



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 5, 2017

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.

Study sessions to review the proposed project were held by the Planning Commission on April 28, 2016; August 25, 2016; and July 27, 2017. The City Council reviewed the proposed project at a study session on November 1, 2016.

At the first study session on April 28, 2016, the Planning 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.

At the second Planning Commission 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 regard 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 frontage on Doyle Street, and the trees on the property. The Commission was supportive of the applicant's 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.

At the City Council study session held on November 1, 2016, the Council was generally supportive of the project. The Council identified overall design and materials, and the preservation of the redwood tree on the adjacent property, as the two major issues of concern. The Council deferred to the Planning Commission for advice on these issues.

Since the City Council study session on November 1, 2016, the applicant has hired a new architecture firm, Baron Studio Architecture. The revised plans include modified elevations with different colors, materials, and articulation. The applicant has provided more project details, including landscaping features, additional renderings with views from all sides of the project, and more open space details. Unit design has changed significantly. Previous plans placed the staircases for the front units (Units 1 and 4) against the windows facing Doyle Street. The revised plans flip the unit orientation so that the stairs are no longer between the windows and living spaces of the unit. In compliance with the Family-Friendly Design Guidelines, furniture has been added to all unit plans. In response to arborist recommendations, the rear unit in the north building (Unit 3) uses a pier-on-grade foundation to avoid severing significant roots of the redwood tree located on the adjacent property to the north. This raises the elevation of the first floor of that unit by 1 foot 6 inches, requiring several steps.

At the July 27, 2017 Planning Commission meeting, the Commission expressed support for the project and appreciation for the revisions. Some of the Commissioners provided suggestions regarding materials and design, especially in regard to the ground floor façade facing Doyle Street. Suggestions including adding variation to the ground floor façade by adding windows, garden gates, or plantings.

Since the July 27, 2017 Planning Commission meeting the applicant has updated the plans by adding a parking plan (Sheet A2.1.2), adding sheets to show how each unit type meets Family-Friendly designs (Sheets A5.0 – A5.2), verifying total floor area, and adding windows, planting, and addresses to the ground floor facades facing Doyle Street (Sheets A6.0 and A6.3).

DISCUSSION

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 two three-bedroom and one two-bedroom townhome. 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.

The project requires 100 bonus points. The applicant proposes obtaining 50 bonus points by designing all units to be Family-Friendly, and obtaining the remaining 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).

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, but 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. Section 9-8.206(n) defines FAR as “a measure of building intensity equal to the ratio of the total gross floor area of all buildings on a lot or building site to the area of the lot or building site.” Section 9-1.203(b) stipulates that “When quantities in these Regulations are expressed as tenths of whole numbers (e.g. floor area ratio), fractions of 0.05 or greater shall be rounded up to the nearest tenth and fractions of less than 0.05 shall be rounded down to the nearest tenth.” The revised project contains approximately 9,938 square feet of gross floor area on a site of approximately 10,000 square feet, a slight reduction in square feet from previously reviewed plans. This equals an FAR of 0.99, which rounds to 1.0 and therefore requires 100 bonus points (see below).

Building Height: The base height permitted is 30 feet; no bonus is available. Parapet walls are allowed to extend up to three feet above the top of the building in the 30-foot height district (Section 9-4.202(c)(2)). The height of the proposed buildings is 30 feet with parapet

walls of varying heights up to two feet. The project therefore complies with the building height limits.

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 the remaining 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).

Under Section 9-4.204(f)(2), development bonuses in the MUR zone require the following findings:

- a. That the proposed project will provide community benefits sufficient to earn the number of points required for the bonus amount requested, pursuant to subsections (c), (d), and (e) of this Section.
- b. That the proposed community benefits for the project are significant and clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.
- c. That the proposed community benefits for the project are acceptable and appropriate in this case, and will provide tangible benefits to the community

At the August 25, 2016 Planning Commission meeting the Commission was supportive of the applicants' proposal to earn the required bonus points by designing the project to be 100% Family-Friendly and contributing to the Citywide Fund to Support Small Local-Serving Businesses.

Demolition of Residential Units: The demolition of residential units requires City Council approval, 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.

Off-Street Parking: The estimated automobile parking demand equals 1.0 space 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 without a conditional use permit is 33% less than the estimated parking demand, and the maximum amount of parking permitted without a conditional use permit 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, including 4 resident spaces in individual garages, and 2 outdoor residential spaces, at the end of the driveway.

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 bicycle parking spaces. The proposed project includes designated bicycle parking areas within each unit, as well as spaces for guest bicycle parking behind a dividing wall that separates the 2 outdoor residential vehicle parking spaces from the outdoor bicycle parking area and common open space. To ensure that the proposed plans meet Family-Friendly Design Guideline J-49 (to provide more bicycle parking than the code requires, with space for longer family bicycles and trailers), additional information showing all bicycle parking dimensions and rack types needs to be provided.

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 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 set back approximately 7 feet 7 inches from the front property line.

The North Hollis Urban Design Program (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 6 foot 1-inch sidewalk with 3 feet 7 inches of landscaping between the sidewalk and curb, and another 2 feet of landscaping between the sidewalk and the front property line. The trash enclosure, the proposed feature closest to the property line, is set back 15 feet 10 ³/₄ inches from the face of curb, which complies with the North Hollis Urban Design Program.

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, requiring a planting strip 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 40 square feet of private open space and 20 square feet of common open space per unit. The applicant is proposing between 367 and 1,092 square feet of private open space per unit in the form of patios, rear yards, and roof decks; and approximately 679 square feet of common open space. This exceeds 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 1,000 square feet for this project. The applicant proposes just under 2,300 square feet of landscaping.

Design Review: All new building construction, except Single Unit or Two Unit residential uses, requires Major Design Review from the Planning Commission and/or City Council. In making a decision on the project, the Council will need to determine whether it 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. Section 9-7.407 states that the follow findings must be made to approve a design review application:

- a. The design of the project is consistent with the General Plan, including but not limited to its Urban Design goals and policies.
- b. The design of the project conforms to the Emeryville Design Guidelines and any other applicable design guidelines or criteria. If strict compliance with the provisions of such design guidelines or criteria is not achieved, the applicant must convincingly demonstrate that the intent of the guidelines or criteria is met.
- c. The project is of a high design quality that is compatible with, and will not adversely affect, the surrounding area.

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 feedback regarding the design of the overall project, landscaping, or unit design?
2. Does the Council feel that they would be able to make the required findings for design review, a conditional use permit, and bonus points to approve this project?
3. Does the Council feel that the applicant has adequately addressed the concerns expressed, and responded to the feedback provided at the previous Planning Commission and City Council study sessions?

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 August 9, 2017