

**RESOLUTION NO. 20-\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Denying A Conditional Use Permit And Design Review Permit For “47<sup>th</sup> Street Homes”, To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel At 1034 – 1042 47<sup>th</sup> Street (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15270)**

**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 47<sup>th</sup> 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

**WHEREAS**, following the public hearing, the Emeryville Planning Commission voted to recommend denial of the application based on concerns about the net loss of affordable units in the neighborhood; that the Project is detrimental to the existing conditions of the neighborhood; that the Project is inconsistent with the goals of the General Plan to have a mix of housing units and housing types; that the Project is inconsistent with the Housing Element goals of meeting RHNA requirements; and that the Project is a detriment to the community, the neighborhood, and the city because of the loss of the large trees that are providing ecological benefits, and ecosystem services including reducing air pollution and providing mental and physical health benefits; and that the existing large trees cannot have a comparable replacement; 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, and the applicable standards of the Emeryville Planning Regulations (“the Record”); and

**WHEREAS**, the Emeryville Municipal Code requires that the City Council make certain findings under Emeryville Municipal Code Section 9-5.1206(b), which requires the City Council to find “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” to approve the demolition necessary for the Project; now, therefore, be it

**RESOLVED**, that in denying the proposed Project, UPDR18-002, the City Council cannot make the finding as required by Emeryville Municipal Code Section 9-5.1206(b)(2) for the following reasons based on the evidence in the record:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

and be it further

**RESOLVED**, that, pursuant to the Housing Accountability Act, California Government Code Section 65589.5(j)(1)(A), the City Council makes the following findings that the Project would have a specific, adverse impact upon the public health or safety unless the Project is disapproved for the reasons set forth below. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

and be it further

**RESOLVED**, that, pursuant to the Housing Accountability Act, California Government Code Section 65589.5(j)(1)(B), there is no feasible method to satisfactorily mitigate or avoid the adverse impact(s) identified above, other than the disapproval of the Project, for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

and be it further

**RESOLVED**, that the City Council hereby denies 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.

**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