AGENDA

REGULAR MEETING OF THE
PLANNING COMMISSION

July 21, 2021 at 7:30 p.m.

VIA TELECONFERENCE
https://zoom.us/j/94663583604?pwd=RUp1eWpXR25kNDY4QnlTK2VpdVI3dz09
Meeting ID: 946 6358 3604
Passcode: 943153
Or Join by Phone: 408-638-0968

7:30 p.m. CONVENE REGULAR MEETING

1. ROLL CALL – Chair Daniel Hamilton, Vice Chair Leslie Mendez; Members Brendan Bloom, Greg Crump, Erin Gillett, Linda Klein and Joy Navarrete

2. COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS
The City Council Liaison or City staff may report on matters of general interest to the Planning Commission, Council policies, priorities and significant actions taken by the City Council.

3. ORAL COMMUNICATIONS FROM THE PUBLIC
Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

4. ADOPTION OF MINUTES
Approval of the June 16, 2021 meeting minutes.

5. 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

6. PUBLIC HEARING: 1301 EVERETT STREET – CONDITIONAL USE PERMIT
Application: PL21-0132
Applicant: Cecil Lee
Location: 1301 Everett Street
APN: 502-450-014
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a proposed two-story addition to a single family house that requires a Conditional Use Permit for exceeding building envelope requirements (Chapter 19.34, ECMC).
CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.
7. **PUBLIC HEARING: 409 NORVELL STREET – CONDITIONAL USE PERMIT**

Application: PL21-0106  
Applicant: Frederick Hyer  
Location: 409 Norvell Street  
APN: 504-111-011  
Zoning: RS-5 (Single Family Residential)  
General Plan: Low Density Residential  
Request: Planning Commission consideration of a proposed two-story addition to a single-family house that requires a Conditional Use Permit for exceeding building envelope requirements (Chapter 19.34, ECMC)).  

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

8. **PUBLIC HEARING: 1564 MADERA CIRCLE – CUP & AUP**

Application: PL21-0047  
Applicant: Jacopo Montalenti  
Location: 1564 Madera Circle  
APN: 505-470-005  
Zoning: RS-10 (Single Family Residential)  
General Plan: Very Low Density Residential  
Request: Planning Commission consideration of a Conditional Use Permit to allow a second curb cut on the property and an Administrative Use Permit for a detached garage that is located in front half of the property, for a proposed new single-family house (Chapter 19.34, and Section 19.06.030.L, ECMC).  

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines, Class 3: New construction or conversion of small structures.

9. **STAFF COMMUNICATIONS**

Informational reports on matters of general interest, presented by City staff.

10. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Sean Moss at (510) 215-4330. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection.
MINUTES
REGULAR MEETING OF THE
PLANNING COMMISSION

June 16, 2021 at 7:30 p.m.

This meeting was held via teleconference.

7:30 p.m. CONVENE REGULAR MEETING

1. ROLL CALL – Chair Daniel Hamilton; Members Brendan Bloom, Linda Klein, and Joy Navarrete. Commissioners Greg Crump, Erin Gillett, and Leslie Mendez had excused absences.

2. COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS

3. ORAL COMMUNICATIONS FROM THE PUBLIC
Cordell Hindler addressed the Commission regarding an event in Richmond on the first Thursday of August.

4. ADOPTION OF MINUTES

5. COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE
Commissioner Mendez lives within 500 feet of the the proposed project at 2507 Harris Avenue and she recused herself from this item and requested an excused absence from this meeting accordingly.

6. PUBLIC HEARING: 2507 HARRIS AVENUE CONDITIONAL USE PERMIT
Application: PL21-0092
Applicant: Roia and David Ferrazares
Location: 2507 Harris Street
APN: 500-302-006
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a proposed 23 sq. ft. addition of a single-family house that requires a Conditional Use Permit for enlarging a house considered legally nonconforming because it contains one covered parking space and would result in more than 2,000 sq. ft. of habitable floor area (Chapter 19.27 and Chapter 19.34, ECMC).

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.
Assistant Planner Diego Romero presented the staff report and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Cordell Hindler

The public hearing was closed.

**Moved/Second**: Commissioner Navarette/Bloom. **Action**: Passed a motion to adopt a resolution granting a Conditional Use Permit to allow a 23 sq. ft. addition, enlarging a house considered legally nonconforming because it contains one covered parking space and would result in more than 2,000 sq. ft. of habitable floor area.

**Ayes**: Commissioners Bloom, Hamilton, Klein, Navarette. **Absent**: Crump, Gillett, Mendez.

7. **STAFF COMMUNICATIONS**
Senior Planner Jeff Ballantine provided an update on some of the major Planning applications

8. **ADJOURNMENT**
8:00 p.m.
Application Number: PL21-0132
Applicant: Cecil Lee
Location: 1301 Everett Street
APN: 502-450-014
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a proposed two-story addition to a single-family house that requires a Conditional Use Permit for exceeding building envelope requirements (Chapter 19.34, ECMC).

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

The requested entitlement for consideration by the Planning Commission is a Conditional Use Permit to allow an exception to the main building envelope for a proposed second story addition of an existing single-family house.

The project site is a corner lot with the front property line facing Everett Street and the southern side property line facing Manila Avenue. The project is proposing a second story addition which is 12’4” from the north property line and 8’10” from the south property line.

The existing house has one non-conforming side setback of 4 ft. 6 in. on the north side. The proposed height of the building at the southern side setback would be 18 ft. 6 in. tall, whereas the daylight plane starts at a height of 15 feet at the side setback. The project would not exceed the base height of 25 feet.

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

Site Location and Layout

The house at 1301 Everett Street is an approximately 1,521 square-foot two-story house. The house sits on a 3,750-square-foot lot that is a relatively flat lot, in the RS-5 (Single Family Residential) zoning district. The project site is a corner lot with the front property line facing Everett Street and the southern side property line facing Manila Avenue. The existing lot coverage of the property is 42.1 percent.

The existing house has a kitchen, a dining room, a living room, four bedrooms, two bathrooms, and a two-car detached garage. The existing house has one non-conforming side setback of 4 ft. 6 in. on the north side.

The surrounding neighborhood contains mostly single-family houses. The surrounding houses are a mixture of one-story and two-story houses. On the block of the project site, houses range in size from 635 sq. ft. to 1,700 sq. ft.

Vicinity Map
Site Photo

View from Everett Street

View from Manila Ave
Adjacent Designations and Land Uses


**South**: Single Family Residential (RS-5) Zoning and Low Density Residential General Plan designation. Single family house.

**West**: Single Family Residential (RS-5) Zoning and Low Density Residential General Plan designation. Single family house.


### Analysis

#### Project Description

The applicant is proposing a 160 sq. ft. addition on the second story which would exceed the building envelope requirements for the south side of the building. The resulting addition would have a max height of 21 ft. 10 in., with the height of the addition at the setback line being 18 ft. 6 in. The proposed addition would provide an additional bedroom resulting in a total five bedrooms.

The addition would not comply with the required main building envelope (otherwise known as the daylight plane).

### Table 1: Comparative Development Standards – RS-5 Zone and Proposed Project

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Zoning Ord. Requirement</th>
<th>Existing</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height (maximum)</strong></td>
<td>25’ maximum</td>
<td>22’-3”</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Height (at setback lines)</strong></td>
<td>15’ maximum</td>
<td>21’-3” (south side setback)</td>
<td>18’-6” (south side setback)</td>
<td>No. Use Permit required.</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10’</td>
<td>15’-4”</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td>Side (north)</td>
<td>5’</td>
<td>4’-6”</td>
<td>No change</td>
<td>No. Existing nonconforming setback.</td>
</tr>
<tr>
<td>Side (south) Street</td>
<td>8’-5”</td>
<td>8’-10”</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
<td>35’</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Parking spaces (covered)</strong></td>
<td>2 spaces</td>
<td>2 spaces</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Lot Coverage</strong></td>
<td>50% maximum</td>
<td>42.1%</td>
<td>No change</td>
<td>Yes</td>
</tr>
</tbody>
</table>
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 are dependent on the slope of the subject property. The subject property has an average 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.

The proposed addition exceeds the daylight plane along the southern side of the building (see the Rear Elevation on Sheet A3.1 of Attachment 2). The height of the southern side of the proposed addition is 18 ft. 6 in. tall at the side setback, whereas the daylight plane starts at a height of 15 feet at the side setback. No portion of the existing house or of the proposed addition exceeds the base (by-right) 25-foot height limit (see images below).

East Elevation
The findings required for approval of Conditional Use Permits are discussed in detail below. In addition to the standard findings required for Conditional Use Permits, Section 19.06.030(D)(3)(a) of the El Cerrito Municipal Code (ECMC) contains an additional finding which is required for approval of Conditional Use Permits which grant exceptions to the main building envelope. This finding relates to solar access, view blockage and privacy, and these issues are discussed in greater detail below.

Solar Access

The applicant prepared shadow studies showing shadow impacts of the proposed addition onto adjacent properties on the Winter Solstice (December 21) and Summer Solstice (June 21) at 10 AM, 12 PM, and 3 PM (see Sheet A-4.1 on Attachment 2). These times of day and year were selected by City Staff based on standards developed in the City’s San Pablo Avenue Specific Plan and are meant to provide a general idea of shadow impacts at different times of day during the Winter and Summer Solstice. The Winter Solstice represents the longest shadows of year while the Summer Solstice represents the shortest shadows of the year. Of these different times of day, only during 10 AM and 12 PM on the Winter Solstice does the addition cast a shadow on the northern portion of the roof of an adjacent building, at 1305 Everett Street to the north. At 3 PM during the Winter Solstice, the proposed addition casts a shadow onto Everett Street, the addition does not create any additional shadows during the Summer Solstice.

Consequently, the proposed house will not cause a significant adverse impact on adjacent residences with respect to solar access.

Views

The El Cerrito General Plan acknowledges the presence of views of bridges, the San Francisco and San Pablo bays, Mt. Tamalpais and Marin County, and of the East Bay hills from uphill locations in El Cerrito. Due to the gently sloping topography, location and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. City staff note that this is based on staff’s assessment of the best available information. City staff did not have access to adjacent properties and were not able to observe the views from inside adjacent residences.

Privacy

The proposed addition is located on the south side of the building, adjacent to Manila Avenue in order to minimize privacy impacts on adjacent neighbors. The proposed addition is located 12 ft. 4 in. from the northern property line and more than 40 ft. from the western property line. The addition is proposing one window facing 1305 Everett Street, while all other windows would be facing Everett Street and Manila Avenue. Thus, the proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.

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 July 2, 2021.

Public comments were received by Gaurav Mathur and Kazuko Iwahashi (see Attachment 3 and Attachment 4). These comments come from two different neighbors of the applicant and are both in support of the proposed project.
Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities and pursuant to Section 15303 of the CEQA Guidelines, Class 3: New Construction or Conversion of Small Structures.

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 second story addition would add an extra bedroom to an existing single-family home, providing suitable housing for a large family or multi-generational household.

**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 project is not expected to have substantially greater impacts to views, solar access, and privacy than it would if it were designed to comply with the main building envelope requirements. The project’s exceedance of the main building envelope at the side setback allows the building massing to be located closer to Manila Avenue and further from the adjacent neighbor to the north. The project does not exceed the overall height limit for the RS-5 zoning district.

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

The proposed two-story addition at 1301 Everett Street would comply with the height limit, setback and lot coverage regulations of the RS-5 zone that control building scale. The addition’s overall height and roof line would be consistent with many of the other single-family buildings on the 1300 block of Everett Street. The addition’s materials, colors, and design would match those of the existing house.

Required Findings

**Conditional Use Permit – Building Envelope**

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 Section 19.34.040 of the El Cerrito Municipal Code:

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 surrounding houses are predominantly single-family houses with a mixture of two-story and one-story houses. The proposed addition would not increase the floor area of the house and would result in a 1,681 square foot house on a 3,750 square foot lot. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the...
surrounding neighborhood. As described in the staff report, the proposed addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties.

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

The proposed two-story addition would provide an additional bedroom to an existing single-family home and would result in five bedrooms, a kitchen, a dining room, a living room, two bathrooms, and a two-car detached garage. The resulting house will be an attractive addition to the neighborhood.

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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

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

4. 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 proposed house addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties. It is not expected that the proposed house will significantly impact the solar access of adjacent houses due to location of the proposed addition. Due to the location of the addition and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. The proposed addition is located on the south side of the building, adjacent to Manila Avenue in order to minimize privacy impacts on adjacent neighbors. The proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL21-0132, as conditioned by the draft resolution in Attachment 1.
Proposed Motion

1. Move adoption of Planning Commission Resolution PC2021-08 approving the Conditional Use Permit to allow an exception to the main building envelope for a proposed two-story addition of an existing single-family house at 1301 Everett Street.

Appeal Period

Within ten (10) calendar 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. Public Comment from Kazuko Iwahashi
4. Public Comment from Gaurav Mathur
Planning Commission Resolution PC 2021-08

APPLICATION NO. PL21-0132

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW PROPOSED TWO-STORY ADDITION TO A SINGLE-FAMILY HOUSE WHICH EXCEEDS THE BUILDING ENVELOPE REQUIREMENTS AT 1301 EVERETT STREET

WHEREAS, the site is located at 1301 Everett Street; and

WHEREAS, the existing Assessor’s Parcel Number of the site is 502-450-014; and

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

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

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; and

WHEREAS, on May 10, 2021, Cecil Lee (the “applicant”) submitted an application for a Conditional Use Permit to allow proposed two-story addition to a single-family house which exceeds the building envelope requirements at 1301 Everett Street (pursuant to Section 19.34 of the El Cerrito Municipal Code); and

WHEREAS, on July 21, 2021, the Planning Commission, after due consideration of all evidence and reports and application materials offered for review does find and determine the following:

1. The surrounding houses are predominantly single-family houses with a mixture of two-story and one-story houses. The proposed addition would not increase the floor area of the house and would result in a 1,681 square foot house on a 3,750 square foot lot. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the surrounding neighborhood. As described in the staff report, the proposed addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties.

2. The proposed two-story addition would provide an additional bedroom to an existing single-family home and would result in five bedrooms, a kitchen, a dining room, a living room, two bathrooms, and a two-car detached garage. The resulting house will be an attractive addition to the neighborhood.

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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

4. The proposed house addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties. It is not expected that the proposed house will significantly impact the solar access of adjacent houses due to location of the proposed addition. Due to the location of the addition and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. The proposed addition is located on the south side of the building, adjacent to Manila Avenue in order to minimize privacy impacts on adjacent neighbors. The proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.
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. PL21-0132, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans received by the City on May 10, 2021. 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 the 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.

5. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on July 21, 2021, upon motion of Commissioner __________, second by Commissioner __________:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
Jeff Ballantine, AICP
Senior Planner
SHEET CONTENT

SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS - EXISTING CONDITIONS

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED

EXTERIOR ELEVATIONS - PROPOSED CONDITIONS

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED
LEGEND

NEW SHADOW

(E) SHADOW

ADDITION SHOWN GRAY

SUBJECT PROPERTY

SHADOW STUDY - JUNE 21 (SUMMER SOLSTICE)

1/32" = 1'-0"

10AM - NO NEW SHADOWS

12PM - NO NEW SHADOWS

3PM - NO NEW SHADOWS

SHADOW STUDY - DECEMBER 21 (WINTER SOLSTICE)

1/32" = 1'-0"

NOTE: THIS SHADOW STUDY ANALYZES WORST CASE SCENARIOS. IT DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1301 EVERETT STREET'S (E) STRUCTURE AND PROPOSED ADDITION.

MINIMAL IMPACT ON 1305 EVERETT ST.

NO IMPACT ON NEIGHBORING PROPERTIES
LETTER

To:
Jeff Ballantine
El Cerrito Planning Department
10890 San Pablo Ave
El Cerrito, CA 94530

Dear Jeff Ballantine,

My neighbor Mark Peterson at 1301 Everett St has contacted me about his upstairs addition project and he has shared the plans with me.

He said he is going through the permit process and that neighbor letters help in the process. He also said he will make every effort to keep the construction disruption to a minimum. I am ok with the project don’t have any objections.

He has also discussed the design options. I would prefer the design that is farthest away from my house (the south side rather than center). He also prefers this.

Hope this is helpful.

[Signature]
5/31/2021

1305 Everett St
El Cerrito CA 94530
Dear Jeff:

My neighbor Mark Peterson (1301 Everett St) and I have discussed the upstairs bedroom addition project he would like to undertake this summer. He has also shared the architectural plans with me. We've talked about the potential impact during construction, and his plans to keep disruption to a minimum.

Mark mentioned that a letter from me as his neighbor would be helpful in the permitting process. Mark and I have been friends and neighbors for over eight years. He has my full and enthusiastic support to proceed. Please let me know if there's anything else I can do to help.

Sincerely,

Gaurav Mathur
6822 Manila Ave
El Cerrito CA 94530
Application Number: PL21-0106

Applicant: Frederick Hyer

Location: 409 Norvell Street

APN: 504-111-011

Zoning: RS-5 (Single Family Residential)

General Plan: Low Density Residential

Request: Planning Commission consideration of a proposed two-story addition to a single-family house that requires a Conditional Use Permit for exceeding building envelope requirements and for expanding a nonconforming side setback (Chapter 19.34, ECMC).

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 requested entitlement for consideration by the Planning Commission is a Conditional Use Permit to allow an exception to the main building envelope and for expanding a nonconforming side setback for a proposed two-story addition of an existing two-story single-family house.

The project includes a 661 sq. ft. addition at the rear of the existing two-story house. The addition would accommodate a new accessory dwelling unit (ADU) on the ground floor and a study and larger bedroom on the second floor.

The existing house has a non-conforming side setback of 4 ft. on the north side. The proposed addition expands this non-conforming setback and exceeds the daylight plane along the northern side of the building. The height of the northern side of the proposed addition is 20 ft. 2 in. tall at the side setback, whereas the daylight plane starts at a height of 15 feet at the side setback. The addition would not exceed the base height of 25 feet.

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

Site Location and Layout

The house at 409 Norvell Street is an approximately 1,303 square-foot two-story house with four bedrooms and two bathrooms. The house sits on a 3,750-square-foot lot that is a relatively flat lot, in the RS-5 (Single Family Residential) zoning district. An existing two car detached garage is located at rear southwestern corner of the property. The existing house an existing non-conforming side setback of 4 ft. on the northern side as well as a non-conforming front setback of 6 ft. 7 in. The required setbacks for the side and front in the RS-5 zoning district are 5 ft. and 10 ft., respectively.

The surrounding neighborhood contains mostly single-family houses along with the El Cerrito Plaza, the Plaza BART Station, and Harding Elementary School. The surrounding houses are a mixture of one-story and two-story houses. On the block of the project site, houses range in size from 850 sq. ft. to 2,500 sq. ft.

Vicinity Map
Site Photo

View from Southeast, Looking at Front Façade

View from Southwest, Looking at Rear of Building

Adjacent Designations and Land Uses


Analysis

Project Description

The applicant is proposing a 661 sq. ft. addition at the rear of the existing two-story house. The addition would accommodate a new accessory dwelling unit (ADU) on the ground floor and a study and larger bedroom on the second floor. The project would result in a 1,412 sq. ft. house with three bedrooms and two bathrooms with an attached 535 sq. ft. ADU. The resulting addition would have a maximum height of 20 ft. 2 in. and it would not comply with the required main building envelope (otherwise known as the daylight plane).

