



Community Development Department

AGENDA

PUBLIC MEETING OF THE CITY OF EL CERRITO SUBDIVISION COMMITTEE

3:00 p.m.
Tuesday, May 7, 2019
El Cerrito City Hall
Hillside Room
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call: Planning Commissioners Joy Navarrete and Erin Gillett; City Manager, Karen Pinkos; City Engineer/Public Works Director, Yvetteh Ortiz.

1. Comments from the Public

(Each speaker is limited to a maximum of 3 minutes.)

2. Committee Member Communication/Conflict of Interest Disclosure

This time on the agenda is reserved for Committee Members to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.

3. 10534 San Pablo Avenue – Tentative Parcel Map

Application: PL18-0046
Project Location: 10534 San Pablo Avenue
Applicant: Ken Choi
APN: 503-233-035
Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
Request: Approve a Tentative Parcel Map for a minor subdivision of one lot into two lots. Parcel A is proposed to be 5,002 square feet and is developed with an existing two-story commercial building. Parcel B is proposed to be 5,009 square feet, with a three-story mixed-use commercial building currently under construction on said parcel.
CEQA: Exempt, Section 15315, Minor Land Divisions

4. Adjournment

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

10890 San Pablo Avenue, El Cerrito, CA 94530 Tel: (510) 215-4330
E-mail: smoss@ci.el-cerrito.ca.us

Appeals:

A decision of the Subdivision Committee may be appealed to the Planning Commission, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of the applicable appeal fee with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

Any writings or documents provided to a majority of the Subdivision Committee regarding any item on this agenda will be made available for public inspection in the Planning Division office located at 10890 San Pablo Avenue during normal business hours.



Community Development Department
Planning and Building Division
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 | planning@ci.el-cerrito.ca.us

SUBDIVISION COMMITTEE STAFF REPORT
May 7, 2019
10534 SAN PABLO AVENUE

DETAILS

Application Number: PL18-0046

Applicant: Mou Rong

Location: 10534 San Pablo Avenue

APN: 503-233-035

Zoning: TOMIMU (Transit-Oriented Mid-Intensity Mixed Use)

General Plan: TOMIMU (Transit-Oriented Mid-Intensity Mixed Use)

Request: Subdivision Committee consideration of a tentative parcel map for a two lot subdivision.

CEQA: This project has been found to be Categorically Exempt, Section 15315 of the California Environmental Quality Act, Class 15, Minor Land Subdivisions.

EXECUTIVE SUMMARY

The requested entitlement for consideration by the Subdivision Committee is a Tentative Parcel Map for a two-lot minor subdivision. The location of the proposed Tentative Parcel Map is 10534 San Pablo Avenue, an interior lot on San Pablo Avenue between Moeser Lane to the north and Waldo Avenue to the south. The existing parcel is 10,011 square feet in size. Parcel A is proposed to be 5,002 square feet and is developed with an existing two-story mixed-use building. Parcel B is proposed to be 5,009 square feet, with a three-story mixed-use building currently under construction on said parcel.

Staff has reviewed the proposal, and the proposed parcels meet the development standards for the TOMIMU zoning district.

Based on the information in this report, which supports the required findings, staff recommends approval of the project.

Background

Site Location and Layout

The project site is located on San Pablo Avenue within the San Pablo Avenue Specific Plan area, between Moeser Lane to the north and Waldo Avenue to the south. The parcel is 10,011 square feet, and is a mostly flat, generally square interior lot. Both the existing building and the building under construction have access from San Pablo Avenue.

Vicinity Map



Note: Aerial imagery does not reflect the three-story mixed-use building which is currently under construction on the site (see site photo below).

Project Background and Chronology

The project site was once part of the Alberts Nursery and encompassed a larger area and several other lots. After the business ceased operation approximately 20 years ago, the property was abandoned and the existing two-story building on the lot fell into disrepair. From 2001 to 2008, several applications were submitted for the re-development of the project site that also encompassed the three adjacent lots (503-233-036, 503-233-032, 503-233-007). In 2008, the property entered foreclosure and as a result, the four properties were sold separately.

In 2013, the Subdivision Committee approved a tentative parcel map to split the project site into two separate parcels of 5,000 square feet in size, and also to adjust lines on adjacent parcels 503-233-007-7 and 503-233-032-5. This parcel map was very similar to the proposed project. However, an application was never submitted for a final map and the tentative map expired. The Design Review Board also approved renovations to the existing building on the site around the same time frame, which similarly expired in 2015.

In 2015, an application for Tier II Design Review was submitted to renovate the existing building (similar to the renovations proposed in 2013) as well as to construct a new three-story building. This project was approved by the Design Review Board on May 4, 2016. The renovations to the existing building have been completed and the approved new building is under construction.

Lastly, on June 27, 2017, the Zoning Administrator approved a lot line adjustment transferring 11 square feet of lot area to the project site from the parcel at 10520 San Pablo Avenue (APN 503-233-033). This adjustment increased the project site's area to above 10,000 square feet, allowing for its subdivision into two parcels that each meet the minimum lot size requirement of 5,000 square feet.

Existing Land Use

An existing two-story mixed-use building is located on the northern portion of the lot (Parcel A). The existing building has a commercial space on the ground floor and a residential unit on the second floor. A three-story mixed-use commercial building is currently under construction on the southern portion of the lot (Parcel B). The new building has two spaces on the ground floor: a commercial space and a residential unit with a front space that could be used as a small office¹, and four residential units on the two floors above.

Adjacent Land Uses

North: Retail businesses on San Pablo Avenue; Moeser Square retail plaza.
Zoning and General Plan: TOMIMU.

East: Two vacant parcels proposed to be developed with a 69-unit residential building (921 Kearney).
Zoning and General Plan: TOMIMU.

South: Real estate office and dance studio.
Zoning and General Plan: TOMIMU.

West: Commercial uses in the City of Richmond, across San Pablo Avenue.

¹ This residential unit does not meet the definition of a live-work unit in El Cerrito Municipal Code §19.46.050 because more than 50% of the floor area would be used as living space.

Site Photo



Looking directly east towards site from across San Pablo Avenue. Existing building on left; new building under construction on right.

Analysis

Project Description

The requested entitlement for consideration by the Subdivision Committee is approval of a Tentative Parcel Map for a two-lot minor subdivision. Parcel A is proposed to be 5,002 square feet and is developed with an existing two-story commercial building. Parcel B is proposed to be 5,009 square feet, with a three-story mixed-use commercial building currently under construction on said parcel. An access and utility easement would be located between the two buildings and would be shared between the two parcels. The easement would contain a new concrete driveway and seven parking spaces, which are currently under construction. All proposed site improvements have already been approved through the Tier II Design Review process, as described above, and the scope of the current project is limited to the subdivision of the parcel.

Chapter 18.12 of the El Cerrito Municipal Code (Subdivision Ordinance) regulates the subdivision of a parcel where four (4) or fewer lots are created. Section 18.12.030 requires that the Subdivision Committee be the hearing body for these projects. The Committee shall determine if: 1) the proposed lots are in

conformity with the requirements of Chapter 18; 2) the proposed parcels comply with the necessary size and shape; and 3) the lots will have the proper and sufficient access to a public street.

The proposed Parcel Map meets the requirements of Chapter 18 (Subdivision Ordinance) and Chapter 19 (Zoning Ordinance) of the El Cerrito Municipal Code, as well as the provisions of the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan does not contain minimum lot size standards; however, the project site was previously in the Community Commercial (CC) zoning district, and the provisions applicable to that district which have not been superseded by provisions in the Specific Plan still apply to the project. Both of the lots created would be in conformance with Table 19.07-B of the Zoning Ordinance within the CC district development standards, which requires a minimum lot size of 5,000 square feet. Table 19.07-B does not contain minimum lot dimensions. Additionally, the San Pablo Avenue Specific Plan does not require any side setbacks, and the buildings on the two proposed lots would remain in compliance with the setback requirements after the subdivision.

Authority of the Subdivision Committee

Pursuant to Section 18.04.040 of the El Cerrito Municipal Code (Code), the Subdivision Committee is to consist of two members of the Planning Commission, the City Engineer (the Public Works Director), and the City Manager. As discussed in Section 18.12.030 in the Code, approval of a tentative parcel map shall be by vote of any three members of the Subdivision Committee. Approval of the tentative map, with amendments, if any shall be deemed the final approval and no final map needs to be submitted.

Environmental Review

The project is Categorically Exempt under the Section 15315 – Class 15, Minor Land Divisions, of the California Environmental Quality Act. This section consists of “the division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent”.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times and mailed to owners of property within 300 feet of the project site on April 16, 2019.

No comments have been received as of the preparation of this staff report.

General Plan Compliance

The project is consistent with and will implement the following policy of the El Cerrito General Plan:

LU4.1 Mixture of Uses. Encourage a mix of uses that promotes such community values as convenience, economic vitality, fiscal stability, public safety, a healthy environment, and a pleasant quality of life.

The project site will have two buildings with a total of six residential units and two commercial spaces on a formerly vacant site, promoting economic vitality in the surrounding neighborhood. Subdivision of the parcel will encourage fiscal stability by increasing the likelihood the two buildings remain financially viable into the future.

Compliance with the San Pablo Avenue Specific Plan

In addition, the project will implement the following strategies of the San Pablo Avenue Specific Plan:

Strategy B.2: Stimulate investment in vacant/underutilized sites at key focus areas.

Strategy B.3: Build on recent and planned private and public investments.

The site contains a recently renovated mixed-use building and has an approved new mixed-use building under construction. The subdivision will leverage this existing private investment by allowing the two buildings to be sold separately. This will promote the financial viability of an underutilized site which has been vacant for the past twenty years and has seen multiple unsuccessful attempts to redevelop it.

Required Findings

The Subdivision Committee must make the following findings as outlined in Section 18.12.030 of the Subdivision Ordinance:

1. The proposed subdivision is in conformance with the law and this title and the size and shape of the proposed lots are in general conformance to city requirements.

The San Pablo Avenue Specific Plan does not contain minimum lot size standards; however, the project site was previously in the Community Commercial (CC) zoning district, and the provisions applicable to that district which have not been superseded by provisions in the Specific Plan still apply to the project. Both of the lots created would be in conformance with Table 19.07-B of the Zoning Ordinance within the CC district development standards, which requires a minimum lot size of 5,000 square feet. Table 19.07-B does not contain minimum lot dimensions. Additionally, the San Pablo Avenue Specific Plan does not require any side setbacks, and the buildings on the two proposed lots would remain in compliance with the setback requirements after the subdivision.

2. The proposed lots will have proper and sufficient access to a public street.

The proposed lots would both have 50 feet of frontage along San Pablo Avenue. A new concrete driveway leading to a parking lot with seven spaces is under construction within the proposed easement, which would be shared between the two parcels.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application No. PL18-0046, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

Move adoption of Subdivision Committee Resolution SC 2019-01 granting approval for a two-lot tentative parcel map for Planning Application No. PL18-0046.

Appeal Period

Within ten (10) calendar days after the date of the decision, the Subdivision Committee action may be appealed to the Planning Commission.

Attachments

1. Draft Resolution
2. Tentative Parcel Map, dated April 30, 2019.

Subdivision Committee Resolution No. SC 2019-01**APPLICATION NO. PL18-0046**

A RESOLUTION OF THE CITY OF EL CERRITO SUBDIVISION COMMITTEE GRANTING APPROVAL FOR A TENTATIVE PARCEL MAP FOR A TWO-LOT SUBDIVISION LOCATED AT 10534 SAN PABLO AVENUE

WHEREAS, on April 5, 2018, the applicant submitted a Tentative Parcel Map to subdivide a parcel of 10,011 square feet into two parcels: parcel A is proposed to be 5,002 square feet and is developed with an existing two-story mixed-use building; parcel B is proposed to be 5,009 square feet, with a three-story mixed-use building currently under construction on said parcel; and

WHEREAS, the site is located within the San Pablo Avenue Specific Plan Area;

WHEREAS, the General Plan land use classification of the site is TOMIMU (Transit-Oriented Mid-Intensity Mixed Use); and

WHEREAS, the zoning district of the site is TOMIMU (Transit-Oriented Mid-Intensity Mixed Use); and

WHEREAS, the existing address of the site is 10534 San Pablo Avenue; and,

WHEREAS, the existing Assessor's Parcel Number of the site is 503-233-035; and

WHEREAS, on May 4, 2016, the Design Review Board adopted Resolution DRB16-02, granting Tier II Design Review approval for the renovation of the existing building on the site and construction of a new three-story building, and no further site improvements are proposed; and

WHEREAS, this project is Categorically Exempt under Section 15315 of the California Environmental Quality Act, Class 15, Minor Land Subdivisions; and

WHEREAS, on May 29, 2018, the Subdivision Committee of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The San Pablo Avenue Specific Plan does not contain minimum lot size standards; however, the project site was previously in the Community Commercial (CC) zoning district, and the provisions applicable to that district which have not been superseded by provisions in the Specific Plan still apply to the project. Both of the lots created would be in conformance with Table 19.07-B of the Zoning Ordinance within the CC district development standards, which requires a minimum lot size of 5,000 square feet. Table 19.07-B does not contain minimum lot dimensions. Additionally, the San Pablo Avenue Specific Plan does not require any side setbacks, and the buildings on the two proposed lots would remain in compliance with the setback requirements after the subdivision.
2. The proposed lots would both have 50 feet of frontage along San Pablo Avenue. A new concrete driveway leading to a parking lot with seven spaces is under construction within the proposed easement, which would be shared between the two parcels.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Subdivision Committee hereby approves Application No. PL18-0046, subject to the following conditions:

Planning Division:

1. The project shall be developed and maintained substantially in compliance with the plans dated April 30, 2019 except as amended by subsequent conditions of this Resolution. Minor changes may be approved by the Zoning Administrator.
2. The scope of this Subdivision Committee approval shall be limited to the approval of a Tentative Parcel Map for a two lot minor subdivision.
3. If not recorded, this Subdivision Committee approval of a Tentative Parcel Map shall expire two years from the date of this action.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Subdivision Committee at a regular meeting held on May 7, 2019, upon motion of Committee member _____, second by Committee member _____:

AYES:

NOES:

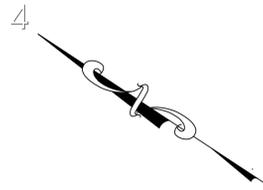
ABSTAIN:

ABSENT:

Sean Moss, AICP
Acting Planning Manager

LEGEND

- AD = AREA DRAIN
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- SS = SANITARY SEWER LINE
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- TB = TELEPHONE BOX
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- WL = WATER LINE
- WM = WATER METER
- WV = WATER VALVE



OWNER / SUBDIVIDER

MOU RONG
400 STANNAGE AVE APT C
ALBANY, CA 94706-1245

CURRENT USE: RESIDENTIAL / MIXED USE
PROPOSED USE: RESIDENTIAL / MIXED USE

PROPOSED NUMBER OF LIVING UNITS: 5 (NEW) 1 (EXISTING)
PROPOSED COMMERCIAL UNIT: 1 (NEW) 1 (EXISTING)

FLOOD ZONE: ZONE X, AREAS OF MINIMAL FLOOD HAZARD PER FEMA FLOOD INSURANCE RATE MAP 06013C241G, DATED AS OF 9-30-2015.

