

EXHIBIT C - FINDINGS OF FACT CONCERNING ALTERNATIVES

I. INTRODUCTION

In accordance with the CEQA Guidelines (Section 15126), an EIR must describe the range of reasonable alternatives to the project, or the location of the project that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. If a project alternative will substantially lessen the significant environmental effects of the project analyzed in an EIR, the decision maker should not approve the project unless it determines that specific economic, social or other considerations make the project alternative infeasible.

Although an EIR must include alternatives that will reduce or avoid environmental impacts, the EIR may also include alternatives that will have greater density or intensity and provide greater project benefits. (See e.g., *Village Laguna of Laguna Beach, Inc., Board of Supervisors* (1982) 134 CA3rd 1022; *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993); see also *Mira Mar Mobile Community v. City of Oceanside* (2004) CA4th 477). The findings with respect to the alternatives identified in the FEIR are described in this section.

II. FINDINGS PERTAINING TO PROJECT ALTERNATIVES ANALYZED IN THE FEIR

- A. **Proposed Project.** The project analyzed in Chapter III, Project Description of the Draft EIR The proposed project would divide the project site into new parcels and roadways and construct a mixed-used development. The project would include a total of 621,000 square feet of residential space (540 units) and 94,600 square feet of commercial space. In addition to the park and open space, the project would also include a children's playground, an adult fitness space, and a central green within the Hubbard Circle. Ground level uses would include common space and commercial/retail uses. The project applicant is proposing two potential development options (Option A and Option B) that include the same level of total development. The City Council finds that the FEIR identifies, describes, analyzes and compares a range of reasonable alternatives to the EIR Project, which could feasibly attain most of the basic objectives of the EIR Project.
- C. **Project Objectives.** The City Council has evaluated the Proposed Project and the alternatives in relation to the basic objectives of the EIR Project, as set forth in FEIR Section III.C, "Statement of Project Objectives":
1. Develop the site with a mix of residential and nonresidential uses, including at least 460 residential units. (Emeryville General Plan, including Housing Element 2015-2023)
 2. Support the development of a variety of housing types for families, the provision of family friendly amenities, and family-friendly design. (Emeryville Housing Element 2015-2023)
 3. Promote homeownership opportunities and encourage the development of new for-sale residences. (Emeryville Housing Element 2015-2023)
 4. Preserve, renovate, and reuse Sherwin-Williams Building 1-31, designated as a Tier 1 Architecturally Significant Structure. (Emeryville General Plan, Park Avenue District Plan)

5. Include public open space on the site in accordance with the Emeryville General Plan, Park Avenue District Plan, Parks and Recreation Strategic Plan.
6. Extend the Emeryville Greenway through the site, in accordance with the Emeryville General Plan, Park Avenue District Plan, Parks and Recreation Strategic Plan, Pedestrian and Bicycle Plan.
7. Develop Successor Agency parcel at Sherwin Avenue and Halleck Street for public open space; consider trading this parcel with Sherwin-Williams developer in exchange for land along the Greenway with better visibility. (Parks and Recreation Strategic Plan)
8. Expand the City street grid by extending Hubbard Street north into the Sherwin-Williams site and connecting it to Horton Street with a new east-west street. (Emeryville General Plan, Park Avenue District Plan)
9. Improve Sherwin Avenue by adding sidewalks, crosswalks and street trees. (Park Avenue District Plan, Pedestrian and Bicycle Plan)
10. Maintain existing height limits in the District except at the northern edge of the Sherwin-Williams site, where taller buildings may be appropriate. (Emeryville General Plan, Park Avenue District Plan)
11. Construct a high quality, mixed-use development project in the City of Emeryville with a combination of residential and commercial uses, organized around a central plaza, park/open space uses and the extension of the Emeryville Greenway.
12. Create a cohesive, integrated and well-planned development that will contribute to the general well-being of the surrounding neighborhood and community.
13. Provide for adaptive reuse and development of this remediated urban infill site.
14. Implement a development plan that provides for circulation and access with parcel sizes that create a positive relationship to the open space areas within the project and with the surrounding context.
15. Develop the property in a manner that will create a unique and distinctive place of benefit to the City and that will contribute to the aesthetic and environmental quality of the surrounding District and its overall neighborhood character.
16. Realize a market economic return on the property that reflects the costs of land, site preparation, environmental considerations, infrastructure, open space improvements and vertical development.

