

RESOLUTION NO. 19-29

Resolution Of The City Council Of The City Of Emeryville Remanding The Final Development Plan (FDP) For “Parcel B” Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-12), Planning Commission Resolution No. FDP18-001, To The Planning Commission For Reconsideration And Directing The Planning Commission To Hold A New Public Hearing (APN: 49-1556-16)

WHEREAS, on August 5, 2008, the City Council approved the Marketplace Redevelopment Project Planned Unit Development (PUD)/Preliminary Development Plan (PDP); and

WHEREAS, 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 62nd Street, 63rd 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); and

WHEREAS, 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); and

WHEREAS, 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 feet of office/laboratory space, 15,400 square feet of ground floor retail space, and 560 parking spaces; and

WHEREAS, on January 24, 2019 the Planning Commission considered and approved this request for a new FDP and rescinded the previous FDP (Planning Commission Resolution No. FDP18-001); and

WHEREAS, the Planning Commission decision was timely appealed to the City Council by Wareham Development on February 8, 2019; and

WHEREAS, Section 9-7.1405(b) of the Emeryville Municipal Code stipulates that the City Council 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 public hearing 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; and

WHEREAS, on March 19, 2019, at a noticed public meeting, the City Council reviewed the appeal, the record, and public comments made regarding the appeal; and at the conclusion, the City Council wished to remand the matter to the Planning Commission; now therefore, be it

RESOLVED that the City Council hereby remands Planning Commission Resolution No. FDP18-001 to the Planning Commission for reconsideration, to consider the issues raised in the appeal letter from Wareham Development dated February 8, 2019, and directs the Commission to hold a new public hearing; and be it further


RESOLVED that staff is hereby directed to refund the appeal fee paid by Wareham Development.

APPROVED by the Emeryville City Council at a regular meeting held on Tuesday, March 19, 2019 by the following vote:

AYES:	5	Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY