AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.
Wednesday, January 17, 2018
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

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

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

2. Approval of Minutes
   Approval of the December 20, 2017 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.

   This item was continued from the December 20, 2017 meeting.
   Application: PL17-0077
   Applicant: Dean and Janella Jones
   Location: 6410 Conlon Ave
   APN: 501-290-007
   Zoning: RS-5 (Single Family Residential)
   General Plan: Low Density Residential
   Request: Planning Commission consideration of a Conditional Use Permits to allow an addition to a non-conforming structure (19.27.050) and Planning Commission consideration of a Conditional Use Permit to allow an exception to the main building envelope (19.06.030.D.3).
   CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

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. **Public Hearing - 11 Pomona Avenue**
   - Application: PL17-0151
   - Applicant: Lori and Thomas Breunig
   - Location: 11 Pomona Avenue
   - APN: 504-226-016
   - Zoning: RS-5 (Single Family Residential)
   - General Plan: Low Density Residential
   - Request: Planning Commission consideration of a Conditional Use Permit to allow an addition to a structure with nonconforming parking along an existing nonconforming side setback.
   - CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

6. **Staff Communications**

7. **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 the applicable appeal fee with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

Any writings or documents provided to a majority of the 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.
1. **Comments from the Public**
   Cordell Hindler of Richmond addressed the Commission regarding an idea for a public space in El Cerrito.

   Howdy Goudey addressed the Commission regarding utility meters for recently approved projects.

2. **Approval of Minutes**
   Motion to approve the October 18, 2017 meeting minutes: Iswalt, 2nd: Hansen.
   Vote:
   Ayes: Bloom, Hansen, Iswalt, Lucas, Motoyama
   Noes: None
   Abstain: Colin
   Absent: Mendez

3. **Commissioner Communication/Conflict of Interest Disclosure**
   Nothing was reported.

4. **Public Hearing – 10810 San Pablo Avenue**
   Application: PL16-0119
   Applicant: Mauricio de la Pena, Trachtenberg Architects
   Location: 10810 San Pablo Avenue
   APN: 503-182-001
   Zoning: Transit Oriented Medium Intensity Mixed Use district (TOMIMU)
   General Plan: Transit Oriented Medium Intensity Mixed Use district (TOMIMU)
Request: Planning Commission consideration of a Tier IV Design Review Approval of a four story residential building containing a total of 40 units, and 32 new garaged parking spaces. Rooftop open space is proposed on the Kearney Street elevation.

CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182.

Consulting Planner, Elizabeth Dunn, presented the staff report and answered questions from the Commission.

David Trachtenberg and Mauricio de la Pena of Trachtenberg Architects presented the project and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Cordell Hindler, Richmond
Howdy Goudey

The public hearing was closed.

Motion to continue the item to a date uncertain: Colin; 2nd: Hansen.

Vote:
Ayes: Colin, Hansen, Iswalt, Lucas, Motoyama
Noes: Bloom
Abstain: None
Absent: Mendez

5. Public Hearing – 6410 Conlon
Application: PL17-0077
Applicant: Dean and Janella Jones
Location: 6410 Conlon Ave
APN: 501-290-007
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permits to allow an addition to a non-conforming structure (19.27.050) and Planning Commission consideration of a Conditional Use Permit to allow an exception to the main building envelope (19.06.030.D.3).

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, Sean Moss, presented the staff report and answered questions from the Commission.
The applicant, Dean Jones, and the project architect, Ed Street, presented the project and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Howdy Goudey
Robin Mitchell

The public hearing was closed.

Motion to approve a Conditional Use Permit to allow an addition to a structure with nonconforming parking: Lucas; 2nd: Colin.
Vote:
Ayes: Colin, Hansen, Iswalt, Lucas, Motoyama
Noes: Bloom
Abstain: None
Absent: Mendez

Motion to approve a Conditional Use Permit to allow an exception to the main building envelope: Lucas; 2nd: Iswalt.
The motion was withdrawn.

Motion to continue the Conditional Use Permit to allow an exception to the main building envelope to the January 17, 2018 meeting: Motoyama, 2nd: Bloom.
Vote:
Ayes: Bloom, Colin, Hansen, Iswalt, Lucas, Motoyama
Noes: None
Abstain: None
Absent: Mendez

6. Staff Communications

7. 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 the applicable appeal fee with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

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## DETAILS

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Dean and Janella Jones</td>
</tr>
<tr>
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<tr>
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<td>RS-5 (Single Family Residential)</td>
</tr>
<tr>
<td>General Plan:</td>
<td>Low Density Residential</td>
</tr>
</tbody>
</table>

### EXECUTIVE SUMMARY

The proposed project consists of a two-story addition to the rear of an existing 1,300-square foot home. The existing house has a one-car garage. The addition would create a total of four bedrooms and a total of 2,600 square feet. The proposed addition would extend beyond the required main building envelope on the rear and east sides. The project requires two Conditional Use Permits:

1. A Conditional Use Permit to allow the expansion of a structure with nonconforming parking.
2. A Conditional Use Permit to allow an exception to the main building envelope.

This item was considered at the December 20, 2017 Planning Commission meeting. At this meeting, the Commission approved the Conditional Use Permit to allow an addition to a structure with nonconforming parking. The Commission also continued the Conditional Use Permit to allow an exception to the main building envelope to the January 17, 2018 meeting. The Commission asked the applicant to prepare an alternative design that complied with the required building envelope. The applicant has submitted such an alternative and has stated that the original proposal is a superior design.

Based on the evidence contained in this report, staff is recommending approval of both Conditional Use Permits.
Background

Site Location and Layout

The house at 6410 Conlon Avenue is an approximately 1,300 square foot, three-bedroom, Spanish-style home. The house sits on a 5,000-square foot (50 ft. x100 ft.) interior lot in the Single Family Residential (RS-5) zoning district. The existing lot coverage of the property is 26%. The lot is fairly flat, but has a gentle upslope away from Conlon Avenue. The house features an attached one car garage at the front of the house and a crawlspace on the ground level, surrounding the garage on three sides. The living space is located above the garage and crawlspace. The living space is split-level, with the two bedrooms above the garage having a higher floor elevation, to allow for headroom in the garage. A third bedroom is located at the rear of the house, with a living room, dining room and kitchen located on the western half of the house.

The house is approximately 25 feet wide. The existing side setback on the east side of the house is six feet, leaving a side setback of nearly 19 feet on the west side of the house. The existing rear setback is approximately 35 feet.

Vicinity Map
Analysis

Project Description

The applicant is proposing a 1,300-square foot addition to the existing house. The addition would be two stories. The first story would align with the existing living space of the house, with a new second story located entirely above the added portion of the house. The addition would add a family room to the main level. As part of the project, the existing rear bedroom would be reconfigured into a laundry room and half bath and a new bedroom and master bedroom would be added on the upper floor of the addition, resulting in a total of four bedrooms.

The proposed project requires two Conditional Use Permits:

1. Pursuant to Section 19.27.050 of the El Cerrito Zoning Ordinance, a Conditional Use Permit is required to allow an addition to a structure with nonconforming parking.
2. Pursuant to Section 19.06.030.D.3 of the El Cerrito Zoning Ordinance, a Conditional Use Permit is required to allow an exception to the main building envelope because the massing of the proposed addition extends outside of the permitted main building envelope.

The project was considered by the Planning Commission on December 20, 2017. At this meeting, the Commission made the appropriate findings and approved the Conditional Use Permit to allow an addition to a structure with nonconforming parking. The Commission also continued the Conditional Use Permit to allow an exception to the main building envelope to the January 17, 2018 meeting.

Main Building Envelope

Figure 19.06-B of the El Cerrito Zoning Ordinance establishes the permitted height limits and daylight planes for development in the RS zoning districts.

Maximum heights and daylight planes vary dependent on the slope of the subject property. In this case, 6410 Conlon Avenue has a lot slope of less than 10%. The permitted maximum building envelope, therefore, reaches a height of 15 feet at the required setback lines and then slopes toward the center of the property at a 45-degree angle (the required daylight plane), until it reaches a base height of 25 feet. The ‘base height’ is the maximum height permitted by right (an additional 5 feet can be granted with a
Conditional Use Permit). The proposed addition would be a total of 21 feet, 6 inches, and therefore does not need an exception to the maximum height. However, because the two-story addition is located on the required rear and side setbacks, it extends beyond the required daylight plane. The proposed addition extends a total of six feet, six inches beyond the daylight plane along the rear and western side setbacks. This equates to approximately 530 cubic feet which extends beyond the daylight plane across the back of the house and approximately 415 cubic feet that extends beyond the daylight plane on the western side.

