AGENDA
REGULAR MEETING OF THE
PLANNING COMMISSION
June 15, 2022 at 7:30 p.m.
VIA TELECONFERENCE
https://us06web.zoom.us/j/89171827849?pwd=USs3T1VxeTVSOG5ZmRsaVhhdFRxUT09
Meeting ID: 891 7182 7849
Passcode: 616616
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, Erin Gillett, 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
Adoption of the May 18, 2022 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. USE PERMIT – KENSINGTON FIRE PROTECTION DISTRICT TEMPORARY FIRE STATION
Application: PL22-0069
Applicant: Kensington Fire Protection District
Location: 814 Craft Avenue (Parking lot of the Unitarian Universalist Church of Berkeley)
APN: 505-302-017
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit to allow a temporary fire station for a period no longer than 24 months.
CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor
Alterations to Land, and the general rule in Section 15061(b)(3) of the CEQA Guidelines.

7. **CONDITIONAL USE PERMIT AMENDMENT – THE CIVIC (10290 SAN PABLO AVENUE)**
   
   **Application:** PL22-0067  
   **Applicant:** Brian Baniqued  
   **Location:** 10290 San Pablo Avenue  
   **APN:** 503-394-024, -026  
   **Zoning:** Transit Oriented Higher Intensity Mixed Use (TOHIMU)  
   **General Plan:** Transit Oriented Higher Intensity Mixed Use (TOHIMU)  
   **Request:** Planning Commission consideration of amendments to the conditions of approval with regard to timing of payment of open space in-lieu and public benefit contributions for a previously approved project containing 50 residential units and 4 live-work units  
   **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 Section 15168 and Government Code Section 65457(a).

8. **CONDITIONAL USE PERMIT – 2060 TAPSCOTT AVE**
   
   **Application:** PL21-0258  
   **Applicant:** Prospect Sierra School  
   **Location:** 2060 Tapscott Ave  
   **APN:** 501-370-002  
   **Zoning:** Public and Semipublic  
   **General Plan:** Institutional & Utility  
   **Request:** Planning Commission consideration of a Conditional Use Permit to amend the existing Conditional Use Permit to allow the construction of a 10’ high, black vinyl chain link fence along the eastern boundary of the elementary school campus.  
   **CEQA:** This project is categorically exempt from the provisions of CEQA pursuant to Section 15304 of the CEQA Guidelines, Class 4: Minor Alterations to Land.

9. **CONDITIONAL USE PERMIT – 956 SEA VIEW DR**
   
   **Application:** PL22-0028  
   **Applicant:** Charles Green  
   **Location:** 956 Sea View Drive  
   **APN:** 505-221-045  
   **Zoning:** RS-5 (Single Family Residential)  
   **General Plan:** Low Density Residential  
   **Request:** Planning Commission consideration of a Conditional Use Permit for a proposed retaining wall which is taller than 4 feet in the front setback and for two retaining walls which are taller than 6 feet located outside of the front setback.  
   **CEQA:** This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land.

10. **STAFF COMMUNICATIONS**
    
    Informational reports on matters of general interest, presented by City staff.
11. 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
May 18, 2022 at 7:30 p.m.
The meeting was held via teleconference.

7:30 p.m. CONVENE REGULAR MEETING

1. ROLL CALL – Chair Daniel Hamilton, Vice Chair Leslie Mendez; Members Brendan Bloom, and Joy Navarrete. Commissioner Erin Gillett had an excused absence.

2. ELECTION OF CHAIR AND VICE CHAIR
Moved/Second: Commissioners Bloom/Navarrete. Action: Passed a motion to elect Commissioner Hamilton as the chair and Commissioner Mendez as the vicechair.
Ayes: Bloom, Hamilton, Mendez, Navarrete.
Noes: None.
Abstain: None.
Absent: Gillett.

3. COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS
No report was given.

4. ORAL COMMUNICATIONS FROM THE PUBLIC
No comments were received.

5. ADOPTION OF MINUTES
Moved/Second: Commissioners Navarrete/Bloom. Action: Passed a motion to adopt the April 20, 2022 meeting minutes.
Ayes: Bloom, Hamilton, Mendez, Navarrete.
Noes: None.
Abstain: None.
Absent: Gillett.

6. COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE
Nothing was disclosed.

7. CONDITIONAL USE PERMIT – 8529 BETTY LANE
Application: PL22-0029
Applicant: Karl Golden
Location: 8529 Betty Lane
APN: 505-352-004
Zoning: RS-10 (Single Family Residential)
General Plan: Very Low Density Residential
Request: Planning Commission consideration of a proposed 1,015 sq. ft. addition of a single-family house that requires a Conditional Use Permit for enlarging a house considered legally nonconforming because it contains no covered parking (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:
Mary & Brian

The public hearing was closed.

Moved/Second: Commissioners Mendez/Hamilton. Action: Passed a motion to approve the Conditional Use Permit to allow a 1,015 sq. ft. addition of a single-family house which is legally nonconforming because it contains no covered parking at 8528 Betty Lane.
Ayes: Bloom, Hamilton, Mendez, Navarrete
Noes: None.
Abstain: None.
Absent: Gillett.

8. CONDITIONAL USE PERMIT – 2060 TAPSCOTT AVE
Application: PL21-0258
Applicant: Prospect Sierra School
Location: 2060 Tapscott Ave
APN: 501-370-002
Zoning: Public and Semipublic
General Plan: Institutional & Utility
Request: Planning Commission consideration of a Conditional Use Permit to amend the existing Conditional Use Permit to allow the construction of a 6' high, black vinyl chain link fence along the eastern boundary of the elementary school campus.
CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15304 of the CEQA Guidelines, Class 4: Minor Alterations to Land.

This item was postponed.

9. STAFF COMMUNICATIONS
Planning Manager Sean Moss updated the Commission regarding upcoming agenda items, Bike to Wherever Day, the Housing Element workshop, the San Pablo Avenue Specific Plan update, and Planning Division staffing.

10. ADJOURNMENT
The meeting adjourned at 8:05 p.m.
Daniel Hamilton, Chair

This is to certify that the foregoing is a true and correct copy of the minutes of the regular Planning Commission meeting of May 18, 2022 as approved by the Planning Commission.

Sean Moss, Staff Liaison
Kensington Temporary Fire Station

**Application Number:** PL22-0069

**Applicant:** Kensington Fire Protection District

**Location:** 814 Craft Avenue (Parking lot of the Unitarian Universalist Church of Berkeley)

**APN:** 505-302-017

**Zoning:** RS-5 (Single Family Residential)

**General Plan:** Low Density Residential

**Request:** Planning Commission consideration of a Use Permit to allow a temporary fire station for a period no longer than 24 months.

**CEQA:** This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land, and the general rule in Section 15061(b)(3) of the CEQA Guidelines.

**EXECUTIVE SUMMARY**

The Kensington Fire Protection District is embarking on a substantial renovation of the District’s existing Fire Station (Kensington Public Safety Building/Station 65). The District will need to vacate the building for approximately 18 months during the renovation. During this time, the District needs a temporary fire station in order to house their engines and equipment and to continue to provide fire protection and emergency response to Kensington. Due to the largely built-out nature of Kensington, the District was able to identify only one suitable site for the temporary station. The site is a portion of the parking lot of the Unitarian Universalist Church of Berkeley. The site lies within the City of El Cerrito, adjacent to Craft Avenue.
Background

Site Location and Layout

The Kensington Fire Protection District is a special district created for the purpose of providing fire protection and emergency response services to the unincorporated community of Kensington, which is adjacent to the City of El Cerrito to the southeast. The District owns and manages a fire station (Kensington Public Safety Building/Station 65) at 217 Arlington Avenue in Kensington, which was built in 1971. The City of El Cerrito has provided Fire Department staffing for the fire station through a contract with the Kensington Fire Protection District since 1995.

The District has determined that the existing Public Safety Building is seismically unsound and in need of major renovation. Through a lengthy public process, the District has developed plan to renovate the existing building. This project will require that the District vacate the existing building for approximately 18 months during the renovation. In order to continue to provide emergency services to the Kensington Community during this time and to house the District’s two engines and other equipment, a temporary fire station is needed. Accordingly, the District conducted a search for a suitable site for a temporary fire station. Given the topography and the largely built-out nature of Kensington, only one suitable site was identified. The Kensington Fire Protection District has reached an agreement with the Unitarian Universalist Church of Berkeley to lease a portion of the church site for use as a temporary fire station.

Vicinity Map
Adjacent Designations and Land Uses


South: Church campus, including preschool in unincorporated Kensington.


Analysis

The Unitarian Universalist Church campus consists of a sanctuary and accessory buildings which are located in Kensington, adjacent to the El Cerrito city limits. In addition to church activities, a preschool (The Good Earth School) also operates on the church campus. Parking areas surround the sanctuary building to the north and west. These parking areas can be accessed from Lawson Road in Kensington or from Craft Avenue in El Cerrito. The site slopes upward from Craft Avenue toward the ridgeline near Kensington Road. The western parking area sits on two parcels which are within the El Cerrito city limits, along Craft Avenue. The proposed site of the temporary fire station is a mostly under-utilized parking area adjacent to Craft Avenue in the City of El Cerrito.

Craft Avenue is a short dead-end street located entirely in the City of El Cerrito. Craft Avenue is accessed from Terrace Drive. The access to the Unitarian Universalist Church is near the end of Craft Avenue on the northeast side of the street. The church access extends northeast and then turns southeast toward the sanctuary and Lawson Road. The first parking area off of Craft Avenue is a dead-end parking bay, meaning it does not circulate to other parts of the parking lot. This parking bay is the proposed site of the temporary fire station.

The proposed temporary fire station would consist of a temporary modular building, containing office space, dormitory rooms and a kitchen; and a temporary garage to house the District’s two fire engines. The site would be fenced for security and access would be provided via a large rolling gate across the front of the site. The station will typically be staffed by three (3) people, 24 hours per day. Parking for station staff and visitors will be located in the existing parking lot adjacent to the station to the northwest, outside of the security gate.

Staffing for the station would continue to be provided by the City of El Cerrito. The City of El Cerrito provides unified management of fire services in El Cerrito and Kensington and the temporary station would serve both communities, as emergency response needs dictate. Access to the station would be primarily from Craft Avenue. Craft Avenue would also be the primary emergency response route for the temporary station, but the Lawson Road access would also be used for a small number of calls, depending on the emergency response location. The District has conducted maneuverability tests on the site with their two engines to ensure that the engines can adequately access the proposed garage. The District is proposing to remove two existing speed bumps near the entrance of the church parking lot to ensure adequate maneuverability for the engines.
Station 65 averages two (2) emergency calls daily. Siren use is kept to a minimum. Sirens are only used on emergency calls when necessary to alert other traffic. During extreme fire weather events (red flag days), traffic to/from the temporary station will increase due to regular patrols along the ridgeline. The engine companies also have daily work assignments, including fire prevention inspections, hydrant checks, and company training. These activities are mostly limited to either morning or afternoon. Each engine is equipped with several power tools such as a power unit to the Jaws of Life, a chainsaw, and a gas-powered blower. The tools are operated weekly to ensure reliability. However, no operation of tools or heavy equipment will occur before 9:00 a.m.

Chapter 19.35 of the El Cerrito Municipal Code establishes the procedures for permitting temporary uses. The Zoning Administrator may typically approve Temporary Use Permits. However, pursuant to Section 19.35.020(D), the Zoning Administrator may require an Administrative Use Permit for temporary uses which have the potential or impacts such as noise and traffic impacts. Pursuant to Section 19.34.030(C), the Zoning Administrator may require a Planning Commission hearing for projects that he/she “determines to have special neighborhood or community significance.” Given the unique nature of this application, the Zoning Administrator has decided to require a Planning Commission hearing.

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 May 25, 2022. Planning staff spoke with two nearby residents of the same household. These residents expressed concerns regarding potential traffic and noise that could be generated by the temporary station.

Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land, and the general rule in Section 15061(b)(3) of the CEQA Guidelines.

Compliance with the General Plan

The Use Permit to allow a temporary fire station is consistent with the following policies of the El Cerrito General Plan:

**CF1.1: Safety.** Place the highest priority on ensuring the safety of existing community facilities, especially the Public Safety Building, Community Center, and neighborhood clubhouses, including seismic retrofits and necessary upgrades.

*Although not located in the City of El Cerrito, the proposed temporary fire station will allow the Kensington Fire Protection District to renovate and seismically retrofit the District’s existing building, improving the safety of the building.*

**CF1.8 Joint Use:** Seek opportunities for joint use of community facilities and shared maintenance and operation agreements with other service providers, including the West Contra Costa Unified School District and Contra Costa County.

*The proposed project includes the temporary use of an under-utilized portion of the campus of the Unitarian Universalist Church of Berkeley.*

**PS2.7: Facility Review.** Review at regular intervals all fire facilities in the community to ensure their adequacy in relation to such factors as fire hydrant capacity, peak load water requirements, fire access roads to wildland areas, and fire protection factors.
The proposed temporary fire station will allow the renovation and modernization of the existing Station 65, which is staffed by the City of El Cerrito/Kensington Fire Department. The renovation will enhance emergency response.

**PS2.13 Joint Response Agreements.** Maintain and improve the City’s ability to participate in existing joint response agreements that enhance its ability to respond to fire, EMS, or disaster needs.

*The proposed project will allow the continuation of the City of El Cerrito’s existing agreement with the Kensington Fire Protection District while the existing station is renovated.*

**Required Findings**

In order to approve the Temporary Use Permit to allow a temporary fire station, the Planning Commission must make the following findings, contained in Section 19.35.040 of the El Cerrito Zoning Ordinance:

A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the public health, safety and welfare.

*The proposed temporary fire station will provide emergency response services to the surrounding community. The duration of the temporary station will be limited to a maximum of 24 months. Operation of the temporary station will be typical of other fire stations. No tools or heavy equipment will be operated before 9:00 a.m. Siren use will be kept to a minimum. The temporary fire station will benefit public health, safety, and welfare.*

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated.

*The proposed project will not restrict pedestrian access to the church property. Adequate parking exists on the church site to accommodate the temporary fire station. During emergency calls, engines may need to temporarily interfere with vehicular traffic. This interference is necessary to provide emergency response and is typical of fire stations.*

**Staff Recommendation**

Based on the information contained in this report, staff recommends approval of Planning Application PL22-0069, as conditioned by the draft resolution in Attachment 1.

**Proposed Motion**

1. Move adoption of Planning Commission Resolution PC 2022-10 approving a Use Permit to allow temporary fire station in the parking lot of the Unitarian Universalist Church of Berkeley on Craft Avenue.
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 APPROPVING A USE PERMIT FOR A TEMPORARY FIRE STATION LOCATED ON CRAFT AVENUE IN THE PARKING LOT OF THE UNITARIAN UNIVERSALIST CHURCH OF BERKELEY

WHEREAS, the Kensington Fire Protection District has begun a project to renovate the District’s existing fire station (Kensington Public Safety Building/Station 65) located at 217 Arlington Avenue in Kensington;

WHEREAS, the District will need to vacate the existing building during the renovation;

WHEREAS, the renovation is expected to take approximately 18 months;

WHEREAS, a temporary fire station is needed during this time to continue to provide fire protection and emergency response and to house the District’s engines and equipment;

WHEREAS, the Kensington Fire Protection District has identified the parking lot of the Unitarian Universalist Church of Berkeley as a suitable site for a temporary fire station;

WHEREAS, the proposed site is located along Craft Avenue in the City of El Cerrito;

WHEREAS, the Assessor’s Parcel Number of the site is 505-302-017;

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

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

WHEREAS, on May 6, 2022, the applicant submitted a use permit;

WHEREAS, on June 15, 2022, the Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The proposed temporary fire station will provide emergency response services to the surrounding community. The duration of the temporary station will be limited to a maximum of 24 months. Operation of the temporary station will be typical of other fire stations. No tools or heavy equipment will be operated before 9:00 a.m. Siren use will be kept to a minimum. The temporary fire station will benefit public health, safety, and welfare.

2. The proposed project will not restrict pedestrian access to the church property. Adequate parking exists on the church site to accommodate the temporary fire station. During emergency calls, engines may need to temporarily interfere with vehicular traffic. This interference is necessary to provide emergency response and is typical of fire stations.

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. PL22-0067, subject to the following conditions:
1. The project will be constructed substantially in conformance with the plans received by the City on June 8, 2022.

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. This use permit shall be valid for a period of 24 months, unless extended by the Planning Commission.

4. Any construction or other work shall conform to all applicable Zoning Ordinances, building and fire codes.

5. Fire protection and access for fire vehicles shall be provided as specified by the Fire Chief.

6. The site shall be completely cleared of all trash, debris, signs, sign supports, temporary structures, and electrical service within three days following the termination of the temporary use.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on June 15, 2022, upon motion of Commissioner _______, second by Commissioner ________:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
Sean Moss, AICP
Planning Manager
KENSINGTON FIRE PROTECTION DISTRICT
TEMPORARY FIRE STATION

KEY NOTES

1. ALL APPLIANCES NOT INCLUDED AS PART OF PREFAB
2. ACTUAL NUMBER OF STAIRS AND DECK ELEVATION MAY VARY DEPENDING ON SITE GRADING. VERIFY ON SITE.

GENERAL NOTES

1. ALL APPLIANCES NOT INCLUDED AS PART OF PREFAB
2. ACTUAL NUMBER OF STAIRS AND DECK ELEVATION MAY VARY DEPENDING ON SITE GRADING. VERIFY ON SITE.

FLOOR PLAN: MODULAR LIVING QUARTERS

EXTERIOR ELEVATIONS: MODULAR LIVING QUARTERS

EXTERIOR ELEVATIONS: MODULAR LIVING QUARTERS

MODULAR LIVING QUARTERS
FLOOR PLANS & ELEV.
KENSINGTON FIRE PROTECTION DISTRICT
TEMPORARY FIRE STATION

1. FLOOR PLAN: CARPORT FOR FIRE ENGINES

2. EXTERIOR ELEVATIONS: CARPORT FOR FIRE ENGINES

3. EXTERIOR ELEVATIONS: CARPORT FOR FIRE ENGINES

KEY NOTES

1. SECURITY WINDOW
2. 12'x12' OVERHEAD DOOR

END OF CRAFT AVENUE
EL CERRITO, CA 94530

NOT FOR CONSTRUCTION

1/8" = 1'-0"
3/16" = 1'-0"
The Civic - Use Permit Amendment

EXECUTIVE SUMMARY

The Civic project received its final entitlement on March 4, 2020. The conditions of approval required the applicant to make a public benefit and public open-space in lieu contributions prior to issuance of a building permit. Due to the COVID-19 global pandemic, current economic conditions, and unforeseen delays in the project, the applicant has faced financing challenges. The applicant is requesting an amendment to the conditions of approval of Resolution PC 2020-02 to allow the payment of these fees prior to the issuance of a Certificate of Occupancy, rather than the issuance of a building permit.

DETAILS

Application Number: PL22-0067
Applicant: Brian Baniqued, The Civic LLC
Location: 10290 San Pablo Avenue
APN: 503-394-024, -026
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
Request: Planning Commission consideration of amendments to the conditions of approval with regard to timing of payment of open space in-lieu and public benefit contributions for a previously approved project containing 50 residential units and 4 live-work units

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 Section 15168 and Government Code Section 65457(a).
Background

Site Location and Layout

On October 18, 2017, Branagh Development received Tier II Design Review approval for a new multi-family residential building containing 14 units at 10290 San Pablo Avenue. Branagh Development later determined that they could not secure financing to construct this project and sold the property.


Brian Baniqued, previously the partner of Vital Building Enterprises, has since purchased all interest in the project.

Analysis

It goes without saying that much has changed in the world since March 4, 2020 when the Civic project received its final approval. Since then, the applicant has made a continuous good-faith effort to move forward with the construction of the project.

The global COVID-19 pandemic and unforeseen delays in the project have caused the applicant to lose two prior loan commitments from construction lenders. Additionally, the cost of raw materials and construction labor has continued to rise since 2020.

The conditions of approval for the project require the payment of $250,000 to be used toward Phase II of the planned Centennial Park improvements (Condition #27 of Resolution PC 2020-02). (Phase I of the Centennial Park project is complete.) This payment was offered as a public benefit to enable the Planning Commission to make the findings required for Tier IV Design Review. The conditions also require the applicant to pay $105,450.66 in lieu of providing public open space on the site as required by the San Pablo Avenue Specific Plan.

Due to financing challenges, the applicant is now requesting to amend the conditions of approval for the Tier IV Design Review so that payment of the Tier IV public benefit contribution, and the public open space in-lieu contribution are due prior to issuance of a Certificate of Occupancy. The conditions of approval currently require these payments prior to issuance of a building permit.

City staff recommends approval of the request. Staff notes that, with regard to public open space, if the project were providing onsite open space, the open space would be constructed with the project and would be provided prior to issuance of a Certificate of Occupancy rather than prior to building permit issuance.

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 May 25, 2022. No comments were received prior to the publication of this report.

Environmental Review
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 Section 15168 and Government Code Section 65457(a).

**Compliance with the General Plan**

The overall project is consistent with the following policies of the El Cerrito General Plan. The proposed amendment to the conditions of approval does not materially alter the project:

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

*The project will provide 50 new housing units and 4 live-work units on San Pablo Avenue, with close proximity to public transportation and commercial uses. The infill project contains ground-floor residential units in a location adjacent to an existing bus stop.*

**LU2.1: San Pablo Avenue Specific Plan Area.** Promote retail, office, and mixed uses within the San Pablo Avenue Specific Plan Area to provide more tax revenues to the city.

*In accordance with the goals of the San Pablo Avenue Specific Plan, the proposed project will add housing units to San Pablo Avenue which will promote a balanced mixture of land uses in the corridor. The new residents of the project will support new and existing businesses along San Pablo Avenue.*

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

*The proposed project will enhance the mixture of uses along San Pablo Avenue. The location of the project will provide the residents with convenient access to businesses, parks, schools, public transit and the Ohlone Greenway. The four live-work units will provide spaces for locally-owned small businesses. The design of the project will allow for surveillance of the street, enhancing public safety. The project will also contribute public open space as well as funds towards Centennial Park.*

**LU6.2: Circulation Alternatives.** To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others. On San Pablo Avenue, in many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority.

*The location of the project provides convenient access to frequent public transit along San Pablo Avenue as well as the El Cerrito Plaza BART station. The location also provides convenient walking access to local businesses. The project also provides 82 long-term and 6 new short-term bicycle parking spaces and contributes its fair share to the San Pablo Avenue Complete Streets program.*

**CD1.9: Building Design.** A variety of attractive images will be achieved by encouraging a variety of building styles and designs, within a unifying context of consistent “pedestrian” scale along streets and compatibility among neighboring land uses.

*The proposed project is designed at a pedestrian scale and addresses San Pablo Avenue and Eureka Avenue with building entries and windows along the street.*
**CD2.1: Street Frontages.** Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in the San Pablo Avenue Specific Plan area to be directly abutting sidewalks, with window openings, entries and high levels of transparency along the pedestrian frontage.

*The building will abut the sidewalk on San Pablo Avenue and Eureka Avenue and features ample window openings and doors along the street. These windows will allow surveillance of streets from the units within the project. The project meets or exceeds the transparency standards of the San Pablo Avenue Specific Plan.*

**CD2.3: Streetscape Improvements.** Maintain an active program of street tree planting and improved roadway landscaping through both public and private means. Design guidelines shall describe appropriate types of trees for commercial areas – to enhance the shopping experience rather than detract from it.

*The San Pablo Avenue Specific Plan implemented standards and requirements for public right-of-way improvements. The project is consistent with the standards and will enhance the adjacent public rights of way in compliance with the San Pablo Avenue Specific Plan.*

**CD3.2: Usable Open Space.** Require the provision of usable open space in the form of ground-floor patios, upper-floor decks, and balconies, as well as common recreational facilities and amenities.

*The project features roof decks on the fifth level and on the rooftop, along with balconies for many of the units.*

**CD3.3: Site Landscaping.** Improve the appearance of the community by requiring aesthetically designed screening and landscaping on public and private sites. Ensure that public landscaping includes entry areas, street medians, parks, and schools. Require landscaping for all private sites, yard spaces, parking lots, plazas, courtyards, and recreational areas.

*The project has provided landscaping in conformance with the standards in the San Pablo Avenue Specific Plan. Landscaping will be provided to soften the building edge along San Pablo Avenue and Eureka Avenue, and landscaping is provided as a buffer between the proposed building and adjacent properties.*

**CD3.12: Landscape Species.** Indigenous and drought-tolerant species that reduce water usage and are compatible with El Cerrito’s climate are encouraged.

*The proposed plant palette includes native, drought-tolerant plants such as Hair Grass and Gray Rush.*

**CD4.2: Building Articulation.** Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

*The proposed building is articulated in compliance with the San Pablo Avenue Specific Plan. The building includes a varied façade and interesting building form. The building is designed at a human scale with building entries along San Pablo Avenue and Eureka Avenue.*

**CD5.1: Design Review Process.** Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single-family homes on existing lots).
The proposed project requires Tier IV Design Review. Pursuant to the San Pablo Avenue Specific Plan, both the Planning Commission and the Design Review Board have authority over elements of the Tier IV Design Review Process.

**T2.1: Land Use Patterns.** Recognize the link between land use and transportation. Promote land use and development patterns that encourage walking, bicycling, and transit use. Emphasize high-density and mixed land use patterns that promote transit and pedestrian travel. Where feasible, emphasize the following land use measures:

1. Promote conveniently located neighborhood complexes that provide housing and commercial services near employment centers and within transit corridors.
2. Promote land use patterns that maximize trip-linking opportunities by assembling uses that allow people to take care of a variety of daily needs.
3. Encourage pedestrian-oriented land use and urban design that can have a demonstrable effect on transportation choices.
4. Direct growth to occur along transit corridors.
5. Encourage retail, commercial, and office uses in ground floor space in combination with upper-floor housing along San Pablo Avenue.

The project will provide 50 new residential units and 4 live-work units in close proximity to public transportation and local businesses. In accordance with the goals of the San Pablo Avenue Specific Plan, the project will add housing units and businesses (live-work units) along San Pablo Avenue, a major transit corridor.

**T2.2: Project Design.** Projects should be designed to include features that encourage walking, bicycling, and transit use.

The project will have building entries directly onto San Pablo Avenue and Eureka Avenue that provide convenient access to the adjacent bus stop.

**H2.2:** Encourage the construction of transit-oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors in accordance with the San Pablo Avenue Specific Plan and the City’s Incentives Program (Chapter 19.23 of the El Cerrito Zoning Ordinance.)

The project provides high-density housing along a transit corridor consistent with the Transit-Oriented Higher-Intensity Mixed Use Transect Zone in the San Pablo Avenue Specific Plan.

**H2.3:** Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit, and enforce the San Pablo Avenue Specific Plan.

The San Pablo Avenue Specific Plan reduced parking requirements and eliminated maximum density in the plan area. This project will enhance the mix of uses in the corridor adjacent to public transit. The project complies fully with the standards of the San Pablo Avenue Specific Plan.

**Required Findings**

Section 2.03.08.01.02.D.3 of the San Pablo Avenue Specific Plan, contains the findings required for the Planning Commission to approve Tier IV Design Review. The following findings were made by the Planning
Commission in the Commission's February 6, 2020 approval of Tier IV Design Review for the project. The proposed changes to the conditions of approval do not materially alter the project:

a. That the project furthers the goals of this Specific Plan by encouraging practical and market friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift.

   As detailed in this report, the project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:

   **Goal A: Strengthen Sense of Place**
   
   Strategy 3: Optimize placemaking in all projects; Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of interest

   **Goal B: Ensure Return on Investment**
   
   Strategy 1: Maximize TOD potential; Strategy 3: Leverage all investments to catalyze new investments

   **Goal C: Encourage Practical and Market Friendly Development**
   
   Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan’s residential base

   **Goal D: Enhance and Humanize Public Realm**
   
   Strategy 3: Create new gathering places to serve the needs of existing and new users

   **Goal E: Catalyze Mode Shift**
   
   Strategy 1: Promote infill development through increased land use intensity close to existing transit infrastructure

b. That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) as stated in adopted city policy documents as identified by the Community Development Director. These documents include but are not limited to:

   - El Cerrito Climate Action Plan
   - El Cerrito Strategic Plan
   - El Cerrito General Plan, especially the Housing Element
   - El Cerrito Economic Development Action Plan
   - El Cerrito Urban Greening Plan
   - El Cerrito Active Transportation Plan

   The public benefit shall be beyond that which is required by Tier II of this Specific Plan and other adopted regulations.

   *The project will provide a $250,000 contribution for Phase II improvements to Centennial Park consistent with the Parks & Recreation Facilities Master Plan.*

c. That the development will not have an undue adverse effect upon the Transect Zone in which it is located, and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located.
Except for the shadow standards, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

d. That the proposed development complies with the intent of the Specific Plan.

The intent of the Transit Oriented Higher-Intensity Mixed Use Transect Zone is to:
Provide a vibrant, walkable, transit oriented higher intensity area within a 1/2 mile BART walkshed that allows a wide variety of uses including retail, commercial, residential and public uses in the distinctive Downtown and Uptown areas. Encourage multifamily residential uses to provide a variety of housing types, including units with 3 or more bedrooms, to meet the diverse needs of residents.

The proposed project will add 50 new residential units and 4 live-work units to San Pablo Avenue, enhancing the mix of uses. The project represents the higher-intensity vision of the Specific Plan for development near the El Cerrito Plaza BART station.

e. That the project implements applicable goals and policies of the El Cerrito General Plan.


Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL22-0067, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC 2022-11 approving amendments to the conditions of approval of a Tier IV Design Review approval for a project containing 50 residential units and 4 live-work units at 10290 San Pablo Avenue.

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. Resolution PC 2020-02
2. Draft resolution
Planning Commission Resolution PC 2020-02

APPLICATION NO. PL19-0007

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION GRANTING TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 50 RESIDENTIAL UNITS AND 4 LIVE-WORK UNITS AT 10290 & 10296 SAN PABLO AVENUE

WHEREAS, the site is located at 10290 & 10296 San Pablo Avenue;

WHEREAS, the existing Assessor’s Parcel Numbers of the site are 503-394-026 & 503-394-024;

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

WHEREAS, the General Plan land use classification of the site is Transit-Oriented Higher-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Higher-Intensity Mixed Use and the project is located on a Community Street and a Neighborhood Street;

WHEREAS, on January 18, 2019, the applicant submitted an application for Tier IV Design Review;

WHEREAS, on May 29, 2019, the Planning Commission and Design Review Board held a joint study session and provided preliminary comments on the project;

WHEREAS, on December 18, 2019, the Planning Commission conducted a public hearing and continued the application to January 15, 2020;

WHEREAS, revised application materials were not available for the January 15, 2020 Planning Commission meeting, and public noticing was distributed for a public hearing at a special Planning Commission meeting on February 6, 2020;

WHEREAS, on February 6, 2020, the Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project is consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Section 15168(c) and Government Code Section 65457(a) and is subject to the Program Environmental Impact Report mitigation measures listed below.

2. The project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:

   Goal A: Strengthen Sense of Place
   Strategy 3: Optimize placemaking in all projects; Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of interest

   Goal B: Ensure Return on Investment
   Strategy 1: Maximize TOD potential; Strategy 3: Leverage all investments to catalyze new investments

   Goal C: Encourage Practical and Market Friendly Development
   Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan’s residential base
Goal D: Enhance and Humanize Public Realm
Strategy 3: Create new gathering places to serve the needs of existing and new users

Goal E: Catalyze Mode Shift
Strategy 1: Promote infill development through increased land use intensity close to existing transit infrastructure.

3. The project will provide a public benefit of $250,000 contribution for Phase II improvements to Centennial Park consistent with the Parks & Recreation Facilities Master Plan.

4. Except for the shadow standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

5. The proposed project will add 50 new residential units and 4 new live-work units to San Pablo Avenue, enhancing the mix of uses. The project will provide 23 studio units, 11 metro one-bedroom units, 8 one-bedroom units, 8 two-bedroom units, and 4 live-work units to meet the needs of residents.


NOW, THEREFORE, BE IT RESOLVED that after careful consideration of all 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. PL19-0007, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated January 28, 2020. 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 the building or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

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

4. If not used, this design review shall expire two years from the date of Design Review Board approval of this Tier IV Design Review application (PL19-0007).
5. The applicant shall share the conditions of approval with their general contractor for the project. The
general contractor shall sign a copy of the conditions of approval to acknowledge that he/she is aware
of all these conditions of approval and will comply as directed. Prior to the issuance of a building permit,
this signed copy shall be returned to the planning and building division and kept as part of the project
file. The conditions of approval shall be reviewed at the mandatory pre-construction meeting held
between the City and the General Contractor. A copy of the conditions of approval shall be maintained
on the project site at all times during construction.

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

7. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for
undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to
issuance of building permit.

8. The cost of all automobile parking shall be separate from the sale or rental price of all residential units.
All renters and/or buyers of market rate residential units shall be free to not rent and/or purchase
parking.

9. 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 to allow this
use.

Conditions based on applicable mitigation measures from the San Pablo Avenue Specific Plan Program EIR:

10. Aesthetics and Visual Resources (Mitigation 4-2): The project shall install landscaping and incorporate
other measures into and around parking structure(s) (light source shielding, etc.) as necessary to ensure
that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential
uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design
review process.

Regarding reflective building materials, for all future development in the Specific Plan area, facades
shall be of non-reflective materials, and windows shall incorporate non-reflective coating.

11. Air Quality (Mitigation Measure 5-1): Implement the following Bay Area Air Quality Management
District (BAAQMD) recommended measures to control particulate matter emissions during
construction. City staff will spot check that these measures are being implemented throughout the
construction phase of the project. These measures reduce diesel particulate matter PM2.5 and PM10
created from construction to ensure that short-term health impacts to nearby sensitive receptors are
avoided or reduced:

Dust (PM2.5 and PM10) Control Measures:

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

b. Cover all hauling trucks or maintain at least two feet of freeboard.
c. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

d. Hydrosow or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).

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

f. Limit traffic speeds on any unpaved roads to 15 mph.

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

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

i. Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

Additional Measures to Reduce Diesel Additional Measures to Reduce Diesel Particulate Matter and PM2.5 and other construction emissions:

j. The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.

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

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

m. Properly tune and maintain equipment for low emissions.

12. Air Quality (Mitigation Measure 5-2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed to the satisfaction of the Zoning Administrator. This assessment shall be completed either through screening or refined modeling to identify impacts and, if necessary, include performance standards and industry-recognized measures to be accomplished through, though is not limited to, the following measures:

a. Construction equipment selection.

b. Use of alternative fuels and engine retrofits temporary line power or electric equipment.

c. Modified construction schedule; and

d. Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

13. Biological Impacts (Mitigation Measure 6-1): Removal of trees, shrubs, or weedy vegetation between February 1 and August 31 shall require a survey for nesting birds by a qualified wildlife biologist to the satisfaction of the Zoning Administrator. The survey shall be conducted no sooner than 14 days prior to the start of removal of trees, shrubs, or weedy vegetation. Survey results shall be valid for 21 days following the survey. Any removal of trees, shrubs, or weedy vegetation more than 21 days after a survey shall require a new survey. The area surveyed shall include all construction sites, access roads,
and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

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

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

The survey for nesting birds, bats and suitable bat roosting habitat may be conducted simultaneously.

14. Historic and Cultural Resources (Mitigation Measure 7-2): If subsurface archeological or cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist shall be retained to evaluate the finds following the procedures described in Mitigation Measure 7-3 of the San Pablo Avenue Specific Plan Environmental Impact Report. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been notified of the remains and has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

15. Paleontological Resources (Mitigation Measure 7-3): The applicant shall implement a program that includes the following elements:

a. Paleontological resource identification training procedures for construction personnel
b. Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface
c. Procedures for reporting paleontological discoveries and their geologic context

If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared and submitted to the Zoning Administrator.
16. Geology and Soils (Mitigation Measure 8-1): As required by the Building Official, subject to City review and approval, the applicant shall complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

17. Noise (Mitigation Measure 13-1): Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond General Plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA Ldn, the local established land use compatibility threshold. In areas where residential developments would be exposed to an Ldn of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (Ldn) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.

   a. Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA Ldn from roadway traffic and 70 dBA Ldn from BART noise.
   b. The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA Ldn should not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant’s discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower and meet instantaneous noise limits.
   c. Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn, in order to meet adopted noise standards.
   d. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.

18. Noise (Mitigation 13-2): New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

   a. Noise levels at residential property lines from commercial development shall be maintained not in excess of the General Plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business—including loading docks, refuse areas, and ventilation systems—would meet these requirements and would be consistent with the respective City’s noise standards.
   b. Ensure that noise-generating activities, such as maintenance and loading and unloading, are limited to the hours of 7:00 AM to 9:00 PM.
19. Noise and Land Use Compatibility/Construction Noise (Mitigation Measure 13-3): Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures shall be implemented to reduce noise from construction activities:

a. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
b. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
c. Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
d. Prohibit unnecessary idling of internal combustion engines.
e. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
f. Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.
g. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.
h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.
j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.
k. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

20. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:

a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
b. Avoid using vibratory rollers and tampers near sensitive areas.
c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
   1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
   2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
   3. Design construction contingencies that would be implemented when vibration levels approached the limits.
4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:

21. Prior to issuance of a building permit, building plans shall incorporate recommendations included in the December 2016 Geotechnical Investigation for 10290/10296 San Pablo Avenue prepared by Friar Associates, Incorporated, and the August 1, 2019 update to this report.

