



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 6, 2018

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **A Resolution Of The City Council Of The City Of Emeryville Approving A General Plan Amendment To Revise The Location Of Shellmound Way Such That It Coincides With Its Current Location Approximately 250 Feet South Of What Is Shown On General Plan Figure 3-1, "Circulation", And Other Maps In The General Plan (CEQA Status: General Plan EIR Certified by City Council on October 13, 2009)**

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve an amendment to General Plan Figure 3-1: Circulation, and all other figures in the General Plan showing Shellmound Way, to revise the location of Shellmound Way such that it coincides with its current location approximately 250 feet south of what is shown on these maps.

BACKGROUND

On September 28, 2017, the Planning Commission reviewed a proposal for a new, eight story building accommodating about 260 residential units by demolishing an existing office building at 5850 Shellmound Way. At that time, it was noted that the approval of the project would require a General Plan Amendment, as the General Plan shows the location of Shellmound Way approximately 250 feet north of its existing configuration. The parcel at 5850 Shellmound Way fronts the existing Shellmound Way, and any new project proposal would trigger relocation of Shellmound Way as shown in the General Plan or the project would require a General Plan Amendment. The Planning Commission indicated that they would support a General Plan Amendment to revise the location of Shellmound Way such that it coincides with its existing configuration.

As any project along Shellmound Way would require such a General Plan Amendment, staff brought forth a recommendation that the Planning Commission initiate this amendment at the Commission's January 25, 2018 meeting. The Commission voted 6-0 to initiate the amendment and to recommend that the City Council approve it (Commissioner Thomson had an excused absence.)

DISCUSSION

Shellmound Way Relocation

In July 2007, the City hired Fehr and Peers and Kimley Horn to conduct a study to analyze the overall traffic impact of four major development projects (dubbed the “Big 4”): the Marketplace Redevelopment project, BRE Gateway project, Transit Center, and Site B. As part of this study, Kimley Horn’s scope included an analysis of moving Shellmound Way approximately 250 feet north to align with the north entrance of Hyatt House hotel, and to allow more stacking distance for vehicle queues at the southbound approach to the intersection of Christie Avenue and Powell Street. Kimley Horn’s recommendation was the following:

“This measure will allow more southbound queue stacking distance between Shellmound Way and Powell Street and prevent queues from extending to westbound Shellmound Way. This increased queue capacity for the southbound movement is the only benefit of this alternative because the shift of queue from Shellmound Way to Christie Avenue does not result in actual reduction of the number of queuing vehicles for this section of the loop. The estimated costs of relocating Shellmound Way do not warrant the projected improvements in queuing capacity. However, relocating Shellmound Way could improve access to the Woodfin Suites [now Hyatt House] and future development on the BRE Gateway site, and would create a large potential development parcel between Shellmound Way and Powell Street.”

The issue was discussed during the General Plan update process and the revised location of Shellmound Way was included to allow for simplified access to the Gateway parcel and to create a larger development parcel between Shellmound Way and Powell Street.

At the Development Coordinating Committee meeting on September 13, 2017 that reviewed the proposal at 5850 Shellmound Way, staff felt that they could support a General Plan Amendment to move the location of Shellmound Way to its existing configuration, given the marginal traffic benefit and high cost of relocation, the need for housing in the City, and the reduced likelihood of creating a larger development parcel given the dissolution of Redevelopment. It was noted that the high cost of relocation included relocation of underground utilities and the need to provide access to La-Z-Boy and the building at the southwest corner of Shellmound Way and Shellmound Street. As noted above, at the September 28, 2017 study session, the Planning Commission indicated agreement with staff’s rationale for a General Plan Amendment.

To make this Amendment, all figures in the General Plan that use the street base map will need to be modified. These include:

- Figure 1-2 City Districts
- Figure 1-3 Existing Plans in Emeryville
- Figure 1-4 Redevelopment Project Areas
- Figure 2-1 Areas of Change and Stability - 2009

Figure 2-2	Land Use Diagram
Figure 2-3	Maximum Floor Area Ratios
Figure 2-4	Maximum Building Heights
Figure 2-6	Maximum Residential Densities
Figure 3-1	Circulation
Figure 3-2	Street System
Figure 3-3	Regional Retail Access
Figure 3-4	Pedestrian System
Figure 3-5	Bay Trail
Figure 3-6	Bicycle System
Figure 3-7	Transit System
Figure 3-8	Truck Routes
Figure 4-1	Parks, Open Space, and Public Services
Figure 5-1	City Structure
Figure 5-2	Areas and Districts
Figure 5-3	Bicycle and Pedestrian Connectivity
Figure 5-7	Utility Undergrounding Progress
Figure 5-10	Neighborhood Centers
Figure 6-1	Historic Resources
Figure 6-2	Geology and Earthquake Shaking Potential
Figure 6-4	Liquefaction Susceptibility
Figure 6-6	Water Features in Emeryville
Figure 6-7	Coastal Flood Zone and Dam Failure Inundation Hazard Area
Figure 6-8	Areas Vulnerable to a 16-Inch Sea Level Rise by Mid-Century
Figure 6-9	Existing Noise Contours
Figure 6-10	Projected Noise Contours

Attached to the Resolution is amended Figure 3-1: Circulation that illustrates the revised location of Shellmound Way. All the above figures would be amended accordingly by reference in the attached Resolution.

Procedure

Pursuant to Article 12 of Chapter 7 of Title 9 of the Emeryville Municipal Code (Planning Regulation), an amendment to the General Plan may be initiated by an order of the City Council or Planning Commission on its own motion or on the recommendation of the Director of Planning and Building [i.e. Community Development Director] (Section 9-7.1203(b)). The application is processed in conformance with the requirements of the California Government Code Section 65350 et seq., which requires that the Planning Commission make a recommendation to the City Council on the proposed amendment and the environmental determination. The recommendation shall include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of Article 12 of the Planning Regulations; the consistency of the proposed amendment with the General Plan Guiding Principles and other provisions of the General Plan and any other adopted plan; and any changes to the amendment that the Commission deems necessary to ensure internal consistency of the General Plan and consistency with other adopted plans, or to reduce environmental impacts. (Sections 9-7.1204(c) and 9-7.1206(b)). The

attached Planning Commission resolution includes this information (see Attachment 1), as further elaborated below under “Findings”.

Thereafter, the City Council shall hold a noticed public hearing to consider the amendment and the Planning Commission’s recommendation. The City Council may approve, modify, or disapprove of the recommendations made by the Planning Commission; provided that any substantial modification of the proposed amendment by the City Council which was not previously considered by the Planning Commission shall first be referred to the Planning Commission for additional review and recommendation (Section 9-7.1207).

California Government Code Section 65358(b) allows no more than four amendments to each mandatory element of the General Plan per year. The proposed amendment will be the first General Plan amendment of the year. Pursuant to Government Code Section 65354, the City Council can only approve this amendment by affirmative vote of not less than a majority of the total Council membership (i.e. no fewer than three “aye” votes, no matter how many Council members are present and voting).

Government Code Section 65352.3(a)(1) requires consultation with Native American tribes for the purposes of mitigating impacts to certain sites. In this context, such a consultation is not required as this General Plan Amendment preserves existing conditions by allowing Shellmound Way to remain in its existing configuration. In addition, Shellmound Way is located on bay fill west of the original shoreline in a highly urbanized area, and is therefore unlikely to have sensitive sites. Furthermore, there were no comments or concerns expressed by any Native American tribes at the time of adoption of the General Plan.

Findings

The City Council in approving an amendment to the General Plan must make all the following findings, as provided by Section 9-7.1205. The Planning Commission believes and recommends the findings can be made, as detailed below.

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

The General Plan Amendment will revise the location of Shellmound Way such that it coincides with its current location approximately 250 feet south. A study by Fehr and Peers and Kimley Horn in 2007 concluded that relocation of the Shellmound Way from its current location to the location shown in the General Plan would only result in increased queue capacity between Shellmound Way and Powell Street and would not result in any actual reduction of vehicle count. The study stated that the estimated costs of relocating Shellmound Way do not warrant the projected improvements in queuing capacity. In addition, the high cost of relocation includes relocation of underground utilities and the need to provide access to La-Z-Boy and the building at the southwest corner of Shellmound Way and

Shellmound Street. Given the housing shortage in the area, the proposed amendment will contribute to the general public health, safety, and welfare by allowing residential mixed use development to occur without the prohibitive costs of relocation of a road.

- b) The proposed amendment is consistent with the General Plan Guiding Principles, unless the Guiding Principles themselves are proposed to be amended;

The General Plan Guiding Principles do not specifically address this street, and the proposed amendment to leave Shellmound Way in its existing configuration will be consistent with the Guiding Principles. In particular, the proposed amendment will be consistent with the following Guiding Principles:

- 2. A connected place**
- 4. A walkable, fine-grained city, emphasizing pedestrians**
- 5. A diversity of transportation modes and choices**

- 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;

All General Plan figures showing Shellmound Way will be amended to ensure internal consistency. As no other adopted plans address the issue of relocation of Shellmound Way, no other amendments are needed to accompany this Amendment.

- d) The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act; and

The environmental impacts of the Emeryville General Plan were identified and analyzed in the Environmental Impact Report (EIR) adopted and certified by the City Council for the Emeryville General Plan adopted in 2009, and the proposed amendments to Figure 3-1: Circulation, and all figures in the General Plan that show Shellmound Way are minor in substance and effect and thus the impacts of the proposed General Plan Amendment are no different than those analyzed in the EIR; and since the certification of the EIR (i) there are no substantial changes in the Emeryville General Plan which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (ii) there are no substantial changes with respect to the circumstances under which the Emeryville General Plan is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and (iii) there is no new information of substantial importance which was not known at the time the EIR was

certified which would show that (a) the project will have one or more significant effects not discussed in the EIR, or (b) significant effects previously examined will be more severe than shown in the EIR, or (c) mitigation measures or alternatives found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the General Plan, or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment. Accordingly, no Subsequent EIR is required pursuant to Section 15162 of the State CEQA Guidelines and likewise no Supplement to the EIR is required pursuant to Section 15163 of the State CEQA Guidelines;

- 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 requirements of State law for General Plan Amendments.

ENVIRONMENTAL REVIEW

The Environmental Impact Report for the General Plan was certified by the City Council by Resolution No. 09-207 on October 13, 2009. Since that time, there have been no substantial changes in the General Plan nor in the circumstances under which it is undertaken, nor any new information of substantial importance, that would require the preparation of a Subsequent EIR or Supplement to the EIR, as further explained in the attached resolution. Thus, the General Plan EIR applies to the proposed General Plan Amendment.

STAFF COMMUNICATION WITH THE PUBLIC

As noted above, the Planning Commission unanimously (with one excused absence) recommended approval of the General Plan Amendment at its January 25, 2018 meeting. In addition, the Bicycle/Pedestrian Advisory Committee (BPAC) is expected to discuss the proposed General Plan Amendment at its March 5, 2018 meeting; any BPAC comments will be reported verbally at the March 6, 2018 City Council public hearing.

FISCAL IMPACT

There are no fiscal impacts from this action.

CONCLUSION

Staff and the Planning Commission recommend that the City Council adopt the attached resolution to amend the General Plan.

PREPARED BY: Miroo Desai, Senior Planner

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

Attachments: 1. Planning Commission Resolution
Resolution, including Exhibit A, General Plan Figure 3-1: Circulation