

RESOLUTION NO. 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL OF A CONDITIONAL USE PERMIT TO ADD SQUARE FOOTAGE TO TWO PREVIOUSLY APPROVED NEW RESIDENTIAL UNITS AT 5532 DOYLE STREET (APN: 49-1313-22): CEQA DETERMINATION: EXEMPT PURSUANT TO SECTIONS 15302 and 15061(b)(3) of CEQA GUIDELINES

WHEREAS, on October 20, 2014 Alex and Michelle Bergtraun submitted an application for a Conditional Use Permit, Major Design Review, and setback Variance for the demolition of two existing residential units and replacement of those units with two new residential units at 5532 Doyle Street, and submitted updated materials on November 10, 2014 (case file number UPDR14-002); and

WHEREAS, the Emeryville Planning Commission recommended project approval to the City Council at a duly and properly noticed public hearing on December 11, 2014; and

WHEREAS, the Emeryville City Council approved the project at a duly and properly noticed public hearing on January 20, 2015; and

WHEREAS, Alex Bergtraun submitted an application on June 10, 2016 to amend the conditions of approval to add 298 square feet of floor area to the approved project, and submitted revised plans on August 8, 2016; and

WHEREAS, the Emeryville Planning Commission recommended that the City Council approve the proposed amendment to the approved project at a duly and properly noticed public hearing on August 25, 2016; and

WHEREAS, the Emeryville City Council held a duly and properly noticed public hearing on the proposed amendment on September 20, 2016 to solicit public comments and review and consider the application; and

WHEREAS, the City Council reviewed and considered the staff report and attachments thereto, the plans, all public comments, and the proposed amendment to the previously approved residential project at 5532 Doyle Street subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Planning Regulations ("the Record"); now, therefore, be it

RESOLVED, that the Emeryville City Council hereby finds that the project is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15302 which applies to replacement or reconstruction of existing facilities and structures, and the "general rule" at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment; and be it further

RESOLVED, that in approving the amendment to the conditions of approval of UPDR14-002 the Emeryville City Council makes the following findings as required by the Emeryville Planning Regulations:

Conditional Use Permit Findings Pursuant to Section 9-7.505:

1. The proposed use is consistent with the General Plan.

LU-G-4 *A mix of housing types- A diversity of housing types to accommodate a variety of household sized and incomes.*

The proposed amendment maintains the existing unit mix while providing for more spacious residences.

LU-G-5 *Preservation of residential neighborhoods- Residential use, structures, low-rise scale, and character of the Triangle, Doyle Street, and Watergate neighborhoods preserved, and the scale of other areas of stability maintained.*

The proposed amendment preserves the residential use, scale, and character of the Doyle Street neighborhood because it does not change the footprint or exterior design of the approved buildings.

LU-P-1 *Land uses will be consistent with the Land Use Classifications in section 2.4 and the Land Use Diagram, Figure 2-2.*

The proposed amendment is consistent with the Medium Density Residential Land Use Classification in section 2.4 and the Medium Density Residential land use designation in the Land Use Diagram, Figure 2-2.

LU-P-10 *Maximum building height will be defined by the Maximum Building Heights diagram, Figure 2-4.*

The proposed amendment is consistent with the maximum building height of 30 feet as set forth in Figure 2-4.

LU-P-11 *Maximum floor area ratios (FARs) and residential densities for sub-areas of the city will be defined by Figure 2-3 and 2-6, respectively.*

The proposed amendment is consistent with the maximum floor area ratio and residential densities as set forth in Figure 2-3 and 2-6.

2. The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.

The proposed amendment is consistent with the coverage, density, design, and operating characteristics of the surrounding area as required by the Planning Regulations. Neighborhood character, design, and quality will not be adversely affected because there are no exterior modifications, and the interior modifications are designed to enhance the residential use.

3. The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

The proposed amendment is consistent with the capability of the water supply, waste water disposal, fire, and police systems to operate adequately and not add to their burden because the proposed modifications only increase floor area, not the number of bedrooms.

4. The proposed use at its proposed location will provide a service or facility that will contribute to the general well being of the surrounding neighborhood or community.

The proposed amendment maintains the number of approved dwelling units at this location and will provide new high quality residential units and home ownership opportunities in an existing residential neighborhood.

5. The proposed use complies with all applicable standards and requirements of these Planning Regulations.

The proposed amendment complies with all applicable standards and requirements of the Planning Regulations, as outlined in the staff report dated September 20, 2016.

Development Bonuses Findings Pursuant to Section 9-4.204(f)(1):

1. That the proposed project is compatible with the surrounding neighborhood with regard to building scale, form, and materials, and street orientation.

The proposed amendment is compatible with the surrounding neighborhood with regard to building scale, form, materials, and street orientation and does not require an expansion in building footprint or any exterior changes.

2. That the proposed project has been designed to minimize the appearance from the street of driveways, parking spaces, maneuvering aisles, and garage doors as much as possible given the size and shape of the lot, and that at least 70% of the street frontage is devoted to active non-parking related uses, except that a driveway of up to ten feet in width shall be allowed.

The proposed amendment does not result in any exterior changes to the building, landscaping, or previously approved parking spaces.

and be it further

RESOLVED, that the City Council of the City of Emeryville hereby approves an amendment to the conditions of approval for UPDR14-002 to add a total of 298 square feet of floor area to the two residential units at 5532 Doyle Street, as submitted on June 10, 2016 and revised on August 8, 2016 subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, September 20, 2016, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY