

RESOLUTION NO. 20-____

Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For “47th Street Homes”, To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel At 1034-1042 47th Street (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3))

WHEREAS, on July 5, 2018 Mark Forbes C/O Rhoades Planning Group submitted an application for a Conditional Use Permit and Major Design Review Permit to demolish four existing single-unit homes and replace them with three duplexes, for a total of six units on one parcel at 1034 – 1042 47th Street (“Project”); and

WHEREAS, a community meeting was held on September 5, 2019; a Planning Commission study session was held on October 24, 2019; and a City Council study session was held on January 21, 2020, to discuss the Project; and

WHEREAS, the applicant submitted revised plans on June 8, 2020 in response to comments provided at the community meeting and at the Planning Commission and City Council study sessions; and

WHEREAS, on June 25, 2020, the Emeryville Planning Commission held a duly and properly noticed public hearing on the Project to solicit public comments and review and consider the application and then voted to recommend denial of the application; and

WHEREAS, on September 15, 2020, the Emeryville City Council held a duly and properly noticed public hearing on the Project to solicit public comments and review and consider the application; and

WHEREAS, the City Council of the City of Emeryville reviewed and considered the staff report and attachments thereto, the plans, and all public comments for the Project, 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 “common sense exemption” 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 Project, UPDR18-002, 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.

The Project is consistent with the following General Plan goals and policies:

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 Project preserves residential uses in a Medium Density Residential zone. The Project conforms to the height, floor area ratio (FAR), and residential density limits of the neighborhood as designated by the General Plan, and therefore is in scale with this area of stability and is in character with the Triangle neighborhood.

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 Project is consistent with the Medium Density Residential Classification in section 2.4 and the Medium Density 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 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 Project is consistent with the base 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 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 Project preserves the existing residential use while providing new multi-bedroom units with more landscaping and open space than required. The Project is compatible with the neighborhood because it consists of three duplexes on one parcel in a neighborhood that contains a diversity of housing types including single units, duplexes, and multi-unit buildings. The Project reduces the number of curb cuts from four to one, making the Project compliant with the current Design Regulations, and improving street design by providing more on-street parking and street trees. The reduction in curb cuts also improves safety by reducing the number of potential vehicle-pedestrian conflicts, and the new construction will provide safer buildings that meet current Building and Fire codes, including sprinkler systems.

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 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 Project maintains the current site's use as a residential use and is compliant with all maximum floor area ratio (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 Project will contribute to the general well being of the surrounding neighborhood and community by adding two new high quality residential units in a residential neighborhood; meeting all requirements of the Planning Regulations; and increasing the number of multi-bedroom residential units in the City. This Project will add two additional units of housing during the City's declared emergency shelter crisis and the State housing crisis. The redesigned curb, gutter and sidewalk reduce the total number of curb cuts from four to one, improving the well being of the surrounding neighborhood by adding three new street trees, and improving safety by reducing potential pedestrian-vehicle conflicts at driveways.

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

The Project complies with all applicable standards and requirements of the Planning Regulations.

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 Project replaces four residential units with six new residential units on the same site.

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 Project features design quality that is higher than the existing structures to be demolished by providing larger units with family-friendly features that comply with the City's family-friendly guidelines despite not being required to do so because the project consists of fewer than ten units; by exceeding open space and landscaping requirements; and by exceeding minimum bicycle parking requirements. The Project is compatible with the character of the neighborhood in that the number of dwelling units does not require a bonus, respecting the density of the neighborhood. The design of the Project, which utilizes gabled roofs and large front porches, is consistent with the existing building styles and character of the neighborhood.

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 Project would not be materially detrimental to the housing needs or the public interest of the neighborhood or the City because it replaces existing units with higher quality units and adds two new residential units, all of which contain multiple-bedrooms and family-friendly features which diversifies the types of residential units available in Emeryville, which has a high number of studio and one-bedroom units compared to neighboring cities.

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.

The Project is consistent with the following General Plan 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 Project is consistent with the scale and character of the Triangle neighborhood, which contains a variety of residential homes and modern condominium complexes that use a variety of building styles (including gabled roofs) and various building materials (including wood shingles, wood siding, and stucco). The residential use type supports the identity of the district by maintaining a residential use and conforming to the Emeryville Design Guidelines and Planning Regulations.

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

The demolition and replacement of the existing four single-unit homes with three duplexes maintains the existing residential use in the Triangle neighborhood, which includes a mix of housing types. The Project consists of six units with family-friendly features on a site that is zoned for up to 11 residential units with a bonus, 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 Project is compatible with the scale, character and identity of the adjacent existing developments by adhering to setback and height requirements, incorporating gabled roofs, and using building materials found elsewhere in the neighborhood. To avoid a continuous row of garages along 47th Street, all vehicular parking is located at the rear of the property in

garages accessed by a single driveway that is 10 feet wide. This leaves about 140 feet of the 150 foot street frontage, or about 93%, for active non-parking related uses.

UD-P-19 *Infill development shall provide activation at the lot frontage and minimize visible off-street parking. The proposed development provides an active residential use for 70% of the lot frontage. The visibility of off-street parking areas is minimized by locating two of the three parking spaces behind the front residential unit, and the third parking space towards the rear of the property.*

The Project provides an active residential use, with each unit having large, street-facing porches. The visible impacts of off-street parking are minimized by having vehicular parking located at the rear of the property in garages accessed by a single driveway that is 10 feet wide.

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.

The Project conforms to the applicable provisions of the Emeryville Design Guidelines, including the following:

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 Project locates all discards enclosures (trash, compost, and recycling) in covered, secured enclosures adjacent to garage entrances at the rear of the property. None of the bins are visible from the street, and bins are covered and secured to prevent tipping over and contamination of waste in stormwater runoff.

G-14 *Install roof terraces as an efficient way to use the site and to maximize sunlight access. Green roofs can fulfill common open space requirements, as long as they are usable and accessible to all units.*

All second-floor units in the Project include large south-facing porches which maximize sunlight access.

I-10 Seek opportunities to improve landscaping, sidewalk condition, and overall streetscape during rehabilitation and new construction.

The Project improves landscaping by replacing the existing lawns with water efficient plants; improving the sidewalk condition by replacing the curb, gutter, and sidewalk to provide only one 10 foot wide curb cut; and increasing the number of street trees from one to four.

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

The Project uses gabled roofs, large porches, and landscaping that exceeds minimum requirements to create a project that is of a high design quality and that is compatible with, and will not adversely affect, the surrounding neighborhood.

and be it further

RESOLVED, that the City Council hereby approves a Conditional Use Permit and Design Review Permit for **UPDR18-002** to demolish four existing single-unit homes and replace them with three residential duplexes, for a total of six units, as submitted on July 5, 2018 and revised on June 8, 2020 subject to the Conditions of Approval attached hereto as Exhibit A 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 on Tuesday, September 15, 2020 by the following votes:

AYES: _____

NOES: _____

ABSTAIN: _____


ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY