

RESOLUTION NO. 08-126

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE REVIEWING AND APPLYING THE MARKETPLACE REDEVELOPMENT ENVIRONMENTAL IMPACT REPORT TO THE MARKETPLACE REDEVELOPMENT PROJECT; AND MAKING FINDINGS AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND ADOPTING MITIGATION MEASURES

WHEREAS, in connection with the redevelopment of the Marketplace area, the City of Emeryville (the "City") has prepared a Draft Environmental Impact Report ("Draft EIR") to be used as the basis for environmental review for a mixed use development on approximately 15 acres of the Marketplace area, a 15-acre site bounded by 64th Street to the north, Shellmound Way to the south, the Amtrak/Union Pacific railroad tracks to the east, and Christie Avenue to the west; and

WHEREAS, the Draft EIR (State Clearinghouse No. 2005122006) was published on June 21, 2007 and circulated for public comment for a 45 day period beginning on June 21, 2007 and ending on August 6, 2007; and

WHEREAS, on July 26, 2007, the Planning Commission held a public hearing to consider the Draft EIR and to receive public testimony; and

WHEREAS, the verbal and written comments (the "Comments") received by the City at the public hearing and during the public comment period, as well as the City's responses to the Comments (the "Responses"), are contained in the Final Environmental Impact Report ("Final EIR"), along with the Draft EIR, Introduction, Text Changes, Corrections and Clarifications, Additional Mixed Use Alternative and Appendices; and

WHEREAS, on December 13, 2007, the Planning Commission recommended that the City Council certify the Final EIR as adequate under the California Environmental Quality Act; (Resolution No. EIR07-01) and

WHEREAS, on January 15, 2008, the City Council certified the Final EIR as adequate under California Environmental Quality Act (Resolution No. 08-09); and

WHEREAS, on August 18, 2005, the Applicant, TMG Partners, submitted to the City an application to redevelop an existing, underutilized mixed-use site with additional mixed-use development in four new buildings containing a total of 340 for-sale condominium units, up to 75,000 square feet of new retail space, approximately 444 new parking spaces; and

WHEREAS, the project under consideration is a mixed use project that is comprised of 674 multi-family residential units, 180,000 square feet of retail, 120,000 square feet of office, including parking garages, infrastructure and landscaping improvements in a phased development; and

WHEREAS, the Project being considered for approval is the same as to the project set forth and analyzed as Reduced Main Street Alternative of the Final EIR; and

WHEREAS, on May 22, 2008, the Planning Commission reviewed and applied the Final EIR to the Reduced Main Street Alternative and recommended that the City Council adopt mitigation measures; and

WHEREAS, on July 15, 2008, the City Council held a duly and properly noticed public hearing and took public testimony about the Project from the public, staff, the Applicant and consultants and independently reviewed and analyzed the Final FIR, the staff report, the mitigation measures identified in the Final EIR as they pertain and are relevant to mitigating the environmental impacts of the Project (the "Record for the Project"); and therefore be it

RESOLVED, the Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects, beyond those effects analyzed in the Final EIR for Reduced Main Street Alternative; and

AND BE IT FURTHER RESOLVED, the City Council applies the Record for the Project to the Marketplace Redevelopment project and adopts the Findings of Fact Regarding Impacts and Mitigation Measures, the Mitigation Monitoring and Reporting Program for the Project, the Findings of Fact Concerning Alternatives and the Statement of Overriding Considerations, attached and incorporated herein;


AND BE IT FURTHER RESOLVED that the City Council adopts the "Findings of Fact Regarding Impacts and Mitigation Measures" (attached and incorporated as Exhibit A), the "Mitigation Monitoring and Reporting Program" (attached and incorporated as Exhibit B), the "Findings of Fact Concerning Alternatives" (attached and incorporated as Exhibit C) and the "Statement of Overriding Considerations" (attached and incorporated as Exhibit D).

Adopted by the Emeryville City Council at a regular meeting held on July 15, 2008 by the following vote:


AYES:(4) Mayor Bukowski, Vice Mayor Atkin and Councilmembers Davis and Kassis

NOES:(1) Councilmember Fricke **ABSTAINED:** None

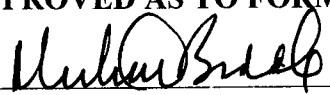
EXCUSED: None **ABSENT:** None



MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY