



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** September 6, 2016

**TO:** Carolyn Lehr, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT: Study Session On Proposed Sherwin Williams Mixed Use Project**

### RECOMMENDATION

After hearing a presentation from the applicant and receiving public testimony, staff requests that the City Council provide comment and direction regarding this project, addressing the issues outlined at the end of this report and any other issues, as appropriate.

### BACKGROUND

As required by the Planning Regulations for sites over five acres, the applicants are seeking development entitlements in the form of a Planned Unit Development (PUD) with an associated Preliminary Development Plan (PDP). The purpose of the PUD procedure is to encourage creative development of large sites so as to permit flexibility in physical design, allow for a mix of uses and achieve attractive designs. City Council approval is required for the PUD/PDP, following a recommendation by the Planning Commission. Prior to actually developing the site, Final Development Plans (FDPs) would be required for each phase of development to identify a more detailed building and landscaping design and specifics on the uses of each building. The Planning Commission considers approval of FDPs and the Commission's decision on a FDP may be appealed to the City Council. The applicants have indicated that they intend to process the entire project as a single FDP.

The Planning Commission and the City Council held study sessions on the Sherwin Williams Mixed Use project on October 24, 2013 and December 2, 2013 respectively. A key comment received from both bodies was a desire to see the Successor Agency-owned "railroad" parcel swapped for open space/park area within the project site, with the Successor Agency parcel ("City Parcel") to be developed with a residential building as part of the project. Because the timeframe for the parcel's availability for development was unclear at that time, the applicant filed an application for two proposals: one that incorporated the City Parcel within the project site (Option A) and a second that developed the City Parcel as a park in its existing configuration adjacent to the railroad right-of-way (Option B). The Planning Commission and the City Council subsequently held study sessions on the two options on October 30, 2014 and January

20, 2015 respectively. (See Attachments 1 and 2 for the Option A and B site plans, respectively.)

Both proposals were analyzed for environmental review purposes under the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report (DEIR) was prepared and was made available to the public on January 8, 2016 and the 60-day public comment period ended on March 8, 2016. Although not required by law, during the comment period the Planning Commission held a public hearing and received oral testimony concerning the DEIR on February 25, 2016. City staff and their consultants reviewed all comments received on the DEIR and responded to them as part of the FEIR, which was made available to the public on June 28, 2016. Certification of the FEIR was considered by the Planning Commission on July 28, 2016, and is a separate item on the City Council's September 6, 2016 agenda. Please see that item for more details on the environmental review process.

Also at their July 28, 2016 meeting, the Planning Commission held a study session on the proposed project. For a summary of their comments at the study session please see "Planning Commission Comments" below.

During the environmental review process the applicant worked with neighborhood groups and submitted a revised application for the project. This study session is to review the revised project. This project is slightly smaller than the two options analyzed in the FEIR and the conclusions of the FEIR apply to the revised project.

#### **DIFFERENCE BETWEEN REVISED PROJECT AND PROJECT OPTIONS ANALYZED IN THE FEIR**

	# of Residential Units	Office Space (sq. ft.)	Commercial Space (sq. ft.)
Options A and B (analyzed in the FEIR)	540	74,000	20,600
Revised Proposal	500	74,000	2,000 minimum; 8,000 maximum

In addition to changes noted above, the key difference lies in the site layout. In Options A and B the site plan was oriented around a central green running north-south with buildings along the sides and an additional plaza/park area towards the north end of the site adjacent to the railroad track. In the revised proposal Hubbard Street is extended through the site until it meets the new "46<sup>th</sup> Street" that runs along the northern property line perpendicular to Horton Street. The new streets on the site make an L-shape, meeting Sherwin Avenue on the south side and Horton Street on the east. Buildings are oriented along the Hubbard Street extension, with Parcels B1 and B2 lying to the east, Parcel C and park area to the west, and Parcel D sited to the north, west of the so-called "Rifkin" parcel on Horton Street owned by Novartis. The locations of the open

space areas are a combination of the two Options. Similar to Option B, the City Parcel is developed as a park in its existing location; however, unlike Option B, and similar to Option A, the open area on the Sherwin Williams property is sited fronting Sherwin Avenue and adjacent to the City Parcel. The maximum heights of the proposed buildings remain similar at 75 feet for buildings B1, B2 and C and 100 feet for building D. (See Attachment 5, Page 7 for the currently proposed Site Development Plan).

## **PROJECT DESCRIPTION:**

The project includes 500 residential units, 74,000 square feet of office space, and a minimum of 2,000 square feet and a maximum of 8,000 square feet of ground floor commercial space, which may include retail, restaurant, office, professional service, and other commercial uses allowed by the Planning Regulations.

*Land Use and Massing:* The site would be divided into five new parcels – A, B1, B2, C and D. Building heights, residential density and square footage are outlined on Pages 6 and 7 of Project Plans (Attachment 5). In addition, three open space parcels have been created: Park Open Space 1, Park Open Space 2 and Park Open Space 3 whose sizes are 0.51 acre, 1.04 acres and 0.53 acre respectively (See Page 6 of Project Plans). The City Parcel is to be developed as open space and is identified on the plans as “City Park Parcel”. A “Road Parcel” is also created to accommodate the L-shaped roadway providing access to the site via Sherwin Avenue and Horton Street.

Parcel A is created to accommodate the existing significant building (74,000 square feet) that will be reused as office space at the corner of Horton Street and Sherwin Avenue. The existing building maintains a height of approximately 42 feet. The parking for this building will be located in Building B-1.

Parcels B-1 and B-2 are located east of the Hubbard Street extension and are separated by Park Open Space Parcel 3. Building B-1 will have a maximum height of 75 feet with height stepping down to 45 feet for the first 30 feet back from Sherwin Avenue, and then stepping up to 65 feet for the next 10 feet, with the remaining building reaching a height of 75 feet. This stepping of the building height from Sherwin Avenue is illustrated in Section 1 on Page 25 of the attached Project Plans. Parcel B-1 will accommodate 70 residential units and 220 parking spaces. The ground level will also include the proposed minimum of 2,000 square feet of commercial use.

Similar to Parcel B-1, Parcel B-2 will have a maximum height of 75 feet with height stepping down to 45 feet for the first 30 feet back from the Horton Street frontage, and then stepping up to 65 feet for the next 10 feet, with the remaining building reaching a height of 75 feet. In addition, the Horton Street frontage of the building will be set back 40 feet from Horton Street, with a “dog-leg” of Park Open Space Parcel 3 extending along the street. Parcel B-2 will accommodate 85 residential units and 85 parking spaces.

Parcel C is located west of the Hubbard Street extension with a maximum height of 75 feet but is stepped down to 65 feet along the southern edge for a distance of 30 feet. The building is set back 155 feet from Sherwin Avenue and is separated from it by Park Open Space Parcel 1. The building will accommodate 160 residential units and 160 parking spaces.

Parcel D accommodates the tallest building (100 feet) and is situated to the north end of the property running parallel along the western property line of the Rifkin parcel. The building will accommodate 185 units and 185 parking spaces.

Page 7 shows the various building heights while Page 8 provides the illustrative development concept consisting of a three-dimensional sketch of the proposed building massing. Page 9 illustrates the ground level areas of the four parcels that is proposed to be a mix of retail/restaurant/office space (2,000 square feet minimum and 8,000 square feet maximum); live-work space; administrative offices; and residential amenities such as fitness and health facilities, clubhouses, meeting rooms, and “mobile work spaces”.

*Circulation:* Page 13 provides a vehicular circulation diagram for the site showing garage entries to each building except Building A that contains no parking spaces. Entries to Parcels B1 and C are off the Hubbard Street extension while the new 46<sup>th</sup> Street provides access to Parcels B2 and D.

Pages 14 and 15 provide preliminary bicycle and pedestrian circulation patterns through the site, including its open space and recreation areas. Pedestrian entries to buildings and locations of bicycle parking and storage have not yet been identified. Page 12 shows proposed locations for a car share pod and a Bay Area Bike Share station on the Hubbard Street extension, as well as a route for a future street car.

*Open Space:* Within the project there are approximately 3.54 acres of publicly accessible open space and about 1.19 acres of publicly accessible streets. (Please see Page 6). The City Park Parcel (1.46 acres) will be developed by the Applicant as park/open space in its existing configuration and will be designed in conjunction with the adjacent Park Open Space Parcel 1 that in combination will provide a 1.97 acre park/open space area. Park Open Space Parcel 2 runs along the northern end and northwest property line and is approximately 1.04 acres in size. Parallel bicycle and pedestrian paths run adjacent to the railroad line through Park Open Space Parcel 2 and the City Parcel. This “Greenway” consists of a 20-foot wide area along entire alignment next to the railroad to connect to Halleck Street (see page 22), and will also serve as an Emergency Vehicle Access (VHA) along the northern half adjacent to Parcel D (see Page 16). Park Open Space Parcel 3 (0.53 acres) provides plaza type areas between Parcels A, B1 and B2. The pedestrian circulation diagram on Page 15 shows how the various open areas will be accessed by residents and citizens as all the above described open areas will be publicly accessible. The open areas have not yet been programmed.

Page 18 provide a preliminary landscape plan showing proposed trees along existing and new street frontages and within the various open space areas. Page 17 shows proposed lights with “Greenway light poles” along the railroad tracks and standard street lights elsewhere on site.

### ***Proposed Standards for Open Space, Parking, and Trash***

The Planning Regulations allow PUDs to propose modifications to the various development standards such as parking and open space requirements. Where no modifications are proposed, then the standards in the Planning Regulations apply.

The table below shows City standards for parking, loading and open space and the applicant’s proposed modifications to those standards:

<b>Standards in the Planning Regulations</b>	<b>Proposed Modifications For the Site</b>
<p><b><i>Parking:</i></b></p> <p>0.67 resident spaces per unit plus 0.13 guest spaces per unit, total of 0.8 spaces per unit (minimum)</p> <p>1.6 spaces per 1,000 sq. ft. of office space (minimum)</p> <p>2 spaces per 1,000 sq. ft. for retail (minimum)  5.33 spaces per 1,000 sq. ft. for restaurants(minimum)</p> <p>Maximum requirement for all uses: 10% more than estimated demand</p> <p>Compact spaces not allowed</p>	<p>1 space per residential unit (minimum)</p> <p>2 spaces per 1,000 sq. ft. of office space (minimum)</p> <p>3 spaces per 1,000 sq. ft. of retail/restaurant (minimum)</p> <p>Maximum same as City Regulations</p> <p>Compact spaces (2 feet shorter but not narrower) not to exceed 10 per cent of total number of parking spaces</p>

<p><b>Loading and Trash</b></p> <p>50-149 units: 1 small loading space  150-300 units: 2 small loading space</p> <p>Office: 50,000 sq. ft. -100,000 sq. ft.: 1 medium space</p> <p>Total for the Project: 6 small; 1 medium</p> <p>In approving a project, the Planning Commission and City Council may modify the number and size of loading spaces because of the nature of the use or the design of the project. Regulations allow for common loading spaces shared by multiple lots within 300 feet.</p> <p>Trash, recycling, and composting storage areas to be easily accessible for collection vehicle personnel.</p>	<p>Total number of required loading spaces on project wide basis and not on building by building basis.</p> <p>Total for the project: 2 small and 2 medium loading spaces</p> <p>Trash rooms to be located with easy access to designated loading areas or parking driveways.</p>
<p><b>Private and Common Open Space (for project residents)</b></p> <p>40 sq. ft. of private open space and 20 sq. ft. of common open space per unit.</p> <p>Common open space may be provided in lieu of private open space at a 2:1 ratio.</p> <p>Requirements are on per unit basis.</p> <p>No difference in area calculations whether calculations are on a building by building basis or on a project wide basis.</p>	<p>Private and common open space to be provided in any combination at 60 sq. ft. per unit</p> <p>Common open space maybe provided in lieu of private open space at a 1:1 ratio.</p> <p>Provision of open space on a project basis and not to be considered on a building by building basis.</p>

## GENERAL PLAN AND ZONING

**Land Use Designation:** Most of the site is in the Mixed Use with Residential (MUR) General Plan land use classification and zoning district. The northern portion of the site, about 2.08 acres, is in the PO Park/Open Space district. In addition, the General Plan shows a new “dog-leg” street through the site, going north from Sherwin Avenue along the alignment of Hubbard Street, and turning east to connect with Horton Street

between 45<sup>th</sup> and 53<sup>rd</sup> Streets (called “46<sup>th</sup> Street” in the attached plans). Assuming a 60-foot right-of-way, this new street occupies about 1.19 acres. Subtracting the open space zoning and the new street from the 8.55 acre site would leave about 5.28 acres of developable land in the MUR zone. Calculations of residential density and building intensity (floor area ratio) are based on this amount of developable land.

**Mixed Use and PUD:** The MUR district requires a mix of uses, one of which must be residential. Other uses must come from the retail, office, hotel, recreational, and/or industrial and agricultural mixed use groups, as listed in the Planning Regulations under Article 8 of Chapter 2. The exact mix of uses is not specified, but is to be determined by the Planning Commission and City Council as part of the entitlement process.

At this stage the project envisions residential as the major use with office space (74,000 square feet) and a mix of ground floor retail/restaurant/office space (2,000 square feet minimum and 8,000 square feet maximum); live-work space; administrative offices; and residential amenities such as fitness and health facilities, clubhouses, meeting rooms, and “mobile work spaces”.

**Residential Density:** The maximum allowed residential density is 50 units per acre by right and 100 units per acre with a development bonus. Using 5.28 acres of developable area, as noted above, this calculates to 264 units by right and 528 units with a bonus. The project proposes 500 units and will require 89 bonus points for residential density.

**Building Intensity:** The maximum allowed floor area ratio (FAR) is 1.5 by right and up to 3.0 with a development bonus. FAR applies to both residential and non-residential uses, and does not include parking and loading areas. The project proposes 690,000 gross square feet of residential and commercial development, not including parking and loading. Using 5.28 acres, or 229,997 square feet, of developable land, as noted above, this calculates to an FAR of 3.0 (690,000/229,997). The project therefore needs 100 bonus points for FAR.

**Height:** The height limit in the southern portion of the site is 40 feet by right, up to 75 feet with a bonus. The height limit in the northern portion of the site is 50 feet by right, up to 100 feet with a development bonus. Buildings on Parcels B-1, B-2, and C are each proposed to be 75 feet, while the building on Parcel D is proposed to be 100 feet. Thus, all of the new buildings would be at the maximum height allowed with a development bonus, which would trigger a requirement of 100 bonus points for height.

**Bonus Points:** Pursuant to Section 9-4.204 (c)(2), it is not necessary to earn separate points for bonuses in each category, i.e. residential density, FAR, and height, but rather to earn the maximum number of points required in any category. As noted above, the project requires 100 bonus points in the FAR and height categories.

The applicant has identified the following categories for bonus points that add to the required 100 points.

50 points: Provide 17% of units to be affordable, as required by Section 9.4.204(d)(1)

35-40 points: Public Improvements

Hubbard Street sidewalk, street and landscaping improvements. Funding for Horton Landing Park and South Bayfront pedestrian/bicycle bridge improvements. Scope of improvements to be developed during FDP phase of the project.

10-15 points: Flexible Community Benefit

Provide a 2,000 square foot community art gallery and community room within the project.

Provide funding to the City's Art Center

The project is proposing a standalone affordable building to fulfill the affordable housing requirement. Section 9-5.408 (c) of the Planning Regulations states that "Unless the City finds compelling reasons to the contrary, the rental affordable units shall be dispersed throughout the development, the mix and type of rental affordable units shall be proportionate to those of the project, as a whole..."

The applicant has provided the following rationale for a standalone affordable housing project.

*"With the new density bonus requirements that were approved in late 2015, the amount of onsite affordable units have significantly increased and as such the need and benefits to provide a standalone building have increased as well. The affordable housing building would be developed through a partnership with a local experienced nonprofit affordable housing developer and currently Parcel B2 is contemplated for the standalone building. There are many benefits associated with this partnership and the major benefits are as follows:*

- A 3rd party nonprofit BMR developer has access to public financing and tax credits and as such the project can offer significantly deeper levels of affordability than the standard city requirements. In initial discussions with nonprofit BMR developers, the project could offer 30% deeper affordability levels compared to city requirements. The current city requirement averages at 90% average median income (AMI) and a standalone building could be in the 59% AMI level.*
- The nonprofit BMR partner will be a highly experienced affordable housing developer that has a deep understanding of how to provide the housing, services, and training that is desired by affordable housing residents*
- A standalone building/community will offer onsite support services to the residents such as tutoring for children, job training programs, job interview training, resume building, health/nutrition education, and technology*



*education/training. These services could be made available to the greater community and an inclusionary program will not be able to offer these services at all.*

- Having affordable housing residents in one building creates a community that has the supporting social infrastructure to help with residents' needs.*
- A standalone building that employs tax credits will require rigorous compliance oversight for tenant qualifications and thus ensure the greatest certainty for long term affordability compliance. There is compliance oversight by the IRS and this thorough level of oversight will allow individuals and families who are most in need to qualify and reside in the units and will deter full time students and roommates from this type of housing.*
- The standalone building will be indistinguishable from the market rate buildings – common architecture, design details, amenity program, unit sizes, unit layouts, similar finishes."*

**Staff Response:**

**Bonus Points:** Section 9.4.204, Table 9.4.204(e) allows an applicant to earn 10 bonus points for every 1 percent of construction valuation, up to 50 points. The applicant has provided a valuation of \$137,225,234. Based on this valuation, the applicant would need to provide \$6,861,262 worth of community benefits in order to obtain 50 bonus points. The applicant needs to define the scope and value of the proposed public improvements and flexible community benefits in order to determine the number of bonus points for each category.

Concerning the proposal for a standalone affordable building, Section 9-5.408(c) stipulates that "Unless the City finds compelling reasons to the contrary, the rental affordable units shall be dispersed throughout the development, the mix and type of rental affordable units shall be proportionate to those of the project as a whole, and shall be comparable with the design of the base level market rate units." While some operational benefits of a standalone affordable building are widely accepted, staff believes there are no compelling reasons at this site for it, and that the affordable units should be dispersed throughout the project as required by the Planning Regulations.

**Parks and Greenway:** In addition to a public park of 2.08 acres, the General Plan calls for the Emeryville Greenway to traverse this parcel to connect between Horton Landing Park to the north and the Park Avenue District/Bay Trail to the south. The General Plan and the Parks and Recreation Plan show the Greenway extension on Hubbard Street, however the Park Avenue District Plan specifies the connection at Halleck Street. Additionally, the Pedestrian and Bicycle Plan show a pedestrian path on Hubbard Street extension and a bicycle-pedestrian path along the railroad tracks. The project proposes pedestrian and bicycle access along both alignments (see Pages 14 and 15 of attached Project Plans.)

The project provides 2.08 acres of park/open space within the site. The applicant will need to provide a survey or subdivision map to confirm this number. It also envisions extension of the Greenway as a bicycle and pedestrian path between the Horton Landing Park and Halleck Street along the railroad track. (See discussion under Open Space above.)

**Park Avenue District:** The project is located in the Park Avenue District, which is implemented through the P-A Overlay Zone. One implication of this is the designation of the existing building as a significant structure. The project includes adaptive reuse of the existing “Building 1-31”.

The Park Avenue District Plan (implemented through the P-A Overlay Zone), also contains development guidelines, including the following:

- Work with surrounding property owners and businesses to time-share parking.
- Residential projects should include units with multiple bedrooms that could accommodate families.
- Development of large sites (1 acre or greater) should include residential or live/work units.
- Encourage new development north of Sherwin Avenue and west of Horton Street (i.e. on the Sherwin Williams site) to include a public park or parks with ample green space.

Except for the time-share parking arrangement, the project complies with the above guidelines.

There are other Park Avenue District Plan guidelines that apply to this project and need to be taken into consideration as the project is further refined. These include:

- Ensure that new buildings are compatible with the architectural patterns of the older brick and concrete industrial buildings.
- Provide varied residential development for a mix of household types, sizes and income levels.
- Provide active uses on the street frontage of buildings.
- Create a cultural arts center or a permanent home for Emeryville Art Exhibition.

The Horton Street and Sherwin Avenue frontages on Parcel A will provide ground floor office use. The street frontages of the four new buildings will provide active ground floor uses, including retail/restaurant/office; live-work space; administrative offices; and

residential lobbies and amenities such as fitness and health facilities, clubhouses, and meeting rooms. An art gallery is being proposed to earn bonus points under the “flexible community benefit” category.

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

- Sidewalks and Landscaping
- Parking and Access
- Site Planning
- Building Massing
- Building Form and Articulation
- Architecture and Building Materials
- Open Space
- Signs
- Greenways and Green Streets
- Freeway/Railway Adjacent
- Mixed Use Developments
- Local Streets
- Bicycle Boulevards, Paths and Routes

At this preliminary stage there is not enough information to assess the project’s compliance with each of the applicable the Design Guidelines except as noted below.

Pages 25-28 of the attached plans provide cross-sections of some of the project street frontages. These sections allow a limited evaluation of the project’s compliance with the Design Guidelines for sidewalk areas.

Generally, the Design Guidelines call for a minimum of 11.5 foot wide sidewalk, including 7.5 feet for a pedestrian pathway and 4 feet for a landscaped area between the pedestrian pathway and curb. Additionally, Sherwin Avenue, Hubbard Street extension, and Horton Street between Sherwin Avenue and 45<sup>th</sup> Street are designated “Green Streets” that calls for a 15-foot minimum sidewalk corridor, including 8 feet for a pedestrian pathway, 5 feet for a landscaped area next to the curb, and 2 feet for a landscaped area next to the adjacent property (Figure 3-6 of Emeryville Design Guidelines). Where the Greenway is separate from a street, the Design Guidelines call for a 20 foot minimum corridor including a 10 foot paved pedestrian/bicycle pathway and a 6 foot unpaved path separated by 4 feet of landscaping (Figure 3-5 of Emeryville Design Guidelines).

The Hubbard Street extension and the new “46<sup>th</sup> Street” are designed as 60-foot rights of way with 20 foot roadways, 12 foot pedestrian pathways, and 8-foot planter/landscaped areas, thereby providing a total sidewalk width of 20 feet on both sides of the street (See Pages 26 and 28). Thus, Hubbard Street extension would appear to be in compliance with the “Green Street” requirement and 46<sup>th</sup> Street,

although not designated as a “Green Street”, would provide wide sidewalks as well. Note that these sections are taken where on-street parking is not provided. As indicated on Page 9 of the attached Project Plans, on-street parking is proposed along most of the length of these streets. It is not clear what the cross-section would be at these locations, or if it would comply with the Design Guidelines for Green Streets.

The Sherwin Avenue street section (east) (Page 25) shows a 16’6” sidewalk width, including 8 feet of pedestrian pathway, 5 feet of landscape area next to the curb and 3.5 feet of landscape area adjacent to the building. The Sherwin Avenue street section (West) (Page 27) shows an 8 foot pedestrian pathway and a 5 foot landscaped area next to curb, with Park Open Space Parcel 1 adjacent to the north. No building is proposed along this section of Sherwin Avenue. The proposed dimensions on Sherwin Avenue comply with the Green Street requirements.

Although a Horton Street section is not provided, it should be noted that, to comply with the Green Streets guidelines along Horton Street, it will be necessary to remove the existing street trees in order to widen the sidewalk area. The existing trees are large and mature and generally appear to be in good health. For this reason, the applicant proposes to preserve the existing trees. In that case, the Horton Street sidewalk would not comply with the design guidelines for Green Streets. The pedestrian pathway would actually be slightly wider than the 8 feet called for by the guidelines, but the planter strip between the roadway and pedestrian pathway would be too narrow, and there would be no planter strip next to the building. The City’s consulting arborist has assessed the existing trees’ health and condition. The findings are summarized in the attached arborist report (see Attachment 3). The arborist conclusion is that “this is an excellent opportunity to remove problematic trees and provide a tree root environment for replacement trees which will carry them long into the future without continual costly pavement repairs.”

The Greenway along the railway tracks provides a 20 foot multi-use trail with a 12-foot pathway and a 7.5 foot decomposed granite path and half foot curb. (Page 22)

Sherwin Avenue between Hubbard and Halleck Streets is designated as a Class II/III bikeway in the General Plan, and as a Class III Bicycle Route in the Pedestrian and Bicycle Plan, meaning that the roadway should be designed to be shared with bicycles.

**General Plan Amendment.** The project will require a General Plan Amendment to reconfigure the Land Use Designation of Park/Open Space at the north end of the parcel to MUR and to redesignate the proposed open space area in the MUR area to Park/Open Space such that the same amount of land ends up in the PO and MUR zones (i.e. no reduction in the total amount of open space). An amendment to the General Plan “Maximum Residential Densities” map will also be required to show residential use in the re-designated MUR area, and not in the re-designated open space area.

## PROJECT REVIEW

The development concept was reviewed by the staff-level Development Coordinating Committee (DCC) on July 13, 2016 and by the Bicycle Pedestrian Advisory Subcommittee (BPAC) on July 18, 2016. Comments received are as follows:

### ***DCC Comments:***

The following comments were made by staff at the DCC meeting.

#### *(1) Open Space*

Staff felt that the application should include preliminary programming for open space which could be refined at the Final Development Plan (FDP) phase. It was observed that dog facilities were not adequate and parks for large dogs were absent in the City. A public restroom would also be useful given the size of the open areas.

It was noted that the General Plan designates Hubbard Street extension as a Key Green Street with enhanced landscaping, bike facilities, and Bay friendly landscaping. The applicant should provide greater detail of street cross sections along Hubbard Street. In addition, the Park Avenue Plan specifies *Gingko biloba* trees in the district. It was decided that the City Arborist should review the proposed landscape plan and provide comments on the feasibility of the proposed trees throughout the site, particularly in the context that recycled water will be used on site for landscape irrigation and some trees do not do well with recycled water.

It was observed that the open space between Building B2 and Horton Street just functioned as a setback. It could be a useable park and provide a visible connection into the open space between buildings B2 and B1 if building B2's east side were set back more to line up with building B1's east side. This would help it meet Park Avenue District Plan open space policies (Page 38) that parks should serve visitors, workers and residents including children and provide spaces for rest, play and gathering. It would also help provide public parks with ample green space as specified in the guidelines on Page 63 of that plan.

It was suggested that only street lights on Sherwin Avenue, Hubbard Street extension and 46<sup>th</sup> Street should be standard City street lights (i.e. Lumec) while all other lights on the site should use the Greenway lights. In addition, it was noted that a light study would be needed at the FDP stage to determine the number and spacing of the street lights.

It was noted that any fence along the railroad edge would need to match corresponding fences along Bay Street and IKEA.

It was noted that previous plans for the site have provided a more direct bicycle and pedestrian connection between Hubbard Street and the Greenway through Horton Land

Park, (see previous Options A and B Site Plans in Attachments 1 and 2), while the current proposal imposes a building (Parcel D) in the middle of this axis. It was suggested that the southwest corner of the Parcel D building be angled to provide a smoother connection between Hubbard Street and the Greenway through Horton Landing Park.

*(2) Stormwater Treatment*

The applicant has proposed non-vegetative (i.e. mechanical) stormwater treatment, in addition to areas of flow through treatment and “self treatment”. This was not deemed acceptable as the City regulations require use of vegetative methods only. It was noted that the existing building would also require stormwater treatment.

*(3) Density Bonus*

It was suggested that instead of providing an art gallery space within the project, the applicant could make a contribution towards development of the City’s Art Center building on Hollis Street. The district would thereby benefit from one enhanced art gallery. It was also suggested that the applicant could earn bonus points by providing sidewalks and street improvements on Hubbard Street between Park and Sherwin Avenues, and along the south side of Sherwin Avenue, given the low likelihood of redevelopment of parcels along this area. The applicant has now included these in their proposals for bonus points.

*(4) Proposed Parking and Open Space Standards*

The Planning Regulations do not allow for compact spaces because of functional problems and staff believes that they should not be permitted on the site. It was noted that most of the applicant’s proposed parking minimums are actually higher than required by the Planning Regulations. It was also noted that no bicycle parking was indicated in the Project Plans, either within the buildings or on the street and open areas.

The proposed private and common space is 60 square feet per unit with the request for 1:1 substitution. Additionally, the applicant would like provision of private open space and common open space to be on a project wide basis and not on building by building basis. The reason for provision of private open space and common open space is to allow some sense of open space for residents of multi-unit buildings. It is therefore necessary to provide these spaces on a building by building basis rather than on project wide basis.

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

substituted for private open space at a ratio of 2:1 (i.e. 80 additional square feet of common open space in lieu of 40 square feet of private open space). Private open spaces are critical for the livability of a unit and if it is not feasible to provide for every unit then the substitution should be at a higher level rather on a 1:1 basis. Most multi-unit buildings are designed on a podium that allows for easy availability of common open space.

Loading areas should be provided on a building by building basis as rental units will see moving vans come on a regular basis. Trash areas will need to be also provided on a building by building basis. The applicant needs to submit a preliminary trash and servicing plan.

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

The BPAC reviewed the project at their July 18, 2016 meeting. The plans reviewed by the Committee showed the Greenway along the railway tracks providing a 20-foot multi-use trail with a 10-foot pathway and a 6 foot decomposed granite path separated by a 4-foot native sod in the southern half while the 4 foot native sod strip was eliminated in the northern half as the Greenway functions as emergency vehicle access in this section. The Committee unanimously felt that the four-foot sod should be eliminated throughout the entire length of the Greenway as pedestrians were unlikely to use the decomposed granite path when it is separated by a grass/landscape strip. The suggestion was that that the 20-foot Greenway along the tracks be constructed with a 15-foot concrete bicycle path and 5 feet of decomposed granite path. In response to BPAC comments, the applicant has revised the plan to provide a 12-foot bike path and a 7.5 foot decomposed granite path. In addition, the following observations were made by the Committee:

- Bollards would be needed to prevent motor vehicles from using the Greenway path;
- Stop signs/traffic control is needed where bicycles enter/exit the site at 46<sup>th</sup> Street and Sherwin Avenue;
- The Halleck Street connection south to Beach Street needs improvement to make the Greenway's connection viable.
- Bicycle parking areas need to be shown on the plans and be sited in well-lit visible and easy to locate areas;
- If bicycles are not allowed within the apartments, then the project should provide more bicycle parking than required by the Planning Regulations. If bicycle parking is allowed in the apartments, then the design should provide for "gear walls" that have hooks on the walls for bicycle parking.

- The project should provide common bike areas (“bike kitchens”) that allow residents to wash and repair their bicycles.

## **PLANNING COMMISSION STUDY SESSION COMMENTS**

At their July 28, 2016 study session, the Planning Commission generally expressed appreciation of the efforts made by the community and the applicant in the design of the project. A number of Commissioners echoed the need for ownership housing expressed by several citizens and one Commissioner suggested making Parcel D a condominium building. The Commission agreed with the staff recommendation that the bonus points could be obtained by construction of sidewalks on Hubbard Street and Sherwin Avenue. They also felt that the applicant could pay into the Art Center and provide a community space within the project under “flexible community benefit” category. One Commissioner felt that at least 8,000 square feet of retail/restaurant space should be provided instead of the minimum of 2,000 square feet and that the project should follow the City’s Planning Regulations for open space, loading and trash standards, as opposed to the modifications to these standards proposed by the applicant. One Commissioner expressed support for the staff recommendation of providing a direct path from Horton Landing Park to the Hubbard Street extension and stated that all sidewalk widths meet City design standards. He also suggested that decomposed granite should not be used for the Greenway path and that bike lockers should be provided in all the buildings.

## **RECOMMENDATION**

After hearing a presentation from the applicant and receiving public testimony, staff requests that the City Council provide comment and direction regarding this project, addressing the following issues, and any other issues, as appropriate:

- Is the proposed siting of parcels, buildings, and public open space acceptable?
- Does the Council believe that there are compelling reasons to allow a standalone affordable housing building on this site?
- What does the Council think of the applicant’s proposed modifications to development standards for parking, loading, trash, and private and common open space?
- Is preservation of trees along Horton Street acceptable with the understanding that sidewalk widths will not be in compliance with Green Street design guidelines?
- Does the Council wish to see preliminary programming of the park open space areas at the PDP stage? If so, does the Council have suggestions?
- Does the Council agree with the applicant’s proposal to earn bonus points for public improvements, including Hubbard Street sidewalk, street and landscaping



improvements, and funding for Horton Landing Park and South Bayfront pedestrian/bicycle bridge improvements?

- Does the Council agree with the applicant's proposal to earn bonus points for "flexible community benefits", including provision of a 2,000 square foot community art gallery and community room within the project, and funding for the City's Art Center?
- Does the Council agree with BPAC's recommendation, as now proposed by the applicant, that the proposed 20-foot Greenway along the railroad tracks be designed so as to remove sod area and provide a concrete bike path and a decomposed granite path for its entire length?
- Any other issues or recommendations?

**Submitted By:** Miroo Desai, Senior Planner

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



Carolyn Lehr  
City Manager

**Attachments:**

1. Option A Site Plan
2. Option B Site Plan
3. Arborist Report
4. Citizen Comment Letters Submitted for the Planning Commission Study Session
5. Revised Sherwin Williams PUD Plans