

EMERYVILLE PLANNING COMMISSION
STAFF REPORT

Agenda Date: October 24, 2013
Report Date: October 17, 2013

TO: Planning Commission

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

SUBJECT: **Study Session: Sherwin-Williams Urban Village (PUD13-001)**

PROJECT LOCATION: North of Sherwin Avenue, west of Horton Street, east of the Union Pacific railroad right-of-way, and south of Temescal Creek
(APN: 49-1041-26-15)

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

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

OWNER: SWACE, LLC
c/o Sherwin Williams Company/Richard Weaver
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

PROJECT DESCRIPTION: A Study Session to review a proposal to redevelop the former Sherwin Williams paint factory site into a mixed-use “town center” with a combination of residential and commercial uses organized around a central green park. The project will include reuse of an existing 70,000 square foot Tier 1 significant building for commercial use and construction of three new buildings that will accommodate approximately 460 dwelling units and 15,000 square feet of commercial space.

GENERAL PLAN DESIGNATION: Mixed Use with Residential
Park/Open Space

ZONING DISTRICT: Mixed Use with Residential (MUR)
Park/Open Space (PO) with Park Avenue (P-A) Overlay

VI.A.

ENVIRONMENTAL

REVIEW: To be determined

RECOMMENDED

COMMISSION ACTION: 1) To hear a presentation of the proposed project.

2) To provide direction and comment to the applicant and staff.

BACKGROUND:

The Sherwin-Williams site presents an exciting opportunity for urban redevelopment. Its central location and size (8.59 acres) are advantageous to achieving an attractive mixed-use development that meshes with, and enhances the surrounding district. The Sherwin-Williams Company has owned and operated a coatings (paint) manufacturing plant here since the early 1900's. It is an irregularly-shaped property located north of Sherwin Avenue, between Horton Street and the Union Pacific rail right-of-way. The east half of the site abuts Novartis (formerly Chiron) property to the north (Rifkin Site) and the western half extends north almost to Temescal Creek. Sherwin Williams ceased operations in mid-2006 and site remediation was completed under the state Department of Toxic Substances (DTSC)'s oversight. A "no further action" letter was issued by the DTSC on January 23, 2013. A deed restriction was recorded limiting soil excavation, groundwater extraction, and other site activities that may interfere with the Installed Remedial Features, but no restrictions were put on the type of land use that may occur here.

SRM Associates has an option to purchase the property for redevelopment and they have brought in Thompson Residential Partners for housing development. ROMA Design Group has been retained for site planning. The applicants are seeking development entitlements in the form of a Planned Unit Development (PUD) with an associated Preliminary Development Plan (PDP). In accordance with Sections 9-3.303(b)(2)c. and 9-7.1005(a) of the Planning Regulations, development on all sites over 5 acres in the Mixed Use Zones must be approved pursuant to the Planned Unit Development (PUD) Procedure established in Article 10 of Chapter 7. The purpose of the PUD procedure, which allows creation of PUD zones, 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. Prior to 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. City Council approval is required for the PUD/PDP, following a recommendation by the Planning Commission. The Planning Commission will approve the FDPs, and the Commission's decision on a final development plan may be appealed to the City Council.

An Initial Study will be performed to determine the appropriate level of environmental review under the California Environmental Quality Act (CEQA). Staff has retained LSA Associates to prepare a scope of work to conduct the environmental study.

PROJECT DESCRIPTION:

The proposal presents a framework for redevelopment of the site. The framework is based on the idea of a village with a central open space similar to that of South Park located between Second and Third Streets in San Francisco. A key feature of the site plan is a central green that is oriented 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.

Land Use and Massing: The site would be divided into four new parcels for which building heights, residential density and square footage for commercial space are outlined (see Site Development Plan). Parcel A is created to accommodate the existing 45 foot tall Tier I significant building (70,000 square feet) that will be reused as office space at the corner of Horton Street and Sherwin Avenue. Parcels B and C, west of Parcel A, will have that same maximum height (75 feet) and the tallest building (100 feet) is placed at the north end on Parcel D. Parcel B will have frontage on Horton Street and wrap Parcel A to the south such that it also fronts Sherwin Avenue; and will accommodate 220 dwelling units and 15,000 square feet of retail space. Parcel C fronts Sherwin Avenue and will be a residential-only building with 150 units. Parcel D adjacent to Novartis's Rifkin site will accommodate 90 residential units.

Circulation: The primary access to the site is oriented to Sherwin Avenue, with two driveways leading to buildings on Parcel B and Parcel C. In addition, the central green between Parcels B and C is aligned with Hubbard Street on the south, and ends in a roundabout within the site that is connected with an access road leading to Horton Street to the east and another access road along the Rifkin site that terminates at the north end of the property. The latter access road provides two entry points to Parcel D. A non-vehicular access is provided on Horton Street between Parcels A and B that connects to Sherwin Avenue. The former railroad parcel along the westerly edge of Parcel C is conceived to be a City Park with the Emeryville Greenway extension lying along the railroad track and connecting to Halleck Street. This parcel was acquired by the former Redevelopment Agency and thus is currently owned by the Emeryville Successor Agency. Under the provisions of State law governing the dissolution of former redevelopment agency assets, it is anticipated that this parcel will eventually be transferred to the City for use and development as a public park. However, such a disposition will require the approval of the Emeryville Oversight Board and the State Department of Finance. It is anticipated that such approvals will be sought in early 2014. (See Sheet entitled "Illustrative Development Concept"). [Note: The Successor Agency-owned property is also known as "Parcel D", not to be confused with the developer's proposed Parcel D.]

Open Space: Approximately 2.08 acres of open space is provided in the form of a central green (0.58 acres) and a park between Parcel C and D (1.5 acres). The size of the central green appears to be approximately 50 feet wide by 500 feet long. The 1.5 acre park is envisioned to be a children's playground with facilities for adult fitness activities. The project also anticipates converting the Successor Agency-owned railroad parcel to a City park with multi-use play lawns and a dog park.

DISCUSSION

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 45th and 53rd Streets. Assuming a 60-foot right-of-way, this new street would occupy about 1.17 acres. Subtracting the open space zoning and the new street from the 8.55 acre site would leave about 5.30 acres of developable land in the

MUR zone.

The proposed project provides the new street as called for in the General Plan. However, a survey would be required to determine the exact area of the site under PO Park/Open Space designation and to confirm that an equivalent amount of open space is provided in the project. Please note that the new street and any access roads will not be included in the calculation of open space within the project.

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 (Article 8 is attached for the full list of uses).

At this stage the project envisions residential use as the major use with a mix of office space (70,000 square feet) and retail space (15,000 square feet).

Residential Density: The maximum allowed residential density is 85 units per acre by right and 100 units per acre with a development bonus. This calculates to 451 units by right and 530 units with a bonus if it were entirely residential. Since a mix of uses is required, the number of residential units will be fewer than this range.

The project proposes 460 units, which calculates to about 86.8 units per acres (460 units/5.30 acres). This is about 12% of the “bonus increment” of 15 (100 – 85 units per acre), and therefore would require 12 bonus points for residential density.

Building Intensity: The maximum allowed floor area ratio (FAR) is 2.0 by right and up to 3.0 with a development bonus. FAR applies to both residential and non-residential uses. The proposed FAR is 2.7. The project would therefore require 70 bonus points for FAR (Bonus Amount/ Bonus Increment x 100 or $0.7/1.0 \times 100 = 70$).

Height: The height limit in the southern portion of the site is 55 feet by right, up to 75 feet with a bonus. The height limit in the northern portion of the site is 75 feet by right, up to 100 feet with a development bonus. Buildings on Parcels B and C are each proposed to be 75 feet. This would trigger a requirement of 100 bonus points (Bonus Amount/ Bonus Increment x 100 or $20/20 \times 100 = 100$). The bonus points for the 100 foot building on Parcel D would also be 100 points (Bonus Amount/ Bonus Increment x 100 or $25/25 \times 100 = 100$).

Bonus Points: Pursuant to Section 9-4.204 (b)(3), it is not necessary to earn separate points for bonuses in each category, i.e. FAR, density and height, but rather to earn the maximum number of points required in any category. The category in which the maximum bonus points are required is height where the applicant requires 100 points.

The applicant has not yet identified the categories in which the project is proposed to obtain bonus points. However, the project involves reuse of a significant building and therefore qualifies for at least 35 bonus points. Other potential categories include:

- Development of a public park on the portion of the site zoned Park/Open Space – up to 50 points.

- Alternative energy – up to 50 points for “zero net energy”. (Note that this was the site of the PG&E Zero Net Energy design competition in 2011).
- Public improvements beyond the interior and frontages of the site, such as improvement of Hubbard Street between Park and Sherwin Avenues as part of the Greenway; traffic calming measures for the Horton Street bicycle boulevard; and/or assisting the City in acquiring and developing the now-abandoned railroad bridge over Temescal Creek to connect with the Greenway to the north – up to 50 points.
- Utility undergrounding beyond the interior and frontages of the site – up to 50 points.
- Transportation demand management program to promote walking, bicycling, and transit use – up to 35 points.
- Family friendly housing – up to 50 points.
- Providing public parking – up to 35 points.
- Electric vehicle charging stations (non-residential only; residential is required) – up to 35 points.

Parks and Greenway: In addition to a public park of approximately two 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 exact alignment is not yet determined, and the pedestrian route and bicycle route could be different.

The project provides a park/open space of approximately two acres within the site. 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.

Park Avenue District: As noted above, 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.

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 the Design Guidelines.

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 September 11, 2013 and by the Bicycle Pedestrian Advisory Subcommittee (BPAC) on October 7, 2013. Comments received are as follows:

DCC comments:

There was much discussion on the traffic volumes on the streets. It was felt that some preliminary traffic volume numbers would be useful in determining the usability of the proposed open spaces as well as width of roads and sidewalks. In addition, it was not clear what the intended goal of the park and the Greenway was in relation to the anticipated users. It was suggested that while the proposal was modeled after South Park in San Francisco, the width of the proposed linear park was not adequate as a useable area. Precita Park, San Francisco, was an example of a small linear park that works well in an area with low traffic volumes on the street. Santana Row was also mentioned as an example that had the oval configurations at the nodes of a linear park. It was unanimously agreed that the project's open space connect with the City's Horton Landing Park. One of the many possible ways to achieve this would be to relocate Parcel D to the south and move the open space/plaza area towards the northern property

boundary so that the project's open area would work together with the Horton Landing Space. (See attached "DCC -Alternative Site Plan").

It was suggested that the applicant look at the PG&E Net Zero competition entries and the Stormwater Design Manual that used the Sherwin Williams site as an example for possible ideas. It was agreed that the design of the roads was a critical component and that the design detail be in compliance with City's Design Guidelines. A suggestion was made to look into the design of Octavia Street in San Francisco to determine feasibility of using mountable curbs and curb extensions.

The applicant would be responsible for design and construction of the park on the City-owned parcel ("Parcel D") between the project site and the railroad track. The applicant would also assist in funding the acquisition and clean-up of "Parcel C" which is part of Phase 2 of the Horton Landing Park (See Attached Horton Landing Park 07-11-08). This would qualify the project for bonus points.

The plan did not provide adequate detail to comment on the proposed circulation for pedestrians, autos and service-oriented deliveries to the site. It was agreed that it was critical to figure out circulatory functions at this early stage.

It was suggested that since this was a primarily a residential project, the applicant should provide a mix of family friendly, affordable, disabled housing and service-enriched housing. Amenities within the project should include things that support families and non-traditional household units.

It was noted that the EBMUD's reclaimed water line runs up Horton Street and therefore this project should include use of reclaimed water for landscaping and interior non-potable uses for at least commercial spaces.

Suggested bonus points included provision of some type of pedestrian amenity along Hubbard Street between Sherwin and Park Avenues; an art center in the existing Tier 1 building; and alternate housing types as mentioned above.

BPAC Comments:

- Traffic diversion at Sherwin is needed to reduce the use of Horton.
- Question: what type of retail will it be? What does the developer think "neighborhood serving" means?
 - Café, restaurants, gallery space, bike shop... things for the immediate use of the neighborhood.
 - A survey will be posted on the Neighborland website asking people what kind of retail they would like.
- Some community members see the project as an opportunity to provide affordable housing and below market value commercial space that would encourage small, local serving commercial uses, and would support a tower up to 200 feet tall at the north end in order to achieve these aims.
- Concern about delivery vehicles parking in the bicycle lane.
- Concern about noise from the railroad tracks.
- Emery Go-Round should not be routed on Horton Street.
- Important to increase connectivity to Mandela Parkway/Bay Trail.

- Provide residents and workers with transit passes.
- Committee recommendation: Put in more bike parking than required by the Planning regulations.

RECOMMENDATION

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

- Is the proposed siting of parcels and buildings acceptable?
- Is the proposed circulation and layout of the streets appropriate for the site?
- Is the siting and sizes of open spaces acceptable?
- What type of open spaces does the Commission wish to see for the Central Green and the park areas?
- Is the proposed height and massing acceptable?
- Is the mix of use appropriate for the project site?
- What public benefits does the Commission prefer for the project to earn the necessary 100 bonus points?
- Any other issues or recommendations?

Attachments:

Article 8 of Chapter 2 of the Planning Regulations, "Mixed Use Groups"
DCC – Alternative Site Plan
Horton Landing Park 07-11-08 Design showing Phase 2 parcel
Sherwin Williams PUD Plans

ARTICLE 8. MIXED USE GROUPS

9-2.801 Purpose.

For purposes of regulating development in the Mixed Use Zones, as stipulated in Section 9-3.303, use classifications are divided into the following mixed use groups: Residential, Retail, Office, Hotel, Recreational, and Industrial and Agricultural. These groups are defined as stipulated in this Article.

9-2.802 Residential Mixed Use Group.

This group is characterized by multiple dwelling units in a single structure or group of structures, and includes the following use classifications:

- Multi-Unit
- Residential Care Facility
- Supportive Housing
- Live/Work Units

9-2.803 Retail Mixed Use Group.

This group is characterized by establishments whose primary function is to serve walk-in customers, with or without advance appointments, and includes the following use classifications:

- Animal Care and Sales
 - Pet Stores
- Arts and Entertainment
 - Gallery
- Banks and Financial Institutions
- Eating and Drinking Establishments
 - Bars/Nightclubs/Lounges
 - Restaurants
- Libraries and Museums
- Offices
 - Walk-in Clientele
- Personal Services
 - Small
 - Large
- Repair Services
- Retail
 - Small Stores
 - Medium Stores
 - Large Stores
 - Food and Beverage Sales

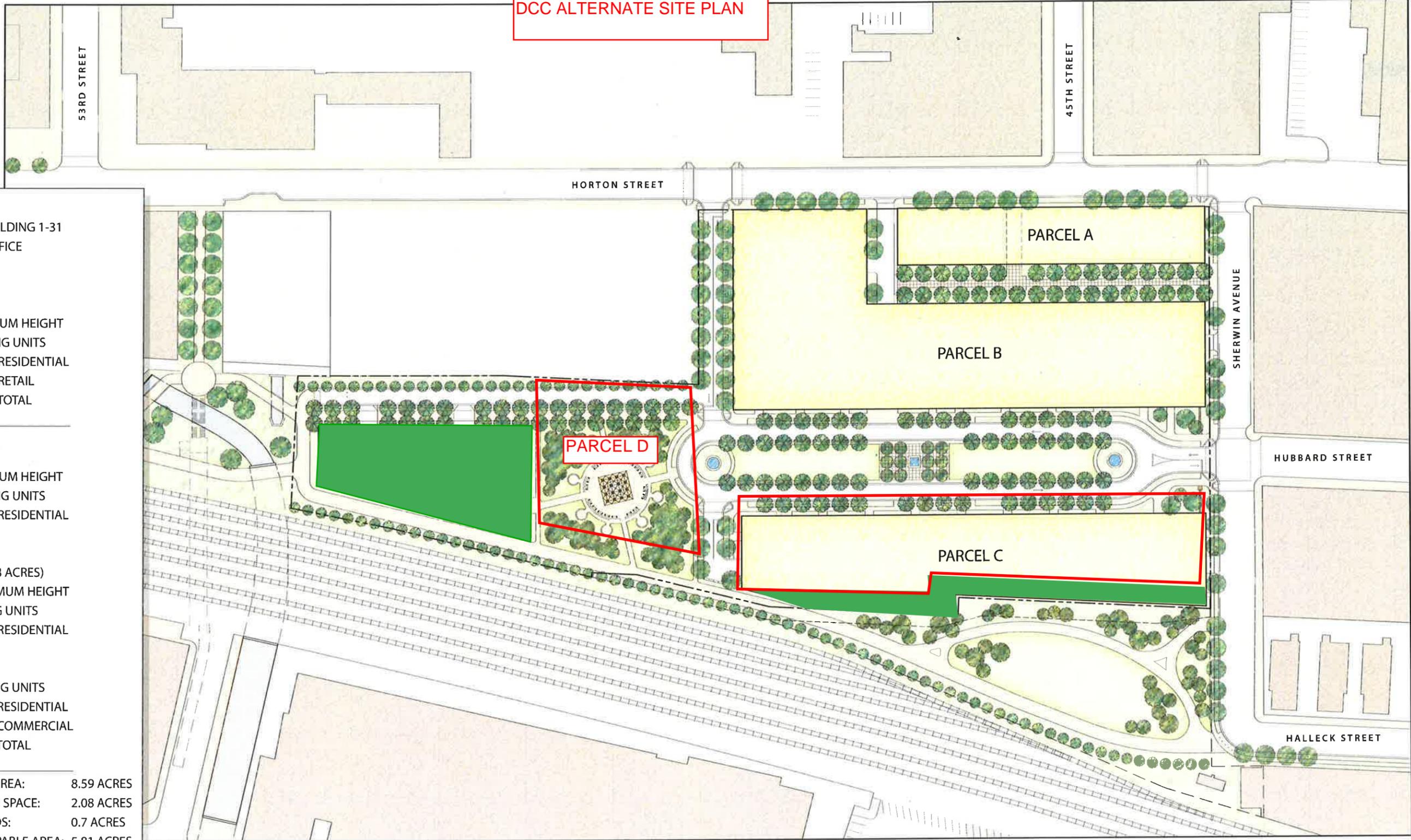
9-2.804 Office Mixed Use Group.

This group is characterized by establishments whose employees spend all or most of the workday at assigned work stations in offices, laboratories, and similar environments whose primary function is not to serve walk-in customers, and includes the following use classifications:

including but not limited to license types 01, 02, 20, and 21. Tasting Rooms may also include samples or small servings of food.

- (h) **Alcohol Sales and Service.** Sale or service of alcoholic beverages to patrons of a restaurant; members and guests of private clubs, organizations, and events; registered guests of bed and breakfast inns; and guests of motels and hotels and their invitees pursuant to an appropriate license from the California Department of Alcoholic Beverage Control, including but not limited to license types 01, 02, 23, 41, 47, 49, 51, 52, 57, 59, 67, 70, 75, and 80.
- (i) **Animal Keeping.** Keeping of small domesticated animals as pets or for personal use of products such as meat, honey, milk, eggs, and fibers, as contrasted with the principal use of Animal Husbandry described in [Section 9-2.509](#). See also [Chapter 1 of Title 6](#).
- (j) **Sidewalk Cafe.** An area of the sidewalk used exclusively for eating, drinking, and related pedestrian circulation and located adjacent to, and operated in conjunction with, a street-level Restaurant. See also [Article 15 of Chapter 5](#).
- (k) **Off Street Parking.** Off street parking, with or without a fee, that is intended to meet the parking requirements of [Article 4 of Chapter 4](#). Parking in excess of such requirements may be operated as the principal use of Parking described in [Section 9-2.343](#).
- (l) **Car Sharing Pod.** A parking location for one or more vehicles of a car sharing organization, whose members may arrange to use the vehicles for short periods of time.
- (m) **Private Antennas.** Small antennas and satellite dishes mounted on or adjacent to residential and nonresidential structures for the exclusive use of the occupants of those structures.
- (n) **Fuel Dispensing.** Dispensing of gasoline and other motor fuels, with or without a fee, in conjunction with a principal use on the same site such as a marina or fleet vehicle operation. This use is distinguished from Service Stations, as defined in [Section 9-2.339\(e\)](#), which are always principal uses pursuant to [Section 9-2.701](#).
- (o) **Collection Bins.** Freestanding bins for the collection of clothing, household goods, and recyclable materials such as paper, metal, plastic, and glass, typically found in the parking lots of stores and other facilities. This use is distinguished from Recycling Collection Facilities, as defined in [Section 9-2.419\(a\)](#), which are always principal uses pursuant to [Section 9-2.701](#).

DCC ALTERNATE SITE PLAN



PARCEL A

EXISTING BUILDING 1-31
70,000 SF OFFICE

PARCEL B

85,000 SF
75 FT MAXIMUM HEIGHT
220 DWELLING UNITS
320,000 GSF RESIDENTIAL
15,000 GSF RETAIL
335,000 GSF TOTAL

PARCEL C

55,900 SF
75 FT MAXIMUM HEIGHT
150 DWELLING UNITS
180,000 GSF RESIDENTIAL

PARCEL D

25,500 SF (.58 ACRES)
100 FT MAXIMUM HEIGHT
90 DWELLING UNITS
100,000 GSF RESIDENTIAL

TOTAL

460 DWELLING UNITS
600,000 GSF RESIDENTIAL
85,000 GSF COMMERCIAL
685,000 GSF TOTAL

GROSS SITE AREA: 8.59 ACRES
ZONED OPEN SPACE: 2.08 ACRES
PUBLIC ROADS: 0.7 ACRES
NET DEVELOPABLE AREA: 5.81 ACRES
OR 253,084 SF
PROPOSED FAR: 2.7
ALLOWABLE FAR: 3.0

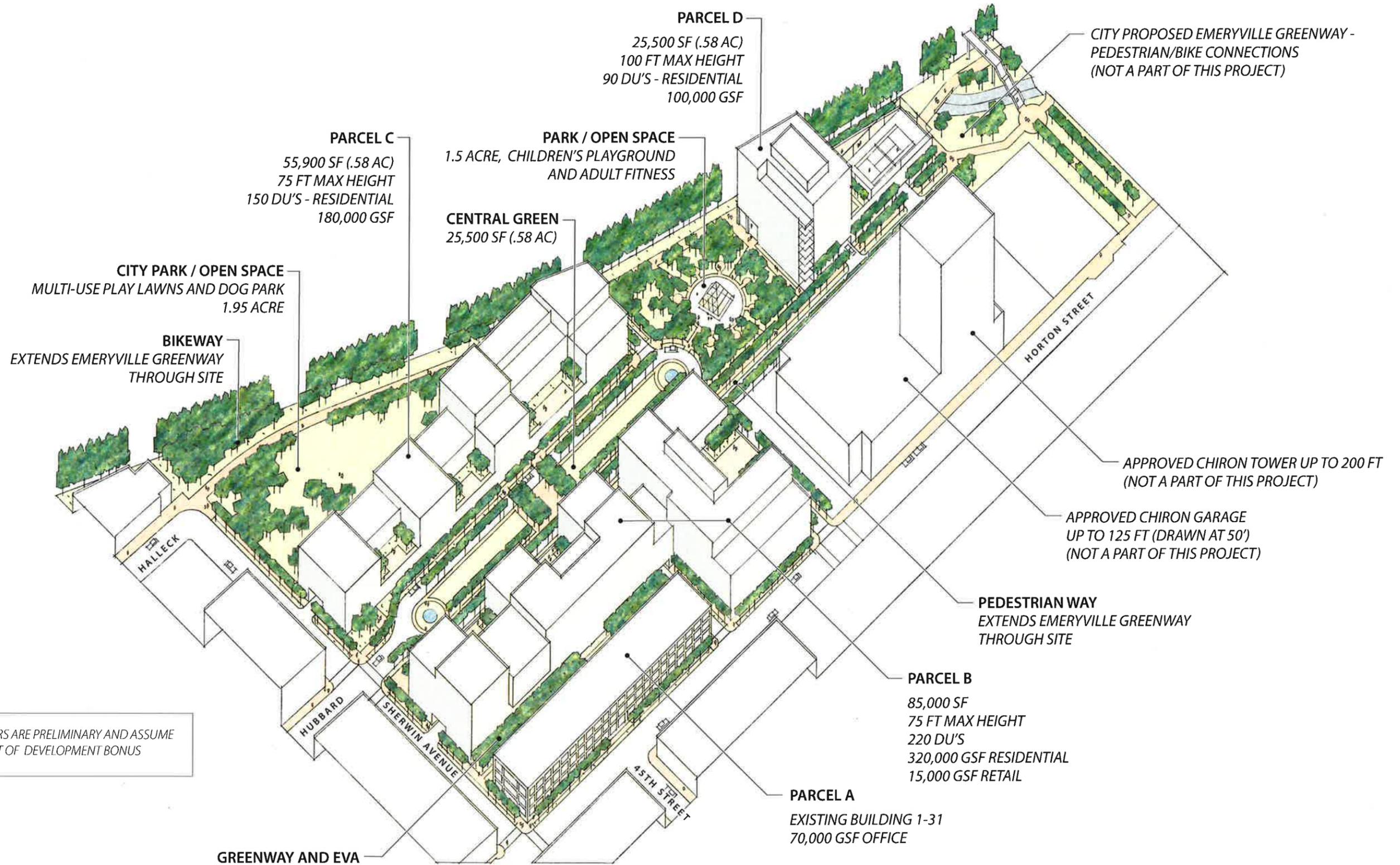
NOTE: ALL NUMBERS ARE PRELIMINARY
AND ASSUME FULL ACHIEVEMENT OF
DEVELOPMENT BONUS.

SITE DEVELOPMENT PLAN



Sherwin-Williams Emeryville

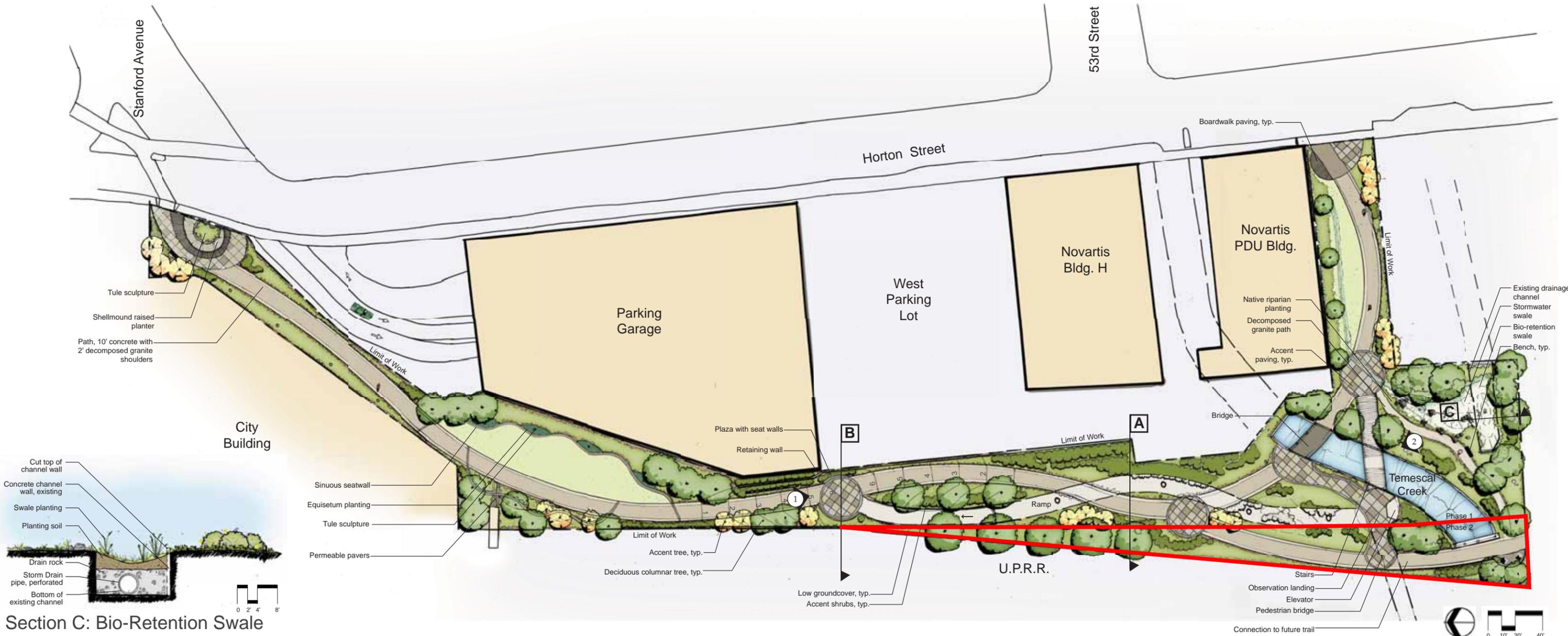
Prepared for TDP-East Bay Partners, LLC by ROMA Design Group



ILLUSTRATIVE DEVELOPMENT CONCEPT

Sherwin-Williams Emeryville

Prepared for TDP-East Bay Partners, LLC by ROMA Design Group



Section C: Bio-Retention Swale





PARCEL A
 EXISTING BUILDING 1-31
 70,000 SF OFFICE

PARCEL B
 85,000 SF
 75 FT MAXIMUM HEIGHT
 220 DWELLING UNITS
 320,000 GSF RESIDENTIAL
 15,000 GSF RETAIL
 335,000 GSF TOTAL

PARCEL C
 55,900 SF
 75 FT MAXIMUM HEIGHT
 150 DWELLING UNITS
 180,000 GSF RESIDENTIAL

PARCEL D
 25,500 SF (.58 ACRES)
 100 FT MAXIMUM HEIGHT
 90 DWELLING UNITS
 100,000 GSF RESIDENTIAL

TOTAL
 460 DWELLING UNITS
 600,000 GSF RESIDENTIAL
 85,000 GSF COMMERCIAL
 685,000 GSF TOTAL

GROSS SITE AREA: 8.59 ACRES
 ZONED OPEN SPACE: 2.08 ACRES
 PUBLIC ROADS: 0.7 ACRES
 NET DEVELOPABLE AREA: 5.81 ACRES
 OR 253,084 SF
 PROPOSED FAR: 2.7
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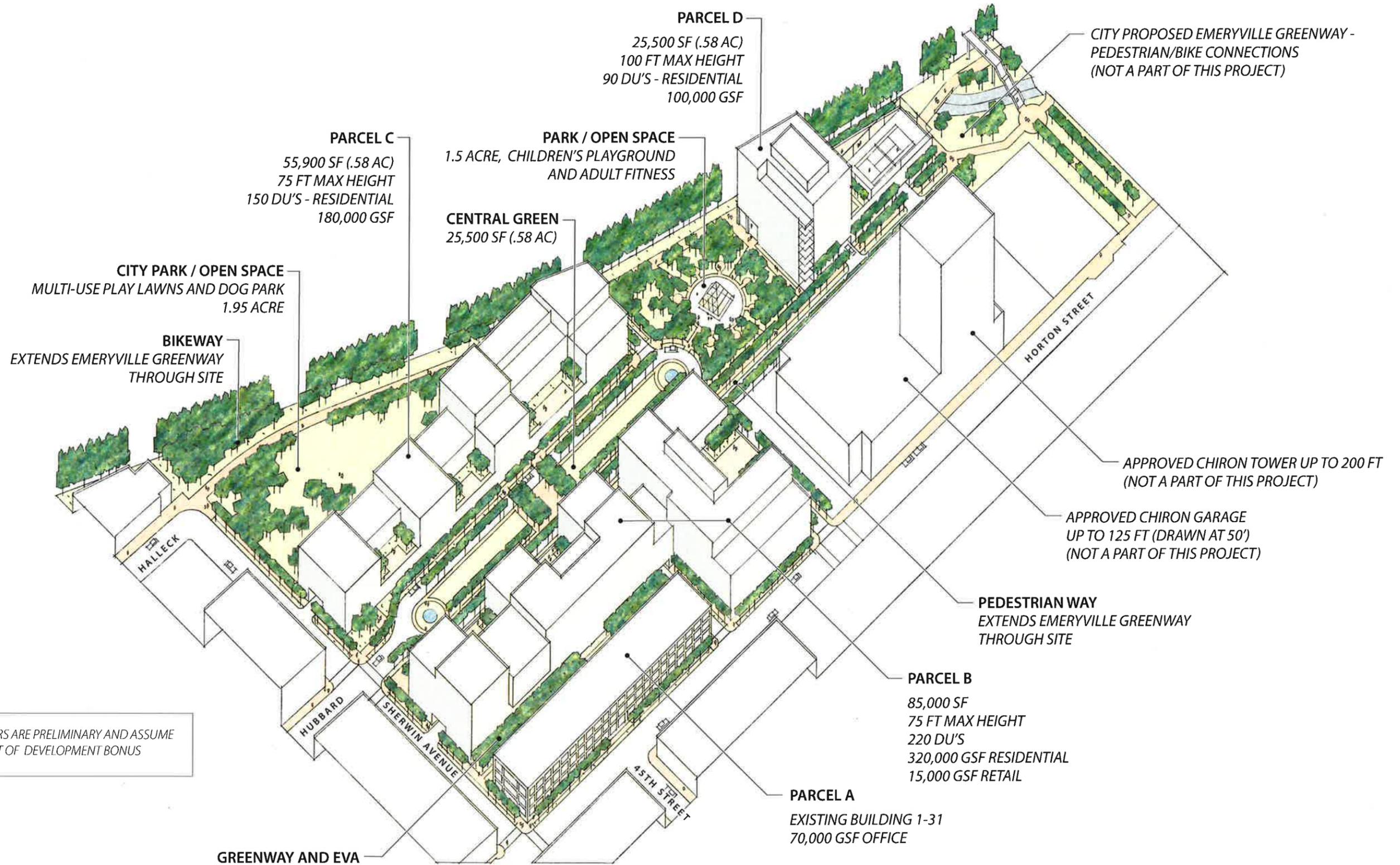
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SITE DEVELOPMENT PLAN



Sherwin-Williams Emeryville

Prepared for TDP-East Bay Partners, LLC by ROMA Design Group



ILLUSTRATIVE DEVELOPMENT CONCEPT

Sherwin-Williams Emeryville

Prepared for TDP-East Bay Partners, LLC by ROMA Design Group