

## RESOLUTION NO. 18-\_\_

**A Resolution Of The City Council Of The City Of Emeryville Amending The General Plan To Increase The Maximum Development Potential That Could Occur Within An Area Of Approximately 2.5 Acres Fronting The East Side Of San Pablo Avenue From 40th Street To Approximately 170 Feet South Of 45th Street By Modifying Figure 2-3: Maximum Floor Area Ratios, Figure 2-4: Maximum Building Heights, And Figure 2-6: Maximum Residential Densities (APNs: 49-1026-2 (Partial), -22 (Partial), -23, -24 (Partial), -26-2 (Partial); 49-1079-13 (Partial), 14-1, 17-1, 19-4 (Partial); 49-1555-11 Through 19; -65, -66, and -67 (Partial))**

**WHEREAS**, the Emeryville General Plan Environmental Impact Report (EIR) was certified by the City Council by Resolution No. 09-207, and the Emeryville General Plan was adopted by the City Council by Resolution No. 09-208, both on October 13, 2009; and

**WHEREAS**, the Planning Commission held a duly and properly noticed public hearing on September 27, 2018 to consider the proposed amendments to the General Plan and then voted unanimously to recommend that the City Council approve the proposed amendments to the General Plan; and

**WHEREAS**, the City Council held a duly and properly noticed public hearing on October 30, 2018 to consider the proposed amendments to the General Plan; and

**WHEREAS**, the City Council has reviewed and considered the staff report and attachments thereto, all public comments, the proposed General Plan Amendment, and the applicable provisions of the Emeryville Municipal Code (“the Record”); now, therefore, be it

**RESOLVED**, that the City Council hereby finds that the addendum to the General Plan EIR that was certified by the City Council on October 13, 2009 is accurate and complete, that there are no new or substantially more severe significant impacts than those identified in the previously certified 2009 EIR, and that findings outlined in the addendum per CEQA Guidelines Section 15162 that pertain to no need for a subsequent EIR can be made, and as a result that there is no substantial evidence to support a subsequent EIR; and therefore the City Council hereby makes said findings and adopts the addendum to the General Plan EIR; and be it further

**RESOLVED**, that in approving the proposed General Plan Amendment, the City Council makes the following findings as required by Emeryville Municipal Code Section 9-7.1205 based on its review and consideration of the Record:

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

**The proposed General Plan Amendment will be of benefit to the public because it will provide incentives for the provision of more housing units than are currently allowed under the General Plan at this location, including, but not limited to, affordable and senior housing. The proposed amendment**

**will meet the following policies and programs of the Housing Element: Policy H-2-2, that pertains to support of new housing opportunities for extremely low-, very low-, low- and moderate-income households; Program H-3-1-2 that pertains to supporting the development of residential care facilities for the elderly and independent senior housing developments, where appropriate, particularly senior housing facilities that offer housing affordable to lower income senior households; and Policy H-4-1 to ensure that the zoning ordinance facilitates development of a variety of housing types. This in turn helps in achieving the City's Regional Housing Needs Allocation (RHNA).**

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

**The proposed General Plan Amendment will facilitate the development of additional housing, including, but not limited to, affordable and senior housing, which is consistent with Guiding Principle 7, "A diverse, balanced, and inclusive community", which states that "the General Plan embraces physical, social, and economic diversity, ... [and] furthers a variety of housing types and emphasizes family-friendly housing, and linkages to Emeryville's school system to promote the success of its youth and to encourage new residents to actively contribute to the community."**

- (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 General Plan Amendment will retain internal consistency between the Maximum Floor Area Ratios map (Figure 2-3), Maximum Building Heights map (Figure 2-4), Maximum Residential Densities map (Figure 2-6), and the text that describes them.**

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

**An addendum to the General Plan Environmental Impact Report that was certified by the City Council on October 13, 2009 has been prepared, which concluded that the proposed General Plan Amendment will not result in any new or substantially more severe impacts than those identified in the 2009 EIR.**

- (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 General Plan Amendment complies with applicable State law in that the procedures required by Government Code Section 65350 et seq. are satisfied. The California Environmental Quality Act does not trigger public notice or review of an Addendum to a certified Environmental Impact Report. The standard public noticing for a General Plan Amendment was done by sending notices to property owners and tenants within 300 feet of the project site and a legal notice was published in the Oakland Tribune.**

and be it further

**RESOLVED**, that the City Council hereby approves a General Plan Amendment to increase the maximum development potential that could occur within an area of approximately 2.5 acres fronting the east side of San Pablo Avenue from 40th Street to approximately 170 feet south of 45th Street by modifying Figure 2-3: Maximum Floor Area Ratios, Figure 2-4: Maximum Building Heights, and Figure 2-6: Maximum Residential Densities, as depicted in the attached Exhibits A, B, and C, respectively.

**ADOPTED** by the City Council of the City of Emeryville at a regular meeting held on Tuesday, October 30, 2018 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY

**ATTACHMENTS:**

- Exhibit A: General Plan Figure 2-3: Maximum Floor Area Ratios
- Exhibit B: General Plan Figure 2-4: Maximum Building Heights
- Exhibit C: General Plan Figure 2-6: Maximum Residential Densities