

**CITY COUNCIL RESOLUTION NO. 08-127**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE  
RESCINDING THE EXISTING MASTER USE PERMIT FOR THE MARKETPLACE  
PROJECT; AND APPROVING A GENERAL PLAN AMENDMENT FOR FLOOR  
AREA RATIO ON A 15-ACRE SITE BOUNDED BY 64<sup>TH</sup> STREET TO THE NORTH,  
SHELLMOUND WAY TO THE SOUTH, THE AMTRAK/UNION PACIFIC RAILROAD  
TRACKS TO THE EAST AND CHRISTIE AVENUE TO THE WEST.**

**WHEREAS**, in connection with the redevelopment of the Marketplace area, the City of Emeryville (the "City") has prepared a Draft Environmental Impact Report ("Draft EIR") to be used as the basis for environmental review for a mixed use development on approximately 15 acres of the Marketplace area, bounded by 64<sup>th</sup> Street to the north, Shellmound Way to the south, the Amtrak/Union Pacific Railroad tracks to the east, and Christie Avenue to the west; and

**WHEREAS**, the Draft EIR (State Clearinghouse No. 2005122006) was published on June 21, 2007 and circulated for public comment for a 45 day period beginning on June 21, 2007 and ending on August 6, 2007; and

**WHEREAS**, on July 26, 2007, the Planning Commission held a public hearing to consider the Draft EIR and to receive public testimony; and

**WHEREAS**, the verbal and written comments (the "Comments") received by the City at the public hearing and during the public comment period, as well as the City's responses to the Comments (the "Responses"), are contained in the Final Environmental Impact Report ("Final EIR"), along with the Draft EIR, Introduction, Text Changes, Corrections and Clarifications, Additional Mixed Use Alternative and Appendices; and

**WHEREAS**, on December 13, 2007, the Planning Commission recommended that the City Council certify the Final EIR as adequate under the California Environmental Quality Act (Resolution No. EIR07-01); and

**WHEREAS**, on January 15, 2008, the City Council certified the Final EIR as adequate under California Environmental Quality Act (Resolution No. 08-09); and

**WHEREAS**, on August 18, 2005, the Applicant, TMG Partners, submitted to the City an application to redevelop an existing, underutilized mixed-use site with additional mixed-use development in four new buildings containing a total of 340 for-sale condominium units, up to 75,000 square feet of new retail space, approximately 444 new parking spaces; and

**WHEREAS**, the project under consideration is a mixed use project that is comprised of 674 multi-family residential units, 180,000 square feet of retail, 120,000 square feet of



office, including parking garages, infrastructure and landscaping improvements in a phased development that is analyzed as the Reduced Main Street Alternative in the Final EIR ("Project"); and

**WHEREAS**, there is an existing Master Use Permit (UP88-7) for the project area; and

**WHEREAS**, a General Plan Amendment is proposed that seeks to modify the Building Intensity Map of the General Plan to allow an increase from the existing floor area ratio (FAR) of 1.5 to an FAR of 2.0 for Assessor's Parcel Numbers 49-1492-10-1; and 49-1492-11 (revised FAR map attached); and

**WHEREAS**, on May 22, 2008 the Planning Commission recommended approval for the rescinding the existing Master Use Permit and approving the General Plan Amendment to modify the Building Intensity Map of the General Plan to allow an increase from the existing floor area ratio (FAR) of 1.5 to an FAR of 2.0 for Assessor's Parcel Numbers 49-1492-10-1; and 49-1492-11 (revised FAR map attached); and

**WHEREAS**, on July 15, 2008, the City Council held a public hearing and took testimony about the Project from the public, staff, the Applicant and consultants and independently reviewed and analyzed the Final EIR, the staff report, the mitigation measures identified in the Final EIR as they pertain and are relevant to mitigating the environmental impacts of the Project, the Record for the Project, the Findings of Fact Regarding Impacts and Mitigation Measures, the Mitigation Monitoring and Reporting Program for the Project, the Findings of Fact Concerning Alternatives and the Statement of Overriding Considerations; and

**WHEREAS**, on July 15, 2008, at a public hearing, the City Council adopted Resolution No. 08-\_, reviewing and applying the Final EIR to the Project; recommending that the City Council adopt the Mitigation Measures and making findings as required by the California Environmental Quality Act; now, therefore, be it

**RESOLVED**, that Master Use Permit (UP88-7) is hereby rescinded; and be it, further

**RESOLVED** that based on its review and consideration of the entire record, including the foregoing documents and the testimony received at the July 15, 2008 public hearing, the City Council of the City of Emeryville makes the following findings regarding approval of the General Plan Amendment for Floor Area Ratio pursuant to Emeryville Municipal Code Section 9-4.85.5:

Section 1: General Plan Amendment:

- 1. The proposed amendment to the Building Intensity Map of the General Plan is in the public interest of the people of the City and the surrounding region.**

2. The proposed amendment to the Building Intensity Map of the General Plan will not adversely impact density, but will allow for highest and best land uses within the City while avoiding congestion and overcrowding.
3. The proposed amendment to the Building Intensity Map of the General Plan will accommodate the densities proposed by the Project.
4. The amendment to the Building Intensity Map with respect to the density of future development conforms to the General Plan growth estimates.
5. The General Plan Amendment will not require amendment of any other plans.

**BE IT FURTHER RESOLVED** that based on the findings set forth in this Resolution and the entire record before the City Council, the City Council hereby approves the proposed amendment to the City of Emeryville General Plan Building Intensity Map, attached hereto to allow an increase to the building intensity from FAR 1.0 to an FAR of 2.0 for Assessor's Parcel Numbers 49-1492-10-1; and 49-1492-11.

**PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held on Tuesday, July 15, 2008, by the following votes:

**AYES:**(4) Mayor Bukowski, Vice Mayor Atkin and Councilmembers Davis and Kassis

**NOES:**(1) Councilmember Fricke **ABSTAINED:** None

**EXCUSED:** None **ABSENT:** None

  
CITY CLERK

  
MAYOR

**APPROVED AS TO FORM:**

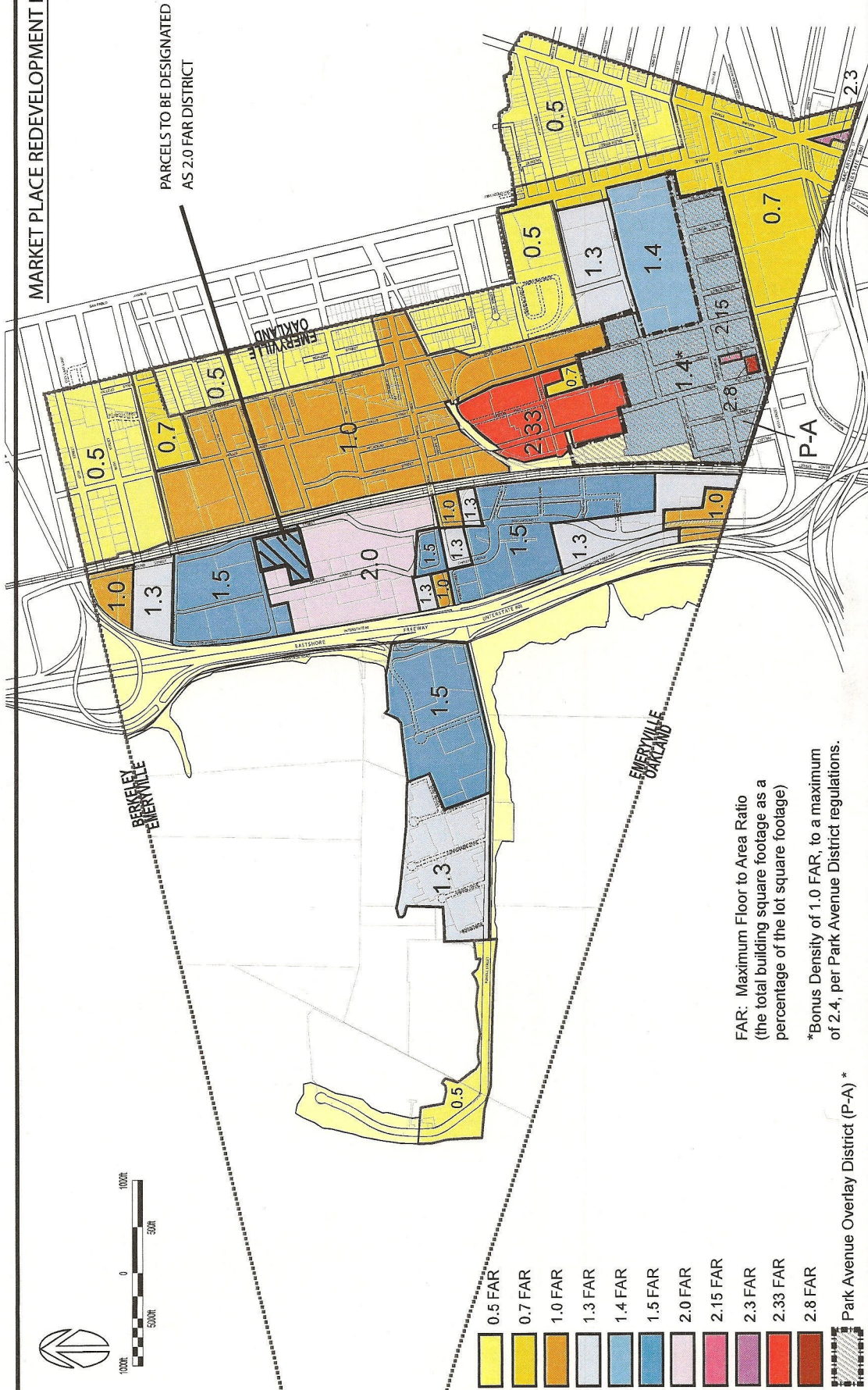
  
CITY ATTORNEY

Attachment:  
Building Intensity Map showing revised FAR



# ATTACHMENT TO CITY COUNCIL RESOLUTION NO. 08-

MARKET PLACE REDEVELOPMENT PROJECT



Adopted 3/15/2005 reso. no. 05-46  
Revised 4/15/08 reso. no. 07-46

CITY OF EMERYVILLE: Building Intensity