



City of Emeryville

INCORPORATED 1896

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4300 San Pablo RFQ/P Questions and Answers As of October 10, 2019

1. I thought I remember hearing that the PPT slide deck and other info will be emailed out to those who attended the meeting. I haven't received anything yet so if I somehow missed that distribution can you please send it to me directly?
 - The list of attendees at the Pre-Submittal Meeting and the Power Point Presentation was posted on the City's Website. A copy of both documents is attached as well.
2. We have noticed that the Project Information, Sources and Uses, 30 yr cashflow are very detailed. Do you need this level of detail for Phase 1 (RFQ) of this process?
 - Yes, the Project Information, Sources and Uses, 30 yr cashflow are required for submission in Phase 1. Financial feasibility/stability of the project is an evaluation criterion for Phase 1 and Phase 2.
3. If you do need a high level of details, have you considered pushing back the submittal date to the end of October?
 - The submittal date for Phase 1 has been extended to October 31, 2019 at Noon.
4. I'm writing to see if the City would consider extending the Phase 1 RFQ/P deadline by two weeks?
 - The submittal date for Phase 1 has been extended to October 31, 2019 at Noon.
5. Section 9-4.301 of Emeryville's code says setbacks abutting a lot in a residential zone are – for interior side “3 feet plus an additional 2 feet for each 1 foot by which the height of the building on the nonresidential lot exceeds 30 feet” and for rear “10 feet plus an additional 2 feet for each 1 foot by which the height of the building on the nonresidential lot exceeds 30 feet.” The height limit is 75 feet with density bonus. 75 feet minus 30 feet is 45 feet. 45 feet times 2 feet is 90 feet. So the interior side setback is 93 feet and the rear setback is 100 feet. That takes up most of the lot. How do you deal with that?
 - The lower 30 feet can be at the 3-foot or 10-foot line. The building can step back from there. If the fourth floor is 10 feet tall, it steps back 20 feet, and so on. So, if you call the northern boundary at the senior housing the rear, you could get to 60 feet height on San Pablo Avenue south of a line 70 feet from the northern boundary, and on 43rd Street west of a line 63 feet from the eastern boundary.

6. Can a driveway be in a side yard?

- Note the catch-all in Section 9-4.301(e) that says: “The restrictions imposed by this subsection may be modified, and additional features may be allowed in required yards, upon the granting of a minor conditional use permit pursuant to Article 5 of Chapter 7.” Thus, a driveway can be permitted with a minor CUP. In the case of this project, which will require both Planning Commission and City Council approval (because of deviating from the required unit mix), we can just add that CUP in with the other required planning approvals.

7. How do you address intergenerational housing without violating fair housing?

- While HUD’s Fair Housing Act (FHA) prohibits housing discrimination based on age, race, nationality, religion, gender, handicap, or familial status (i.e., having one or more children under age 18 living in the household), HUD created an exemption called the Housing for Older Persons Act (HOPA). HOPA protects senior housing communities from being sued for age discrimination by those under the minimum age requirement. For 55 and over communities, they must meet all of the following requirements in order to qualify for the HOPA exemption:
 - A minimum of 80 percent of the community’s units must have at least one occupant who is 55 years of age or older.
 - The community must publish and comply with policies and procedures that demonstrate they intend to operate as “55 and older” housing.
 - The community must comply with HUD’s requirements for age verification of residents.