



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Staff Liaison

Sean Moss | 510.215.4330
smoss@ci.el-cerrito.ca.us

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

June 21, 2023 at 7:30 p.m.

City Council Chambers, El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

7:30 p.m. CONVENE REGULAR MEETING

- 1. ROLL CALL –** Chair Daniel Hamilton, Vice Chair Leslie Mendez; Members Brendan Bloom, Erin Gillett, Joy Navarrete, Abhijeet Singh, and Nathan Tinclair
- 2. ELECTION OF CHAIR AND VICE CHAIR**
- 3. 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.
- 4. 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.
- 5. ADOPTION OF MINUTES**
Adoption of the February 15, 2023 meeting minutes.
- 6. 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.
- 7. PUBLIC HEARING – 6485 CONLON AVE CONDITIONAL USE PERMIT**
Application: PL23-0009
Applicant: Peter Gilbert
Location: 6485 Conlon Ave
APN: 501-190-008
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit for expanding a nonconforming rear setback (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.

8. PUBLIC HEARING – 10300 SAN PABLO (CREDENCE) TIER IV DESIGN REVIEW AMENDMENT

Application: PL23-0044
Applicant: The Little Hill, LLC
Location: 10300 San Pablo Ave
APN: 503-540-005 & 503-540-004 & 503-540-033
Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
Request: Planning Commission consideration of an amendment to the conditions of approval of Resolution PC 2017-08 eliminating the live/work requirements for two units.
CEQA: This project has been found to be exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

9. STAFF COMMUNICATIONS

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

10. ADJOURNMENT

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

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection.



MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION

February 15, 2022 at 7:30 p.m.

The meeting was held via teleconference.

Staff Liaison

Sean Moss | 510.215.4330
smoss@ci.el-cerrito.ca.us

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**
Councilmember Quinto reported to the Commission regarding upcoming appointments to the Planning Commission, the upcoming resumption of in-person meetings, staffing vacancies, and the City's prohousing designation.
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**
No comments were received.
4. **ADOPTION OF MINUTES**
Moved/Second: Commissioners Mendez/Navarrete. **Action:** Passed a motion to adopt the December 21, 2022 meeting minutes.
Ayes: Bloom, Gillett, Mendez, Navarrete.
Noes: None.
Abstain: Hamilton.
Absent: None.
5. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
Nothing was disclosed.
6. **Public Hearing – General Plan Annual Progress Report**
Applicant: City of El Cerrito
Location: Citywide
Request: Planning Commission consideration of a recommendation to the City Council to receive and file the 2022 General Plan Annual Progress Report.
CEQA: The adoption of the General Plan Annual Progress Report does not constitute a project pursuant to Public Resources Code Section 21065, and CEQA Guidelines Sections 1506.

Moved/Second: Commissioners Hamilton/Bloom. **Action:** Passed a motion to recommend that the City Council receive and file the 2022 General Plan Annual Progress Report.

Ayes: Bloom, Gillett, Hamilton, Mendez, Navarrete.

Noes: None.

Abstain: None.

Absent: None.

7. Presentation – Story Pole Guidelines

Request: Planning Commission discussion of guidelines and best practices for the erection of story poles.

Planning Manager Sean Moss gave the staff presentation and answered questions from the Commission.

The following speakers addressed the Commission:

Sara Leavitt, El Cerrito

Penelope Kramer, El Cerrito

Dave Weinstein, El Cerrito

The Commission discussed the presentation and provided feedback to staff.

8. STAFF COMMUNICATIONS

Planning Manager Sean Moss updated the Commission regarding the upcoming return to in-person meetings, the El Cerrito Plaza TOD project, the City's prohousing designation, and the Climate Action and Adaptation Plan update.

9. ADJOURNMENT

9:00 p.m.



Community Development Department
Planning and Building Division
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 | planning@ci.el-cerrito.ca.us

PLANNING COMMISSION CONDITIONAL USE PERMIT REPORT

June 21, 2023

6485 CONLON AVE

DETAILS

Application Number: PL23-0009

Applicant: Peter Gilbert

Location: 6485 Conlon Ave

APN: 501-190-008

Zoning: RS-5 (Single Family Residential)

General Plan: Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit to allow a proposed addition to a single-family house that expands a nonconforming rear setback (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.

EXECUTIVE SUMMARY

The proposal is for a 175.5 sq. ft. addition to an existing 1,877 sq. ft. single-family house which would result in a 2,025.5 sq. ft. house with 4 bedrooms, 3 bathrooms, a living room, and a kitchen.

The existing house has a non-conforming rear setback of 10 feet on the south side of the property. The proposed addition would extend the building along the nonconforming side setback and would not project further into the required 15-foot setback than the existing structure. Pursuant to ECMC Section 19.27.050, additions that extend a nonconforming setback require a Conditional Use Permit.

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

Background

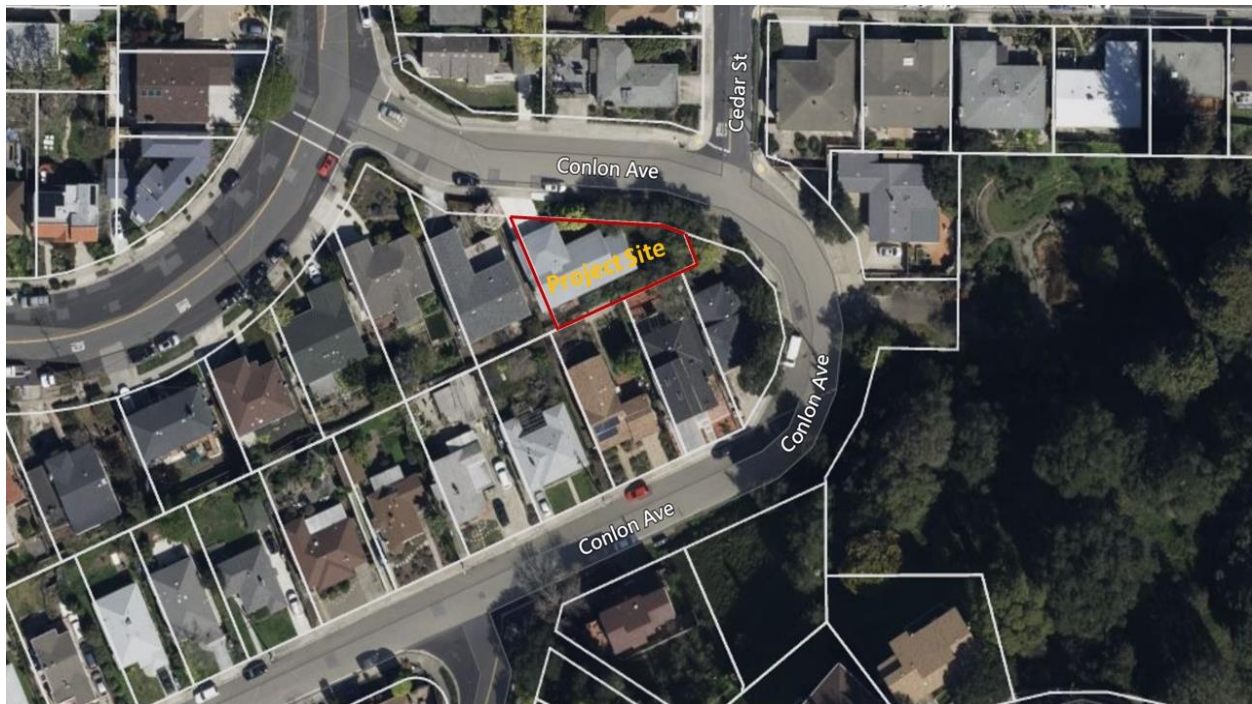
Site Location and Layout

The house at 6485 Conlon Ave is an approximately 1,877-square-foot single-story house. The house sits on a 4,850-square-foot lot in the RS-5 (Single Family Residential) zoning district. The existing lot coverage of the property is 38.7 percent.

The existing house has a kitchen, a living area, four bedrooms, and two bathrooms. The existing house has a non-conforming street side setbacks of 5.5 feet on the northern side.

The surrounding neighborhood contains mostly single-family houses. The surrounding houses are a mixture of one-story and two-story houses. On the block of the project site, houses range in size from 990 square feet to 2,400 square feet.

Vicinity Map



Site Photo



View of house from Conlon Ave

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

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

Analysis

Project Description

The applicant is proposing an addition which would add an additional bathroom to the primary bedroom. The addition would extend the east side of the building by approximately 15 feet along a nonconforming rear setback of 13 feet and would not encroach further into the required rear setback than the existing building. The resulting building would have 4 bedrooms, 3 bathrooms, a living room, and a kitchen.

Consistency with the Zoning District

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 addition is in compliance with the development standards except for the non-conforming rear setback.

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

Development Standard	Zoning Ord. Requirement	Existing	Proposed	Complies
Height (maximum)	30' maximum	24'	No Change	Yes
Height (at setback lines)	20' maximum	17'-6"	No Change	Yes
Setbacks				
Front	10'	10'	10'	Yes
Side (east)	5'	30'	15'-6"	Yes
Side (west)	5'	5'	No change	Yes
Rear	15'	10'	13'	No. Use Permit required for extending this nonconforming setback.
Parking spaces (covered)	0 spaces	2 spaces	No change	Yes
Lot Coverage	50% maximum	38.7%	41.7%	Yes

Nonconforming Setback

As described above, the existing house has a non-conforming rear setback of 10 feet from the rear southern property line. The proposed addition would extend the existing building by approximately 15 feet. The new addition would be 13 feet from the rear property line and would not extend further into the required rear setback than the existing building. Pursuant to ECMC Section 19.27.050, a Conditional Use Permit is required for additions and structural alterations that enlarge and extend a nonconforming structure when such enlargement does not comply with all applicable requirements.

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 June 7, 2023. No public comments have been received to date.

Environmental Review

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

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the side setback and covered parking requirements is consistent with the following policies of the El Cerrito General Plan:

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

The proposed project would add an additional bathroom to the primary bedroom of an existing single-family home, providing suitable housing for a large family or multi-generational household.

CD1.1: Neighborhood Character. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses.

The project would extend an existing nonconforming rear setback, but the addition is proposed to be further setback from the rear property line than the existing building. The resulting building would only be 2,025.5 sq. ft. which still matches the character of the surrounding neighborhood. The project does not exceed the overall height limit for the RS-5 zoning district or the daylight plane requirements.

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

The building at 6485 Conlon Ave would comply with the height limit and lot coverage regulations of the RS-5 zone that control building scale and character. The addition's overall height and roof line would be consistent with many of the other single-family buildings on the 6000 block of Conlon Ave. The addition's materials, colors, and design would match those of the existing house.

Required Findings

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

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

The surrounding neighborhood predominantly contains single-family houses. The surrounding houses are predominantly single-family houses with a mixture of two-story and one-story houses. The proposed addition would only increase the floor area of the house by 175.5 square feet and would result in a 2,025.5 square foot house on a 4,850 square foot lot. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the surrounding neighborhood.

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

The proposed project would add an additional bathroom to an existing single-family home and would result in four bedrooms, a kitchen, three bathrooms, and a living room. The resulting house will be an attractive addition to the neighborhood.

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

The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district and consistent with the district's intent. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL23-0009, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC2023-01 approving the Conditional Use Permits to allow an addition expanding a nonconforming rear setback to an existing single-family house at 6485 Conlon Ave.

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

Planning Commission Resolution PC 2023-01

APPLICATION NO. PL23-0009

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ADDITION THAT EXPANDS A NONCONFORMING REAR SETBACK FOR AN EXISTING SINGLE-FAMILY HOUSE AT 6483 CONLON AVE

WHEREAS, the site is located at 6485 Conlon Ave; and

WHEREAS, the existing Assessor's Parcel Number of the site is 501-190-008; and

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

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

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

WHEREAS, on January 19, 2023, Peter Gilbert (the "applicant") submitted an application for a Conditional Use Permit for an addition expanding a nonconforming rear setback of an existing single-family house at 6485 Conlon Ave; and

WHEREAS, on June 21, 2023, 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 predominantly contains single-family houses. The surrounding houses are predominantly single-family houses with a mixture of two-story and one-story houses. The proposed addition would only increase the floor area of the house by 175.5 square feet and would result in a 2,025.5 square foot house on a 4,850 square foot lot. The location, size, and design of the proposed house addition are consistent with the scale and design of development in the surrounding neighborhood.
2. The proposed project would add an additional bathroom to an existing single-family home and would result in four bedrooms, a kitchen, three bathrooms, and a living room. The resulting house will be an attractive addition to the neighborhood.
3. The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district and consistent with the district's intent. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, CD1.1: Neighborhood Character, and CD4.1: Compatibility in Building Scale.

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. PL23-0009, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans received by the City on April 28, 2023. 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 exercised, this Conditional Use Permit approval will expire two years after the date of this approval pursuant to El Cerrito Municipal Code Section 19.32.100.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on June 21, 2023, upon motion of Commissioner _____, second by Commissioner _____:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager

MASTER BATH ADDITION TO
CHANG RESIDENCE
6485 CONLON AVENUE
EL CERRITO, CA 94530

PROJECT DESCRIPTION

CONSTRUCTION OF AN ADDITION OF A 175.5 SF MASTER BATH TO THE UPPER FLOOR OF A TWO STORY RESIDENCE, WITH THE LOWER FLOOR TO BE LEFT OPEN YET COVERED.

