

---

**From:** Bobby Lee [REDACTED]  
**Sent:** Tuesday, October 19, 2021 4:33 PM  
**To:** Sheri Hartz <shartz@emeryville.org>  
**Cc:** \*DL\_City\_Council <DL\_City\_Council@emeryville.org>  
**Subject:** [External] Comments for Tonight's Special Study Session Item #6.1

Hi Sheri,

I have pasted below my signature written comments I submitted to the Planning Commission for their study session on the Bay Street Grocery store back in September. I'm not sure if these comments are carried forward to the City Council for tonight's study session, so I wanted to re-submit it just in case.

I plan on attending the meeting tonight and will submit a speaker card to give very brief comments.  
Thanks.

-Bobby

Dear Council Members,

I am ecstatic for the possibility of a grocery store coming to the Bay Street Mall. As a Bay Street Condo resident, the convenience of a full-line, full-sized grocery store would be amazing and would precisely meet the needs of our growing community. This is a transformative project and opportunity.

Additionally, as a Bay Street Condos HOA board member, I would also like to make the Commission aware of the great work that the Mall's new owner, CenterCal, has put into the property since UBS/Madison Marquette's exit. There's no doubt that the prior level of crime and commercial vacancy alarmed many of our residents, along with the lack of timely action to incidents by previous ownership and management.

Since their purchase a few months ago, CenterCal has consistently engaged the HOA in the operations of the property and at a level of engagement that we never saw from the mall's original owner, Madison Marquette. While this relationship is still developing, I believe on the balance, CenterCal has been a much more responsive partner on the property that we have had in the past.

In my opinion, I believe that the City of Emeryville finally has a partner that truly is invested in making Bay Street a first-class property again. One that would be economically productive and provide an inclusive and equitable gathering place for all Emeryville residents.

Furthermore, speaking solely as a resident, I believe this proposal is a great first start but there are several areas that the applicant could improve upon. While I understand this is just the first study session and there are many more deliberations to be had between now and final approval, I think now is the time to consider a larger "rethink" of Bay Street and a higher level of engagement from all city stakeholders due to their complex dependencies. Including:

### **Parking**

I don't believe this portion of Bay Street should be reopened in any form or fashion. Further, the introduction of storefront/ground-level parking opens the possibility for crime and parking "wars" and should not be considered.

Having lived at the Bay Street Condos since its inception, I can attest to the daily road/parking rage incidents that occur on Bay Street. Despite ample metered and paid parking behind and above the retail property, there is a convenience factor and allure for drivers to access storefront/curbside parking. But not a day goes by without me personally observing at least 3 incidents of double parking or parking spot "stealing" that leads to words being exchanged and, quite often, physical altercations.

One incident I vividly recall from 4 years ago resulted in one vehicle ramming another vehicle repeatedly, with the victim's toddler inside the vehicle and requiring hospitalization.

Furthermore, the accessibility of storefront parking has made shoplifting an "easy" and rampant crime to commit on Bay Street. It's as easy as the accomplice walking into the store, taking an armful of merchandise, and jumping in an awaiting car. Every retailer on Bay Street can attest to this

ease of access. I have seen this numerous times, personally. And my neighbors report seeing this all the time as well.

Frankly, the proposed “gig delivery” parking lot at the ground level would result in absolute gridlock. Gig delivery workers could easily access the grocery store from the rooftop.

Additionally, removing the south side ground level parking strip would allow the building’s architect to shift the building south, allowing for a better accommodation of the proposed Ohlone Way cycle track and pedestrian access on the southern shoreline of Temescal Creek, rather than removing one lane of traffic on Ohlone Way, which I’ll touch more upon later.

### **Grocery Loading Zone/Trash**

I have a very hard time believing that two full sized tractor-trailers can maneuver into and out of the loading area without blocking Shellmound Street for an extended amount of time. As it stands today, tractor-trailers already double park on Shellmound Street in front of West Elm, causing traffic issues. Can you imagine how large of a turning radius a full-sized tractor-trailer departing from the loading zone would need to be able to make a right-handed U-turn to head northbound on Shellmound Street?

It’s not just private vehicles that are affected when Shellmound Street is blocked by tractor-trailers, it’s also the Emery Go Round and AC Transit buses. In my capacity as Chair of Board for the Emeryville Transportation Management Association, I’m sensitive to any potential disruptions that will reduce the Emery Go-Round’s on-time performance and service reliability, even by just a few minutes.

Similarly, I think there’s a lost opportunity here to remake the narrow, uninviting bus stop that exists on the southwest corner of this parcel, near the loading zone driveway. At present, this is one of the busiest stops that Emery Go-Round services and the City, in conjunction with the applicant, ought to take this opportunity to improve the size, accommodation, and design of this bus stop and shelter.

Personally speaking, I think there’s a better aesthetic that could be applied to the northern and western elevation, which I’ll touch upon later. And I’m also concerned at the appearance of a trash room and open loading zone facing Shellmound Street visible to passersby. This is an opportunity to gate this loading/trash area for better aesthetics to passerbys.

### **Plaza Relocation**

This comment cuts across both the application and the future phase vision presented by the applicant.

The biggest concern that my neighbors and I have is with relocating the event zone and the creation of the central lounge from the current plaza between Parcel A and B to Brunswig Lane, for three reasons.

First, the drawing of both amenities shows a net loss of curb space for the existing loading zone. This loading zone is already over-utilized during business hours, with USPS, FedEx, UPS, Amazon, and residential moving companies for both the apartment and our condo building fighting to park in this three car length long space.

An oversight by Madison Marquette (Mall's original developer) and by the Planning Commission at the time of the mall's original application back in early 2000's was a lack of commercial and passenger loading space. Today, designated loading zones behind Building E are too short in vertical clearance to accommodate full sized tractor trailers. These tractor trailers must now use Bay Street or Brunswick Lane to load/unload. The City and CenterCal ought to add more commercial loading zone spaces, not remove them.

Second, Madison Marquette and Sares Regis (the Condo's Developer) were both coordinated in sharing designs, construction, and building materials. One of the choices made by both parties was to choose drywall materials and window products that were not rated for sound attenuation. Furthermore, a deliberate choice was made by both parties to omit any insulation whatsoever from exterior walls. This means that all sounds filter into the condo interior, from simple conversations between shoppers to roadway noise to railroad movement noise, along with abysmal energy efficiency.

To remedy this, the Condos HOA and Madison Marquette forged an informal agreement to remove any ambient music sources (e.g. mall-wide sound system) and to restrict any amplified music, musical performances, or loud events to the existing plaza area between Parcels A and B.

By moving an event zone to Brunswick Lane, in the middle of the Condo Building, I believe it would be reasonable to formalize this existing agreement restricting music and performances around the condo building as a condition of approval. Numerous other event types without amplified sounds and performance have already proven to draw equal attraction attendance on the property, including Farmer's Markets, Painting Classes, arts and crafts fairs, and more.

As an alternative, the empty parcel in front of the Hyatt Place hotel is a more suitable location for performances and musical events.

Third, did the applicant plan to close Bay Street at Brunswick Lane for events? How do they plan to address delivery and other access needs?

I urge this commission to heed Staff's recommendation to keep the plaza and all performances and music between Parcels A and B. But if ultimately allowed, please consider formalizing this arrangement between the parties as a condition of approval.

### **Property Circulation**

I urge this commission and the applicant to not look at roadway circulation as just a Parcel B issue, but rather, take the entire property (Parcels A through E) into account.

It is implied that the applicant would like to provide better circulation throughout the property. But the bigger issue are the traffic backups within the property by double parking, waiting for curbside parking, confusion with directions and such that lead to knock-on backups on Shellmound Street, Christie Avenue, and 40th Street.

Staff is correct in pointing out a traffic light should be installed in the intersection of Bay Street and Ohlone Way. Pre-Covid, knock-on traffic backups of 20 minutes or more were regular occurrences on Shellmound Street, due to congestion that started in this intersection, particularly with vehicle and pedestrian crossing conflict.

Furthermore, narrowing Ohlone Way would be catastrophic for roadway circulation. Removing one lane of Ohlone Way would cause significant backup onto Shellmound Street, slowing AC Transit, Emery Go-Round, and all vehicles, as demonstrated by the knock-on congestion present today under existing conditions.

The City must look at new ways to improve the circulation for all modes throughout this property, not just in and around Parcel B.

### **Location Entrance**

If the applicant believes that this grocery store and the related improvements would tie in the Emeryville Greenway into the property, why is the corner affronting the greenway a parking ramp and not the entrance to the grocery store?

I think there's a lost opportunity here to tie in the Greenway to the grocery store by placing the entrance of the grocery store (or at least a second entrance) at the northeast corner of the property.

### **Aesthetics**

I'm disappointed with the Western and Northern elevations designs. Both sides of these buildings provide ample space to advertise the grocery store and the city of Emeryville, visible from I-80. Much like the large Emeryville block letter signage on the south side of the AMC theater, these two grocery store elevations should be taken fully advantage of to advertise Emeryville and the grocery store.

### **Lighting, Light Pollution, and Vehicle Noise Issues in Rooftop Parking**

Rooftop parking is a smart choice for this grocery store. However, per pages 27 and 39 of the applicant's presentation, I'm particularly concerned about the low parking lot wall height and tall parking lot lighting on the rooftop. Both would lead to parking lot light and headlight glare, along vehicle noise pollution pointed directly at residential units in Building/Parcel C of the condo building.

A good example of this light and noise pollution situation currently exists at the rooftop parking lot at the Sprout's Market at 3035 Broadway in Oakland, adjacent to the taller "The Broadway" apartment building, for comparison.

I would encourage the council and applicant to consider covered rooftop parking, which would have the added benefit of allowing a solar rooftop installation above the garage for energy generation.

### **New Seasons Market**

One thing that the applicant ought to ensure, to their best effort, is that we don't end up in a situation like with the New Season Market at the Public Market. More specifically, allowing a development to be purpose built for a grocery store but the tenant pulls out at the last minute, leaving a multi-year vacancy and unactivated property.

### **Closing**

I'm absolutely excited to see this grocery store and the potential for more improvements at this property. I strongly support the project, with the changes proposed, and look forward to future resident's engagement from CenterCal. Thank you.

Sincerely,

Bobby Lee