Table 1: Comparative Development Standards – RS-5 Zone and Proposed Project

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Zoning Ord. Requirement</th>
<th>Existing</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (maximum)</td>
<td>25’ maximum</td>
<td>19’-6”</td>
<td>20’-2”</td>
<td>Yes</td>
</tr>
<tr>
<td>Height (at setback lines)</td>
<td>15’ maximum</td>
<td>19’-6” (north side setback)</td>
<td>20’-2” (north side setback)</td>
<td>No. Use Permit required.</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10’</td>
<td>6’-7”</td>
<td>No change</td>
<td>No. Existing nonconforming setback.</td>
</tr>
<tr>
<td>Side (north)</td>
<td>5’</td>
<td>4’</td>
<td>No change</td>
<td>No. Use Permit required for expanding this nonconforming setback.</td>
</tr>
<tr>
<td>Side (south)</td>
<td>5’</td>
<td>9’-4”</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
<td>35’</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking spaces (covered)</td>
<td>2 spaces</td>
<td>2 spaces</td>
<td>No change</td>
<td>Yes</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>50% maximum</td>
<td>50%</td>
<td>No change</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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 are dependent on the slope of the subject property. The subject property has an average 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.

The proposed addition exceeds the daylight plane along the northern side of the building. The West (Rear) Elevation and the North (Side) Elevation on Sheet A 3.0 of Attachment 2 show the northern corner of the proposed addition that exceeds the daylight plane. The height of the northern side of the proposed addition is 20 ft. 2 in. tall at the side setback, whereas the daylight plane starts at a height of 15 feet at the side setback. No portion of the existing house or of the proposed addition exceeds the base (by-right) 25-foot height limit (see images below).
Rear (West) Elevation

Side (North) Elevation

The findings required for approval of Conditional Use Permits are discussed in detail below. In addition to the standard findings required for Conditional Use Permits, Section 19.06.030(D)(3)(a) of the El Cerrito Municipal Code (ECMC) contains an additional finding which is required for approval of Conditional Use Permits which grant exceptions to the main building envelope. This finding relates to solar access, view blockage and privacy, and these issues are discussed in greater detail below.

Solar Access

The applicant prepared shadow studies showing shadow impacts of the proposed addition onto adjacent properties on the Winter Solstice (December 21) and Summer Solstice (June 21) at 10 AM, 1 PM, and 4 PM (see Sheet A 1.3 on Attachment 2). These times of day and year were selected by City Staff based on standards developed in the City’s San Pablo Avenue Specific Plan and are meant to provide a general idea of shadow impacts at different times of day during the Winter and Summer Solstice. The Winter Solstice represents the longest shadows of year while the Summer Solstice represents the shortest shadows of...
the year. Of these different times of day, only during 4 PM on the Winter Solstice does the addition cast a shadow on a portion of an adjacent house, at 411 Norvell Street to the north.

Consequently, the proposed house is not anticipated to have a significant adverse impact on adjacent residences with respect to solar access.

Views

The El Cerrito General Plan acknowledges the presence of views of bridges, the San Francisco and San Pablo bays, Mt. Tamalpais and Marin County, and of the East Bay hills from uphill locations in El Cerrito. Due to the gently sloping topography, location and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. City staff note that this is based on staff’s assessment of the best available information. City staff did not have access to adjacent properties and were not able to observe the views from inside adjacent residences.

Privacy

There are not any windows proposed on the portion of the proposed addition that exceeds the daylight plane. The proposed addition includes one second story window facing north, two facing west and one facing south. The proposed second story window facing north is less than 14 feet above grade. The proposed addition is more than 40 feet from adjacent residences to the south and to the west. Thus, the proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.

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 July 2, 2021. No public comments were received on this project.

Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities and pursuant to Section 15303 of the CEQA Guidelines, Class 3: New Construction or Conversion of Small Structures.

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the main building envelope and to expand an existing nonconforming side setback 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 addition would create a new study room and enlarge an existing bedroom, providing a larger house capable of accommodating a large family or multi-generational household. The proposed addition would also create a new Accessory Dwelling Unit and provide an additional housing unit on the property.

**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 project is not expected to have substantially greater impacts to views, solar access, and privacy than it would if it were designed to comply with the main building envelope requirements. The project’s exceedance of the main building envelope at the side setback and the expansion of the nonconforming side setback allows for the expansion of the existing single family house and for the creation of a new ADU. The project does not exceed the overall height limit for the RS-5 zoning district.

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

The proposed addition would comply with the height limit and lot coverage regulations of the RS-5 zone that control building scale. The addition’s overall height and roof line would be consistent with many of the other single-family buildings on the 400 block of Norvell Street. The appearance of the entire house will be revised to more of a modern design with a gray blue color on the stucco along with wood trim on the front canopy and windows. The 400 block of Norvell Street include a mixture of houses with a variety of building forms and architectural styles. The proposed project will complement the existing houses on this block.

**Required Findings**

**Conditional Use Permit – Building Envelope & Nonconforming Setback**

In order to approve the Conditional Use Permits to allow an exception to the main building envelope and to expand an existing nonconforming setback, the Planning Commission must make the following findings, contained in Section 19.34.040 of the El Cerrito Municipal Code:

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 surrounding neighborhood contains mostly single-family houses along with the El Cerrito Plaza, the Plaza BART Station, and Harding Elementary School. The surrounding houses are a mixture of one-story and two-story houses. The proposed addition would result in a 1,412 sq. ft. house with three bedrooms and two bathrooms with an attached 535 sq. ft. ADU. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the surrounding neighborhood. As described in the staff report, the proposed addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties.*

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

   *The proposed addition would result a new study room and enlarge an existing bedroom for an existing single-family house as well as provide a new attached ADU. The resulting house will be an attractive addition to the neighborhood.*

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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

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

4. 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 proposed house addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties. It is not expected that the proposed house will significantly impact the solar access of adjacent houses due to location of the proposed addition. Due to the location of the addition and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. There are not any windows proposed on the portion of the proposed addition that exceeds the daylight plane. The proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL21-0106, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC2021-09 approving the Conditional Use Permit to allow an exception to the main building envelope and for expanding a nonconforming side setback for a proposed two-story addition of an existing two-story single-family house at 409 Norvell Street.

Appeal Period

Within ten (10) calendar 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
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PROPOSED TWO-STORY ADDITION TO AN EXISTING TWO-STORY SINGLE-FAMILY HOUSE WHICH EXCEEDS THE BUILDING ENVELOPE REQUIREMENTS AT 409 NORVELL STREET

WHEREAS, the site is located at 409 Norvell Street; and

WHEREAS, the existing Assessor’s Parcel Number of the site is 504-111-011; and

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

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

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; and

WHEREAS, on April 22, 2021, Frederick Hyer (the “applicant”) submitted an application for a Conditional Use Permit to allow a proposed two-story addition to a single-family house which exceeds the building envelope requirements at 409 Norvell Street (pursuant to Section 19.34 of the El Cerrito Municipal Code); and

WHEREAS, on July 21, 2021, the Planning Commission, after due consideration of all evidence and reports and application materials offered for review does find and determine the following:

1. The surrounding neighborhood contains mostly single-family houses along with the El Cerrito Plaza, the Plaza BART Station, and Harding Elementary School. The surrounding houses are a mixture of one-story and two-story houses. The proposed addition would result in a 1,412 sq. ft. house with three bedrooms and two bathrooms with an attached 535 sq. ft. ADU. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the surrounding neighborhood. As described in the staff report, the proposed addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties.

2. The proposed addition would result a new study room and enlarge an existing bedroom for an existing single-family house as well as provide a new attached ADU. The resulting house will be an attractive addition to the neighborhood.

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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

4. The proposed house addition has been designed to limit privacy, view, and solar access impacts to the adjacent properties. It is not expected that the proposed house will significantly impact the solar access of adjacent houses due to location of the proposed addition. Due to the location of the addition and scale of surrounding houses, and existence of trees on and adjacent to the project site, potential view impacts to residences of key landmarks that would result from the proposed addition appear to be limited. There are not any windows proposed on the portion of the proposed addition that exceeds the daylight plane. The proposed addition is not anticipated to result in privacy impacts upon adjacent neighbors.
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. PL21-0106, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans received by the City on July 6, 2021. 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 the 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.

5. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on July 21, 2021, upon motion of Commissioner __________, second by Commissioner __________:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Jeff Ballantine, AICP
Senior Planner
**CUP SET**

**BUILDING PERMIT SET**

**BUILDING PERMIT REVISIONS SET**

**CUP SUBMITTAL REV 1**

**Norvell Street Addition and ADU**

409 Norvell Avenue
El Cerrito, CA  94530

**HYER ARCHITECTURE**

263 amherst avenue
kensington ca 94708
510.527.1915 [t, f]

---

**A 3.0**

**EXTerior Finishes**

- **STucco to match existing - gray blue color**
- **TorCHDowN bitumen**
- **Anodize aluminum cladding - wood interior**
- **Wooden Porch Roof and Column Support to replace (E) Stucco Porch Walls and Roof**
- **Landscape walls: board formed concrete, gray blue color, redwood or cedar fencing above**
- **Exterior Trim:**
  - Painted Boral True Exterior Trim - color to match awning

**Scale:** 1/4" = 1'-0"
DETAILS

Application Number: PL21-0047

Applicant: Jacopo Montalenti

Location: 1564 Madera Circle

APN: 505-470-005

Zoning: RS-10 (Single Family Residential)

General Plan: Very Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit to allow a second curb cut on the property and an Administrative Use Permit for a detached garage that is located in front half of the property, for a proposed new single-family house (Chapter 19.34, Section 19.06.030.L, and Section 19.06.030.N, ECMC).

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines, Class 3: New construction or conversion of small structures.

EXECUTIVE SUMMARY

The requested entitlement for consideration by the Planning Commission is a Conditional Use Permit to allow an exception to Section 19.06.030(L) of the El Cerrito Municipal Code which allows one curb cut per lot and an Administrative Use Permit to allow a proposed detached garage in the front half of the property.

The proposal is for a new 3,050 square foot single-family home, a detached 500 square foot garage and a 950 square foot attached ADU. The lot has an existing curb cut and driveway, as part of a Private Access Easement, which leads to the neighbors at 1560 Madera Circle to the south. The project proposes a new curb cut and driveway on the northern edge of the property.

Based on the evidence and analysis contained in this report, staff is recommending approval of the Conditional Use Permit and Administrative Use Permit.
Background

Site Location and Layout

The site is located along the southeast side of Madera Circle, between Barrett Avenue and Rosalind Avenue. The lot is undeveloped and sits on a 20,000 square foot lot in the RS-10 (Single Family Residential) zoning district. The lot slopes downwards from the northeast (side) property line to the southwest (side) property line. The property has a private access easement to the south which contains an existing curb cut and driveway that provides access to the neighbors directly south of the property at 1560 Madera Circle.

The surrounding neighborhood contains single-family houses as well as Madera Elementary School immediately northeast of the project site and the Hillside Nature Area is immediately southwest of the project site. The surrounding houses are a mixture of one-story and two-story houses. On the block of the project site, houses range in size from 2,000 sq. ft. to 5,000 sq. ft.

Vicinity Map
Adjacent Designations and Land Uses

**North:** Public and Semipublic (PS) Zoning and Institutional & Utility General Plan designation. Madera Elementary School

**South:** Single Family Residential (RS-10) Zoning and Very Low Density Residential General Plan designation. Single family house.


Analysis

Project Description

The project is proposing a new 3,050 sq. ft. single family house in the center of the lot, a new 950 sq ft. attached ADU, a 500 sq. ft. detached garage, and a second curb cut and driveway which leads to the detached garage. This new single-family house would include four bedrooms, four and a half bathrooms, a living room, a kitchen, a lounge area, and a laundry room.

Section 19.06.030 of the El Cerrito Municipal Code prescribes the development regulations for residential districts, including lot dimensions, building form and location, pedestrian orientation, vehicle accommodation and other standards. As noted in Table 1, the proposed single-family house will comply with all of the development standards except for the proposed location of the detached garage and for the proposed second curb cut.

Table 1: Comparative Development Standards – RS-10 Zone and Proposed Project

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Zoning Ord. Requirement</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (maximum)</td>
<td>30’ maximum</td>
<td>29’</td>
<td>Yes</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (house)</td>
<td>20’</td>
<td>46’</td>
<td>Yes</td>
</tr>
<tr>
<td>Front (covered parking)</td>
<td>25’</td>
<td>38’-6’</td>
<td>Yes</td>
</tr>
<tr>
<td>Side (north)</td>
<td>6’</td>
<td>35’-8’</td>
<td>Yes</td>
</tr>
<tr>
<td>Side (south)</td>
<td>6’</td>
<td>50’</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>20’</td>
<td>20’</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking spaces (covered)</td>
<td>2 spaces</td>
<td>2 Spaces</td>
<td>Yes</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>50% maximum</td>
<td>30%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Curb Cuts and Driveways

Section 19.06.30(L) of the El Cerrito Municipal Code (ECMC) allows a maximum of one curb cut for a driveway entrance to parking for lots less than one acre. Exceptions may be approved with a Conditional Use Permit, pursuant to ECMC Chapter 19.34.

Currently the lot has an existing curb cut and driveway which is part of a 25 ft. private access easement located in the southern portion of the property, which serves as the access point for the neighbors at 1560 Madera Circle which does not have frontage on a public street. The project is proposing a new curb cut and driveway on the other side of the property to the north. The second curb cut would allow for the garage to be located on a flatter portion of the property, closer to the house. In addition, if a garage were constructed adjacent to the existing driveway on the southern edge of the property (and outside of the 25 ft. private access easement), then it would require significantly more grading into the hillside since this portion of the site is very steep. Due to the two different storm drain easements that run through the property and the slope of the lot, the viable locations for the garage are further constrained. Finally, the second curb cut and driveway is consistent with the neighborhood as the existing curb cut and driveway serve an already existing single-family house.

Detached Garage

Table 19.03-E of the El Cerrito Municipal Code establishes standards for detached garages which requires approval of an Administrative Use Permit for a detached garage to be located in the front half of the lot. The project is proposing that the detached garage be built on the front half of the property due to the steep slope of the lot and the existing easements on the lot. In addition, due to the proposed layout of the house, the proposed detached garage is located on the side of the house and faces the northern (side) property line instead of facing the street. Thus, the garage appears as an extension of the house. The
proposed design of the garage and of the house is harmonious and compatible with the surrounding neighborhood.

Typically, the Zoning Administrator makes determinations on Administrative Use Permit applications, pursuant to ECMC Section 19.34.030.B. However, the Zoning Administrator has designated the Planning Commission as the review authority for this Administrative Use Permit application pursuant to ECMC Section 19.34.030.C since the proposed project requires Planning Commission action on the requested Conditional Use Permit for the proposed second curb cut.

Building Envelope Requirements

Figure 19.06-B of the El Cerrito Municipal Code establishes the permitted height limits and daylight planes for development in the RS zoning districts. Maximum heights and daylight planes are dependent on the slope of the subject property. The subject property has an average lot slope that is greater than 10%. The permitted maximum building envelope, therefore, reaches a height of 20 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 30 feet. The ‘base height’ is the maximum height permitted by-right. The proposed project complies with the City’s building envelope requirements.

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 July 2, 2021. No public comments have been received to date.

In addition, the City and applicant hosted a virtual neighbor meeting on June 9, 2021 to provide neighbors with an opportunity to learn about the project and ask any questions. Notices for this meeting were sent to owners of property within 300 feet of the project site. However, there were not any neighbors who attended this virtual meeting.

Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines, Class 3: New construction or conversion of small structures.

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the second curb cut and the Administrative Use Permit to allow a detached garage on the front half of the property 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 project is proposing a new 3,050 square foot single-family home, a detached 500 square foot garage and a 950 square foot attached accessory dwelling unit. This would result in a single-family house suitable for a large family or multi-generational household.*

**CD1.1: Neighborhood Character.** Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses.
As designed, the house complies with the height, setback, and building envelope requirements. The design of the house is in keeping with the architecture of the surrounding neighborhood and will utilize the high-quality building materials. The second curb cut and the location of the garage on the front half of the property would allow for the garage to be located on a flatter portion of the property, closer to the house.

**CD1.3: High-Quality Design.** Encourage higher-quality design through the use of well-crafted and maintained buildings and landscaping, use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

As designed, the house complies with the height, setback, and building envelope requirements. The design of the house is in keeping with the architecture of the surrounding neighborhood and will utilize the high-quality building materials. The color and materials of the single-family residence have been designed in a well-integrated manor. This part of El Cerrito is comprised of single-family residences with a mix of one- and two-story homes. Therefore, the proposed residential addition supports the existing character of this neighborhood.

### Required Findings

**Conditional Use Permit – Second Curb Cut**

In order to approve the Conditional Use Permit to allow an exception to the maximum of one curb cut for a driveway allowed, 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 project consists of construction of a new single-family house which is consistent with the residential nature of the surrounding neighborhood. The second curb cut, and driveway is consistent with the neighborhood as the existing curb cut and driveway serve an already existing single-family house. 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 includes the creation of a large house and ADU that can accommodate a large family or multi-generational household. This new single-family house would include four bedrooms, four and a half bathrooms, a living room, a kitchen, a lounge area, and a laundry room. As designed, the house complies with the height, setback, and building envelope requirements.**

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 for the creation of a second curb cut to serve a new 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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD1.3: High-Quality Design.**
Administrative Use Permit – Detached Garage

In order to approve the Administrative Use Permit to allow a carport in the front half of the property, the Planning Commission must make the following findings, contained in Section 19.34.040 of the El Cerrito Municipal Code:

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.

   Due to the proposed layout of the house, the proposed detached garage is located on the side of the house and faces the northern (side) property line instead of facing the street. Thus, the garage appears as an extension of the house. The proposed design of the garage and of the house is harmonious and compatible with 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 proposed detached garage would serve the proposed new house and allow the property to comply with the parking requirements in the City’s Municipal Code. The proposed design of the detached garage is integrated with the main building design and it will be an attractive addition to the neighborhood.

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 Administrative Use Permit will allow the construction of a detached garage in the front half of the property, and it will allow the property to comply with the parking requirements in the City’s Municipal Code. The proposed carport will implement the following policies of the El Cerrito General Plan: CD1.1: Neighborhood Character, and CD1.3: High-Quality Design.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL21-0047, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC 2021-10 approving a Conditional Use Permit to allow a second curb cut on the property and an Administrative Use Permit for a detached garage that is located on the front half of the property, for a proposed new single-family house at 1564 Madera Circle.

