

## RESOLUTION NO. SUBDIV15-002

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A MAJOR SUBDIVISION PERMIT FOR A TENTATIVE MAP RECONFIGURING FOUR EXISTING PARCELS TO CREATE EIGHT NEW PARCELS ON A 13.88 ACRE SITE AND TO REALIGN SHELLMOUND STREET AND CREATE 62<sup>ND</sup> STREET, 63<sup>RD</sup> STREET AND MARKET DRIVE CONSISTENT WITH THE MARKETPLACE REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT (PUD04-12) THAT WAS APPROVED BY THE CITY COUNCIL ON AUGUST 5, 2008 AND A TREE REMOVAL PERMIT FOR 19 STREET TREES ALONG SHELLMOUND STREET**

**WHEREAS**, on August 5, 2008, the City Council approved the Marketplace Redevelopment Project Planned Unit Development (PUD); 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 (62<sup>nd</sup> and 63<sup>rd</sup> Streets), and addition of nine new buildings within the site and an enlarged City park; and

**WHEREAS**, on June 1, 2015 City Center Realty Partners filed a Major Subdivision Permit application for a Tentative Map reconfiguring four existing parcels to create eight new parcels on a 13.88 acre site and to realign Shellmound Street and create 62<sup>nd</sup> Street, 63<sup>rd</sup> Street and Market Drive consistent with the Marketplace Redevelopment Project Planned Unit Development (PUD04-12) that was approved by the City Council on August 5, 2008; and

**WHEREAS**, the Planning Commission approved Final Development Plans for a redesigned and expanded Christie Avenue Park on February 26, 2015 (Parcel E) (Resolution No. FDP 14-001); a 30,000 square foot grocery store with 66 rental residential units in a five story building (Parcel C) on May 28, 2015 (Resolution No. FDP 13-001); a 223-unit residential building on the former United Artists Theater site (Parcel D) on June 25, 2015 (Resolution No. FDP 14-003); and a 167-unit residential building with 15,000 square feet ground floor retail (Parcel A) on July 23, 2015 (Resolution No. FDP 14-002); and

**WHEREAS**, the Planning Commission held a duly and properly noticed public hearing on October 22, 2015 to solicit public comments and consider the proposed Major Subdivision Permit and Tree Removal Permit; and

**WHEREAS**, the Planning Commission has reviewed and considered the staff report and attachments thereto, all public comments, and the Tentative Map as set forth in this Resolution 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 the Marketplace Tentative Map, 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 Marketplace Tentative Map, or to the circumstances under which the Marketplace Tentative Map 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 FDPs for the parcels identified in the Marketplace Tentative Map, 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 in approving this Marketplace Tentative Map, the Planning Commission makes the following findings required by Emeryville Municipal Code Section 9-6.208(c) and based on its review and consideration of the Record:

(1) Consistency. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan or area plan, these Subdivision Regulations, this Title, and other applicable provisions of the Emeryville Municipal Code.

**The proposed subdivision is consistent with the following General Plan Goals and Policies:**

- LU-G-6**      *Vibrant new mixed use-centers – intensification of existing underutilized commercial centers with surface parking as vibrant, multi-story, walkable mixed-use destinations.*
- LU-G-9**      *Appropriately scaled buildings – heights and massing that do not appear monolithic.*
- LU-P-5**      *Retail uses will be concentrated in areas with Neighborhood or Regional Retail overlays, near neighborhood centers, and in the Emeryville Marketplace.*
- LU-P-21**     *The East Bay Bridge, Powell Street Plaza, and Marketplace shopping centers shall be intensified by consolidating parking into structures and converting surface parking lots into residential and mixed-use development – including retail, hotels,*

*and offices; expanding the city street grid through the sites; and developing new parks and public open space. Future redevelopment of these shopping centers should include at least as much retail space as existed when this General Plan was adopted.*

- LU-P-24**      *The Marketplace and adjacent parcels shall be encouraged to redevelop with a mix of uses, and iconic mid to high-rise development*
- T-G-4**        *A walkable city – a universally accessible, safe, pleasant, convenient, and integrated pedestrian system.*
- T-G-5**        *A safe, comprehensive, and integrated bicycle system*
- T-G-7**        *A multi-functional street system that will ensure the safe and efficient movement of people, goods, and services and support a high quality of life and economic vitality.*
- UD-P-46**     *Street trees shall be provided on City streets where feasible. Street trees shall be planted in a row along the curb, between the vehicle roadway and sidewalk, unless this is physically impossible due to constraints such as underground water or sewer lines.*
- UD-P-47**     *Streetscape landscaping shall follow Bay-Friendly Landscaping guidelines and serve the dual purpose of treating stormwater runoff and providing shade and beauty to the urban realm.*

(2) **Lot Width, Area, and Design.** The proposed lots are of such width, area, and design as the Commission finds to be necessary to preserve the purpose and intent of this Chapter and these Planning Regulations.

**The proposed lot widths, areas and configuration are consistent with the approved 2008 Planned Unit Development/Preliminary Development Plan (PUD/PDP)**

(3) **Passive or Natural Heating and Cooling.** The design of the subdivision will provide, to the extent feasible, for future passive or natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.

**The design of the subdivision is consistent with the approved 2008 approved Marketplace PUD/PDP for which an EIR was prepared and certified that analyzed passive heating and cooling features of the project.**

(4) **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.

**The EIR prepared and certified for the 2008 approved Marketplace PUD/PDP analyzed the water availability for the project and found it be sufficient and adequate.**

(5) **Site Suitability.** The site is physically suitable for the type and density of development proposed.

**The EIR prepared and certified for the 2008 approved Marketplace PUD/PDP analyzed the site suitability for the type and density of development and found it be adequate.**

(6) **Fish and Wildlife.** The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.

**The EIR prepared and certified for the 2008 approved Marketplace PUD/PDP did not identify any impacts of the project on fish or wildlife or their habitat.**

(7) **Public Health.** The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

**The EIR prepared and certified for the 2008 approved Marketplace PUD/PDP did not identify any impacts of the project on public health.**

(8) **Easements.** The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The Planning Commission or City Council, acting on an appeal, may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to easements previously acquired by the public. This shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the Planning Commission or City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

**The proposed tentative map provides for the realignment of Shellmound Street as part of the Final Map for Parcel A and/or B and relocation of the existing City of Emeryville Pedestrian Access Easement across Parcel A as part of the Final Map for Parcel A.**

(9) **Sewers.** The waste discharge into the City sewer system from the proposed subdivision would not add to, or result in, violations of requirements of the Regional Water Quality Control

Board, the City's National Pollutant Discharge Elimination System (NPDES) permit, or other restrictions of the sanitary sewer collection system imposed on the City.

**The proposed tentative map provides for new storm drains and sanitary sewer lines that will be adequate to serve the project and will not add to, or result in, violations of requirements of the Regional Water Quality Control Board, the City's National Pollutant Discharge Elimination System (NPDES) permit, or other restrictions of the sanitary sewer collection system imposed on the City.**

and be it further

**RESOLVED** that the Planning Commission hereby approves Major Subdivision Permit SUBDIV15-002 and a Tree Removal Permit for 19 street trees located along Shellmound Street, as outlined in the Tentative Map entitled "Emeryville Public Market" dated October 1, 2015 and subject to the Conditions of Approval as set forth in Exhibit A to this resolution, and waives the requirement to plant replacement trees of equal or cumulative diameter and payment of the replacement value fee.

**APPROVED** by the Planning Commission of the City of Emeryville at a regular meeting held on Thursday, October 22, 2015 by the following votes:

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

**NOES:** Moss                      **ABSTAINED:** Keller

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

  
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**CHAIRPERSON**

  
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**RECORDING SECRETARY**

**APPROVED AS TO FORM:**  
  
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**CITY ATTORNEY**