



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** November 7, 2017

**TO:** Carolyn Lehr, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For “Doyle Street Mews”, Involving Demolition Of Four Existing Legal Residential Units And Two Existing Illegal Residential Units And Their Replacement With Six New Residential Units At 5876 And 5880 Doyle Street (APNs: 49-1330-12 And -13) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3))

### RECOMMENDATION

The Planning Commission and staff recommend that the City Council adopt the attached resolution approving a Conditional Use and Major Design Review Permit to demolish four existing legal residential units and two existing illegal residential units and replace them with six new residential units at 5876-5880 Doyle Street (UPDR16-002), subject to the attached Conditions of Approval.

### BACKGROUND

This project requires approval from the City Council upon a recommendation from the Planning Commission because it involves the demolition of residential units (Section 9-5.1205). Study sessions to review the proposed project were held by the Planning Commission on April 28, 2016; August 25, 2016; and July 27, 2017; and by the City Council on November 1, 2016 and September 5, 2017.

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.

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

On July 27, 2017, the Planning Commission held a third study session to review the revised plans, including all changes listed above. The Commission expressed support for the project and provided suggestions regarding materials and design, especially in regard to the ground floor façade facing Doyle Street. After the July 27, 2017 Planning Commission meeting the applicant 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).

The City Council held a second study session on September 5, 2017. The Council discussed whether the character and scale of the project fit with the project location, which is in an Area of Stability as designated by the General Plan, and the North Hollis Overlay Zone. The Council directed that the conditions of approval for the project need to include provisions to protect all trees with root zones on the project site, and emphasized the importance of protecting the existing Coast Redwood directly north of the project site. The conditions of approval require pre-demolition and pre-building permit issuance meetings with the applicant, Chief Building Official, and City Consulting Arborist (III.A.1. and III.A.2.) and the development of a Tree Protection Plan to be reviewed, approved, and enforced by the Consulting City Arborist and Community Development Director (III.A.3.). The purpose of the Tree Protection Plan is to preserve and protect the existing Coast Redwood (located on the property directly north of the project site), the Monterey Pine street tree, and two Hollywood Juniper trees (located on the property directly east of the project site), including all elements of the trees, such as roots and branches, that extend onto the project site.

As this project contains fewer than 10 residential units, no affordable units are required. The Council inquired about the feasibility of obtaining 50 of the required bonus points through the Flexible Community Benefit option (item (7) in Table 9-4.204(e)) by providing one affordable housing unit at 80% of Area Median Income (AMI), instead of by contributing to the Citywide Fund to Support Small Local-Serving Businesses. However, subsequent analysis showed that this option is not financially feasible. Ten bonus points are granted for every 1% of project construction valuation, so to obtain 50 bonus points, 5% of construction valuation is needed. The total construction valuation of the project is estimated to be \$2,500,000, so 5% of construction valuation would be \$125,000. The maximum sale price for a three-bedroom unit at 80% of Area Median Income (AMI) is \$166,216. The current market rate price for a three-bedroom unit in Emeryville is approximately \$800,000. The difference between the market rate price and a 80% AMI unit is approximately \$633,784, which exceeds 5% of construction valuation. Staff also assessed the cost of providing an affordable unit at 120% AMI, for which the maximum sale price of a three-bedroom unit is \$393,389. The difference between the market rate price and a 120% AMI unit is approximately \$406,611, which also exceeds 5% of construction valuation. Due to the cost of an affordable unit far exceeding 5% of construction valuation, it is not feasible to pursue the Flexible Community Benefit option.

On September 28, 2017, the Planning Commission held a public hearing and considered the staff report, resolution, conditions of approval, and the project plans dated September 19, 2017. There was no public comment and the Commission voted unanimously to recommend that the City Council approve the project.

## **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, one on each parcel, with each building containing three, three-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.

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). The City Council suggestion to obtain 50 bonus points by providing an affordable unit, rather than by contributing to the Citywide Fund to Support Small Local-Serving Businesses, has proven to be financially infeasible, for reasons discussed above.

## **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.”

The Areas of Change and Stability – 2009 map (Figure 2-1) designates the project site as an area of stability, which is described as “those parts of the city that are not anticipated to change significantly in character, land use or development intensity over the next 20 years. These include the older residential neighborhoods on the east side of town as well as the Watergate residential neighborhood on the peninsula, the Watergate office complex, Pacific Park Plaza, and more recent developments such as residential projects in the North Hollis and North Bayfront areas, the Emery Station complex and the Woodfin and Marriott hotels.” It should be noted that this designation does not preclude demolition of existing structures or the construction of new structures. The proposed Doyle Street Mews project is consistent with the character, land use, and development intensity of the area, and therefore conforms to the General Plan designation of this neighborhood as an “area of stability”.

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

9,964 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 and July 27, 2017 Planning Commission meetings 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. At the September 5, 2017 City Council study session, the Council requested that the applicant consider replacing the contribution to the Citywide Fund to Support Small Local-Serving Businesses with the provision of one affordable housing unit using the Flexible Community Benefit option. However, as noted above, due to the cost of an affordable unit far exceeding 5% of construction valuation, it is not feasible to pursue this option.

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 bicycles parking spaces. The proposed project includes designated bicycle parking areas within each unit, as well as 4 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. 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.

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 ¾ 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, increasing the planting strip to 3 feet 6 inches in width to facilitate tree growth, and the undergrounding of all utilities along the Doyle Street frontage of the project site.

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 700 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 following 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.

In staff's view, these findings can be made for this project. The project is consistent with the General Plan, conforms to the Emeryville Design Guidelines, and uses a variety of materials, colors, and architectural features to create a unique building of high design quality that is compatible with, and will not adversely affect, the surrounding area.

## Findings

### Conditional Use Permit

In order to approve a Conditional Use permit, the City Council must make the findings required by Section 9-7.505. The Planning Commission 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 sizes and incomes.***

The proposed Doyle Street Mews project replaces four existing legal residential units and two existing illegal residential units with six new residential units. All six new units add to the diversity of housing types and accommodate a variety of household sizes and incomes by providing ownership opportunities, meeting Family-Friendly Design Guidelines, and exceeding both open space and landscaping requirements.

***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 Doyle Street Mews project preserves residential uses in a Mixed Use with Residential zone in the Doyle Street neighborhood. The project conforms to the height, FAR, and residential density limits of the neighborhood as designated by the General Plan, and therefore is in scale with this area of stability. This block of Doyle Street has an eclectic mix of uses



**and architectural styles, and the proposed project preserves the character of this eclectic mix.**

***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 Doyle Street Mews project is consistent with the Mixed Use with Residential Land Use Classification in section 2.4 and the Mixed Use with 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 Doyle Street Mews project 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 Doyle Street Mews project 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 Doyle Street Mews project 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 the proposed development preserves the existing residential use while providing new family-friendly units, additional landscaping and open space, and preserving the existing neighboring trees.**

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 Doyle Street Mews project 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 development maintains the existing residential use and is compliant with all maximum FAR,**

**building height, and residential density maps (Figures 2-3, 2-4, and 2-6) in the General Plan.**

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 Doyle Street Mews project will contribute to the general well being of the surrounding neighborhood and community by maintaining the existing residential use, meeting all setback standards of the Planning Regulations and North Hollis Urban Design Program, providing additional landscaping, and preserving the existing neighboring trees.**

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

**The proposed Doyle Street Mews project complies with all applicable standards and requirements of the Planning Regulations, as outlined in the above section titled “General Plan and Zoning.”**

Development Bonuses

In order to grant a Conditional Use Permit for bonus FAR and residential density in the MUR zone, the City Council must make the findings required by Section 9-4.204(f)(2). The Planning Commission believes that these findings can be made for the following reasons:

1. 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.

**The proposed Doyle Street Mews project will provide community benefits sufficient to earn the number of points required (100 total points) by obtaining 50 points for designing the project 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) per Table 9-4.204(e) of the Planning Regulations.**

2. 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.

**The proposed Doyle Street Mews project is providing benefits that are significant and clearly beyond what would otherwise be required by providing 100% Family-Friendly units and contributing 5% of project construction valuation to the Citywide Fund to Support Small Local-Serving Businesses.**

3. That the proposed community benefits for the project are acceptable and appropriate in this case, and will provide tangible benefits to the community

**The proposed Doyle Street Mews project is providing acceptable, appropriate, and tangible community benefits by providing for-sale, three-bedroom, family-friendly units which contribute to the diversity of housing stock in a community that has a high number of studio and one-bedroom rental units; and by contributing to the Citywide Fund to Support Small Local-Serving Businesses, which helps achieve General Plan Goal LU-G-11: “A wide range of economic activity—An economy that capitalizes on Emeryville’s central location, strengthens the City’s tax base, and ensures that Emeryville has adequate fiscal resources to fund high quality public services for its residents and businesses.”**

#### Demolition: Replacement of Residential Structures

In order to approve the demolition and replacement of residential structures, the City Council, upon the recommendation of the Planning Commission, must make the findings required by Section 9-5.1206(b)(2). The Planning Commission believes that these findings can be made for the following reasons:

1. 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.

**The proposed Doyle Street Mews project replaces four existing legal residential units and two existing illegal residential units with six new residential units on the same site as the existing units.**

2. 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.

**The proposed Doyle Street Mews project features design quality that is higher than the existing structures to be demolished by providing larger, family-friendly units; by exceeding open space and landscaping requirements, and by exceeding minimum bicycle parking requirements. The proposed project is compatible with the character of the neighborhood in that it preserves the existing residential use as well as the existing neighboring trees whose root zones extend onto the project site.**

3. 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.

**The proposed Doyle Street Mews project would not be materially detrimental to the housing needs or the public interest of the neighborhood or the City because it provides new home ownership opportunities and three-bedroom**

**family-friendly units in a community that has a high number of studio and one-bedroom rental units.**

### Major Design Review

In order to approve a Major Design Review permit, the City Council must make the findings required by Section 9-7.407. The Planning Commission believes that these findings can be made for the following reasons:

1. The design of the project is consistent with the General Plan, including but not limited to its Urban Design goals and policies.

***UD-G-2      A diversity of building types and scales – Variation to reinforce the identity of individual districts and foster a variety of options for living and working, with continuity in development scale and character and careful transitions between densities and design typologies.***

The proposed Doyle Street Mews project is consistent with the North Hollis neighborhood, which contains a variety of buildings including brick, tilt-ups, residential homes with gabled roofs, and modern condominium complexes. The residential use type supports the identity of the district by maintaining the existing residential use and conforming to the Emeryville Design Guidelines and Planning Regulations. The proposed buildings are consistent in development scale and character with the surrounding area.

***UD-G-5      Neighborhood Preservation - Preservation of the existing small-scale residential quality of older neighborhoods.***

The demolition and replacement of the existing dwelling units maintains the existing residential quality in an older Mixed Use with Residential neighborhood. The proposed development consists of six family-friendly residential units on a project site that is zoned for up to eight residential units, and uses building design and setbacks to be sensitive to the existing structures and neighbors on adjacent properties.

***UD-P-15      Infill residential development should incorporate the scale, character and identity of adjacent existing development. To avoid a continuous row of garages along the street, the lot frontage should provide a minimum of 70% active non-parking related uses, provided that a driveway of maximum ten-foot width shall be permitted.***

The proposed Doyle Street Mews project is compatible with the scale, character and identity of the adjacent existing developments. The project will eliminate three existing curb cuts and replace them with one new driveway

that is 10 feet wide, and that meets the maximum 10 foot permitted width, which constitutes only 10% of this 100-foot wide lot, leaving 90% of the frontage for active non-parking related uses. The proposed project adds landscaping and street trees where there currently are none.

***UD-P-19      Infill development shall provide activation at the lot frontage and minimize visible off-street parking.***

The proposed Doyle Street Mews project provides an active residential use for more than 70% of the lot frontage. The two units along Doyle Street have front entrances facing Doyle Street with small patios to increase activation at the lot frontage. The visibility of off-street parking areas is minimized by locating parking for the four units closest to Doyle Street within garages accessed from a common driveway, and parking for the two rear units at the end of the common driveway close to the rear of the property.

2. 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.

***B-9      Use permeable paving, or similar materials that reduce runoff, as a surface material for driveways, pathways, and surface parking areas.***

The proposed Doyle Street Mews project includes a common driveway made of pervious hardscape.

***C-4      Consider edge conditions and transition areas during site design to ensure compatibility between existing and new development.***

The proposed Doyle Street Mews project uses decks on the rear two units to help increase the setback of the upper floors from the neighbors to the east.

***C-5      Screen refuse bins and other waste containers by placing them indoors, locating them away from the street, and/or shielding them with fencing and/or landscaping. Prevent contamination of waste in stormwater runoff by maintaining covered bins and prevent empty bins from tipping during storms or due to wind.***

The proposed Doyle Street Mews project uses wooden fencing and landscaping to conceal the view of the refuse bins and waste containers from the street.

3. The project is of a high design quality that is compatible with, and will not adversely affect, the surrounding area:

**The proposed Doyle Street Mews project uses a variety of materials, colors, and architectural features to create a unique building of high design quality that is compatible with, and will not adversely affect the surrounding area. The use of setbacks, landscaping, and open space is also of a high design quality and is compatible with the surrounding area.**

## **FISCAL IMPACT**

Approval of the project will have no fiscal impact on the City.

## **STAFF COMMUNICATION WITH THE PUBLIC**

As noted above, study sessions to review the proposed project were held by the Planning Commission on April 28, 2016; August 25, 2016; and July 27, 2017; and by the City Council on November 1, 2016 and September 5, 2017. On September 28, 2017, the Planning Commission held a public hearing and then voted unanimously to recommend that the City Council approve the project.

## **CONFLICT OF INTEREST**

No Planning Commissioners or City Council Members have a conflict of interest with this project.

## **CONCLUSION**

The Planning Commission and staff recommend that the City Council adopt the attached resolution approving the Doyle Street Mews project.

**PREPARED BY:** Navarre Oaks, Assistant Planner

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



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Carolyn Lehr, City Manager

## **ATTACHMENTS**

1. Resolution
2. Arborist Report dated August 26, 2016
3. Exhibit A, Conditions of Approval and Attachments
4. Project Plans dated September 19, 2017