

RESOLUTION NO. FDP15-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A FINAL DEVELOPMENT PLAN (FDP) FOR “PARCEL B” OF THE MARKETPLACE REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT (PUD04-02) THAT WAS APPROVED BY THE CITY COUNCIL ON AUGUST 5, 2008, THAT INCLUDES A FOUR-STORY BUILDING WITH APPROXIMATELY 20,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AND STRUCTURED PARKING ON THREE LEVELS ACCOMMODATING 300 PARKING SPACES; AND A STAND-ALONE ONE STORY, 2,280 SQUARE FOOT COMMERCIAL “PAVILION” BUILDING.

WHEREAS, on January 15, 2008, via Resolution No. 08-126, the City Council certified the Marketplace Redevelopment Project Environmental Impact Report (EIR) for the Marketplace Redevelopment Project Planned Unit Development (PUD) and adopted mitigation measures; and

WHEREAS, on August 5, 2008, the City Council approved the Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan (PUD/PDP); the project involved redevelopment of the existing Marketplace site with a phased development consisting of 674 multi-family residential units, 180,000 square feet of retail, and 120,000 square feet of office; the project included the 15-acre project site to be substantially redeveloped by replacement of surface level parking, realignment of Shellmound Street directly in front of the Marketplace Tower and Public Market buildings, addition of two new street segments with on-street parking (62nd and 63rd Streets), and addition of nine new buildings within the site and an enlarged City park; and

WHEREAS, on September 25, 2013, City Center Realty Partners filed a Final Development Plan application for construction of a parking garage with ground floor retail on Parcel B, and filed an updated application on November 17, 2015 (“Project”); and

WHEREAS, the Planning Commission reviewed the project at study sessions held on December 10, 2015 and May 23, 2016; and

WHEREAS, on December 1, 2015, the City Council adopted Ordinance No. 15-010, approving a Development Agreement among the City of Emeryville, AG-CCRP LP, and AvalonBay Communities, Inc., which ordinance became effective on January 1, 2016, and which agreement became effective on January 13, 2016; and

WHEREAS, among other provisions and in relation to Parcel B, the Development Agreement stipulates that a rooftop trellis over parking shall not be required as part of an FDP; and that the Developer may use funds otherwise required for public art to treat the façade of the east wall of the Parcel B parking structure; and

WHEREAS, the Planning Commission held a duly and properly noticed public hearing on June 23, 2016 to solicit public comments and consider the proposed Final Development Plan for the

Project; and

WHEREAS, the Planning Commission has reviewed and considered the staff report and attachments thereto, all public comments, and the Final Development Plan as set forth in this Resolution and the applicable provisions of the Emeryville Planning Regulations (“the Record”); now, therefore, be it

RESOLVED, that the Planning Commission hereby finds that the Marketplace Redevelopment Project Environmental Impact Report (EIR) certified by the City Council on January 15, 2008 (Resolution No. 08-126) applies to this Project, applicable mitigation measures have been incorporated into the Project’s conditions of approval, and as detailed in the Environmental Checklist, which evaluates all impact areas under the California Environmental Quality Act (CEQA), and which is included in the record as Attachment 4 to the Staff Report, since adoption of the EIR there have been no substantial changes to the circumstances under which the project will be undertaken and no new information of substantial importance, which would require further preparation of a subsequent EIR under CEQA section 21166 and corresponding CEQA Guideline section 15162 environmental review; furthermore, a traffic study prepared by Kimley Horn concludes that the proposed changes as between the PUD/PDP and the proposed FDPs, including the Parcel B development, will not result in trip generation and traffic impacts that were not analyzed in the EIR prepared for the Marketplace project and that, based on the review of actual and projected traffic volumes, the baseline conditions presented in the EIR have not significantly changed, and thereafter the firm of Fehr and Peers peer reviewed Kimley Horn’s study and conducted a Transportation Assessment report that reaches the same conclusions; and be it further

RESOLVED, that in approving this Final Development Plan the Planning Commission makes the following findings required by Emeryville Municipal Code Section 9-7.1004(b) and based on its review and consideration of the Record:

1. The final development plan substantially conforms to the preliminary development plan.

The proposed FDP substantially conforms to the approved preliminary development plan. Compared to the approved PUD/PDP, the proposed building will be lower in height (about 43 to 55 feet versus 120 feet), will have approximately 6,870 square feet less commercial space (22,280 square feet versus 29,150 square feet), will eliminate all office space (zero versus 120,000 square feet), and will have about 218 fewer parking spaces (300 spaces versus 518 spaces).

The current proposal results in a development that is smaller in height and

Floor Area Ratios than that approved under the 2008 Marketplace PUD/PDP. The intent of the original approval was to replace surface parking lots and create a mixed use development over a 25-year period. The revised proposal is to create a slightly smaller mixed use development that replaces the existing surface parking lots with marginally more retail space, and no office space, and within a shorter time frame.

2. Changes and conditions of approval specified by the City Council in its approval of the preliminary development plan have been met.

The project is consistent with the conditions of approval of the Marketplace Redevelopment Project Preliminary Development Plan (PUD04-02) as approved by the City Council.

and be it further

RESOLVED that the Planning Commission hereby approves Final Development Plan FDP15-001 for development of a parking garage with ground floor retail, as outlined in the plans entitled "Final Development Plan Submission for Approval for Parcel B" dated June 14, 2016 and subject to the Conditions of Approval as set forth in Exhibit A to this resolution.

APPROVED by the Planning Commission of the City of Emeryville at a regular meeting held on Thursday, June 23, 2016 by the following votes:

AYES: Banta, Cardoza, Kang, Keller, Gunkel

NOES: -0- **ABSTAINED:** -0-


EXCUSED: Donaldson, Bauters **ABSENT:** -0-



CHAIRPERSON



RECORDING SECRETARY

APPROVED AS TO FORM:


ASSISTANT CITY ATTORNEY