NOTE:

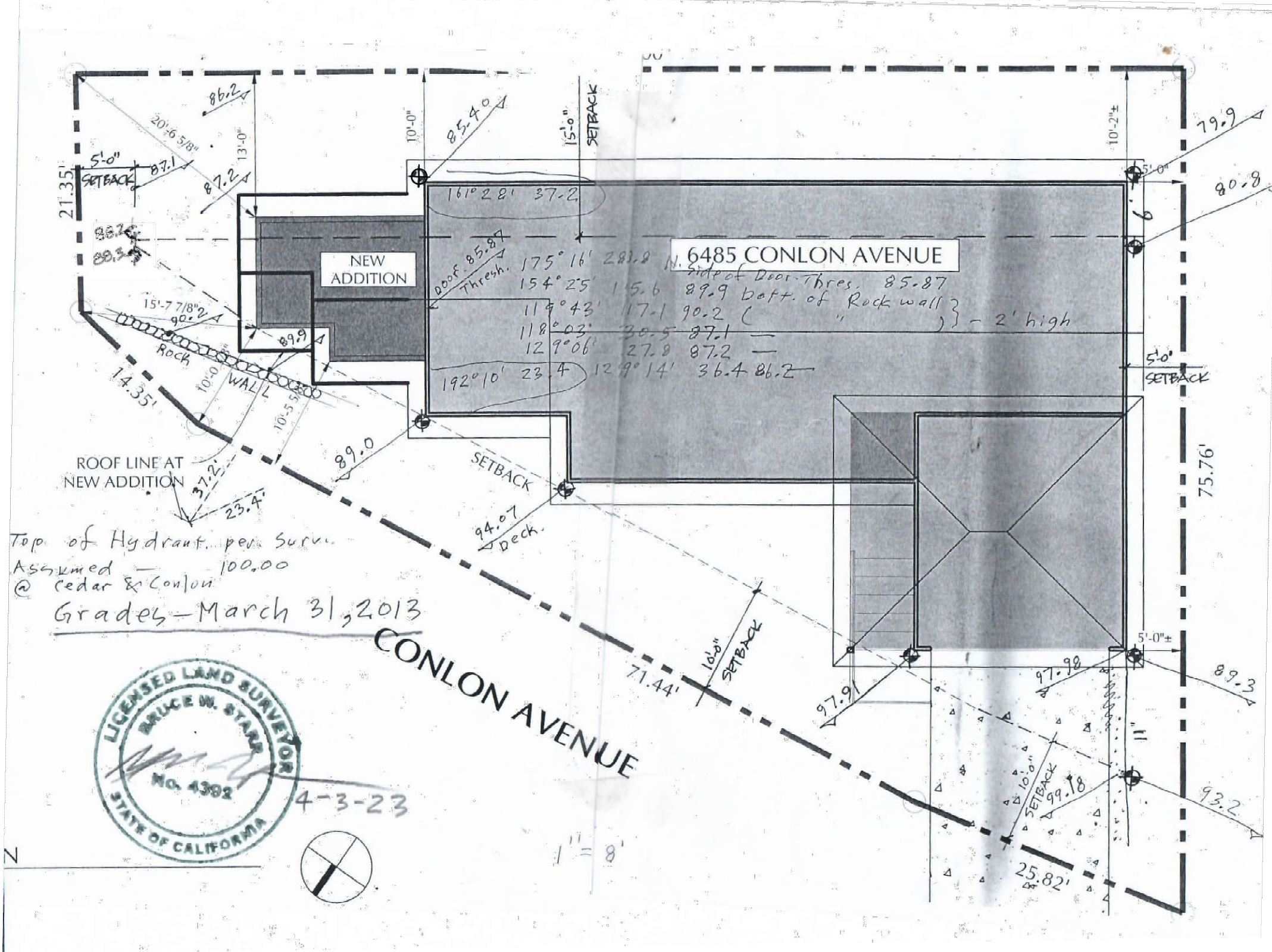
CONTRACTOR SHALL CHECK ALL DRAWINGS SUPPLIED BY ARCHITECT, VERIFY ALL JOB CONDITIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR UNCLEAR SPECIFICATIONS FOUND BEFORE COMMENCING WORK. IN ALL INSTANCES, CONTRACTOR TO NOTIFY ARCHITECT OF ANY CHANGES TO THE DESIGN OR SPECIFICATIONS BEFORE PROCEEDING.

LOT SLOPE CALCULATIONS

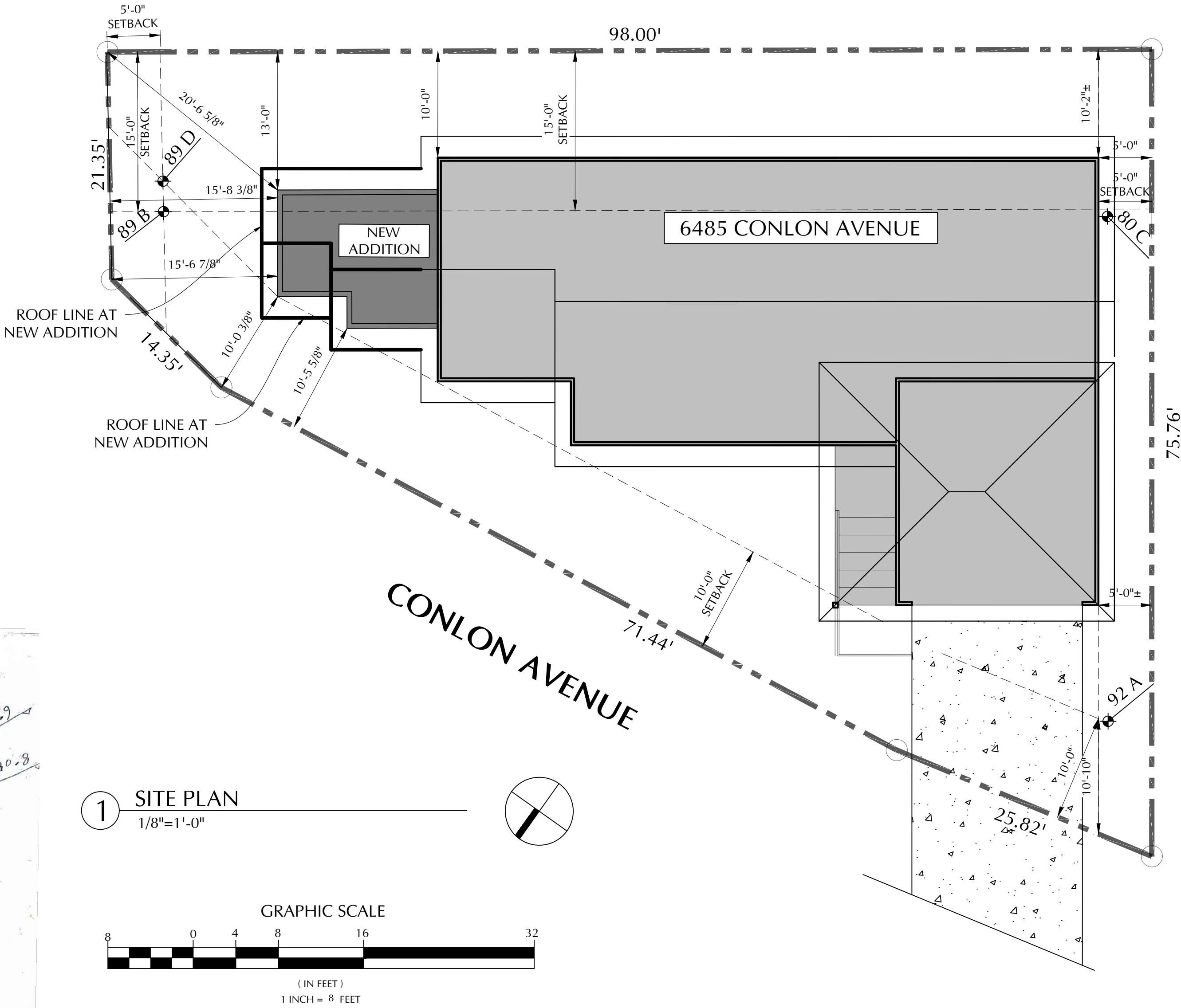
FORMULA
$$\frac{\frac{A+B}{2} - \frac{C+D}{2}}{\frac{AC}{2} + \frac{BD}{2}}$$

CALCS
$$\frac{\frac{[90.75]}{(93.2) + (88.3)} - \frac{[84.05]}{(79.9) + (88.2)}}{\frac{47+1.5}{2}} = \frac{6.7}{24.25} = 27.62\% \text{ LOT SLOPE}$$

SEE SHEET A6, A8
EAST ELEVATION
FOR ENVELOPE

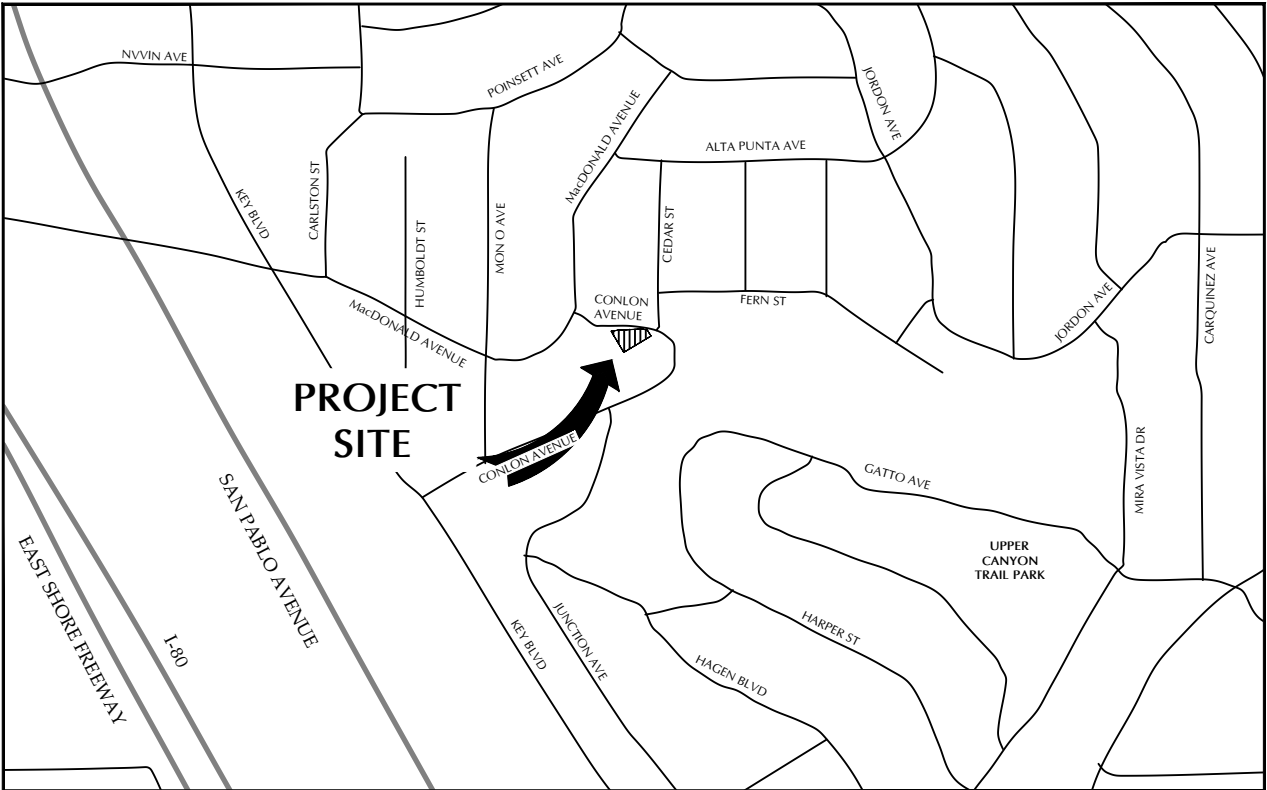


2 SITE SPOT SURVEY
3/32"=1'-0"



1 SITE PLAN
1/8"=1'-0"

VICINITY MAP
N.T.S.



DRAWING INDEX

- A1 PROJECT INFORMATION
- A2 MANDATORY MEASURES
- A3 MANDATORY MEASURES
- A4 DAYLIGHT PLANES
- A5 EXISTING PLANS
- A6 UPPER LEVEL FLOOR PLAN
- A7 LOWER LEVEL FLOOR PLAN
- A8 NORTH EXTERIOR ELEVATION
- A9 EAST AND WEST EXTERIOR ELEVATIONS
- A10 BUILDING SECTION, ROOF PLAN, & ORIGINAL SITE PLAN
- E1 UPPER/LOWER ELECTRICAL PLANS

APPLICABLE CODES

- 2016 CALIFORNIA ADMINISTRATIVE CODE
- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA RESIDENTIAL CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA PLUMBING CODE
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL GREEN)
- 2016 CALIFORNIA REFERENCE STANDARDS CODE

SITE INFORMATION

APN:	501-190-008-0
ZONING:	RS-5
RESIDENTIAL UNITS:	1
PARKING SPACES:	2
STORIES:	2
LOT AREA:	4850 SF
PROPOSED ADDITION:	175.5 SF
EXISTING MAX HEIGHT:	24'-0"
ADDITION MAX HEIGHT:	19'-0"

LIVING AREA	
EXISTING	1877 SF
PROPOSED	2025.5 SF
BUILDING FOOTPRINT	
EXISTING	1877 SF
PROPOSED	2025.5 SF
LOT COVERAGE	
ALLOWED	2425 SF (50.0%)
EXISTING	1877 SF (38.7%)
PROPOSED	2025.5 SF (41.7%)
IMPERVIOUS SURFACES	
EXISTING	691 SF (14%)
PROPOSED	691 SF (14%)
LANDSCAPED AREA	
EXISTING	2287 SF (47%)
PROPOSED	2135 SF (44%)

CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS Chapter 1 - ADMINISTRATION 101.3.1 Applies to ALL newly constructed residential buildings: low-rise, high-rise, and hotels/motels. Chapter 3 - GREEN BUILDING 301.1.1 Additions and alterations Applies to additions or alterations of residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. Requirements only apply within the specific area of the addition or alteration. Note directs code users to Civil Code Section 1101.1 et seq., regarding replacement of non-compliant plumbing fixtures. 301.2 Low-rise and high-rise buildings Banners identify provisions applying to low-rise only [LR] or high-rise only [HR]. Division 4.1 - PLANNING AND DESIGN (SITE DEVELOPMENT) 4.106.2 Storm water drainage and retention during construction Projects which disturb less than 1 acre of soil and are not part of a larger common plan of development shall manage storm water drainage during construction. 4.106.3 Grading and paving Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings. Exception for additions and alterations which do not alter the existing drainage path. 4.106.4 Electric vehicle (EV) charging for new construction Comply with Section 4.106.4.1 and 4.106.4.2 for future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. Exceptions on a case-by-case basis as determined by the Local Enforcing Agency: 1. Where there is no commercial power supply. 2. Verification that meeting requirements will alter the local utility infrastructure design requirements on the utility side of the meter increasing costs to the homeowner/developer by more than \$400.00 per dwelling unit. 4.106.4.1 & 4.106.4.1.1 EV charging: 1- & 2-family dwellings/townhouses with attached private garages Install a listed raceway to accommodate a dedicated 208/240-volt branch circuit for each dwelling unit. Raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). Raceway shall originate at the main service or subpanel and terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. Service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. Service panel or subpanel circuit	
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HCD SHL 605 (Rev. 4/16)

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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS 4.106.4.1 & 4.106.4.1.1 continued 4.106.4.2 directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE". EV charging for multifamily dwellings Applies to building sites with 17 or more multifamily dwelling units constructed on the site. 3% of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the number of EV spaces shall be rounded up to the nearest whole number. Note: Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use. 4.106.4.2.1 EV charging space (EV space) locations Construction documents shall indicate the location of proposed EV spaces. At least 1 EV space shall be located in common use areas and available for use by all residents. When EV chargers are installed, EV spaces required by Section 4.106.4.2.2, Item 3, shall comply with at least 1 of the following options: 1. The EV space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space. 2. The EV space shall be located on an accessible route to the building, as defined in the California Building Code, Chapter 2. 4.106.4.2.2 EV charging space (EV space) dimensions EV spaces shall be designed to comply with the following: 1. The minimum length of each EV space shall be 18 feet. 2. The minimum width of each EV space shall be 9 feet. 3. One in every 25 EV spaces, but not less than 1, shall also have an 8-foot wide minimum aisle. A 5-foot wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet. a) Surface slope for this EV space and aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083% slope) in any direction. 4.106.4.2.3 Single EV space required Install listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV space.	
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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS 4.106.4.2.3 continued 4.106.4.2.4 Multiple EV spaces required Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. 4.106.4.2.4 Multiple EV spaces required Construction documents shall indicate raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. Raceways and related components planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction. 4.106.4.2.5 Identification The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the California Electrical Code. Notes: 1. The California Department of Transportation adopts and publishes the "California Manual on Uniform Traffic Control Devices (California MUTCD)" to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives Number 12-01. Website: http://www.dot.ca.gov/hq/traffops/policy/13-01.pdf 2. See Vehicle Code Section 22511 for EV charging space signage in off-parking facilities and for use of EV charging spaces. 3. The Governor's Office of Planning and Research (OPR) published a "Zero-Emission Vehicle Community Readiness Guidebook" which provides helpful information for local governments, residents and businesses. Website: http://opr.ca.gov/docs/ZEV_Guidebook.pdf	
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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS Division 4.3 – WATER EFFICIENCY AND CONSERVATION (INDOOR WATER USE) 4.303.1 Water conserving plumbing fixtures and fittings Plumbing fixtures and fittings shall comply with the following: 4.303.1.1 Water Closets: ≤ 1.28 gal/flush 4.303.1.2 Wall Mounted Urinals: ≤ 0.125 gal/flush; all other urinals ≤ 0.5 gal/flush 4.303.1.3.1 Single Showerheads: ≤ 2.0 gpm @ 80 psi 4.303.1.3.2 Multiple Showerheads: combined flow rate of all showerheads controlled by a single valve shall not exceed 2.0 gpm @ 80 psi, or only one shower outlet is to be in operation at a time 4.303.1.4.1 Residential Lavatory Faucets: Maximum Flow Rate ≤ 1.2 gpm @ 60 psi; Minimum Flow Rate ≥ 0.8 gpm @ 20 psi 4.303.1.4.2 Lavatory Faucets in Common and Public Use Areas of Residential Buildings: ≤ 0.5 gpm @ 60 psi 4.303.1.4.3 Metering Faucets: ≤ 0.25 gallons per cycle 4.303.1.4.4 Kitchen Faucets: ≤ 1.8 gpm @ 60 psi; temporary increase to 2.2 gpm allowed but shall default to 1.8 gpm 4.303.2 Standards for plumbing fixtures and fittings Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code, and shall meet applicable standards referenced in Table 1701.1 of the California Plumbing Code.	
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HCD SHL 605 (Rev. 4/16)

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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS 4.408.1 continued 4.408.2 Construction waste management plan Submit a construction waste management plan meeting Items 1 through 5 in Section 4.408.2. Plans shall be updated as necessary and shall be available for examination during construction. 4.408.3 Waste management company Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that diverted construction and demolition waste materials meet the requirements in Section 4.408.1. 4.408.4 Waste stream reduction alternative (LR) Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 3.4 pounds per square foot of the building area shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1. Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 2 pounds per square foot of the building area, shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1. Division 4.4 – MATERIAL CONSERVATION & RESOURCE EFFICIENCY (BUILDING MAINTENANCE & OPERATION) 4.410.1 Operation and maintenance manual At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency which covers 10 specific subject areas shall be placed in the building. 4.410.2 Recycling by occupants Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and is identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive. Exception: Rural jurisdictions that meet and apply for the exemption in Public Resources Code Section 42649.82 (a)(2)(A) et. seq. are not required to comply with the organic waste portion of this section.	
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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS Division 4.5 – ENVIRONMENTAL QUALITY (FIREPLACES) 4.503.1 General Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable, and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves and fireplaces shall also comply with all applicable local ordinances.	
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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS 4.504.2.3 Aerosol paints and coatings Aerosol paints and coatings shall meet the Product-Weighted MIR Limits for ROC in Section 94522(a)(2) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances, in Section 94522(e)(1) and (f)(1) of the CCR, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District shall additionally comply with the percent VOC by weight of product limits of Regulation 8, Rule 49.	
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CALGreen RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE SECTION REQUIREMENTS 4.504.5.1 continued 4.504.5.1 Documentation Verification of compliance shall be provided as requested by the enforcing agency, and as required in Section 4.504.5.1.	
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HCD SHL 605 (Rev. 4/16)

Page 8 of 10

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APR 28, 2023

MANDATORY MEASURES

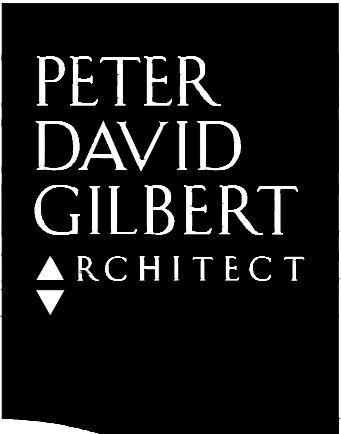
MASTER BATH ADDITION
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CALGreen® RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE 	
SECTION	REQUIREMENTS
Division 4.5 – ENVIRONMENTAL QUALITY (INDOOR AIR QUALITY & EXHAUST)	
Bathroom exhaust fans	
4.506.1	Each bathroom shall be mechanically ventilated and shall comply with the following: 1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the building. 2. Unless functioning as a component of a whole house ventilation system, fans must be controlled by a humidity control. a) Humidity controls shall be capable of manual or automatic adjustment between a relative humidity range of less than 50% to a maximum of 80%. b) A humidity control may be a separate component to the exhaust fan and is not required to be integral or built-in. Note: For CALGreen a “bathroom” is a room which contains a bathtub, shower, or tub/shower combination. Fans or mechanical ventilation is required in each bathroom.
Division 4.5 – ENVIRONMENTAL QUALITY (ENVIRONMENTAL COMFORT)	
Heating and air conditioning system design	
4.507.2	Heating and air conditioning systems shall be sized, designed, and equipment selected using the following methods: 1. The heat loss and heat gain is established according to ANSI/ACCA 2 Manual J – 2011 (Residential Load Calculation), ASHRAE handbooks or other equivalent design software or methods. 2. Duct systems are sized according to ANSI/ACCA 1 Manual D – 2014 (Residential Duct Systems), ASHRAE handbooks or other equivalent design software or methods. 3. Select heating and cooling equipment according to ANSI/ACCA 3 Manual S – 2014 (Residential Equipment Selection) or other equivalent design software or methods. Exception: Use of alternate design temperatures necessary to ensure the systems functions are acceptable.
CHAPTER 7 – INSTALLER & SPECIAL INSPECTOR QUALIFICATION (QUALIFICATIONS, VERIFICATIONS)	
Installer training	
702.1	HVAC system installers shall be trained and certified in the proper installation of HVAC systems and equipment by a recognized training or certification program. Examples of acceptable HVAC training and certification programs include but are not limited to the following: 1. State certified apprenticeship programs. 2. Public utility training programs. 3. Training programs sponsored by trade, labor or statewide energy consulting or verification organizations. 4. Programs sponsored by manufacturing organizations. 5. Other programs acceptable to the enforcing agency.

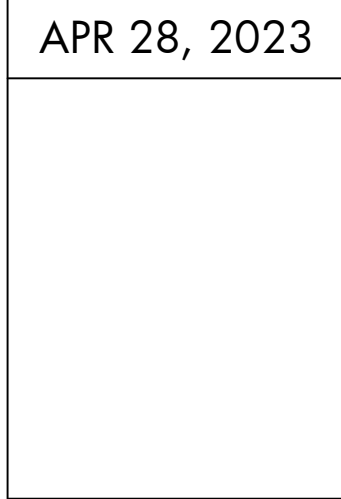
CALGreen® RESIDENTIAL MANDATORY MEASURES EFFECTIVE JANUARY 1, 2017 2016 CALGREEN CODE 	
SECTION	REQUIREMENTS
Special inspection	
702.2	Special inspectors must be qualified and able to demonstrate competence to the enforcing agency in the discipline in which they are inspecting.
Documentation	
703.1	Documentation of compliance shall include, but is not limited to, construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the local enforcing agency. Other specific documentation or special inspections necessary to verify compliance are specified in appropriate sections of CALGreen.



