

RESOLUTION NO. FDP14-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A FINAL DEVELOPMENT PLAN (FDP) FOR “PARCEL A” OF THE MARKETPLACE REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT (PUD04-02) THAT WAS APPROVED BY THE CITY COUNCIL ON AUGUST 5, 2008, INCLUDING 167 RESIDENTIAL UNITS, APPROXIMATELY 14,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, AND TWO LEVELS OF STRUCTURED PARKING

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 August 14, 2014 Avalon Bay Communities, Inc. filed a Final Development Plan application for a residential building on Parcel A; and

WHEREAS, the Planning Commission reviewed the project at study sessions held on October 2, 2014, January 22, 2015, and April 23, 2015; and

WHEREAS, the Planning Commission held a duly and properly noticed public hearing on July 23, 2015 to solicit public comments and consider the proposed Final Development Plan for Parcel A; and

WHEREAS, the Planning Commission has reviewed and considered the staff report and attachments thereto, all public comments, the Final Development Plan as modified by the enclosed conditions of approval, 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, and as detailed in the Environmental Checklist Public Market Proposed Final Development Plan Project, which evaluates all impact areas under the California Environmental Quality Act (CEQA), and is included in the Record, there have been no substantial changes in the proposed project, or to the circumstances under which the project will be undertaken, and no new information of substantial importance exists which would require preparation of a subsequent EIR under CEQA Section 21166 and corresponding CEQA Guidelines Section 15162; furthermore a traffic study prepared by Kimley Horn concludes that the proposed changes as between the PUD/PDP and proposed FDPs, including the Parcel A

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 the Planning Commission finds that the final development plan conforms to the General Plan as the General Plan land use designation for Parcel A is Mixed Use with Residential and Major Transit Hub and the provision of 167 residential dwelling units and approximately 14,000 square feet of retail space is consistent with the designated land use; and be it further

RESOLVED, that the Planning Commission finds that the final development plan is consistent with the "Planned Unit Development-2: Marketplace Redevelopment (Public Market)" zoning designation; and be it further

RESOLVED, that the PUD/PDP was approved prior to the adoption of the Emeryville Planning Regulations enacted pursuant to Ordinance No. 13-001, as amended, and accordingly pursuant to section 9-3.310 (a) of the Regulations, the PUD/PDP is subject to the regulations that were in effect on August 5, 2008, except that minor exterior changes and signs may be approved pursuant to the procedures for Minor Design Review in Article 4 of Chapter 7, and final development plans shall be processed in accordance with the PUD procedures in Article 10 of Chapter 7 of the Regulation; 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) based on its review and consideration of the Record:

Section 1. Final Development Plan:

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

The proposed FDP substantially conforms to the approved preliminary development plan. The approved PUD/PDP allows for a 14-story, 175-foot building on the northern portion of the site and a 50-foot building on the southern portion of the site with 206 residential units and 14,725 square feet of retail space. The proposed building heights are 79 feet on the northern portion of the site and 50 feet on the southern portion of the site accommodating 167 residential units and approximately 14,000 square feet of retail space, and are consistent with the type and scale of development

allowed by the PDP. The proposed project provides for a pedestrian bridge connection that is also consistent with the approved PUD/PDP plan.

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. The Conditions of Approval set forth in Exhibit A incorporate PUD/PDP conditions that: (1) are specific to Parcel A, (2) are related to EIR mitigation measures and (3) are generally applicable conditions required for issuance of building permits and certificates of occupancy.

and be it further

RESOLVED, that the Planning Commission hereby approves Final Development Plan FDP14-002 for development of a 167 unit residential building with approximately 14,000 square feet of retail space, as outlined in the plans entitled "Avalon Public Market, Shellmound Residential Building (Parcel A) Final Development Plan Submission" dated July 14, 2015 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, July 23, 2015 by the following votes:

AYES: Keller, Cardoza, Bauters, Kang, Donaldson, Gunkel

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

EXCUSED: Moss **ABSENT:** -0-



CHAIRPERSON

APPROVED AS TO FORM:



RECORDING SECRETARY



CITY ATTORNEY