

**RESOLUTION NO. 16- \_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE REVIEWING AND APPLYING THE SHERWIN WILLIAMS ENVIRONMENTAL IMPACT REPORT TO THE SHERWIN WILLIAMS DEVELOPMENT 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 former Sherwin Williams paint factory site, 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 10 acre site that consists of the former Sherwin Williams paint factory and a City owned parcel identified as Assessor Parcel Numbers 49-1041-26-15 and 49-1041-26-16 respectively; and

**WHEREAS**, the Draft EIR (State Clearinghouse No. 2004122083) was published on January 8, 2016, and circulated for public comment for a 60 day period beginning on January 8, 2016 to and ending on March 8, 2016; and

**WHEREAS**, on February 25, 2016, 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, and changes, clarifications and corrections to the Draft EIR; and

**WHEREAS**, on July 28, 2016, the City of Emeryville Planning Commission considered the Final EIR and made no recommendation to the City Council on certifying the document; and

**WHEREAS**, on September 6, 2016, the Emeryville City Council certified the Final EIR as adequate under California Environmental Quality Act (Resolution No. 16-122); and

**WHEREAS**, on September 27, 2014, the Applicant, LMC Emeryville I Investor LLC, submitted to the City an application to redevelop the former Sherwin Williams paint factory site with a combination of residential and commercial uses organized around a central green park, including reuse of an existing 74,000 square foot building for commercial use and construction of five new buildings that would accommodate approximately 540 dwelling units and 20,600 square feet of commercial space; and

**WHEREAS**, the Applicant responded to comments received from community residents and study sessions and reduced the size of the project to include up to 500 residential units and 2,000 to 8,000 square feet of commercial space; and

**WHEREAS**, the project under consideration is a mixed use project that is comprised of up to 500 multi-family residential units, 74,000 square feet of office, and 2,000 to 8,000 square feet of commercial space; a new public park as well as associated parking garages, infrastructure and landscaping improvements; and

**WHEREAS**, the project being considered for approval is smaller than the project analyzed in the Final EIR as it contains 40 fewer residential units and 12,600 to 18,600 square feet less commercial space; and

**WHEREAS**, on September 22, 2016, the Planning Commission reviewed and applied the Final EIR to the project and recommended that the City Council adopt the “Findings of Fact Regarding Impacts and Mitigation Measures”, the “Mitigation Monitoring and Reporting Program”, the “Findings of Fact Concerning Alternatives”, and the “Statement of Overriding Considerations” (Resolution No. EIR 16-03); and

**WHEREAS**, on October 18, 2016, the City Council held a duly and properly noticed public hearing and took public testimony about the Project from the public, the Applicant and consultants and independently reviewed and analyzed the Final FIR, the staff report, and 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”); now, therefore, be it

**RESOLVED**, that the City Council finds that 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; and be it further

**RESOLVED**, that the City Council finds since certification of the EIR, there have been no substantial changes in the proposed Project, substantial changes to the circumstances under which the project will be undertaken, and no new information of substantial importance, which would require preparation of a subsequent EIR under CEQA Section 21166 and corresponding State CEQA Guidelines Section 15162; and be it further

**RESOLVED**, that the City Council applies the Record for the Project to the Sherwin Williams Mixed Use project and 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 City Council of the City of Emeryville at a regular meeting held Tuesday, October 18, 2016 by the following vote:

AYES: [ ] [ ]  
NOES: [ ] [ ]  
ABSTAIN: [ ] [ ]  
ABSENT: [ ] [ ]

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MAYOR

ATTEST:

APPROVED AS TO FORM:



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CITY CLERK

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CITY ATTORNEY

Attachments:

- Exhibit A - Findings of Fact Regarding Impacts and Mitigation Measures
- Exhibit B - Mitigation Monitoring and Reporting Program
- Exhibit C - Findings of Fact Concerning Alternatives
- Exhibit D - Statement of Overriding Considerations