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APR 28, 2023

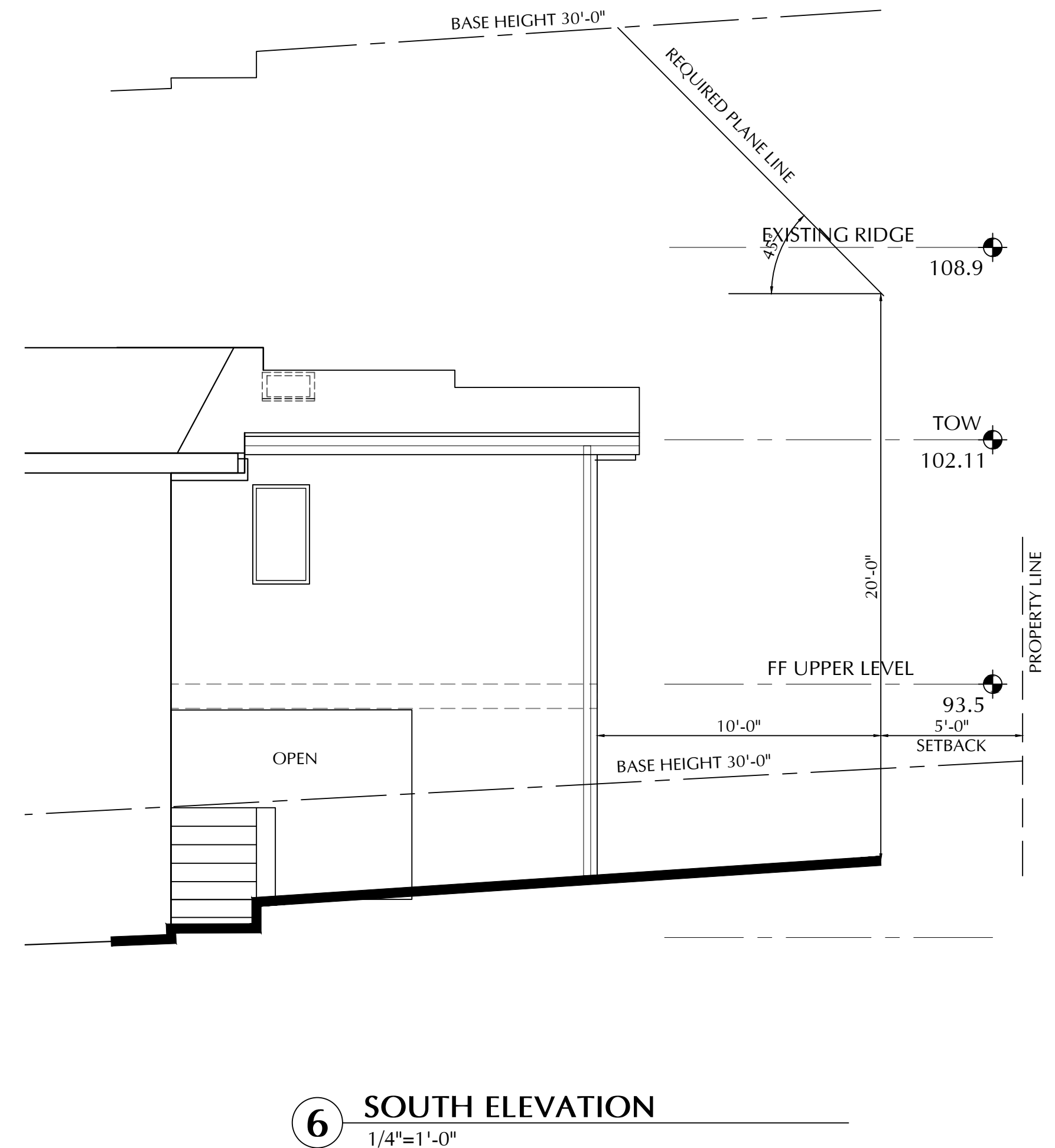
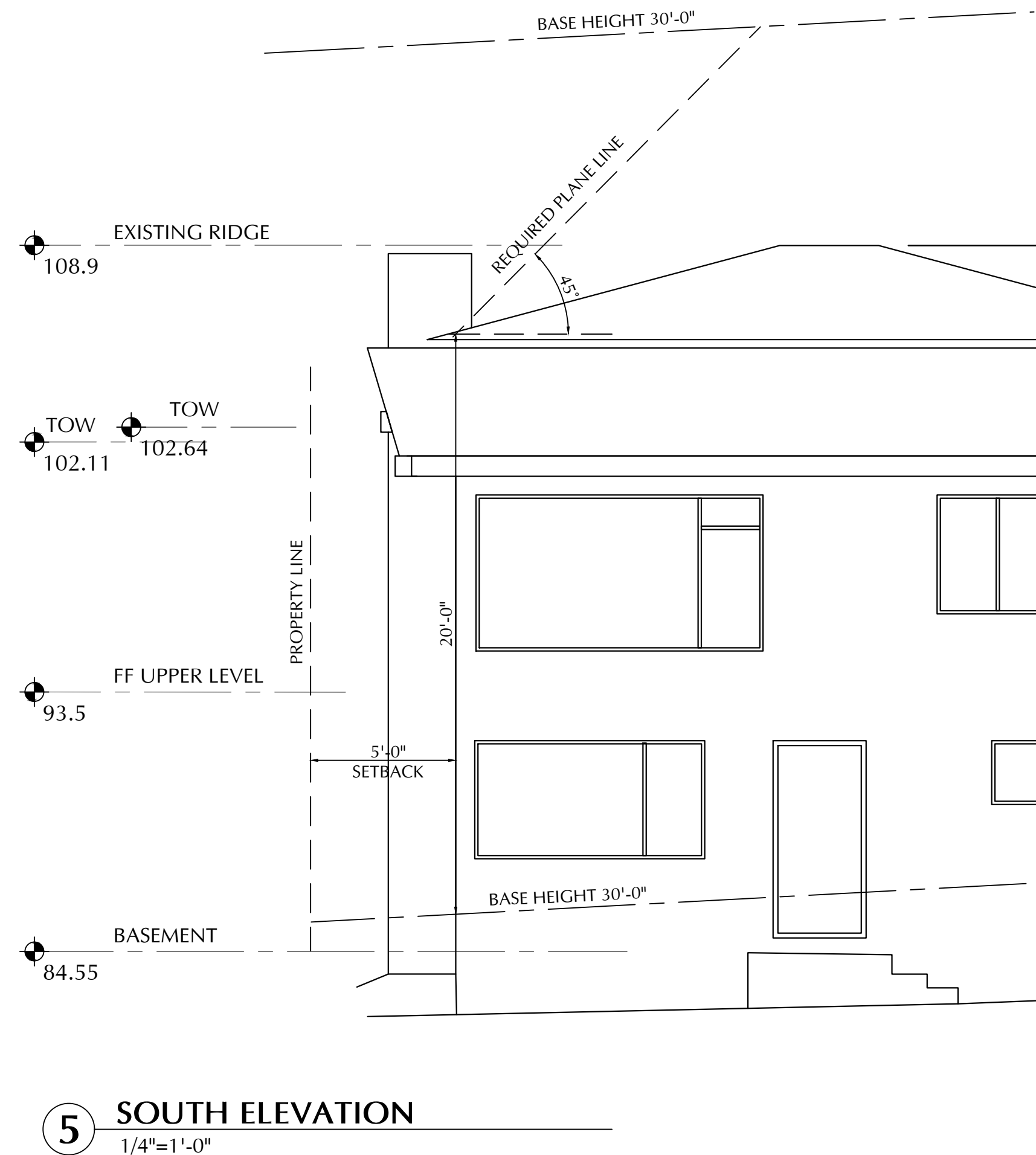
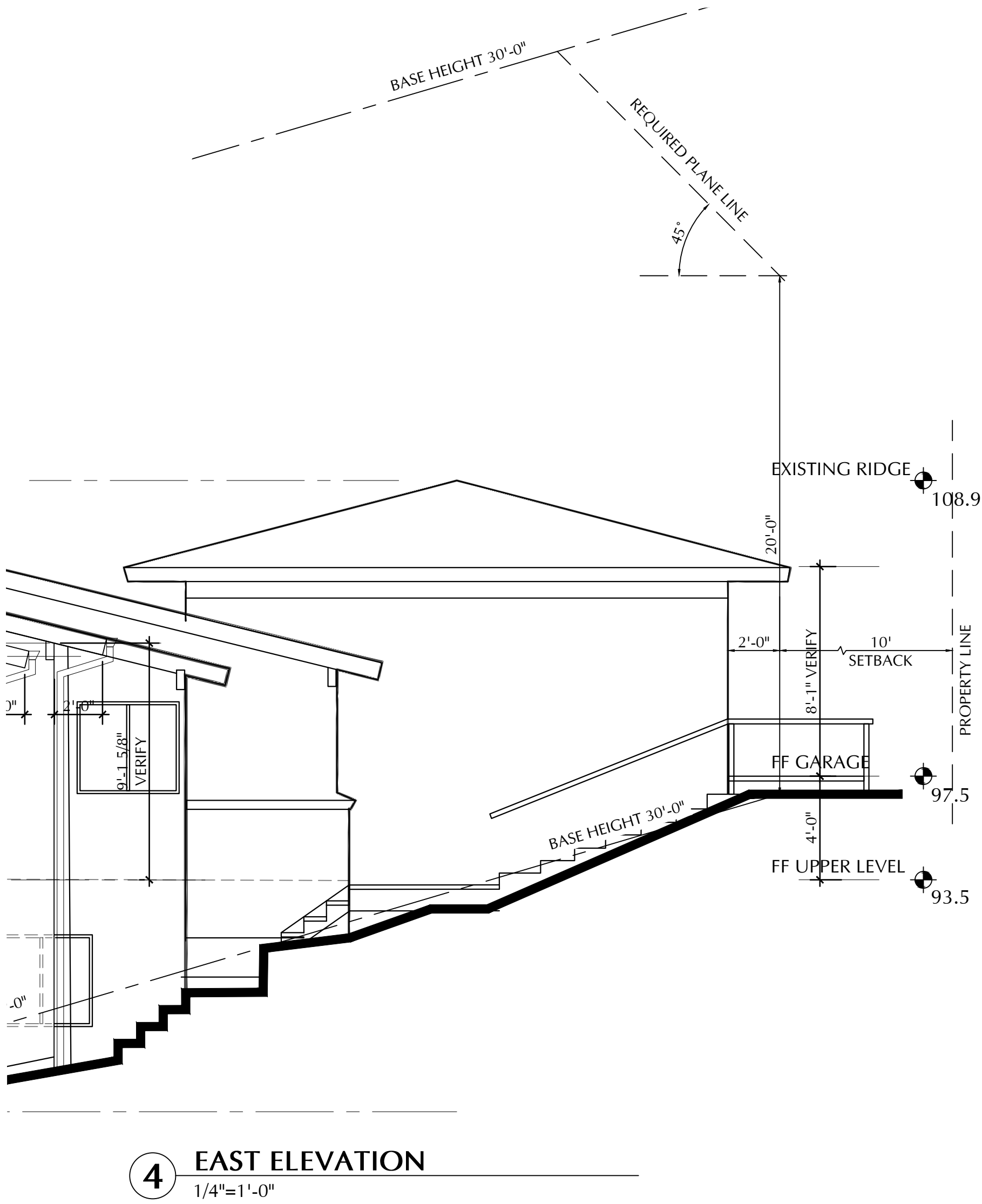
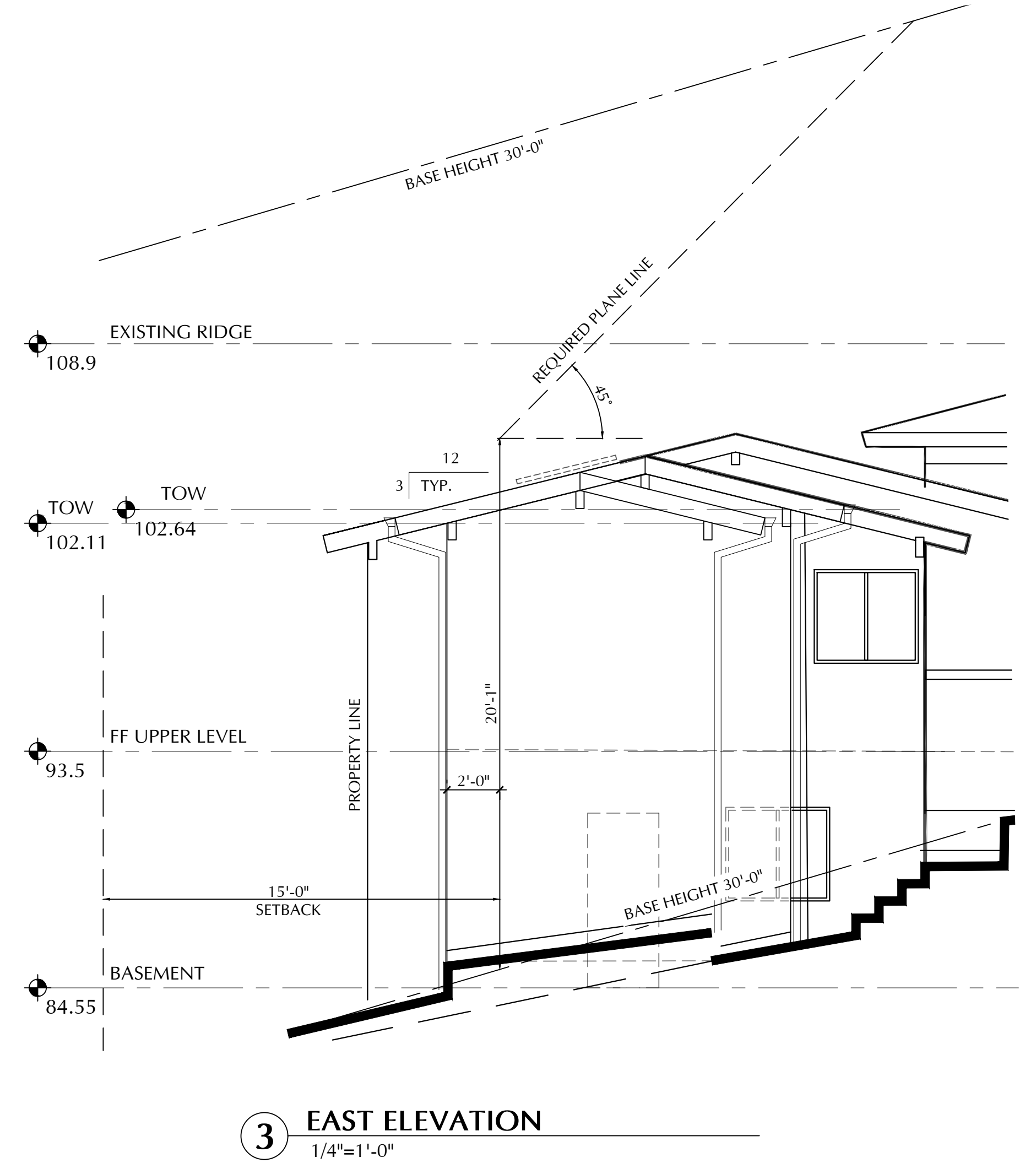
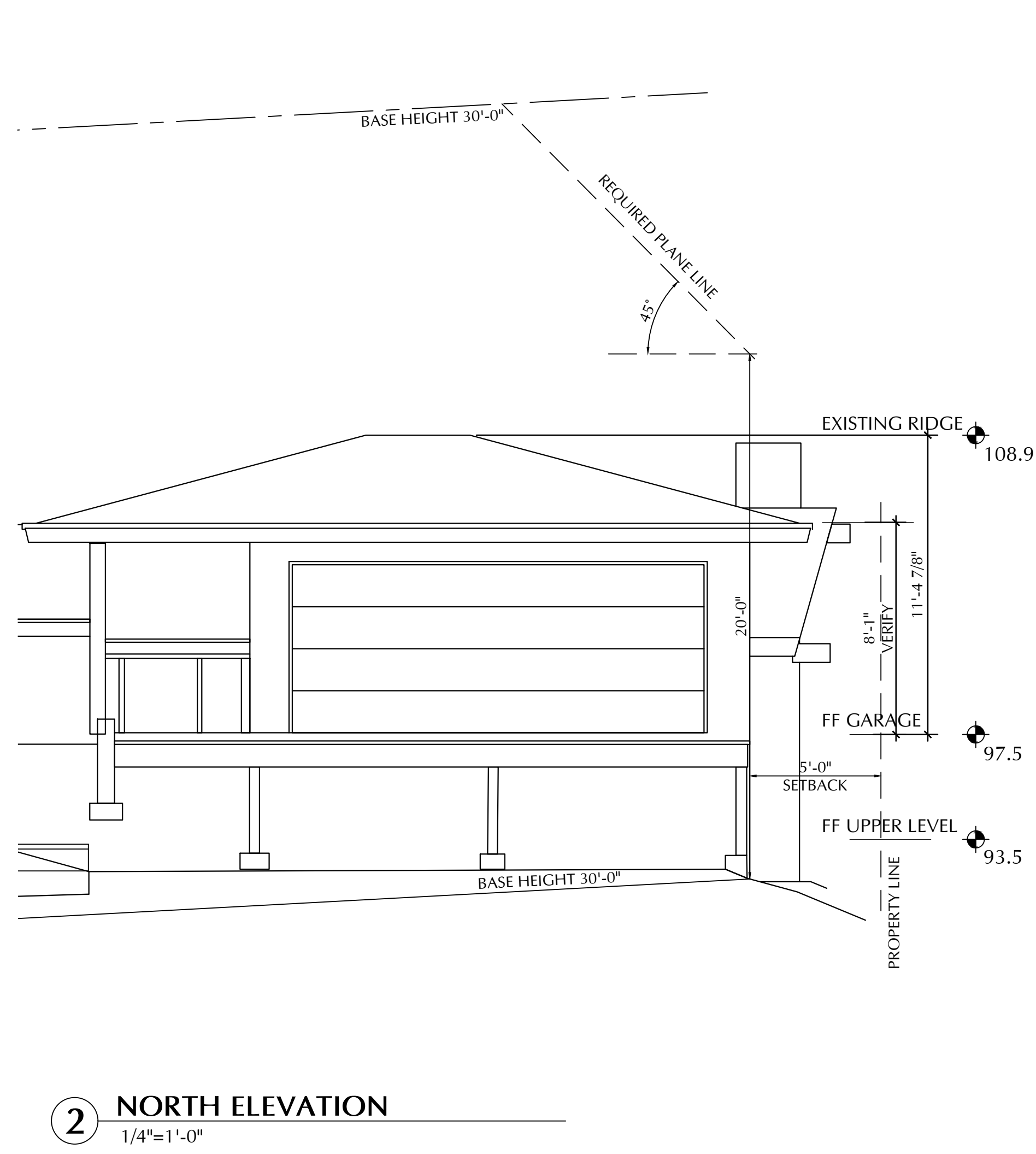
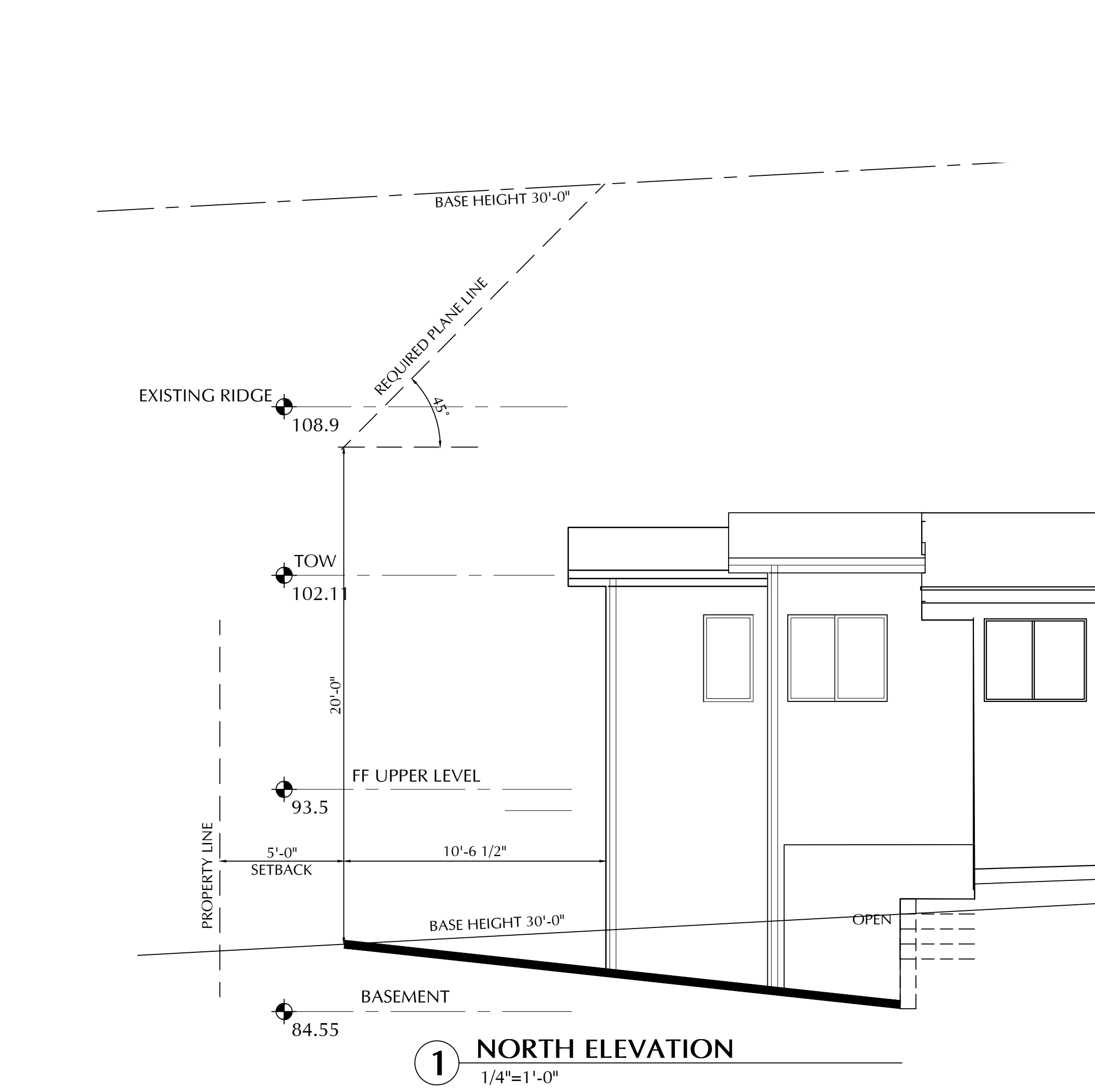


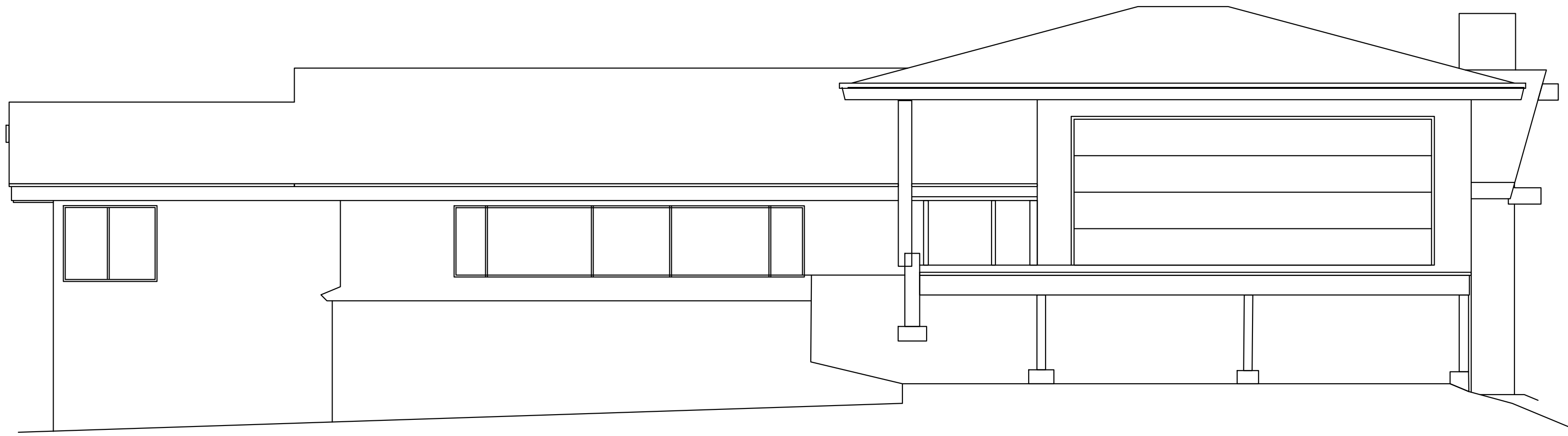
MANDATORY MEASURES

MASTER BATH ADDITION
6485 CONLON AVENUE
EL CERRITO CA 94530

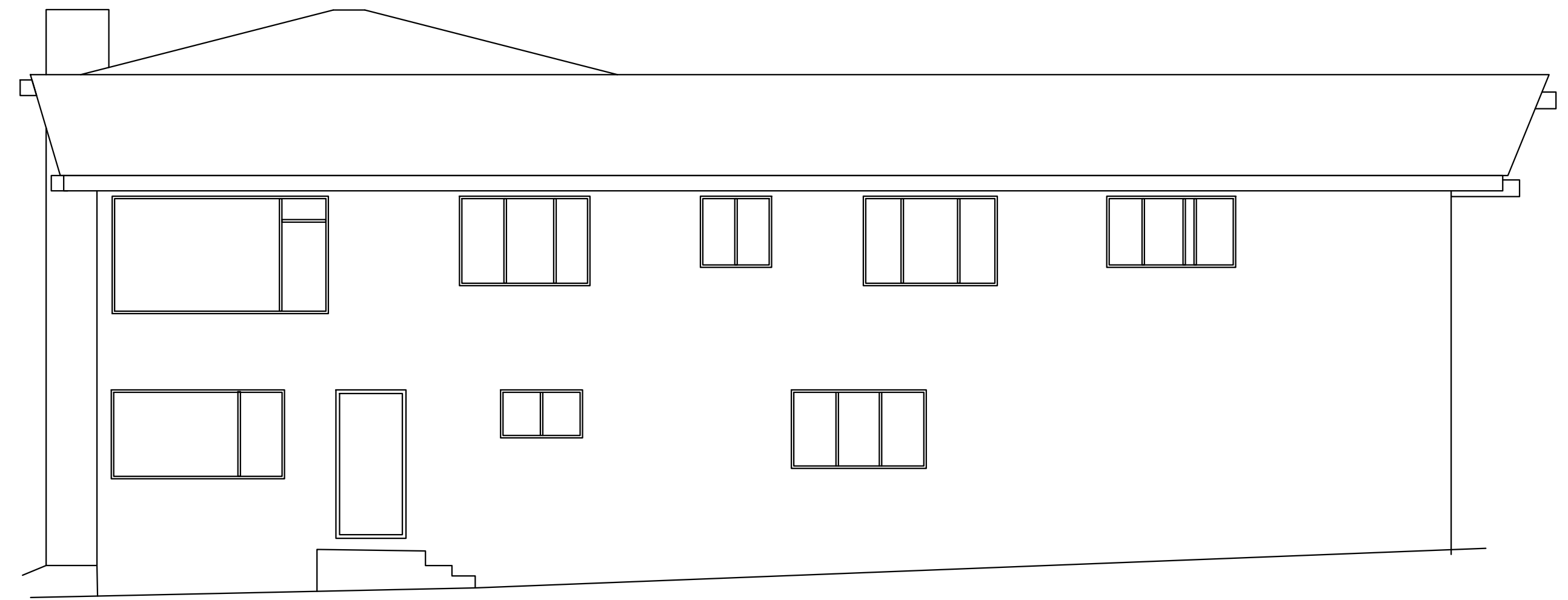
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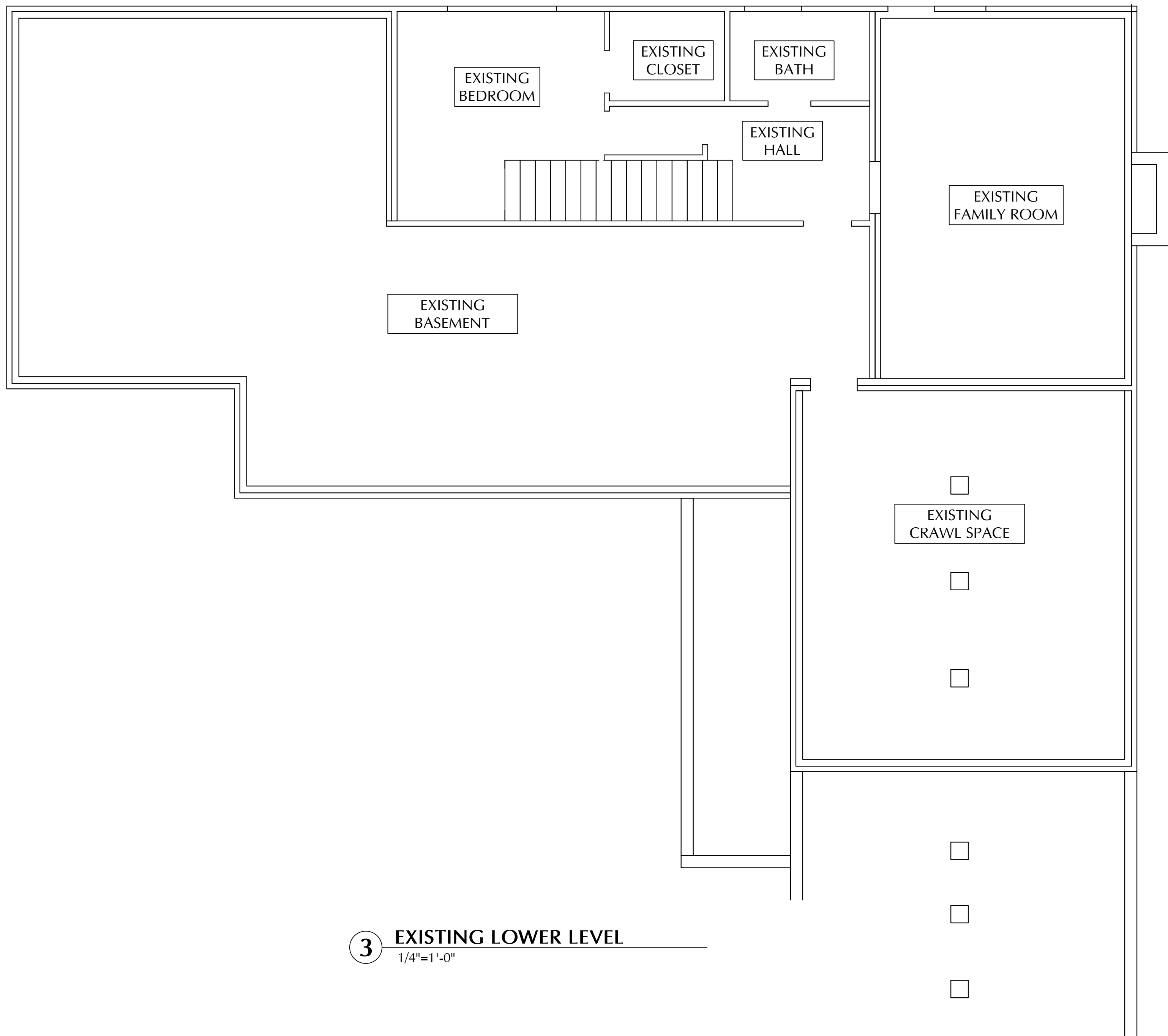




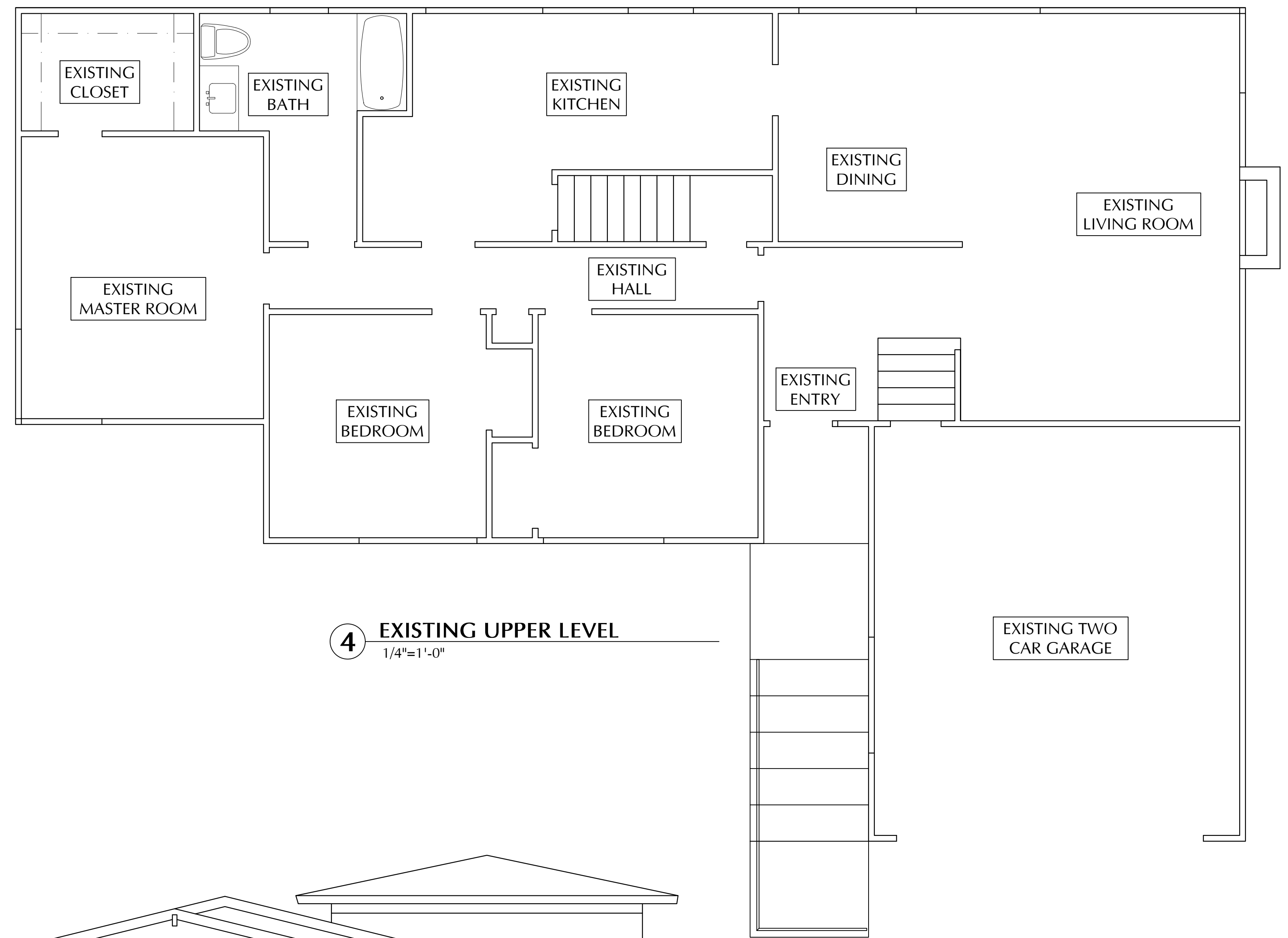
1 EXISTING NORTH ELEVATION
1/4"=1'-0"



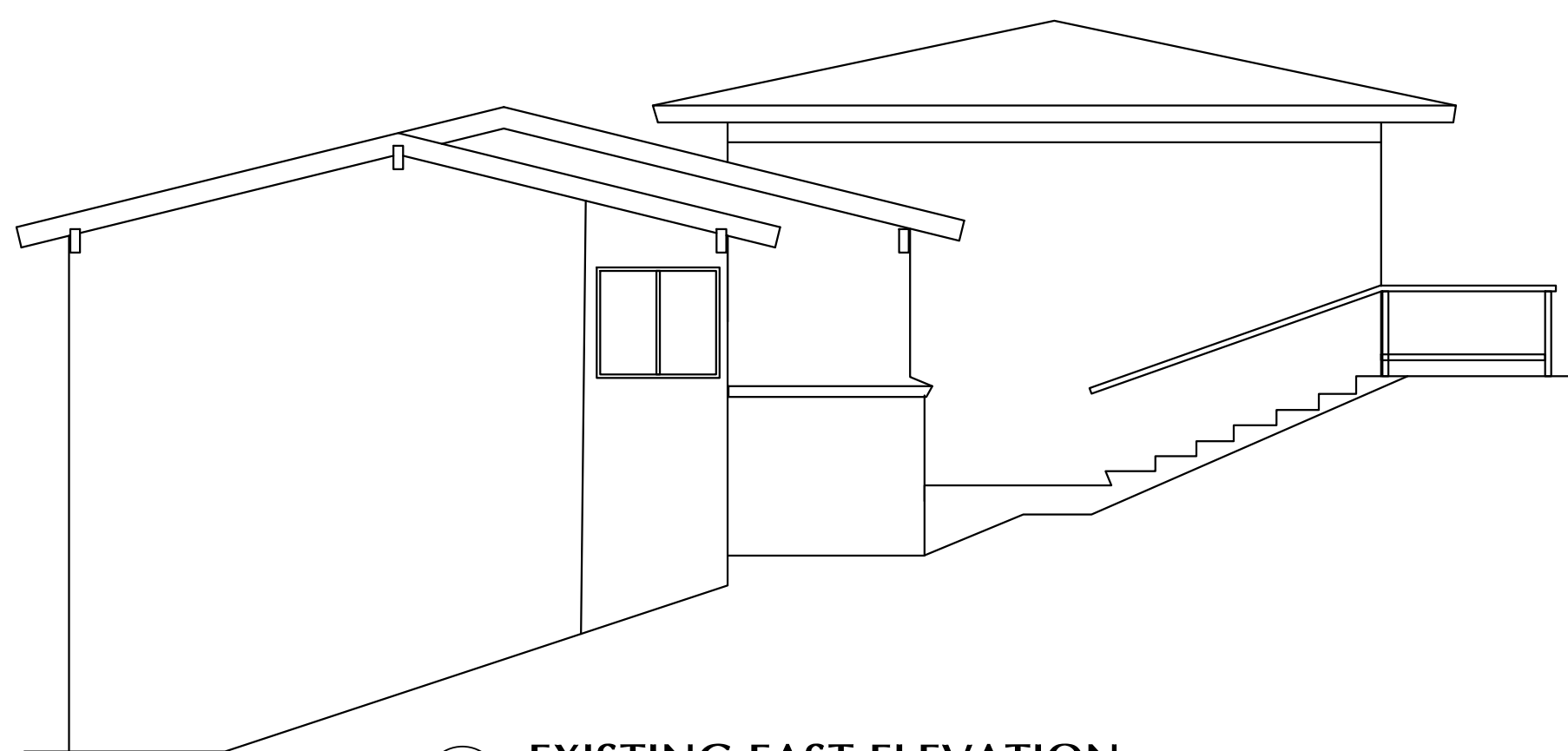
2 EXISTING SOUTH ELEVATION
3/16"=1'-0"



3 EXISTING LOWER LEVEL
1/4"=1'-0"

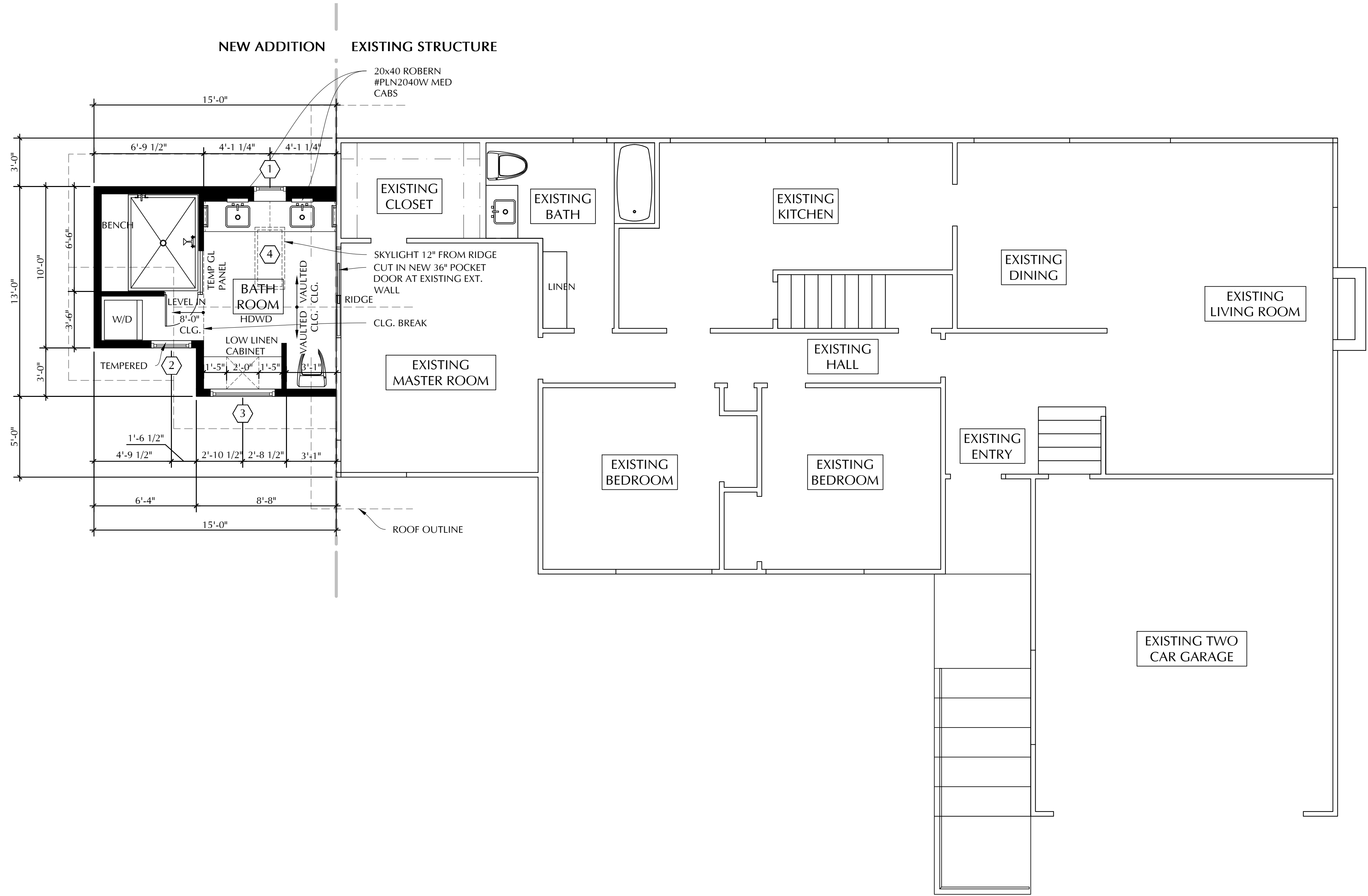


4 EXISTING UPPER LEVEL
1/4"=1'-0"



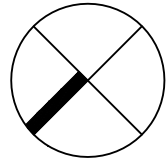
5 EXISTING EAST ELEVATION
3/16"=1'-0"