III. DESCRIPTION AND FINDINGS FOR EACH ALTERNATIVE
(The following discussion amplifies the analysis contained in the FEIR)

A. **No Project Alternative**

1. Brief Description: Under the "No Project Alternative," the site would remain in its current condition.
2. Findings: The No Project Alternative would result in no substantial changes to the current site conditions (i.e., no development occurs on the site) and consequently no impacts would occur. However, the City Council finds that this alternative would not accomplish the City's General Plan goals, policies and objectives for the site; the objectives of the redevelopment plans for the site; and the applicant's objectives for the project.

Specifically, the No Project Alternative is not favored because the Emeryville General Plan anticipates new, more economically viable land uses and development for the site. Under the No Project Alternative, none of Emeryville's General Plan objectives for the Project Site would be met.

Additionally, under the No Project Alternative, the substantial infrastructure and other public improvements anticipated would not occur, including improvements to the roadway and the pedestrian and bicycle circulation network, and site landscaping would not be improved.

Accordingly, the City Council rejects the No Project Alternative because it is not a feasible means of meeting the Project Objectives and of meeting Emeryville's immediate and long-term planning and redevelopment goals for the Sherwin Williams site.

B. Existing Base Zoning/General Plan Development Alternative

1. Brief Description:

This alternative The Existing Base Zoning/General Plan Development alternative assumes that the project site would be developed as allowed under the current General Plan and zoning designations. This alternative would develop the project site with 270 units, 8,000 square feet of retail, 74,000 square feet of office, and 551 parking spaces.
2. Findings: The City Council hereby finds that The Existing Base Zoning/General Plan Development alternative could achieve all of the project sponsor's objectives to the same degree as the proposed project, but would not achieve the following objective to the same degree because the market economic return of this alternative compared to the proposed project is not known. Accordingly, the City Council rejects the Existing Base Zoning/General Plan Development Alternative.

C. Reduced Footprint Alternative

1. Brief Description:

This alternative includes three variants, all of which would develop the project site with 378 dwelling units, 12,000 square feet of retail, 5,500 square feet of office, 48,300 square feet of commercial (office and retail) use, and 707 parking spaces. All three variants would extend Hubbard Street north through a portion of

the project site and add a new segment of 46th Street to connect Horton Street with the proposed Hubbard Street extension. The three variants, described below, differ from each other in their internal circulation patterns.

2. Findings: The City Council hereby finds that the Reduced Project Alternative would generally achieve the objectives for the proposed project. However, the Reduced Footprint Alternative is not favored because while it reduces environmental impacts and does not accomplish the objectives of the project as effectively as the proposed project. Specifically, it would not realize a market economic return on the property that reflects the costs of land, site preparation, environmental considerations, infrastructure, open space improvements and vertical development to the same degree compared to the proposed project. Accordingly, the City Council rejects the Reduced Project Alternative.

D. Lennar Alternative

1. Brief Description: This alternative would develop the project site with 532 dwelling units, 8,000 square feet of retail/ground floor commercial use, 74,000 square feet of office, and 963 parking spaces. Both variants would include a new segment of 46th Street that would extend from Horton Street to an extension of Hubbard Street.
2. Findings: The City Council hereby finds that although the Lennar Alternative would accomplish the applicant's objectives for the project, it is not favored. While this alternative could achieve almost all of the project sponsor's objectives to the same degree as the proposed project, the Lennar Alternative would not achieve the following objectives to the same degree as the proposed project because this alternative does not organize the site around a central plaza, and the market economic return of this alternative compared to the proposed project are not known. Accordingly, the City Council rejects the Lennar Alternative.