The home to the rear of the subject property is located on Junction Avenue and sits higher than the subject property. The applicant has claimed that due to the presence of a large existing evergreen tree near the rear property line, the proposed addition will have minimal effect on view blockage, solar access and privacy for the property to the rear. To demonstrate this, the applicant has included photos in the plan set. The property to the east of the site has an existing one car detached garage adjacent to location of the proposed addition, with the usable rear yard located on the opposite side of the garage.

At the December 20, 2017 Planning Commission meeting, the Commission expressed concern with the proposed addition with regard to the finding specifically required in order to grant an exception to the main building envelope. In order to grant the exception, the Commission must find:

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.

Since the applicant had not prepared any alternatives to the proposed project, the Commission did not feel that the finding could be met. The Commission continued the project and asked the applicant to prepare at least one alternative to the proposed project which met the required development standards, including the required main building envelope.

The applicant has now prepared an alternative design which complies with all development standards of the RS-5 zoning district. The alternative consists of a single-story addition located to the rear and west side of the existing house. The alternative floor plan would add an additional bedroom at the end of the existing hallway, with a master suite located across the back of the addition, accessed from a new hallway off the kitchen. A new family room would be located to the west of the existing dining room. The addition would add a total of 649 square feet to the house.

The applicant has stated that the alternative design is inferior to the original proposal for the following reasons because the interior circulation and layout is less functional. The alternative design would cluster three bedrooms off the existing hallway, leaving the master suite accessed from the opposite side of the house. This necessitates the creation of an additional hallway off the kitchen, and leaves the master suite isolated from the other portions of the house. In addition, it places the new half bathroom on this hallway—the original proposal shows the half bath on an extension of the existing hallway—making it less accessible and convenient to the rest of the house. Additionally, the alternative proposal makes the dining room and kitchen into interior spaces, eliminating the existing windows along the west side of the house and limiting natural light in these spaces.

In addition to the alternative floor plan, the applicant has also submitted a landscape plan that shows how the applicant proposes to use the large exterior side yard if the original proposal is built. This area would contain a large concrete patio with a built-in barbeque, benches, and an area for table and chairs. A large lawn with trees along the west side would be located to the north of the patio.

Public Notice and Comment
The required public notice for the project was published in the East Bay Times and mailed to owners of property within 300 feet of the project site on or before November 29, 2017. At the December 20, 2017 Planning Commission meeting, the Commission continued the item to the January 17, 2018 meeting. Because the project was continued to a date certain, renotification of the hearing was not required.

Staff received one written comment from Joe Green, at 6418 Conlon in support of the project. The letter is included as Attachment 4.

Environmental Review

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

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the main building envelope is consistent with the following policies of the El Cerrito General Plan:

**LU1.5: Suitable Housing.** Promote suitably located housing and services for all age groups within the City.

The proposed project will add additional square footage, including a family room and a bedroom to an existing house. This will increase the livability of the house and add square footage to the City’s existing housing stock.

**LU4.5: Quality of Development.** Ensure that all development in nonresidential areas addresses compatibility and quality of life.

The proposed project is located below the adjacent property to the rear and is screened by a large tree. The property to the east contains a detected garage adjacent to the location of the proposed addition. The location of the proposed addition addresses the compatibility and quality of life of adjacent properties by limiting the impacts to surrounding properties.

Required Findings

In order to approve the Conditional Use Permit to allow an exception to the main building envelope, the Planning Commission must make the following findings, contained in 19.34.040 of the El Cerrito Zoning Ordinance. Staff does not believe these findings can be made and the findings below reflect findings of denial:

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 topography of the immediate area and the layout of adjacent properties limits impact to the livability of adjacent properties, as discussed further in further findings. The location of the proposed addition, at the rear of the existing house, is an appropriate location for a two-story addition.*

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 proposed addition will add square footage and a bedroom to an existing single-family home, improving the convenience of the living environment for the occupants. The addition will match the architectural style of the existing Spanish-style home, making it an attractive amenity.