WINDOWS				
SYMBOL	WIDTH	HEIGHT	TYPE	MATERIAL
1	2'-0"	3'-6"	CASEMENT	WHITE FIBERGLASS, INSULATED GLASS
2	2'-0"	3'-6"	CASEMENT (TEMPERED)	WHITE FIBERGLASS, INSULATED GLASS
3	4'-0"	3'-6"	XO- SLIDING	WHITE FIBERGLASS, INSULATED GLASS
4	21" W X 46" L		SKYLIGHT - ELECTRIC FRESH AIR, DECK MTD.	VELUX VSE CO6 (PER MFR REQUIREMENTS)



1 UPPER LEVEL FLOOR PLAN
1/4"=1'-0"

NOTES:
ALL NEW WINDOWS, TRIM, STUCCO, ROOFING
COLORS, TO MATCH EXISTING HOUSE, (TYPICAL)

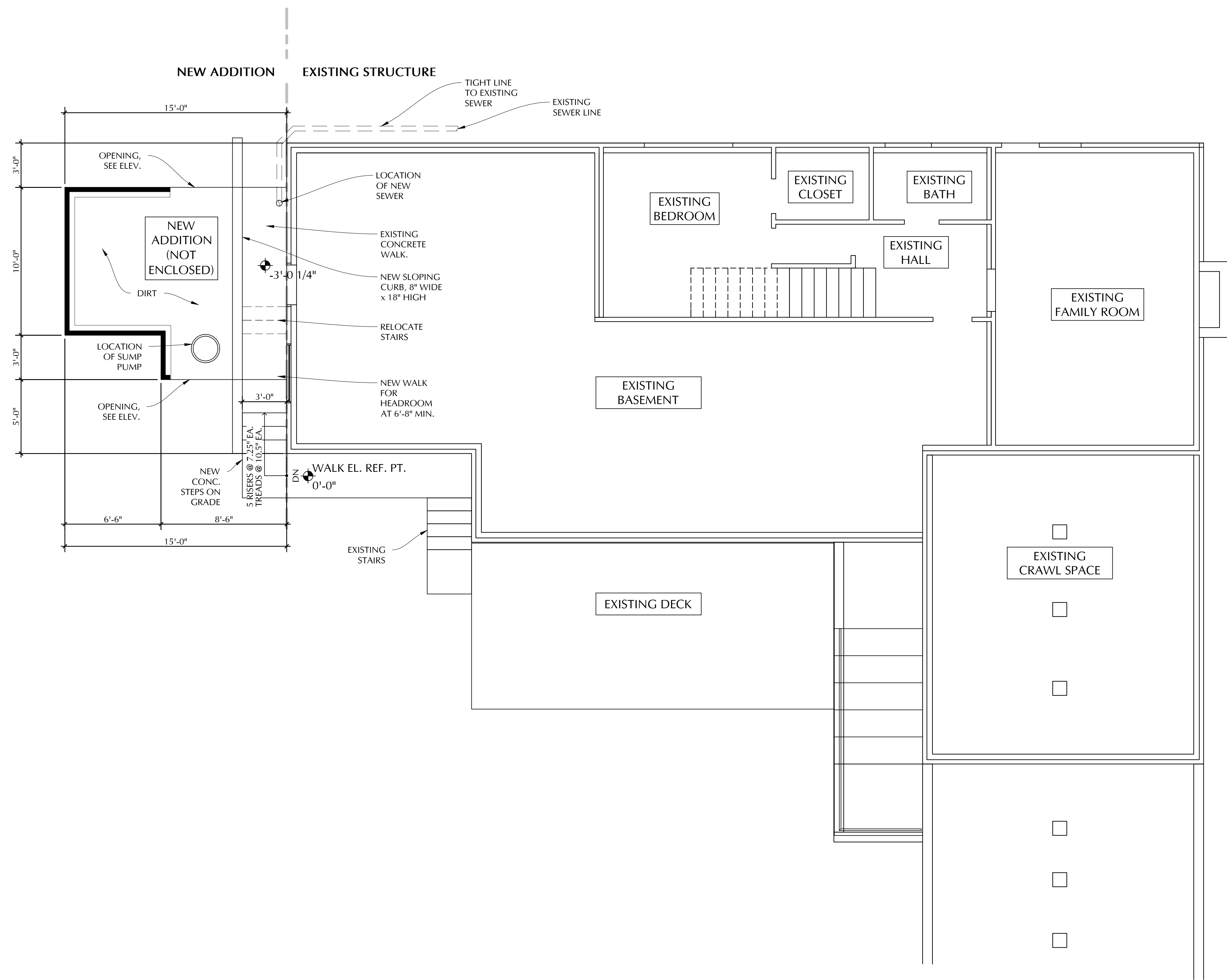


APR 28, 2023

UPPER LEVEL FLOOR PLAN

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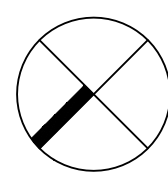


1 LOWER LEVEL FLOOR PLAN

1/4"=1'-0"

NOTES:

ALL NEW WINDOWS, TRIM, STUCCO, ROOFING
COLORS, TO MATCH EXISTING HOUSE, (TYPICAL)





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NORTH EXTERIOR
ELEVATION

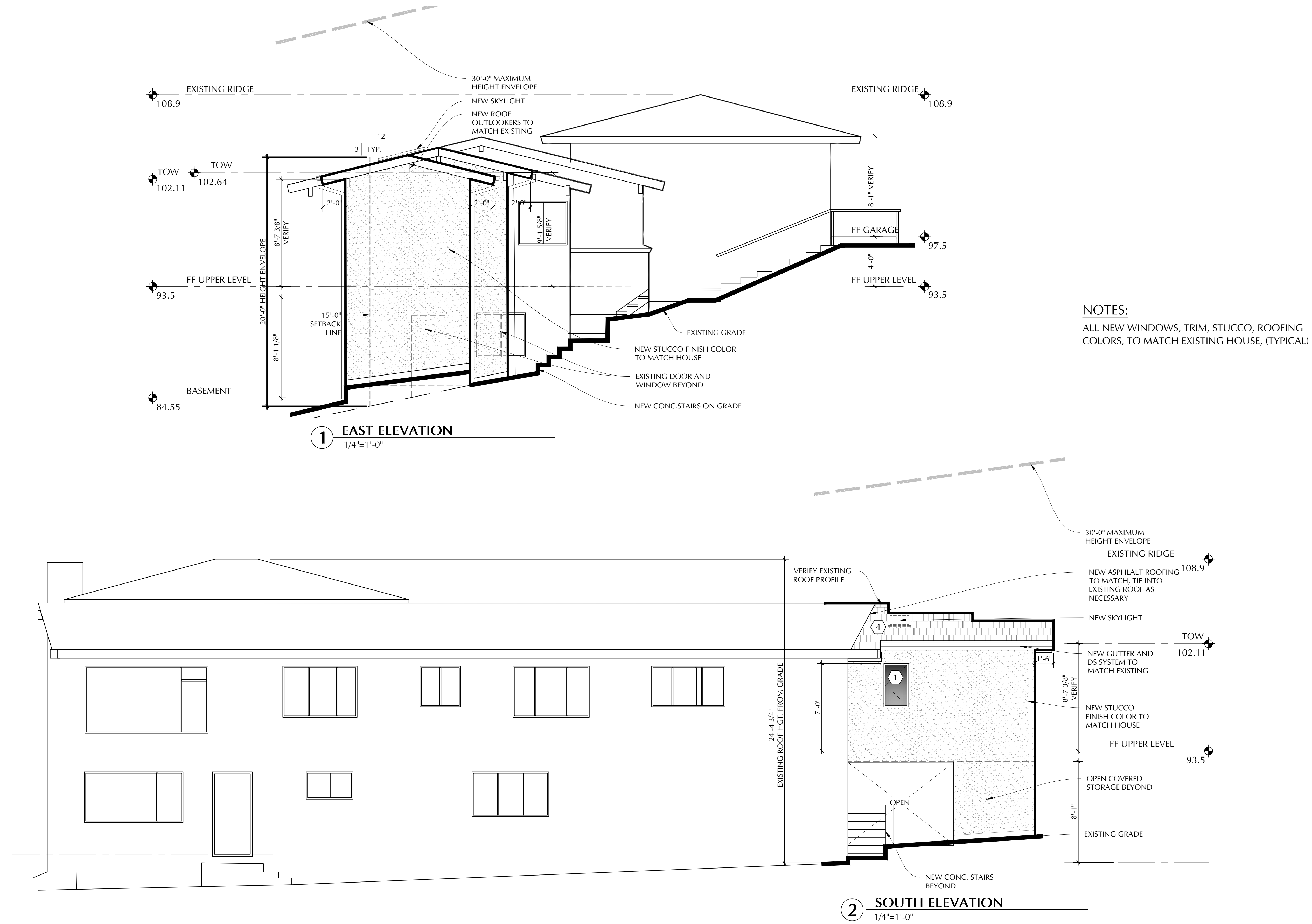
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NOTES:
ALL NEW WINDOWS, TRIM, STUCCO, ROOFING
COLORS, TO MATCH EXISTING HOUSE, (TYPICAL)





ALL NEW WINDOWS, TRIM, STUCCO, ROOFING
COLORS, TO MATCH EXISTING HOUSE, (TYPICAL

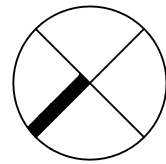




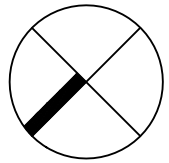
ELECTRICAL SYMBOLS

- SWITCH
- DUPLEX OUTLET
- SWITCHED DUPLEX OUTLET
- 220V 220 VOLT OUTLET
- GF1 GROUND FAULT INTERRUPTER OUTLET
- CEILING MOUNTED LIGHT FIXTURE
- WALL MOUNTED LIGHT FIXTURE
- RECESSED LIGHT FIXTURE
- GIMBAL RECESSED LIGHT FIXTURE
- LED UNDER CABINET OR CLG MOUNTED LED
- FAN VENTILATOR FAN
- 110V SMOKE CARBON MONOXIDE COMBINED ALARM
- TV/MEDIA TV/MEDIA
- TEL TELEPHONE JACK
- SPOT CEILING MOUNTED SPOT LIGHT FIXTURE

1 UPPER LEVEL ELECTRICAL PLAN
1/4"=1'-0"



2 PARTIAL LOWER LEVEL ELECTRICAL PLAN
1/4"=1'-0"



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APR 28, 2023

UPPER AND
LOWER LEVEL
ELECTRICAL PLANS

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Community Development Department
Planning and Building Division
10890 San Pablo Avenue, El Cerrito, CA 94530
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PLANNING COMMISSION STAFF REPORT

June 21, 2023

10300 SAN PABLO TIER IV DESIGN REVIEW AMENDMENT

DETAILS

Application Number: PL23-0044

Applicant: The Little Hill LLC

Location: 10300 San Pablo Avenue

APN: 503-540-005 & 503-540-004 & **503-540-033**

Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)

General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)

Request: Planning Commission consideration of an amendment to the conditions of approval of Resolution PC 2017-08 eliminating the live/work requirements for two units.

CEQA: This project has been found to be exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

EXECUTIVE SUMMARY

The project at 10300 San Pablo Avenue received its final entitlement on September 6, 2017. In order to satisfy the shop frontage requirements of the San Pablo Avenue Specific Plan, the applicant designated two units along the San Pablo Avenue frontage as live/work units. The conditions of approval that those commercial uses maintain active business licenses. It also required that the building entries nearest the two live/work units be outfitted with equipment that allows occupants/employees of the units to grant access to the building from within the unit. The applicant is requesting an amendment to the conditions of approval of Resolution PC 2017-08 to eliminate these two conditions.

Background

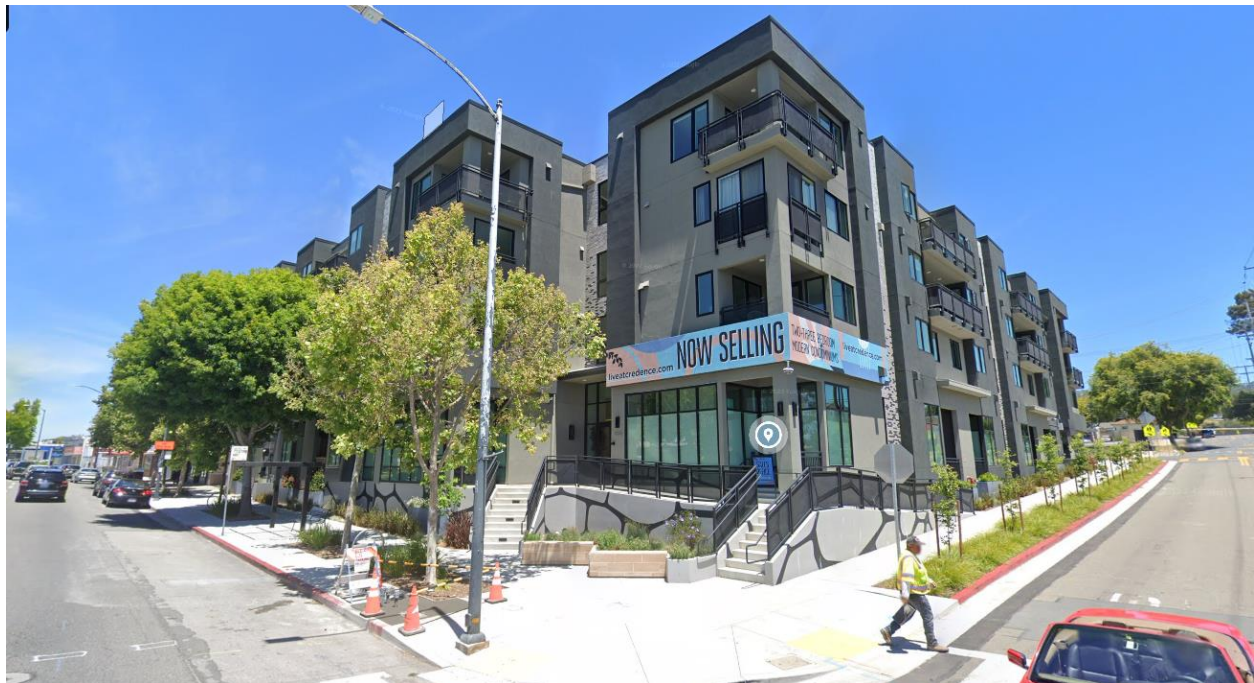
Site Location and Layout

The project site is located at the northeast corner of San Pablo Avenue and Eureka Avenue, within the San Pablo Avenue Specific Plan area. The site is a total of 24,958 square feet (0.57 acres). The site is an 'L' shaped parcel with three street frontages. The site extends through the entire block from San Pablo Avenue to Kearney Street, along Eureka Avenue. The site slopes up gently from San Pablo Avenue

Vicinity Map



Site Photo



Previous Entitlements

On August 16, 2017, and on September 6, 2017, Branagh Development received Tier IV Design Review approval from the Planning Commission and Design Review Board, respectively, for a new multi-family residential building containing 30 residential units and 2 live/work units at 10300 San Pablo Avenue. The project is located on a San Pablo Avenue Commercial Street type. Accordingly, the project had a requirement to provide 50% shop frontage (commercial uses) along the Commercial Street type. The

two live/work units provided 47% shop frontage along San Pablo Avenue. Additionally, the approved project did not conform with the daylight plane requirements along Kearney Street. For these reasons, the project was subject to Tier IV Design Review. As a public benefit, the applicant made a contribution toward public park improvements at Fairmont Park and provided public open space in excess of the requirement.

A building permit for the project was issued in May 2019, and the project received a Certificate of Occupancy in May 2021. The project was subsequently named 'Credence.'

Analysis

To date, 28 of the 32 units at Credence have been sold, meaning that currently only 4 units remain, 2 residential units and the 2 live/work units.

As part of Resolution PC17-08 the following conditions of approval were implemented relating to the 2 live/work units:

19. Commercial uses shall be maintained in each of the two live/work units at all times. These commercial uses shall maintain active business licenses.
20. The building entries nearest the two live/work units shall be outfitted with equipment that allows occupants/employees of the units to grant access to the building from within the unit.

In order to fulfill the projects Shop Frontage requirement along the San Pablo Avenue Commercial Street type, units 104 and 105 of the project were proposed as live/work units which satisfied part of the Shop Frontage requirements. These units were selected because they were the most appropriate for business activity, as they are located on the ground floor at the highly visible southeastern corner of the project, at the intersection of San Pablo Avenue and Eureka Avenue. Despite price reductions and highlighting the units in the project's marketing materials, social media, pop-up ads, etc., the developer has not been able to sell the units in the two years since the Project has been complete. According to the applicant, the active business license requirement for what are essentially residential units has proven to be a major impediment to the sale of those units. The applicant asserts that the live/work condition is not practicable because purchasers of a condo unit cannot commit to maintaining a commercial use and an active business license throughout their ownership of the unit. They have also stated that few potential buyers have been interested in the units for active business uses and as a result, the units have not sold and continue to sit vacant.

Since the units with the live/work requirements have generated little interest in the more than two years on the market and in order to make the units more marketable and avoid continued vacancy, the applicant is requesting to amend the conditions of approval of the Tier IV approval, eliminating the requirements related to the continuation of the live/work units. This would not result in any physical changes to the building and the change would only be in the use requirements for Units 104 and 105.

In exchange for eliminating these requirements, the applicant is proposing to make a contribution of \$10,000 (\$5,000 for each live/work unit) towards the City's Economic Development Program. This funding would be programmed to support economic development activities/efforts in El Cerrito, such as the creation of a local business fair where local businesses can network with other local businesses and promote themselves and sell their products to residents. While the elimination of live-work units will remove potential commercial spaces on San Pablo Avenue, chronically vacant spaces, do not further the City's economic development goals. The proposed contribution will still provide investment in the community and opportunities for the City to support local businesses. This contribution would represent

more than three times the per unit contribution (\$1,562 per unit, \$50k total) the project made as part of the original approval towards the improvements at Fairmont Park.

Across the San Pablo Avenue Specific Plan area, the City has observed that multiple projects have had challenges tenanting ground floor commercial space. In part due to this observation, various changes were adopted to the SPASP as part of the 2022 SPASP update. Under the original 2014 Specific Plan, live/work units were categorized as a commercial land use which satisfied the shop frontage requirements along designated Commercial Streets. In the 2022 update, live/work units were recategorized as a residential lands use. The City continues to work with project applicants to support the tenanting of ground floor spaces and to ensure that persistent vacancies do not exist along San Pablo Avenue.

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 June 7, 2023. No comments were received prior to the publication of this report.

San Pablo Avenue Specific Plan Compliance

The project will implement the following strategies of the San Pablo Avenue Specific Plan:

Strategy B.2: Incorporate flexible processes and standards that respond to constrained parcels, surrounding context and the market.

Since the project completed construction just over 2 years ago, the developer has had difficulty being able to sell the 2 live/works units. The applicant states that few potential buyers have been interested in the units for active business uses and as a result, the units have not sold and continue to sit vacant. By allowing amendments to the conditions of approval to remove the live/work requirements, flexibility is being afforded to the applicant in order to respond to the surrounding context and the market.

Strategy B.3: Allow ground floor residential development to provide flexibility and expand the Specific Plan's residential base.

The project proposes to convert two ground floor live/work units to residential units and as such will help expand the residential base within the San Pablo Avenue Specific Plan Area.

Strategy D.3: Allow new development to provide housing that responds to market demands.

The applicant asserts that the live/work condition is not practicable because purchasers of a condo unit cannot commit to maintaining a commercial use and an active business license throughout their ownership of the unit. They state that there are few potential buyers for such units because of the reasons mentioned. Based on what is being stated by the applicant and observations made by the City, the approval of this Tier IV revision would allow the creation of 2 residential units which are more marketable and likely to be sold.

Environmental Review

This project has been found to be exempt from the California Environmental Quality Act ("CEQA") because the project is proposing a less intensive use than what was originally approved and will not result in any physical changes to the project site. The project will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the project will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).

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 convert two ground floor live/work units to residential units on San Pablo Avenue, with close proximity to public transportation and commercial uses. These units are 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 design of the project will allow for surveillance of the street, enhancing public safety.

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. In acting to approve or conditionally approve a Tier IV application, the Planning Commission shall make the following findings:

- a. That the project advances the Goals of the Specific Plan more fully than if it was designed to comply with all applicable development standards or furthers the goals of this Specific Plan by enlivening San Pablo Avenue, encouraging practical and market friendly development, supporting climate action goals, and creating housing that supports a diverse population.

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

Goal B: Encourage Practical and Market Friendly Development

Strategy 2: Incorporate flexible processes and standards that respond to constrained parcels, surrounding context and the market;

Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan's residential base

Goal D: Create Housing That Supports a Diverse Population

Strategy 3: Allow new development to provide housing that responds to market demands

- 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 Design Review of this Specific Plan and other adopted regulations.

The project will contribute \$10,000 (\$5,000 for each live/work unit) towards the City's Economic Development Program. This funding would be programmed to support economic development activities/efforts in El Cerrito, such as the creation of a local business fair where local businesses can network with other local businesses and promote themselves and sell their products to residents. The proposed contribution will still provide investment in the community and opportunities for the City to support local businesses. The San Pablo Avenue Specific Plan does not require contributions for Economic Development. Therefore, this contribution is beyond what is required under the Tier II Design Review process.

- c. The project is consistent with the intent of the Transect Zone where the project is located, and the project will achieve the desired form of the Transect Zone as stated in Section 2.03.02.

The project is consistent with the intent of the Transit Oriented Mid-Intensity Mixed Use Transect Zone. No physical changes are proposed for the two live/work units and as such the two spaces still meet the physical requirements for shop frontage, so the project still archives the desired form of the Transit Oriented Mid-Intensity Mixed Use Transect Zone.

- d. The project is compatible with the land uses permitted in the Transect Zone in which it is located, and the aspects of the project that do not conform with the development standards of the Form-Based Code have been designed to minimize adverse effects on the Transect Zone.

The intent of the Transit Oriented Mid-Intensity Mixed Use Transect Zone is to:

Provide a walkable and bikeable transit-friendly medium intensity area that allows a wide variety of uses including residential, civic and public uses along with commercial and retail uses around Stockton and Moeser node. 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 convert two ground floor live/work units to residential units on San Pablo Avenue, enhancing the mix of uses and increasing the verity of housing types in surrounding area.

- e. The project is consistent with the El Cerrito General Plan.

As discussed in this report, the project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue, LU4.1: Mixture of Uses.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL23-0067, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC 2023-02 approving amendments to the conditions of approval of Resolution PC 2017-08 eliminating the live/work requirements for two units at 10300 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. Draft resolution

Planning Commission Resolution PC 2023-02

APPLICATION NO. PL22-0067

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL OF RESOLUTION PC 2017-08 WHICH GRANTED TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 30 RESIDENTIAL UNITS AND 2 LIVE-WORK UNITS AT 10300 SAN PABLO AVENUE

WHEREAS, the site is located at 10300 San Pablo Avenue;

WHEREAS, the existing Assessor's Parcel Numbers of the site are 503-540-005 & 503-540-004 & 503-540-033;

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 Mid-Intensity Mixed Use;

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

WHEREAS, on October 17, 2016, the applicant submitted an application for Tier IV Design Review;

WHEREAS, on August 16, 2017, the Planning Commission granted Tier IV Design Review approval for the portion of the project within its purview; and

WHEREAS, September 6, 2017, the Design Review Board granted Tier IV Design Review approval for the portion of the project within its purview; and

WHEREAS, October 18, 2017, the El Cerrito Planning Commission granted Tentative Parcel Map approval for the project; and

WHEREAS, April 2, 2019, the El Cerrito City Council granted Final Parcel Map approval for the project; and

WHEREAS, on April 4, 2023, the applicant, Stefan Schnitzler, submitted an application requesting an amendment to the Conditions of Approval of Resolution PC 2017-08; and

WHEREAS, on June 21, 2023, the Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. This project has been found to be exempt from the California Environmental Quality Act ("CEQA") because the project is proposing a less intensive use than what was originally approved and will not result in any physical changes to the project site. The project will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the project will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).
2. The project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:

Goal B: Encourage Practical and Market Friendly Development

Strategy 2: Incorporate flexible processes and standards that respond to constrained parcels, surrounding context and the market; Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan's residential base

Goal D: Create Housing That Supports a Diverse Population

Strategy 3: Allow new development to provide housing that responds to market demands

3. The project will contribute \$10,000 (\$5,000 for each live/work unit) towards the City's Economic Development Program. This funding would be programmed to support economic development activities/efforts in El Cerrito, such as the creation of a local business fair where local businesses can network with other local businesses and promote themselves and sell their products to residents. The proposed contribution will still provide investment in the community and opportunities for the City to support local businesses. The San Pablo Avenue Specific Plan does not require contributions for Economic Development. Therefore, this contribution is beyond what is required under the Tier II Design Review process.
4. The project is consistent with the intent of the Transit Oriented Mid-Intensity Mixed Use Transect Zone. No physical changes are proposed for the two live/work units and as such the two spaces still meet the physical requirements for shop frontage, so the project still archives the desired form of the Transit Oriented Mid-Intensity Mixed Use Transect Zone.
5. The proposed project will convert two ground floor live/work units to residential units on San Pablo Avenue, enhancing the mix of uses and increasing the verity of housing types in surrounding area.
6. As discussed in this report, the project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue, LU4.1: Mixture of Uses.

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 2017-08 eliminating the conditions stated below. All remaining Conditions of Approval of Resolution PC 2017-08 remain in full effect:

- ~~19. Commercial uses shall be maintained in each of the two live/work units at all times. These commercial uses shall maintain active business licenses.~~
- ~~20. The building entries nearest the two live/work units shall be outfitted with equipment that allows occupants/employees of the units to grant access to the building from within the unit.~~

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on June 21, 2023, upon motion of Commissioner _____, second by Commissioner _____:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager