

EMERYVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Date: April 23, 2020

Report Date: April 16, 2020

TO: Planning Commission

FROM: Navarre Oaks, Assistant Planner
Community Development Department

SUBJECT: **Floor Area Ratio Increase (UP20-002)**

PROJECT LOCATION: 1375 55th Street (APNs: 49-1184-13)

APPLICANT: Claire Mischeaux
1396 Park Avenue
Emeryville, CA 94608

OWNER: Weinberg, Rogers & Rosenfeld
1001 Marina Village Parkway #200
Alameda, CA 94501

PROJECT DESCRIPTION: Consideration of a Conditional Use Permit application to add 449 square feet of floor area to expand a mezzanine for an existing office use at 1375 55th Street.

GENERAL PLAN DESIGNATION: Mixed Use with Non-Residential

ZONING DISTRICT: Mixed Use with Non-Residential (MUN)

ENVIRONMENTAL STATUS: This project is exempt from environmental review under State CEQA Guidelines Section 15301(e)(2) which applies to small additions to existing structures; and the “common sense exemption” at State CEQA Guidelines 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.

APPLICABLE	Section 9-7.505	Conditional Use Permits: Findings
MUNICIPAL CODE	Section 9-4.204(f)(2)	Development Bonuses: Findings
PROVISIONS:	Section 0-5.1206(a)(1)	Preservation and Reuse: Findings

RECOMMENDED COMMISSION ACTION:

1. Open public hearing and take testimony regarding the proposed project.
2. Close public hearing and consider Staff Report and Resolution.
3. Approve Conditional Use Permit (UP20-002).

PROJECT DESCRIPTION:

The Pickleworks Building at 1375 55th Street was most recently home to the Ann Martin Center, an “Offices: General” use, and is in the process of being refurbished for the law offices of Weinberg, Roger & Rosenfeld, which is also classified as an Offices: General use. The Offices: General use is permitted in the Mixed Use with Non-Residential (MUN) zone where 1375 55th Street is located.

The applicant proposes expanding an existing mezzanine within the building to add 449 square feet of floor area for the incoming law offices. Expanding the mezzanine would not require any exterior changes to the building, so Design Review is not required. The existing floor area of the building already exceeds the base floor area ratio (FAR) of 0.5, which means that any addition in square footage requires a Conditional Use Permit and Development Bonus. Details are provided below in the “General Plan and Zoning” section.”

GENERAL PLAN AND ZONING:

Land Use Classification: The General Plan Land Use Diagram (Figure 2-2) classifies the Project site as Mixed Use with Non-Residential, which calls for “one or more of a variety of nonresidential uses, including but not limited to offices, retail and hotels”.

Zoning District: This property is located in the Mixed Use with Non-Residential (MUN) zone.

Use: Both the previous use (the Ann Martin Center) and the incoming tenants (the law offices of Weinberg, Roger & Rosenfeld) are considered Offices: General uses per Section 9-2.341(a) which defines this use as “General, non-governmental offices with only incidental walk-in clientele. Typical uses include corporation headquarters, administrative offices, high technology offices, and software development firms.” The Offices: General use is permitted in the Mixed Use with Non-Residential (MUN) zone where 1375 55th Street is located; a Conditional Use Permit is not required for the use of the building as an office.

Floor Area Ratio (FAR): The base FAR permitted is 0.5, with a maximum 1.0 FAR available with a bonus. The Project site is approximately 24,808 square feet, which allows a maximum of 12,404 square feet of total floor area under the base FAR of 0.5. The existing building is approximately 15,052 square feet, which equates to a FAR of 0.61, and is over the base FAR of 0.5. As the existing building is over the base FAR, any additional square footage added to the

existing building requires a Major Conditional Use Permit. The proposed mezzanine addition would add 449 square feet, for a total building square footage of 15,501. This proposal increases the FAR by 0.01 to 0.62 FAR.

Building Height: There are no proposed changes to the height of the existing building, which complies with the maximum height of 30 feet.

Development Bonuses: This Project exceeds the base FAR of 0.5, triggering development bonus requirements. As discussed in the Floor Area Ratio (FAR) section above, the proposed increase of 449 square feet increases the total FAR by 0.1 from 0.61 FAR to 0.62 FAR. This increase requires two bonus points $((0.62-0.61)/(1.0-0.5) \times 100 = 2)$ ¹. Normally, a project is required to earn at least half of its bonus points, rounded up to the nearest five points, from the affordable housing category, and the other half of its bonus points from other community benefits. For affordable housing, residential projects are required to provide affordable units in the project, and nonresidential projects are required to pay an additional Affordable Housing Impact Fee. Because this project requires less than five bonus points, it triggers only the affordable housing requirement, and no other community benefits are required. The smallest increment of additional Affordable Housing Impact Fee, per Table 9-4.204(d)(2), is 10% for 5 points. Thus, to earn the required 2 bonus points, the project must pay an additional 10% on its Affordable Housing Impact fee.

Off-Street Parking: 1375 55th Street is located in the MUN zone where Office: General is a permitted use. Per Section 9-4.402(a), parking and loading requirements apply to all new buildings and to all new conditionally permitted uses in existing buildings. As this application is for a permitted use in an existing building, only the proposed 449 square feet of additional office space is subject to parking requirements. Per Section 9-4.402(b):

“Enlargements and Expansions. Unless otherwise specified, the parking and loading requirements of this Article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements for that use. Additional off-street parking and loading spaces are required only to serve the enlarged or expanded area.”

As parking is only calculated for the new floor area, the 449 square feet of parking results in a minimum parking requirement of 1 space. The existing parking lots for the building contain a total of 37 parking spaces, including a lot adjacent to the east side of the building (17 spaces) and a lot across 55th Street (20 spaces). These lots will continue to serve the parking needs of the building and no additional parking is required.

¹ Per Section 9-4.204(c)(1), bonus points are calculated by dividing the bonus requested by the bonus increment and multiplying by 100. In this case, the bonus requested is the difference between the proposed FAR (0.62) and the existing FAR (0.61), which equals 0.01. The bonus increment is the difference between the maximum allowed bonus FAR and the base FAR, which, in this case, is 1.0 (bonus FAR) minus 0.5 (base FAR), or 0.5. Dividing 0.01 by 0.5 yield 0.02, which, multiplied by 100, equals 2. Thus, 2 bonus points are required in this case.

The minimum bicycle parking requirement is two short-term parking spaces and two long-term bicycle parking spaces. Existing short term racks already exist in close proximity to the main building entrance located on 55th Street. The applicant proposed adding one bicycle locker with the capacity for two bicycles adjacent to the rear courtyard.

Open Space: As this Project reuses an existing building and the proposed addition is less than 10,000 square feet of gross floor area, it is not subject to the Open Space Requirements of Section 9-4.303.

Landscaping: As this Project is reusing an existing building and does not include the erection of a new building, or the enlargement of the existing building by more than ten percent or 1,000 square feet, it is not subject to the Landscaping requirements set forth in Article 5 of Chapter 4 of the Planning Regulations.

Design Review: This Project does not require design review because there are no proposed changes to the exterior of the building. The additional square footage is proposed within the existing footprint and building façade.

Significant Structure: The Pickleworks building is listed as a significant structure in Table 9-5.1210 of the Planning Regulations. The preservation and reuse of a significant structure requires a conditional use permit, with the finding that proposed project will retain and enhance all or most of the features of the structure that make it significant.

CONFORMITY TO PLANNING REGULATIONS:

Conditional Use Permit: Section 9-7.505

In order to approve a Conditional Use Permit, the Commission must make the general findings required by Section 9-7.505. Staff believes that these findings can be made for the following reasons:

1. The proposed use is consistent with the General Plan.

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

LU-G-1 An overall balance of uses—Employment, residential, cultural, destination and local retail—as well as a full range of amenities and services necessary to support a vibrant community.

The reuse, and expansion of square feet, within the existing significant structure in the Pickleworks building at 1375 55th Street provides additional work space for an office use contributing to the overall balance of employment opportunities in the City of Emeryville.