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 Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policies LU 1.5: Suitable Housing and LU4.5: Quality of Development of the El Cerrito General Plan.

In addition, to approve the Conditional Use Permit to allow an exception to the main building envelope, the Planning Commission must make the following finding in Section 19.06.030.D.3.i:

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 property to the rear of the subject site, located on Junction Avenue is substantially higher in elevation than the subject site. Due to the topography, the proposed project will have minimal impact on the adjacent property to the rear. The property to the east has an existing detached garage near the shared property line, adjacent to the proposed addition, limiting any impacts to this property. The applicant has stated that the proposed design is a superior design solution with regard to interior circulation and layout.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of a Conditional Use Permit to allow an exception to the main building envelope.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC18-01 approving a Conditional Use Permit to allow an exception to the main building envelope.

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. Project plans
3. Alternative plans
Planning Commission Resolution PC18-01

APPLICATION NO. PL17-0077

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EXCEPTION TO THE MAIN BUILDING ENVELOPE.

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

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

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities;

WHEREAS, the site is located at 6410 Conlon Avenue;

WHEREAS, the existing Assessor’s Parcel Number of the site is 501-290-007;

WHEREAS, on June 12, 2017 the applicant submitted an application for two conditional use permits to allow the expansion of a structure with nonconforming parking and an exception to the main building envelope;

WHEREAS, on December 17, 2017 the Planning Commission adopted Resolution PC17-17, approving a Conditional Use Permit to allow an addition to a structure with nonconforming parking at 6410 Conlon Ave;

WHEREAS, on December 17, 2017 the Planning Commission continued the Conditional Use Permit to allow an exception to the main building envelope to the January 17, 2018 meeting;

WHEREAS, on January 17, 2018, the Planning Commission, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The topography of the immediate area and the layout of adjacent properties limits impact to the livability of adjacent properties, as discussed further in further findings. The location of the proposed addition, at the rear of the existing house, is an appropriate location for a two-story addition.

2. The proposed addition will add square footage and a bedroom to an existing single-family home, improving the convenience of the living environment for the occupants. The addition, will match the architectural style of the existing Spanish-style home, making it an attractive amenity.

3. The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policies LU 1.5: Suitable Housing and LU4.5: Quality of Development of the El Cerrito General Plan.

4. The property to the rear of the subject site, located on Junction Avenue is substantially higher in elevation than the subject site. Due to the topography, the proposed project will have minimal impact on the adjacent property to the rear. The property to the east has an existing detached garage near the shared property line, adjacent to the proposed addition, limiting any impacts to this property. The applicant has stated that the proposed design is a superior design solution with regard to interior circulation and layout.
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. PL7-0077, subject to the following conditions:

**Planning Division:**

1. The project will be constructed substantially in conformance with the plans presented to the Planning Commission on January 17, 2018. 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 non-issuance 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 approval shall expire two years from the date of this action.

**Public Works:**

5. Roof drainage shall connect to existing drainage lines and/or discharge points or daylighting. It is encouraged to disconnect at least one downspout to daylight onto or toward a landscaped area.

6. Drainage of new addition shall daylight at least 10 ft. away from property lines and not be a nuisance to adjacent properties.

7. The existing damaged driveway and sidewalk along the property frontage shall be replaced per City Standard Details for Driveway and Sidewalk. Work in the public right-of-way will require a separate Public Works Encroachment Permit, which must be obtained at the time of Building Permit issuance.

**CERTIFICATION**

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on January 17, 2018, upon motion of Commissioner _____, second by Commissioner ______:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Sean Moss, AICP
Senior Planner
**COMPARATIVE ELEMENTS OF PROPOSED DESIGN A VS. DESIGN B 2**

**JONES RESIDENCE RENOVATION – STRUCTURAL ADDITION**

6520 Eidoen Avenue, El Cerrito, CA


**NORTH ELEVATION**

**SOUTH ELEVATION**

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1. **DISPLACEMENT FOOT PRINT ON SITE:**
   - **DESIGN A: 5,000 sq ft.**
   - **DESIGN B: 6,000 sq ft.**

2. **DESIGN B DECREASED UNDERFOOTPRINT & TOP STRUCTURE FOUNDATION BY 70 ft. L.F. OVER DESIGN A.**

3. **DESIGN B spends more time in the kitchen and dining room extending its interior spaces, thereby also reducing the path of travel between various other interior spaces.**

4. **DESIGN B PATH OF TRAVEL BETWEEN SPACES – ADEQUATELY WIDER SPACING THAN DESIGN A. RELATIONSHIP OF VARIOUS SPACES PROVIDES FUNCTIONAL AND HORIZONTAL EXISTING SPACES ARE NOT COMPATIBLE.**

5. **DESIGN B ENSURES AVAILABIE EXTRASpace FOR FAMILY ACTIVITIES.**

6. **REVERSAL ACCESS AND USES TO THE EXISTING INTERIOR, DESIGN B DOES NOT PROMOTE A WORKING AGENDA BETWEEN THE PROPERTY INTERIOR AND EXTERIOR SPACES FOR FAMILY ACTIVITIES.**

**COMPARATIVE DESIGN SUMMARY**

A. **DESIGN B PROVIDES EXTENDED SPACE, ACCESSIBILITY AND PATH OF TRAVEL BETWEEN SPACES.**

B. **IMPROVED EXISTING INTERIOR RELATIONSHIP BETWEEN THE EXISTING AND PROPOSED NEW SPACE.**

C. **DESIGN B IS A BETTER DESIGN RESPONSE TO THE VARIOUS PROJECT DESIGN CRITERIA AS REQUESTED TO BE CONSIDERED.**

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Date: [Undated]
El Cerrito Planning Commission  
City Hall  
10890 San Pablo Ave.  
El Cerrito, Ca. 94530

I am Joe Green and have lived in El Cerrito at 6418 Conlon Ave. for 62 years. Naturally over that span of time I have had many neighbors. The Dean Jones family have been my neighbors several years. They are very good neighbors and are there when I need help. Dean informed me that they needed more room and planned to add on to their house. He has staked off where the rear extention will be and showed me where the house will increase in height. He pointed out there maybe some shading to my yard. His addition could not effect my yard by shade as much as a very large Redwood tree in the yard behind his yard already does. I hope you will approve his Addition Plan.

Joe Green  
6418 Conlon Ave.  
El Cerrito, Ca, 94530  
(510)325 0742  
jocogreen87@gmail.com
# Planning Commission Conditional Use Permit Report

**January 17, 2018**

## 11 Pomona Avenue

### Details

<table>
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<tr>
<th><strong>Application Number:</strong></th>
<th>PL17-0151</th>
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<td>Lori and Thomas Breunig</td>
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<td><strong>Request:</strong></td>
<td>Planning Commission consideration of Conditional Use Permits to allow an addition to a structure with non-conforming parking, along an existing nonconforming side setback (Section 19.27.050).</td>
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**CEQA:** This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

### Executive Summary

The proposed project consists of a 93-square foot second story addition at the rear of the existing house. The existing house has a one car garage and a nonconforming four-foot side setback. The project requires two Conditional Use Permits:

1. A Conditional Use Permit to allow the expansion of a structure with nonconforming parking.
2. A Conditional Use Permit to allow an addition along an existing nonconforming setback.

Due to the small scale of the proposed project and the lack of impacts to surrounding properties, staff is recommending approval of the project.
Background

Site Location and Layout

The house at 11 Pomona Avenue is an approximately 2,200 square foot, four-bedroom home with an attached one car garage. The house sits on a 4,280-square foot interior lot in the Single Family Residential (RS-5) zoning district. The existing lot coverage of the property is 36%. The lot is essentially flat, sloping approximately 2.3% from the front to the back. The house is two stories, with the garage, a family room and one bedroom located on the first floor, and the kitchen, dining room, living room and three bedrooms, located on the upper floor.

The house has an existing rear setback of thirty-two feet, nine inches, and an existing nonconforming setback of four feet on the north side of the house.

Vicinity Map

Site Photos

View from Pomona Avenue

Rear side of the house
Analysis

Project Description

The proposed project consists of a 93-square foot addition to the rear of the existing house. The existing house has a one car garage and a nonconforming four-foot side setback. The existing second story of the house extends over an exterior concrete patio, located at grade. The proposed addition would add a four-foot extension to the rear of the second story and would cantilever beyond the existing columns that support the second story. The rear portion of the house currently contains a bedroom and bathroom. As part of the addition, the applicant is proposing to reverse the configuration of the bedroom and bathroom. However, the total number of bedrooms and bathrooms would remain the same. The proposed addition would extend across the entire width of the existing house, and is therefore proposed along the existing nonconforming four-foot side setback on the north side of the house. The proposed addition would not be visible from the public street. The project conforms to all other development standards of the Single Family Residential District, (RS-5).

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<th>Development Standards</th>
<th>Zoning Ord. Requirement</th>
<th>Proposed/Existing</th>
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<td>Lot Size</td>
<td>5,000 sq. ft.</td>
<td>4,280 sq. ft.</td>
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<td>Lot Coverage</td>
<td>50%</td>
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<td>Setbacks: Front</td>
<td>10 ft./20 ft. for the garage</td>
<td>12 ft.-9 in./19 ft. to garage</td>
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<tr>
<td>Sides</td>
<td>5 ft.</td>
<td>4 ft. on north side, 9 ft. on south side</td>
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<tr>
<td>Rear</td>
<td>15 ft.</td>
<td>28 ft.-9 in.</td>
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<tr>
<td>Height</td>
<td>25 ft.</td>
<td>21 ft.-6 in.</td>
</tr>
<tr>
<td>Parking</td>
<td>2 covered spaces</td>
<td>1 covered space</td>
</tr>
</tbody>
</table>

Nonconforming Parking

The El Cerrito Zoning Ordinance requires two covered parking spaces for single family homes which are two bedrooms or larger (Table 19.24-A). The existing home is, therefore, nonconforming with regard to parking. Section 19.27.050 of the Zoning Ordinance requires a Conditional Use Permit for all additions to nonconforming structures which do not fall into one of four categories of exceptions. Section 19.27.050.C.2 allows homes with existing legal nonconforming one car garages to be expanded to a maximum of three bedrooms and/or 2,000 square feet without a Conditional Use Permit. The existing home has four bedrooms and is larger than 2,000 square feet. The proposed addition would add additional square footage to a nonconforming structure. Therefore, a Conditional Use Permit is required.

With regard to this Conditional Use Permit, staff visited Pomona Avenue and observed ample available parking. The applicant also surveyed on-street parking at the peak time during the evening and observed four available parking spaces within 100 feet of the subject property.
Based on this information, staff believes that the finding can be made to support this Conditional Use Permit.

Views of available street parking adjacent to the subject site during morning parking peak (approximately 7:00 a.m.)

Nonconforming Setbacks

The development standards for the RS-5 zoning district require a five-foot side yard setback (Table 19.06-B). The existing house has a nonconforming four-foot setback, and the applicant is proposing to extend the nonconforming setback an additional four feet.

Section 19.27.050 requires a Conditional Use Permit for all additions to a nonconforming structure. Section 19.27.050.C, allows additions and enlargements along an existing nonconforming setback that do not come closer to the property line than the existing structure, pursuant to the provisions in Chapter 19.37: Waivers and Exceptions. Chapter 19.37 permits the zoning Administrator to grant a reduction of setbacks of up to 10% of the required setback with an Administrative Use Permit. The applicant is requesting a one-foot reduction of the required five-foot side setback. This request equates to a 20% reduction; therefore, a Conditional Use Permit is therefore required.

As stated previously, the existing setback along the north side of the house is four feet. The proposed addition would cantilever an additional four feet along the existing four-foot side setback. No new windows would be located along the nonconforming setback.

The neighboring property to the north contains a driveway and a detached garage along the shared property line with the subject property. The usable rear yard of the adjacent property is located on the opposite side of the detached garage. Due to the limited scale of the addition, the lack of windows along the side, and the location of the garage and driveway on the adjacent property, the proposed addition will not impact the adjacent property.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times and mailed to owners of property within 300 feet of the project site on or before December 27, 2017. No comments have been received.

Environmental Review

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

The Conditional Use Permit to allow an addition to a structure with nonconforming parking is consistent with the following policies of the El Cerrito General Plan:

**LU1.8: Neighborhood Maintenance.** Maintain the appearance of existing residential areas by discouraging paving of front yards and parkway strips, excessively wide curb cuts and driveways, and inappropriate fence materials.

*The proposed project will limit paving in the front yard by allowing the applicant to expand the existing house without building additional parking.*

The Conditional Use Permit to allow an addition along an existing nonconforming setback is consistent with the following policies of the El Cerrito General Plan:

**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 proposed addition is the same height as the existing building and will extend the building only 4 feet. The proposal is in scale with the surrounding homes.*

**CD4.1: Compatibility in Building Scale.** Avoid big differences in building scale and character between developments on adjoining lots.

*The proposed addition is the same width as the existing house and will extend the house an additional 4 feet. The addition is in scale with the existing home and the adjacent development.*

**Required Findings**

In order to approve the Conditional Use Permit to allow an addition to a structure with nonconforming parking, the Planning Commission must make the following findings, contained in 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 overall square footage of the proposed project is appropriate for a house with a one car garage. Available on-street parking exists at peak times and the project will not adversely affect the availability of parking on Pomona Ave or the livability of the adjacent 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 proposed project allows for the expansion of a bedroom and bathroom of an existing single-family home, increasing the functionality of the living environment.*

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 use permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policy LU1.8: Neighborhood Maintenance of the El Cerrito General Plan.*
In order to approve the Conditional Use Permit to allow an exception to the main building envelope, the Planning Commission must make the following findings, contained in 19.34.040 of the El Cerrito Zoning Ordinance. Staff does not believe these findings can be made and the findings below reflect findings of denial:

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 proposed addition will extend the existing house for a distance of only four feet. The proposed addition is consistent with the scale of the existing house and is compatible with the adjacent development. The addition will not contain windows adjacent to the neighboring property and the addition will be adjacent to a driveway and a detached garage on the adjacent property.*

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 proposed addition will be consistent with the style of the existing house and will not be visible from the public street. The addition will increase the convenience of the home for the occupants.*

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 use permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policies CD1.1: Neighborhood Character and CD4.1 Compatibility in Building Scale of the El Cerrito General Plan.*

**Staff Recommendation**

Based on the information contained in this report, staff recommends approval of Conditional Use Permits to allow an addition to a structure with nonconforming parking along an existing nonconforming setback.

**Proposed Motion**

1. Move adoption of Planning Commission Resolution PC18-02 approving Conditional Use Permits to allow an addition to a structure with nonconforming parking along an existing nonconforming setback.

**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
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING CONDITIONAL USE PERMITS TO ALLOW AN ADDITION TO AN EXISTING STRUCTURE WITH NONCONFORMING PARKING ALONG AN EXISTING NONCONFORMING SETBACK.

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

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

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities;

WHEREAS, the site is located at 11 Pomona Avenue;

WHEREAS, the existing Assessor’s Parcel Number of the site is 504-226-016;

WHEREAS, on October 25, 2017 the applicant submitted an application for two conditional use permits to allow the expansion of a structure with nonconforming parking along an existing nonconforming setback;

WHEREAS, on January 17, 2018, the Planning Commission, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The overall square footage of the proposed project is appropriate for a house with a one car garage. Available on-street parking exists at peak times and the project will not adversely affect the availability of parking on Pomona Ave or the livability of the adjacent neighborhood.

2. The proposed project allows for the expansion of a bedroom and bathroom of an existing single-family home, increasing the functionality of the living environment.

3. The use permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policy LU1.8: Neighborhood Maintenance of the El Cerrito General Plan.

4. The proposed addition will extend the existing house for a distance of only four feet. The proposed addition is consistent with the scale of the existing house and is compatible with the adjacent development. The addition will not contain windows adjacent to the neighboring property and the addition will be adjacent to a driveway and a detached garage on the adjacent property.

5. The proposed addition will be consistent with the style of the existing house and will not be visible from the public street. The addition will increase the convenience of the home for the occupants.

6. The use permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district’s intent. The proposed project will implement policies CD1.1: Neighborhood Character and CD4.1 Compatibility in Building Scale of the El Cerrito General Plan.

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 Division:

1. The project will be constructed substantially in conformance with the plans dated October 25, 2017. 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 non-issuance 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 approval shall expire two years from the date of this action.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on January 17, 2018, upon motion of Commissioner ____, second by Commissioner ______:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sean Moss, AICP
Senior Planner