



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 20, 2016

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: 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 the CEQA Guidelines

RECOMMENDATION

Staff recommends that the City Council approve the attached Resolution granting an amendment to the Conditions of Approval to add square footage to two previously approved residential units at 5532 Doyle Street resulting in no exterior modifications.

BACKGROUND

On October 20, 2014 an application was submitted to demolish two existing residential dwelling units and replace them with two new residential dwelling units at 5532 Doyle Street (case file number UPDR14-002). The project required a Conditional Use Permit for a residential density over 20 units per acre, a Major Design Review permit for new construction, a variance for a setback of less than 3 feet along the north side of the property, and City Council approval for the demolition of residential units. On December 11, 2014 the Planning Commission recommended approval of the project, and on January 20, 2015 the City Council approved the project.

At the time the project was approved, bonuses were available in the Eastern Residential Neighborhoods for dwelling units per acre, but not for Floor Area Ratio (FAR). When the project was approved, the maximum FAR was 0.5. The approved plans include 1,500 square feet of floor area on a site of 3,000 square feet, for exactly 0.5 FAR. On November 3, 2015 the Planning Regulations were amended to provide for an increase in floor area in the Eastern Residential Neighborhoods. The Planning Regulations were amended, in part, to encourage the development of larger unit sizes (2 and 3-bedrooms) and family-friendly housing. The base FAR in the Eastern Residential Neighborhoods is now 0.5, and up to 1.0 FAR with a bonus. The applicant submitted an application on June 10, 2016 seeking to amend the conditions of approval for UPDR14-002 to add 298 square feet, equivalent to 0.6 FAR, which is over the permitted base of 0.5 FAR.

Section 9-7.214(b) of the Planning Regulations stipulates that modifications to approved plans or conditions of approval that are not deemed minor require the approval of the original decision-makers by following the same procedure required for the initial application for the permit. As this project was approved by City Council, this amendment to the conditions of approval also requires City Council approval, with a recommendation from the Planning Commission. On August 25, 2016, the Planning Commission unanimously recommended approval of the amendment.

DISCUSSION

Project Description:

The approved plans include a front residential dwelling unit of 525 square feet with a 1-bedroom loft, and a rear residential dwelling unit of 975 feet with a 2-bedroom loft. The applicant proposes adding 63 square feet of floor area to the 1-bedroom unit by filling in area above the stairway that was previously open to the ground floor. The applicant proposes adding 235 square feet to the 2-bedroom unit by converting a storage loft into living space. This proposed conversion can be achieved by lowering the floor of the storage loft to create enough ceiling height for the area to be considered habitable space. The combined additional square footage is 298 square feet, resulting in total project square footage of 1,798 square feet.

Zoning Analysis:

The site is located in the RM Medium Density Residential Zone and the 0.5/1.0 Floor Area Ratio (FAR) district.

Floor Area Ratio (FAR): The base FAR is 0.5, with a maximum allowable FAR of 1.0 with a bonus. The previously approved front unit is 525 square feet and the previously approved rear unit is 975 square feet. The total square footage for both approved units is 1,500 square feet, equal to 0.5 of the 3,000 square foot parcel. As noted above, the applicant proposes adding 63 square feet of floor area to the 1-bedroom unit, and adding 235 square feet to the 2-bedroom unit, for a combined total of 298 additional square feet. This results in an FAR of 0.6, which requires a conditional use permit. Bonus points are not required in the RM Zone; however, the findings listed in Section 9-4.204(f)(1) of the Planning Regulations are required to approve the amendment, discussed further below.

The proposed square footage increase does not result in any exterior changes, changes in building footprint, changes in parking demand, or creation of new bedrooms in either unit. Therefore, amendments to the previously approved Major Design Review permit and setback Variance are not required.

Conformity to Planning Regulations:

Conditional Use Permit

In order to approve this Conditional Use permit amendment, the City Council must make the findings required by Section 9-7.505.

Staff believes that these findings can be made for the following reasons:

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 above section titled "Zoning Analysis."

Development Bonuses

In order to grant a Conditional Use Permit for bonus FAR in the RM zone the City Council must make the findings required in Section 9-4.204(f)(1). Staff believes that these findings can be made for the following reasons:

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

Environmental Review:

This project is exempt from environmental review under State CEQA Guidelines Section 15302 which applies to replacement or reconstruction of existing structures and facilities, 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.

FISCAL IMPACT

There is no fiscal impact to the City of the proposed Conditional Use Permit amendment.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved this staff report and the attached resolution.

ADVISORY BODY RECOMMENDATION

As noted above, the Planning Commission considered the proposed Conditional Use Permit amendment on August 25, 2016 and unanimously recommended its approval by the City Council.

PREPARED BY: Sara Billing, Assistant Planner

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



Carolyn Lehr, City Manager

Attachments:

1. Resolution
2. Conditions of Approval including Attachments
3. Applicant Project Description and Proposed Plans