



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: January 16, 2018

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: Study Session: Ocean View Townhomes, 1270 Ocean Avenue

RECOMMENDATION

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

BACKGROUND

An application to demolish an existing single family home and replace it with a four-unit residential building at 1270 Ocean Avenue was originally filed on May 2, 2016 (case file number UPDR16-004). The project went to the Planning Commission for a study session on January 26, 2017. Area residents commented that the proposed building was too large and out of character with the neighborhood, and that it should be reduced to either two or three residential units. The Planning Commission echoed these comments, suggesting that the applicant revise the project to better fit in with the existing neighborhood, the Emeryville Design Guidelines, and the North-Hollis Area Urban Design Program.

The applicant held a community meeting on April 5, 2017 at the Emeryville Center of Community Life (ECCL), where they asked for community feedback on revised plans containing three residential units. The community members present were generally supportive of the proposed redesign, finding the number of units, bulk of the building, and building materials and design to better suit the neighborhood.

In reviewing the redesigned project, staff noted that the driveway width did not meet the requirements of the Planning Regulations for 90-degree parking (Planning Regulations Table 9-4.406: Parking Dimensions). Staff also noted that locating a driveway entrance anywhere on the Ocean Avenue side of the property would necessitate the removal of a street tree, requiring a Tree Removal Permit. Staff recommended relocating all parking along Peabody Lane, on the north side of the property. This modification has now been made to the project design.

A second Planning Commission study session was held on December 14, 2017. Since their prior review in January 2017, the plans reviewed at this study session were changed in the following ways:

- The project has been reduced from four units to three units;
- The inspiration of the project design has changed from Spanish revival to Craftsman;
- The driveway from Ocean Avenue, necessitating a Tree Removal Permit, has been removed;
- All parking access has been relocated to Peabody Lane;
- The building has been stepped back from both Ocean Avenue and Peabody Lane; and
- While not required, the applicant has incorporated Family-Friendly design details.

The Planning Commission provided feedback, suggesting that the materials of the third floor east elevation be changed from shingle to board and batten, and that the landscaping plan be revised to show more detail. The Commission expressed appreciation for the applicant's responsiveness to concerns raised by the Commission and neighbors. There was no public comment at this study session.

After the December 14, 2017 Planning Commission study session, the applicant revised the project plans to more accurately match the exterior elevations to the interior plans, and removed the shingles from the third floor of the east elevation. The applicant intends to replace the previously proposed shingles on the third floor with board and batten, as suggested by the Planning Commission.

DISCUSSION

Project Description

The applicant proposes demolishing an existing single family home and accessory structures in order to build one 3-bedroom and two 4-bedroom residential units. This project requires approval from the City Council upon a recommendation from the Planning Commission because it involves the demolition of residential units (Planning Regulations Section 9-5.1205).

General Plan and Zoning

Use: The proposed three-unit townhome development is classified as a Multi-Unit Residential use, which is defined as "Three or more dwelling units on a single lot that may be either attached or detached" (Planning Regulations Section 9-2.207).

Land Use Classification: The General Plan Land Use Diagram (Figure 2-2) classifies the project site as Medium Density Residential. In this land use classification, the General Plan states that "Multifamily housing types may be a conditional use, as specified in the Zoning Ordinance."

General Plan Figure 2-1, the “Areas of Change and Stability – 2009” map, 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 Ocean View Townhomes 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: This property is located in the Medium Density Residential (RM) Zone and the North Hollis Overlay (NH) Zone. Multi-Unit Residential uses are conditionally permitted in the RM Zone.

Floor Area Ratio (FAR): The base FAR permitted is 0.5, with a maximum 1.0 FAR available with a bonus. The parcel is approximately 5,650 square feet which provides a maximum of 2,825 square feet of total floor area under the base FAR of 0.5, and up to 5,650 square feet of total floor area with a maximum bonus FAR of 1.0.

Unit 1 (facing Ocean Avenue) is 1,389 square feet, Unit 2 (the middle unit) is 1,907 square feet, and Unit 3 (closest to Peabody Lane) is 1,877 square feet; this results in a total square footage of 5,173 square feet, or an FAR of .92. Under Section 9-4.204(f)(1)b. of the Planning Regulations, a conditional use permit is required to grant bonus floor area ratio in the RM Medium Density Residential zone (see the Development Bonuses section, below).

Building Height: The proposed units are 30 feet tall, which is the maximum height permitted (no bonus is available).

Residential Density: The base residential density is 20 dwelling units per acre; with a bonus the maximum residential density is 35 dwelling units per acre. At 0.13 acres, 3 dwelling units (rounded from 2.6) are permitted at 20 dwelling units per acre, and up to 5 dwelling units (rounded from 4.5) may be built at the maximum residential density of 35 dwelling units per acre. The proposed 3-unit development therefore is within the permitted base density, and does not require a conditional use permit for bonus density.

Development Bonuses: Section 9-4.204(b) states that community benefits are not required for projects with fewer than 10 residential units in the RM zone. To grant a conditional use permit for bonus FAR in the RM zone the City Council must make the findings required in Planning Regulations Section 9-4.204(f)(1):

- a. that the proposed project is compatible with the surrounding neighborhood for building scale, form, materials, and street orientation; and

- b. 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.

In addition, the regular findings for a conditional use permit in Planning Regulations 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 Council must 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. The block of Ocean Avenue between Doyle Street and Vallejo Street consists mostly of one and two story residential buildings with wood or stucco building exteriors. On the north-east corner of Doyle Street and Ocean Avenue there is a five-unit residential building that is three stories tall. To the north of 1270 Ocean Avenue, between Peabody Lane and 65th Street, a four-story building with 24 residential units is proposed (UPDR15-001).

Demolition of Residential Units: The demolition of residential units requires City Council approval, upon recommendation of the Planning Commission (Planning Regulations Sections 9-5.1203(b) and 9-5.1205). In order to approve demolition, the following findings must be made (Planning Regulations 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 the existing unit with three larger units each containing 3 or 4-bedrooms and an off-street parking space, which will be of a higher design quality than the existing 2-bedroom unit. The elimination of one 2-bedroom unit and its replacement it with three multi-bedroom units will not be materially detrimental to the housing needs or the public interest of the affected neighborhood.

Off-Street Parking: The estimated parking demand for residential units is one parking space per unit, or 3 parking spaces in this case. The minimum is 33% less than this, or 2 spaces, and the maximum is 10% more than this, or 3.3, which rounds to 3 spaces. Guest parking is not required for fewer than five dwelling units. The applicant is proposing 3 covered parking spaces, with one garage space for each unit. All parking spaces are proposed to be accessed from Peabody Lane, a private road, to which the owner of 1270 Ocean Avenue has an easement. This is compatible with the Design Guidelines which state that parking "should be located where it has the least visual and physical impact on the street," and that "the lot frontage should provide a minimum of 70% active non-parking related uses, provided that a maximum ten-foot width driveway is attainable" (Guideline I-13). By placing all of the parking along Peabody Lane, Ocean Avenue retains the two existing street trees and 100% active non-parking related uses.

The bicycle parking requirement is one long-term space per unit. (There is no requirement for short-term bicycle parking because this is tied to visitor automobile parking spaces, and no visitor automobile parking spaces are required for this project.) The applicant proposes hanging bicycle rack systems for long-term bicycle parking within each garage, as well as two bicycle racks near the common open space with the capacity for four short-term bicycle parking spaces.

Setbacks: The proposed project meets the setback requirements listed under Planning Regulations Section 9-4.301(a) for the front and side setbacks. The front setback equals an average of the front setbacks on the adjacent lots, and the interior side setbacks meet or exceed the 3-foot minimum.

Planning Regulations Table 9-4.301(a) requires a 15-foot rear setback. Under Table 9-4.301(e)(10) detached and attached garages are allowed anywhere in rear setbacks, provided that they are no more than 10 feet in height, and the horizontal dimension parallel to the lot line is no more than 20 feet, but not to within 3 feet of a street side lot line. As the height of the proposed garages exceeds 10 feet and their horizontal dimension exceeds 20 feet, a variance is needed to accommodate the parking garages along Peabody Lane.

Under Section 9-7.704 of the Planning Regulations all of the following findings for a variance must be made:

- a. The proposal for which the variance is sought is consistent with the General Plan.
- b. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of these Planning Regulations would deprive the property owner of privileges enjoyed by the owners of other property in the vicinity and in the same zoning district.
- c. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the vicinity and in the same zoning district and the variance, if granted, would not constitute a special privilege of the recipient inconsistent with limitations on other properties in the vicinity and in the same zoning district.
- d. Granting the variance would not be materially detrimental to the public health, safety, or welfare and would not impair an adequate supply of light and air to adjacent property.
- e. The conditions upon which the requested variance is based would not be applicable, generally, to other property in the same zoning district.

In staff's view, these findings can be made and the proposal is consistent with the General Plan. The applicant has submitted a copy of an easement that provides both vehicular and pedestrian access to 1270 Ocean Avenue via Peabody Lane. This opportunity for rear property access via a private road is a special circumstance that only applies to other properties along Peabody Lane, and does not apply generally to other properties in the vicinity or in the same zoning district. A strict application of the regulations would deprive the property owner of privileges enjoyed by other property owners in the same zoning district, as the majority of parcels on the south side of Peabody Lane have either or both pedestrian (gates) and vehicular access (garages) to Peabody Lane. Furthermore, part of the intent of the rear setback is to provide an adequate buffer for properties to the rear. In this case, properties to the rear, along 65th Street, are buffered from the 1270 Ocean Avenue property by the 22± foot width of Peabody Lane, a unique circumstance that only affects properties on the north side of Ocean Avenue between Doyle and Vallejo Streets. Authorizing a variance would substantially meet the intent and purpose of the zoning district, and would not be detrimental to the health, safety, and general welfare of persons in the neighborhood or to the general welfare of the City.

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. Where it is infeasible to provide private open space, a total of 100 square feet of common open space must be provided per unit. The applicant exceeds all open space requirements by proposing a 100 square foot private patio for Unit 1, east-facing roof decks for Unit 2 and Unit 3 of 240 and 230 square feet, respectively, a second 202 square foot private deck on top of the center garage for Unit 3, and 168 square feet of common open space between Unit 1 and Ocean Avenue.

Landscaping: Landscaping requirements are set forth in Article 5 of Chapter 4 of the Planning Regulations. Section 9-4.504 stipulates that development projects in any zone other than industrial zones must include landscaped areas consisting of at least ten percent of the project site.

Planning Regulations Section 9-8.212(a) defines “landscaping” as “living vegetation, planted in the ground, including some combination of trees, ground cover, shrubs, vines, flowers, or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, artworks, screen walls, fences and benches, but not including swimming pools or spas.”

The parcel is approximately 5,650 square feet, requiring a minimum of 565 square feet of landscaping. The proposed plans exceed the minimum landscaping requirement by providing 920 square feet of “softscape”, 1,036 square feet of “pervious hardscape”, and 96 square feet of impervious hardscape, a total of approximately 2,052 square feet, in the front, side, and rear yards.

North Hollis District Overlay: The North Hollis Area Urban Design Program states that building massing and treatment should be scaled and treated in a way that is compatible with adjacent existing structures, and that for projects east of Doyle Street/South of Ocean Avenue “the predominant fabric of single family homes and duplexes should be respected; new development should provide for horizontal and vertical articulation with changes in roof and wall planes at intervals of no more than 25 feet. Sloping gabled and/or hip roofs, and projecting bays and porches, are encouraged to reinforce the historic residential character of the neighborhood. Complementary and traditional building materials including wood and masonry are encouraged (pages 26 – 27).”

Design Review: All new building construction, except Single Unit or Two Unit residential uses, requires Major Design Review from the Planning Commission, and, in this case, from the 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. To approve a design review application, all of the findings under Planning Regulations Section 9-7.407 must be made:

- 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.

Locating the parking along Peabody Lane is consistent with the following Design Guidelines as it is a private access dead-end road (not a primary street frontage), with no connections to the west, and does not have sidewalks:

- B-2 Limit the number of curb cuts and driveway entrances to reduce conflicts with pedestrians. Locate the entrance on a side street where feasible. If a driveway entrance is located on the primary street frontage, minimize the length of the curb cut and explore sharing driveways and/or loading areas with adjacent property owners.
- I-13 Parking should be located where it has the least visual and physical impact on the street.
 - The predominant ground floor features of a home should be windows, doors, porches, stairs, or other architectural features.
 - The lot frontage should provide a minimum of 70% active non-parking related uses, provided that a maximum ten-foot width driveway is attainable. (See Urban Design Element Policy UD-P-15.)
 - Employ architectural features, such as bay window projections, over garages to reduce their appearance and provide visual interest.

Staff Comments

Staff reviewed the proposed project at the July 12, 2017 Development Coordinating Committee meeting. Staff requested more details, including dimensions from the face of the proposed garage to the far side of Peabody Lane, the dimensions of the proposed common open space, elevations of Ocean Avenue and Peabody Lane that include the heights of the existing neighboring buildings, landscaping information, and providing a garbage enclosure.

Staff reviewed revised plans at the December 13, 2017 Development Coordinating Committee meeting. Staff felt that all previous comments had been addressed and that the applicant was very responsive to the feedback provided by staff, the community, and the Planning Commission. It was noted that the project would require the replacement of the curb, gutter, and sidewalk along Ocean Avenue. Staff will verify with the consulting City Arborist to determine how to best insure the health of the two existing street trees along the Ocean Avenue property frontage. Staff also noted that a guy-wire for a utility pole on the Peabody Lane side of the property would block access to the proposed garages. It appears that the only utility served by the pole is a street light for Peabody Lane. Removal and replacement of the street light on the applicant's property will be required as part of this project.

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 all required findings can be made?
 - Section 9-4.204(f)(2) Development Bonuses: Findings
 - Section 9-7.505 Conditional Use Permits: Findings
 - Section 9-5.1206(b)(2) Demolition of Residential Units: Findings
 - Section 9-7.704 Variance: Findings
 - Section 9-7.407 Design Review: Findings

PREPARED BY: Navarre Oaks, Assistant Planner

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



Carolyn Lehr, City Manager

ATTACHMENTS

1. Project Plans Submitted December 20, 2017