



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: November 1, 2016

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: Study Session: Doyle Street Mews, 5876-5880 Doyle Street

RECOMMENDATION

Staff requests that the City Council consider this Staff Report and attachments and provide direction to the applicant and staff.

BACKGROUND

The project (case file number UPDR16-002) was first submitted on March 4, 2016 and involves the demolition of four existing legal residential dwelling units and two illegal units and their replacement with six new three-bedroom townhomes at 5876-5880 Doyle Street. Because the project involves the demolition of residential units, it requires approval by the City Council, following a recommendation from the Planning Commission. The Commission held study sessions to review the proposed project on April 28, 2016 and August 25, 2016.

At the April 28 study session, the Commission expressed general support for the project concept, but raised concerns regarding how the applicant proposed to earn the bonus points required to obtain the proposed maximum Floor Area Ratio (FAR) of 1.0. Specifically, the applicant's proposal to make the project Zero Net Energy was questioned for its feasibility, lack of detail, lack of onsite infrastructure, and how the proposed off-site electricity production would benefit residents. The Commission also provided feedback regarding family-friendly unit design, general project design, landscaping, and parking layout. Neighbors on the east side of the property spoke, expressing concern about the height of the project blocking sun to their garden, and the potential impact of the project on their Juniper trees. A current resident of the property spoke in favor of the project. A property owner to the north of the project had previously submitted a comment letter expressing concern about the project's potential impacts on redwood trees adjacent to the property line on that property.

The Planning Commission held a second study session on August 25, 2016. The applicant replaced the previous proposal to earn the required bonus points by making the project Zero Net Energy, with a new proposal to earn the required bonus points by contributing to the Citywide Fund to Support Small Local-Serving Businesses. Molly Batchelder, Consulting Arborist of SBCA Tree Consulting, spoke in regards to an assessment of the

redwood trees on the neighboring property to the north, the junipers on the neighboring property to the east, the City trees along the property on Doyle, and the trees on the property. The Commission was supportive of the applicants' proposal to earn the required bonus points by contributing to the Citywide Fund to Support Small Local-Serving Businesses and voiced concern about potential impacts to the neighboring redwood trees. The Commission provided feedback on project design, building materials, landscaping, and parking layout. The Commission also expressed concern that the height of the building, which included parapets for roof-top decks, was too tall for the neighborhood.

DISCUSSION/ANALYSIS

Project Description

The six proposed residential units would replace four existing legal units and two existing illegal units located on two parcels. The proposed six units would be split into two buildings, each consisting of three 3-bedroom townhomes. The two buildings would share a common driveway located between the two buildings as well as common open space behind the two buildings along the east side of the property.

Changes between the plans the Planning Commission reviewed in August and the current revision include: changing building colors and diversifying the types of building materials; removing the roof-top decks; removing a guest parking space to provide more landscaping and common open space; removing a decorative entry gate, and relocating guest bicycle parking spaces. Additionally, the two easternmost units (at the rear of the property) no longer have a ground floor garage. Instead, parking for these two units has been moved outside, common living areas are located on the ground floor, and a bedroom has been added providing a total of three bedrooms in each unit. The two easternmost units have also had the interior of the third floor reduced to provide an east facing deck which steps the building down towards the rear of the property.

General Plan and Zoning

Land Use Classification: The General Plan Land Use Diagram (Figure 2-2) classifies the project site as Mixed Use with Residential, which is described as: "One or more of a variety of residential and nonresidential uses, including but not limited to offices, retail, and hotels. On larger sites, a mix of residential and non-residential uses is required; on smaller sites, a single use may be permitted."

Zoning District: The site is zoned Mixed Use with Residential (MUR) and is located within the North Hollis District (N-H) Overlay Zone. Multi-Unit Residential uses are permitted in the MUR Zone. There are no special use regulations in the N-H Overlay Zone, although there are special setback guidelines (see below). The Transit Hubs (TH) Overlay Zone crosses the front of both properties; the effect of the TH Overlay Zone would be to reduce the parking requirement by 50%, but it is not applicable in this case, as the majority of both

sites falls outside of the TH Overlay Zone. As this site is less than 1 acre in size, a mix of uses is not required (Planning Regulations Section 9-3.303(b)(2 a.)).

Floor Area Ratio (FAR): The base FAR permitted is 0.5, with a maximum 1.0 FAR available with a bonus. The proposed project contains approximately 9,942 square feet of gross floor area on a site of approximately 10,000 square feet, which equals an FAR of 0.99, and rounds up to an FAR of 1.0. This would require 100 bonus points (see below).

Building Height: The base height permitted is 30 feet; no bonus is available. The proposed buildings appear to be 30 feet height, with parapets and roofing elements extending to 32 feet above grade. Parapets are allowed to project over up to three feet above the building roof (Planning Regulations Section 9-4.202(c)).

Residential Density: The base residential density permitted is 20 dwelling units per acre, with a maximum of 35 dwelling units per acre available with a bonus. At .23 acres, up to 5 dwelling units are permitted under the base density (4.6 units, rounded) and a maximum of 8 units may be built with a bonus. The proposed project includes 6 units, which equates to a residential density of 26 units per acre, and requires 40 bonus points.

Development Bonuses: Developing a site above the base permitted level requires bonus points earned by providing community benefits. All projects requiring bonus points are processed as a conditional use permit. As noted above, this project requires 100 bonus points for FAR and 40 bonus points for residential density. Therefore, it must earn 100 bonus points, the greater of the two.

Community benefits eligible for bonus points are outlined in Table 9-4.204(e) of the Planning Regulations. The applicant proposes obtaining 50 points by designing the project as to be 100% Family-Friendly, and 50 bonus points by contributing to the Citywide Fund to Support Small Local-Serving Businesses (10 bonus points for every 1% of project construction valuation, up to 50 points). Normally, half of the bonus points must be earned through the provision of affordable housing. However, as this project contains fewer than 10 residential units, no affordable units are required (Sections 9-4.204(d)(1) and 9-5.402).

Demolition of Residential Units: The demolition of residential units requires City Council approval of a conditional use permit, upon recommendation of the Planning Commission (Sections 9-5.1203(b) and 9-5.1205). In order to approve demolition, the following findings must be made (Section 9-5.1206(b)(2)):

- a. The applicant will provide at least the same number of dwelling units as the demolished structure, either on-site or elsewhere within the City of Emeryville; and
- b. The replacement structure would feature design quality that is as high as or higher than the structure to be demolished and that it is compatible with the character of the neighborhood; and

- c. The elimination of the residential structure would not be materially detrimental to the housing needs or the public interest of the affected neighborhood or the City.

In staff's view, these findings can be made for this project. The applicant proposes replacing all existing units with larger, Family-Friendly units, which will be of a higher design quality than the existing units. The elimination of four legal and two illegal residential units, all of which are substandard and low quality, and their replacement with six higher quality ownership units, will not be materially detrimental to the housing needs or the public interest of the affected neighborhood.

In addition, the regular findings for a conditional use permit in Section 9-7.505 must be made. These include:

- (a) The proposed use is consistent with the General Plan.
- (b) 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.
- (c) The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.
- (d) 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.
- (e) The proposed use complies with all applicable standards and requirements of these Planning Regulations.

Specifically, in order to approve this project, the City Council will need to determine that it is compatible with the surrounding area and will provide a facility that will contribute to the general well-being of the community.

Off-Street Parking: The estimated automobile parking demand equals 1.0 per residential unit for multi-unit residential uses, plus 0.20 guest automobile parking spaces per unit. For 6 units this equals 7.2 automobile parking spaces. The minimum amount of parking required is 33% less than the estimated parking demand, and the maximum amount of parking permitted is 10% more than the estimated demand. This results in a permitted parking range of 5 – 8 automobile spaces: the applicant proposes 6 total spaces, 1 for each residence.

Bicycle parking is required at a rate of 1 space per unit, plus 1 guest space for every 4 guest automobile parking spaces. This results in 7 required bicycles parking spaces; the proposed project includes designated bicycle parking areas within each unit, as well as two guest bike parking spaces located in front of the two middle units.

Setbacks: For properties in the MUR Zone not abutting a lot in a residential zone, no setbacks are required. The east side of the property abuts a residential zone, which requires a 10 foot rear setback. (Section 9-4.301(a)) The proposed project includes a 20 foot 5 inch rear setback, 5 foot interior side setbacks (north and south sides of the property), with trash enclosures set back 4 feet from the front property line and building facades setback approximately 6 feet 8 inches from the front property line.

The N-H Overlay Zone stipulates that “All new development shall be set back from the property line by at least 5 feet or a dimension that results in a sidewalk and landscaping zone of at least 15 feet from the roadway curb to the face of the building. The setback should be treated as an extension of the sidewalk area (where there are ground level commercial uses), or as front yards (where ground level residential uses are proposed)”. The plans show a 5 foot 6 inch sidewalk with 4 feet of landscaping between sidewalk and curb, and another 9 feet 5 inches of landscaping between the sidewalk and the building faces (excluding the trash enclosures). With over 18 feet of combined landscaping and sidewalk between the curb and face of building, the proposed project is consistent with the N-H Overlay Zone.

Street Trees and Utility Wires: There are currently no street trees at the site. As a condition of approval, staff recommends requiring street trees at 25 foot intervals, increasing the planting strip to a minimum of 3 feet 6 inches in width to facilitate tree growth, and the undergrounding of all utilities to match current conditions on the west side of Doyle Street.

Open Space: Residential projects are required to provide a minimum of 40 square feet of private open space for each unit, and 20 square feet of common open space per unit, or a total of at least 120 square feet of common open space for the six proposed units. The applicant is proposing to provide the private open space for each unit in the form of patios and decks, and to provide the common open space in a landscaped area with a fire table and benches on the east side of the property. While exact areas are not given, this appears to exceed the minimum open space requirements.

Landscaping: New buildings in non-industrial zones are required to provide landscaped areas consisting of at least ten percent of the site area, which translates to about 1,000 square feet for this project. Measurements and square footage for landscaped areas have not been provided; however, preliminary landscaping plans appear to show that the proposed project meets this requirement.

Design Review: All new building construction, except Single Unit or Two Unit residential uses, requires Major Design Review. In making a decision on the project, the Council will need to determine whether the project conforms to the Emeryville Design Guidelines and the North Hollis Area Urban Design Program, including, but not limited to, sidewalks and landscaping, parking and access, site planning, building massing, building form and articulation, architecture and building materials, open space, residential unit design, and Family-Friendly design. Preliminary analysis by staff appears to indicate that these

guidelines are met; a more detailed analysis will be provided when the project is presented to the Planning Commission and City Council for consideration of approval.

ACTION REQUESTED

After hearing a presentation from the applicant and receiving public testimony, staff requests that the City Council provide comment and direction regarding this project, addressing the following issues, and any other issues, as appropriate:

1. Does the Council have any comments regarding the overall design of the project, including building massing and articulation, unit design, landscaping, and preservation of existing trees?
2. Is the Council satisfied with having the proposed unit mix (100% two or more bedrooms, family friendly units) and contributing to the Citywide Fund to Support Small Local-Serving Businesses to qualify for the 100 required community benefit bonus points?
3. Does the Council believe that the required findings for the demolition of residential structures can be made for this project?
4. Does the Council believe that the required findings for a conditional use permit can be made for this project, specifically those related to compatibility with neighborhood character and contributing to the general well-being of the community?
5. Does the Council have any other concerns or comments about the project?

PREPARED BY: Navarre Oaks, Assistant Planner

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



Carolyn Lehr, City Manager

Attachments:

1. Arborist Report, August 26, 2016
2. Project Plans Submitted October 3, 2016