UTILITIES / SERVICES

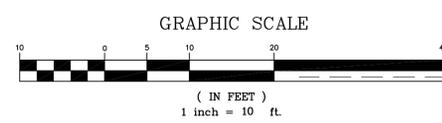
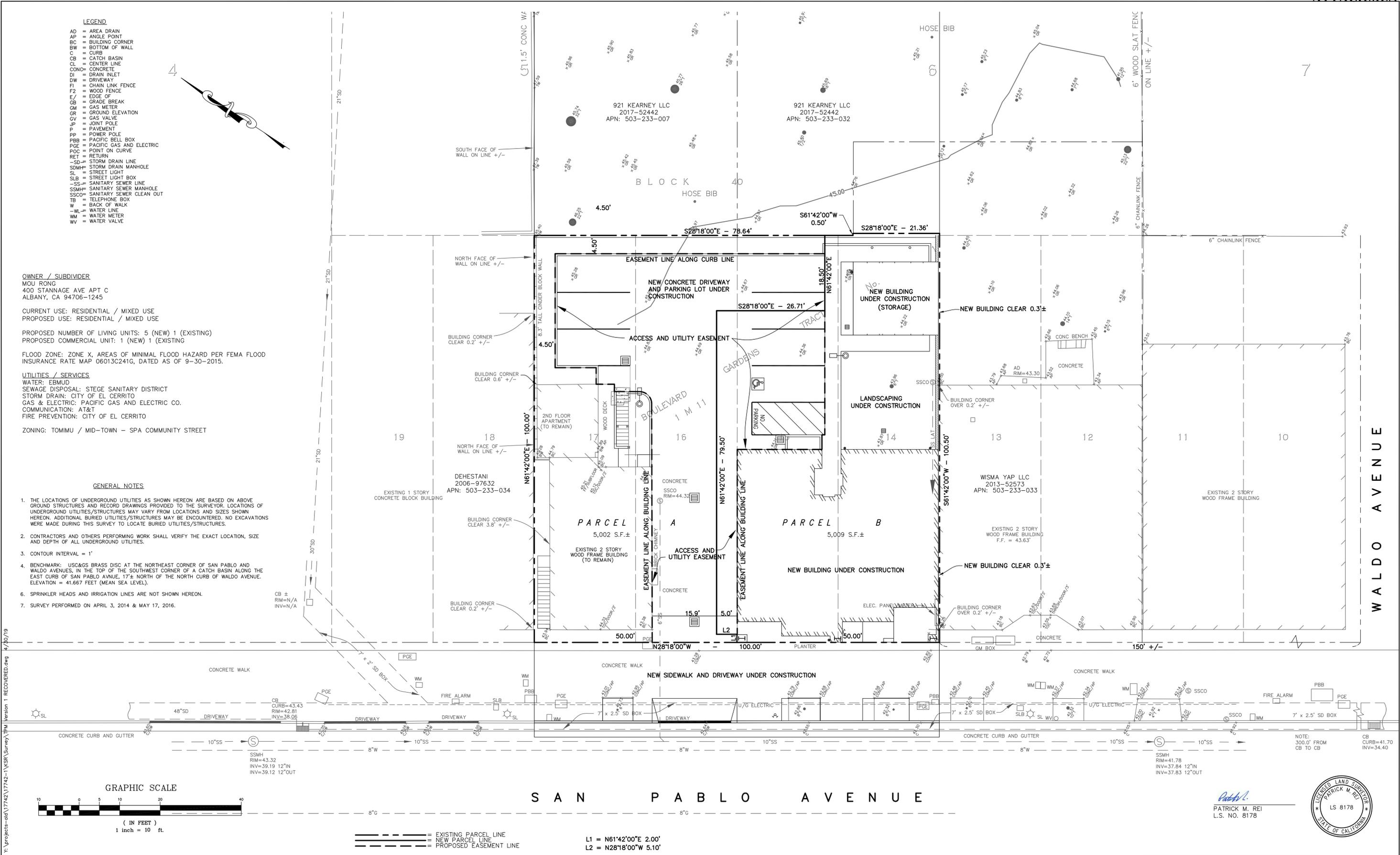
WATER: EBMUD
SEWAGE DISPOSAL: STEGE SANITARY DISTRICT
STORM DRAIN: CITY OF EL CERRITO
GAS & ELECTRIC: PACIFIC GAS AND ELECTRIC CO.
COMMUNICATION: AT&T
FIRE PREVENTION: CITY OF EL CERRITO

ZONING: TOMIMU / MID-TOWN - SPA COMMUNITY STREET

GENERAL NOTES

1. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS AND SIZES SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
2. CONTRACTORS AND OTHERS PERFORMING WORK SHALL VERIFY THE EXACT LOCATION, SIZE AND DEPTH OF ALL UNDERGROUND UTILITIES.
3. CONTOUR INTERVAL = 1'
4. BENCHMARK: USC&GS BRASS DISC AT THE NORTHEAST CORNER OF SAN PABLO AND WALDO AVENUES, IN THE TOP OF THE SOUTHWEST CORNER OF A CATCH BASIN ALONG THE EAST CURB OF SAN PABLO AVENUE, 17'± NORTH OF THE NORTH CURB OF WALDO AVENUE. ELEVATION = 41.667 FEET (MEAN SEA LEVEL).
6. SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
7. SURVEY PERFORMED ON APRIL 3, 2014 & MAY 17, 2016.

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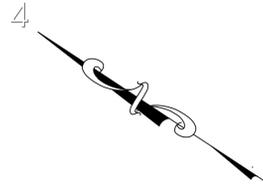
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 L1 = N61°42'00"E 2.00'
 L2 = N28°18'00"W 5.10'

<p>REFERENCES</p> <p>FIELD BOOK No. FILE MAP: H-493 TITLE CO.: POLICY No.: DATUM: NGVD29 MSC. REF.:</p>	<p>REVISIONS</p>	<p>KISTER, SAVIO & REI, INC. LAND SURVEYORS - CIVIL ENGINEERS</p> <p>825 SAN PABLO AVENUE PINOLE, CALIFORNIA 94564 PHONE: (510) 222-4020 FAX: (510) 222-3718 E-MAIL: info@ksrinc.net</p>	<p>DESCRIPTION</p> <p>TENTATIVE PARCEL MAP</p> <p>MS NO. 452-18 A TWO LOT SUBDIVISION OF APN 503-233-035</p>
<p>NOTE: CONTOURS BY INTERPOLATION APPROXIMATE ONLY.</p>		<p>FOR: KUAN CHOI SCALE: 1" = 10' DATE: 03/26/2018</p>	<p>JOB No. 17742-2 DWG No. X-4123 SHEET 1 EL CERRITO CALIFORNIA</p>

