

RESOLUTION NO. 17-____

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)

WHEREAS, on March 8, 2016 Jake Aftergood submitted an application for a Conditional Use Permit and Design Review Permit to demolish four existing legal residential units and two existing illegal residential units and to replace them with six new residential units at 5876 and 5880 Doyle Street; and

WHEREAS, 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; and

WHEREAS, Baron Studio Architecture submitted revised plans on September 19, 2017 in response to comments provided by Planning Commission at the study session held on July 27, 2017, and by City Council at the study session held on September 5, 2017; and

WHEREAS, the Emeryville Planning Commission held a duly and properly noticed public hearing on the proposed Doyle Street Mews project on September 28, 2017 to solicit public comments and review and consider the application, and then voted to recommend that the City Council approve the project; and

WHEREAS, the Emeryville City Council held a duly and properly noticed public hearing on the proposed Doyle Street Mews project on November 7, 2017 to solicit public comments and review and consider the application; and

WHEREAS, the Emeryville City Council has reviewed and considered the staff report and attachments thereto, the plans, and all public comments for the Doyle Street Mews residential project at 5876 and 5880 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 City Council of the City of Emeryville hereby finds that the project is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15303(b), which applies to new construction or conversion of apartments, duplexes and similar structures designed for not more than six dwelling units, 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 Doyle Street Mews project, **UPDR16-002**, the 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 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 in 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 Findings Pursuant to Section 9-4.204(f)(2):

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 Findings Pursuant to Section 9-5.1206(b)(2):

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 Findings Pursuant to Section 9-7.407:

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.

and be it further

RESOLVED, that the City Council hereby approves a Conditional Use and Design Review Permit for “Doyle Street Mews”, **UPDR16-002**, to demolish four existing legal residential units and two existing illegal residential units and replace them with six new residential units at 5876 and 5880 Doyle Street, as submitted on March 8, 2016 and

revised on September 19, 2017 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 Tuesday, November 7, 2017, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY