

RESOLUTION NO. 16- __

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE ADOPTING A GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE DIAGRAM (FIGURE 2-2) TO REFLECT THE PROPOSED RELOCATION OF PARK/OPEN SPACE AND MIXED USE WITH RESIDENTIAL ON THE SHERWIN WILLIAMS PROJECT SITE, AND TO MODIFY THE MAXIMUM RESIDENTIAL DENSITIES MAP (FIGURE 2-6) TO BE CONSISTENT WITH THE LAND USE DIAGRAM

WHEREAS, LMC Emeryville I Investor LLC (“Applicant”) proposes to construct a mixed use project comprised of up to 500 multi-family residential units, a minimum of 2,000 square feet and a maximum of 8,000 square feet of ground floor retail/restaurant/office space, 74,000 square feet of office space, parking garages, open, space, infrastructure and landscaping on the former Sherwin Williams paint factory parcel and adjacent Successor Agency-owned parcel (“City parcel”) bounded by Sherwin Avenue to the south, the Union Pacific Railroad tracks to the west, Horton Street to the east and Temescal Creek to the north (“Project”); and

WHEREAS, the Project requires an amendment to the General Plan to modify the Land Use Diagram (Figure 2-2) to reflect the proposed relocation of Park/Open Space and Mixed Use with Residential on the Project site, as depicted in Exhibit A attached hereto, and to modify the Maximum Residential Densities map (Figure 2-6) to be consistent with the Land Use Diagram as depicted in Exhibit B attached hereto; and

WHEREAS, on September 6, 2016, the Emeryville City Council certified the Final Environmental Impact Report for the Project, including the proposed General Plan amendment, as adequate under California Environmental Quality Act (Resolution No. 16-122); and

WHEREAS, on September 22, 2016, the Planning Commission recommended that the City Council approve the General Plan Amendment to modify the Land Use Diagram (Figure 2-2) to reflect the proposed relocation of Park/Open Space and Mixed Use with Residential on the Sherwin Williams project site, and to modify the Maximum Residential Densities map (Figure 2-6) to be consistent with the Land Use Diagram (Resolution No. GPA 16-001); and

WHEREAS, on October 18, 2016, the City Council held a duly and properly noticed public hearing and took testimony about the Project, including the proposed amendment to the General Plan, and then adopted a Resolution applying the Final EIR to the Project, including the proposed General Plan amendment, and made certain findings of fact regarding impacts, adopted the Mitigation Monitoring and Reporting Program, and made certain findings related to alternatives and a statement of overriding considerations; now, therefore, be it

RESOLVED that based on its review and consideration of the entire record, including the foregoing documents and the testimony received at the October 18, 2016 public hearing, the City Council of the City of Emeryville hereby amends the General Plan to reflect the proposed relocation of Park/Open Space and Mixed Use with Residential on the site, as depicted in Exhibit A, and modifies the Maximum Residential Densities map (Figure 2-6) to be consistent with the Land Use Diagram, as depicted in Exhibit B, based upon the following findings pursuant to Emeryville Planning Regulations Section 9-7.1205:

(a) The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.

The proposed amendment to modify the Land Use Diagram (Figure 2-2) to reflect the proposed relocation of Park/Open Space and Mixed Use with Residential on the site, and to modify the Maximum Residential Densities map (Figure 2-6) to be consistent with the Land Use Diagram will contribute to the public health, safety, and will be of benefit to the public by providing for a large public park and other public open spaces in a configuration that is more efficient and allows for a site design that is more consistent with various goals of the General Plan as well as the Emeryville Design Review Guidelines and the Park Avenue District Plan. In particular, the proposed amendment meets the General Plan Guiding Principle 1 in that it allows for a creation of “distinctive districts and neighborhoods with a full complement of uses and easy access to parks, stores, and other amenities of everyday living”; the proposed amendment will allow for development of a mix of residential, office, and commercial uses with immediate access to new parks and open space, various modes of transportation, and public and private amenities to serve the residents and the surrounding neighborhood. The proposed amendment also meets General Plan Guiding Principle 3, allowing for an “enhanced and connected open space network,” in that the amendment allows for a project creating new and expanded parks and open space, including an extension of the Emeryville Greenway. The proposed amendment also meets General Plan Guiding Principle 4 of “a walkable, fine-grained city, emphasizing pedestrians” as park and open areas have been reconfigured to break up blocks and create pathways and alleys for pedestrians and cyclists.

(b) The proposed amendment is consistent with the General Plan’s guiding principles, unless the guiding principles themselves are proposed to be amended.

The proposed amendment is consistent with the General Plan guiding principles, including in particular guiding principles numbers 1, 3 and 4 of creating a distinctive district and neighborhood with “a full complement of uses and easy access to parks, stores, and other amenities of everyday living”; a “walkable, fine-grained city, emphasizing pedestrians” and “enhanced and connected open space network and green streets”. Reconfiguration of Park/Open Space within the project site will allow siting of a public park, Greenway along the railroad, and two other plaza areas in a connected way that will allow for easy, visually compelling access to the site by both pedestrians and cyclists.

(c) The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless concurrent amendment to those plans is also proposed and will result in consistency.

The proposed amendment retains internal consistency of the General Plan as the amendment to the configuration of Park/Open Space and Mixed Use with Residential designation is accompanied by a change in the Maximum Residential Densities Map in order to maintain consistency. The proposed amendment has no impact on other applicable plans such as the Emeryville Design Guidelines and Park Avenue District Plan.

(d) The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

A Final Environment Impact Report (FEIR) was certified by the City Council on September 6, 2016 (Resolution No. 16-122). On October 18, 2016, at a public hearing, the City Council adopted Resolution No. 16- ____, applying the Final EIR to the Project, including the proposed General Plan amendment, and making certain findings of fact regarding impacts, adopt the Mitigation Monitoring and Reporting Program, and make certain findings related to alternatives and a statement of overriding considerations. Furthermore, 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.

(e) The proposed amendment complies with State law for the preparation, adoption, and amendment of general plans at California Government Code Section 65350 et seq.

The proposed amendment complies with all applicable State laws for the preparation, adoption, and amendment of general plans. The Planning Commission considered the proposed amendment to the General Plan after a duly noticed public hearing. This is the first amendment to the General Plan for the year 2016.

and be it further

RESOLVED, that the City Council hereby adopts the proposed General Plan amendment to modify the Land Use Diagram (Figure 2-2) to reflect the proposed relocation of Park/Open Space and Mixed Use with Residential on the Sherwin Williams project site, as depicted in Exhibit A attached hereto, and to modify the Maximum Residential Densities map (Figure 2-6) to be consistent with the Land Use Diagram, as depicted in Exhibit B attached hereto.

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: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY

Attachments:

Exhibit A – Revised General Plan Land Use Diagram (Figure 2-2)

Exhibit B – Revised General Plan Maximum Residential Densities Diagram (Figure 2-6)