



Legislation Text

File #: ID-2019-457, **Version:** 1

Appeal By Wareham Development Of Resolution No. FDP18-001R, A Resolution Of The Planning Commission Of The City Of Emeryville Approving A Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016. (Charles S. Bryant / Miroo Desai)

This action item relates to the Planning Commission adopting Resolution No. FDP18-001R, which approved a final development plan for the property commonly referred to as "Parcel B", and that is encompassed by the Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan, approved by the City Council by Ordinance No. 08-004 on August 5, 2008. At its May 21, 2019, regular meeting, pursuant to Emeryville Municipal Code (**EMC**) § 9-7.1406, the City Council called for the review of Resolution No. FDP18-001R. Subsequently, on May 29, 2019, Wareham Development filed a timely appeal of Resolution No. FDP18-001R. The purpose of this action item is for the Council to determine whether it would like to:

- "(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."

The purpose of this staff report is to provide the record and to respond to the issues raised by the appeal as required by EMC § 9-7.1405(a). Resolution No. FDP18-001R defines the record as the "staff report and attachments thereto, all public testimony, both written and oral, the Project as set forth in this Resolution, Council Direction, the relevant portions of the EIR, and the applicable provisions of the Emeryville Planning Regulations". However, given that the development of Parcel B occurs within the context of the Marketplace Project (defined below), and other documents from the Marketplace Project inform the Applicant's development of Parcel B, staff's recommendations, and the Planning Commission approval of the Project, staff has transmitted other documents from the Marketplace Project relevant to this appeal as part of the record; but by no means has City staff transmitted all documents related to Marketplace Project.