading dock ( Large truck Liquid Nitrogen deliveries)
- 4250 Horton St. (Artist's Coop) driveway to parking lot
- Horton Lofts driveway to parking lot

Street parking during business hours is always at capacity. Study is required on the loss of street parking on Horton Street , 45th Street, and Sherwin Street. Residents at 4250 Horton Street share off street parking with residents of 1420 Holden Street. There are 7 off street parking places for 24 live/work studios. Presently, 3 to 4 residents from 4250 Horton Street use street parking (Horton St., Sherwin St.) as their only close parking, day and night. 3 to 4 residents of 1429 Holden St. use street parking (Holden St.).

(cont.)

Changes to street parking require study:

- With parking time share arrangement with PUD
  - Without parking time share arrangement with PUD
- (Presently no time share arrangements have been offered.)

How will traffic increases effect safety entering and leaving off street parked vehicles on Horton St., Halleck St., and 45th St. during peak hours?

How will traffic increases effect safety of vehicles entering Horton St. from off street parking area at 4250 Horton St.? If the EIR calls for the removal of one or two parking on street parking spaces south of the 4250 Horton St. driveway to improve visibility of exiting vehicles, how will the loss of parking related to the mitigation measure effect neighborhood parking which is already at capacity during business hours?

How will the traffic increases effect safety for stationary vehicles waiting on Horton St. to access loading dock at 4250 Horton St.?

How will traffic increases effect safety while large vehicles remain stationary on Horton St., between Sherwin and 45th, during loading and unloading at 4250 Horton St.?

How will the increase in street parking demands effect the availability of street parking on Horton St., 45th St., and Sherwin St.?

How will construction related parking impacts on Horton St., Sherwin St., and 45th street effect the location of on street residential parking on Horton St. between Sherwin St. and 45th St. at 3:30 p.m. weekdays, when children return from school?

How will construction related traffic effect bicycle travel on Horton St. during peak hours?

How will construction relation pollution effect bicycle travel on Horton St.?

(cont.)

## 2. Construction Noise/Pollution    Increased Traffic Noise/Pollution

How will cumulative effect of construction related pollution increase asthma, and sub-clinical respiratory illness in children under the age of 10 living on Horton St. 45th St.(between Horton and Holden) and Holden St.?

How will the cumulative effect of construction related noise and pollution effect the (downwind) outdoor children's play area within 50' of the site?

How will acute asthma episodes increase in children under 10 with existing asthma in outdoor play areas within 50' (downwind) of site during construction hours in summer months and non-school days?

How will asthma increase in children under 10 without existing asthma who live and play outside within 50' (downwind) of the site?

How will cumulative effect of construction related pollution and permanent increase of traffic effect life span of children under the age of 10 living within 50' of the site?

How will the cumulative effect of construction noise and pollution, followed by the loss of street parking effect the existing low income live/work units within 50' of the site?

How will the construction related particulate pollution from offsite airborne migration and truck tire migration to Sherwin St. and Horton St?

How will the disturbance of construction related dirt on Sherwin St. and Horton St. which is being cleaned by City or private street sweepers which are old and ineffective in suppressing airborne dust during their operation, effect the indoor pollution of live/work units on Horton St. with original warehouse style windows along Horton St. and 45th St. that do not allow for a complete seal against City street sweepers.

How will the interior noise levels be effected by increased PUD construction and completed project traffic on live/work studios with closed (existing. original warehouse windows) along Horton St. and 45th St. and effect the concentration of workers with focused work which must be performed within 10' of windows?( A small increase in noise level is a significant impact on the ability to concentrate on focused work.)

(cont.)

How will the increase in noise levels be effected by increased PUD construction and completed project traffic on live/work studios with open windows needed for focused work requiring ventilation (art production-painting, bookmaking...)

How will construction impacts (noise, pollution, and parking ) effect the live/work unit at 4250 Horton St. #13 (with street windows), specifically during work on the Horton St. facade of building 131?

How will noise and pollution from construction on Building 131 effect interior hallway at 4250 Horton St.? (Main 4250 Horton St. loading door has non-operable positive ventilation features.)

How will noise and pollution impacts effect live/work units (9) on central hallway at 4250 Horton St.?

How will residual dust from construction work effect the cleanliness of vehicles parked on street within 50' of the site?

How will residual dust from construction work effect the cleanliness of vehicles parked off street within 500' of the site?

How will accumulated residual dust from construction work on exterior window glass of live/work studios within 500' of site reduce light and require cleaning?

How will accumulated residual dust from construction work on rooftop (horizontal ) skylights effect the light for live/work studios within 500' of site?

How will much dust will accumulate on rooftops of Artist's Coop (1420 45th St., 4250 Horton St., 140 Holden St.)and Horton St. Lofts during construction period during years of low rainfall? How will increased accumulated dust,which blows into live/work studio through skylights, increase indoor particulate pollution and effect health of residents and workers, including children under 10 with existing asthma, or sub-clinical asthma, or other bronchial and lung conditions?

How much will construction related noise impact concentrated work by school children, at home between 3:30 and 5:00, within 50' of site?  
(A small increase in noise levels significantly impacts concentration of school age children.)

How much will construction related traffic ( small trucks, large construction vehicles ) increase noise and vibrations within live/work studios on Horton St. during the hours of 7:00 and 8:00 a.m. (when vehicles are allowed to arrive at site prior to the beginning of construction hours) and effect sleeping patterns of residents who sleep within 50' of the site?

(cont.)

How much will cortisol levels rise, during peak traffic hours, in live/work residents who eat breakfast and dinner adjacent to Horton St. and 45th street windows within 50' of the site on Horton St. ( construction traffic and completed project traffic)?

How will increase of completed project traffic effect noise levels on live/work residents with street level, corner studios at 45th St. and Horton?

How will increase of completed project traffic noise levels effect live/work residents with windows on Horton St. between the two intersections, 45th and Horton and Sherwin and Horton ( consider narrow street width and the corridor created by Building 131)?

How will vehicle emissions increase at Hubbard street extension, where acceleration will be needed to travel up the incline onto raised PUD grade level?

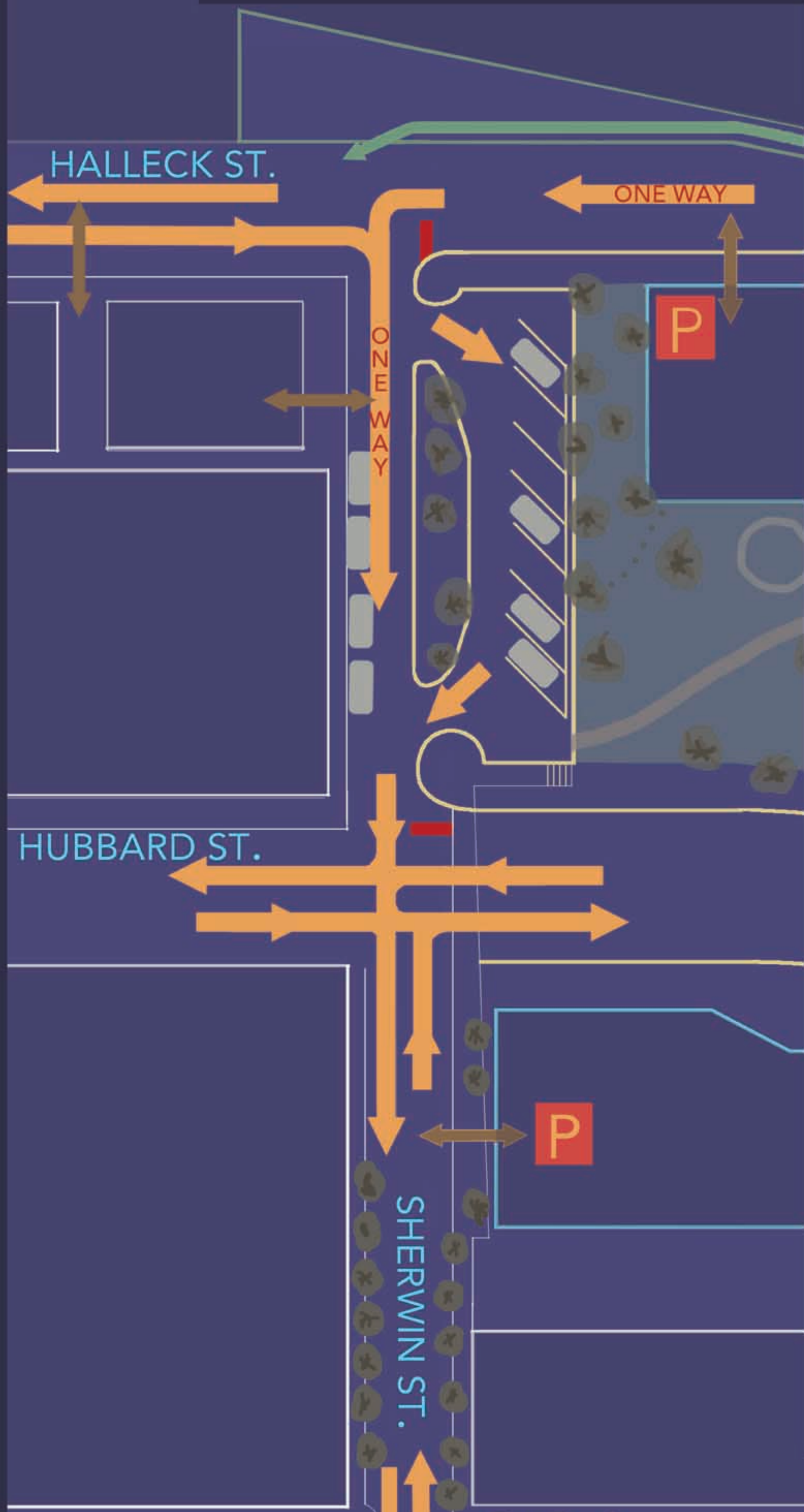
How will noise increase from vehicles accelerating from the Hubbard St./Sherwin stop sign up the incline onto raised PUD grade level?  
(consider acoustic conditions of Grifols building on south side of Sherwin St., between Hubbard and Horton. Consider easterly prevailing wind conditions.)

City of Emeryville Green Streets Guidelines suggest 15' sidewalk widths. Horton Street is a Green Street. The Horton Street sidewalk between Sherwin Street and 45th. Street is 12' wide. The roadway, curb to curb is 35'9". Study is required to assess the impacts of sidewalk widening to allow the PUD to comply with Green Street Guidelines.



# SHERWIN WILLIAMS / SRM ERNST PROPOSED PUD - BUILD BY RIGHT ALTERNATIVE

## CEQA - EIR SUBMISSION

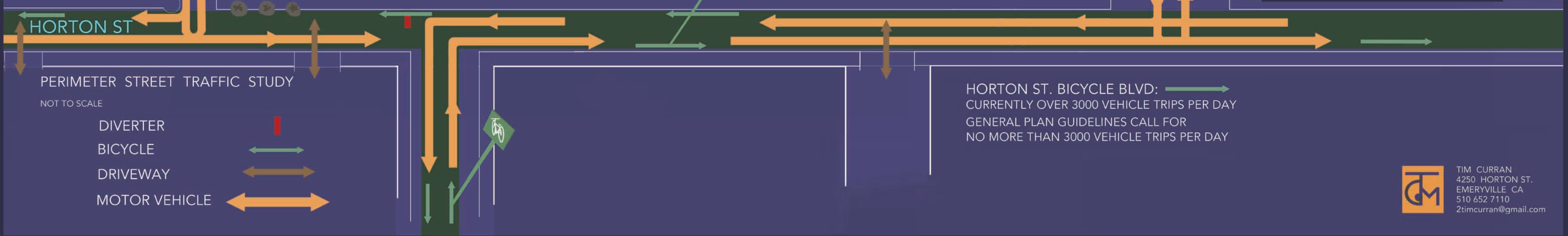


### PROJECT HIGHLIGHTS

- 1.37 ac. CENTRAL GREEN**
  - CHILDREN'S PLAY AREA AWAY FROM RAILROAD TRACKS
  - BERMS
  - HUBBARD ST. BRICK ROADWAY
  - SHERWIN ST. PARKING
- INCREASED INTERNAL STREETS**
  - 3 CONNECTIONS TO CITY STREETS
  - ROUNDBOUT: INCREASES ROUTE OPTIONS ON PUD, DECREASES TRAFFIC ON PERIMETER STREETS
- HORTON ST. FRONTAGE SCALED TO NEIGHBORHOOD**
  - 42' HEIGHT
  - 10' GREEN STRIP
  - PEDESTRIAN WALKWAY TO CENTRAL GREEN
  - DELIVERY VEHICLE LOADING CIRCLE
  - PARKING TO PREMIUM LIVE/WORK UNIT(S)
- HORTON ST. DIVERTERS**
  - BLOCK SOUTHBOUND @ 45TH ST.
  - BLOCK NORTHBOUND @ 40TH ST. THRU FOR BICYCLES
- SHERWIN ST. WIDENED**
  - BLDG 1-31 SHERWIN FACADE (-) 6'
  - 15' SIDEWALKS 30' ROADWAY
  - STREET TREES
  - STREET PARKING

### LAND USE SUMMARY

|  |                     |
|--|---------------------|
| GROSS SITE AREA                        | 8.55 ac.            |
| PROPOSED OPEN SPACE (zoned open space) | 2.24 ac. (2.08 ac.) |
| DEVELOPABLE AREA                       | 5.40 ac.            |
| STREETS                                | 2.60 ac.            |
| CITY PARK PARCEL                       | 1.46 ac.            |
| TOTAL                                  | 10.00 ac.           |
| MAXIMUM DENSITY ( 85/ac. )             | 459 DU              |
| MAXIMUM INTENSITY ( 2.0 )              | 470,448 GSF         |





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Emeryville, CA 94608  
(510) 658 5937

Miroo Desai, AICP  
Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville CA 94608

February 6, 2015

Thank you for the opportunity to submit comments regarding Sherwin William Development project.

I am delighted to see that the neighborhood in which I have lived for 15 years is changing. I am also delighted to see that South Park, which is a truly fantastic neighborhood of San Francisco, was the inspiration and model for this project. South Park is quiet yet lively, and is a constantly frequented neighborhood. The structures that are bordering the park are mostly 1- to 2-story tall: A perfect proportion for the rather large size of the park; there are cafés, and restaurants spilling out onto the sidewalks, and commercial spaces opening onto the park, all around it. This makes South Park a truly mixed-use community.

When I look at the proposed project—option A and option B—I cannot see South Park. I do not see any of these qualities; neither do I see the scale it is supposedly modeled after. Instead, I see massive buildings towering over a narrow median strip-like opening where the sun may only shine for a few minutes a day, and where automobiles, bicycles, pedestrian, parked cars, and service & emergency vehicles are all to share a congested noxious bottleneck.

I am looking at the proposed project with a trained eye, and from the experience I gained working in city planner's offices years ago, and I honestly do not see a park enlivened by small commercial spaces nor do I see the promenades it claims to have. Instead I see narrow corridors cutting through massive blocks, to link building A to building B to building C, etc.; These pseudo-links severely divide commercial spaces from residential ones.

There is a fantastic opportunity to make something great happen on this vacant site. For instance: Opening the façades to the bordering Horton Street and Sherwin Avenue and giving these facades some transparency (so they do not stand like oppressive walls) would not only be a great improvement but it is also a necessity; Making the green area/park visible and accessible from the streets instead of tucking it behind walls would avoid creating labyrinth-like corridors while avoiding congestion and heavy density. It would also invite the kind of activities enjoyed by all.

As you surely already know, the Artists' Coop is comprised of live/work spaces. This means that anyone living here also works here. In fact there is hardly a moment where this place is empty. I have been living at the Artist Coop for 15 years now. We have a backyard, where children play, a vegetable garden, and we rely on our skylights for

fresh air and natural light. We are extremely worried that the proposed large structures reaching maximum height and density will affect, and also destroy our many years efforts to convert to solar energy. Like the many others who are living around the Sherwin William site, I too have endured the cleaning and decontamination of this site a few years ago. Those were not very happy days, but we have all endured this dreaded site cleaning, believing that I was done for a good cause and, eventually, it was done for a project that would improve our neighborhood. But now that we have seen the proposed project, we are perplexed; it seems that something got lost in the course of the design process. South Park, after which the project was modeled, is gone. The density is multiplied. The environmental impacts, such as traffic, noise, dust and pollution are overlooked, or not yet studied. Considerations for a truly mixed-use community are minimized, while the problems of affordability are not even addressed.

During the construction of this uninspired project, we, residents living in proximity to this site, will be condemned to five years of incredible hardship and intense construction noises. That is: five years of drilling, constant beeping of reversing vehicles, material loading and unloading, idle trucks and breathing noxious gasses of the congested streets. Significant exposures to dust of airborne, not-so-clean soil particles, and exposures to harmful vapors should be addressed and not ignored.

We cannot emphasize enough how concerned we are about the traffic, and the health risks we are facing during the construction of this project, and its aftermath. I am urging you to consider the residents of neighboring communities, and their health and safety, so they are not trampled and poisoned during these long debilitating 5 years. Our studios at the Coop do not have the capacity nor the necessary structures and finishes to withstand these assaults.

With all these serious concerns few questions come to mind. I am wondering if the use of trains and railways was considered to haul debris, and to deliver materials to the construction site--the way it was done during the decontamination and site cleaning? Will there be careful monitoring of the harmful vapors emitted during the excavation for the foundations of such tall buildings? If yes, which kinds are being considered?

I also have a few questions concerning the proposed design:

What is the utility of the central green?

Is this a truly mixed-use project?

Is it truly a public space or is it a gated residential project?

Why overlook the potentials? and why aim for density and height when we all know that congested rental housing projects do not create communities?

Why not consider bringing light in and open space and green spaces, and consider a project that would be more fitting to human scale. It would be a wonderful opportunity to create a place pleasant for people to live there and also for people don't live there. It would certainly make people wish they lived there be part of this community.

I strongly support the alternative design the people at the Coop (with the approval of the neighboring communities) we all worked on and was presented by Paul Germain. I would very much appreciate your careful consideration of this proposal.

Sincerely,  
Canan Tolon

Kristin Peterson  
1420 45th St. Studio 48  
Emeryville, Ca 94608  
peterson\_kristin@comcast.net

February 25th, 2015

Via Email: mdesai@ci.emeryville.ca.us

TO:

Miroo Desai, AICP

Senior Planner

City of Emeryville

1333 Park Avenue

Emeryville, CA 94608

FROM: Kristin Peterson

RE: Sherwin-Williams Development Project Environmental Impact Report (EIR) Preparation

Dear Ms Desai;

I am a long time resident of Emeryville and am very concerned of the impact the Sherwin Williams development will have on the city of Emeryville and its residents. My primary concerns are outlined briefly below.

The noise and dust during construction will have an incredible impact on the residents of the 45th Street Artists Coop where I reside. The impact of both construction and the increased traffic during the construction and after project completion will greatly affect air quality and will put the health and well being of all the neighbors at risk.

Also of major concern is the increase in traffic both during the project and ongoing after it is finished. The streets of Emeryville are already overburdened. Even with a 30% density reduction to the currently proposed plans the traffic will be atrocious. The streets were not built with that kind of volume in mind.

Please keep the impact this will have on the humans as well as the environment forefront when writing this report.

Thank you,

Sincerely,  
Kristin Peterson

## Miroo Desai

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**From:** Christian Tipping <ctipping@gmail.com>  
**Sent:** Thursday, February 26, 2015 9:30 PM  
**To:** Miroo Desai  
**Subject:** Sherwin-Williams Development Project

Hi Miroo,

I currently live in a unit at Blue Star Corner, across the street from the proposed Sherwin-Williams site. I just wanted to show my support for Option B listed in the Second Revision of the EIR, which locates the park adjacent to the rail-road tracks.

I have two main concerns with Option A. First, locating the park between three buildings (Parcels C-1, C-2, and B-1) greatly restricts the amount of direct sunlight the park will receive, especially in the mornings and afternoons. Additionally, Option A places the park directly across the street from the Emeryville Lofts, which casts a midday shadow across the street for most of the winter months. This means the park will only receive direct sunlight during the mid day for two-thirds of the year.

Second, the park in Option A is much more of a courtyard for the proposed development than a recognizable city park space; and appropriately, the space is not actually labeled as "park" in the Option A diagram. Squeezing it in between three structures and the main drive aisle significantly reduces the space's value as a "park." I imagine that it will be used more as a patio space for the businesses taking up the bottom floor. Not necessarily a bad thing in it's own right, but Emeryville doesn't need more causal shopping space. It needs more parks - open green space for the growing number of families and pet owners. Conversely, locating the park as shown in Option B allows for far more square footage of green space and more direct sunlight throughout the day. It has the benefit of feeling much more open as there is only one tall structure next to it instead of three (or four if you counts the Lofts across the street).

Hopefully these design considerations will be taken into account when selecting one of the two options.

Best,

Christian Tipping