

RESOLUTION NO. 19-_____

Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Execute A Parking And Construction License With LMV II Emeryville Holdings, LP For APN 049-1557-003

WHEREAS, LMV II Emeryville Holdings, LP ("**Developer**") is the owner of certain real property, situated at 1450 Sherwin Avenue in the City of Emeryville, California, (the "**Property**"); and

WHEREAS, the City is the owner of certain real property, APN 049-1557-003, situated adjacent to the Property in the City of Emeryville, California, (the "**City Property**"); and

WHEREAS, on November 1, 2016, the City Council of the City of Emeryville approved Ordinance No. 16-006, which adopted a planned unit development zoning designation and approving a preliminary development plan for 10.05 acre Sherwin William Project Site bounded by Sherwin Avenue on the South, the Union Pacific Railroad tracks to the west; Horton Street to the east, and Temescal Creek to the North, (APNs 49-1041-26-15 and 16), and which may be subsequently amended ("**Planned Development Plan** or **PDP**"); and

WHEREAS, on May 25, 2017, the Planning Commission for the City of Emeryville adopted Resolution CPC No. SUBDIV16-002 approving a major subdivision permit for Vesting Tentative Map 8357, subject to certain Conditions of Approval ("**Vesting Tentative Map** or **VTM**"); and

WHEREAS, on December 14, 2017, the Planning Commission of the City of Emeryville approved Resolution CPC No. FDP 17-002 approving the Final Development Plan for the Public Park and Open Space ("**Final Development Plan 2** or **FDP2**"); and

WHEREAS, on February 22, 2018, the Planning Commission of the City of Emeryville approved Resolution CPC No. FDP 17-001 approving the Architecture Final Development Plan for the buildings ("**Final Development Plan 1** or **FDP1**"); and

WHEREAS, the PDP, VTM, FDP1 and FDP2, and the plans and permits approved under said resolutions as they may from time to time be amended, are collectively referred to herein as the "**Project Approvals**".

WHEREAS, on June 28, 2018, the Planning Commission of the City of Emeryville approved Resolution CPC No. UP18-005, approving a temporary surface parking lot on the City Property; and

WHEREAS, the Developer has requested to use the City Property for a temporary surface parking lot, consistent with Resolution CPC No. UP18-005 to facilitate construction of the Project consistent with the Project Approvals; and

WHEREAS, the City finds that facilitating construction of the Project in a manner as proposed by the Developer will be beneficial to the community by diverting construction traffic away from residences, providing additional security in the area, and improving a roadway; and now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Manager is hereby authorized to execute the proposed Parking and Construction License, attached hereto as Exhibit A; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City Manager and the Public Works Director are hereby authorized to take further action as contemplated by the terms and conditions in the Parking and Construction License.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, April 16, 2019, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY