AGENDA

REGULAR MEETING
OF THE
PLANNING COMMISSION

7:30 p.m.
Wednesday, July 20, 2016
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Carla Hansen; Commissioners: Brendan Bloom, Kevin Colin, Michael Iswalt, Bill Kuhlman, Andrea Lucas, and Lisa Motoyama.

1. Comments from the Public
   (Each speaker is limited to a maximum of 3 minutes.)

2. Approval of Minutes
   Approval of the June 15, 2016 meeting minutes.

3. Commissioner Communication/Conflict of Interest Disclosure
   This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.

4. Public Hearing – Cantora Residence Addition

   Application: PL16-0051
   Applicant: Art Clark
   Location: 7119 Eureka Avenue
   Zoning: RS-5 (Single Family Residential)
   General Plan: Low Density Residential
   Request: Planning Commission consideration of a Conditional Use Permit for an addition to encroach into the Creek Protection Overlay District setback (Section 19.12.060 of the ECMC) and to encroach into the height and incline plane (Section 19.16.030 ECMC). The applicant is proposing to add a second story to a single family residence that currently encroaches in the Creek Protection Overlay District setback. The addition will follow the existing building footprint, hence will not extend the existing encroachment into the setback. The application will also need a Conditional Use Permit to encroach into the required height and incline plane.

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
5. Staff Communications

6. Adjournment

**Appeals:**
A decision of the Planning Commission may be appealed to the City Council, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of an appeal fee of $339 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 Planning Commission 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.
MINUTES

REGULAR MEETING
OF THE
PLANNING COMMISSION

7:30 p.m.
Wednesday, June 15, 2016
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Carla Hansen; Commissioners: Kevin Colin, Michael Iswalt, Bill Kuhlman, and Andrea Lucas. Commissioners Brendan Bloom and Lisa Motoyama had excused absences.

1. Comments from the Public
   No comments were received.

2. Approval of Minutes
   Motion to approve the May 18, 2016 meeting minutes: Lucas, 2nd: Iswalt.
   Vote:
   Ayes: Kuhlman, Lucas, Iswalt, Hansen.
   Noes: None
   Abstain: Colin
   Absent: Motoyama, Bloom

   Motion to approve the June 8, 2016 meeting minutes: Kuhlman, 2nd: Lucas.
   Vote:
   Noes: None
   Abstain: None
   Absent: Motoyama, Bloom

3. Commissioner Communication/Conflict of Interest Disclosure
   Commissioner Kuhlman disclosed that he had received emails from Michael Balmaceda, Suzanne Balmaceda, Teresa Chow and Leslie Reckler through the Planning staff. Commissioner Kuhlman also disclosed that he took a tour of the Summit K2 site with the applicant.
   Commissioner Colin noted that all Commissioners received the same emails as Commissioner Kuhlman. Commissioner Colin also disclosed that he toured the Summit K2 site with the applicant on May 20, 2016.

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E-mail: smoss@ci.el-cerrito.ca.us
Commissioner Iswalt disclosed that he had toured the Summit K2 site with the applicant on May 17, 2016.

4. **Public Hearing – Christensen Residence**

   **Application:** PL16-0031  
   **Applicant:** Jon Christensen  
   **Location:** 208 Ashbury Avenue  
   **Zoning:** RS-5 (Single Family Residential)  
   **General Plan:** Low Density Residential  
   **Request:** Planning Commission consideration of a Conditional Use Permit to allow for a fourth bedroom and over 2,000 square feet home with a one-car garage (El Cerrito Municipal Code Section 19.27.050).  
   **CEQA:** This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

   Senior Planner, Noel Ibalio, presented the staff report and answered questions from the Commission.

   Project architect, Ben Anderson, presented the project and answered questions from the Commission.

   The public hearing was opened.

   The public hearing was closed.

   Motion to adopt Planning Commission Resolution PC16-06 approving a Conditional Use Permit to allow for a fourth bedroom and over 2,000 square feet to a dwelling with a one-car garage:  
   **Colin, 2nd: Kuhlman.**  
   **Vote:**  
   **Ayes:** Kuhlman, Lucas, Iswalt, Colin, Hansen.  
   **Noes:** None  
   **Abstain:** None  
   **Absent:** Motoyama, Bloom

5. **Public Hearing – Summit K2 Operational Expansion**

   **Application:** PL15-0006  
   **Applicant:** Education Matters, a non-profit corp.  
   **Address:** 1800 Elm Street  
   **APN:** 502-122-041  
   **Zoning:** PS (Public/Semi-Public)  
   **General Plan:** Institutional & Utility  
   **Request:** Planning Commission consideration of a Final Subsequent Environmental Impact Report and the following amendments to the Conditional Use Permit for a school:  
   - Increase maximum enrollment to 630 (from 347) during the school year and 315 (from 175) during the summer session.  
   - Change the grade levels permitted at the site to 7-12 (from K-8).
• Change primary hours of operation to 8:00 a.m. to 3:30 p.m. (from 8:00 a.m to 3:00 p.m.)

CEQA: Subsequent Environmental Impact Report

Senior Planner, Sean Moss presented the staff report and answered questions from the Commission.

The principal of Summit K2, Kelly Garcia and the applicant, Doug Giffin presented the project and answered questions form the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Claudine Swickard, 861 Arlington Blvd
Nigel Arscott, 861 Arlington Blvd
Joanna Pace, 8324 Buckingham Dr
Troy Tyler, 6746 Cutting Blvd
Robert Sessler, 1840 Key Blvd
Kathy Wimberly, 6650 Hill St
James Ough, 14025 Atwell Rd
Alycia Mulgrew, 5528 MacDonald Ave
Danielle Ferguson, 1230 Scott St
Judith Frank, 6762 Glen Mawr Ave
Jeff Rosenfeld, 1776 Manor Cir
Helen Couture Rodriguez, 1712 Manor Cir
Susanna Spiro, 1776 Manor Cir
Victoria Tseng, 6667 Hill St
Lan Zhou, 6340 Conlon Ave
Hani Sobhi, 6340 Conlon Ave
Alonso Raimilla-Couture, 1712 Manor Cir
Steve Haines, 1755 Elm St
Lorraine Sonoda, 1801 Key Blvd
Mark Carraher, 6426 Conlon Ave
Christy Kim, 6910 Potrero Ave
Michael Wu, 1788 Manor Cir
Franklin Leong, 1780 Manor Cir
Eunice Kim
Daisy Leong, 1780 Manor Cir
Hannah Kim, 6910 Potrero Ave
Merle Corpuz, 1810 Key Blvd

The public hearing was closed.

Motion to adopt Planning Commission Resolution PC16-07, certifying the Subsequent Environmental Impact Report, and adopting the Mitigation Monitoring and Reporting Program: Iswalt, 2nd: Colin.

Vote:
Ayes: Colin, Hansen, Iswalt, Kuhlman, Lucas
Motion to adopt Planning Commission Resolution PC16-08, approving a Conditional Use Permit to allow operation of a school with grades 7 through 12 for maximum of 630 students during the regular school year and a maximum of 315 students during the summer session: Lucas, 2nd: Colin.
Vote:
Ayes: Colin, Hansen, Iswalt, Kuhlman, Lucas
Noes: None
Abstain: None
Absent: Bloom, Motoyama

6. Staff Communications
Recreation Director, Chris Jones updated the commission regarding the City’s library needs. Staff updated the Commission regarding upcoming agenda items.

7. Adjournment
10:42 p.m.
PLANNING COMMISSION STAFF REPORT  
Meeting Date: July 20, 2016

I. SUBJECT
Application: PL16-0051  
Applicant: Art Clark  
Location: 7119 Eureka Avenue  
Zoning: RS-5 (Single Family Residential)  
General Plan: Low Density Residential  
Request: Planning Commission consideration of a Conditional Use Permit for an addition to encroach into the Creek Protection Overlay District setback (Section 19.12.060 of the ECMC) and to encroach into the height and incline plane (Section 19.16.030 ECMC). The applicant is proposing to add a second story to a single family residence that currently encroaches in the Creek Protection Overlay District setback. The addition will follow the existing building footprint, hence will not extend the existing encroachment into the setback.

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

II. BACKGROUND
The property is located in the central quadrant of the City. It is surrounded by other single family dwellings. The lot is oriented north/south, is 5,000 square feet in size and is fairly flat. The creek, (Fluvius Innominatus) creek traverses the rear quarter of the lot. The banks of the creek are densely covered with willow trees, native oaks, and a variety of ground cover indigenous to the natural landscape of the East Bay. Records show that a building permit was issued in 1940 for a 797 square feet, five room dwelling unit. A modest bungalow, the existing house has a living room, kitchen, dining room, one full bathroom and two bedrooms. The house is currently unoccupied and the property has fallen in disrepair.

III. DISCUSSION
The project consists of minor ground floor modifications and a significant second floor expansion. No additional habitable square footage will be added to the first floor, however, a covered front entry deck will be added to the front of the dwelling and small uncovered deck will be added to the rear. The project includes a significant reconfiguration of the existing floor plan, moving the bedrooms upstairs and expanding the living room, and dining room area. The second story addition would add approximately 957 square feet and would include three bedrooms and two full baths. Upon completion, the house will be 1,754 square feet of floor area. As shown in the plan set, the addition is architecturally compatible with the original single family dwelling. The original house style is a craftsman style bungalow. The addition takes on the same characteristics with a gabled
roof, lap siding and double hung windows. The proposed rear deck will be constructed in compliance with Section 19.12.060.D (Minor Unroofed Structures within Setback).

Also as noted in the plan set, the proposed project complies generally with the development standards of the RS-5 zone. However, Chapter 19.12 Creek Protection Overlay District stipulates additional regulations for properties that contain or are adjacent to creeks. Generally, all new structures, additions to existing structures, and new impervious surfaces shall be a minimum of 30 feet from the top of a creek bank or the upland edge of riparian vegetation, whichever is greater.

In addition, the Zoning Ordinance requires that second story additions comply with the maximum height and daylight plane requirements. In the RS-5 Zoning District, the maximum height is twenty five feet; and up to thirty feet with a Conditional Use Permit. The applicant is proposing to encroach three feet, eight and a half inches beyond the required building height of twenty five feet and one hundred and thirty square feet into the daylight plane. Encroachments beyond the height and daylight plane are allowed subject to approval of a Conditional Use Permit.

Therefore, two Conditional Use Permits (CUP) are required for the proposed project. The analysis for each of these entitlements is discussed in detail, below.

Conditional Use Permit for the Encroachment into the Required Creek Setback.

The single family dwelling was built prior to establishment of the Creek Protection Overlay District; therefore, it is a legal non-conforming use and structure. The applicant is proposing to add a second story that follows the first floor building footprint. By virtue of the first floor encroaching into the creek setback, the addition would also encroach into the creek setback, however, the addition is not extending the amount of the horizontal encroachment into the setback.

The Zoning Ordinance stipulates the process for which roofed structures are allowed within the creek setback. Section 19.12.060 of the ECMC (Creek Setbacks and Limits on Uses and Structures) requires the following:

E. Roofed Structures Within Setback. Structures having a roof supported by columns or walls, including dwellings, garages, other accessory buildings and commercial buildings, are not permitted within the creek setback. Exceptions may be granted with a Conditional Use Permit, provided that all of the following findings are met:

1. Alternative locations outside the setback area or within the existing building footprint have been studied and found to be physically infeasible or more environmentally damaging.
2. Adverse environmental effects are mitigated to the maximum extent feasible and all feasible measures for creek protection are incorporated, including measures to protect riparian vegetation and prevent erosion, pursuant to the requirements of a creek protection and riparian habitat plan in subsection (E)(5) of this Section.
3. The exception is necessary to allow a principal permitted use of the property, and without an exception the size of the project would be limited to less than half of the lot coverage allowed under the Zoning Ordinance and/or the use and development of the property similar to that enjoyed by other similarly zoned properties in the vicinity would not be possible.
4. No structure is closer than 15 feet from the top of the creek bank.

Staff believes that locating the second story addition directly above the main floor is the best option available to the applicant for both architectural and environmental reasons. Clearly, continuing out
towards the creeks would be an unsupportable alternative. And, while the dwelling could be extended forward towards the front property line, the second floor would have encroached beyond the incline plane. The applicant is proposing to utilize Best Management Practices (BMP’s) to protect the creek and during construction. The BMP’s shall include the following construction measures:

- place rock barrier bags at the existing concrete patio along the creek bank to prevent debris from entering the creek;
- place temporary fence at the top, of the block all to prevent access into the creek during construction and add a mess screen to avoid dust from entering the creek;
- a coir log will be placed along the entire width of the creek setback to prevent contaminants from entering the creek;
- place coconut core barriers at the norther westerly edge of the creek setback;
- landscaping will be replanted at the rear of dwelling; and
- all rainwater will be directed away from the building into new landscaping.

Staff will also require that all construction related materials be stored away from the creek setback. By implementing these BMP measures, short term impact to the creek will be mitigated. A conservative analysis of the site places the top of the creek bank at the top of the retaining wall. At its closest point, the project remains 17 feet away from the top of the bank.

<table>
<thead>
<tr>
<th>Surrounding Properties</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7119 Eureka*</td>
<td>1,754 sf</td>
</tr>
<tr>
<td>706 Albemarle</td>
<td>1,947 sf</td>
</tr>
<tr>
<td>708 Albemarle</td>
<td>1,177 sf</td>
</tr>
<tr>
<td>716 Ashbury</td>
<td>1,335 sf</td>
</tr>
<tr>
<td>7127 Eureka</td>
<td>1,010 sf</td>
</tr>
<tr>
<td>711 Clayton</td>
<td>934 sf</td>
</tr>
</tbody>
</table>

The dwelling will be approximately 1,754 square feet upon completion. While this construction would not likely be permitted today, the dwelling was permitted to be built in 1940 and is legally non-conforming in both use and location of structure. This proposed project is a modest addition to the existing dwelling that does not make the existing non-conformity worse nor have a negative impact on the creek or adjacent riparian habitat. No construction or grading work in the creek bed and/or adjacent bank is proposed. The increase in building square footage will allow the owner of the property a similar sized home that is enjoyed by other similarly zoned properties in the vicinity. And, staff has recommended that the project include conditions of approval that require that best management practices be followed during construction.

Conditional Use Permit for the Encroachment into the Incline Plane

Section 19.06.030 D of the ECMC (Main Building Envelope) Exceptions to the Main Building envelope, states the following:

3. a. Conditional Use Permit. The Planning Commission may consider the granting of exceptions to the standards set forth herein for single-family dwellings with respect to vertical and
inclined setbacks and height limits, with a Conditional Use Permit pursuant to Chapter 19.34, Use Permits. In addition to the findings specified in that Chapter, the following findings must be met:

i. The proposal when viewed in its entirety represents a superior design solution that which would be possible if the project were built in full compliance with the required standards for the main building envelope, and will not cause a significant adverse impact on residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy.

ii. For Conditional Use Permits that allow height increases, the proposal causes the least practicable impact on neighbors in terms of views, privacy, and solar access; and provides detailing, articulation, and other design treatments that mitigate any bulk created by the additional height.

The project as proposed represents the superior design solution. The creek setback reduces the buildable area for any addition to the front half of the lot where the dwelling currently sits. The entire footprint of the proposed two story building cannot be moved any further forward without encroaching into the daylight plane requirement in the front of the building. Because of these limitations, the addition is limited the area above the existing building footprint. To maximize the remaining buildable area, the applicant utilized most of the existing building footprint which resulted in the encroachment of the daylight plane on the east side of the project. If the project was revised to meet the daylight plane on all sides, the applicant stated that a much smaller addition would have been the result, including only two bedrooms and possibly one bathroom.

Impacts to neighboring properties will be minimal. In terms of views, impacts of the addition to surrounding properties will be negligible. The trees are twenty five to thirty feet high. Surrounding trees currently block views of the bay from properties that are at a higher elevation to the east. The addition will not result in solar impact to surrounding neighbors because the existing trees are twenty to thirty feet high along the property line and already cast shadows on the subject lot and neighboring lot to the east. Adjacent neighbors to the east and west of the subject lot constructed garages along the common property lines. As a result, the addition will only cast a shadow on structures that are not habitable. Also, because of the north/south orientation of the lot, the shadow of the second story addition will only cast towards the front yards of adjacent neighbors. Mature trees and underbrush flank the creek banks, with the trees growing to a height of approximately twenty to thirty feet high. These trees cast shadows that offer natural shade onto the subject lot and the neighbor to the east. The addition would not exacerbate the shadows cast from the existing trees.

The addition will not result in blocking any views from adjacent neighbors. In terms of topography, the subject lot and neighborhood are fairly flat. Upon staff’s reconnaissance of the subject lot, no view sheds were visible from neighboring properties. Also, the mature trees surrounding the property to the east would block any views of properties located on higher elevations to the east.

Consistency with the General Plan

The proposed project is generally consistent with the El Cerrito General Plan and will implement the following General Plan Policies:

LU1.5- Suitable Housing. Promote suitably located housing and services for all age groups within the city. Within the San Pablo Avenue Specific Plan area, allow ground floor residential
development and increased land use intensity close to existing transit infrastructure to promote residential infill development and catalyze mode shift.

As designed, this addition will add a bedroom and additional living space to an existing single family dwelling, providing suitable housing for larger households.

**CD1.1-Neighborhood Character. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses.**

As designed, this addition will be constructed within the parameters of the RS-5 zone and will complement the design elements of the existing main building. Therefore the project is found to be in scale and compatible with the character with surrounding uses.

**Environmental Review**
The project is Categorically Exempt under the Section 15301 – Class 1, Existing Facilities, of the California Environmental Quality Act.

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**IV. FINDINGS**
The Planning Commission must make the following findings as outlined in Section 19.34.040 of the El Cerrito Zoning Ordinance:

1. *The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.*

The project consists of an expansion of a single family dwelling which is consistent with the residential nature of the surrounding neighborhood. As designed, the project is harmonious and compatible with the prevailing development pattern in the surrounding neighborhood and will not adversely affect the livability of abutting properties.

2. *The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.*

The project will create an additional habitable and a functional living environment that compiles with all zoning standards, including architectural compatibility with the existing single family dwelling.

3. *The proposal is consistent with the purpose of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.*

The project complies with all development requirements of the RS-5 single family zoning district including height, setbacks from property line, and architectural compatibility. The project is also consistent with the following policies of the El Cerrito General plan: LU1.5: Suitable Housing; and CD1.1: Neighborhood Character.

The Planning Commission must make the following findings as outlined in Section 19.34.040 of the El Cerrito Zoning Ordinance:
1. Alternative locations outside the setback area or within the existing building footprint have been studied and found to be physically infeasible or more environmentally damaging.

The project as proposed represents the superior design solution. The creek setback reduces the buildable area for any addition to the front half of the lot where the dwelling currently sits. The entire footprint of the proposed two-story building cannot be moved any further forward without encroaching into the incline plane requirement in the front of the building. Because of these limitations, the addition is limited to the area above the existing building footprint. To maximize the remaining buildable area, the applicant utilized most of the existing building footprint which resulted in the encroachment of the incline plane on the east side of the project. If the project was revised to meet the incline plane on all sides, the applicant stated that a much smaller addition would have been the result, including only two bedrooms and possibly one bathroom.

2. Adverse environmental effects are mitigated to the maximum extent feasible and all feasible measures for creek protection are incorporated, including measures to protect riparian vegetation and prevent erosion, pursuant to the requirements of a creek protection and riparian habitat plan in subsection (E)(5) of this Section.

The project shall incorporate Best Management Practices as included as conditions of approval. These measures will protect the creek from runoff during construction; it will protect the natural habitat along the bank, and protect and prevent erosion of the vegetation along the bank.

3. The exception is necessary to allow a principal permitted use of the property, and without an exception the size of the project would be limited to less than half of the lot coverage allowed under the Zoning Ordinance and/or the use and development of the property similar to that enjoyed by other similarly zoned properties in the vicinity would not be possible.

The addition would increase the size of the single family dwelling to be comparable to many of the properties in the vicinity. Nearby dwellings range in size from 1,937 to 934 square feet.

4. No structure is closer than 15 feet from the top of the creek bank.

At its closest point, the project remains 17 feet away from the top of the bank.

The Planning Commission must make the following findings as outline in Section 19.06.030 D 3. a. of the El Cerrito Zoning Ordinance:

1. The proposal when viewed in its entirety represents a superior design solution to that which would be possible if the project were built in full compliance with the required standards for the main building envelope, and will not cause a significant adverse impact on residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy.

The project as project as proposed is the superior design alternative. A second story that is designed to meet the all incline planes would limit the square footage to allow for only two
bedrooms and one bath. The additional square footage allows for a larger and more functional addition to the existing two bedroom dwelling. The addition would not result in significant adverse impact to surrounding properties. The project will cast a shadow along the front yards of adjacent properties and onto neighboring garages. The addition will not result in blocking any views from adjacent neighbors. In terms of topography, the subject lot and neighborhood are fairly flat. Upon staff’s reconnaissance of the subject lot, no view sheds were visible from neighboring properties. Privacy will be maintained by the mature trees screening the property.

2. For Conditional Use Permits that allow height increases, the proposal causes the least practicable impact on neighbors in terms of views, privacy, and solar access; and provides detailing, articulation, and other design treatments that mitigate any bulk created by the additional height.

The addition would not result in significant adverse impact to surrounding properties because as proposed, it will only cast a shadow along the front yards of adjacent properties and onto neighboring garages. The addition will not result in blocking any views from adjacent neighbors. In terms of topography, the subject lot and neighborhood are fairly flat. Upon staff’s reconnaissance of the subject lot, no view sheds were visible from neighboring properties. Privacy will be maintained by the mature trees screening the property. And, as shown in the plan set, the addition is architecturally compatible with the original single family dwelling.

V. RECOMMENDATION

Staff recommends approval of Planning Application No. PL16-0051, as conditioned by the draft resolution in Attachment 1, approving a Conditional Use Permit to allow a second story to a single family residence that encroaches in the Creek Protection Overlay District setback and to encroach into the required height and incline plane.

Proposed Motion: Move adoption of Planning Commission Resolution PC16- approving to add a second story to a single family residence to encroach into the Creek Protection Overlay District setback and encroach into the required height and incline plane.

Appeal Period: Within ten (10) working days after the date of the decision, the Planning Commission action may be appealed to the City Council.

Attachments:

1) Draft Resolution
2) Plans dated April 15, 2016
4) Response letter from Art Clark, Architect
Planning Commission Resolution PC16-

APPLICATION NO. PL16-0051

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR AN ADDITION TO ENCROACH INTO THE CREEK PROTECTION OVERLAY DISTRICT SETBACK (SECTION 19.12.060 ECMC) AND TO ENCROACH INTO THE HEIGHT AND INCLINE PLANE (SECTION 19.06.030 ECMC) LOCATED AT 7119 EUREKA AVENUE

WHEREAS, on April 15, 2016, the applicant, Art Clark, submitted a conditional use permit application for a second story addition to encroach eleven feet into the Creek Protection Overlay District setback (Section 19.12.060 of the ECMC) and to encroach three feet, eight and a half inches above the required building height of twenty five feet and one hundred and thirty square feet into the daylight plane (Section 19.06.030 ECMC);

WHEREAS, records show that a building permit was issued in 1940 for a 797 square feet, five room dwelling unit;

WHEREAS, upon completion, the total square footage of the house will be 1,754 square feet of floor area;

WHEREAS, the subject property is located at 7119 Eureka Avenue;

WHEREAS, the zoning district of the site is RS-5 (Single Family Residential);

WHEREAS, the general plan land use designation of the site is Low Density Residential;

WHEREAS, this project is Categorically Exempt from the provisions of CEQA – Section 15301 Additions to Existing Facilities; and

WHEREAS, on July 20, 2016, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

Section 19.34.040

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

The project consists of an expansion of a single family dwelling which is consistent with the residential nature of the surrounding neighborhood. As designed, the project is harmonious and compatible with the prevailing development pattern in the surrounding neighborhood and will not adversely affect the livability of abutting properties.

2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.

The project will create an additional habitable and a functional living environment that
3. The proposal is consistent with the purpose of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

The project complies with all development requirements of the RS-5 single family zoning district including height, setbacks from property line, and architectural compatibility. The project is also consistent with the following policies of the El Cerrito General plan: LU1.5: Suitable Housing; and CD1.1: Neighborhood Character.

Section 19.34.040

1. Alternative locations outside the setback area or within the existing building footprint have been studied and found to be physically infeasible or more environmentally damaging.

The project as proposed represents the superior design solution. The creek setback reduces the buildable area for any addition to the front half of the lot where the dwelling currently sits. The entire footprint of the proposed two story building cannot be moved any further forward without encroaching into the incline plane requirement in the front of the building. Because of these limitations, the addition is limited the area above the existing building footprint. To maximize the remaining buildable area, the applicant utilized most of the existing building footprint which resulted in the encroachment of the incline plane on the east side of the project. If the project was revised to meet the incline plane on all sides, the applicant stated that a much smaller addition would have been the result, including only two bedrooms and possibly one bathroom.

2. Adverse environmental effects are mitigated to the maximum extent feasible and all feasible measures for creek protection are incorporated, including measures to protect riparian vegetation and prevent erosion, pursuant to the requirements of a creek protection and riparian habitat plan in subsection (E)(5) of this Section.

The project shall incorporate Best Management Practices as included as conditions of approval. These measures will protect the creek from runoff during construction; it will protect the natural habitat along the bank, and protect and prevent erosion of the vegetation along the creek.

3. The exception is necessary to allow a principal permitted use of the property, and without an exception the size of the project would be limited to less than half of the lot coverage allowed under the Zoning Ordinance and/or the use and development of the property similar to that enjoyed by other similarly zoned properties in the vicinity would not be possible.

The addition would increase the size of the single family dwelling to be comparable to many of the properties in the vicinity. Nearby dwellings range in size from 1,937 to 934 square feet.

4. No structure is closer than 15 feet from the top of the creek bank.
At its closest point, the project remains 17 feet away from the top of the bank.

Section 19.06.030 D3.a.

1. The proposal when viewed in its entirety represents a superior design solution to that which would be possible if the project were built in full compliance with the required standards for the main building envelope, and will not cause a significant adverse impact on residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy.

The project as proposed is the superior design alternative. A second story that is designed to meet the all incline planes would limit the square footage to allow for only two bedrooms and one bath. The additional square footage allows for a larger and more functional addition to the existing two bedroom dwelling. The addition would not result in significant adverse impact to surrounding properties. The project will cast a shadow along the front yards of adjacent properties and onto neighboring garages. The addition will not result in blocking any views from adjacent neighbors. In terms of topography, the subject lot and neighborhood are fairly flat. Upon staff’s reconnaissance of the subject lot, no view sheds were visible from neighboring properties. Privacy will be maintained by the mature trees screening the property.

2. For Conditional Use Permits that allow height increases, the proposal causes the least practicable impact on neighbors in terms of views, privacy, and solar access; and provides detailing, articulation, and other design treatments that mitigate any bulk created by the additional height.

The addition would not result in significant adverse impact to surrounding properties because as proposed, it will only cast a shadow along the front yards of adjacent properties and onto neighboring garages. The addition will not result in blocking any views from adjacent neighbors. In terms of topography, the subject lot and neighborhood are fairly flat. Upon staff’s reconnaissance of the subject lot, no view sheds were visible from neighboring properties. Privacy will be maintained by the mature trees screening the property. And, as shown in the plan set, the addition is architecturally compatible with the original single family dwelling.

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 Planning Commission hereby approves Application No. PL16-0031, subject to the following conditions:

Planning:

1. The project will be constructed substantially in conformance with the plans dated April 15, 2016. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.
2. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

4. If not used, this Conditional Use Permit shall expire two years from the date of this action.

5. Upon issuance of a building permit, the applicant shall implement the following Best Management Practices by including them on the plan set:

- place rock barrier bags at the existing concrete patio along the creek bank to prevent debris from entering the creek;
- place temporary fence at the top, of the block all to prevent access into the creek during construction and add a mess screen to avoid dust from entering the creek;
- a coir log will be placed along the entire width of the creek setback to prevent contaminants from entering the creek;
- place coconut core barriers at the norther westerly edge of the creek setback;
- landscaping will be replanted at the rear of dwelling; and
- all rainwater will be directed away from the building into new landscaping
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations to the satisfaction of the Zoning Administrator
- Submit a Stormwater Control Plan (SCP) that meets C.3 requirements for development projects to the satisfaction of the City Engineer prior to the issuance of the building permit. During construction, implement Best Management Practices (BMPs) and Low Impact Development (LID) measures to ensure post-development impacts to water quality are minimal, to the satisfaction of the City Engineer.

6. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

7. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.

8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
9. All measures specified in the creek and riparian habitat protection plan and any environmental mitigation measures shall become conditions of approval for the project. In addition, all such measures shall be carried out prior to final clearance of the building permit.

10. All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, or other applicable agency shall be obtained prior to, or concurrently with the approval of any city permits.

11. A construction management plan shall be submitted, reviewed, and approved with all building permit applications that demonstrate how creek and riparian habitat protection measures will be implemented throughout construction to the satisfaction of the Zoning Administrator.

Public Works

12. The project shall comply with Section C.3.i of the San Francisco Bay Municipal Regional Permit Order R2-2009-0074 to the satisfaction of the City Engineer.

13. Replace sidewalk flags along the property frontage to meet City and ADA standards prior to the final inspection. Sidewalk replacement locations will be per the discretion of the Public Works Engineering Manager.

14. Removal and replacement of new driveway approach must include full width and length of curb & gutter per City Standard Details must occur prior to the final inspection to the satisfaction of the City Engineer.

15. Earthwork and grading operations in excess of 50 cubic yards will require the applicant to submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees prior to the filing of a building permit to the satisfaction of the City Engineer.

16. Applicant shall provide drainage plan for new roof and any rain leaders. All drainage must stay on-site, draining away from the foundations, 10’ from property lines, and shall not cause a nuisance to neighboring properties to the satisfaction of the City Engineer.

Fire Department


18. Prior to the final inspection, smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs) to the satisfaction of the Fire Marshal.

19. Prior to the final inspection, approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property. Address shall be either internally or externally illuminated to the satisfaction of the Fire Marshall.

CERTIFICATION
I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on July 20, 2016 upon motion of Commissioner , second by Commissioner:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Margaret Kavanaugh-Lynch
Development Services Manager
ADDITION & ALTERATIONS
7119 EUREKA AVENUE
EL CERRITO, CALIFORNIA 94530

DRAWING INDEX
ALL SITE PLAN
ALL FLOOR PLANS
ALL SECTIONS
ALL SITE ELEVATIONS
ALL CROSS SECTION DIAGRAMS
ALL SITE CROSS SECTION PLANS
ALL SITE ELEVATION CUT PLAN
ALL SITE FOOD APPROVAL PLANS
ALL SITE DESIGN PLAN

PROJECT TEAM
OWNER:  [Information redacted]
ARCHITECT:  [Information redacted]
CONTRACTOR:  [Information redacted]

PROJECT DATA
ADDRESS:  7119 Eureka Avenue
APN:  [Information redacted]
LAND USE:  [Information redacted]
GROSS SQUARE FOOTAGE:  [Information redacted]
CONSTRUCTION TYPE:  [Information redacted]

SCOPE OF WORK
CONSTRUCT A NEW SECOND STORY ADU ON AN EXISTING SINGLE FAMILY DWELLING. NEW SIZES:  [Information redacted]

LEGEND
NEW WALL - SEE TYPES ON SHEET A8
EXISTING WALL TO REMAIN
EXIST WALL - SEE TYPES ON SHEET A8
WALL TO BE DETAILED

DATE:  MAR 15, 2016
NO.:  2015.14
DRAWN:
CHECKED:
APPROVED FOR THE OWNER:
APPROVED FOR THE ARCHITECT:

ADDITION & ALTERATIONS TO
SINGLE-FAMILY DWELLING
7119 Eureka Avenue
EL CERRITO, CALIFORNIA 94530

SITE PLAN
atta C Lark A Architecture
5396 Pacific Avenue
Oakland, California 94611

2016 A Lark A Architecture
PROFESSIONAL STAMP

SCALE:  [Information redacted]
CONSTRUCTION/DUST FENCE

6"-10" DIAMETER COIR ROLL
WRAPPED IN DOUBLE LAYER
OF JUTE NETTING

3/4"X3/4" WOOD STAKE @ 4" O.C.

BURY ROLL
2'-3'

FACE

12" HIA.

NOTES:
FOR FLAT AREAS

1. FIBER ROLL IS COMPOSED OF BIO-DEGRAVABLE COCONUT FIBER STUFFED INTO A DOUBLE LAYER OF JUTE NETTING.
2. THE FIBER ROLL BARRIER REDUCES EROSION BY TRAPPING SEDIMENT AND REDUCING SLOPE GRAVITY.
3. THE FIBER ROLL BARRIER INCREASES INfiltrATION RATES BY PRODUCING A PERMEABLE MEDIUM FOR PLANT ESTABLISHMENT.
4. INSTALLATION REQUIRES THE PLACEMENT AND SECURE ATTACHMENT OF THE FIBER ROLL
IN A TRENCH 3'-0" DEEP, OVER THE CENTER LUMP. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND THE FIBER ROLL.

COCO COR LOG

SCALE: 1'-0" = 1'-0"
January 15, 2016

Eddie Beckhusen
Bruce Jett Associates, Inc.
2 Theater Square, Suite 218
Orinda, CA 94563

Subject: Investigation of Creek Setback Area at 7119 Eureka Avenue, El Cerrito, California

Dear Eddie:

At your request, LSA Associates, Inc. (LSA) conducted a field investigation of the on-site creek and prepared this letter report analyzing applicability of the City of El Cerrito (City) Code of Ordinances Chapter 19.12, Creek Protection Overlay District, to the proposed renovation of the existing house on the 7119 Eureka Avenue property. The property is located on the block between Clayton Avenue and Albemarle Street.

METHODS

Before conducting the creek investigation, LSA soil scientist Chip Bouril reviewed the City’s Creek Protection Overlay District and a map of the property provided by Bruce Jett Associates, Inc. He surveyed the property and investigated the creek and setback areas on January 14, 2016.

RESULTS

Creek

An above ground reach of an unnamed creek traverses the northern portion of the property. This creek flows downstream from a culvert outlet at the western edge of Clayton Avenue, southwesterly across the northern portion of the property, and into another culvert at the northeastern corner of Albemarle Street and Eureka Avenue.

Creek Channel

A vertical masonry block retaining wall separates the backyard of the property from the creek channel. The centerline of the creek observed during the field investigation follows the “centerline of creek” mapped on the September 2015 Creek and Building Location Plan provided by Paul O. Webb-Licensed Surveyor.

At the eastern edge of the property, the creek bed is approximately 4 feet away from and 4 feet below the top of the retaining wall. At the western edge of the property, the creek bed is at the base of the wall and approximately 7 feet below the top. Approximately 10 feet from the western property line, the creek bed abruptly drops about 2 feet at a kink in the channel. At about 6 feet from the western
property line, the creek is constrained into a 3-foot wide channel by another vertical masonry wall on its north side. This wall continues westward onto the neighboring property.

The remainder of the northern creek bank is sloped soil and vegetated, except near the eastern edge of the parcel where another retaining wall at the northern property line intersects the northern creek bank.

The creek bed substrate is soil, much of which is covered by surface willow roots, indicating likely perennial creek flow. The surface of the channel and portions of its banks are partly armored with imported blocks of masonry, brick, concrete, and rock. The creek bed contains surface sand and gravel deposits.

The entire property is mapped by the USDA Natural Resources Conservation Service (Web Soil Survey, http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx, accessed January 14, 2016) as Tierra loam, 2 to 9 percent slopes; this soil is described as moderately well drained and with slow permeability. Tierra loam, 2 to 9 percent slopes is formed in alluvium from sedimentary rocks and has loam surface horizons underlain by clay; it is not listed as a hydric soil. The soils observed in the creek channel during the field investigation are consistent with this soil map unit. However, the soils in the backyard are likely imported.

Creek Jurisdiction

The El Cerrito Code of Ordinances, Chapter 19.12 Creek Protection Overlay District, in Section 19.12.030, Creek determinations, A and B lists the provisions under which the El Cerrito City Engineer makes the determination of whether a creek exists on this property. This creek should meet the provisions in Section 19.12.030, A and B.

Channel and Riparian Vegetation

The south side of the creek channel north of the retaining wall in the eastern half of the parcel contains approximately 12 arroyo willows (Salix lasiolepis) ranging between 6 and 10 inches in diameter at breast height (DBH). The north side of the creek channel in the western half of the parcel contains three large arroyo willow stumps that have resprouted with multiple 4- to 6-inch trunks. Each of these willows appears to have been trimmed or cut in the past. A 6-inch diameter willow is located along the northern creek bank in the eastern portion of the parcel. Many of the willows in the western half of the creek channel have recently been trimmed to a vertical line extending upward from the face of the retaining wall. Slash from this trimming is piled on the concrete slab in the backyard. Climbing within the willow branches above the creek channel are elmleaf blackberry (Rubus ulmifolius) and scarlet trumpet vine (Centactis buccinatoria), both non-native plant species.

Backyard

There are no trees and no riparian vegetation in the backyard above and south of the retaining wall. Vegetation in the western portion of the backyard includes unidentified annual non-native grasses, goose grass (Calamagrostis arculans), sourgrass (Oxalis pes-caprae), English ivy (Hedera helix), and elmleaf blackberry. Vegetation in the eastern portion of the backyard includes an unidentified rhizomatous
perennial grass and sourgrass. Large trees visible on aerial photographs are brush cherry (*Syzygium australe*), a non-native tree, located above the top of the south creek bank on the neighboring property to the east. A large triangular area northwest of the creek within the property is thickly vegetated with elm leaf blackberry, scarlet trumpet vine, and a patch of giant reed (*Arundo donax*).

The ends of the creek retaining wall extend southward toward the existing house at both the eastern and western property lines. The entire backyard between the house and the retaining wall is flat and relatively level, but slopes gently to the southwest. The northwest corner of the existing house is approximately 20 feet from the creek-side face of the retaining wall. A large concrete slab covers the entire center of the backyard between the retaining wall and the house. Two smaller concrete slabs that connect the large slab to the northwest and southwest corners of the house extend only 3 feet toward the creek from the house. A patio area north of the garage and west of the house is paved with ungrouted concrete paver blocks.

**Creek Setbacks**

The creek setback, as defined in Section 19.12.060 A of the El Cerrito Code of Ordinances, is 30 feet from the top of the bank, 30 feet from the upland edge of riparian vegetation, or 35 feet from the centerline of the creek, whichever is greater.

On the property, the top of bank is the creek-side face of the retaining wall. With the willows growing in the channel meeting the definition of riparian vegetation, their southern drip line would be the upland edge of riparian vegetation. In the western third of the property where the willows have been trimmed, the willows' upland edge is at the creek-side face of the retaining wall. In the eastern two-thirds of the property, the willows' southern drip line extends up to 10 feet south of the retaining wall and their upland edge would be this drip line. The centerline of the creek is more than 5 feet north of the retaining wall in all locations except in the western third of the property, where it approaches to within 18 inches to the face of the retaining wall. At this location, the maximum setback would extend 35 feet from the creek centerline.

These maximum setbacks would include the northwest portion of the existing house, the northwest corners of the existing garage, most of the paved patio, and the entire large concrete slab, along with the vegetated areas in the backyard.

**SUMMARY AND CONCLUSIONS**

**Creek Setback Compliance**

The plans for the renovation of the house on the property comprise adding a second story to the existing house. Because this construction is entirely within the existing house footprint, it should be permitted within the creek setback under Section 19.12.060 I, Existing Nonconforming Structures. The plans for adding an elevated deck in the same location as the existing paver patio and adjacent concrete slab may be allowed within the creek setback subject to approval by the City Engineer and the Zoning Administrator provided that all five findings in Section 19.12.060 D, Minor Unroofed Structures Within Setback, can be met. The proposed elevated deck appears to meet all five findings.
In conclusion, the proposed house renovation and elevated deck project at the 7119 Eureka Avenue property appears to comply with the relevant requirements of the City of El Cerrito Creek Protection Overlay District.

If you have any questions or need additional information please contact Eric Lichtwardt or me at 510/236-6810 or e-mail at eric.lichtwardt@lsa-assoc.com or chip.bouril@lsa-assoc.com, respectively.

Sincerely,

LSA ASSOCIATES, INC.

Chip Bouril
Wetland Scientist

cc: Eric Lichtwardt, LSA
July 5, 2016

Mr. Noel Ibalio, Planner  
City of El Cerrito  
10890 San Pablo Ave.  
El Cerrito, CA 94530

Re: Proposed Second Story Addition to Single Family Residence  
7119 Eureka Avenue, El Cerrito, CA

Dear Mr. Ibalio:

Please find enclosed a complete submittal with attachments for the proposed second story addition at 7119 Eureka Avenue.

I. BACKGROUND

1. Property Description

7119 Eureka Avenue is located in the RS-5 zone and Low Density General Plan area in the city of El Cerrito (APN 503364017). Existing improvements constructed in 1940 include a 783 square foot residence and attached one-car garage and associated site improvements including a low (approximately 18" high) concrete retaining wall, concrete sidewalk and concrete driveway in the front yard and a concrete patio in the rear yard.

2. Development Proposal

The project proposes to construct a new second story of approximately 957 square feet and remodel the existing first floor to bring the residence into compliance with current building code and neighborhood standards. A new raised wood platform deck will provide access to the rear yard. The new second story will be built over the existing footprint except for an approximate 5’-0” projection at the front elevation of the residence. Existing improvements including the attached garage, front yard steps and low retaining wall, side yard sidewalk (concrete paving) and rear yard patio (concrete paving) shall remain as-is. No new impacts are proposed within the creek setback area.

3. Existing Environment

Refer to the LSA report, dated January 15, 2016 for a complete description of the existing creek and vegetation. An above ground reach of an unnamed creek traverses the northern portion of the property. This creek flows downstream from a culvert outlet at the western edge of Clayton Avenue, southwesterly across the northern portion of the property, and into another culvert at the northeastern corner of Albemarle Street and Eureka Avenue. Due to the location of the creek and required creek setbacks, the buildable area of the property is reduced by approximately 50%. Because of these site constraints, a rear yard addition cannot be constructed to meet the project goals. Therefore, a second story addition is proposed.
II. CITY SUBMITTAL REQUIREMENTS

F. Required Submittals for Roofed Structures

1. Creek Assessment Report
   a. An investigation and report prepared by LSA Associates, Inc., dated January 15, 2016 is included in the submittals. This report delineates the location of the creek centerline, the top of the creek bank and the creek setback area. It also describes existing site conditions, and the extent of riparian vegetation.

   b. Sheets L0.1 (Site Conditions Plan) and L0.2 (Permeable Surface Calculation Plan) prepared by Bruce Jett Associates, Landscape Architects are included in the submittal. These plans further describe existing site conditions, and show existing and proposed pervious and impervious areas and percentages.

2. Adjustment Justification
   a. The proposed project utilizes the same footprint of the existing structures on site. No new setback encroachment is proposed. A second story is the only alternative that allows expansion of the dwelling without further impacting the ground level. The location of the creek limits new development within the rear yard. The new second story addition is the best alternative to preserve the creek.

3. Creek Impacts
   a. Refer to Sheets A0.1, L0.1 and L0.2 for drawings showing that the proposed development does not increase the encroachment setback or create additional adverse impacts.

4. The project is exempt from the California Environmental Quality Act, therefore no environmental review or reports are required.

5. Creek Protection and Riparian Habitat
   a. Refer to Sheets L0.1 and L0.2 prepared by Bruce Jett Associates, Landscape Architects.
   b. The proposed development does not add impervious surfaces as part of the project. Existing impervious surfaces shall remain as-is. No trees or any other vegetation or site disturbance (i.e., grading) will occur.
   c. Because no new impervious surfaces are added, there will not be an increase in the volume or velocity of storm water runoff to the creek. All roof runoff will be collected and dissipated on-site within landscaped areas.
   d. The existing creek banks and channel are unaffected by the proposed development. An existing concrete retaining wall will remain separating the rear yard from the creek. Erosion control and slope stability measures are not required.
   e. Construction activity will not adversely affect the creek bank, riparian corridor, water flow or water quality. All construction activity will be at a significant distance from the creek edge. BMP's are described on sheets L1.0 and L2.0, Creek Protection Plan and Details.
III. CONSTRUCTION IMPACT/LONG TERM PROJECT IMPACTS
   1. The proposed project continues residential use of the property in a single family dwelling. The existing improvements adjacent to the creek, specifically the concrete paving and vegetation will remain as-is. During construction, BMP's are proposed (see below) to protect the creek during this period. There are no long term project impacts to the creek exceeding the current level of usage of the property as a private, single family residence.

IV. MITIGATION MEASURES
   Significant construction mitigation measures will be utilized to minimize adverse effects on the creek before, during and after the construction period. A construction fence will be constructed to prevent access to the creek and to provide dust control. The fence will be 6 feet high, utilizing existing fence posts. Filter fabric and construction fencing will be installed full height, and the fence will run the entire width of the property along the creek. A coir log will be installed along the construction fence, and along each side property line for approximately 30 feet and buried 3” – 5” into the ground. It will also be installed at the front of the property to prevent runoff into the street/storm drainage system. The coir log is a bio-degradable coconut stuffed fiber roll in a double layer of jute netting. This barrier will reduce erosion by trapping sediment and will not allow any runoff to run under or around it. At the existing concrete patio, a rock barrier will be created with bags placed to overlap to eliminate gaps. The construction fence filter fabric will wrap under both the rock barrier and coir log and extend 1’-0” beyond. Following construction, pervious landscaping areas will be developed around the property. 57% of the site area will be pervious. All roofwater runoff will be directed to the landscaped areas via perforated pipe for infiltration.

V. CONCLUSIONS
   The plans for the renovation of the house on the property comprise adding a second story to the existing house. Because this construction is within the existing house footprint, it should be permitted within the creek setback under Section 19.12.060 I, Existing Nonconforming Structures. The plans for adding an elevated deck in the same location as the existing paver patio and adjacent concrete slab may be allowed within the creek setback subject to approval by the City Engineer and the Zoning Administrator provided that all five findings in Section 19.12.060 D, Minor Unroofed Structures within setback can be met. The proposed elevated deck appears to meet all five findings.

Sincerely,

[Signature]

Arthur L. Clark
California Registered Architect

Arthur L. Clark, Architect          250 Mac Arthur Boulevard          San Leandro, CA 94577
Office (510) 568-5599