Appeal Period

Within ten (10) calendar 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
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SECOND CURB CUT ON THE PROPERTY AND AN ADMINISTRATIVE USE PERMIT FOR A DETACHED GARAGE THAT IS LOCATED IN FRONT HALF OF THE PROPERTY, FOR A PROPOSED NEW SINGLE-FAMILY HOUSE AT 1564 MADERA CIRCLE

WHEREAS, the site is located at 1564 Madera Circle; and

WHEREAS, the existing Assessor’s Parcel Number of the site is 505-470-005; and

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

WHEREAS, the zoning district of the site is RS-10 (Single Family Residential); and

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines, Class 3: New construction or conversion of small structures; and

WHEREAS, on March 08, 2021, Jacopo Montalenti (the “applicant”) submitted an application for a Conditional Use Permit to a second curb cut on the property and an Administrative Use Permit for a detached garage that is located in front half of the property at 1564 Madera Circle (pursuant to Section 19.06.030.L, Section 19.06.030.N, and Section 19.34 of the El Cerrito Municipal Code); and

WHEREAS, on July 21, 2021, the Planning Commission, after due consideration of all evidence and reports and application materials offered for review does find and determine the following:

Conditional Use Permit Findings – Second Curb Cut

1. The project consists of construction of a new single-family house which is consistent with the residential nature of the surrounding neighborhood. The second curb cut, and driveway is consistent with the neighborhood as the existing curb cut and driveway serve an already existing single-family house. The project is consistent with development standards established for the Single-Family Residential zoning district (RS-5).

2. The project includes the creation of a large house and ADU that can accommodate a large family or multi-generational household. This new single-family house would include four bedrooms, four and a half bathrooms, a living room, a kitchen, a lounge area, and a laundry room. As designed, the house complies with the height, setback, and building envelope requirements.

3. The Conditional Use Permit will allow for the creation of a second curb cut to serve a new 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 the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD1.3: High-Quality Design.
Administrative Use Permit Findings – Detached Garage

1. Due to the proposed layout of the house, the proposed detached garage is located on the side of the house and faces the northern (side) property line instead of facing the street. Thus, the garage appears as an extension of the house. The proposed design of the garage and of the house is harmonious and compatible with the surrounding neighborhood.

2. The proposed detached garage would serve the proposed new house and allow the property to comply with the parking requirements in the City’s Municipal Code. The proposed design of the detached garage is integrated with the main building design, and it will be an attractive addition to the neighborhood.

3. The Administrative Use Permit will allow the construction of a detached garage in the front half of the property, and it will allow the property to comply with the parking requirements in the City’s Municipal Code. The proposed carport will implement the following policies of the El Cerrito General Plan: CD1.1: Neighborhood Character, and CD1.3: High-Quality Design.

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. PL21-0047, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans received by the City on May 20, 2021. 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 the 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.

5. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.
CERTIFICATION

________________________________________

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on July 21, 2021, upon motion of Commissioner __________, second by Commissioner ________:  

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

_________________  
Jeff Ballantine, AICP  
Senior Planner
b-house preserves and integrates much of the limited flat portion of the lot as usable garden while keeping a noninvasive low profile fronting the elementary school. We raised the side of the house, built on even terrain, over pilotis and located the tallest section of the building down the slope while limiting the uphill height facing the school.
**EXISTING (E) INFORMATION**

- LOT AREA: 20,995 SF
- (E) FLOOR AREA: N/A
- (E) LIST DEVELOPER: N/A
- (E) MONTH AND NUMBER OF STORES: N/A
- (E) NUMBER OF PARKING SPACES: N/A
- (E) P% OF PROPERTY WITH INUNDATION SURFACE: N/A
- (E) SLOPE % (CALCULATED): 22.94%

**DRAWING INDEX**

****C.U.P. REQUEST - SECOND CURB CUT**

At 7100 Maple Oak Dr., the city of Fremont requires a second curb cut from the street on the south (near current curb cut) but the slope and grading limitations will make this extremely challenging. It would involve ramps (slope there is paved 4% and retention at large portion of landscaping at front) and require removal of trees. The street easement is backed up against the property. A second curb cut would be extremely difficult and costly. Ultimately a south oriented location for the garage would be preferable as it is very close to the points of the lot and hard to reach from the rear. This change is 若要.**

**PROJECT (P) INFORMATION**

- LOT AREA: 20,995 SF
- (P) FLOOR AREA: 4,055 SQFT
- (P) LOT COVERAGE: 5,017.5 SQFT (1,308.7%)
- (P) NUMBER OF PARKING SPACES: 3
- (P) P% OF PROPERTY WITH INUNDATION SURFACE: N/A
- (P) SLOPE % (CALCULATED): 22.94%
Concrete retaining wall

SIP/Studs wall

BASEMENT FLOOR
WINDOWS LEGEND

Fix Windows Size
A. Fix 6'-0" x 7'-0" - 1 (ONE)
B. Fix 4'-0" x 7'-0"
C. Fix 9'-0" x 7'-0"

SLIDING WINDOWS SIZE
E. Sliding 9'-0" x 7'-0"

SIDE-HANG WINDOWS SIZE
F. Single-hang 2'-0" x 7'-0"
   (3'-0" Openable)
G. Single-Hang 4'-0" x 7'-0"
   (4'-0" Openable)
H. Single-Hang 2'-0" x 3'-0"
**FIRST FLOOR**

**WINDOWS LEGEND**

**Fix Windows Size**

- **A** Fix 6'-0" x 7'-0" - 2 (TWO)
- **B** Fix 4'-0" x 7'-0"
- **C** Fix 9'-0" x 7'-0"

**Sliding Windows Size**

- **E** Sliding 9'-0" x 7'-0"

**Side-Hang Windows Size**

- **F** Single-hang 2'-0" x 7'-0" (3'-0" Openable)
- **G** Single-Hang 4'-0" x 7'-0" - 4 (FOUR) (4'-0" Openable)
- **H** Single-Hang 2'-0" x 3'-0"
SECOND FLOOR
WINDOWS LEGEND

Fix Windows Size
A. Fix 6'0" x 7'-0" - 4 (FOUR)
B. Fix 4'-0" x 7'-0" - 1 (ONE)
C. Fix 9'-0" x 7'-0"

Sliding Windows Size
E. Sliding 9'-0" x 7'-0" - 1 (ONE)

Side-Hang Windows Size
F. Single-hang 2'-0" x 7'-0" - 1 (ONE)
   (3'-0" Openable)
G. Single-Hang 4'-0" x 7'-0" - 3 (THREE)
   (4'-0" Openable)
H. Single-Hang 2'-0" x 3'-0" - 2 (TWO)
THIRD FLOOR
WINDOWS LEGEND

Fx Windows Size
A. Fix 6'-0" x 7'-0"
B. Fix 4'-0" x 7'-0" - 1 (ONE)
C. Fix 9'-0" x 7'-0" - 2 (TWO)

Sliding Windows Size
E. Sliding 9'-0" x 7'-0" - 1 (ONE)

Side-Hang Windows Size
F. Single-hang 2'-0" x 7'-0" - 1 (ONE)
   (3'-0" Openable)
G. Single-Hang 4'-0" x 7'-0" - 1 (ONE)
   (4'-0" Openable)
H. Single-Hang 2'-0" x 3'-0"

TERRACE - 825 SF
(Flat Roof 4% slope)
PRELIMINARY REPORT

The Old Republic Title Company, a subsidiary of Old Republic International Corporation, through its underwritings, issues title insurance policies and performs title search services for clients throughout the United States. Old Republic Title Company has been in business since 1906. Old Republic Title Company is a New York State registered Title Insurance Company with a business office in New York, New York. Old Republic Title Company is licensed in all states where title insurance is required by law and is authorized to conduct business in all states where title insurance is allowed by law.

PRELIMINARY ORDER

ORDER NO. 123456789

Property Address:

APN 123-45-67-

Exhibit A

SCHEDULE A

SCHEDULE B

SCHEDULE C

SCHEDULE D

SCHEDULE E

SCHEDULE F

SCHEDULE G

SCHEDULE H

SCHEDULE I

SCHEDULE J

SCHEDULE K

SCHEDULE L

SCHEDULE M

SCHEDULE N

SCHEDULE O

SCHEDULE P

SCHEDULE Q

SCHEDULE R

SCHEDULE S

SCHEDULE T

SCHEDULE U

SCHEDULE V

SCHEDULE W

SCHEDULE X

SCHEDULE Y

SCHEDULE Z

SCHEDULE AA

SCHEDULE BB

SCHEDULE CC

SCHEDULE DD

SCHEDULE EE

SCHEDULE FF

SCHEDULE GG

SCHEDULE HH

SCHEDULE II

SCHEDULE JJ

SCHEDULE KK

SCHEDULE LL

SCHEDULE MM

SCHEDULE NN

SCHEDULE OO

SCHEDULE PP

SCHEDULE QQ

SCHEDULE RR

SCHEDULE SS

SCHEDULE TT

SCHEDULE UU

SCHEDULEVV

SCHEDULEWW

SCHEDULEXX

SCHEDULEYY

SCHEDULEZZ

SCHEDULEAAA

SCHEDULEBBB

SCHEDULECCC

SCHEDULEDDD

SCHEDULEEEE

SCHEDULEFFF

SCHEDULEGGG

SCHEDULEHHH

SCHEDULEIII

SCHEDULEJJJ

SCHEDULEKKK

SCHEDULELLL

SCHEDULEMMM

SCHEDULENNN

SCHEDULEOOO

SCHEDULEPPP

SCHEDULEQQQ

SCHEDULERRR

SCHEDULESSS

SCHEDULETTT

SCHEDULEUUU

SCHEDULEVVV

SCHEDULEWWW

SCHEDULEXXX

SCHEDULEYYY

SCHEDULEZZZ

SCHEDULEAAA

SCHEDULEBBB

SCHEDULECCC

SCHEDULEDDD

SCHEDULEEEE

SCHEDULEFFF

SCHEDULEGGG

SCHEDULEHHH

SCHEDULEIII

SCHEDULEJJJ

SCHEDULEKKK

SCHEDULELLL

SCHEDULEMMM

SCHEDULENNN

SCHEDULEOOO

SCHEDULEPPP

SCHEDULEQQQ

SCHEDULERRR

SCHEDULESSS

SCHEDULETTT

SCHEDULEUUU

SCHEDULEVVV

SCHEDULEWWW

SCHEDULEXXX

SCHEDULEYYY

SCHEDULEZZZ

SCHEDULEAAA

EXHIBIT A

SCHEDULE A

SCHEDULE B

SCHEDULE C

SCHEDULE D

SCHEDULE E

SCHEDULE F

SCHEDULE G

SCHEDULE H

SCHEDULE I

SCHEDULE J

SCHEDULE K

SCHEDULE L

SCHEDULE M

SCHEDULE N

SCHEDULE O

SCHEDULE P

SCHEDULE Q

SCHEDULE R

SCHEDULE S

SCHEDULE T

SCHEDULE U

SCHEDULE V

SCHEDULE W

SCHEDULE X

SCHEDULE Y

SCHEDULE Z

SCHEDULE AA

SCHEDULE BB

SCHEDULE CC

SCHEDULE DD

SCHEDULE EE

SCHEDULE FF

SCHEDULE GG

SCHEDULE HH

SCHEDULE II

SCHEDULE JJ

SCHEDULE KK

SCHEDULE LL

SCHEDULE MM

SCHEDULE NN

SCHEDULE OO

SCHEDULE PP

SCHEDULE QQ

SCHEDULE RR

SCHEDULE SS

SCHEDULE TT

SCHEDULE UU

SCHEDULE VV

SCHEDULE WW

SCHEDULE XX

SCHEDULE YY

SCHEDULE ZZ

SCHEDULE AAA

SCHEDULE BBB

SCHEDULE CCC

SCHEDULE DDD

SCHEDULE EEE

SCHEDULE FFF

SCHEDULE GGG

SCHEDULE HHH

SCHEDULE III

SCHEDULE JJJ

SCHEDULE KKK

SCHEDULE LL

SCHEDULE MMM

SCHEDULE NNN

SCHEDULE OOO

SCHEDULE PPP

SCHEDULE QQ

SCHEDULE RRR

SCHEDULE SSS

SCHEDULE TTT

SCHEDULE UUU

SCHEDULE VVV

SCHEDULE WVV

SCHEDULE X

SCHEDULE Y

SCHEDULE Z

SCHEDULE AA

SCHEDULE BB

SCHEDULE CC

SCHEDULE DD

SCHEDULE EE

SCHEDULE FF

SCHEDULE GG

SCHEDULE HH

SCHEDULE II

SCHEDULE JJ

SCHEDULE KK

SCHEDULE LL

SCHEDULE MM

SCHEDULE NN

SCHEDULE OO

SCHEDULE PP

SCHEDULE QQ

SCHEDULE RR

SCHEDULE SS

SCHEDULE TT

SCHEDULE UU

SCHEDULE VV

SCHEDULE WW

SCHEDULE XX

SCHEDULE YY

SCHEDULE ZZ

SCHEDULE AAA

SCHEDULE BBB

SCHEDULE CCC

SCHEDULE DDD

SCHEDULE EEE

SCHEDULE FFF

SCHEDULE GGG

SCHEDULE HHH

SCHEDULE III

SCHEDULE JJJ

SCHEDULE KKK

SCHEDULE LL

SCHEDULE MMM

SCHEDULE NNN

SCHEDULE OOO

SCHEDULE PPP

SCHEDULE QQ

SCHEDULE RRR

SCHEDULE SSS

SCHEDULE TTT

SCHEDULE UU

SCHEDULE VV

SCHEDULE WW

SCHEDULE XX

SCHEDULE YY

SCHEDULE ZZ