I. SUBJECT
Application: PL16-0107
Applicant: Mathew Brown
Location: 534 Albemarle Street
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit to allow for a second unit that is larger than forty percent of the square footage of the main house (ECMC Section 19.20.190.D.1), a second unit that does not meet the minimum off-street parking requirement (due to the non-conforming parking of the primary dwelling) (ECMC Section 19.24.140) and new habitable space exceeding 2,000 square feet total (ECMC Section 19.27.050 C. 2. a. 1. A.).
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 southern quadrant of the city, approximately two blocks west of El Cerrito High School. The lot is oriented west to east, is 5,000 square feet in size and has a cross slope with the high end along the northern property line and the low end along the southern property line. Records show that the original house is 1,541 square feet in size, has an attached one-car garage, and was built in 1941. The basement is partially improved with a full bath, laundry and storage area.

On August 11, 2016, the applicant submitted a conditional use permit application for an exception to the parking requirements for a second unit. Upon staff’s initial review of the application the additional issues were identified and the analysis is provided below.

III. DISCUSSION
The proposed project consists of extensive renovation to an existing single family dwelling. It includes the reconfiguration of the primary dwelling’s floor plan on the upper level, the conversion of part of the storage area into a second unit on the lower area, and the creation of a rear terrace.
All the work proposed with the exception of the terrace, is proposed to be completed within the existing building. Currently, the basement is 1,250 square feet in area. The applicant is proposing to convert 703 square feet into a second unit, leaving the remainder to use as storage. The second unit consists of a living room, a kitchen, a bathroom and an office area. A separate exterior door will be located along the rear of the dwelling to access the second unit. As proposed, the project meets all applicable development standards except for three issues, detailed below.

**Analysis**

The applicant is seeking approval of a three part conditional use permit: exceeding the maximum floor area for second units (ECMC Section 19.20.190 D.1), required off street parking for second unit (due to the non-conforming parking of the primary dwelling) (Section 19.24.140), and for a dwelling that is larger than 2,000 square feet with a one car garage (Section 19.27.050 C. 2. a. 1. A.). In each case the zoning code allows for the consideration of relief from these standards with the approval of a conditional use permit (ECMC Sections 19.20.190 H and 19.27.050)

**Second Unit-Maximum Unit Size**

The maximum size of an accessory unit is limited to either 750 square feet or 40% of the habitable floor area of the existing house whichever is less. The plan set, as scaled by planning staff, indicates that the dwelling is 1,541 square feet. Forty percent of the main floor would total 616 square feet for a second unit on the subject lot. The proposed size of the second unit is 703 square feet (approximately 46% of the main dwelling) or 87 square feet greater than the maximum allowed size. Section 19.20.190 H. provides for an exception to exceed the maximum size of a second unit pursuant to the approval of a conditional use permit.

The intent of the size limitation for second units is to ensure that the unit is ancillary to the main unit, that the visual impacts are insignificant and not deter from the single family character of the neighborhood. The proposed second unit will be located in a portion of the dwelling’s existing basement, and completely enclosed within the building footprint. The only change to the dwelling will be the addition of a deck/terrace and sliding door at the rear of the dwelling. With the exception of these minor changes, neighbors will not see any structural changes to the exterior of the existing dwelling; therefore visual impacts to neighbors will be nominal.

**Second Unit-Parking Exception**

The zoning code requires that in order to establish a second unit, the primary dwelling must meet the minimum parking requirement of two covered spaces. The primary dwelling was built with a one car garage, therefore, is legally nonconforming with regards to parking. Section 19.20.190 H. provides for an exception to parking pursuant to the approval of a conditional use permit. The 20 foot long driveway fulfills the requirements for the second unit, itself.

The intent of establishing the minimum number of one parking space for a second unit and two parking spaces for the primary dwelling is to ensure that there is adequate on-site parking to accommodate an additional vehicle, and therefore, minimize impacts to on-street parking. However, through the use of a conditional use permit, the zoning ordinance allows the Planning Commission to determine whether there is a surplus of on-street parking and in this case, if a deficit of one parking space would have a negative impact on the surrounding community. To analyze this case, staff completed two field investigations. One in the early morning, the second in the evening, (see table, below) with the goal of quantifying the on-street parking conditions.
Parking on the property is comprised of a one car garage and a twenty foot long driveway. The lot offers an additional parking pad adjacent to the driveway for a total of three parking spaces on the property. Houses in the neighborhood were built primarily with a one car garage and a single driveway that are typically ten to twelve feet wide. With the narrower driveways, property frontages can typically accommodate two undesignated on-street parking spaces. Also, properties in the neighborhood were developed either with garages at the rear or at the front of the lot, therefore offering either one or three parking spaces in the driveway. The chart below only references the on street parking condition during the two field investigations.

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>NUMBER OF ON-STREET OCCUPIED SPACES</th>
<th>DISTANCE FROM THE SUBJECT SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/30/16</td>
<td>6 PM</td>
<td>5 of 22 spaces</td>
<td>150 ft.</td>
</tr>
<tr>
<td>9/27</td>
<td>7:30 AM</td>
<td>3 of 22 spaces</td>
<td>150 ft.</td>
</tr>
</tbody>
</table>

Southerly Street View (8/30/16, 6 PM)           Northerly Street View (8/30/16, 6 PM)
Based on these findings, staff believes that the undesignated on-street parking in the neighborhood can accommodate the potential parking deficit.

**Exceed 2,000 Total Square Feet with a One Car Garage**

While the third conditional use permit is technically a discreet entitlement, the considerations and analysis is tied to the previous issue. The zoning code requires that legal non-conforming dwelling units with a one car garage be limited to a total of 2,000 square feet and not more than three bedrooms. The current dwelling unit is 1,541 square feet and already contained four bedrooms. With the addition of 703 square feet of habitable square footage, resulting in a total of area of 2,244 square feet, the overall dwelling exceeds the maximum allowable area of 2,000 square feet and would add a fifth sleeping area. Section 19.27.050 provides for an exception to exceed the maximum square footage of 2,000 for a dwelling with a one car garage through the approval of a conditional use permit.

The intent of the zoning ordinance for limiting the square footage to 2,000 square feet for a dwelling that has a one car garage is an attempt to “right size” the size of a dwelling in relation to the number of available, covered, off-street parking spaces. Although the City of El Cerrito is silent as to maximum occupancy of a bedroom, by limiting the square footage and number of bedrooms, households are limited in habitable square feet, and generally limited as to the need for parking spaces for vehicles. Clearly in practice, this need for parking will vary by household.

Technically, the creation of the second unit will result in a dwelling that is 244 square feet larger than the maximum 2,000 square feet allowed by the zoning ordinance and exacerbate that fact that the dwelling already exceeded the allowable number of bedrooms. Using the two field investigations and associated analysis noted above, staff found that the deficit of one parking space appeared to be easily accommodated on street.
In examining the required findings for the conditional use permit, the Planning Commission must find that project in sum is harmonious and compatible with the surrounding neighborhood, provide a convenient and functional living environment, and is consistent with the purpose of the district where the project is located. Staff finds that the project maintains the integrity of the residential use. The additional square footage is enclosed within the existing building and is not visible from neighboring properties. Further, the additional square footage allows for a functional living environment by providing for a larger second unit living area. The additional square footage that is greater than the maximum required 2,000 square feet, but due to the surplus on-street parking spaces, will not impact the livability and functionality of the existing residential use, nor will it have an adverse impact on the parking supply in the surrounding neighborhood.

Consistency with the Zoning District:
The residential use is consistent with the RS–5 (Single Family Residential) zoning district of the area. With regards to Section 19.06.030 of the El Cerrito Municipal Code, Development standards for the Residential zoning district, the existing dwelling is in compliance with the setbacks, height and lot coverage requirements.

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.

The second unit increases the City’s housing stock and improves the livability of the existing dwelling. The second units provides for suitable housing that is ancillary the main dwelling.

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.

The second unit will be constructed within the parameters of the RS-5 zone and will utilize the existing basement and storage area. 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.

IV. FINDINGS
In order to approve the project, the Planning Commission must make the following findings, as outlined 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 constructing a second unit within a building footprint of a single family dwelling. The existing use and proposed project are consistent with the residential nature of the surrounding neighborhood. The project is not expected to negatively affect the surrounding neighborhood as there is a sufficient amount of on-street parking available for an additional vehicle and the project is consistent with development standards established for the single family residential zoning district (RS-5).

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 setbacks, height, and lot coverage.

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.

V. **RECOMMENDATION**

Staff recommends approval of Planning Application No. PL16-0107, as conditioned by the draft resolution in Attachment 1.

**Proposed Motion:** Move adoption of Planning Commission Resolution PC16-xx to approve a Conditional Use Permit to allow for a second unit that is larger than forty percent of the square footage of the main house (ECMC Section 19.20.190.D.1), a second unit that does not meet the minimum off-street parking requirement (due to the non-conforming parking of the primary dwelling) (ECMC Section 19.24.140) and new habitable space exceeding 2,000 square feet total (ECMC Section 19.27.050 C. 2. a. 1. A.).

**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 August 11, 2016
Planning Commission Resolution PC16-10

APPLICATION NO. PL16-0107

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SECOND UNIT THAT IS LARGER THAN FORTY PERCENT OF THE SQUARE FOOTAGE OF THE MAIN HOUSE (ECMC SECTION 19.20.190.D.1), A SECOND UNIT THAT DOES NOT MEET THE MINIMUM PARKING REQUIREMENT (ECMC SECTION 19.24.140) AND NEW HABITABLE SPACE EXCEEDING 2,000 SQUARE FEET WITH A ONE CAR GARAGE (ECMC SECTION 19.27.050 C. 2. A. 1. A.) ON A PROPERTY LOCATED AT 534 ALBEMARLE STREET

WHEREAS, on August 11, 2016, the applicant submitted an application requesting for a conditional use permit to allow for an exception to the parking requirement for a second unit;

WHEREAS, upon staff’s review of the application, staff determined that a conditional use permit was also required for a second unit that is larger than forty percent of the square footage of the main house (ECMC Section 19.20.190.d.1) and new habitable space exceeding 2,000 square feet total with a one-car garage (ECMC Section 19.27.050 c. 2. a. 1. a.);

WHEREAS, records show that the original house, 1,541 square feet in size and attached one-car garage was built in 1941;

WHEREAS, upon completion, the total square footage of the house will be 2,244 square feet of floor area;

WHEREAS, the subject property is located at 534 Albemarle Street;

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 October 19, 2016, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project consists of constructing a second unit within a building footprint of a single family dwelling. The existing use and proposed project are consistent with the residential nature of the surrounding neighborhood. The project is not expected to negatively affect the surrounding neighborhood as there is a sufficient amount of on-street parking available for an additional vehicle and the project is consistent with development standards established for the single family residential zoning district (RS-5).

2. The project will create an additional habitable and a functional living environment that compiles with all zoning standards, including setbacks, height, and lot coverage.

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

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. PL16-0107, subject to the following conditions:

Conditions of Approval:

1. The project will be constructed substantially in conformance with the plans dated September 27, 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.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 19, 2016 upon motion of Commissioner __, second by Commissioner__:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________________________
Margaret Kavanaugh-Lynch
Development Services Manager
I. SUBJECT

Application: PL16-0129
Applicant: Urban Community Partners
Location: 5802, 5808 and 5828 El Dorado Street
APN: 510-037-001, -002, -027, and -028
Zoning: RM (Multi-Family Residential)
General Plan: High Density Residential
Request: Planning Commission consideration of a Conditional Use Permit to allow a parking reduction of 6 parking spaces for 29 townhome condominium units (19.24.050, ECMC) and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of 3 second units (Accessory Living Units) (19.20.190.H, ECMC).

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15332 of the CEQA Guidelines, Class 32: In-fill Development Projects.

II. BACKGROUND

On May 18, 2016, the Planning Commission held a public hearing to consider a recommendation on the Tentative Subdivision Map for the El Dorado Townhomes project. Commissioners Colin and Motoyama were absent from the meeting. The Commission recommended approval of the Tentative Subdivision Map to the City Council on a vote of 4-1 (Bloom).

On July 19, 2016, the City Council conducted a public hearing on the item. At this meeting, the Council voiced several concerns regarding the project as originally proposed. The Council's concerns generally focused on two areas. Although the project met the accessibility requirements of the Building Code and the Fair Housing Act, the Council expressed a desire to see increased accessibility within the project. In addition, the Council suggested that the applicant examine the mix of unit types and sizes as a way to provide units with a lower price point.

The Council continued the item to the September 20, 2016 meeting to allow the applicant an opportunity to address their concerns. Staff subsequently met with the applicant to discuss ways to address the applicant's concerns.

At the September 20, 2016 City Council meeting, the applicant presented several changes to the project. The applicant added two accessible one-bedroom units to the ground-floor along Avila Street. These units are shown as floorplan ‘C’ on the revised plans. In order to allow space for
these new units, the applicant reduced the parking of four of the ‘A’ units. These units now feature one-car garages and have been relabeled as ‘D’ units to distinguish the new floorplan. Additionally, the applicant also added accessible Accessory Living Units to the ground floor of each of the ‘B’ units.

The City Council approved the Tentative Subdivision Map for the project at the September 20th meeting. Because the Council requested that the applicant add units to the project, the proposed project now contains fewer parking spaces than required by the Zoning Ordinance. The City Council, therefore, adopted a condition of approval requiring the applicant to return to the Planning Commission to seek approval of a parking reduction.

III. DISCUSSION

The original proposal contained 27 townhome units with two covered parking spaces each, in compliance with the zoning ordinance. The revised proposal contains 29 townhomes plus 3 Accessory Living Units. Accessory Living Units do not count toward project density, but they do have a parking requirement of one covered or uncovered space/unit. These spaces may be in tandem with other required parking (i.e. they can typically be located in a driveway). However, the project contains shared driveways which access each garage, with no parking allowed on the driveway.

The table below details the parking requirement for each unit type as well as the parking deficit for each. Pursuant to Table 19.24-A of the El Cerrito Zoning Ordinance, multiple family units of one or fewer bedrooms (studio units) require one parking space which must be located in a garage or carport. Multiple family units of two bedrooms or more require two parking spaces, one of which must be located in a garage or carport. The proposed ‘C’ units lack the required one covered parking space. The proposed ‘D’ units contain one covered parking space, but lack the second required space which may be uncovered.

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Unit Count</th>
<th>Required Off-Street Parking/Unit</th>
<th>Proposed Off-Street Parking Included in Project</th>
<th>Parking Deficit by Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>20</td>
<td>2 spaces</td>
<td>40 spaces</td>
<td>0 spaces</td>
</tr>
<tr>
<td>B</td>
<td>3</td>
<td>2 spaces</td>
<td>6 spaces</td>
<td>0 spaces</td>
</tr>
<tr>
<td>C</td>
<td>2</td>
<td>1 covered space</td>
<td>0 spaces</td>
<td>2 covered spaces</td>
</tr>
<tr>
<td>D</td>
<td>4</td>
<td>2 spaces</td>
<td>4 spaces</td>
<td>4 covered or uncovered spaces</td>
</tr>
<tr>
<td>Accessory Living Unit (Part of ‘B’ Units)</td>
<td>3</td>
<td>1 space</td>
<td>0 spaces</td>
<td>3 covered or uncovered spaces</td>
</tr>
</tbody>
</table>

The Planning Commission is being asked to consider a parking reduction of nine parking spaces, pursuant to two different sections of the municipal code.
Pursuant to Section 19.24.050.B, the Planning Commission may approve a conditional use permit to allow a parking reduction for and use other than a Single Family Dwelling, Second Unit or Two Family Dwelling (duplex). Therefore, the Commission is being asked to consider a parking reduction for six spaces for the multi-family residential units (two for ‘C’ units and four for ‘D’ units).

Pursuant to Section 19.20.190.H, the Planning Commission may approve a conditional use permit to allow an exception to the parking requirement for Second Units. As part of this application, the Commission is being asked to consider a parking exception of three spaces for the three Second Units (Accessory Living Units) that are part of the ‘B’ units.

The findings required for the Commission to grant each conditional use permit are discussed below.

**Parking Analysis**

The applicant commissioned a parking study which was submitted with the application. Staff has peer-reviewed the study and has found it to be acceptable in terms of method and observation. The applicant’s consultant, Kimley-Horn surveyed parking in the vicinity of the project during the nighttime hours on two weekdays and one Saturday. These are generally times when most residents are home and on-street parking utilization is highest.

The parking survey measured parking availability by subtracting the highest measured parking demand from the counted supply of on-street parking. The parking analysis observed 13 available parking spaces on streets directly adjacent to the project site (El Dorado, Avila and Santa Clara). In addition, 16 other available spaces were observed within a five minute walk of the project site.

In addition, the project will eliminate three driveways that currently exist on the project site. The addition curb space created by the elimination of the driveways will create an additional three parking spaces (two on El Dorado and one on Avila).

Based on the measured parking availability, and the addition of three on-street spaces as part of the project, the parking analysis concludes that there is more than sufficient on-street parking is available to meet the demands of the project and the current demand of the surrounding neighborhood.

**Criteria for Parking Reduction**

In order to grant the requested parking reduction of six spaces, the Planning Commission must find that the project meets at least three of the five criteria presented in Section 19.24.050.B. Below are a discussion of criteria (a), (b) and (c).

(a) **The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site; or because the applicant has undertaken a transportation demand management program that will reduce parking demand at the site.**

The walking distance from the project site to the El Cerrito Plaza BART Station is approximately one-half mile. In addition, the site is in close proximity to frequent Rapid Bus service on San Pablo Avenue. AC Transit’s Route 25 and Route L Transbay service also utilize Central Avenue, near the project site. Due to the proximity of the site to several public transit options, the parking demand of
the site is expected to be lower than the parking required by the Zoning Ordinance. Based on the typical parking demand of transit-rich areas, the San Pablo Avenue Specific Plan reduced the amount of parking required in new multi-family and mixed use developments in the Plan area. Although this project is not within the Plan Area, it sits about 150 feet from the boundary of the plan area and is expected to have a similar parking demand.

(b) Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

The parking analysis, dated September 30, 2016 measured available parking in vicinity of the project sufficient to meet the demand of the project and to provide the number of parking spaces for which the reduction is sought.

(c) The project furthers the implementation of land use or redevelopment goals of the El Cerrito General Plan more effectively than the project would if it met the parking standards of this Chapter.

The modification of the project to add two more dwelling units and three more accessory dwelling units without causing a detrimental impact on the supply of on-street parking in the surrounding area furthers the implementation of the land use goals of the El Cerrito more effectively than if the project met the parking standards of the chapter. The revised project will now meet the maximum density of 35 units per acre allowed under the General Plan designation of High Density. The High Density residential land use category is intended to provide opportunities for multiple-family residential development where services and transportation systems are adequate to serve the increased densities. The proposed revision allows the city to maximize the amount of new housing in the project and through this conditional use permit and associated parking analysis, to will ensure the “right sizing” of the amount of parking required.

Opposition
One letter of opposition was received by the city staff as of the date of the writing of this staff report. The letter expressed concern regarding traffic and parking impacts on Avila. Related to this conditional use permit, staff concurs per the parking survey, that the on street parking along Avila is shown to be quite full, with only one available space noted. (It also gave credit for one more parking space to be created by the closure of one driveway, therefore showing a net of two available spaces). Staff does not think it would be a good precedent to preclude residents of this project from parking in legal street parking spaces along Avila, however, based on the information in the parking analysis, most of the on street parking is anticipated to be located on the north side of the project.

Environmental Review
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15332 Class 32 – Infill Development Projects, the project is exempt from review under CEQA.

Section 15332 of the CEQA Guidelines establishes following conditions for in-fill projects which are exempt from CEQA review:

(d) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

As discussed above, the project is consistent with the General Plan and the RM zoning district.
(e) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is within the City of El Cerrito and the site is 0.84 acres.

(f) The project site has no value as habitat for endangered, rare or threatened species.

The San Pablo Avenue Specific Plan EIR did not identify any “candidate, sensitive, or special-status species” with habitat in the San Pablo Avenue Specific Plan Area. While the site is not within the San Pablo Avenue Specific Plan Area, the site sits about 150 feet from the plan area. The site has been extensively disturbed by past development and no longer provides suitable habitat for any special-status animal or plant species.

(g) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The applicant commissioned traffic analysis, a Noise Impact Assessment, an Air Quality Impact Assessment, a Water Quality Impact Assessment, and a Stormwater Control Plan. These studies are included as Attachments 4-9 of the May 18, 2016 staff report and available for review on the city website, here: http://www.el-cerrito.org/ArchiveCenter/ViewFile/Item/2651. The studies concluded that the project would not have any significant effects in these areas. The addition of seven new vehicles to the project provides negligible additional traffic trips to the traffic analysis (within the standard of error for the existing study) and does not change the conclusions of the original analysis.

(h) The site can be adequately served by all required utilities and public services.

The site is currently served by all utilities. Pursuant to the requirements of the Stege Sanitary District, the applicant has prepared a sewer capacity study which shows that existing sewers have capacity to serve the project.

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


LU1.2 Multifamily Neighborhoods. Ensure that new development in multifamily neighborhoods supports, rather than detracts from the existing residential character of the area.

The proposed project is consistent with the multi-family character of the surrounding neighborhood. The project will feature townhomes that will face the adjacent streets, add to surveillance of the street and integrate well into the surrounding community.

LU1.3 Quality of Development. Ensure that all multifamily or mixed-use development in residential areas addresses compatibility and quality of life issues.

The proposed project is consistent and compatible with the surrounding multi-family neighborhood. The project has been reviewed thoroughly to ensure that is will not negatively impact the surrounding neighborhood. While the project as proposed has a nine parking space deficiency in regards to off street parking, the parking analysis illustrates that there is currently sufficient
available on-street parking in the surrounding neighborhood to serve the project and not have a detrimental impact on the supply of on-street parking in the surrounding area.

**LU1.5 Suitable Housing.** Promote suitably located housing and services for all age groups within the city. Variety of Housing Types. Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments.

The project proposed 29 new townhome units and 3 Accessory Living Units. These housing types will provide new multi-family ownership housing opportunities to an area with few condominium units, and overall will provide a range of new unit types.

**LU1.7 Maximum Density.** Maintain the maximum multifamily density at 35 dwelling units per acre, except as otherwise provided in this Plan.

The density of the proposed project is 35 units/acre.

**Findings**

Pursuant to Section 19.24.19.34.040 of the El Cerrito Zoning Ordinance, the Planning Commission must make the following findings in order to approve the Conditional Use Permit for the reduction of 6 parking spaces:

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 multi-family land use is consistent with the surrounding neighborhood. The parking analysis, dated September 30, 2016 concluded that sufficient on-street parking was available to meet the parking demand of the project. The reduction in parking is not expected to negatively impact the livability of the surrounding neighborhood.

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 parking reduction is appropriate, based on the site’s proximity of public transit options. The project will provide a functional and convenient living environment due to its proximity to public transit and Central Park.

3. *The proposal is consistent with the purposes 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 proposed project conforms to the development standards of the RM zoning district except with regard to required parking, which this Use Permit addresses. The project will implement the following policies of the El Cerrito General Plan: LU1.2, LU1.3, LU1.5 and LU1.7.

Pursuant to Section 19.34.040 of the El Cerrito Zoning Ordinance, the Planning Commission must make the following findings in order to approve the Conditional Use Permit for the an exception to
the requirement for one parking space each for three second units for a total of 3 parking spaces:

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 parking analysis, dated September 30, 2016 concluded that sufficient on-street parking was available to meet the parking demand of the project. The reduction in parking is not expected to negatively impact the livability of the surrounding neighborhood.

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 parking reduction is appropriate, based on the site’s proximity of public transit options. The project will provide a functional and convenient living environment due to its proximity to public transit and Central Park.

3. *The proposal is consistent with the purposes 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 proposed project conforms to the development standards of the RM zoning district except with regard to required parking, which this Use Permit addresses. The project will implement the following policies of the El Cerrito General Plan: LU1.2, LU1.3, LU1.5, and LU1.7.

### IV. RECOMMENDATION

Staff recommends approval of Planning Application No. PL16-0129, as conditioned by the draft resolution in Attachment 1, approving a Conditional Use Permit to allow a parking reduction of 6 parking spaces for 29 townhome condominium units and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of 3 second units (Accessory Living Units).

**Proposed Motion:** Move adoption of Planning Commission Resolution 16-11 approving a Conditional Use Permit to allow a parking reduction of 6 parking spaces for 29 townhome condominium units and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of 3 second units (Accessory Living Units).

**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 September 2, 2016
5) Copy of Draft of City Council 2016-75 (for reference purposes, only)
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PARKING REDUCTION OF 6 PARKING SPACES FOR 29 TOWNHOME CONDOMINIUM UNITS AND A CONDITIONAL USE PERMIT TO ALLOW AN EXCEPTION TO THE REQUIREMENT FOR 1 PARKING SPACE FOR EACH OF 3 SECOND UNITS (ACCESSORY LIVING UNITS) ON A PROPERTY LOCATED AT 5802, 5808 AND 5828 EL DORADO STREET

WHEREAS, on September 29, 2016, the applicant submitted an application requesting conditional use permits to allow for an exception to the parking requirement for the project on the subject property;

WHEREAS, the subject property is located at 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor’s Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL16-0129; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council held a public hearing and continued the project to September 20, 2016 with guidance to the applicant as to possible amendments to the project; and

WHEREAS, on September 20, 2016, the City Council passed a resolution approving the Tentative Subdivision Map for the project; and

WHEREAS, on October 19, 2016, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The multi-family land use is consistent with the surrounding neighborhood. The parking analysis, dated September 30, 2016 concluded that sufficient on-street parking was available
to meet the parking demand of the project. The reduction in parking is not expected to negatively impact the livability of the surrounding neighborhood. Further,

2. The parking reduction is appropriate, based on the site’s proximity of public transit options. The project will provide a functional and convenient living environment due to its proximity to public transit and Central Park.

3. The proposed project conforms to the development standards of the RM zoning district except with regard to required parking, which this Use Permit addresses. The project will implement the following policies of the El Cerrito General Plan: LU1.2, LU1.3, LU1.5 and LU1.7.

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. PL16-0129, subject to the following conditions:

Conditions of Approval:

1. The project will be constructed substantially in conformance with the plans dated August 31, 2016 (the plans presented both at the City Council meeting of September 20, 2016 and Planning Commission on October 19, 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. All of the conditions of approval included as a part of original application PL14-0171 and as noted in City Council Resolution 2016-75 shall be incorporated by reference into this approval.

3. 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.

4. 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.

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

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 19, 2016 upon motion of Commissioner __, second by Commissioner__:

AYES:
NOES:
ABSTAIN:
ABSENT:

Margaret Kavanaugh-Lynch
Development Services Manager
EL DORADO TOWNHOMES

TENTATIVE MAP AND DESIGN REVIEW PACKAGE
EL CERRITO, CALIFORNIA
TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
EXISTING SITE CONDITIONS
EL DORADO TOWNHOMES

CITY OF EL CERRITO • CONTRA COSTA COUNTY • CALIFORNIA

SCALE 1"=30' DATE: AUGUST 14, 2014

CONTRIBUTED TO THE CALIFORNIA LEGISLATIVE INFORMATION SYSTEM BY CALTRANS
TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
EXISTING SITE CONDITIONS
EL DORADO TOWNHOMES

CITY OF EL CERRITO • CONTRA COSTA COUNTY • CALIFORNIA

SCALE 1"=30' DATE: AUGUST 14, 2014

CONTRIBUTED TO THE CALIFORNIA LEGISLATIVE INFORMATION SYSTEM BY CALTRANS

TREE SUMMARY

<table>
<thead>
<tr>
<th>TREE NO.</th>
<th>DROPS</th>
<th>TREATMENT DIRECTIONS</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>BIRCH</td>
<td>N/A</td>
<td>TREAT OR REMOVE</td>
</tr>
<tr>
<td>200</td>
<td>CEDAR</td>
<td>S1</td>
<td>NOT TREATED</td>
</tr>
<tr>
<td>300</td>
<td>MAPLE</td>
<td>I1</td>
<td>10% MATURE</td>
</tr>
<tr>
<td>400</td>
<td>EUCALYPTUS</td>
<td>I2</td>
<td>10% MATURE</td>
</tr>
<tr>
<td>500</td>
<td>CEDAR</td>
<td>I2</td>
<td>10% MATURE</td>
</tr>
<tr>
<td>600</td>
<td>BIRCH</td>
<td>I1</td>
<td>10% MATURE</td>
</tr>
<tr>
<td>700</td>
<td>PINE</td>
<td>I2</td>
<td>10% MATURE</td>
</tr>
</tbody>
</table>

*NOTE: DROPS OF ELIGIBLE TREES (EXCEPT FOR MAPLE) MUST BE TREATED OR REMOVED. OTHER TREES MAY BE TREATED OR REMOVED BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL MUNICIPAL CODES.

CONTRIBUTED TO THE CALIFORNIA LEGISLATIVE INFORMATION SYSTEM BY CALTRANS
LOW WATER USE PLANTING

SANTA CLARA STREET

MEDIUM WATER USE PLANTING

CENTRAL PARK

LOW WATER USE PLANTING

AVILA STREET

MEDIUM WATER USE PLANTING

El Dorado Townhomes
El Cerrito, California

Preliminary Irrigation Plan

5828 EL DORADO, LLC

September 2, 2016

L3
1. BUILDING 2 - ROOF PLAN

2. BUILDING 2 - SECOND FLOOR PLAN
SECTION AA - BUILDING 2

SECTION CC - BUILDING 2
MEMORANDUM

From: Frederik Venter, Kimley-Horn and Associates
To: Keith McCoy and Ian Gillis, Urban Community Partners
Date: September 30, 2016
Re: 5828 El Dorado Street Parking Study – El Cerrito, California

The purpose of this memorandum is to present an evaluation of evening on-street parking availability in the surrounding neighborhood of the proposed project located at 5828 El Dorado Street in the City of El Cerrito, California.

1. Background

El Dorado Townhomes is a proposed housing development located at 5828 El Dorado Street, in the City of El Cerrito. The project site will be redeveloped to provide 29 residential units and 50 parking spaces. There was a decision made by Council to add more housing units on the project site which resulted in a parking deficiency. Based on City Code requirements, the project will have an on-site shortfall of nine spaces, and these vehicles will park on the streets in the immediate neighborhood. Figure 1 shows the location of the El Dorado Project and the surrounding neighborhood where on-street parking availability was evaluated based on the site reconstruction and existing parking supply and demand on the surrounding street network. The project construction will result in added parking supply on El Dorado Street. Three spaces are generated by eliminating existing driveways on El Dorado Street and Avila Avenue.

Parking demand and supply was counted during two weekdays (September 7th and 8th, 2016) late evening (10 PM -11 PM) and a Saturday (September 10th) late evening (10 PM to 11 PM). This represents the time when residential neighborhoods typically experience the highest on-street parking demand. This analysis indicates the additional availability, although limited, to residents at the proposed project. The highest demand during these survey periods were utilized in the determination of available parking locations and number of spaces.

2. Parking Supply Immediately Adjacent to the Site

2.1 Proposed Additional Parking

As a result of the development of the project, three of the five existing driveways to the project site will be eliminated and additional spaces be available for parking vehicles on the street. The closure of these driveways will provide an additional three parking spaces along the project street frontage. Two parking spaces will be provided along El Dorado Street and one space along Avila Avenue. The elimination of the existing driveways will result in a net addition of three on-street parking spaces.
2.2 Available Parking Spaces along Neighborhood Streets

City Streets within a 5-10 minute walking distance from the project site were surveyed during peak nighttime occupancy to determine any availability of parking spaces, which could potentially be occupied by residents from the proposed El Dorado project. Parking spaces are not striped on the neighborhood streets and a curb length of approximately 20 feet was assumed as providing parking for one vehicle.

Figure 2 and Table 1 respectively show the available parking spaces graphically and numerically in the surrounding neighborhood. Figure 3 shows the supply and demand for on-street parking near the project site by street during the three survey periods. Availability was determined by calculating the maximum parking demand during either the weekday or weekend field surveys. The data indicates that there are 32 parking spaces available on the neighborhood streets.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Available Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Dorado Street</td>
<td>4</td>
</tr>
<tr>
<td>Santa Clara Street</td>
<td>10</td>
</tr>
<tr>
<td>Avila Ave</td>
<td>2</td>
</tr>
<tr>
<td>San Jose Avenue</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32</strong></td>
</tr>
</tbody>
</table>

*Available Parking Spaces include the additional 3 parking spaces as a result of the closure of three existing driveways.*

3. Conclusions

There is sufficient on-street parking available in close proximity to the El Dorado project site. The analysis indicates that three new spaces can be provided immediately adjacent to the site street frontage and an additional 29 spaces are available on the surrounding streets within a 5-10 minute walk from the project.
Yuen Fai Lui
5849 Avila St.,
El Cerrito, Ca. 94530

Oct. 3, 2016

Planning Division
City of El Cerrito
10890 San Pablo Ave.,
El Cerrito, Ca. 94530

Dear Sir/Madam,

I owned a small apartment next to the development site on Avila St. Since the address of this development is 5828 El Dorado, my one request is that any future home owners or guests entering cannot pass through the development and exit onto Avila Street. This will create parking shortage on Avila Street, especially on the weekends when people come to enjoy the small park at the end of Avila St. Also I do not understand why there should be a parking reduction when you have guests visiting home owners who live in the new development. Will re-designing the layout or reduce a couple of homes help alleviate the parking problems?? Anyway please consider carefully. I know it brings in more revenue to the city and it is good to have newer buildings to attract more people into El Cerrito, but there are always consequences such as parking problem and congestion.

Thanks.

Sincerely,

[Signature]

ATTACHMENT 4
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING A TENTATIVE SUBDIVISION MAP CONSISTING OF 6 LOTS (3 RESIDENTIAL LOTS, 2 PRIVATE STREETS, AND ONE LOT FOR BIO-RETENTION/OPEN SPACE) FOR A PROJECT THAT INCLUDES 29 TOWNHOME CONDOMINIUM UNITS.

WHEREAS, the current addresses of the site are 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor’s Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the title of the Tentative Subdivision Map is “El Dorado Townhomes”; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council conducted a public hearing for the project, and continued the item to the September 20, 2016 City Council meeting; and

WHEREAS, on September 20, 2016, the City Council, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The project will implement the following standards of the General Plan: LU1.2 Multifamily Neighborhoods, LU1.3 Quality of Development, LU1.5: Suitable Housing, LU1.7 Maximum Density, LU1.8 Neighborhood Maintenance, CD1.3 High-Quality Design, CD2.1: Street Frontages, CD3.2 Usable Open Spaces, CD3.3: Site Landscaping, CD3.4 Fencing, CD4.2: Building Articulation, CD4.3 Front Yards, CD4.5 Energy and Resources, CD5.1: Design Review Process, and H1.6, H2.1, H2.8, H5.2, and H5.5. The project is not within the area of any adopted specific plan.
2. This application was deemed complete on March 23, 2016, contingent upon the applicant providing a report on the impacts of closure of the RV park on the existing residents, discussed further below. Based on the analysis in the staff report, staff recommends that the project has been designed in accordance of the Zoning Ordinance and General Plan of the City of El Cerrito.

3. The applicant has exceeded the requirements for open space for the project. In addition, the applicant shall pay fees to the West Contra Costa Unified School District in accordance with District’s Master Fee Schedule.

4. The proposed use of the site is 29 residential dwelling units that shall be constructed in compliance with the building code in place at the time of the submittal of the building plans. The use and condition of the property when the project is complete shall comply with the municipal code.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves the Tentative Subdivision Map of Planning Application PL14-0171 subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the City Council on September 20, 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 vested, this Tentative Subdivision Map approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.

5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list to acknowledge that he/she is aware of all these conditions of approval and will comply as directed.
Prior to the issuance of a building permit, this signed list shall be returned to the planning and building division and kept as part of the project file:

a. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.

b. Cover all hauling trucks or maintain at least two feet of freeboard.

c. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

d. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

e. Replant vegetation in disturbed areas as quickly as possible.

f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

g. Clear signage at all construction sites shall be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.

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

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.

j. Post a publicly visible sign(s) 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.

k. 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.

l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the
noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.

n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.

o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.

p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.

q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

r. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

s. A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds.
following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

u. Project personnel shall not collect cultural resources.

v. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.

8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.

9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.

10. The applicant shall request a parking waiver and the Planning Commission shall consider the parking waiver prior to consideration of the project by the Design Review Board.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.

12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.

13. The applicant shall construct an ADA path of travel, including truncated domes, with a striped crosswalk, from the newly constructed sidewalk on Santa Clara Street to the park entrance prior to issuance of Certificate of Occupancy.

14. The applicant shall provide pedestrian safety measures for pedestrians crossing from the sidewalk to the park to the satisfaction of the Public Works Director. This may include but is not limited to a convex mirror, sensors, or similar device to alert drivers or pedestrians if there is a conflict.

15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.
16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.

17. Any new street trees to be installed shall be from the City Master Tree List and be approved by the City Arborist before installation.

18. For any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.

19. The applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees for all earthwork and grading operations in excess of 50 cubic yards.

20. The applicant shall provide drainage plan for new roof and any rain leaders. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.

Fire Department:


22. Prior to the issuance of the building permit, the applicant is responsible to meet the following requirements to the satisfaction of the Fire Marshall:

   a) Provide code analysis of required total firefighting water.

   b) If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

   c) Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.

   d) Fire Department Connections (FDCs) shall be interconnected between all three buildings and shall be located on El Dorado and Avila.

   e) All pathways required for Fire Department access shall remain open, clear and ungated.

   f) “KNOX BOX” shall be installed with keys for all common areas.

   g) Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).

   h) Smoke detectors shall be 120v powered with battery backup.

   i) Smoke detectors shall be interconnected.

   j) Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
k) Carbon Monoxide detectors shall be installed in accordance with NFPA 720.

l) Carbon Monoxide alarms shall be powered with battery backup and be interconnected with the smoke detectors.

m) All electrical breakers shall be labeled.

n) 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.

o) Automatic Fire Sprinklers shall be installed throughout the Complex.

p) Fire sprinkler plans shall be submitted for review, approval and permit under separate cover.

q) Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.

r) Escape or rescue windows shall be installed in accordance with CBC 310.4.

Stege Sanitary District:

23. The applicant shall submit a sewer capacity study to Stege Sanitary District for review and approval prior to issuance of building permit.

City Council:

24. The three properties containing Accessory Living Units (B Units) may be rented pursuant to the recorded declaration or agreement of restriction referring to the deed for each property, as required by El Cerrito Municipal Code section 19.20.190(l). No more than five of the remaining 26 units (A, C, and D Units) may be rented at any one time, which limitation the applicant shall include in the recorded covenants, restrictions, and conditions (“CC&R’s”) for the project properties. The CC&R’s shall additionally state that the City of El Cerrito may but is not required to enforce the rental restrictions.

I CERTIFY that at a regular meeting on September 20, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:    Councilmembers Abelson, Bridges, Quinto and Mayor Lyman
NOES:    Councilmember Friedman
ABSTAIN: None
ABSENT:  None
IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on September 22, 2016.

________________________
Cheryl Morse, City Clerk

APPROVED:

________________________
Gregory B. Lyman, Mayor