22. Prior to issuance of a building permit, building plans shall incorporate irrigation plans with the landscape plans.

23. Prior to issuance of a building permit, a lot merger application shall be reviewed and approved by the Zoning Administrator and recorded with the Contra Costa County Clerk-Recorder.

24. The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.

25. Prior to issuance of a building permit, the following noise reduction features shall be included for all units facing San Pablo Avenue:
   a. Windows shall have a sound transmission class (STC) rating of 31 for living rooms and 36 for bedrooms.
   b. Interior gypsum at exterior walls shall be 5/8” Type X or Type C hung on resilient channel (RC).
   c. Ceiling gypsum shall be 5/8” type X or Type C.
   d. Exterior finish shall be stucco or system with equivalent weight per square foot.
   e. Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.

   As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise control measures once building plans become available. The analysis should be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City’s 45 dB Ldn and 50-55 dBA Lmax, interior noise level standards.

26. The project applicant shall participate in the Stege Sanitary District’s San Pablo Avenue Sewer Capacity Improvement Fee Program.

27. Prior to issuance of a building permit, the applicant shall provide a payment of $250,000.00 to the City of El Cerrito to be used toward Phase II improvements to Centennial Park consistent with the Parks & Recreation Facilities Master Plan. If it becomes infeasible to utilize these funds for the Phase II improvements or the funds are no longer needed for these improvements, these funds may be reallocated for other capital improvement projects, at the discretion of the Zoning Administrator.
28. The applicant shall comply with inclusionary housing requirements contained in Chapter 19.30 of the El Cerrito Municipal Code and shall pay all applicable fees to the City’s Affordable Housing Trust Fund prior to issuance of a building permit.

29. Prior to issuance of a building permit, the applicant shall pay the required fee ($105,450.66) in-lieu of providing public open space on the project site.

30. Commercial land uses shall be maintained in each of the four live-work units at all times. These commercial uses shall maintain active business licenses.

**Public Works Department:**

31. Prior to certificate of occupancy, the applicant shall provide at least 20 feet of red curb on both sides of the project driveway to ensure that on-street parking does not restrict sight distance for exiting vehicles.

32. Existing and proposed street trees on both sides of the project driveway shall be trimmed to provide at least six feet of clearance between the lowest branch and the ground at all times.

33. Prior to issuance of a building permit, building plans shall indicate that adequate sight distance can be provided between vehicles exiting garage and pedestrians on the adjacent sidewalk. If adequate sight distance cannot be provided, applicant shall install mirrors on both sides of the project driveways to aid drivers’ and pedestrians’ visibility and install flashing lights to alert pedestrians when a vehicle is exiting the garage.

34. Applicant shall provide a detailed civil plan for off-site work for the Public Works Department to review and approve prior to issuance of a building permit. Improvements on the property frontage shall comply with the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section, including but not limited to signage, striping and curb painting. Applicant shall incorporate into these plans all roadway improvements that are part of the San Pablo Avenue Specific Plan and as identified in the Preliminary Transportation Analysis prepared for the project by Fehr & Peers, dated January 17, 2019.

35. Prior to the issuance of a building permit, applicant shall submit an estimate of grading and earthwork to be completed for the project. Any earthwork and/or grading operations in excess of 50 cubic yards will require the applicant to submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.

36. Before the start of ANY work in the public right-of-way, including any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees.

37. Prior to issuance of a building permit, the applicant shall submit a landscaping plan, showing all planting in the right-of-way. All new street trees to be installed must be selected from the City Master Tree List and approved by the City Arborist before installation. Tree species, location, spacing, tree well size, and planting details, are to be approved by the City Arborist before installation. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.

38. Applicant shall provide detailed drainage plan including rain leaders, roof slopes, downspouts, etc. for the Public Works Department to review and approve prior to issuance of building permit. All drainage
shall stay on-site, draining away from the foundations, 10’ from property lines, and shall not cause a nuisance to neighboring properties.

39. Applicant shall submit an Erosion and Sediment Control Plan for construction for review and approval by the Public Works Department prior to issuance of a building permit.

40. Applicant shall submit a Stormwater Operations & Maintenance Agreement to the Public Works Department to review and approve prior to issuance of a building permit.

Building Division:

41. Compliance with the Building Code and associated codes in effect whenever the building plans are submitted is required. This includes, but is not limited to, the following requirements:
   a. Stacked parking must allow independent access to all vehicles.
   b. Floor plans for Studios A and B contain an inner room without natural light or ventilation from a window directly to the outside. Light and ventilation will come from the adjoining space. The Building Code requires the wall between the two spaces be 50% open from floor to ceiling without obstruction. A door may not be installed to close off the opening. The window in the adjoining space must be sized to provide light and ventilation for the square footage of both spaces combined.
   c. For elevator buildings, all units are considered "covered" per CBC 1106A.1(2) and must be designed to be either accessible or adaptable per CBC Chapter 11A, Division IV.
   d. Operable windows must be equipped with opening restrictor hardware to prevent accidental falls of small children.
   e. Metering or sub-metering of both hot and cold water is required for each unit.

Fire Department:

42. Building Construction
   b. Pre-Fabricated modular units shall meet State requirements prior to transport.

43. Access
   a. Emergency Vehicle Access (EVA) roads for aerial apparatus shall be a minimum of 26 feet in width and 13 feet 6 inches of unobstructed vertical clearance with an all-weather driving surface that can support a minimum of 75,000 pounds.
   b. Where a fire hydrant is required and located on an EVA the minimum width shall be 26 feet, exclusive of shoulders.
   c. Where the vertical distance between grade plane and the highest roof surface exceeds 30 feet an approved aerial fire apparatus access road shall be provided.
   d. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building of portion thereof.
   e. At least one required access route meeting the aerial access roads requirements shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
   f. Emergency Vehicle Access (EVA) with a minimum of 20 feet in width and 13 feet 6 inches of unobstructed vertical clearance with an all-weather driving surface that can support a minimum of 75,000 pounds shall be provided so that hose pulls from apparatus do not exceed 150 feet to all portions of the 1st floor exterior that do not have a permanent water supply provided by an exterior standpipe.
g. If gates are installed across EVA roads, gates shall be operable by the use of a Knox Key.

h. A “KNOX BOX” shall be installed with keys for all common areas to be installed at all primary access point utilized by the Fire Department.

44. Fire Flow Requirements
   a. Provide code analysis of required total firefighting water.
   b. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
   c. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

45. Fire Sprinkler / Underground
   a. Fire riser and FDC locations shall be submitted for review and approval.
   b. Fire FDC’s shall be in locations acceptable for fire department for emergency operations.
   c. Fire FDC’s shall be interconnected with fire sprinklers and standpipes.
   d. Fire Sprinkler Plans shall be submitted for review and approval.
   e. Fire system underground pipe plans shall be submitted for review and approval.

46. Standpipes
   a. Standpipes shall be wet.
   b. Standpipes shall extend to the roof in Stair #1
   c. Fire Department valve connections shall be in the intermediate landings of stairwells.
   d. Install standpipe in Stair #1
   e. Recommend: Install standpipe in Stair #2.

47. Smoke & Heat Vents
   a. Smoke & heat vents shall be installed on roof above each stairwell.
   b. Smoke & heat vents shall be equipped with fusible link.
   c. Smoke & heat vents shall be equipped with manual release for emergency operations.

48. Fire Alarm System
   a. Fire alarm plans shall be submitted for review and approval.

49. Smoke Detection
   a. Approved by State Inspector during fabrication.

50. Carbon Monoxide Detectors
   a. Approved by State Inspector during fabrication.

51. Electrical
   a. All electrical breakers shall be labeled.
   b. Electrical equipment rooms shall be identified on door leading to room.

52. Premises Identification
   a. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
   b. Address shall be either internally or externally illuminated.

53. Emergency Egress
   a. Exit signs shall be internally or externally illuminated.
   b. Emergency electrical system to automatically illuminate means of egress.
c. Emergency egress signs shall be posted indicating exit path.
d. Braille or tactile exit route and exit signs shall be posted for ADA compliance.
e. Emergency egress plans shall be developed.

54. Radio Communications
   a. Radio frequency signal strength analysis shall be conducted throughout the building.
   b. If radio signal strength deficiencies are identified, signal boosters shall be installed to achieve adequate signal strength and boosters shall be maintained.

Stege Sanitary District:
55. The contractor shall first procure a permit from Stege Sanitary District (SSD) and pay all fees prior to any work. Plumbing Contractor guidelines can be found here: https://www.stegesan.org/publications/registered-plumbing-contractors

56. If the existing connection to the sanitary sewer main line is NOT to be reused, then this existing connection must be abandoned by capping at the MAIN, not at the property line.

57. PVC pipe is not allowed. Multifamily and commercial properties shall use 6" diameter pipe. If the existing lateral is 4" it must be upsized to 6". Our general (construction) guidelines can be found here: https://www.stegesan.org/documents/general_guidelines.pdf

58. The applicant shall pay all applicable sewer connection fees pursuant to Section 7.3 of the Stege Sanitary District Ordinance Code.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on February 6, 2020, upon motion of Commissioner Navarette, second by Commissioner Crump:

AYES: Bloom, Crump, Gillett, Navarrete, Lucas, Mendez
NOES: None
ABSTAIN: None
ABSENT: Hansen

Sean Moss, AICP
Planning Manager
Planning Commission Resolution PC 2022-11

APPLICATION NO. PL22-0067

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL OF RESOLUTION PC 2020-02 WHICH GRANTED TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 50 RESIDENTIAL UNITS AND 4 LIVE-WORK UNITS AT 10290 & 10296 SAN PABLO AVENUE

WHEREAS, the site is located at 10290 & 10296 San Pablo Avenue;

WHEREAS, the existing Assessor’s Parcel Numbers of the site are 503-394-026 & 503-394-024;

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

WHEREAS, the General Plan land use classification of the site is Transit-Oriented Higher-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Higher-Intensity Mixed Use and the project is located on a Community Street and a Neighborhood Street;

WHEREAS, on January 18, 2019, the applicant submitted an application for Tier IV Design Review;

WHEREAS, on May 29, 2019, the Planning Commission and Design Review Board held a joint study session and provided preliminary comments on the project;

WHEREAS, on December 18, 2019, the Planning Commission conducted a public hearing and continued the application to January 15, 2020;

WHEREAS, revised application materials were not available for the January 15, 2020 Planning Commission meeting, and public noticing was distributed for a public hearing at a special Planning Commission meeting on February 6, 2020;

WHEREAS, on February 6, 2020, the Planning Commission adopted resolution PC 2020-02, granting Tier IV Design Review approval for the portion of the project within its purview;

WHEREAS, on March 6, 2020, the Design Review Board granted Tier IV Design Review approval for the portion of the project within its purview;

WHEREAS, on May 16, 2022, the applicant, Brian Banquied, submitted an application requesting an amendment to the Conditions of Approval of Resolution PC 2020-02;

WHEREAS, on June 15, 2022, the Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project is consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Section 15168(c) and Government Code Section 65457(a) and is subject to the Program Environmental Impact Report mitigation measures listed below.

2. The project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:
Goal A: Strengthen Sense of Place
Strategy 3: Optimize placemaking in all projects; Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of interest

Goal B: Ensure Return on Investment
Strategy 1: Maximize TOD potential; Strategy 3: Leverage all investments to catalyze new investments

Goal C: Encourage Practical and Market Friendly Development
Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan’s residential base

Goal D: Enhance and Humanize Public Realm
Strategy 3: Create new gathering places to serve the needs of existing and new users

Goal E: Catalyze Mode Shift
Strategy 1: Promote infill development through increased land use intensity close to existing transit infrastructure.

3. The project will provide a public benefit of $250,000 contribution for Phase II improvements to Centennial Park consistent with the Parks & Recreation Facilities Master Plan.

4. Except for the shadow standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

5. The proposed project will add 50 new residential units and 4 new live-work units to San Pablo Avenue, enhancing the mix of uses. The project will provide 23 studio units, 11 metro one-bedroom units, 8 one-bedroom units, 8 two-bedroom units, and 4 live-work units to meet the needs of residents.


NOW, THEREFORE, BE IT RESOLVED that after careful consideration of all 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 amends the Conditions of Approval of Resolution PC 2020-02 as stated below and the remaining Conditions of Approval of Resolution PC 2022-02 remain in full effect:

27. Prior to issuance of a Certificate of Occupancy, the applicant shall provide a payment of $250,000.00 to the City of El Cerrito to be used toward Phase II improvements to Centennial Park consistent with the Parks & Recreation Facilities Master Plan. If it becomes infeasible to utilize these funds for the Phase II improvements or the funds are no longer needed for these improvements, these funds may be reallocated for other capital improvement projects, at the discretion of the Zoning Administrator.
29. Prior to issuance of a Certificate of Occupancy, the applicant shall pay the required fee ($105,450.66) in-lieu of providing public open space on the project site.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on June 15, 2022, upon motion of Commissioner __________, second by Commissioner __________:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
Sean Moss, AICP
Planning Manager
**Details**

- **Application Number:** PL21-0258
- **Applicant:** Steve Harrington
- **Location:** 2060 Tapscott Ave
- **APN:** 501-370-002
- **Zoning:** Public and Semipublic
- **General Plan:** Institutional \& Utility

**Request** Planning Commission consideration of a Conditional Use Permit to amend the existing Conditional Use Permit to allow the construction of a 10’ high, black vinyl chain link fence along the eastern boundary of the elementary school campus.

**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.

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**Executive Summary**

The proposal is to amend an existing Conditional Use Permit approved by the Planning Commission in 2001. The applicant was originally requesting to construct a 6-foot high, black vinyl chain link fence along the eastern boundary of the elementary school campus, but upon the request of the City’s Recreation and Public Works Departments, the height of the fence is being increased so that matches the height of the existing fence on Tapscott Ave. This modification was made to prevent balls from being hit/thrown/kicked over the fence. The proposed fence would run along the property line that divides the school’s asphalt playground from the City of El Cerrito’s Canyon Trail sports field. Pursuant to an easement recorded in 1985 the school has exclusive use of the Canyon Trail sports field on regular school days from 9:00 AM to 2:30 PM, but the City has allowed the school use of the field from 8:30 AM to 3:30 PM. The new gates would be locked from approximately 3:00 PM until 8:00 AM on school days. The new gates would also be locked on most weekends, holidays, and school breaks, with some exceptions.

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

Site Location and Layout

The project site is located at 2060 Tapscott Avenue. The site consists of one parcel (APN 503-280-002), is approximately 174,240 square feet in size, and contains 34,294 square feet of existing building space. The campus covers approximately 2.55 acres bounded by Tapscott Avenue on the west and Gatto Avenue on the east. The site is immediately adjacent to a grass field owned by the City, which the School uses on a fee basis during the school day.

Site History

The site, formally known as El Monte School, was originally constructed 1954 and operated as a public elementary school until 1985 when Prospect School acquired a portion of the site and began to operate it as a private K-5 school. In 1985, the Richmond School District (now West Contra Costa Unified School District) sold the property to Prospect School and to the City. Prospect acquired the school campus, and the City acquired the adjacent fields. An easement was recorded allowing the exclusive use of the fields by the school between the times of 9:00 AM and 2:30 PM, Monday through Friday, September 1st through June 15th of each school year, but it has been the practice of the City to allow the school use of the field from 8:30 AM to 3:30 PM. In 1997, East Bay Sierra School merged with Prospect School to become Prospect Sierra School that comprises two campus sites. The Tapscott campus located at 2060 Tapscott Avenue serves grades K-4 while the Avis Campus located at 960 Avis Drive serves grades 5-8. The current number of students and staff is 220 students and 40 faculty and staff. This project will have no impact on enrollment or staffing. The Planning Commission approved Prospect Sierra Facilities Master Plan in 2001 under Planning Commission Resolution PC01-18.

Vicinity Map
Site Photo

View from Tapscott Drive

View from Gatto Ave

Adjacent Land Uses

**North:** Parks and Recreation (PR) Zoning and Parks & Open General Plan designation. Canyon Trail Park.

**East:** Parks and Recreation (PR) Zoning and Parks & Open General Plan designation. Canyon Trail Park.


**Analysis**

**Project Description**

The applicant was originally requesting to construct a 6-foot high, black vinyl chain link fence along the eastern boundary of the school's elementary school campus, but upon the request of the City's Recreation and Public Works Departments the height of the fence is being increased so that matches the height of the existing fence on Tapscott Ave. This change was requested to prevent balls from being hit/thrown/kicked over the fence. The existing fence along the Tapscott frontage of the sports fields is 10 feet for this same purpose. In addition to the increased height, it was also requested that the fence incorporate a tighter weave so that it is more difficult to climb, and that a sign be placed on the fence telling people not to climb the fence and providing a number that can be called in order to retrieve a ball.

The proposed fence would run along the property line that divides the school's asphalt playground from the City of El Cerrito's Canyon Trail sports field. The new fence would be approximately 200' long and have three gates. One is a 16' wide, double sliding gate near the middle of the fence line that could accommodate vehicle access and two additional pedestrian gates, each 4' wide with panic hardware on the school side. As stated above, the school has exclusive use of the Canyon Trail sports field on regular school days from 8:30 AM to 3:30 PM. During these hours, the City's perimeter field gate, located in the Northeast corner of the field, is closed and locked. When locked, this gate, coupled with the school's perimeter fencing and security gates, completes a secure perimeter around the entire campus. When the City's gate is unlocked on weekends and after 3:30 PM on school days, the school no longer has a secure perimeter. The new fence and gates will provide a secure border for the school whenever the City's sports fields are open to the public. The school is seeking to create a secure boundary beyond 3:30 PM on regular school days for safety and well-being of students and staff, especially those who are part of the school's after-school and summer programs. It would also allow the school to secure the campus when the school is closed. The new gates would be locked from approximately 3:00 PM until 8:00 AM on school days. The new gates would also be closed on most weekends, holidays, and school breaks, with some exceptions.

There is another perimeter gate near the field's southwest corner, adjacent to Tapscott Ave. Per a 2001 survey, this gate is on school property. The school has traditionally unlocked this gate every evening around 6:00 PM on school days and has left it open until around 8:00 AM each school day. It is also left unlocked on weekends and over school breaks. Doing so allows neighbors on that side of the campus to have access to the field. The proposed design leaves this gate outside of the new fence line. This feature will allow neighbors to continue using the existing gate, even when the gates on the new fence are locked. The Fire Department also had access concerns to and from the field once the new fence is installed, a condition of approval is proposed stating that the gate on Tapscott Ave shall remain open and unlocked outside of school hours and shall only be locked during school hours.
Proposed Fence Location

General Plan Compliance

The project is consistent with and will implement 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 fence itself will be the only exterior change to the school. The new fence will match the existing 10-foot-high chain-link fence surrounding the campus and the City’s Canyon Trail sports field on Tapscott Ave. Chain-link is a typical material for school and park uses and is in keeping with what the existing fencing.*

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

*The new fence will match the existing 10-foot-high chain-link fence surrounding the campus and the City’s Canyon Trail sports field on Tapscott Ave.*

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.

Public Notice
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 May 25, 2022. No public comments were received prior to the publication of this report.

Required Findings

In order to approve the Conditional Use Permits, 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 predominantly single-family houses. The proposed fence will not adversely and materially affect the homes in the surrounding residential neighborhoods. The proposed project will not alter the operating hours, staffing, or enrollment of the school. The new fence will match the existing chain-link fence surrounding the campus and the City's Canyon Trail sports field.

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

   The project will continue a school use near residential areas. The school’s increased security will enhance an existing amenity for the El Cerrito community.

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

   The project is consistent with the intent of the PS (Public/Semi-Public) zoning district. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.1: Neighborhood Character and CD4.1: Compatibility in Building Scale.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application No. PL21-0258, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

Move adoption of Planning Commission Resolution PC2022-08 granting Use Permit approval to Planning Application No. PL21-0258: amending an existing Conditional Use Permit to allow the construction of a 10’ high, black vinyl chain link fence along the eastern boundary of the elementary school campus at 2060 Tapscott Ave.

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 Materials
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING AN AMENDMENT TO THE PROSPECT SIERRA FACILITIES MASTER PLAN TO ALLOW THE CONSTRUCTION OF A 10-FOOT HIGH, BLACK VINYL CHAIN LINK FENCE ALONG THE EASTERN BOUNDARY OF THE ELEMENTARY SCHOOL CAMPUS AT 2060 TAPSCOTT AVE

WHEREAS, the project site is located at 2060 Tapscott Avenue; and

WHEREAS, the existing Assessor’s Parcel Number of the site is 501-370-002; and

WHEREAS, the General Plan land use classification of the site is Institutional & Utility; and

WHEREAS, the zoning district of the site is Public and Semipublic; and

WHEREAS, on September 5, 2001, the El Cerrito Planning Commission adopted Resolution PC01-18, approving a Conditional Use Permit that approved the Prospect Sierra Facilities Master Plan for a school located at 2060 Tapscott Avenue; and

WHEREAS, on December 13, 2021, Steve Harrington of Prospect Sierra School (the “applicant”) submitted an application for a Conditional Use Permit to allow the construction of a 10' high, black vinyl chain link fence along the eastern boundary of the elementary school campus; and

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines, Class 4: Minor Alterations to Land; and

WHEREAS, on May 18, 2022, 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 predominantly single-family houses. The proposed fence will not adversely and materially affect the homes in the surrounding residential neighborhoods. The proposed project will not alter the operating hours, staffing, or enrollment of the school. The new fence will match the existing chain-link fence surrounding the campus and the City's Canyon Trail sports field.

2. The project will continue a school use near residential areas. The school’s increased security will enhance an existing amenity for the El Cerrito community.

3. The project is consistent with the intent of the PS (Public/Semi-Public) zoning district. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.1: Neighborhood Character and CD4.1: Compatibility in Building Scale.

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. PL21-0258, subject to the following conditions:
Planning Division:

1. 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.

2. The project will be constructed substantially in conformance with the plans received by the City on June 9, 2022. 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.

3. 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.

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

5. The fence shall be maintained as a black vinyl coated fence. The fence shall be maintained in good condition at all times.

Recreation Department:

6. A sign shall be placed on the fence instructing people not to climb the fence and providing a phone number that can be called to facilitate retrieval of balls and belongings that go over the fence. This phone number should generally be monitored during typical business/school hours, and messages should generally be returned by the next business day.

Fire Department:

7. The applicant shall ensure that the two 4-foot gates that are separating the school from the play fields, are unlocked during school hours. The gates shall remain unlocked for emergency exiting anytime activities are taking place at the school outside of school hours.

8. A Knox Box shall be installed on the post of the existing vehicular gate near the existing garbage enclosure off Gatto Avenue, with keys to the existing gate and proposed new gates.

9. The existing gate on Tapscott Avenue shall remain open and unlocked outside of school hours and shall only be locked during school hours.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on June 15, 2022, upon motion of Commissioner __________, second by Commissioner __________:
AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Sean Moss, AICP
Planning Manager
Prospect Sierra School
Elementary School Campus
2060 Tapscott Ave., El Cerrito, CA 94530

Project Summary: Amend the existing Conditional Use Permit to allow for a 10' high, black vinyl coated, 1” mesh, chain link fence along the eastern boundary of the school's elementary school campus, located at 2060 Tapscott Ave. The proposed fence would run along the property line that divides the school's asphalt playground from the City of El Cerrito's Canyon Trail sports field. The new fence would be approximately 200' long and have three gates. One is a 16' wide, double sliding gate near the middle of the fence line. Two additional gates, each 4' wide with mechanical keypad locks on the outside and panic hardware on the inside. The school has exclusive use of the Canyon Trail sport field on regular school days from 8:30 AM to 3:30 PM. During these hours, the City's perimeter field gate, located in the Northeast corner of the field, is closed and locked. When locked, this gate, coupled with the school's perimeter fencing and security gates, completes a secure perimeter around the entire campus. When the City's gate is unlocked, the school no longer has a secure perimeter. The new fence and gates will provide a secure border for the school whenever the City's sports field is open to the public. A secure boundary beyond 3:30 PM on regular school days is essential to the safety and well-being of our students and staff, especially those who are part of the school's after-school and summer programs. It would also allow the school to secure the campus during off-hours. The new gates would be locked from approximately 3:00 PM until 8:00 AM on school days. The new gates would also be closed on most weekends, holidays, and school breaks, with some exceptions.

Important Note: There is another perimeter gate near the field's southwest corner, adjacent to Tapscott Ave. Per a 2001 survey, this gate is on school property. The school has traditionally unlocked this gate every evening around 6:00 PM on school days and has left it open until around 8:00 AM each school day. It is also left unlocked on weekends and over school breaks. Doing so allows neighbors on that side of the campus to have convenient access to the field. The school considered this issue when designing the layout of the proposed fence. The proposed design leaves this gate outside of the new fence line. This feature will allow our neighbors to continue using the existing gate, even when the gates on the new fence are locked.

Helpful Information

Type of business: Prospect Sierra is a private independent school with two campuses in El Cerrito.
Days and hours of Operation: Normal school days will continue to be from 8:00 AM until 5:00 or 6:00 PM.
Outdoor uses: Outdoor uses for the campus will continue to be physical education classes, recess, and after-school care.
Number of individuals anticipated to be at the site at peak times: Our current number of students and staff is 220 students and 40 faculty and staff. This project will have no impact on enrollment or staffing.
Traffic: This project will not impact traffic around or near the campus.
Circulation: This new fence will allow the school to create a secure perimeter around the elementary school campus in an emergency lockdown, after school, at night, over school breaks, and on weekends.
Parking: Parking will not be impacted by this project.
Exterior changes: The fence itself will be the only exterior change to the school. The new fence will match the existing 10' high chain-link fence that boarders the Tapscott Ave. side of the City's Canyon Trail sports field. The only difference is that the new fence will be black vinyl coated instead of galvanized.
Hazardous materials: This project will not involve storing any hazardous materials.
Alcohol: This project does not involve the selling of alcohol.
Live entertainment: This project does not involve any live entertainment.
Projected sound levels: This project does not introduce any new sound levels except perhaps for the sound of drilling about a dozen 3’ deep post holes during the installation.
Maintenance: Prospect Sierra will take responsibility for maintaining the fence.
Planning Commission Conditional Use Permit Report
June 15, 2022
956 Seaview Drive

DETAILED

Application Number: PL22-0028
Applicant: Charles Green
Location: 956 Seaview Drive
APN: 505-221-045
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit for a proposed retaining wall which is taller than 4 feet in the front setback and for two retaining walls which are taller than 6 feet located outside of the front setback.

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land.

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(U) of the El Cerrito Municipal Code which allows retaining walls to be up to 4 feet tall in the front setback and up to 6 feet tall outside of the front setback.

The applicant is proposing to construct a new 3,911 square foot single-family home on a 7,169 square foot lot which complies with the development standards of the RS-5 zoning district. Due to the unique slope of the lot, as part of the construction of the house, the applicant is proposing multiple retaining walls. Of these retaining walls, three require exceptions. One retaining wall located in the front setback is proposed to be 5 feet-4 inches tall, and the two other retaining walls which are located outside of the front setback would be 6 feet-8 inches and 11 feet tall.

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

Site Location and Layout

The site is located along the northeast side of Seaview Drive, between Moser Lane and Stockton Avenue. The lot is undeveloped and sits on a 7,169 square foot lot in the RS-5 (Single Family Residential) zoning district. The lot slopes downwards from the northeast (side) property line to the southwest (side) property line.

The surrounding neighborhood contains predominantly 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 1,500 sq. ft. to 3,000 sq. ft.

Vicinity Map
Adjacent Designations and Land Uses

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

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

West: Parks & Open Zoning and Open Space Natural General Plan designation.

Analysis

Project Description

The applicant is proposing to construct a new 3,911 square foot single-family home on a 7,169 square foot lot. Due to the unique slope of the lot, as part of the construction of the house, the applicant is proposing multiple retaining walls to help develop the site. This new single-family house would include five bedrooms, three and a half bathrooms, a living room, a kitchen, a media room, a laundry room, and a dining 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 three proposed retaining walls which do not comply the height requirements for retaining walls.

Table 1: Comparative Development Standards – RS-5 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>10’</td>
<td>15’</td>
<td>Yes</td>
</tr>
<tr>
<td>Front (covered parking)</td>
<td>20’</td>
<td>48’-6”</td>
<td>Yes</td>
</tr>
<tr>
<td>Side (north)</td>
<td>5’</td>
<td>6’</td>
<td>Yes</td>
</tr>
<tr>
<td>Side (south)</td>
<td>5’</td>
<td>12’</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
<td>28’</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>28%</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Proposed Front of the House

Retaining Walls

Section 19.06.30(U) of the El Cerrito Municipal Code (ECMC) allows for retaining walls to be up to 4 feet tall if they are located in the front yard setback and up to be 6 feet tall in all other areas. Exceptions may be approved with a Conditional Use Permit.

The lot is currently undeveloped and has a slope of 19.2%, upward to the northeast from Seaview Drive. The project is proposing multiple retaining walls to help develop the site. Three of these retaining walls do not comply with the height requirement, thus a Conditional Use Permit is required. One wall located in the front setback, proposed to be 5 feet-4 inches tall, runs perpendicular to Seaview Drive and helps separate the staircase from the driveway, as shown by the image below. Another retaining wall, located in front of the house on the north side of the lot also running perpendicular to Seaview Drive, is proposed to be 6 feet-8 inches tall. The last retaining wall is located in the center of the lot to the rear of the proposed building and is proposed to be 11 feet tall. It is not expected for the retaining walls to have a significant impact on the surrounding neighborhood as they would be following the existing grade of the site. The views of the walls will be partially blocked by the slope of the site.

Pursuant to Section 19.06.30(U), retaining walls that are separated by at least 4 feet are considered separate retaining walls for the purpose of measuring height. Many of the remaining proposed retaining walls on the site are terraced in observance of this requirement.
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 May 25, 2022. No public comments were received prior to the publication of this report.

Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land.

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the allowed height for retaining walls 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 exception to the height requirement for the retaining walls would allow for construction of a new single-family house which is 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 proposed retaining walls will allow the construction of a new single-family house which will be in keeping with the scale of surrounding buildings. The design of the retaining walls is in keeping with the design of the surrounding neighborhood and will utilize the high-quality building materials.*

### Required Findings

**Conditional Use Permit**

In order to approve the Conditional Use Permit to allow an exception to the maximum allowed height for retaining walls, 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 proposed retaining walls are consistent with the neighborhood as the walls should be minimally intrusive due to the slope of the lot. The project is consistent with development standards established for the Single-Family Residential zoning district (RS-5) with the exception of the proposed retaining walls.*

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 retaining walls allow the creation of a large house that can accommodate a large family or multi-generational household. This new single-family house would include five bedrooms, three and a half bathrooms, a living room, a kitchen, a media room, a laundry room, and a dining room.*

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 three retaining walls to be taller than what is allowed by right. This would allow for the creation of 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, and CD1.1: Neighborhood Character.*

### Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL22-0028, as conditioned by the draft resolution in Attachment 1.

**Proposed Motion**
1. Move adoption of Planning Commission Resolution PC 2022-09 approving a Conditional Use Permit to allow a retaining wall which is taller than 4 feet in the front setback and for two retaining walls which are taller than 6 feet located outside of the front setback, for a proposed new single-family house at 956 Seaview Drive.

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 RETAINING WALL WHICH IS TALLER THAN 4 FEET IN THE FRONT SETBACK AND TWO RETAINING WALLS WHICH ARE TALLER THAN 6 FEET LOCATED OUTSIDE OF THE FRONT SETBACK, FOR A PROPOSED NEW SINGLE-FAMILY HOUSE AT 956 SEA VIEW DRIVE

WHEREAS, the site is located at 956 Seaview Drive; and

WHEREAS, the existing Assessor’s Parcel Number of the site is 505-221-045; 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 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land; and

WHEREAS, on April 12, 2022, Charles Green (the “applicant”) submitted an application for a Conditional Use Permit for a proposed retaining wall which is taller than 4 feet in the front setback and for two retaining walls which are taller than 6 feet located outside of the front setback at 956 Seaview Drive (pursuant to Section 19.06.030.U, and Section 19.34 of the El Cerrito Municipal Code); and

WHEREAS, on June 15, 2022, 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

1. The proposed retaining walls are consistent with the neighborhood as the walls should be minimally intrusive due to the slope of the lot. The project is consistent with development standards established for the Single-Family Residential zoning district (RS-5) with the exception of the proposed retaining walls.

2. The proposed retaining walls allow the creation of a large house that can accommodate a large family or multi-generational household. This new single-family house would include five bedrooms, three and a half bathrooms, a living room, a kitchen, a media room, a laundry room, and a dining room.

3. The Conditional Use Permit will allow for three retaining walls to be taller than what is allowed by right. This would allow for the creation of 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, and CD1.1: Neighborhood Character.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby approves Application No. PL22-0028, subject to the following conditions:
Planning Division:

1. The project will be constructed substantially in conformance with the plans received by the City on March 25, 2022. 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 June 15, 2022, upon motion of Commissioner __________, second by Commissioner __________:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____________________________
Sean Moss, AICP
Planning Manager
SUBJECT PROPERTY: 956 SEA VIEW DR, EL CERRITO, CA
APN: 505-221-045

ADJACENT PROPERTY: 960 SEA VIEW DR, EL CERRITO, CA
APN: 505-221-046
1 STORY STRUCTURE: +/- 14 TO T.O. ROOF

ADJACENT PROPERTY: 950 SEA VIEW DR, EL CERRITO, CA
APN: 505-221-044
1 STORY STRUCTURE: +/- 14 TO T.O. ROOF

LARGE POISONOUS BUSH TO BE REMOVED

PROPERTY LINE LENGTH
131' - 2 5/32"

PL

PROPERTY LINE LENGTH
74' - 7"
GENERAL NOTES:

1. PER E&C Table 19-06-G, retaining walls are allowed to be up to 4 feet tall in the front setback and up to 6 feet outside of the front setback. MINIMUM 4 FEET SEPARATION IS REQUIRED WHERE THERE ARE MULTIPLE RETAINING WALLS.

2. PER E&C Section 19-06.030, (D) Cornices, eaves, and canopies can project beyond height limits and daylight plans up to a maximum of two feet projection past the main envelope.
GENERAL NOTES:
1. PER ECMC SECTION 19.06.030(D)(2)(D) CORNICES, EAVES, AND CANOPIES CAN PROJECT BEYOND HEIGHT LIMITS AND DAYLIGHT PLANES UP TO A MAXIMUM OF TWO FEET PROJECTION PAST THE MAIN ENVELOPE.
Floor Plans

1 Level 1
Floor Plans
1/4" = 1'-0"
EXTERIOR MATERIAL NOTES

1. BOARD FORMED CONCRETE.
2. HORIZONTAL CHANNELED WOOD Siding.
3. VINYL OR ALUMINUM FIXED DOUBLE PANE WINDOW.
4. GLASS RAILING.
5. GRAY-IVORY VENETIAN PLASTER.
6. CLASSE A THERMOPLASTIC SINGLE PLY MEMBRANE ROOF ASSEMBLY.
7. SEGMENTED RETAINING WALL.

GENERAL NOTES:

1. PER ECCO TABLE 18-100 RETAINING WALLS ARE ALLOWED TO BE UP TO 4 FT TALL IN THE FRONT SETBACK AND UP TO 6 FT OUTSIDE OF THE FRONT SETBACK. PER ECCO TABLE 18-100, MINIMUM 4 FT SEPARATION IS REQUIRED WHERE THERE ARE MULTIPLE RETAINING WALLS.

2. PER ECCO SECTION 106.05.03D(10) CORNERS, EAVES, AND CAMPANAS CAN PROJECT BEYOND HEIGHT LIMITS AND DAYLIGHT PLANE UP TO A MAXIMUM OF TWO FEET PROJECTION FROM THE MAIN ENVELOPE.
EXTERIOR MATERIAL NOTES
1. BOARD FORMED CONCRETE.
2. HORIZONTAL CHARRED WOOD SIDING.
3. VINYL OR ALUMINUM FIXED DOUBLE PANE WINDOW.
4. GLASS RAILING.
5. GRAY-TAN VENETIAN PLASTER.
6. CLASS A THERMOPLASTIC SINGLE PLY MEMBRANE ROOF ASSEMBLY.
7. SEGMENTED RETAINING WALL.

GENERAL NOTES:
1. PER ECMC TABLE 19.06.030(G), RETAINING WALLS ARE ALLOWED TO BE UP TO 4 FT TALL IN THE FRONT SETBACK AND UP TO 6 FT OUTSIDE OF THE FRONT SETBACK. PER ECMC TABLE 19.06.030, MINIMUM 4 FT SEPARATION IS REQUIRED WHERE THERE ARE MULTIPLE RETAINING WALLS.
2. PER ECMC SECTION 19.06.030(D)(2)(D), CORNICES, EAVES, AND CANOPIES CAN PROJECT BEYOND HEIGHT LIMITS AND DAYLIGHT PLANES BY A MAXIMUM OF TWO FEET PROJECTION PAST THE MAIN ENVELOPE.
LANDSCAPE RETAINING WALLS:
SEGMENTED WALL

BUILDING RETAINING WALLS:
BOARD FORMED CONCRETE

BUILDING FACADE MATERIAL:
WESTERN RED CEDAR SMOOTH CHARRED FINISH

EXTERIOR GLASS RAILING:
GLASS BASE RAILING

EXTERIOR DECK:
ROT RESISTANT EXTERIOR WOOD DECKING

GLAZING:
BLACK METAL AND/OR VINYL FRAMED WINDOWS AND SLIDING GLASS DOORS

BUILDING FACADE MATERIAL:
PLASTER - VENETIAN TAN