



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 19, 2019  
**TO:** Christine Daniel, City Manager  
**FROM:** Charles S. Bryant, Community Development Director  
**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of April 16, 2019 To Consider The Appeal Of Wareham Development Of The Planning Commission's January 24, 2019 Approval Of A New Final Development Plan (FDP) For "Parcel B" Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-12) To Replace And Rescind Final Development Plan FDP15-001 That Was Approved By The Planning Commission On June 23, 2016 (APN: 49-1556-16)

### RECOMMENDATION

Staff recommends that the City Council approve the attached resolution setting April 16, 2019 as the date to hear the appeal filed by Wareham Development of the Planning Commission's approval of a Final Development Permit for "Parcel B" of the Marketplace Planned Unit Development.

### DISCUSSION

On August 5, 2008, the City Council approved the Marketplace Redevelopment Project Planned Unit Development (PUD)/Preliminary Development Plan (PDP). Between February 2015 and June 2016, the Planning Commission approved a number of Final Development Plans (FDPs) to allow for a grocery store (Parcel C1), realignment of Shellmound Street, creation of 62<sup>nd</sup> Street, 63<sup>rd</sup> Street and Market Drive, construction of three residential buildings (Parcel A, Parcel C2, and Parcel D); a parking structure with ground floor retail (Parcel B); and the redevelopment and expansion of Christie Park (Parcel E). The last FDP was approved on June 23, 2016 for Parcel B, which accommodated parking with ground floor retail. This parking garage would provide parking for existing commercial uses that have been served by previous surface parking lots (Parcel C) and are being served by existing surface parking lots (Parcel A).

The master developer and land owner, City Center Realty Partners, subsequently applied for a new FDP to replace and rescind the previously approved FDP for Parcel B, to accommodate 150,000 square foot office/laboratory space, 15,400 square feet of ground floor retail space, and 560 parking spaces. On January 24, 2019, the Planning Commission considered and approved this request for a new FDP and rescinded the previous one (Planning Commission Resolution No. FDP 18-001). This decision has been timely appealed by Wareham Development (see Attachment 1).

Section 9-7.1405(b) of the Planning Regulations stipulates that the City Council “shall review the appeal, the record, and any written correspondence submitted after the appeal has been filed, and shall either:

- (1) Affirm the decision of the Commission and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing;
- (2) Set a date for a public hearing on the appeal; or
- (3) Remand the matter to the Commission to reconsider the application, identifying the issues that the Commission is directed to consider and specifying whether or not the Commission shall hold a new public hearing.”

Staff recommends that the Council set a public hearing on the appeal for April 16, 2019.

**PREPARED BY:** Miroo Desai, Senior Planner

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Christine Daniel, City Manager

**ATTACHMENTS:**

- Wareham Appeal Letter
- Draft Resolution