Patrick M. Rei
 L.S. NO. 8178

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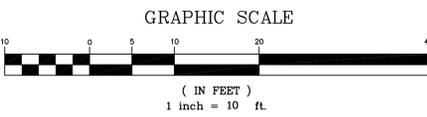
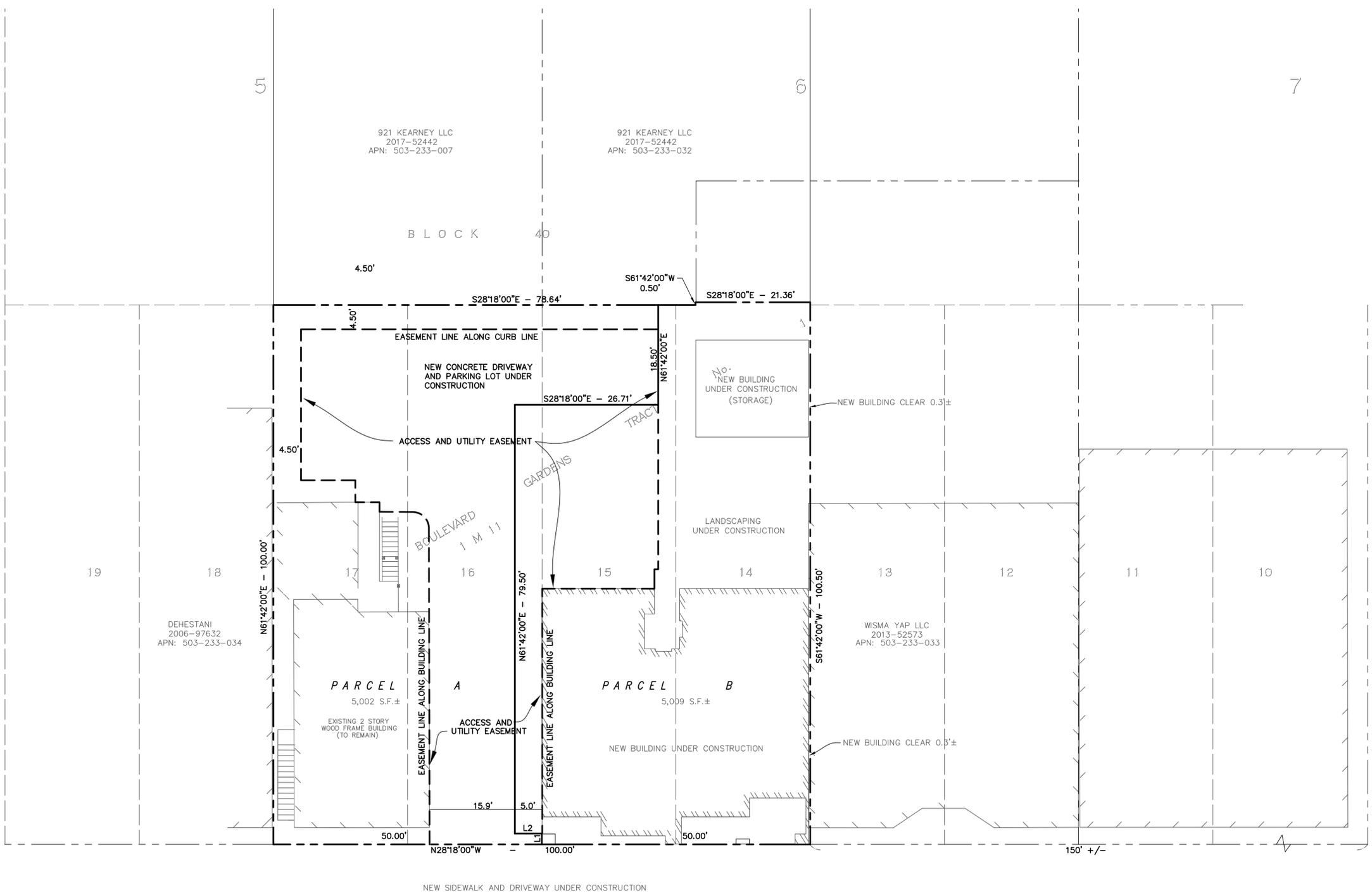
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S A N P A B L O A V E N U E

W A L D O A V E N U E

Patrick M. Rei
 PATRICK M. REI
 L.S. NO. 8178

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