CSN -P-26 The City encourages developers to reuse existing historic or architecturally significant structures.

The proposed expansion of floor area for an office space use within the existing Pickleworks building allows for the reuse of an existing architecturally significant structure without compromising its significant features.

LU-G-9 Appropriately scaled buildings— heights and massing that do not appear monolithic.

The proposed reuse of the existing Pickleworks building, which is designated as a significant building in the Emeryville Planning Regulations, includes additional floor area added to a mezzanine so that this appropriately scaled building has no changes in exterior appearance, including building height and massing.

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 compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting because it requires no exterior changes to the building, and allows for the expansion of a permitted use that does not change the size, coverage, or general operating characteristics of the existing structure which is designated as a significant building in the Emeryville Planning Regulations.

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 will not burden the existing systems because it will conform to the building code, and is consistent with the Emeryville General Plan, which assessed the impacts of development on such systems.

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 by reusing an existing building designated as a significant structure in the Emeryville Planning Regulations for a permitted use that will provide employment opportunities within walking distance of residential units, bicycle routes, and public transit.

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

The proposed addition of floor area within the Pickleworks building complies with all applicable standards and requirements of the Planning Regulations.

Conditional Use Permit Section 9-4.204(f)(2)

In order to approve a Conditional Use Permit for development bonuses, the Commission must make the findings required by Section 9-4.204(f)(2). Staff believes that these findings can be made for the following reasons:

- a. That the proposed project will provide community benefits sufficient to earn the number of points required for the bonus amount requested.

The Project requires 2 bonus points. In order to earn two bonus points the project includes payment of the smallest increment of the additional Affordable Housing Impact Fee, per Table 9-4.204(d)(2), which is 10% for 5 bonus points. Thus, to earn the required 2 bonus points, the Project must pay an additional 10% on its Affordable Housing Impact fee, which is sufficient to earn the number of points required for the bonus amount requested.

- 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.

The Project includes the payment of an additional 10% on its Affordable Housing Impact fee, which clearly is beyond what would otherwise be required for the Project and would not be paid if it were not for the community benefit requirement.

- c. 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 community benefit for the Project is acceptable and appropriate in this case because it is fulfilling the payment required per Table 9-4.204(d)(2) and provides the tangible community benefit of providing additional funds for affordable housing.

Preservation and Reuse Findings Section 9-5.1206(a)(1)

To approve a proposal for the preservation or reuse of a significant structure the Commission must make the finding required by 9-5.1206(a)(1). Staff believes that this finding can be made for the following reason:

1. That the proposed project will retain and enhance all or most of the features of the structure that make it significant, as described and indicated in Table 9-5.1210.

The Project requires no changes to the exterior of the building, thus retaining all of the features (stepped roofline, yellow brick outlining windows contrasting with red brick, entry with windows and stoop, industrial windows) of the structure that make it significant.

STAFF COMMENTS:

Staff has reviewed the proposed Project and finds it to be in compliance with all General Plan and Planning Regulation requirements, as described above.

ENVIRONMENTAL REVIEW:

This Project is for a 449 square foot addition to an existing building and is therefore exempt from environmental review under State CEQA Guidelines Section 15301(e)(2) which applies to small additions to existing structures and is consistent with the capability of the water supply, waste water disposal, fire, and police systems to operate adequately and will not burden the existing systems because the Project it will conform to the building code, and is consistent with the Emeryville General Plan, which assessed the impacts of development on such systems. This project is not in an environmentally sensitive area. In addition, this Project is reusing an existing building, and all required findings have been made demonstrating consistency with the Emeryville General Plan and Emeryville Planning Regulations. Therefore, this Project is exempt from environmental review under the State CEQA Guidelines “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.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Conditional Use Permit for the proposed increase of 449 square feet of floor area to an existing building at 1375 55th Street, subject to the attached Conditions of Approval.

Attachments:

1. Applicant’s Conditional Use Permit Narrative dated March 4, 2020
2. Plans dated March 6, 2020
3. Resolution
4. Conditions of Approval