



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 19, 2022
TO: Christine Daniel, City Manager
FROM: Charles S. Bryant, Director of Community Development
SUBJECT: EmeryStation Overland Project

Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review To Construct A New 300,000 Square Foot Research And Development Building And A Six Level Parking Structure Accommodating 496 Parking Spaces On An Approximately 113,325 Square Foot Site On The Block Bounded By Overland Avenue And 62nd, 63rd And Hollis Streets. (APN: 49-1488-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 and 15061(b)(3))

OR

Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review To Construct A New 300,000 Square Foot Research And Development Building And A Parking Structure, And Denying A Conditional Use Permit For Parking Spaces More Than The Maximum Allowed On An Approximately 113,325 Square Foot Site On The Block Bounded By Overland Avenue And 62nd, 63rd And Hollis Streets. (APN: 49-1488-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 and 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council approve one of the above-entitled resolutions to either approve a conditional use permit and design review for a new 300,000 square foot Research and Development building and a new 496-space parking garage, or to approve a conditional use permit and design review for a new 300,000 square foot Research and Development building and a parking structure, and deny a conditional use permit for parking spaces more than the maximum allowed (limiting project parking to no more than 411 spaces).

BACKGROUND

On March 1, 2021, Wareham Development filed an application for a Conditional Use Permit and Design Review for a new 300,000 square foot research and development building and an associated parking garage at 1580 62nd Street. The project requires 100 development bonus points for building height. Wareham proposes to earn some of these bonus points through the “Flexible Community Benefit” by converting a portion of the existing live-work units in the adjacent Hollis Street Building into below market rate (BMR) units. Use of the Flexible Community Benefit requires that the entire project be approved by the City Council. Otherwise, approval of the project could be considered by the Planning Commission and would only be considered by the Council if it were appealed.

On April 22, 2021, the Planning Commission held a study session on the project. The Commission expressed concern about the amount of parking being provided, and requested further analysis from the applicant to justify their request for more parking than the maximum permitted. A majority of the Commissioners agreed that the “Art Walk”, while a good component of the project, would not be appropriate for bonus points; instead, they expressed support for undergrounding of utilities on the south side of 63rd Street between Horton Street and Overland Avenue for bonus points. There was general support for staff’s suggestion of a “Village Green” cul-de-sac on 63rd Street, with the understanding that it would depend on the details of its design and operation. Concern was expressed regarding the applicant’s proposal to obtain bonus points via conversion of a portion of the existing 41 live-work units to affordable units. It was noted that this proposal would not actually add to the number of affordable units in the City, as the applicant stated that these units were already being rented at below market levels. There was also concern expressed regarding potentially displacing existing tenants. A Commissioner suggested having a bicycle and pedestrian path cutting through the site directly from 62nd to 63rd Street, which was supported by most of the other Commissioners. The Commission agreed that stormwater treatment areas should not be counted towards open space requirements. It was noted that bird friendly guidelines needed to be followed and that the design did not mirror the industrial aesthetic. The Commission was clear that all sidewalks need to meet the minimum widths as outlined in the City’s Design Guidelines. One Commissioner mentioned that that project did not provide adequate sustainable features.

On July 20, 2021, the City Council held a study session to review the Flexible Community Benefit component of the project. At the study session, the Council requested some additional information in order to determine whether to allow bonus points to be earned through the conversion of live/work units into BMRs via the Flexible Community Benefit.

On November 16, 2021, the City Council held a two-part study session. The first part focused on the developer’s proposal to obtain development bonus points through the conversion of existing market rate residential units to BMR units as a Flexible Community Benefit. Staff presented an analysis of this proposal, which included providing 10 BMR units, three of which would be reserved for very low-income households earning up to 50% of the Area Median Income (“AMI”), and seven of which would be for low-income

households earning 51% to 80% of AMI. The City Council indicated agreement with the proposal generally and provided direction to staff on additional business terms relating to the maximum allowed vacancy rate and actions in the event the units are rendered unlivable due to a natural disaster.

Because the Council agreed to incorporate the Flexible Community Benefit into the project, the entire project will require City Council approval. Therefore, the Council went on to hold Part 2 of the study session, which was on the overall project. The Council was supportive of the project, but expressed a desire to revisit the way that the applicant would earn the 20 additional bonus points needed for the project, and indicated that, in order to make the findings required for parking over the maximum, the applicant would need to incorporate enhancements to pedestrian and bicycle circulation into the project, specifically by providing protected bicycle lanes around the site and closing Overland Avenue between 63rd and 64th Streets to create a “village green”.

On March 24, 2022, the Planning Commission reviewed the project at a second study session. Overall, the Commission liked the project and appreciated the inclusion of a mid-block path for bicyclists and pedestrians. Commissioners commented that the width of the proposed “Art Walk” was too narrow. A concern was also expressed regarding the amount of parking proposed. One Commissioner stated that the park space that would be created on Overland Avenue would not be utilized. There was also a concern expressed regarding the proposed vertical curbs along the bike lanes, and ability to keep the bike lanes clear of debris. The Commission was satisfied with the project obtaining a portion of the bonus points by providing additional public open space.

On April 5, 2022, the City Council reviewed the project for a third time. The Council expressed satisfaction with the manner in which the bonus points will be obtained and expressed the ability to make use permit findings for the proposed parking, as the project includes pedestrian and bicycle improvements. In addition, the Council suggested adding more planters on the north wall of the garage building and more landscaping along the Art Walk.

DISCUSSION

Project Description

Project and Surrounding Area:

The project area is bounded by 63rd and 62nd Street on the north and the south respectively and by Hollis Street on the east and Overland Avenue on the west. Across 62nd Street is the Emeryville Post Office and the Heritage Square Development. Across Overland Avenue to the west are the Union Pacific main line railroad tracks. Across 63rd Street to the north are the Alameda County Fire Services Building and a FedEx facility. Across Hollis Street there are a series of small one-story industrial buildings.

The project area is a 3.9-acre single parcel site that is currently developed with 160,000 square feet of buildings. The “Hollis Street Building” is a concrete multi-story, L-shaped building fronting on Hollis Street and containing Ruby’s Café. Forty-one live work units are also located on the upper floors of this 83,000 square foot structure. There are various other older ancillary single story warehouse buildings on the western portion of the site that total approximately 77,000 square feet.

Subdivision of Parcel:

The applicant plans to subdivide the parcel to create two parcels. The one that will accommodate the existing Hollis Street Building will be 59,235 square feet in size. The building will be retained, and no physical changes are being proposed to it. The second parcel will be 113,325 square feet in size, and it currently accommodates one-story warehouse buildings and will be the site for the proposed project described below. Analysis of all development standards for the proposed new Research and Development building and parking structure, including floor area ratio (FAR), open space, landscaping, and bonus point calculations, are based on the proposed new 113,325 square foot parcel. The existing Hollis Street Building, where the live-work units to be converted to BMRs are located, is considered “off-site”.

Project Proposal:

The applicant proposes to demolish all single-story warehouse buildings and construct a new 5-story, 300,000 square foot Research and Development (biotech/lab) building and a new 496 space six level parking garage plus one basement level of parking (See Sheet A0.00: *Existing Site Plan*). The new Research and Development building would be located on the western portion of the parcel. The building would be 80 feet high and shaped in a U-formation with a 10,600 square foot central plaza off of 62nd Street, with the building front oriented towards Horton Street (See Sheet A0.01: *Site Plan*).

The parking garage is proposed on the northeast portion of the site, tucked between the new building and the remaining Hollis Street Building. Access to the garage would be from 63rd Street. A small service yard would be placed between the garage and the new building, also fronting 63rd Street, on the east side of the midblock path. An on-street loading zone would be provided along 63rd Street behind the new building, west of the service yard (See Sheet A1.01: *Level 01 Plan*).

The public will be able to cut through the block between 62nd Street and 63rd Street through a proposed bicycle/pedestrian path that is 23 feet wide. In addition, an L-shaped “Art Walk” is proposed between the new garage building and the existing live-work building that will also provide a walking connection between 62nd Street and 63rd Street. This path varies in width between 9 feet and 11 feet along the east side of the garage, and a minimum of 20 feet along the south side of the garage. (See Sheets A0.01: *Site Plan*, L0.01: *Illustrative Landscape Site Plan* and L1.11: *Art Walk Plan*).

Research and Development Building: Sheets A1.01 to A1.05 provide floor plans for the building. As noted above, the building entry is sited behind a large plaza off 62nd Street. Back of house operations will be along the 63rd Street frontage, including trash holding areas. An enclosed bicycle parking area accommodating 58 long term bicycle parking spaces and showers are also located at this level. (See Sheet A1.01: *Level 01 Plan*).

Sheets A3.01 and A3.02 provide elevations indicating a glass building with a combination of glass with reflective coating, tinted glass, and back painted spandrel glass. Building renderings are shown on Sheets A3.31, A3.32, A3.33, and A3.34. The height of the building is 80 feet and accommodates 5 stories. (See Sheets A3.11 and A3.12: *Building Sections*).

Much of the roof will be taken up with mechanical equipment that will be screened by a 15-foot metal screen. (See Sheet A1.06: *Lower Roof Plan*; Sheet A3.11: *Building Sections*). See also Sheet A3.01: *Building Elevation* to understand how the screen will appear visually. In addition, a portion of the roof will include planting (See Sheets A1.06: *Lower Roof Plan*, L3.02: *Garage Planting Plan* and L3.08: *Planting Materials Green Roof*).

Parking Garage: Sheets A2.0 to A2.7 provide floor plans for the 496-space parking garage. The proposal includes one basement parking level and six above ground levels. Sheet A2.S provides a parking Summation Chart showing the number of accessible parking spaces, standard spaces, and electric vehicle (EV) parking spaces. Forty-five EV spaces are proposed. The attached Conditions of Approval require provision of 50 EV charging spaces and 30 EV capable spaces to bring the proposal in compliance with the Planning Regulations.

Sheets A3.02 and A3.03 provide elevations showing a mix of materials, although the main material is board form concrete. Aluminum slats and board form concrete with color admixture occur in smaller proportions. Planters made of metal are proposed to add interest to the building and a potential location for artwork has also been identified. The height of the building is 55 feet. (See Sheet A3.13: *Longitudinal and Transverse Sections*). Sheets A3.35 and A3.36 provide renderings for the garage structure.

Landscaping and Tree Removal: Sheet L0.02 indicates removal of 18 street trees: 13 along 62nd Street, three along Overland Avenue and two along 63rd Street in order to accommodate the project. An arborist report has been submitted and provides details on the trees to be removed. The report estimates the value of the trees to be removed to be \$146,000. The attached Conditions of Approval require the applicant to pay the replacement value of the trees in addition to replanting of street trees. (Note that the Planning Commission approved the Tree Removal Permit on June 8, 2022 contingent upon City Council approval of the project; the Tree Removal Permit is not before the City Council.)

Sheet L0.01 provides an overall preliminary landscape plan for the project area showing 7 new trees along 62nd Street, 9 new trees along Overland Avenue and 11 new trees along 63rd Street, for a total of 27 new street trees. Sheet L1.01 shows preliminary

landscaping elements for the proposed 10,000 square foot plaza/courtyard area. See Sheets L1.02 to L1.04 for Courtyard Renderings. The plan also indicates landscaping along the “Art Walk” (See Sheet L1.11: *Art Walk Plan*) with Sheets L1.12 to L1.15 illustrating rendered elevations of the Art Walk.

Streetscape sections for 62nd Street, Overland Avenue and 63rd Street are provided on Sheets L2.01, L2.02 and L2.03, respectively. Both 62nd and 63rd Streetscape include a 4-foot landscape strip with an 8-foot sidewalk. On Overland Avenue a 7.5-foot pedestrian pathway is maintained with stormwater planting between the walkway and the building face varying between 0 and approximately 15 feet.

Conformity to General Plan and Planning Regulations

General Plan Land Use

The General Plan Land Use Diagram (Figure 2-2) classifies the project site as “Office/Technology”, which is described as (Section 2.4): “Administrative, financial, business, professional, medical and public offices, research and development, biotechnology, and media production facilities.” The project is consistent with this description as the new building will house Research and Development and associated uses. The Land Use Diagram also classifies the project site as being within a “Major Transit Hub”, which is described as “transfer points where high-volume transit lines intersect. These are located in the Amtrak station with access from both sides of the rail line, and at 40th Street and San Pablo Avenue.” The project is consistent with this classification as well (see discussion of Transit Hub Overlay Zone (TH) below).

Zoning District

The base zoning district for the site is “Office/Technology” (O/T), which allows for a variety of commercial uses that include Research and Development as a permitted use.

The site is also in the Transit Hub (TH) overlay zone, where all parking requirements are reduced by 50%. This is further discussed below.

In addition, the site is in the North Hollis Overlay Zone (N-H), which stipulates that the project shall be subject to the Design Guidelines in the North Hollis Area Urban Design Program (Planning Regulations Section 9-3.402(a)(2)). These guidelines include:

- All development should be oriented to public streets and rights-of-way.
- All new development shall be set back from the property line by at least 5 feet or a dimension that results in a sidewalk and landscaping zone of at least 15 feet from the roadway curb to the face of the building. The setback should be treated as an extension of the sidewalk area (where there are ground level commercial uses), or as front yards (where ground level residential uses are proposed).

- Parking should not be permitted within the required setback areas described above. To the maximum extent practicable, parking facilities should be oriented away from the public right-of-way behind, beside, or within building structures. Parking structures along the public right-of-way should, to the maximum extent practicable, include ground level uses that screen the parking and create street activity.
- Loading and service areas shall, to the maximum extent practicable, be located away from public streets and rights-of-way, and visually screened from public view with hedges or vines. No service area shall rely upon the public right-of-way for truck staging or maneuvering that impedes pedestrian or vehicular movement.
- This area [west of Hollis Street] is characterized by larger warehouse and industrial buildings, many of which have been rehabilitated for office and commercial use. The area offers the opportunity for larger floor-plate structures including office, research and development and light industrial uses. The treatment of buildings should reflect the industrial character of the area through strong horizontal expression and roof forms (e.g., monitor roofs, skylights) and use of metal finishes, canopies, and large expanses of glass.
- The existing industrial buildings within the North Hollis area that have architectural or historic value should be preserved and reused to the maximum extent practicable. Key elements of the structures that contribute to the industrial character (e.g., canopies, roof forms, fenestration, materials, etc.) should be retained and/or replicated.
- Street trees shall be selected based on soil and groundwater tests and the table [on page 28 of the North Hollis Plan]. Trees should be planted 20 to 30 feet on center, depending on the likely spread. The tree well sizes specified in the table will provide ample exposed soil areas so that tree roots can thrive.

Staff believes that the project, in conjunction with Conditions of Approval, complies with the above guidelines.

Floor Area Ratio (FAR)

The maximum Floor Area Ratio for the site is 2.0 and can be increased to a bonus FAR of 4.0 with a conditional use permit and the provision of additional affordable housing impact fees and community benefits. As building square footage for parking is not included in the FAR calculation, the proposed 300,000 square foot building will result in an FAR of 2.6 (300,000/113,325). This will require 30 bonus points (0.6/2 x100).

Please note that the eastern portion of the site lies in a lower FAR category (1.5 Base/3.0 Bonus) and the parking garage is partially in this category. However, as parking does not count as square footage, this does not affect the FAR calculation.

Height

The site falls within two height categories as well. The eastern portion of the site is in the 30' (Base)/55' (Bonus) height category and the remaining portion of the site lies in the 50' (Base)/100' (Bonus) category.

The proposed height of the Research and Development building is 80 feet, and it lies in the higher height category of 50 feet being the base height and 100 feet being the bonus height. This will require 60 bonus points (30/50x100).

The proposed height of the parking garage is 55 feet, and the eastern portion of it lies in the lower height category with 30 feet being the base height and 55 feet being the bonus height. This will require 100 bonus points (25/25 x100).

Section 9-4.202 (d) outlines rules for sites that have split heights limits. It states that "if a lot is in two or more height districts on the General Plan Height Map, the height limit indicated on the map shall apply to each portion of the lot, except that the height limit for the entire lot may be increased up to the maximum height limit applicable to any portion of the lot upon the granting of a conditional use permit pursuant to Article 5 of Chapter 7. Such a conditional use permit may be granted only if both of the following conditions are met:

- (1) At least fifty percent of the lot area is already covered by the district with the maximum height limit; and
- (2) The entire lot could be included in said district by shifting the height district boundary by not more than fifty feet as measured perpendicularly to said boundary at any point.

Although the proposal meets the first condition, it does not meet the second condition, because it would be necessary to shift the height district boundary by approximately 114 feet in order to include the entire lot in the 50'/100' height district. Therefore, the 30'/55' height district applies to the eastern portion of the site, and the project will require 100 bonus points to achieve a parking garage height of 55 feet.

Bonus Points

Pursuant to Section 9-4.204, the project as proposed requires 100 bonus points, the greatest of the number of points required for FAR (30) and for height (100).

For non-residential projects, pursuant to Section 9-4.204(d), the applicant will need to obtain half of the bonus points (50) by paying an additional affordable housing impact fee. As such, the applicant will need to pay an additional 100 percent of the affordable housing impact fee at the time of building permit issuance. For reference, the current affordable housing impact fee is \$4.83 per square foot, so the applicant would need to pay \$9.66

per square foot (or about \$2.9 million) to obtain 50 bonus points if the building permit were issued today. The actual fee required will be whatever is in effect at the time that the building permit is issued. See Condition of Approval Number VII.A.11, which memorializes the requirement to pay this fee.

The remaining 50 bonus points must be earned through the provision of community benefits, pursuant to Section 9-4.204(e). Possible benefits include additional public open space, zero net energy, public improvements, utility undergrounding, and a contribution to the City's small business fund. The applicant is requesting 20 bonus points from the Public Open Space community benefit and would develop an equivalent of 5% of the project site area (beyond that required by code) for public open space. See Sheet APP-00.01: *Open Space Area Plan*. At the building permit stage, staff will ensure that the plans comply with Sheet APP-00.01.

The project is also requesting 30 bonus points from the Flexible Community Benefit category by creating affordable housing units by converting a portion of the existing 41 live/work units in the Hollis Street Building into a combination of very low-, low-, and moderate-income housing. The negotiated terms for providing a Flexible Community Benefit of providing ten BMR units at the Hollis Building is calculated at a value of approximately \$4,920,000, or 3% of construction valuation (10 bonus points per 1% of construction valuation). Condition of Approval Numbers II. B.6 and II.C.6 ensures that this community benefit is provided in a timely manner.

Parking and Loading

Vehicular Parking:

New Uses: Typically research and laboratory businesses need space for laboratory and office on a half and half basis, and the City has used this criterion for other such projects including the recently approved BMR Emeryville Center of Innovation project.

The estimated demand for parking for the office space (150,000 square feet) is 357 spaces (2.4 spaces per 1,000 square feet of office space excluding the first 1,500 square feet of new office buildings), $((150,000 - 1,500) \times 2.4/1000)$; and for Research and Development space the estimated demand is 223 spaces $((150,000 - 1,500) \times 1.5/1000)$. As the project lies in the Transit Hub Overlay Zone, the parking demand estimates are reduced by half. This calculates to an estimated parking demand for the office portion of 178.5 spaces, and 111.5 spaces for the Research and Development portion, for a total of 290 spaces.

Existing Uses: The existing building on Hollis Street that will be retained includes 35,500 square feet of office space, 7,463 square feet of warehouse space, 4,265 square feet of restaurant space and 41 live-work units. After subtracting 1,500 square feet for each non-residential use and applying the 50 per cent reduction for the Transit Hub Overlay, the total estimated parking demand for these uses is 84 spaces. The applicant is proposing to assign 68 spaces for existing uses in the new garage building.

Thus, the total estimated parking demand for the existing and proposed new buildings is 374 spaces (290 spaces for the new Research and Development building plus 84 spaces for the existing building).

There is no minimum parking requirement and the maximum allowed is 10% more than the estimated demand. So, the maximum parking permitted is 411 spaces (374 + 10%). Pursuant to Section 9-4.404(h), the maximum may be exceeded upon the granting of a conditional use permit.

The applicant is proposing a 496-space parking garage which is 85 more parking spaces than the maximum allowed. The project will therefore require a conditional use permit to allow parking above the maximum. For such a use permit to be approved, the following findings would need to be made:

- (1) That the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses.
- (2) That the provision of the additional parking will not result in an overdependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.

The project applicant retained CHS Consulting to conduct a parking demand study for the project (See Attachment 3). This study concluded that the project would generate more parking demand than the proposed parking supply and that the implementation of a transportation demand management (TDM) plan could reduce parking demand to the level of the proposed parking supply. Fehr & Peers conducted a peer review assessing the data sources, methodology, and findings of this analysis and concurred that parking demand would be greater than the proposed parking supply, with the potential for TDM measures to reduce parking demand. (See Attachment 4).

Based on data provided in the Census Transportation Planning Product (CTPP, 2012-2016) collected by the United States Census Bureau, approximately 73 percent of existing workers in the project area drive alone to work and eight percent carpool, which results in an estimated parking demand of 0.77 spaces per worker. According to the project applicant, the project is expected to contain between 900 and 1,200 employees. Therefore, the project would be expected to generate parking demand of 690 to 930 spaces, which is greater than the 428 parking spaces provided by the project to serve the new lab/office land uses.

The Fehr and Peers peer review states that the expected parking demand can be reduced with the implementation of transportation demand management (TDM) strategies, such as providing a limited parking supply, that discourage driving alone and encourage travel by walking, bicycling, and transit. However, the utilization of nearby public parking garages can limit the effectiveness of a TDM strategy to provide less parking than demanded. The study recommends submission of a TDM plan that restricts the use of

valet parking that parks vehicles outside the garage. See Condition of Approval Number VI.B.3.

The applicant is also proposing pedestrian and bicycle improvements that include construction of vertical barriers for bicycle lanes along both sides of Horton Street from Powell Street to 62nd Street; and creation of a two-way protected bicycle lane on 62nd Street west of Hollis Street that would extend up Overland Avenue to 63rd Street; and closing Overland Avenue between 63rd and 64th Streets to create a public linear park, with retractable bollards and a 20-foot-wide asphalt surface for emergency vehicles, bicycles and pedestrians. See Sheets APP-00.3A to APP-00.3F.

Bicycle Parking: The project will trigger one short-term and one long-term bicycle parking space for every ten automobile parking spaces indicated as the estimated parking demand. As the estimated demand is 580 spaces, 58 long-term bicycle parking and 58 short-term parking spaces will be required. (Note that there is no Transit Hub Overlay reduction for bicycle parking since the intent of this overlay zone is to encourage alternative transportation such as bicycles.)

The applicant shows 30 short-term bicycle parking along the bicycle/pedestrian path; 8 spaces in the plaza area; and 20 spaces inside the garage for a total of 58 spaces (See Sheet L0.01). Section 9-4.408(e)(1) states that all short-term parking “shall be provided within a convenient distance of, and clearly visible from, the main entrance to the building”. The project provides 22 short-term bicycle parking in the courtyard fronting 62nd Street and 36 spaces are provided along the southern end of the mid-block path.

A bicycle storage room on the ground floor level of the Research and Development building accommodates 58 long-term bicycle spaces. The project meets the bicycle parking requirements.

Electric Vehicle Charging. Section 9-4.406(l) stipulates that “Electric vehicle (EV) charging stations and EV capable parking spaces shall be provided for all new construction.” Condition of Approval Number VI.A.1(d) ensures that the project is in compliance with this requirement by installing 50 EV charging stations and 30 EV capable spaces.

Loading: The project will trigger 2 medium loading spaces (12’ x 35’ x 14’ high) and 1 large loading space (12’ x 50’ x 14’ high). The plans show three large sized loading spaces on the ground floor in back-in loading docks accessed from 63rd Street. Note that Section 9-4.409(c) stipulates that, in approving a project, the Planning Commission or City Council, as the case may be, may modify the number and size of required loading spaces because of the nature of the use or the design of the project. In this case, such modifications are not necessary because the project meets the loading requirements.

Open Space

Section 9-4.303(a)(3) requires new commercial buildings or additions that exceed 100,000 square feet to provide a minimum area of common open space and/or Privately Owned Public Open Space (POPOS) that totals at least five percent of the gross floor area. Included in this requirement, the developer must provide a minimum area of POPOS that totals at least one percent of the gross floor area. For the proposed project this equals 15,000 square feet of open space, including a minimum of 3,000 square feet of POPOS.

The project provides 15,021 square feet of common open space in the form of the building courtyard (6,352 sq. ft.) of which 3,000 sq. ft is designated as POPOS; a north lobby (456 sq. ft.); west Overland frontage (1,816 sq. ft.); and the “Art Walk” (6,397 sq. ft.). Please see Sheet APP-00.01.

The applicant also proposes to earn 20 development bonus points by providing additional public open space. Item (1) in Table 9-4.204(e) of the Planning Regulations provides that 20 bonus points may be earned by providing 5% of the site area, or 1,000 square feet, whichever is greater, as public open space, which must be accessible to the public at all times. For the 113,325 square foot project site, this equates to 5,666 square feet. The applicant is proposing to provide this open space as 3,081 square feet of the 62nd Street Courtyard, and 4,845 square feet in the mid-block passage, which totals 7,926 square feet (or 7% of the site area), thereby meeting the requirement for 20 bonus points.

Design Guidelines

As part of the required Design Review approval for the project, it must be evaluated for conformance to the Emeryville Design Guidelines and any other applicable design guidelines or criteria (Section 9-7.406), which in this case would include the design guidelines of the North Hollis Area Urban Design Plan mentioned above.

Concerning the Emeryville Design Guidelines, the proposal meets minimum sidewalk widths of 7.5 feet of unobstructed pedestrian pathway with four feet of landscaping, as called for in Guidelines A-2 and A-3, on all three street frontages. The project also meets Guideline J-16 that recommends design of the floor-to-ceiling height of the first floor to be adequate for non-office use (generally a minimum of 14 feet) by proposing a 15 feet 8 inches first floor height of the Research and Development building. Other Office/Technology related Design Guidelines J-17, J-18, and J-20 are met by using vertical elements to break up horizontal architecture, incorporating landscaping elements along street facing facades, and articulating the building base with a change in materials, color and finishes and emphasizing the building entrance.

Concerning the North Hollis Area Urban Design Program, the project appears to generally conform to the design guidelines for street orientation, parking, loading, industrial character, and preservation of architecturally significant buildings (the existing Hollis Street Building).

Stormwater and WELO Plans

The applicant has included preliminary stormwater quality control plans in compliance with the applicable standards. Condition of Approval Number VII.A.12 requires the project submit and show compliance with the Water Efficient Landscaping Ordinance (WELo) in the building permit application.

Transportation Assessment Report

Fehr and Peers conducted a Transportation Assessment for the project and concluded that there would be no major impacts on traffic as a result of the project (See Attachments 4 and 5). The report does include a number of recommendations regarding site circulation, auto and bicycle parking and loading that have been included as Conditions of Approval VI.A.1 and VI.A.2 and can be seen graphically in Figure 3 of the Fehr and Peers Non-CEQA memo.

Environmental Review

This project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects. The exemption at Section 15332 requires that:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project complies with these requirements as no General Plan amendments or modifications to the Planning Regulations are proposed; the site is within an urban area and is less than five acres; the site is developed with an existing building that covers the entire parcel thereby ensuring that that it cannot serve as a habitat for endangered, rare or threatened species and that there is no potential for impacts to water quality; the transportation assessment memo prepared for the project identifies no significant impacts to traffic and therefore there are no associated adverse impacts to air quality; the project includes standard condition of approval regarding noise that ensures that there are no noise impacts; and the project site is in an urban area that is already served by adequate utilities and public services.

In addition, the project is exempt from environmental review under the “common sense exemption” at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen

with certainty that there is no possibility that the proposal may have a significant effect on the environment.

Planning Commission Action

The Planning Commission considered the project at a special meeting on June 8, 2022, and voted to recommend that the City Council approve the conditional use permit and design review for the new 300,000 square foot Research and Development building and a parking structure, and deny the conditional use permit for parking spaces more than the maximum allowed (thereby limiting the project parking to a maximum of 411 spaces). The Commission also approved the Tree Removal Permit contingent on Council approval of the conditional use permit and design review for the project.

FISCAL IMPACT

This is a proposal by a private developer who will use private funds to construct the project. There is no fiscal impact to the City.

STAFF COMMUNICATION WITH THE PUBLIC

The project was reviewed at public meetings by the Bicycle/Pedestrian Advisory Committee on March 7, 2022, and April 4, 2022; by the Planning Commission on April 22, 2021, March 24, 2022, and June 8, 2022; and by the City Council on July 20, 2021, November 16, 2021, and April 5, 2022.

CONFLICT OF INTEREST

None.

CONCLUSION

After hearing a presentation from the applicant and receiving public testimony, staff recommends that the City Council either approve the conditional use permit and design review for a new 300,000 square foot Research and Development building and a new 496-space parking garage or approve the conditional use permit and design review for a new 300,000 square foot Research and Development building and deny the conditional use permit for parking spaces more than the maximum allowed.

PREPARED BY: Miroo Desai, Senior Planner

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS:

- 1. Project Plans
- 2. Arborist Report prepared by SBCA Tree Consulting dated August 31, 2021
- 3. CHS Parking Study dated October 26, 2021 (submitted by applicant)
- 4. Fehr and Peers Non-CEQA Memo dated April 19, 2022
(Only Attachments F - Recommendation 3 Conceptual Cross Sections and Attachment G – Parking Study Peer Review Memorandum to Fehr and Peers memo are attached. Due to the size, the remaining attachments can be accessed here: [EmeryStation Overland Non-CEQA Transportation Appendices](#))
- 5. Fehr and Peers CEQA Memo dated April 19, 2022
- Draft Resolution to Approve Project
- Draft Resolution to Approve Lab Building and Deny Parking Over Maximum