

## **ORDINANCE NO. 18-**

**An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Ensure Consistency With The General Plan By Updating Figure 9-4.201(a): Maximum Floor Areas Ratios, Figure 9-4.202(a): Maximum Building Heights, And Figure 9-4.203(a): Maximum Residential Densities To Reflect Updated General Plan Figures 2-3, 2-4, And 2-6, Respectively**

**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 Planning Regulations and then voted unanimously to recommend that the City Council approve the proposed amendments to the Planning Regulations; and

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

**WHEREAS**, the City Council has reviewed and considered the staff report and attachments thereto, all public comments, the proposed Planning Regulations amendments, and the applicable provisions of the Emeryville Municipal Code ("the Record");

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

### **SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this ordinance is to amend the Planning Regulations in Title 9 of the Emeryville Municipal Code to ensure consistency with the General Plan by updating Figure 9-4.201(a): Maximum Floor Areas Ratios, Figure 9-4.202(a): Maximum Building Heights, and Figure 9-4.203(a): Maximum Residential Densities to reflect updated General Plan Figures 2-3, 2-4, and 2-6, respectively.

### **SECTION TWO. CEQA DETERMINATION**

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.

### **SECTION THREE. REQUIRED FINDINGS FOR ADOPTING ORDINANCE**

The City Council of the City of Emeryville makes the following findings as required by Emeryville Municipal Code Section 9-7.1305:

- (a) The proposed amendment is consistent with the General Plan.

**The intent of this amendment to the Planning Regulations is to ensure consistency with the General Plan by updating Figure 9-4.201(a), Maximum Floor Area Ratios, Figure 9-4.202(a), Maximum Building Heights, and Figure 9-4.203(a), Maximum Residential Densities, to reflect updated General Plan Figures 2-3, 2-4, and 2-6, respectively.**

- (b) The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

**The proposed amendment to the Planning Regulations 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).**

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

**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 that is the basis for this amendment to the Planning Regulations will not result in any new or substantially more severe impacts than those identified in the 2009 EIR.**

- (d) For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

**No changes to the Zoning Map in Figure 3.103(a) or the Zoning Overlay Map in Figure 9-3.103(b) of the Planning Regulations are proposed.**

**SECTION FOUR. AMENDING FIGURE 9-4.201(a): MAXIMUM FLOOR AREA RATIOS, FIGURE 9-4.202(a): MAXIMUM BUILDING HEIGHTS, AND FIGURE 9-4.203(a): MAXIMUM RESIDENTIAL DENSITIES OF ARTICLE 2 OF CHAPTER 4 OF TITLE 9 OF THE EMERYVILLE MUNICIPAL CODE**

Planning Regulations Figure 9-4.201(a): Maximum Floor Area Ratios, is hereby replaced by the modified Figure 9-4.201(a) depicted in Exhibit A.

Planning Regulations Figure 9-4.202(a): Maximum Building Heights, is hereby replaced by the modified Figure 9-4.202(a) depicted in Exhibit B.

Planning Regulations Figure 9-4.203(a): Maximum Residential Densities, is hereby replaced by the modified Figure 9-4.203(a) depicted in Exhibit C.

**SECTION FIVE. SEVERABILITY**

The City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance is severable. If, for any reason, any section, paragraph, clause or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

**SECTION SIX. CODIFICATION**

Sections Four this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Three, Five, Six and Seven shall not be codified.

**SECTION SEVEN. EFFECTIVE DATE AND POSTING**

This Ordinance shall take effect thirty days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting held on Tuesday, October 30, 2018 and passed and adopted by the City Council at a regular meeting held on Tuesday, November 13, 2018 by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:



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

**ATTACHMENTS:**

- Exhibit A: Planning Regulations Figure 9-4.201(a): Maximum Floor Area Ratios
- Exhibit B: Planning Regulations Figure 9-4.202(a): Maximum Building Heights
- Exhibit C: Planning Regulations Figure 9-4.203(a): Maximum Residential Densities