RESOLUTION NO. 2017–28

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT, MAKING FINDINGS, DENYING AN APPEAL, AND UPHOLDING THE PLANNING COMMISSION'S DESIGN REVIEW ACTION CONDITIONALLY APPROVING THE DESIGN REVIEW OF EL DORADO TOWNHOMES

WHEREAS, on December 17, 2014, Urban Community Partners ("applicant") submitted an application for a Tentative Subdivision Map and Design Review to build 27 townhome condominiums ("project") on property located at 5802, 5808 and 5828 El Dorado Street ("subject site" or "site") (Application No. PL14-0171); and

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

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

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

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

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

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

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

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

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

WHEREAS, on October 19, 2016, the Planning Commission approved a Conditional Use Permit to allow a parking reduction of 6 parking spaces and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of three second units; and

WHEREAS, on November 2, 2016, the Design Review Board considered the Final Design Review for the project and continued the item to the regular December 7, 2016 Design Review Board meeting; and

WHEREAS, on December 7, 2016, the Design Review Board granted Design Review approval to the project; and

WHEREAS, on December 15, 2016, Howdy Goudey submitted an appeal of the Design Review Board’s approval of the project; and
WHEREAS, on February 15, 2017, the Planning Commission considered the appeal and adopted a resolution denying the appeal and upholding the Design Review Board’s action; and

WHEREAS, on February 23, 2017, Howdy Goudey submitted an appeal of the Planning Commission’s action; and

WHEREAS, on April 18, 2017, the City Council of El Cerrito held a properly noticed public hearing on the appeal. As required by El Cerrito Municipal Code Section 19.38.060 and based upon all evidence and reports offered for review, including both oral and written testimony by the appellant, applicant, and members of the public, the City Council does find and determine that the project is consistent with:

1. The applicable standards and requirements of this Zoning Ordinance;

   The project meets the requirements of the Zoning Ordinance, specifically Multi-family Residential District and Section 19.06.030 Development Standards. This includes the general development standards in terms of height, setbacks, parking and open space.

2. The design policies of the General Plan and specific plans adopted by City Council;

   The design is consistent with the General Plan designation of High Density Residential for this area of the city; as well as policies that influence design, specifically, L1.1 Quality of Development, CD 1.1 Neighborhood Character, CD 1.3 High Quality Design, CD1.9 Building Design, CD 2.1 Street Frontages, CD2.7 Accessible Design, CD3.3 Site Landscaping, CD4.3 Building Articulation and CD 5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   There are no design guidelines adopted by the City Council for this part of the city. This finding is not applicable.

4. The design review criteria set forth in the following subsection;

   The project is in keeping with the design review criteria as outlined below (Section 19.38.060 of the El Cerrito Municipal Code).

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

   The project is consistent with the City Council’s approval of the Tentative Subdivision Map for the project and the Planning Commission’s approval of a Conditional Use Permit to allow a parking reduction. The project has received all required Planning Commission and City Council approval. No additional Zoning Administrator approval is needed.

6. Any other relevant policies or regulations of the City.

   No other City policies apply to this project; and
WHEREAS, pursuant to El Cerrito Municipal Code Section 19.038.060 B. - Design Review Criteria, when conducting design review, the decision maker shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. The City Council further finds and determines the following:

a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

The project provides an attractive and comfortable environment for all because the buildings have a clean, contemporary design. Landscaping will be a prominent design feature along the street frontage. The project design provides the tenants many amenities including; private and common open space areas; including private landscaped yards and a landscaped common area.

b. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

The building materials integrate well with the building design and the façade articulation. The proposed landscaping is appropriate for the site and integrates well with the proposed design aesthetic. The overall design scheme is visually consistent.

c. The project has been designed with consideration of neighboring development.

Surrounding structures include both single family and multi-family housing. The structures are one, two and three stories high and are typically mid-century in design. The massing of the proposed project is consistent with the prevailing three stories in the neighborhood with similar front, side and rear setbacks.

d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The proposed contemporary design aesthetic will add visual interest and architectural variety to the surrounding area. The buildings will be well-articulated. The El Cerrito Plaza Bay Area Rapid Transit (BART) station and AC Transit bus routes are less than a half of a mile away from the project, making it an ideal walking or biking distance to public transit.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.
This finding is not applicable. The project location is not in a part of the city that has been recognized as having a historically or visually significant character.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having significant public views and vistas from public streets.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito’s climate.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette incorporates drought-tolerant plants and has been selected appropriately for El Cerrito’s climate and the characteristics of the site. The project has been revised to respond to the Design Review Board’s preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately for their dual roles.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project has been designed to exceed the energy requirements of Title 24 of the 2016 Cal Green building code by 27%.

j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

There are no significant natural features on the project site. The site is not adjacent to the Ohlone Greenway. This finding is not applicable.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings made above, it hereby denies the appeal of the Planning Commission’s design review approval of the project and approves the design review of Application No. PL14-0171, subject to the following conditions:
Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the City Council on April 18, 2017. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

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

4. If not vested, this Design Review approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.

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

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

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

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

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

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

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

   g. Clear signage at all construction sites shall be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

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

j. Post a 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.

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

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

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

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

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

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

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

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

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

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

u. Project personnel shall not collect cultural resources.

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

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

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

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

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

10. The applicant shall specify a two-by-four trimmer on all windows as part of the building permit submittal for the project.
Public Works Department:

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

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

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

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

15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.

16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.

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

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

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

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

Fire Department:


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

23. Provide code analysis of required total firefighting water.

24. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
25. Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.

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

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

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

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

30. Smoke detectors shall be 120v powered with battery backup.

31. Smoke detectors shall be interconnected.

32. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.

33. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.

34. Carbon Monoxide alarms shall be 120v Powered with battery backup and be interconnected with the smoke detectors.

35. All electrical breakers shall be labeled.

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

37. Automatic Fire Sprinklers shall be installed throughout the Complex.

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

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

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

Stege Sanitary District:

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

Design Review Board:

42. Planning staff shall review and approve the final landscape plan prior to issuance of Building Permit.
43. Planning staff shall review and approve a method of screening trash bins in the front yards of units prior to issuance of a building permit.

44. The applicant shall show control joints on exterior stucco surfaces on the Building Permit submittal plans.

City Council:

45. Remove lamp Type A on sheet A-19.

46. Require internal conduits for potential future solar power panels and prohibit any external power conduits.

I CERTIFY that at a regular meeting on April 18, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson
NOES: None
ABSTAIN: None
ABSENT: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April 25, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor