



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Staff Liaison

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

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

June 20, 2024 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 Joy Navarrete; Vice Chair Erin Gillett; Members Daniel Hamilton, Leslie Mendez, Abhijeet Singh, and Nathan Tincclair
- 2. COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS**
The City Council Liaison or City staff may report on matters of general interest to the Planning Commission, Council policies, priorities and significant actions taken by the City Council.
- 3. ORAL COMMUNICATIONS FROM THE PUBLIC**
Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.
- 4. ADOPTION OF MINUTES**
Adoption of the May 29, 2024 special meeting minutes.
- 5. COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.
- 6. PUBLIC HEARING: CONDITIONAL USE PERMIT – 157 ASHBURY**
Application: PL24-0037
Applicant: Jack Backus
Location: 157 Ashbury Ave.
APN: 504-224-001
Zoning: RS-5 (Single family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit for expanding a nonconforming side setback for an existing single-family house (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.

7. PUBLIC HEARING: CONDITIONAL USE PERMIT – 8455 BUCKINGHAM

Application: PL24-0036
Applicant: Danica Zoran
Location: 8455 Buckingham Drive
APN: 505-181-024
Zoning: RS-10 (Single family Residential)
General Plan: Very Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit to allow the construction of a 7' high, wire mesh deer fence along the side and rear property line, and a 6' high metal fence in the front setback for an existing single-family house.

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

8. STAFF COMMUNICATIONS

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

9. 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.



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MINUTES

**SPECIAL MEETING OF THE
PLANNING COMMISSION**

May 29, 2024 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 SPECIAL MEETING

1. **ROLL CALL** – Chair Joy Navarrete; Vice Chair Erin Gillett; Members Leslie Mendez, Abhijeet Singh, and Nathan Tinclear. Member Daniel Hamilton had an excused absence.
2. **COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS**
No report was given.
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**
No comments were received.
4. **ADOPTION OF MINUTES**
Moved/Second: Commissioners Mendez/Gillett. **Action:** Passed a motion to adopt the April 17, 2024 Meeting Minutes.
Ayes: Gillett, Mendez, Navarrete, Singh, Tinclear
Noes: None
Abstain: None
Absent: Hamilton
5. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
Planning Manager Sean Moss reported that Commissioner Daniel Hamilton has a child who attends Prospect Sierra School and out of caution is choosing not to take part in the vote for the Conditional Use Permits for the school.
6. **PUBLIC HEARING: CONDITIONAL USE PERMIT – 2060 TAPSCOTT AVE**
Application: PL24-0028
Applicant: Prospect Sierra School
Location: 2060 Tapscott Ave
APN: 501-370-002
Zoning: Public and Semipublic
General Plan: Institutional & Utility
Request: Planning Commission consideration of a Conditional Use Permit to amend the existing Conditional Use Permit to allow the construction of an 8' high, wrought iron fence along the boundary of the elementary school campus.

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

Associate Planner Diego Romero presented the staff report and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Chris Mackey

The public hearing was closed.

Moved/Second: Commissioners Mendez/Navarrete. Action: Passed a motion to approve Conditional Use Permit to allow the construction of an 8' high, wrought iron fence at 2060 Tapscott Ave.

Ayes: Gillett, Mendez, Navarrete, Singh, Tinsclair

Noes: None

Abstain: None

Absent: Hamilton

7. PUBLIC HEARING: CONDITIONAL USE PERMIT – 960 AVIS AVE

Application: PL24-0026
Applicant: Prospect Sierra School
Location: 960 Avis Drive
APN: 503-280-002
Zoning: Public and Semipublic
General Plan: Institutional & Utility
Request: Planning Commission consideration of a Conditional Use Permit to amend the existing Conditional Use Permit to allow the construction of an 8' high, wrought iron fence along the boundary of the middle school campus.

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

Associate Planner Diego Romero presented the staff report and answered questions from the Commission.

The public hearing was opened.

The following speakers addressed the Commission:
Chris Mackey
Rosario Misa

The public hearing was closed.

Moved/Second: Commissioners Mendez/Gillett. Action: Passed a motion to approve Conditional Use Permit to allow the construction of an 8' high, wrought iron fence at 960 Avis Ave.

Ayes: Gillett, Mendez, Navarrete, Singh, Tinclair

Noes: None

Abstain: None

Absent: Hamilton

8. STAFF COMMUNICATIONS

Planning Manager Sean Moss updated the Commission about the El Cerrito Plaza BART Station TOD project, the upcoming library public workshop, the upcoming Safety Element meeting, and the opportunity to have a non-voting youth member on the Planning Commission.

9. ADJOURNMENT

8:04 p.m.

DRAFT



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 STAFF REPORT

June 20, 2024

157 ASHBURY AVE – CONDITIONAL USE PERMIT

DETAILS

Application Number: PL24-0037

Applicant: Jack Backus

Location: 157 Ashbury Ave.

APN: 504-224-001

Zoning: RS-5 (Single Family Residential)

General Plan: Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit for expanding a nonconforming side setback for an existing single-family house (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 proposed project includes a 113 sq. ft. addition to an existing 1,621 sq. ft. single-family house which would result in a 1,734 sq. ft. house. The proposed addition would extend the kitchen by 7 feet 5 inches, the project also proposes a 75 sq. ft deck.

The existing house has a non-conforming side setback of 2 feet, 3 inches on the north side of the property. The proposed addition would extend the building along the nonconforming street side setbacks and would not project further into the required 8.5-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

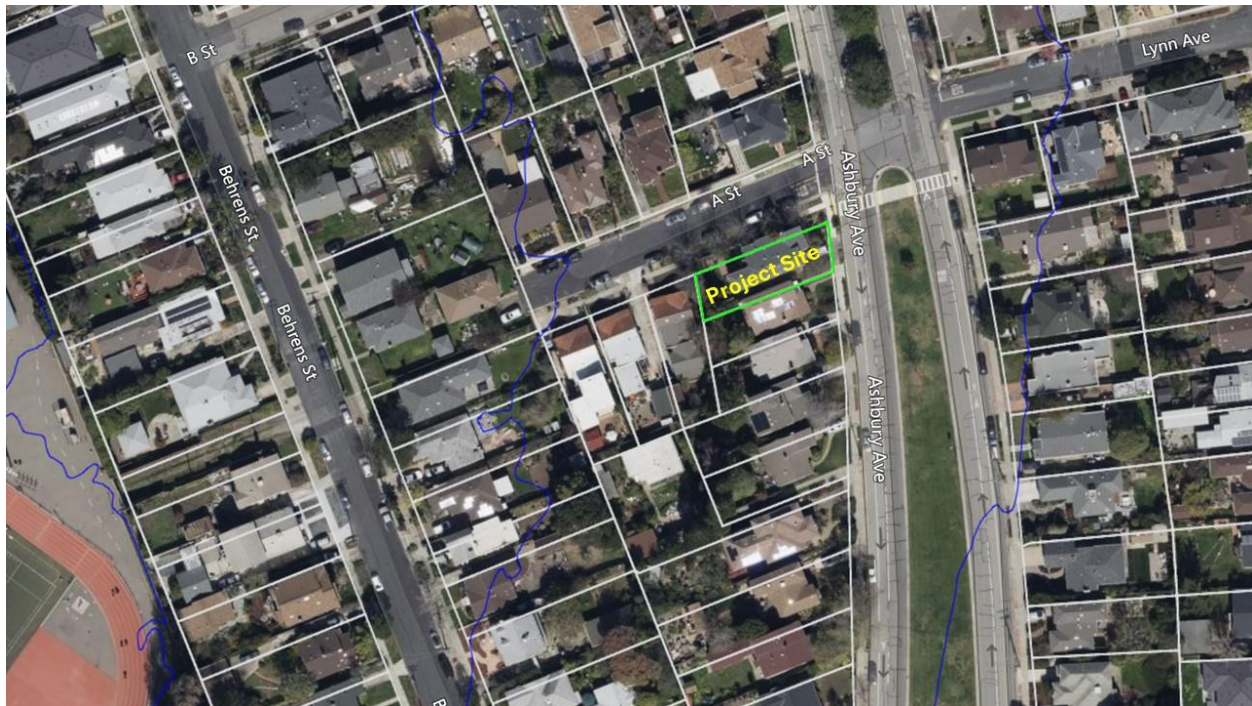
Site Location and Layout

The house at 157 Ashbury Avenue is an approximately 1,621-square-foot single-story house. The house sits on a 3,500-square-foot lot in the RS-5 (Single-Family Residential) zoning district. The existing lot coverage of the property is 37.5 percent.

The existing house has a kitchen, a living room, two bedrooms, and one bathroom. The existing house has a non-conforming side setbacks of 2 feet 3 inches on the north side.

The surrounding neighborhood predominantly contains single-family houses. The surrounding buildings are a mixture of two-story and one-story buildings. On the block of the project site, houses range in size from 800 square feet to 2,000 square feet.

Vicinity Map



Site Photo



View of house from A street

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 a 113 sq. ft. addition which would extend the existing kitchen by 7 feet, 5 inches. The project is also proposing an approximately 75 sq. ft. deck. A portion of the existing building has a street side setback of 2 feet 3 inches, but the rest of the building has a setback of 3 feet 5 inches. The deck when combined with the kitchen extension, would extend the east side building wall along the nonconforming 3-foot 5-inch setback by approximately 16 feet, 3 inches. The proposed addition would not encroach further into the required side setback than the existing building.

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 side setback.

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

Development Standard	Zoning Ord. Requirement	Existing	Proposed	Complies
Height (maximum)	25' maximum	20'-6"	No Change	Yes
Setbacks				
Front	10' minimum	15'-4"	No Change	Yes
Side (north)	8.5' minimum	2'-3"	3'-5"	No. Use Permit required for extending this nonconforming setback
Side (south)	5' minimum	5'	No Change	Yes
Rear	15' minimum	29'-6"	No Change	Yes
Parking spaces (covered)	0 spaces Per AB 2097	1 space	No change	Yes
Lot Coverage	50% maximum	37.5%	42.4%	Yes

Nonconforming Setback

As described above, on the north side of the property a portion of the existing house has a non-conforming side setback of 2 feet, 3 inches while the rest of the building has a setback of 3 feet 5 inches. The proposed addition would extend the existing building by approximately 7 feet 5 inches along the 3-foot 5-inch setback. The new addition would not extend further into the required side setback than the existing building. Pursuant to El Cerrito Municipal Code 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.

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 6, 2024. No public comments were received prior to the publication of this report.

Environmental Review

This project is categorically exempt from the provisions of CEQA pursuant to Section 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:

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 one existing nonconforming side setback, but the addition would not project further into the required 8.5-foot setback than the existing structure. The resulting building would still match the character of the surrounding neighborhood. The project does not exceed the overall height limit for the RS-5 zoning district.

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

The building at 157 Ashbury 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 100 block of Ashbury 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 buildings are a mixture of two-story and one-story buildings. The proposed addition would increase the floor area of the house by 113 square feet and would result in a 1,734 square foot house on a 3,500 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 113 square feet of living space by extending the kitchen of an existing single-family home by approximately 7.5 feet. The project would also add a 75 square foot

deck to the rear of the building. 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: 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 PL24-0037, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC2024-10 approving the Conditional Use Permits to allow an addition expanding a nonconforming side setback to an existing single-family house at 157 Ashbury 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 2024-10

APPLICATION NO. PL24-0037

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ADDITION THAT EXTENDS A NONCONFORMING SIDE SETBACK FOR AN EXISTING SINGLE-FAMILY HOUSE AT 157 ASHBURY AVENUE

WHEREAS, the site is located at 157 Ashbury Avenue; and

WHEREAS, the existing Assessor's Parcel Number of the site is 504-224-001; and

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

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

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

WHEREAS, on April 15, 2024, Jack Backus (the "applicant") submitted an application for a Conditional Use Permit for an addition extending a nonconforming side setback of an existing single-family house at 157 Ashbury Ave; and

WHEREAS, on June 20, 2024, 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 buildings are a mixture of two-story and one-story buildings. The proposed addition would increase the floor area of the house by 113 square feet and would result in a 1,734 square foot house on a 3,500 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 113 square feet of living space by extending the kitchen of an existing single-family home by approximately 7.5 feet. The project would also add a 75 square foot deck to the rear of the building. 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: 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. PL24-0037, 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 14, 2024. 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 20, 2024, upon motion of Commissioner _____, second by Commissioner _____:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager

PROJECT INFORMATION

ASSESSORS PARCEL NUMBER:	504-224-001		
ZONE:	RS-5		
	EXISTING	NEW	TOTAL
TOTAL LOT AREA:	9,500 SQ.FT.	NO CHANGE	9,500 SQ.FT.
TOTAL FLOOR AREA:			
ATTACHED PARKING GARAGE (NON-CONDITIONED):	271 SQ.FT. (NON-CONDITIONED)	-21 SQ.FT.	250 SQ.FT. (NON-CONDITIONED)
FIRST LEVEL FLOOR AREA:	986 SQ.FT.	+19 SQ.FT. (38 SQ.FT. WITHIN THE 8'-6" SIDE YARD SET BACK)	1,049 SQ.FT.
SECOND LEVEL FLOOR AREA:	635 SQ.FT.	NO CHANGE	635 SQ.FT.
TOTAL FLOOR AREA:	1,621 SQ.FT. (CONDITIONED)	+19 SQ.FT. (CONDITIONED)	1,734 SQ.FT. (CONDITIONED)
LOT COVERAGE (50% ALLOWED):	1,318 SQ.FT. (37.5%)	+170 SQ.FT.	1,488 SQ.FT. (42.4%)
BUILDING HEIGHT:	20'-6"	NO CHANGE	20'-6"
NUMBER OF STORIES:	2	NO CHANGE	2
NUMBER OF PARKING SPACES:	1	NO CHANGE	1
LOT SLOPE:	LESS THAN 10%	NO CHANGE	LESS THAN 10%
IMPERVIOUS SURFACE:	2,297 SQ.FT. (65.63%)	- 1 SQ.FT.	2,296 SQ.FT. (65.60%)
	MINIMUM SETBACK ALLOWED	EXISTING SETBACK	PROPOSED SETBACK
FRONT YARD (EAST):	10'-0"	15'-4"	NO CHANGE
SIDE YARD (NORTH):	8'-6"	2'-8"	3'-5" AT NEW ADDITION
SIDE YARD (SOUTH):	5'-0"	5'-0"	NO CHANGE
REAR YARD (WEST):	15'-0"	29'-6"	29'-6" (33'-0" AT NEW ADDITION)

GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL CODES AND ORDINANCES, ANN UTILITY COMPANY RULES AND REGULATIONS AND SHALL BE DONE TO THE HIGHEST STANDARDS OF CRAFTSMANSHIP BY JOURNEMEN OF THE RESPECTIVE TRADES.

2. CONTRACTOR SHALL FURNISH ALL NECESSARY LINES, LEVELS, LOCATIONS AND MEASUREMENTS TO ALL OF THE WORK AND HE WILL BE HELD RESPONSIBLE FOR THEIR ACCURACY. NO DEPARTURE FROM THE TERMS OF THE CONTRACT WILL BE VALID UNLESS SUCH ORDERS OR DIRECTIONS ARE GIVEN OR CONFIRMED IN WRITING BY THE DESIGNER.

3. SUPERVISION: THE CONTRACTOR SHALL BE PRESENT AT THE SITE WHENEVER THE WORK IS IN PROGRESS WHETHER BY HIS OWN OR HIS SUBCONTRACTOR'S FORCES.

4. OWNER'S RIGHT TO CARRY OUT WORK: IF THE CONTRACTOR NEGLECTS TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND FAILS TO COMMENCE AND CONTINUE CORRECTION OF SUCH NEGLECT WITH DILIGENCE WITHIN A SEVEN DAY PERIOD AFTER THE RECEIPT OF WRITTEN NOTICE FROM THE OWNER, THE OWNER MAY CORRECT SUCH DEFICIENCIES. IN SUCH CASE THE COST OF CORRECTING SUCH DEFICIENCIES, INCLUDING COMPENSATIONS FOR THE DESIGNER'S ADDITIONAL SERVICES MADE NECESSARY BY SUCH DEFAULT, SHALL BE DEDUCTED FROM PAYMENTS OWED TO THE CONTRACTOR; IF PAYMENTS DUE THE CONTRACTOR ARE NOT SUFFICIENT TO COVER SUCH AMOUNTS, THE CONTRACTOR SHALL PAY THE DIFFERENCE TO THE OWNER.

5. IN THE EVENT DISCREPANCIES OCCUR IN THE DRAWINGS, CONTACT THE ARCHITECT FOR RESOLUTION. FAILURE TO CONTACT THE DESIGNER WILL RESULT IN CONTRACTOR BEING RESPONSIBLE FOR SOLUTION.

6. THESE PLANS ARE FOR GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SELECT, VERIFY, RESOLVE AND INSTALL ALL EQUIPMENT.

7. THE ARCHITECT WILL NOT BE OBSERVING THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE QUALITY CONTROL AND CONSTRUCTION STANDARDS FOR THIS PROJECT UNLESS OTHERWISE NOTED (U.O.N).

8. WHERE DISCREPANCIES OCCUR BETWEEN SOILS REPORT, CIVIL, LANDSCAPE OR STRUCTURAL DRAWINGS AND ARCHITECT'S DRAWINGS, CONSULT THE ARCHITECT.

9. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

10. SPECIAL INSPECTION OR STRUCTURAL OBSERVATION IS NOT A SUBSTITUTE FOR INSPECTION BY THE BUILDING OFFICIAL OR BUILDING INSPECTOR. SPECIALLY INSPECTED WORK THAT IS INSTALLED OR COVERED WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL AND THE SPECIAL INSPECTOR AND DESIGN ENGINEER IS SUBJECT TO REMOVAL OR EXPOSURE.

11. CONTRACTOR SHALL MAINTAIN THE JOB CLEAR OF TRASH AND DEBRIS. CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE CLEAN AND READY FOR OCCUPANCY. AS SOON AS CONDITIONS AT THE SITE PERMIT, THE BUILDING SHALL BE CAREFULLY LOCKED UP SO AS TO PREVENT VANDALISM, THEFT AND MALICIOUS MISCHIEF. IF THE GENERAL CONTRACTOR FAILS TO FULFILL HIS CLEANING REQUIREMENTS, THE OWNER MAY CARRY OUT THE WORK IN ACCORDANCE WITH GENERAL REQUIREMENTS.

12. ALL CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE JOB SITE AND INFORM THE ARCHITECT OF ANY AND ALL ERRORS, OMISSIONS AND CLARIFICATIONS IN WRITING PRIOR TO COMMENCING WORK. WITHIN 24 HOURS, THE CONTRACTOR MUST NOTIFY THE ARCHITECT IN WRITING OF ANY CONDITION DISCOVERED WHICH MAY CAUSE DELAY IN COMPLETION AND STATE THE PROBLEMS AND RECOMMENDED SOLUTION FOR RESOLVING THE CONDITIONS DISCOVERED. THE ARCHITECT WILL RESPOND BASED ON THE DATA PROVIDED BY THE CONTRACTOR.

13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION SURVEYS INCLUDING BUT NOT LIMITED TO EXISTING HVAC DUCTS, PLUMBING AND ELECTRICAL LINES.

14. ALL MATERIAL AND EQUIPMENT PROVIDED BY THE CONTRACTOR AND/OR OWNER SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.

SHEET INDEX

ARCHITECTURAL SHEETS

(9 SHEETS ISSUED)

A0.1

PROJECT INFORMATION

A1.1

EXISTING AND PROPOSED SITE PLAN

A2.1

EXISTING AND PROPOSED GRAVSPACE PLAN

A2.2

EXISTING PROPOSED FIRST LEVEL FLOOR PLAN

A2.3

EXISTING PROPOSED SECOND LEVEL FLOOR PLAN

A3.1

EXISTING AND PROPOSED NORTH ELEVATION

A3.2

EXISTING AND PROPOSED WEST ELEVATION

A3.3

EXISTING AND PROPOSED SOUTH ELEVATION

A3.4

PROPOSED BUILDING SECTIONS

PROJECT DIRECTORY

CLIENT/ OWNER

DAVID WILLHOITE AND JASMINE PAYNE
157 ASHBURY AVENUE
EL CERRITO, CA 94530
v. 510.990.5606
e. DADAVIDA@GMAIL.COM
CONTACT: DAVID WILLHOITE

ARCHITECT

JACK BACKUS ARCHITECTS
1057 HUBERT ROAD
OAKLAND, CA 94610
v. 510.393.9699
e. JACK@JBACKUSARCHITECTS.COM
CONTACT: JACK BACKUS

PROJECT SCOPE

RENOVATION/ ADDITION OF AN EXISTING 4 BEDROOMS AND 2 BATHS SINGLE FAMILY HOUSE.

NEW ADDITION TO INCLUDE THE FOLLOWING:

GRAVSPACE: EXCAVATION OF 60 SQ.FT. AREA TO CREATE A NEW 6'-0" HIGH STORAGE AREA.

LOWER FIRST LEVEL: RENOVATION OF AN (E) BATHROOM AND A CLOSET. ADDING NEW LAUNDRY CLOSET. REMOVING (E) EXTERIOR DOORS AND WINDOWS. ADDING NEW EXTERIOR DOOR AND WINDOWS. INCREASE CONDITIONED FLOOR AREA BY 21 SQ.FT. BY REDUCING THE SIZE OF THE ATTACHED GARAGE.

UPPER FIRST LEVEL: RENOVATION AND EXPANSION OF THE EXISTING KITCHEN (ADDING 42 SQ.FT. TO CONDITIONED AREA). RELOCATION OF THE STAIRS CONNECTING TO THE LOWER FIRST LEVEL. REMOVING (E) WINDOWS. ADDING NEW EXTERIOR DOOR AND WINDOWS. NEW MOOD DECK WILL ALSO BE ADDED AT THE REAR YARD.

SECOND LEVEL: RENOVATION OF THE EXISTING BATHROOM AND CLOSETS. NO NEW SQUARE FOOT ADDED.

CODE COMPLIANCE NOTES

ALL CONSTRUCTION, REGARDLESS OF DETAILS ON PLANS, SHALL COMPLY WITH 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA BUILDING ENERGY STANDARDS AND 2022 CALGREEN

VICINITY MAP

157 ASHBURY AVENUE ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS ARCHITECTS

1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699

ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE

PROJECT INFORMATION

SCALE

SHEET NUMBER

A0.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

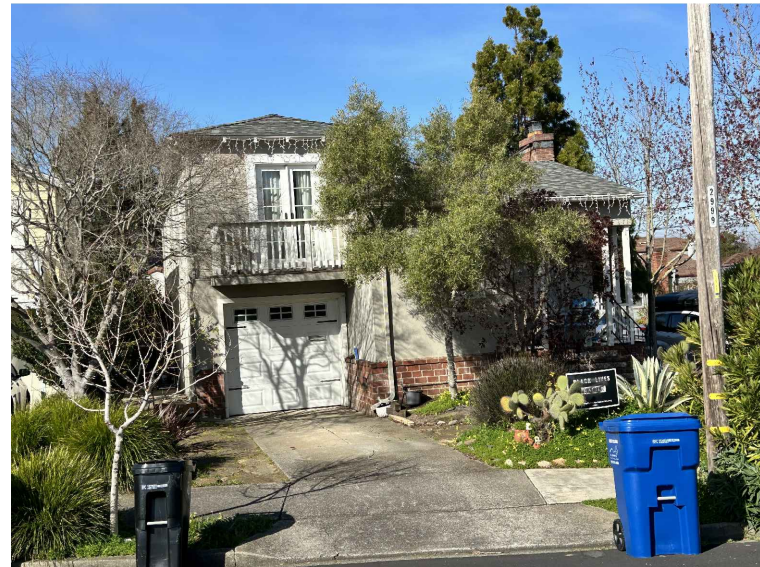


IMAGE 1



IMAGE 2

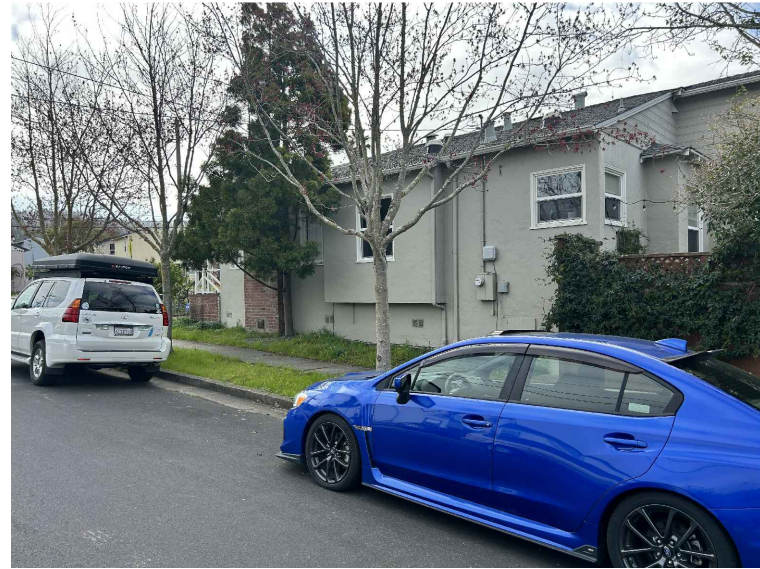


IMAGE 3



IMAGE 4

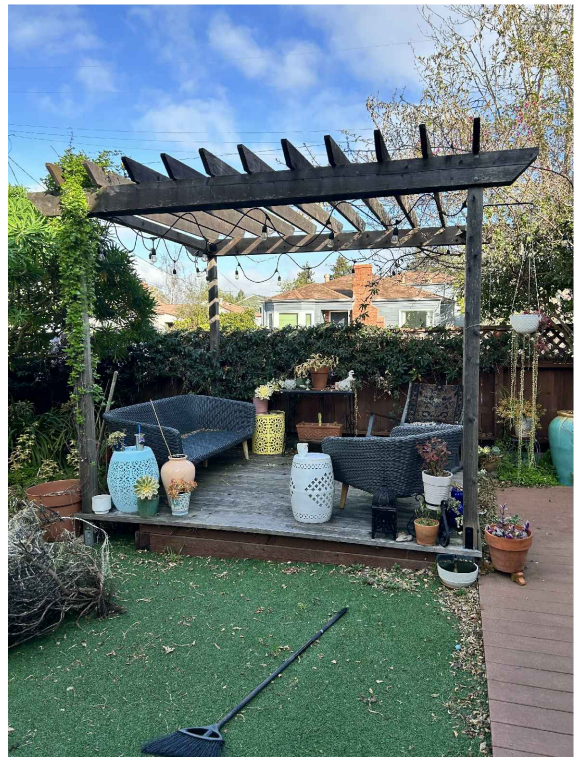


IMAGE 5



IMAGE 6

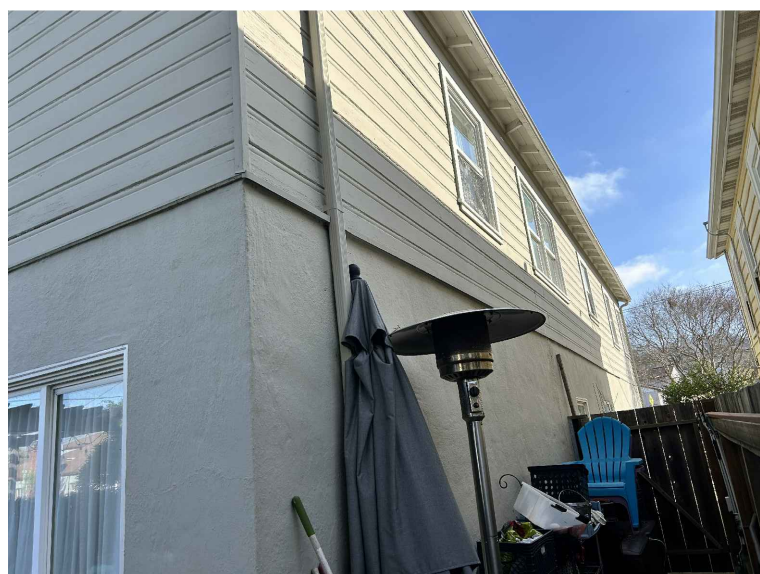


IMAGE 7



IMAGE 8



IMAGE 9

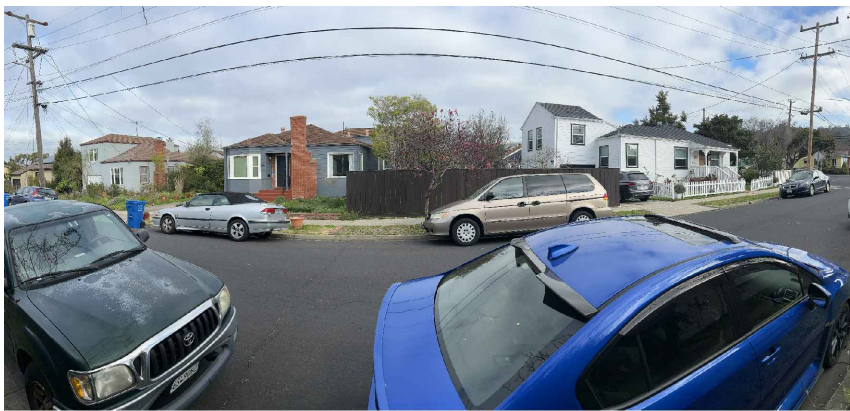
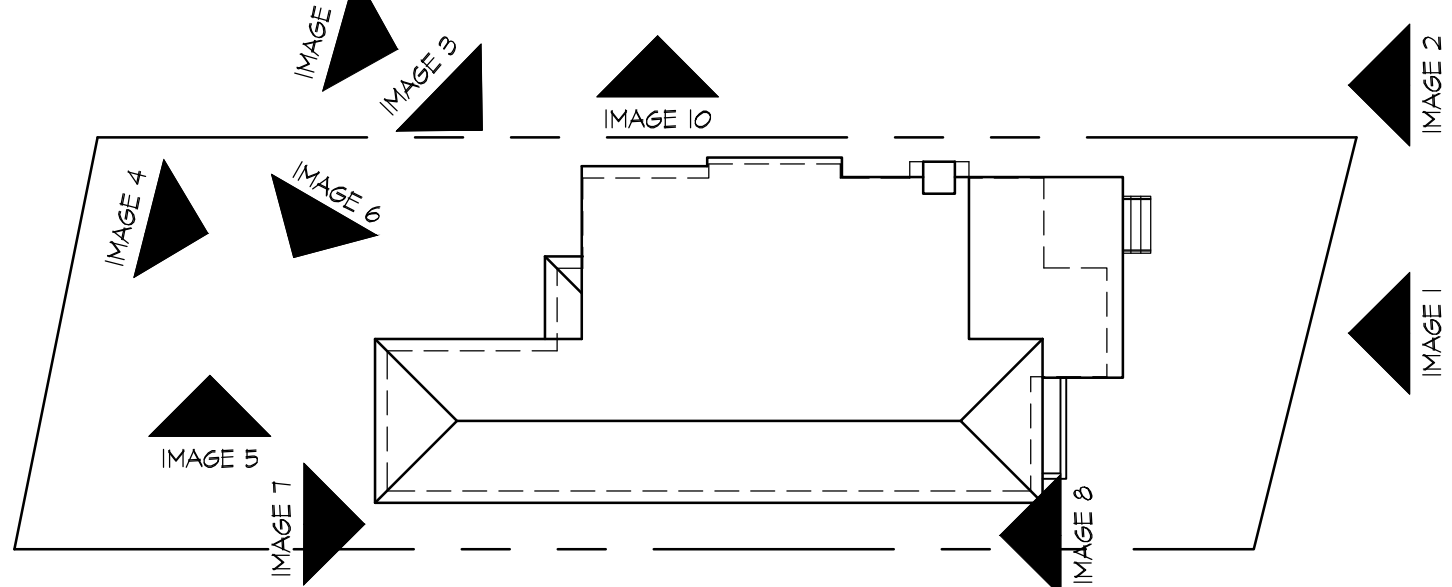
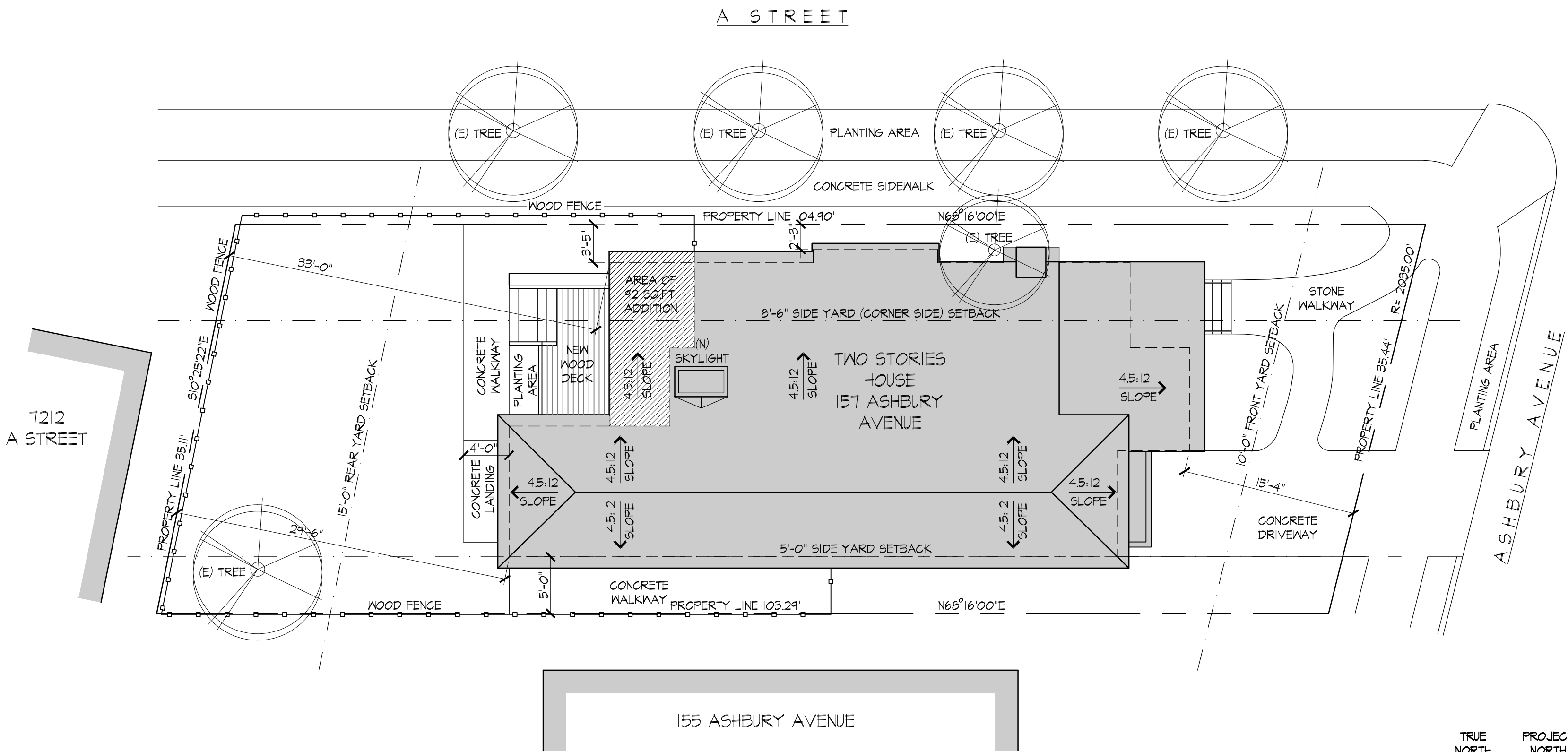


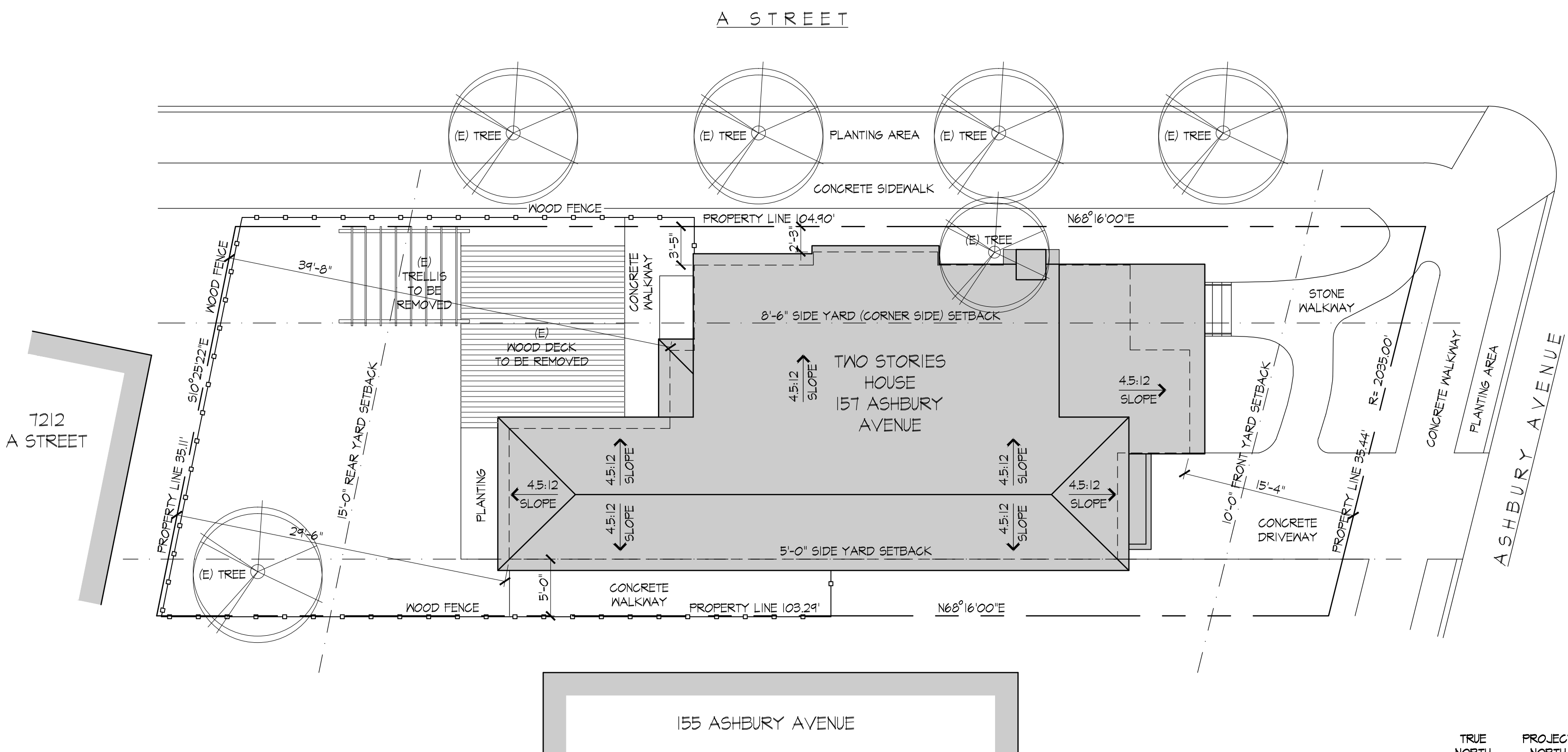
IMAGE 10



1 EXISTING SITE PHOTOGRAPH



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



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

157 ASHBURY AVENUE ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS ARCHITECTS

1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699



ISSUES AND REVISIONS		
NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

EXISTING AND PROPOSED SITE PLAN

SCALE
1/8" = 1'-0"

SHEET NUMBER

A1.1

KEY NOTES: PROPOSED PLAN

- 1 (N) WOOD GLAD WINDOW
2 (N) WOOD GLAD DOOR
3 (N) BATH FIXTURES
4 (N) KITCHEN CABINETS AND APPLIANCES
5 (N) WOOD STAIRS
6 (N) WOOD DECK
7 (N) INTERIOR WOOD DOOR TO MATCH EXISTING

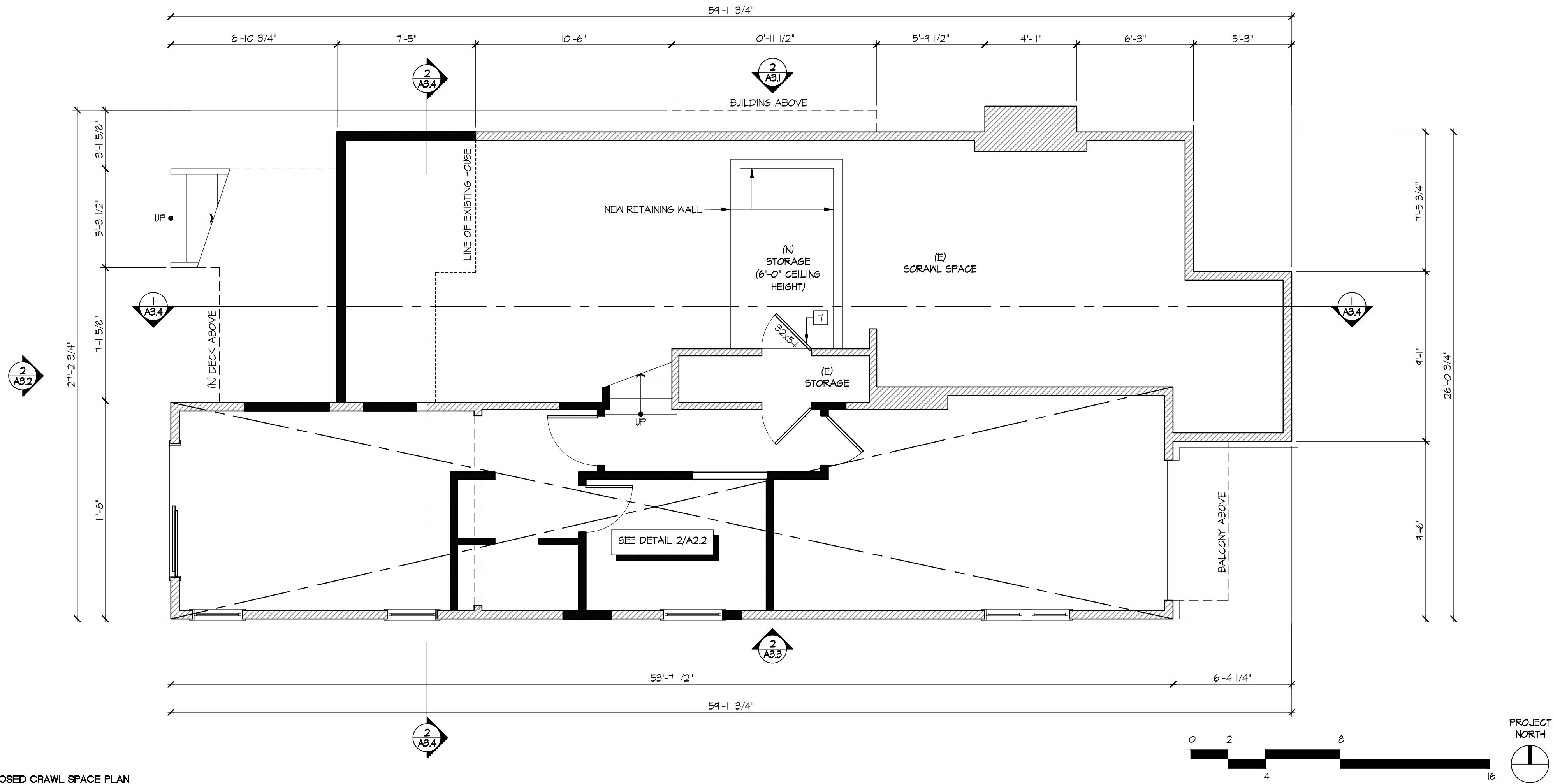
KEY NOTES: EXISTING PLAN

- A (E) WOOD WINDOW TO REMAIN
B (E) VINYL WINDOW TO REMAIN
C (E) VINYL WINDOW TO BE REMOVED
D (E) DOOR TO REMAIN
E (E) DOOR TO BE REMOVED
F (E) STAIRS TO BE REMOVED
G (E) BATH FIXTURES TO BE REMOVED
H (E) KITCHEN CABINETS AND APPLIANCES TO BE REMOVED
J (E) STAIRS TO REMAIN

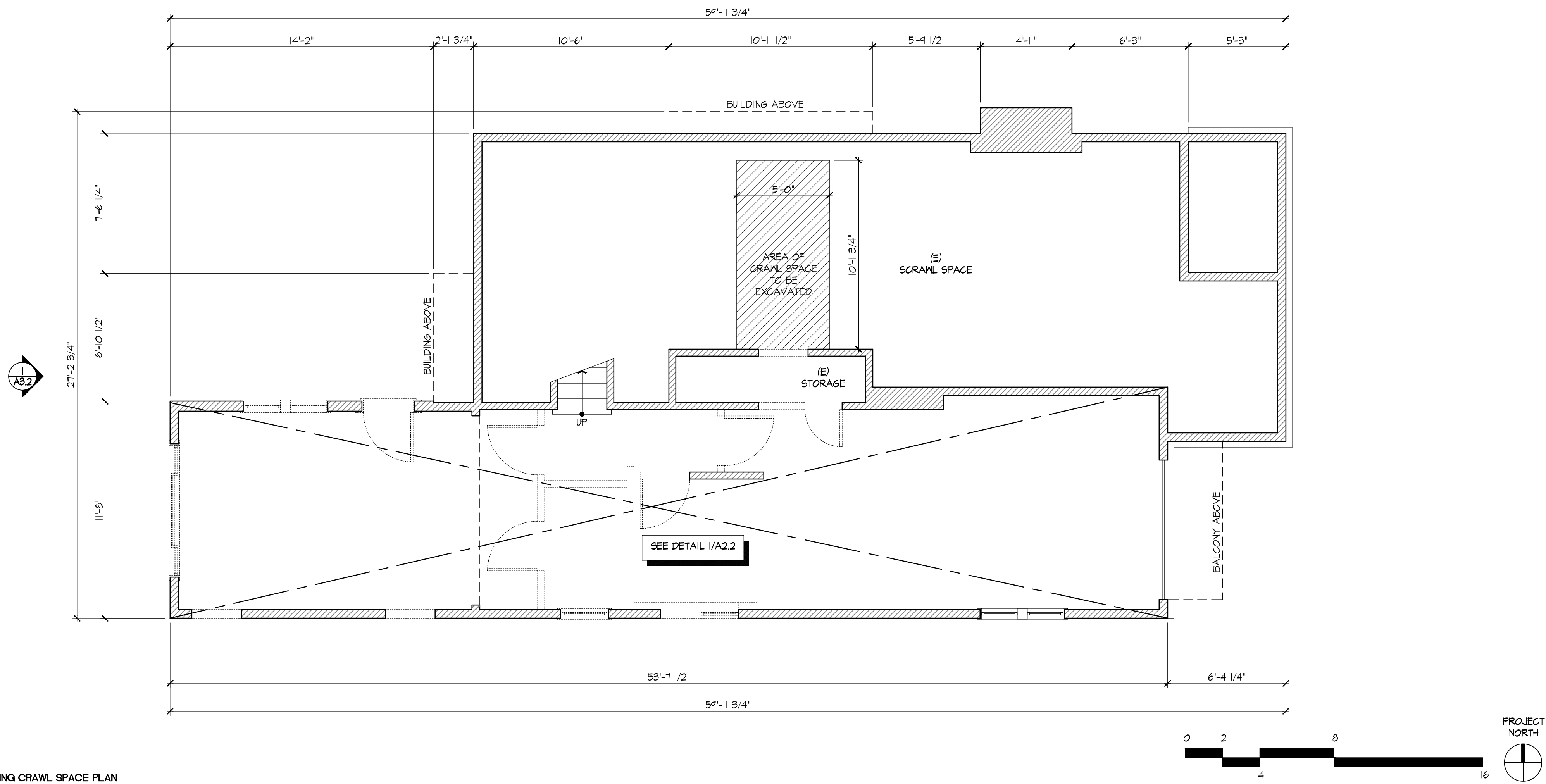
LEGENDS:

- TO BE REMOVED/
DEMOLISHED
EXISTING (E) WALL
PROPOSED (N) WALL
NEW INTERIOR DOOR
HEIGHT IN INCHES
WIDTH IN INCHES
AREA OF NEW ADDITION
(42 SQ.FT.)

2

PROPOSED CRAWL SPACE PLAN
1/4"=1'-0"

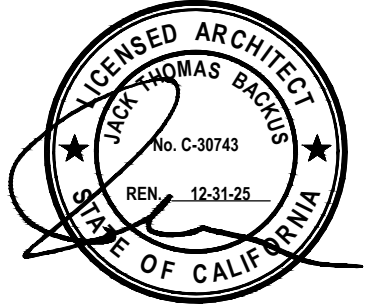
1

EXISTING CRAWL SPACE PLAN
1/4"=1'-0"157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

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ARCHITECTS

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ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE

EXISTING AND PROPOSED
CRAWLSPACE PLAN

SCALE

1/4" = 1'-0"

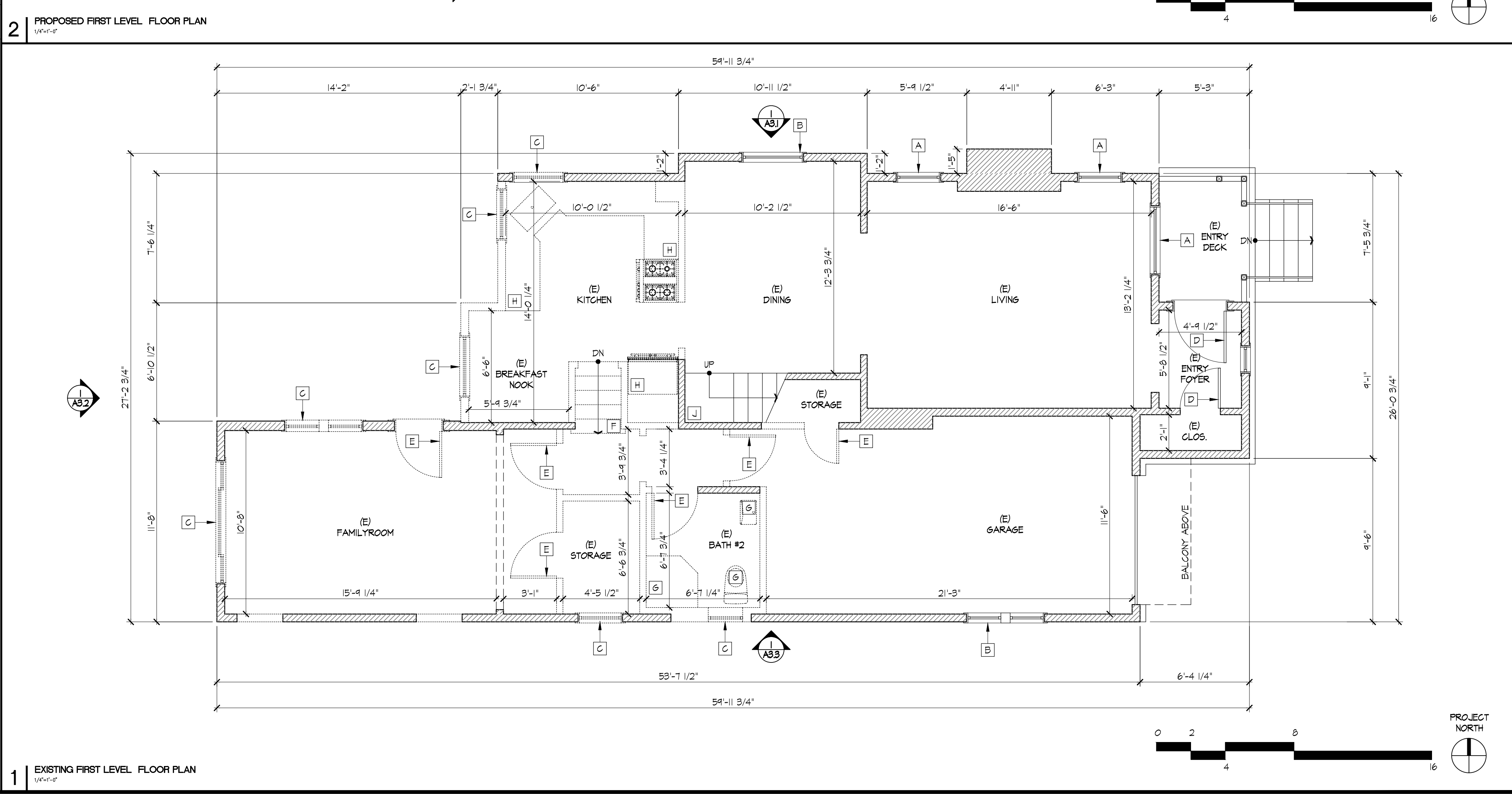
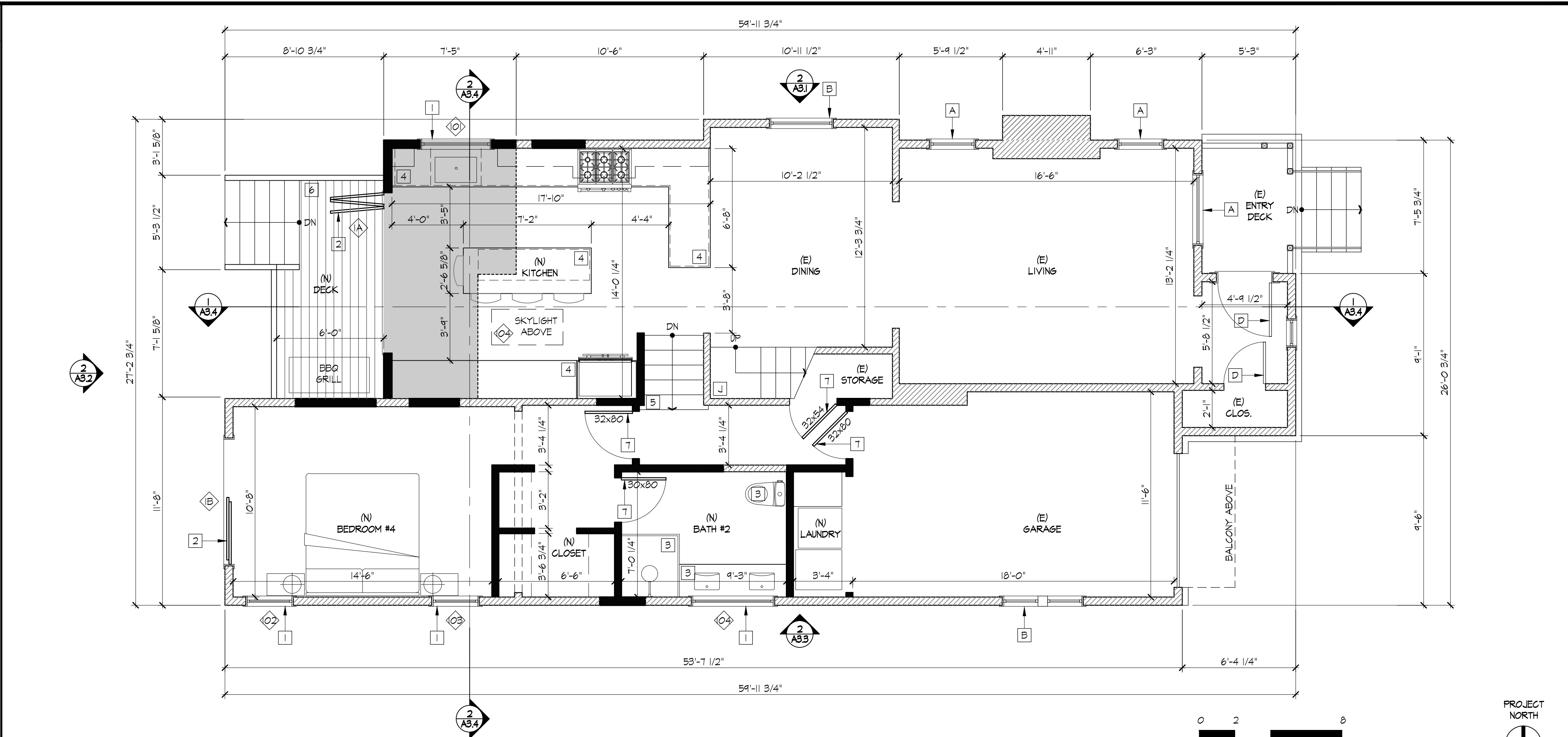
SHEET NUMBER

A2.1

KEY NOTES: PROPOSED PLAN	PROPOSED EXTERIOR WINDOWS SCHEDULE
1 (N) WOOD CLAD WINDOW 2 (N) WOOD CLAD DOOR 3 (N) BATH FIXTURES 4 (N) KITCHEN CABINETS AND APPLIANCES 5 (N) WOOD STAIRS 6 (N) WOOD DECK 7 (N) INTERIOR WOOD DOOR TO MATCH EXISTING	WINDOWS REFER TO ELEVATIONS FOR OPERATION (STATIONARY VS. OPERATING) AND DIRECTION OF OPERATION. ALL WINDOW TO BE DOUBLE PANE. INTERIOR SIDE PANE TO BE TEMPERED GLASS, U.O.N. ALL DIMENSIONS TO BE VERIFY BY GENERAL CONTRACTOR EMERGENCY EGRESS WINDOW: -MIN. NET CLEAR OPENING OF 5.7 SQ.FT. -OPENING HEIGHT MUST BE AT LEAST 24", -OPENING WIDTH MUST BE MIN. OF 20" -BOTTOM OF THE CLEAR OPENING MUST BE MAX. OF 44" ABOVE THE FLOOR. -WINDOW MUST BE OPERATIONAL FROM THE INSIDE WITHOUT KEYS OR TOOLS. 101 NEW WOOD CLAD SINGLE HUNG WINDOW 3'-10" X 3'-4" 102 NEW WOOD CLAD SINGLE HUNG WINDOW 2'-6" X 3'-6" 103 NEW WOOD CLAD SINGLE HUNG WINDOW 2'-6" X 3'-6" 104 NEW WOOD CLAD SLIDING WINDOW 4'-6" X 1'-6"

	PROPOSED EXTERIOR DOOR SCHEDULE
--	------------------------------------

LEGENDS:
TO BE REMOVED/DEMOLISHED EXISTING (E) WALL PROPOSED (N) WALL NEW INTERIOR DOOR HEIGHT IN INCHES WIDTH IN INCHES AREA OF NEW ADDITION (42 SQ.FT.)



157 ASHBURY AVENUE ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS ARCHITECTS

1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699

ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE

EXISTING AND PROPOSED FIRST LEVEL FLOOR PLAN

SCALE
1/4" = 1'-0"

SHEET NUMBER

A2.2

KEY NOTES: PROPOSED PLAN

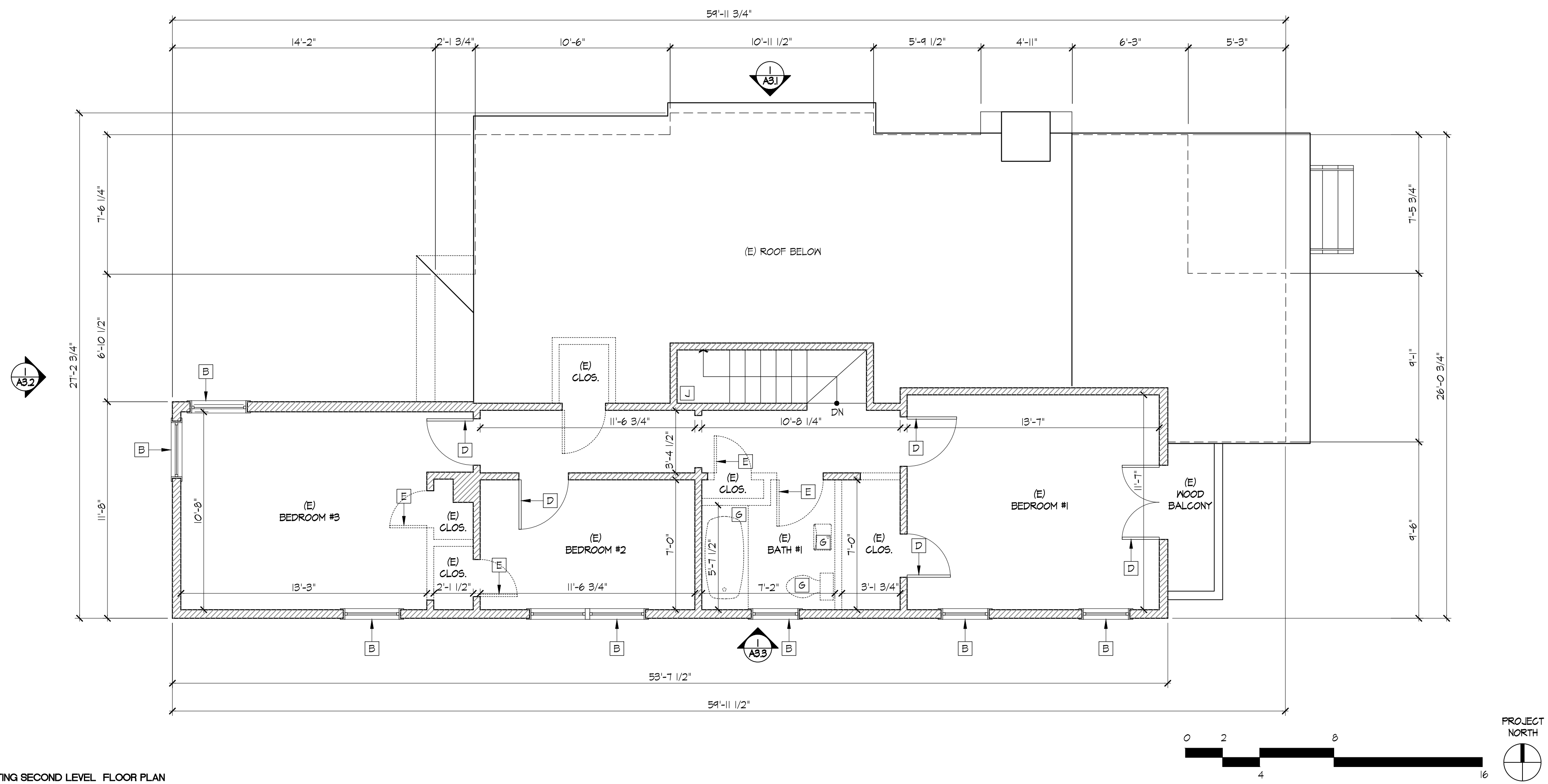
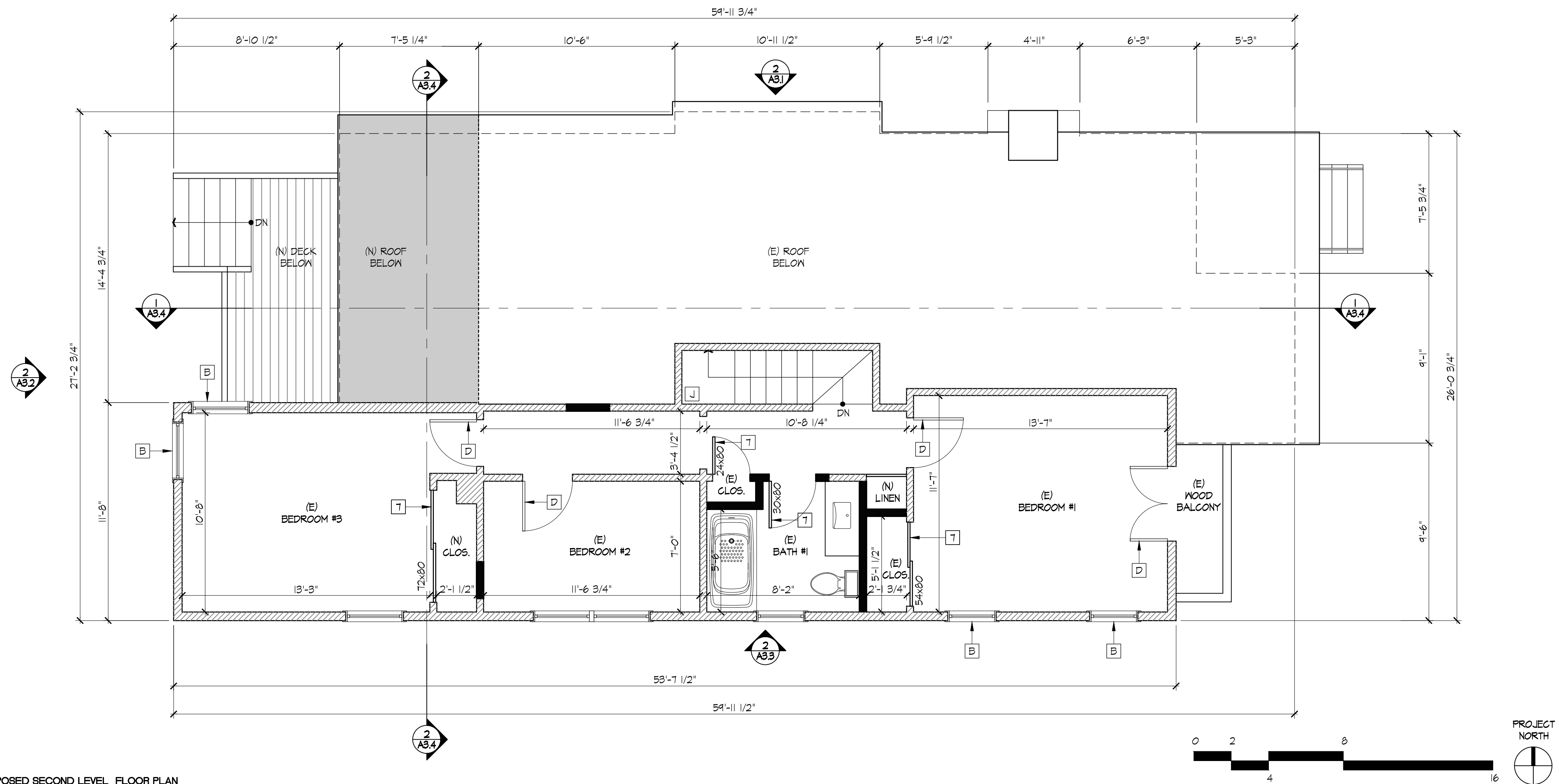
- 1 (N) WOOD CLAD WINDOW
- 2 (N) WOOD CLAD DOOR
- 3 (N) BATH FIXTURES
- 4 (N) KITCHEN CABINETS AND APPLIANCES
- 5 (N) WOOD STAIRS
- 6 (N) WOOD DECK
- 7 (N) INTERIOR WOOD DOOR TO MATCH EXISTING

KEY NOTES: EXISTING PLAN

- A (E) WOOD WINDOW TO REMAIN
B (E) VINYL WINDOW TO REMAIN
C (E) VINYL WINDOW TO BE REMOVED
D (E) DOOR TO REMAIN
E (E) DOOR TO BE REMOVED
F (E) STAIRS TO BE REMOVED
G (E) BATH FIXTURES TO BE REMOVED
H (E) KITCHEN CABINETS AND APPLIANCES TO BE REMOVED
J (E) STAIRS TO REMAIN

LEGENDS:

- TO BE REMOVED/
DEMOLISHED
- EXISTING (E) WALL
- PROPOSED (N) WALL
- NEW INTERIOR DOOR
HEIGHT IN INCHES
WIDTH IN INCHES
- AREA OF NEW ADDITION
(92 SQ.FT.)

2 PROPOSED SECOND LEVEL FLOOR PLAN
1/4"=1'-0"1 EXISTING SECOND LEVEL FLOOR PLAN
1/4"=1'-0"157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS
ARCHITECTS

1057 Hubert Road
Oakland, CA 94610
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ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE
EXISTING AND PROPOSED
SECOND LEVEL FLOOR PLAN

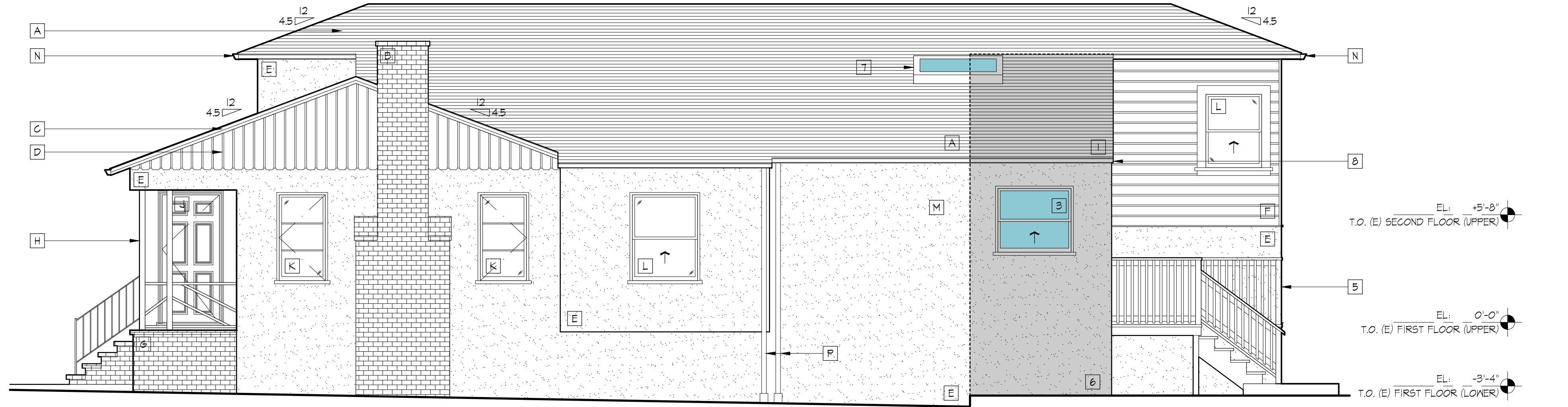
SCALE

SHEET NUMBER

A2.3

KEY NOTES: PROPOSED ELEVATION

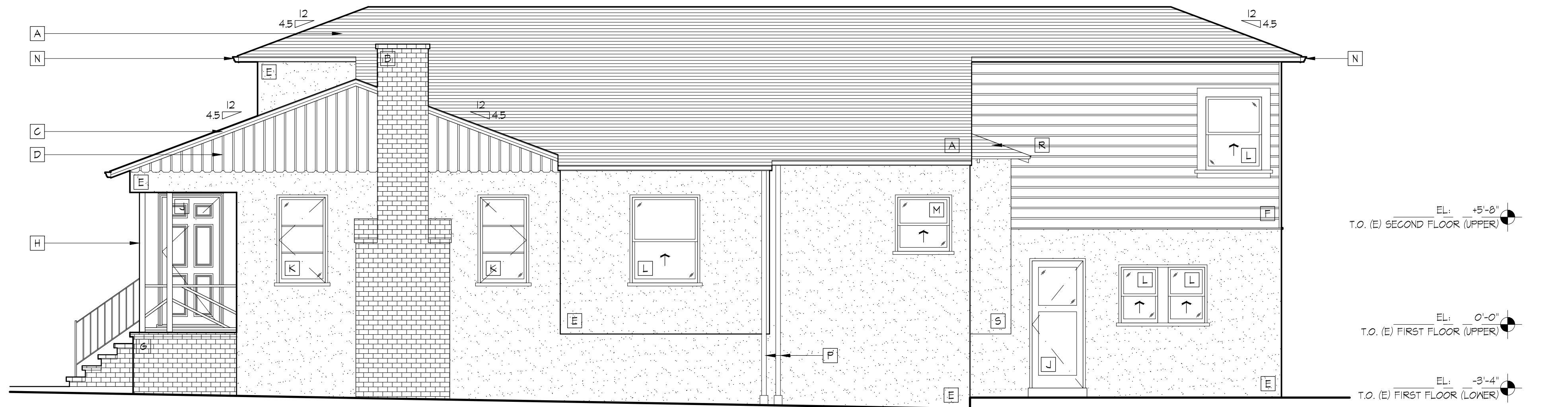
- 1 (N) ASPHALT SHINGLE ROOF TO MATCH EXISTING
- 2 (N) WOOD TRIM TO MATCH EXISTING
- 3 (N) WOOD GLAD WINDOW
- 4 (N) WOOD GLAD DOOR
- 5 (N) WOOD DECK
- 6 (N) STUCCO WALL TO MATCH EXISTING
- 7 (N) SKYLIGHT
- 8 (N) METAL GUTTER
- 9 (N) HORIZONTAL WOOD SIDING TO MATCH EXISTING



2 | PROPOSED NORTH ELEVATION
1/4"=1'-0"

KEY NOTES: EXISTING ELEVATION

- A (E) ASPHALT SHINGLE ROOF TO REMAIN
- B (E) BRICK CHIMNEY
- C (E) WOOD TRIM
- D (E) WOOD VERTICAL SIDING
- E (E) STUCCO WALL TO REMAIN
- F (E) WOOD HORIZONTAL SIDING TO REMAIN
- G (E) BRICK ENTRY PATIO
- H (E) WOOD POST AND RAILING
- J (E) WOOD DOOR
- K (E) WOOD WINDOW
- L (E) VINYL WINDOW TO REMAIN
- M (E) VINYL WINDOW TO BE REMOVED
- N (E) METAL GUTTER
- P (E) METAL DOWNSPOUT
- Q (E) WOOD BALCONY
- R (E) ASPHALT SHINGLE ROOF TO BE REMOVED
- S (E) STUCCO WALL TO BE REMOVED
- T (E) WOOD HORIZONTAL SIDING TO BE REMOVED



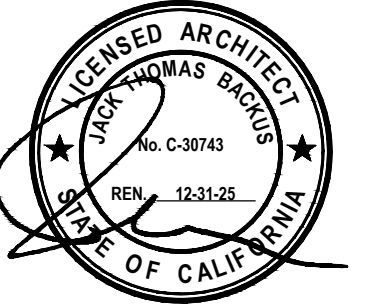
1 | EXISTING NORTH ELEVATION
1/4"=1'-0"

157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS
ARCHITECTS

1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699



ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE
EXISTING AND PROPOSED
NORTH ELEVATION

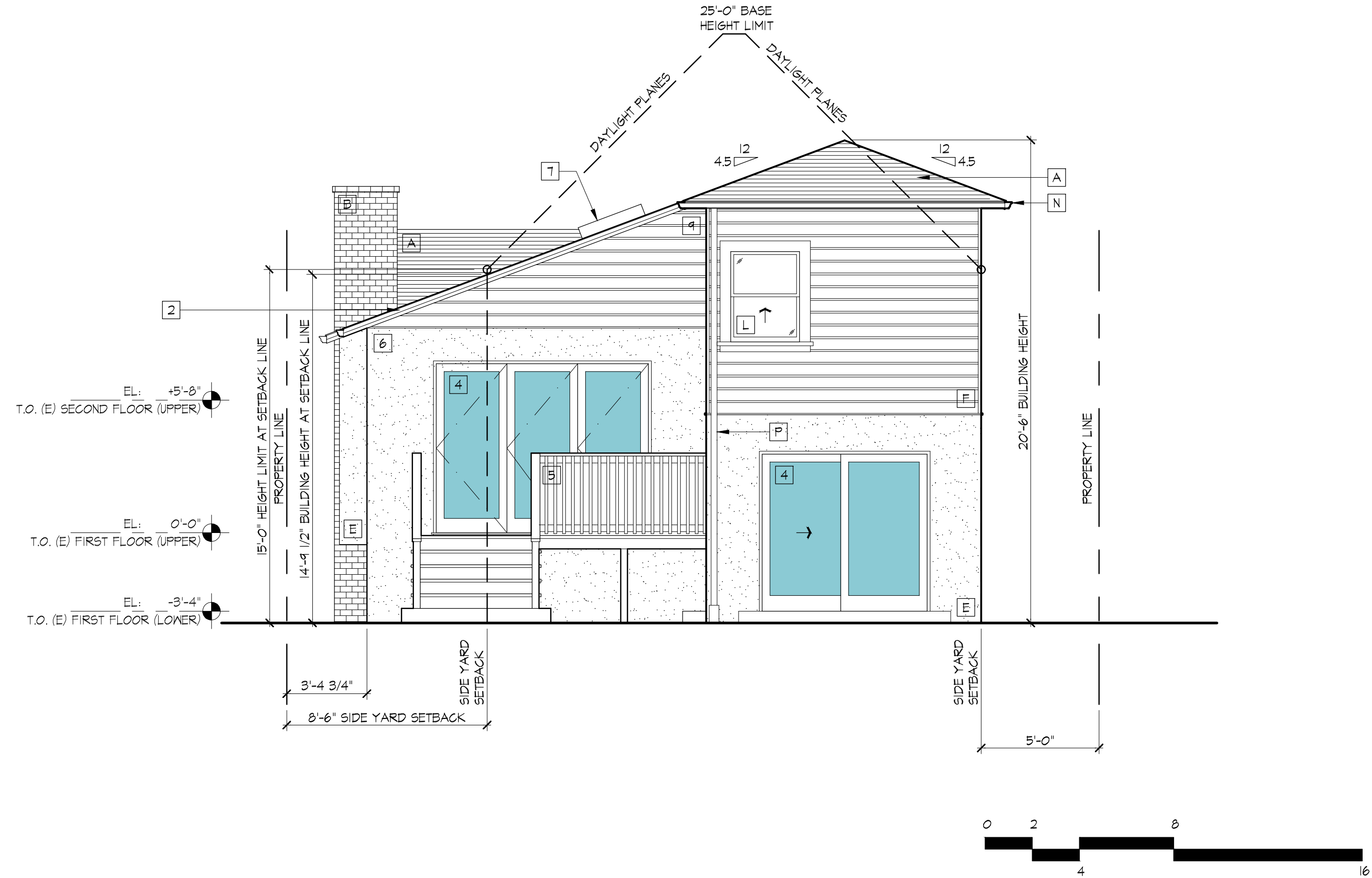
SCALE
1/4"= 1'-0"

SHEET NUMBER

A3.1

KEY NOTES: PROPOSED ELEVATION

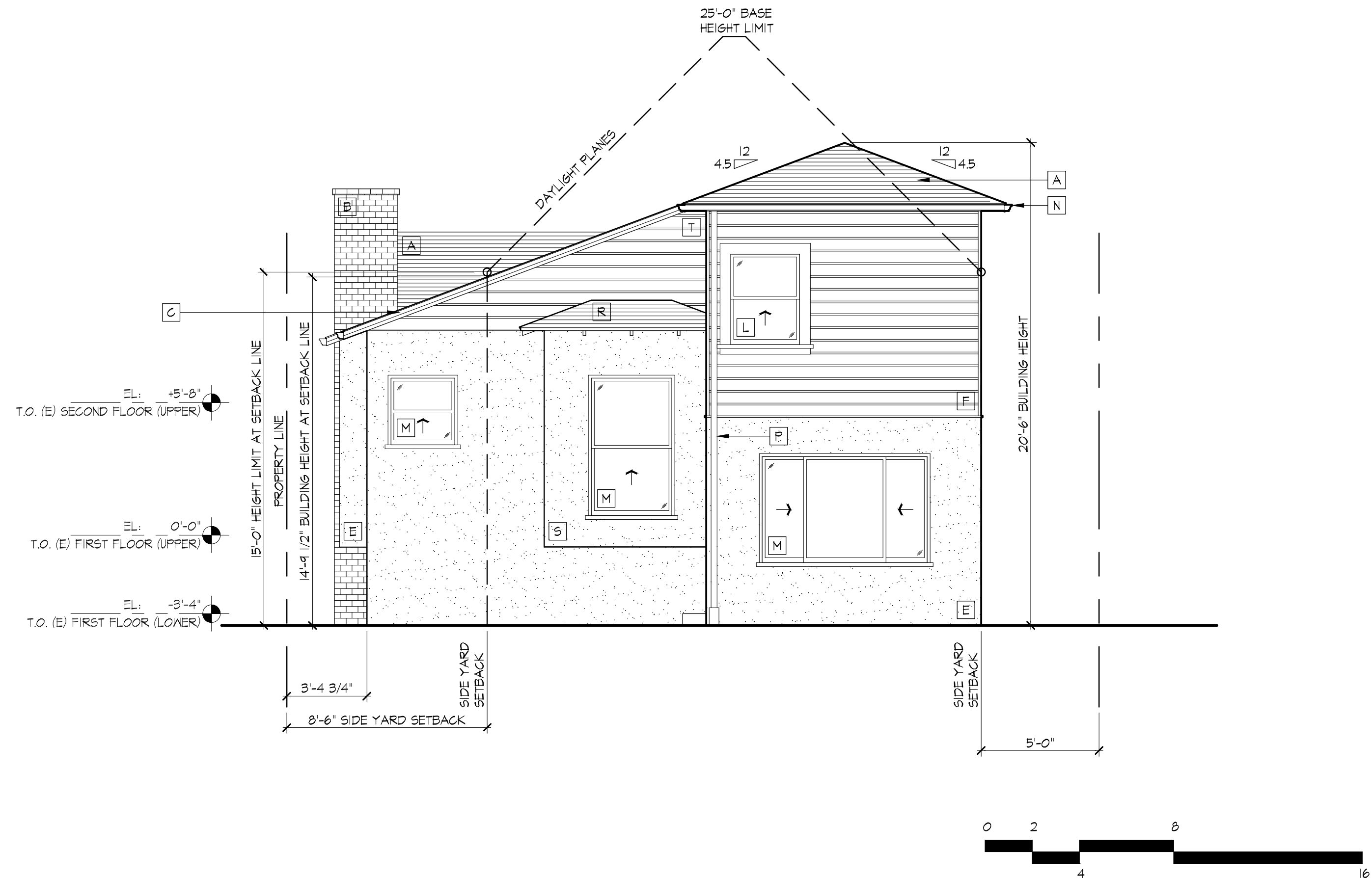
- 1 (N) ASPHALT SHINGLE ROOF TO MATCH EXISTING
- 2 (N) WOOD TRIM TO MATCH EXISTING
- 3 (N) WOOD CLAD WINDOW
- 4 (N) WOOD CLAD DOOR
- 5 (N) WOOD DECK
- 6 (N) STUCCO WALL TO MATCH EXISTING
- 7 (N) SKYLIGHT
- 8 (N) METAL GUTTER
- 9 (N) HORIZONTAL WOOD SIDING TO MATCH EXISTING



2 | PROPOSED WEST ELEVATION
1/4"=1'-0"

KEY NOTES: EXISTING ELEVATION

- A (E) ASPHALT SHINGLE ROOF TO REMAIN
- B (E) BRICK CHIMNEY
- C (E) WOOD TRIM
- D (E) WOOD VERTICAL SIDING
- E (E) STUCCO WALL TO REMAIN
- F (E) WOOD HORIZONTAL SIDING TO REMAIN
- G (E) BRICK ENTRY PATIO
- H (E) WOOD POST AND RAILING
- J (E) WOOD DOOR
- K (E) WOOD WINDOW
- L (E) VINYL WINDOW TO REMAIN
- M (E) VINYL WINDOW TO BE REMOVED
- N (E) METAL GUTTER
- P (E) METAL DOWNSPOUT
- Q (E) WOOD BALCONY
- R (E) ASPHALT SHINGLE ROOF TO BE REMOVED
- S (E) STUCCO WALL TO BE REMOVED
- T (E) WOOD HORIZONTAL SIDING TO BE REMOVED



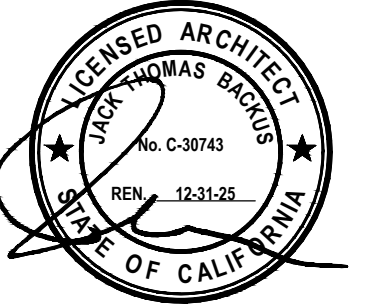
1 | EXISTING WEST ELEVATION
1/4"=1'-0"

157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS
ARCHITECTS

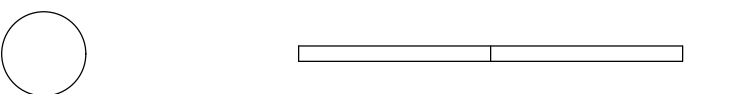
1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699



ISSUES AND REVISIONS		
NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE
EXISTING AND PROPOSED
WEST ELEVATION

SCALE
1/4"= 1'-0"

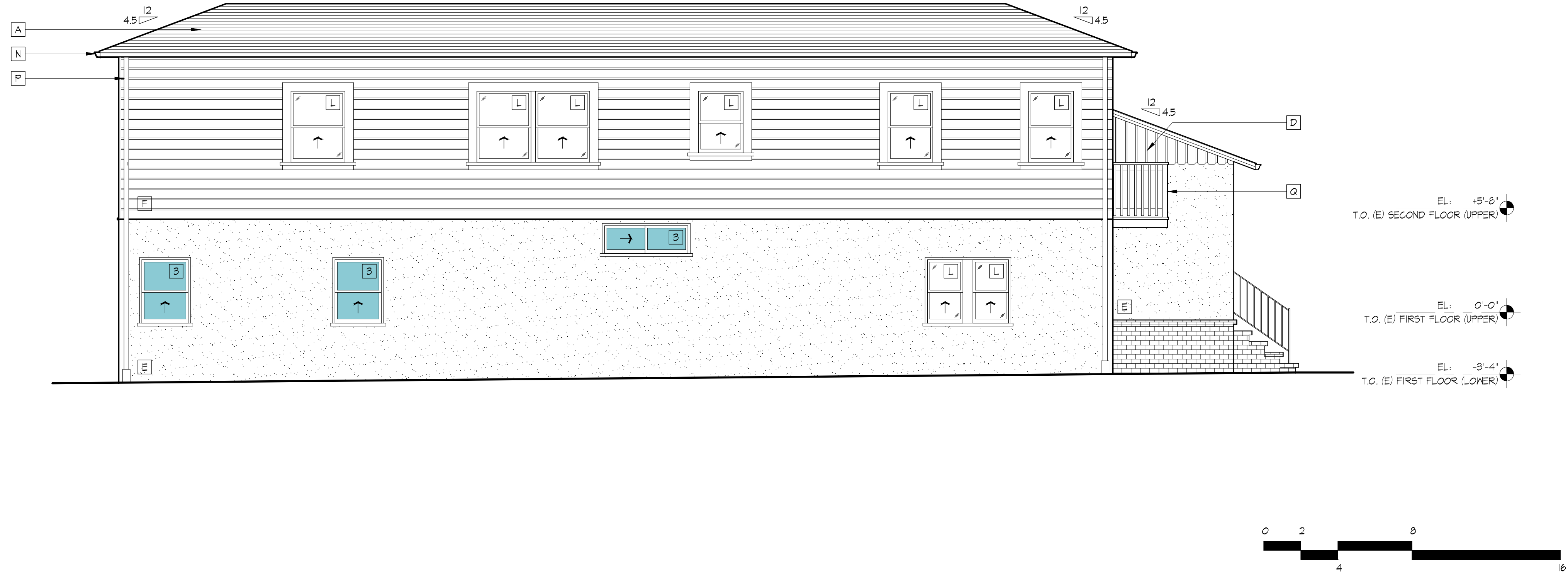


SHEET NUMBER

A3.2

KEY NOTES: PROPOSED ELEVATION

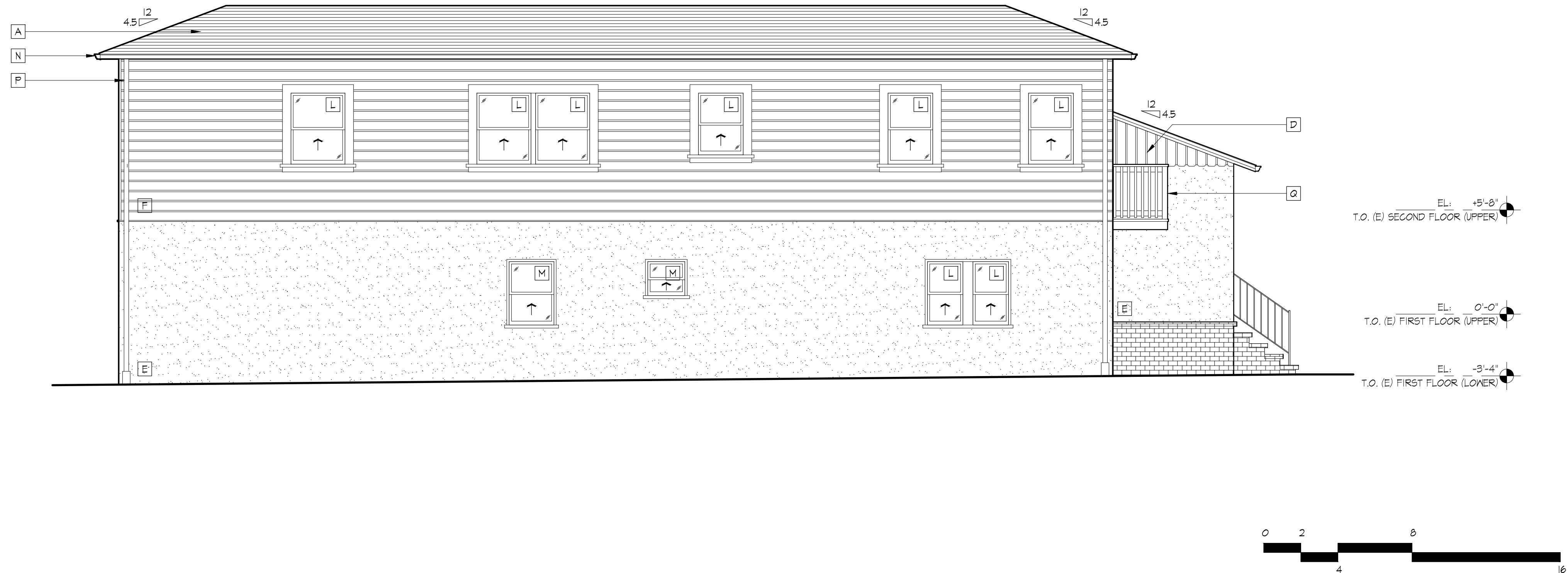
- 1 (N) ASPHALT SHINGLE ROOF TO MATCH EXISTING
- 2 (N) WOOD TRIM TO MATCH EXISTING
- 3 (N) WOOD CLAD WINDOW
- 4 (N) WOOD CLAD DOOR
- 5 (N) WOOD DECK
- 6 (N) STUCCO WALL TO MATCH EXISTING
- 7 (N) SKYLIGHT
- 8 (N) METAL GUTTER
- 9 (N) HORIZONTAL WOOD SIDING TO MATCH EXISTING



2 | PROPOSED SOUTH ELEVATION
1/4"=1'-0"

KEY NOTES: EXISTING ELEVATION

- A (E) ASPHALT SHINGLE ROOF TO REMAIN
- B (E) BRICK CHIMNEY
- C (E) WOOD TRIM
- D (E) WOOD VERTICAL SIDING
- E (E) STUCCO WALL TO REMAIN
- F (E) WOOD HORIZONTAL SIDING TO REMAIN
- G (E) BRICK ENTRY PATIO
- H (E) WOOD POST AND RAILING
- J (E) WOOD DOOR
- K (E) WOOD WINDOW
- L (E) VINYL WINDOW TO REMAIN
- M (E) VINYL WINDOW TO BE REMOVED
- N (E) METAL GUTTER
- P (E) METAL DOWNSPOUT
- Q (E) WOOD BALCONY
- R (E) ASPHALT SHINGLE ROOF TO BE REMOVED
- S (E) STUCCO WALL TO BE REMOVED
- T (E) WOOD HORIZONTAL SIDING TO BE REMOVED



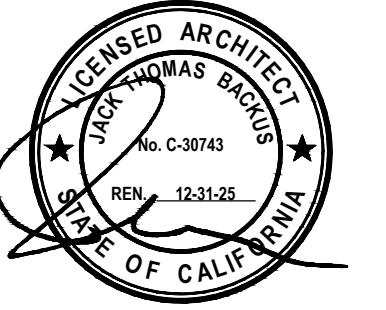
1 | EXISTING SOUTH ELEVATION
1/4"=1'-0"

157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

JACK BACKUS
ARCHITECTS

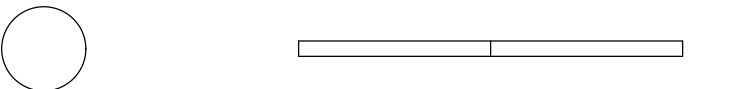
1057 Hubert Road
Oakland, CA 94610
ph. 510.393.9699



ISSUES AND REVISIONS		
NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

SHEET TITLE
EXISTING AND PROPOSED
SOUTH ELEVATION

SCALE
1/4"= 1'-0"



SHEET NUMBER

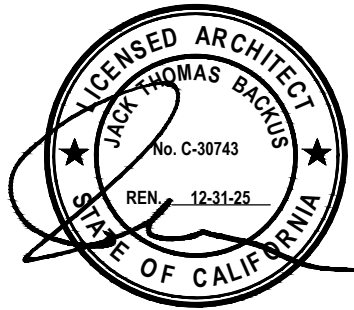
A3.3

157 ASHBURY
AVENUE
ADDITION

157 Ashbury Avenue
El Cerrito, CA 94530
APN: 504-224-011

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ISSUES AND REVISIONS

NO.	DATE	DESCRIPTION
1.	04.05.2024	CONDITIONAL USE PERMITS SUBMITTAL

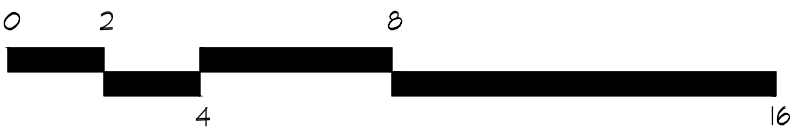
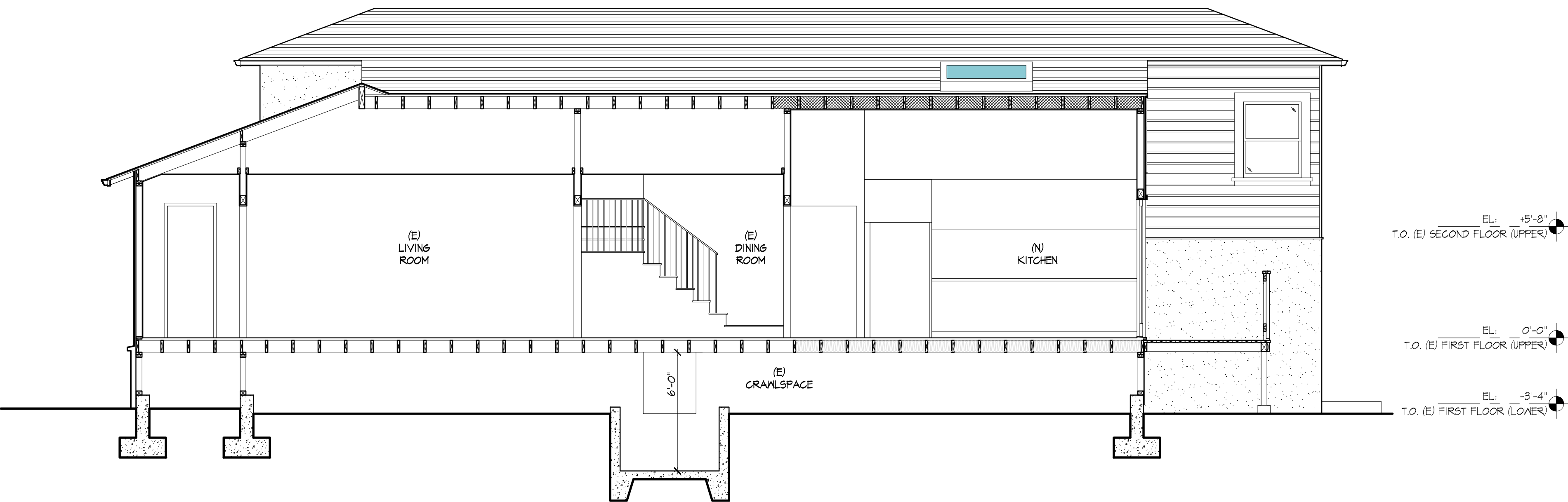
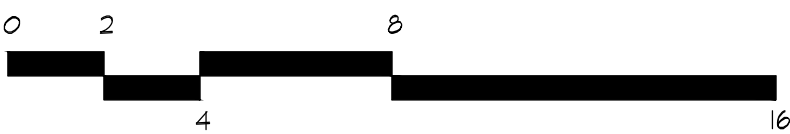
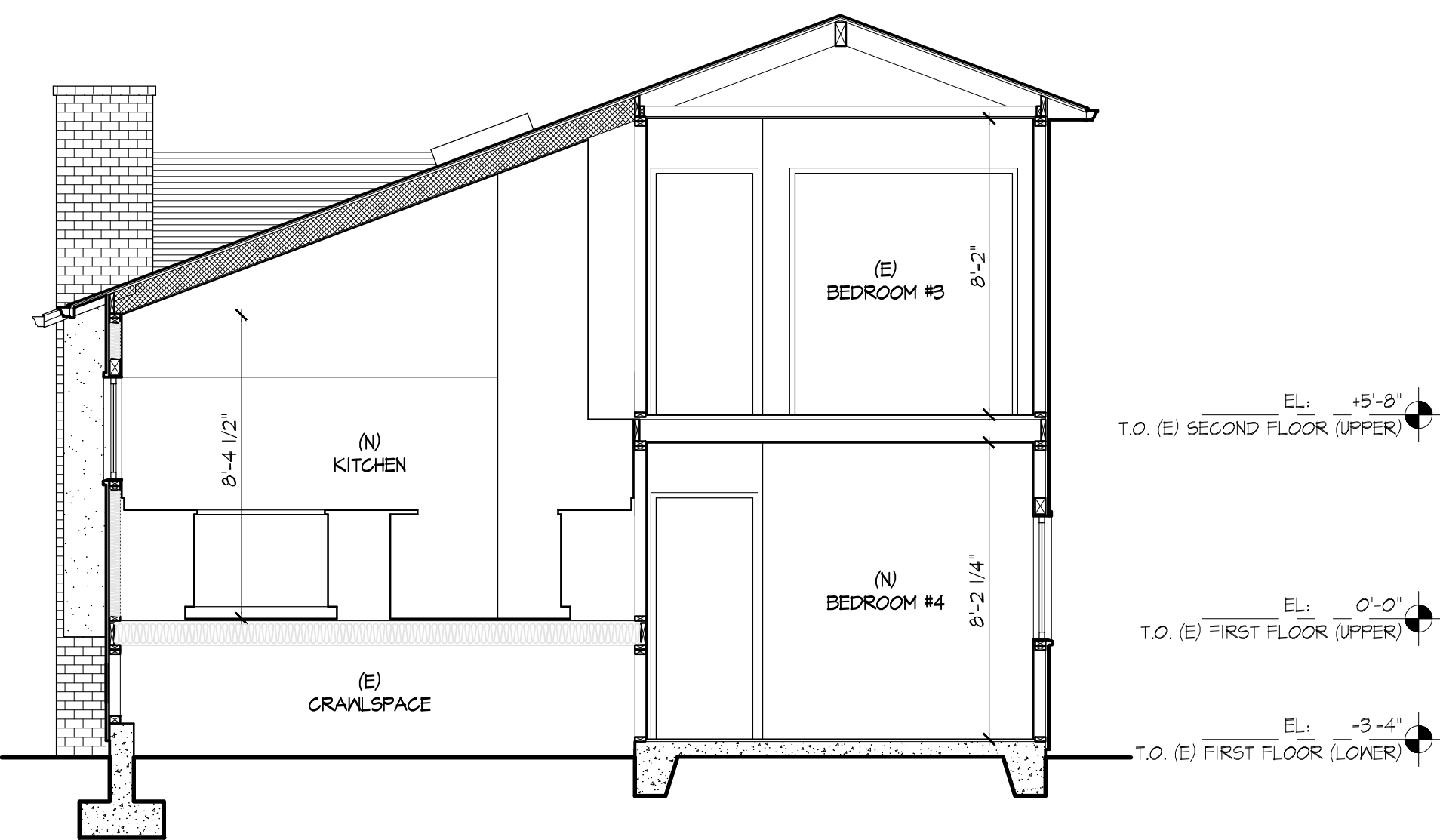
SHEET TITLE

EXISTING AND PROPOSED
PROPOSED BUILDING SECTION

SCALE
1/4" = 1'-0"

SHEET NUMBER

A3.4





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 STAFF REPORT

June 20, 2024

8455 BUCKINGHAM DRIVE - CONDITIONAL USE PERMIT

DETAILS

Application Number: PL24-0036

Applicant: Danica Zoran

Location: 8455 Buckingham Drive

APN: 505-181-024

Zoning: RS-10 (Single Family Residential)

General Plan: Very Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit to allow the construction of a 7-foot high, wire mesh deer fence along the side and rear property line, and a 6-foot-high metal fence in the front setback for an existing single-family house.

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

EXECUTIVE SUMMARY

The proposed project includes replacement of a fence in the rear and street side yard with a 7-foot high, wire mesh deer fence and a 6-foot-high metal fence in the front setback. The Zoning Ordinance allows for fences to exceed six feet in height, up to 8 feet, with a Conditional Use Permit in the street side yard and up to 6 feet tall in the front setback with a Conditional Use Permit. As discussed in detail in this report, the project is expected to be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

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

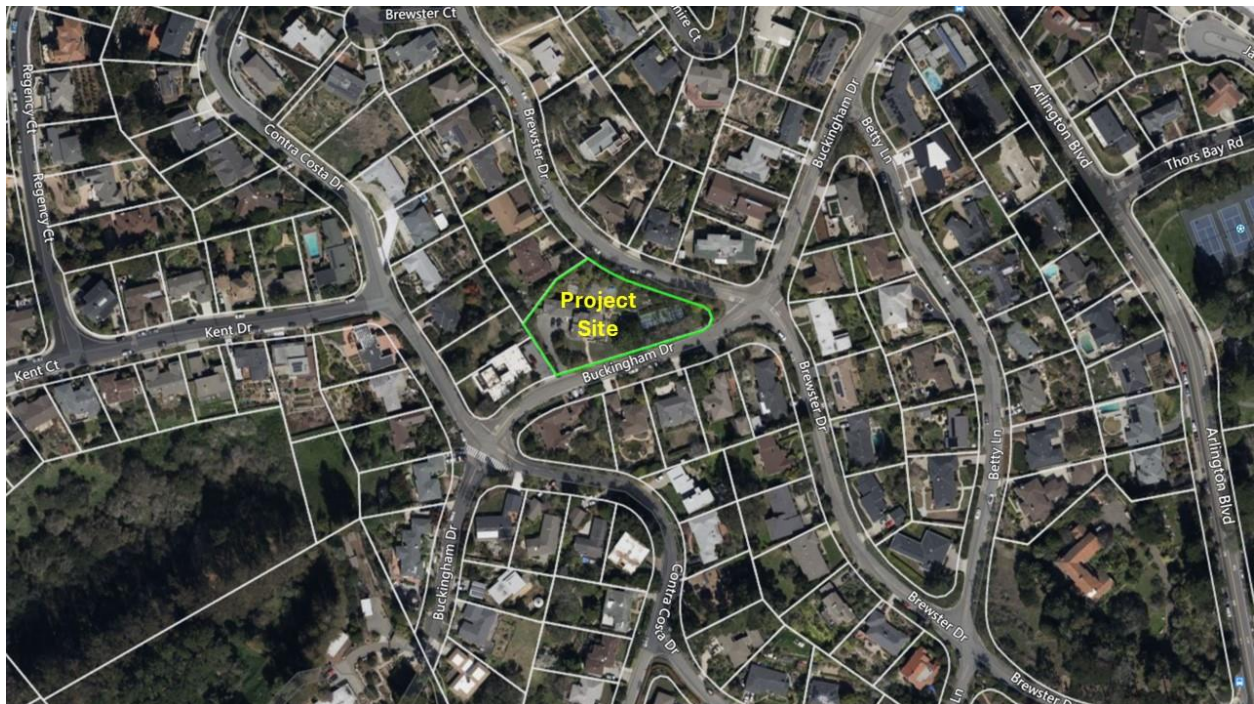
Background

Site Location and Layout

The house at 8455 Buckingham drive is an approximately 4,717-square-foot single-story house. The house sits on a 31,376-square-foot lot in the RS-10 (single-family Residential) zoning district. The existing lot coverage of the property is 16 percent.

The surrounding neighborhood predominantly contains single-family houses. The surrounding buildings are a mixture of two-story and one-story buildings.

Vicinity Map



Site Photos



View from Buckingham drive



View from Brewster drive

Adjacent Designations and Land Uses

North: Single Family Residential (RS-10) Zoning and Very Low Density Residential General Plan designation. Single family dwelling.

East: Single Family Residential (RS-10) Zoning and Very Low Density Residential General Plan designation. Single family dwelling.

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

West: Single Family Residential (RS-10) Zoning and Very Low Density Residential General Plan designation. Single family dwelling.

Analysis

Project Description

The applicant is requesting approval to construct a 7-foot wire mesh fence (Figure 1) along the north side property line along Brewster Drive, within the street side property line. This fence would span the length of the property but would be more than 35 feet away from the intersection of Brewster and Buckingham Drive. As part of this section of fencing, the applicant is also proposing a similar 7-foot fence on the rear shared property line of 1313 Brewster Drive. Currently along Brewster Drive there is a small chain-link fence which runs along the length of the property which would be replaced by the wire mesh fence.

The applicant is also requesting approval to construct approximately 20 linear feet of steel tube fencing (Figure 2) which would be 6 feet tall and located within the front setback. This section of fencing would be located approximately 11 feet from the front property line but still within the required 20-foot front setback. Due to the location of this property and the height of the existing fence along Brewster Drive, the applicant is requesting a greater height allowance as they have previously had issues with deer intruding onto the property.

The proposed section of fencing along Brewster Drive would be visible from the adjacent public right of way but would be highly transparent. As such, it does not appear that the fence would substantially affect views from any adjacent properties. The proposed fencing in the front setback is also expected to minimally impact surrounding neighbors due to the location of existing trees, and landscaping, only a small segment of the proposed fencing would be visible from the street and sidewalk on Buckingham Drive and fence will also be highly transparent.



REFERENCE PHOTOS FOR WIRE FENCE

Figure 1. Proposed Wire Mesh Fence



Figure 2. Proposed Steel Tube Fence

Fence Height Requirements

Table 19.06-G of the El Cerrito Zoning Ordinance allows fences located in the street side yard setback areas to exceed 6 feet in height, allowing up to 8 feet with a Conditional Use Permit. This section of the Zoning Ordinance also allows for fences in the front yard setback to be up to 6 feet in limited situations with a Conditional Use Permit. Pursuant to ECMC Section 19.06.030.U.2 for a fence to exceed 3 feet tall

in the front setback, 40 percent of the fence must be transparent and open, and the property has to meet one of the following criteria:

- a) Lots that front on major arterials as identified in the General Plan.
- b) Lots that front on heavily used pedestrian routes and ways, including those on public streets.
- c) Lots where deer and other animals intrude into yards on a regular basis.

As mentioned previously the applicant is requesting the construction of these fences because deer intrude into their yards on a regular basis.

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 6, 2024. Staff did not receive any written or verbal comments prior to the publication of this report.

Environmental Review

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

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the maximum fence height is consistent with the following policies of the El Cerrito General Plan:

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

As proposed, only a small portion of the fence in the front setback would be visible from the street or sidewalk along Buckingham Drive due to existing landscaping. All of the proposed fencing on the site have designed so that they are highly open and transparent so that there is minimal impact to the surrounding neighborhood.

CD3.4: Fencing. Require that residential streets maintain open front yards and not be enclosed with fences that exceed three feet in height. Allow fences up to six feet in height to enclose front yards along major arterials, heavily used pedestrian ways or to protect yards from deer and other animals.

As proposed the fence in the front setback will be up to six feet tall but will be minimally visible from any public street and the fence will be highly transparent so that it does not feel like it is enclosing the front yard. The increased height of the fence will help protect the yard from deer.

Required Findings

In order to approve the Conditional Use Permit to allow an exception to the maximum fence height, the Planning Commission must make the following findings, contained in 19.34.040 of the El Cerrito Zoning Ordinance:

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

The proposed section of fencing along Brewster Drive would be visible from the adjacent public right of way but would be highly transparent. As such, the fence would not substantially affect views from any adjacent properties. The proposed fencing in the front setback is also expected to minimally impact surrounding neighbors due to the location of existing trees, and landscaping, only a small segment of the proposed fencing would be visible from the street and sidewalk on Buckingham drive and fence will also be highly transparent.

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 fence represents an aesthetic upgrade to the previous fence. The older fence is made of chain-link which is a prohibited material for new fences if they are visible from a public street. The new fence provides a simple and attractive design and preserves the views of the surrounding 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 construction of new fencing which is up to 7 feet tall in the street side yard, and up to 6 feet tall in the front setback, with regards to the City's Zoning Ordinance. This is a permitted improvement with a Conditional Use Permit, per Table 19.06-G in Section 19.06.030 of the El Cerrito Municipal Code. The proposed fencing is consistent with policy CD1.1: Neighborhood Character and CD3.4: Fencing of the El Cerrito General Plan.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of a Conditional Use Permit to allow a fence taller than 6 feet.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC24-11 approving a Conditional Use Permit the construction of a 7' high, wire mesh deer fence along the side and rear property line, and a 6' high metal fence in the front setback for an existing single-family house at 8455 Buckingham Drive.

Appeal Period

Within ten (10) calendar days after the date of the decision, the Planning Commission action may be appealed to the City Council.

Attachments

1. Draft resolution
2. Project plans

Planning Commission Resolution PC 2024-11

APPLICATION NO. PL24-0036

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW 7' HIGH, WIRE MESH DEER FENCE ALONG THE SIDE AND REAR PROPERTY LINE, AND A 6' HIGH METAL FENCE IN THE FRONT SETBACK FOR AN EXISTING SINGLE-FAMILY HOUSE AT 8455 BUCKINGHAM DRIVE

WHEREAS, the site is located at 8455 Buckingham Drive; and

WHEREAS, the existing Assessor's Parcel Number of the site is 505-181-024; and

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

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

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines, Class 3: New Construction or Conversion of Small Structures; and

WHEREAS, on April 15, 2024, Danica Zoran (the "applicant") submitted an application for a Conditional Use Permit for a 7-foot high, wire mesh deer fence along the side and rear property line, and a 6-foot high metal fence in the front setback for an existing single-family house at 8455 Buckingham Drive; and

WHEREAS, on June 20, 2024, 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 proposed section of fencing along Brewster Drive would be visible from the adjacent public right of way but would be highly transparent. As such, the fence would not substantially affect views from any adjacent properties. The proposed fencing in the front setback is also expected to minimally impact surrounding neighbors due to the location of existing trees, and landscaping, only a small segment of the proposed fencing would be visible from the street and sidewalk on Buckingham drive and fence will also be highly transparent.
2. The proposed fence represents an aesthetic upgrade to the previous fence. The older fence is made of chain-link which is a prohibited material for new fences if they are visible from a public street. The new fence provides a simple and attractive design and preserves the views of the surrounding neighborhood.
3. The Conditional Use Permit will allow the construction of new fencing which is up to 7 feet tall in the street side yard, and up to 6 feet tall in the front setback, with regards to the City's Zoning Ordinance. This is a permitted improvement with a Conditional Use Permit, per Table 19.06-G in Section 19.06.030 of the El Cerrito Municipal Code. The proposed fencing is consistent with policy CD1.1: Neighborhood Character and CD3.4: Fencing of the El Cerrito General Plan.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby approves Application No. PL24-0036, 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 15, 2024. 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 20, 2024, upon motion of Commissioner _____, second by Commissioner _____:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager



Planted Earth Inc.

CSLB C-27 and B #828082 • Landscape architect #4696

Danica Zoran

danica@plantedearth.org

office(510)868-2733

PROJECT SUMMARY

DATE: May 16th, 2024

PROJECT ADDRESS: 8455 Buckingham Dr

APN: 505181024

RE: Conditional Use Permit to install 7' and 6' tall deer fence for APN 505181024

To Whom May It Concern:

I am submitting this letter of intent for a Conditional Use Permit to allow a Single-Family home to build a 7' and 6' tall deer fence along property line on a current RS-10 zone property.

Existing conditions

Due to the current fence height located along Brewster Drive (corner lot) not providing enough height and safety, deer can easily and frequently do jump over it. On the following images it is shown that owners have improvised to resolve this issue and they installed temporary green mesh on top their existing wire mesh fencing. See below.



Planted Earth Inc.
P.O. BOX 70076 Point Richmond,
CA 94807

Proposed improvements:

We would like to propose functional and harmonious improvements for the fence located along Brewster Drive and along the rear property line. A deer fence that is 7' high, with design that would not compromise neighborhood surroundings, open and transparent but with enough vertical presence so that the deer cannot jump over it. In brown color. See proposed ideas for fencing below.



Proposed fence along property line.

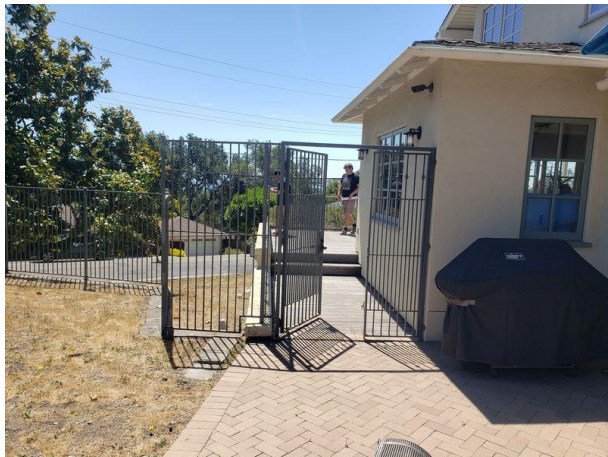


Proposed fence along property line.

Next to the garage we would like to propose the removal of the existing wood fence and installation of 7' tall metal fence (deer fence) with simple metal gate in the same location. In black color. See images below.



Existing fence and gate near garage.



Proposed fence and gate near garage.

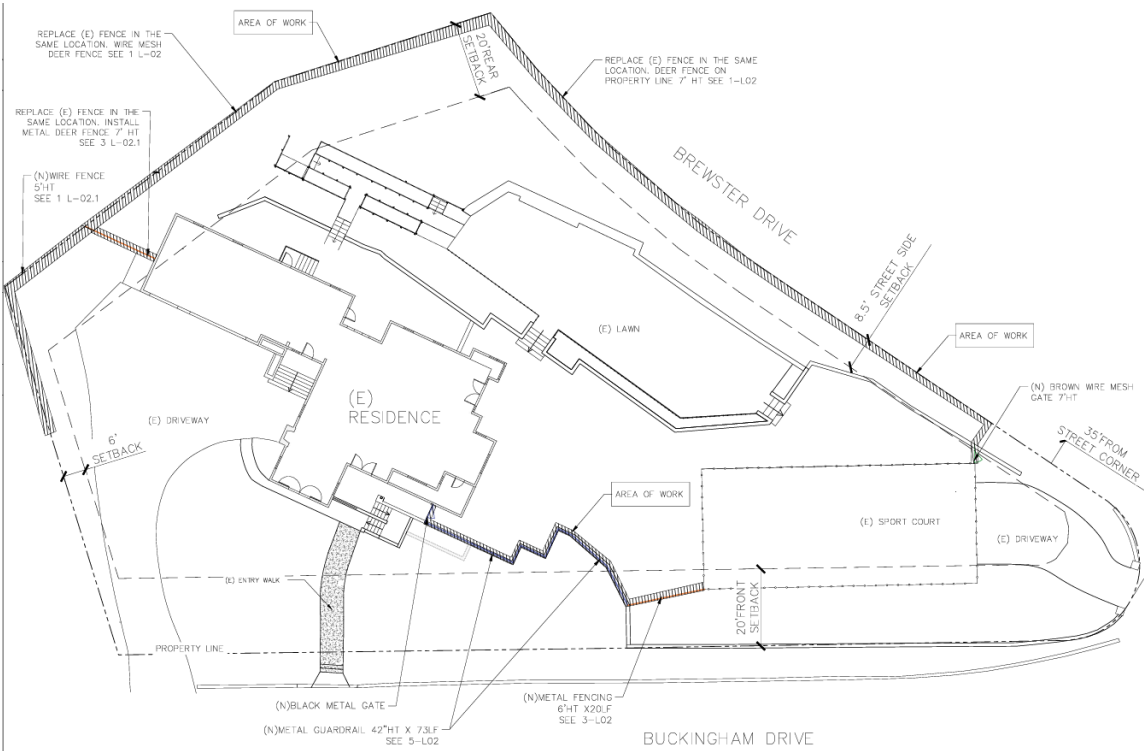
We would also like to propose functional improvements for the fence located along Buckingham Drive within the front setback line and West of existing sports court. A metal deer fence that is 6' high, with design very similar to existing one, that would not compromise neighborhood surroundings, open and transparent but with enough vertical presence so that the deer cannot jump over it. In black color. See images below.



Existing fence near sports court.



Proposed fence near sports court.



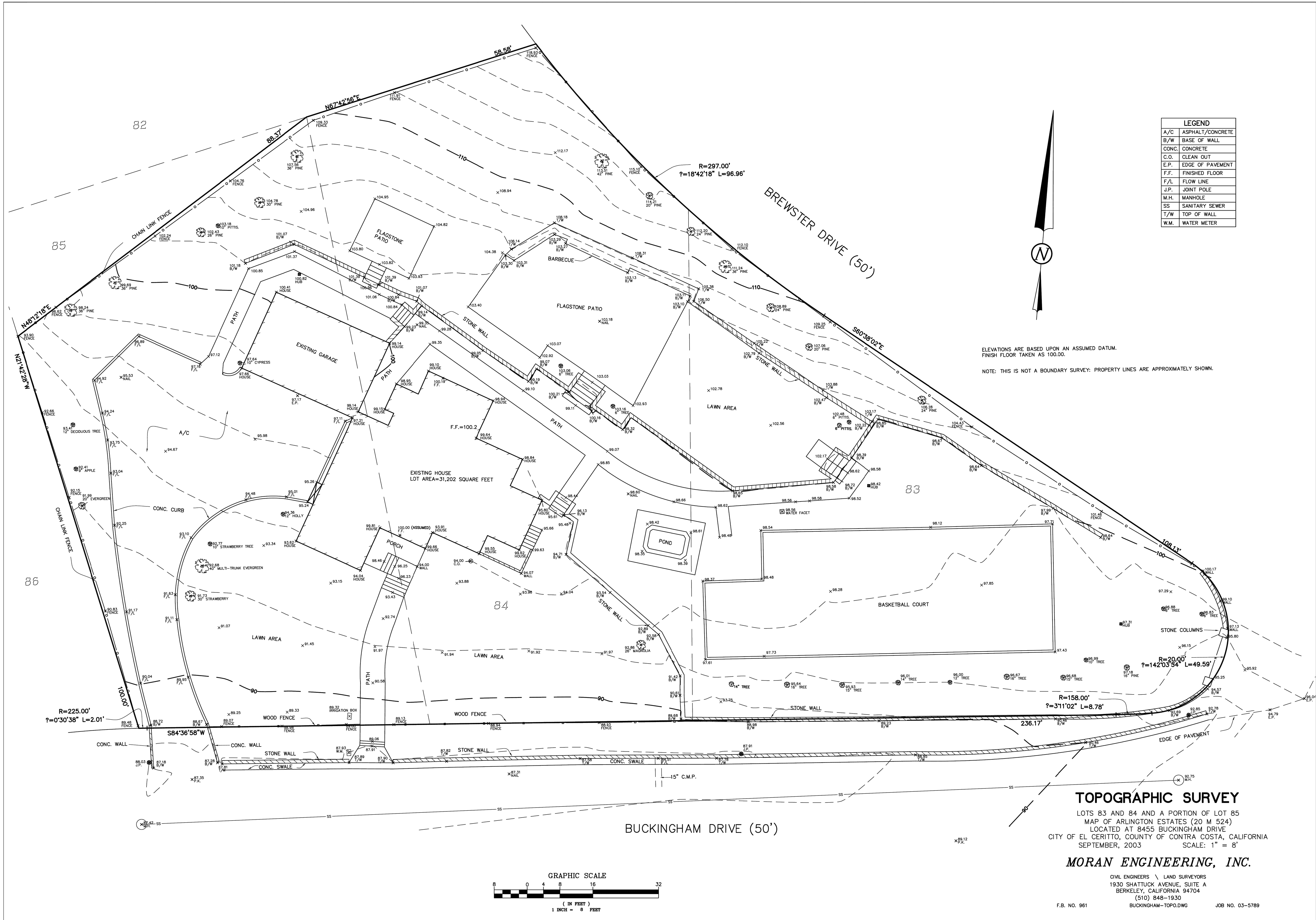
Proposed location of new fencing.

Please note that proposed images do not necessarily shown the actual color of fencing, but colors are specified in description.

With appreciation,

Danica Zoran
Senior Landscape Designer
danica@plantedearth.org
Planted Earth Inc.
510-868-2733
<https://plantedearthdesign.com/>

PROJECT DATA ADDRESS:8455 BUCKINGHAM DRIVE, EL CERRITO, CA 94530 OWNER:VINOD VALLOPPILLIL AND ALPANA SONI PHONE NUMBER:650-315-4708 APN:505181024	SONI-VALLOPPILLIL RESIDENCE PROPOSED SITE PLAN SCALE: 1/16" = 1'-0"			GENERAL NOTES 1. CODE COMPLIANCE: THE CONTRACTOR SHALL COMPLETE ALL WORK IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS. 2. PERMITS: THE CONTRACTOR SHALL ADVISE THE HOMEOWNER WHEN PERMITTING IS REQUIRED FOR WORK NEEDED TO PRODUCE THE DESIGN. IF PERMITS ARE TO BE ACQUIRED, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PRESENT DRAWINGS AS NEEDED TO OBTAIN NECESSARY PERMITS. DRAWINGS ARE TO BE PRODUCED BY THE LANDSCAPE ARCHITECT. 3. INSPECTIONS: ALL INSPECTIONS ARE TO BE SCHEDULED, COORDINATED, AND ATTENDED AS NECESSARY BY THE CONTRACTOR. 4. ACCESS: CONTRACTOR MUST MAINTAIN CLEAN SAFE ACCESS TO THE SITE AT ALL TIMES. SLOPES, TRENCHES AND OTHER HAZARDOUS CONDITIONS SHOULD BE PROTECTED WITH CAUTION TAPE AS NEEDED TO PREVENT INJURIES. DEBRIS SHALL BE REMOVED FROM THE SITE IN A TIMELY MANNER. JOB SITE IS TO BE KEPT CLEAN AND SAFE. 5. DISCREPANCIES: THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY INFORMING THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES NOTED ON THE DRAWINGS PRIOR TO PROCEEDING WITH THE WORK. THE DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE GOVERNED BY THE DIMENSIONS SHOWN ON THE DRAWINGS. 6. UTILITIES: ALL COORDINATION WITH PUBLIC UTILITY COMPANIES, PUBLIC WORKS DEPARTMENT AND SUBCONTRACTORS, IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL NOTIFY THE OCCUPANT OF THE DWELLING OF ANY SCHEDULED INTERRUPTION OF UTILITY SERVICE 48 HRS IN ADVANCE. THE CONTRACTOR WILL CONTACT UTILITIES REGARDING UNDERGROUND LOCATION SERVICE PRIOR TO EXCAVATION. ANY DAMAGE TO UNDERGROUND UTILITIES MUST BE REPORTED IMMEDIATELY. 7. DETAILS: THE CONTRACTOR IS TO COMPLY WITH ALL DETAILS AND SPECIFICATIONS SHOWN ON THE PLANS. DETAILS OF CONSTRUCTION NOT INDICATED OR NOTED SHALL BE CONSIDERED OF THE SAME CHARACTER SHOWN FOR SIMILAR OR EXISTING CONSTRUCTION. IF UNSURE ABOUT A DETAIL THE CONTRACTOR SHOULD CONTACT THE LANDSCAPE ARCHITECT. 8. SURVEY: UNLESS SPECIFICALLY NOTED, THIS DRAWING DOES NOT REPRESENT A PROPERTY SURVEY. PROPERTY LINES AND TOPOGRAPHY HAVE BEEN PLOTTED FOR INFORMATIONAL PURPOSES ONLY AND ARE APPROXIMATE. 9. LICENSING: THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY LICENSES AND INSURANCE, INCLUDING LIABILITY INSURANCE AND WORKERS COMPENSATION INSURANCE FOR ALL EMPLOYEES AND SUBCONTRACTORS NEEDED TO COMPLETE WORK. 10. STAKING: THE CONTRACTOR SHALL STAKE THE LAYOUT OF ALL PAVING AREAS, STEPS, FORM WORK, WALLS, AND FENCES POSTS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. 11. INSPECTIONS/ARCHITECT: CONTRACTOR SHALL PROVIDE 48 HOUR ADVANCE NOTICE TO THE LANDSCAPE ARCHITECT FOR REQUESTED INSPECTIONS AND MEETINGS. 12. SLEEVING: THE CONTRACTOR SHALL PROVIDE SLEEVING UNDER WALLS AND PAVING AREAS FOR IRRIGATION, ELECTRICAL, AND DRAINAGE LINES AS NEEDED. A MINIMUM OF ONE 3"SLEEVE MUST BE PROVIDED BENEATH ALL HARDSCAPE STRUCTURES AND SLABS. 13. PLANTING: THE LANDSCAPE ARCHITECT WILL PROVIDE THE PLANTS TO THE LANDSCAPE CONTRACTOR UNLESS OTHERWISE NOTED. 14. EARTHWORK: IN CASES WHERE EXCAVATION IS REQUIRED, SCRAPE TOP SOIL FIRST AND STOCKPILE ON SITE. LOWER SOIL HORIZONS TO BE USED AS FILL ONLY, UNLESS AMENDMENT IS APPROVED BY LANDSCAPE ARCHITECT. STOCKPILED TOP SOIL ONLY TO BE USED IN PLANTING AREAS FOR FINISH GRADING. 15. EQUIPMENT: THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL EQUIPMENT AND FACILITIES ON THE JOB SITE. 16. WORK HOURS: ALL WORK IS TO BE PERFORMED WITHIN THE CITY RESTRICTIONS FOR START AND QUIT TIMES. IF ALLOWED BY THE CITY, PERMISSION TO WORK ON SATURDAY OR SUNDAY MUST BE GRANTED BY THE HOMEOWNER 24 HRS IN ADVANCE.
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PROJECT TITLE

SONI-VALLOPPILLIL
RESIDENCE
8455 BUCKINGHAM DRIVE,
EL CERRITO, CA ZIP 94530

DRAWING NAME

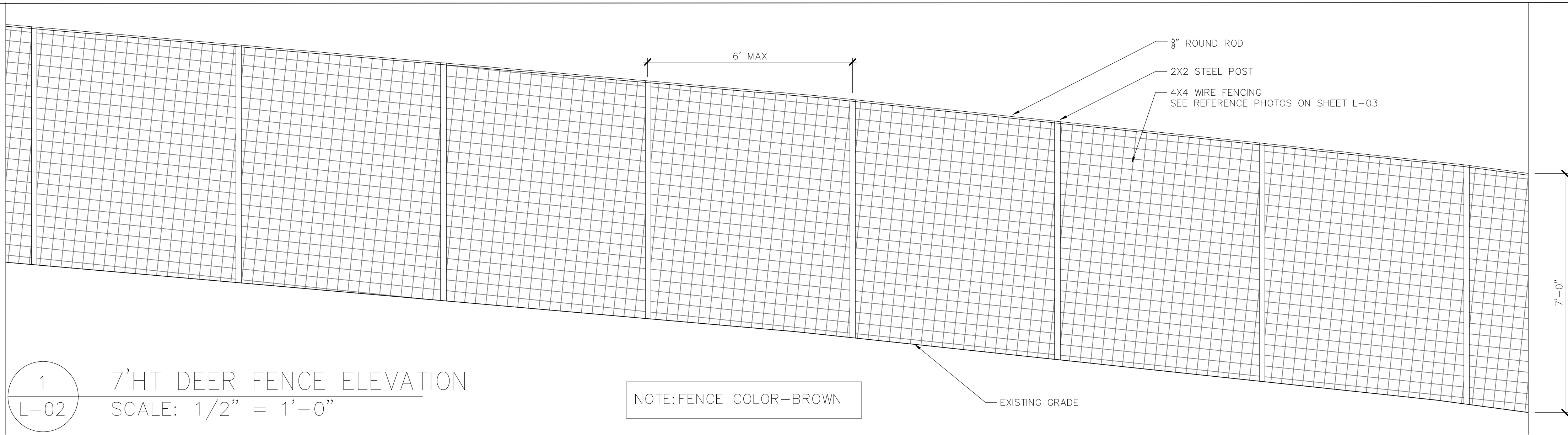
SURVEY

DRAWING NUMBER

L-01

SCALE: AS NOTED

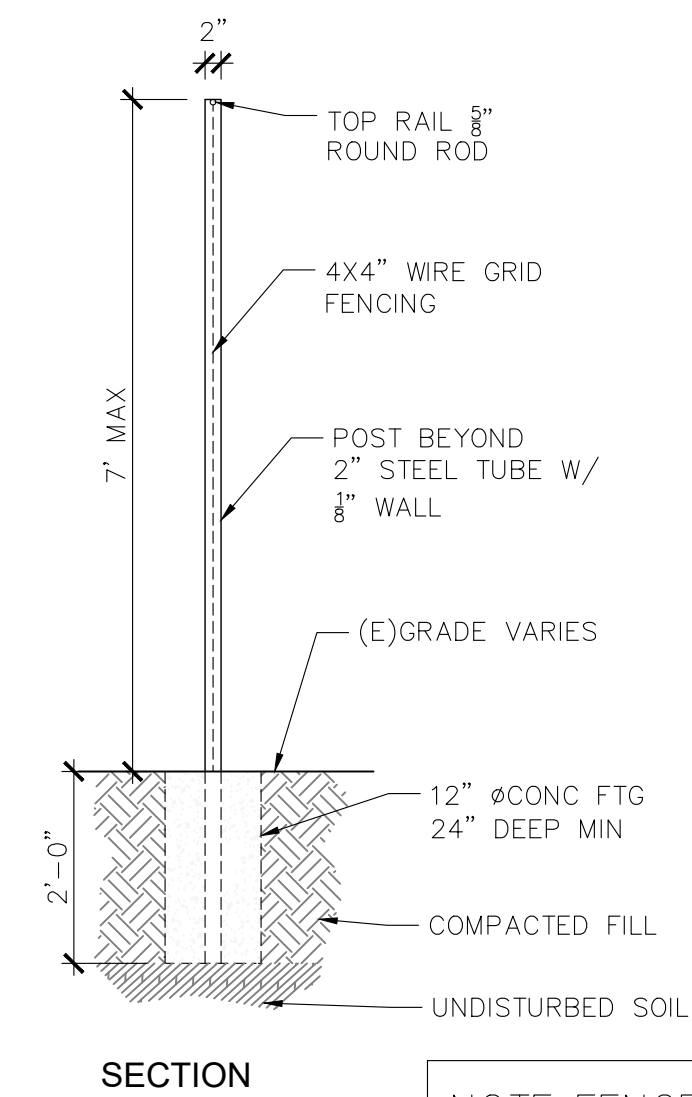
DATE: 03.26.2024



1
L-02 7'HT DEER FENCE ELEVATION
SCALE: 1/2" = 1'-0"

NOTE:FENCE COLOR-BROWN

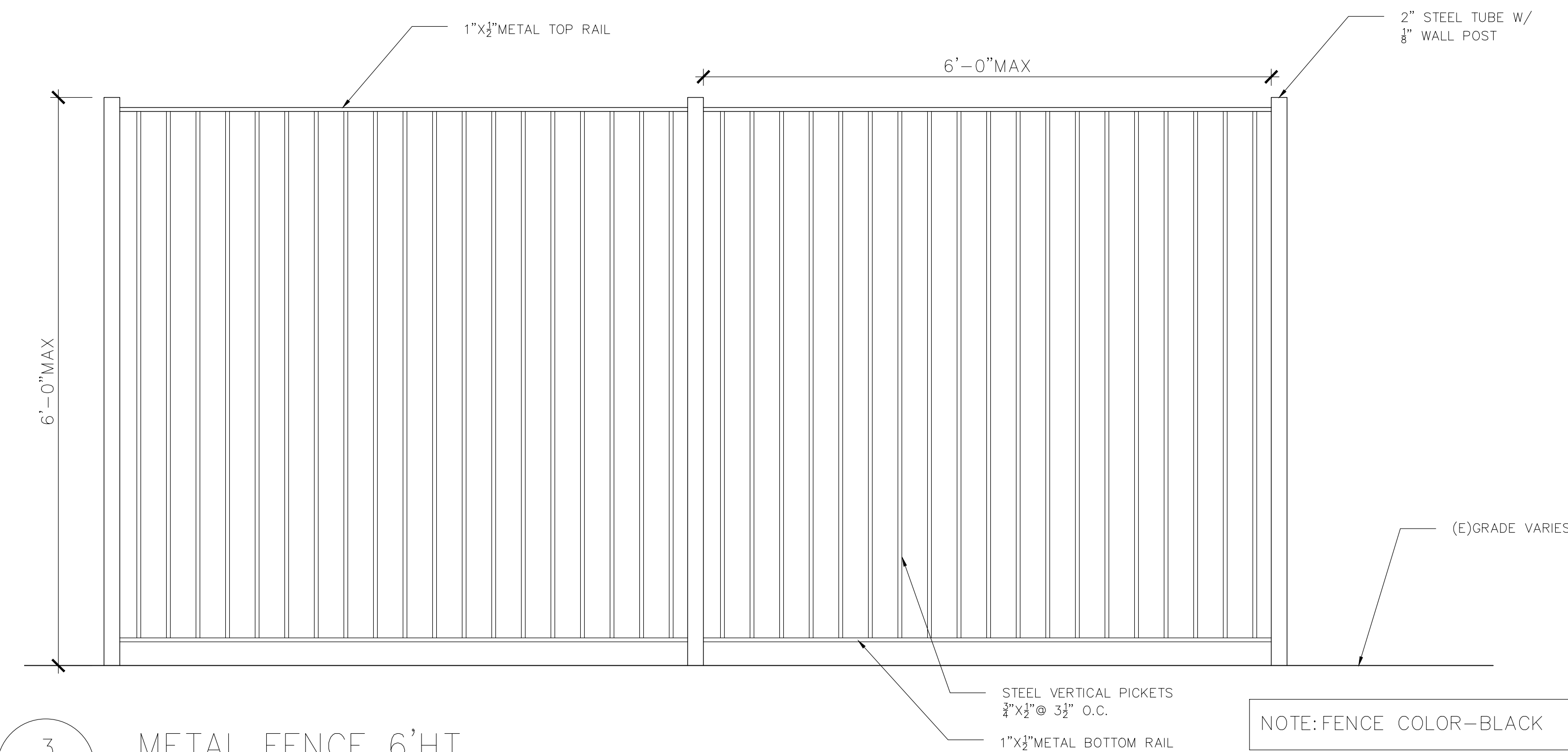
EXISTING GRADE



SECTION

NOTE:FENCE COLOR-BROWN

2
L-02 DEER FENCE SECTION
SCALE: 1/2" = 1'-0"

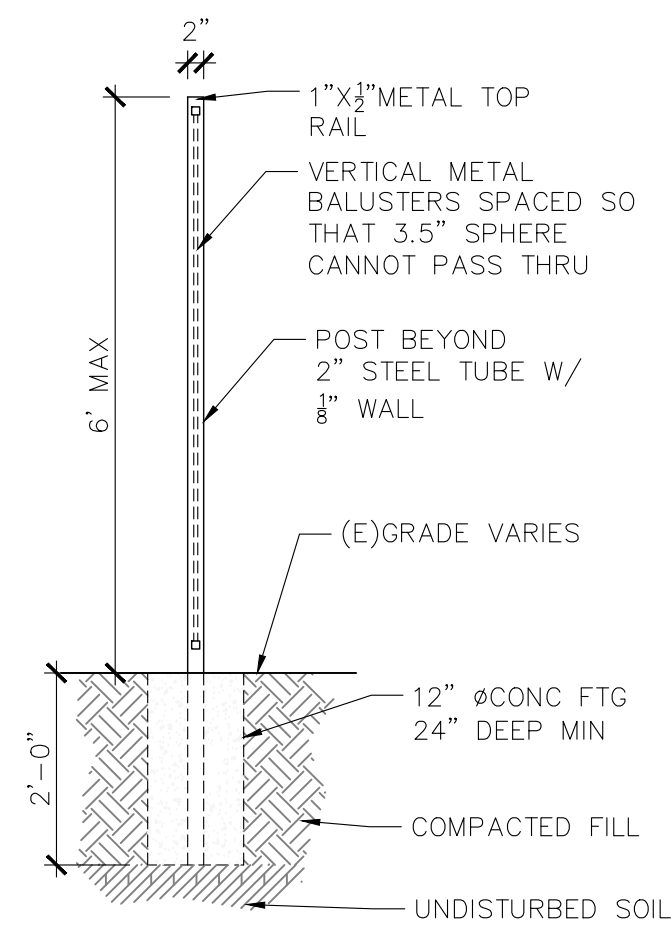


3
L-02 METAL FENCE 6'HT
SCALE: 1" = 1'-0"

STEEL VERTICAL PICKETS
1/2"x1/2" @ 3 1/2" O.C.
1"x1/2" METAL BOTTOM RAIL

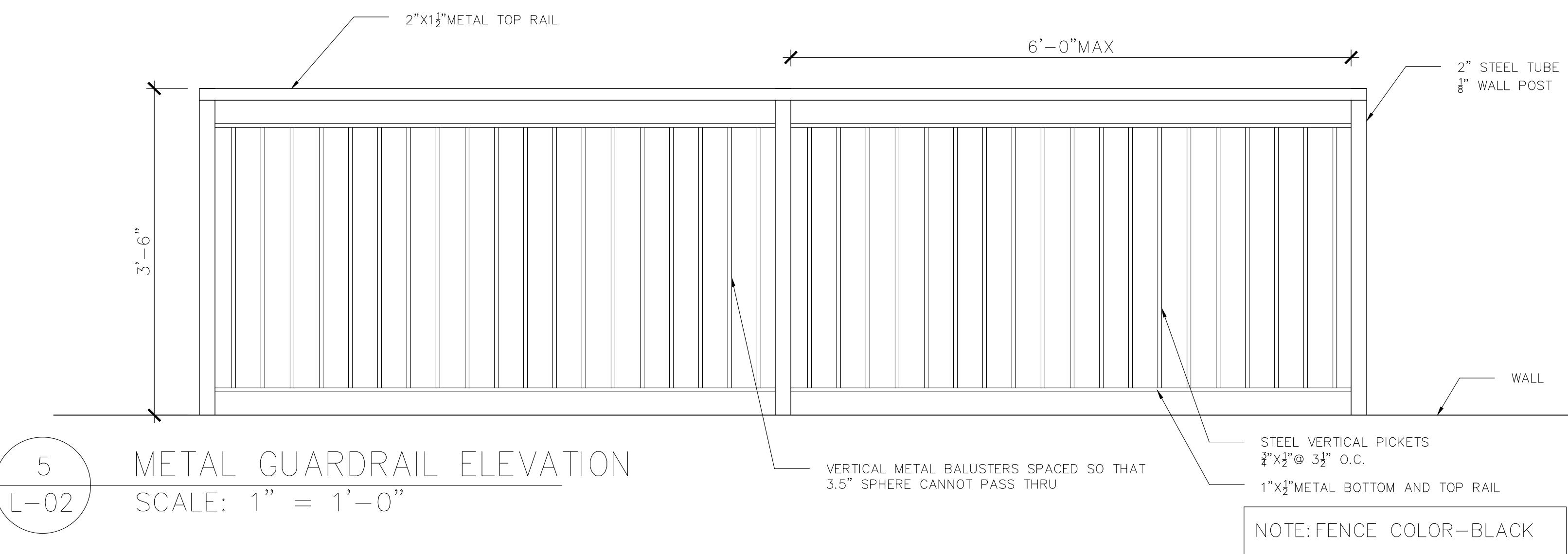
NOTE:FENCE COLOR-BLACK

(E)GRADE VARIES



NOTE:FENCE COLOR-BLACK

4
L-02 METAL FENCE SECTION
SCALE: 1/2" = 1'-0"



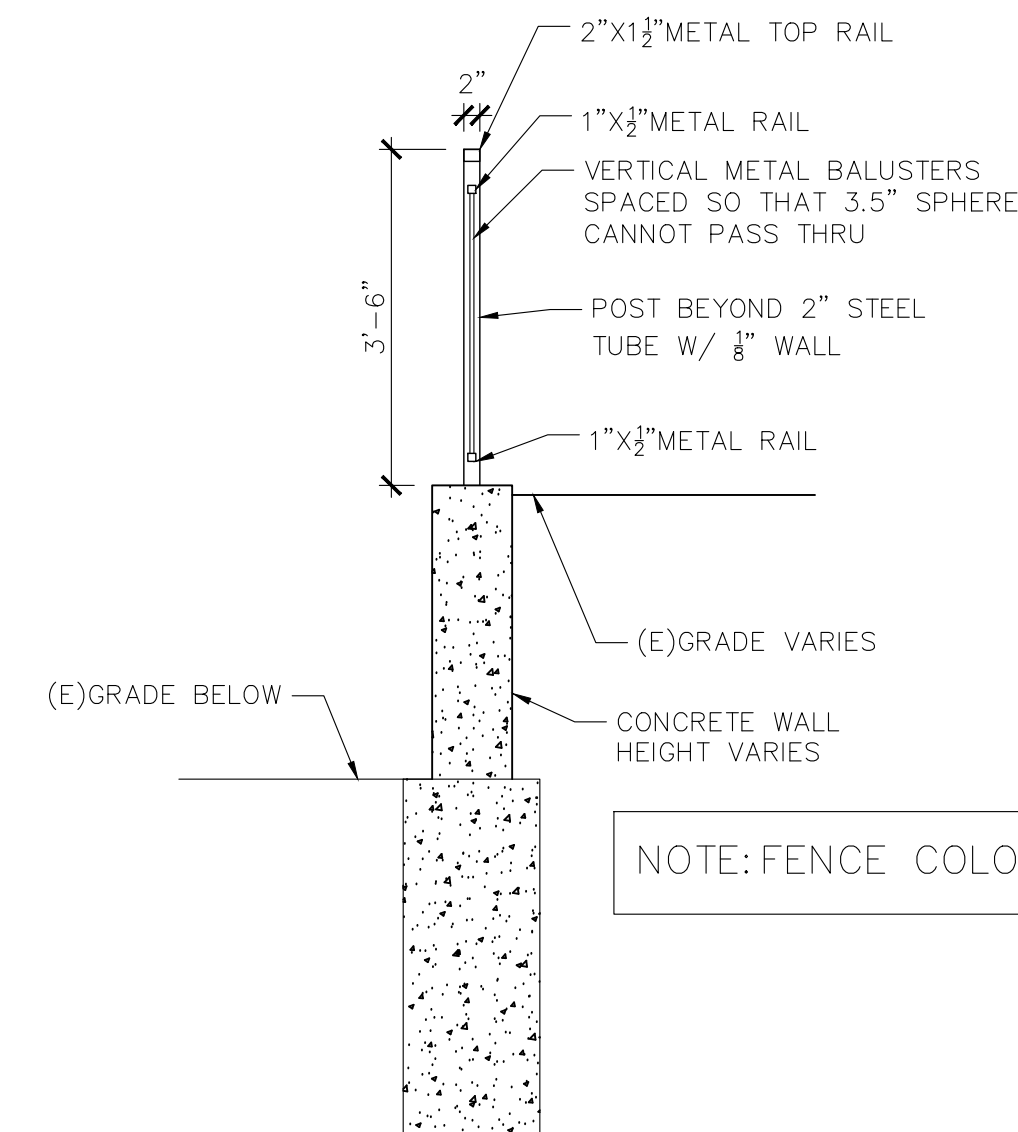
5
L-02 METAL GUARDRAIL ELEVATION
SCALE: 1" = 1'-0"

VERTICAL METAL BALUSTERS SPACED SO THAT
3.5" SPHERE CANNOT PASS THRU

STEEL VERTICAL PICKETS
1/2"x1/2" @ 3 1/2" O.C.
1"x1/2" METAL BOTTOM AND TOP RAIL

NOTE:FENCE COLOR-BLACK

WALL



NOTE:FENCE COLOR-BLACK

6
L-02 METAL GUARDRAIL SECTION
SCALE: 1/2" = 1'-0"



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SEAL

PROJECT TITLE

SONI-VALLOPILLIL
RESIDENCE
8455 BUCKINGHAM DRIVE,
EL CERRITO, CA ZIP 94530

DRAWING NAME

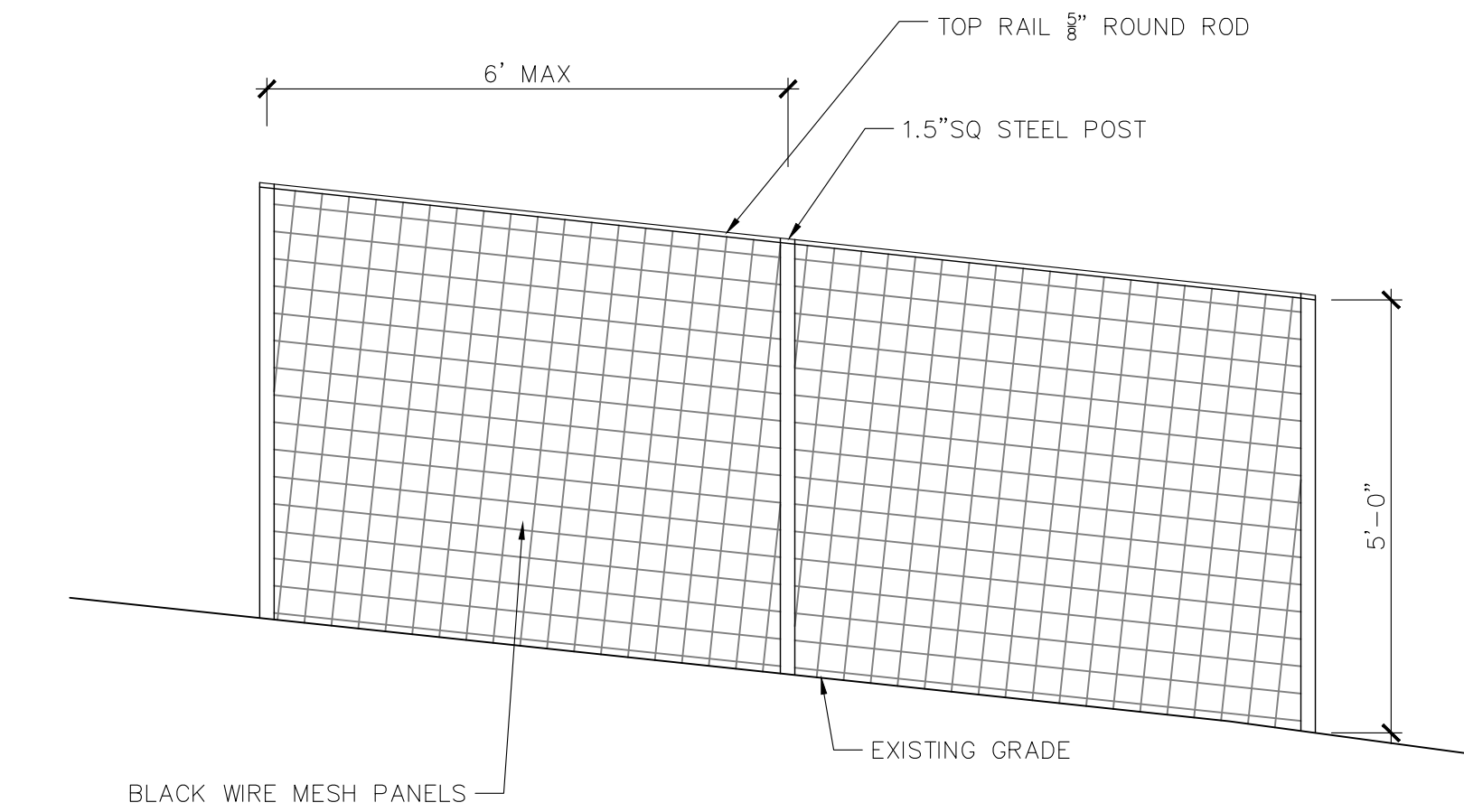
DETAILS

DRAWING NUMBER

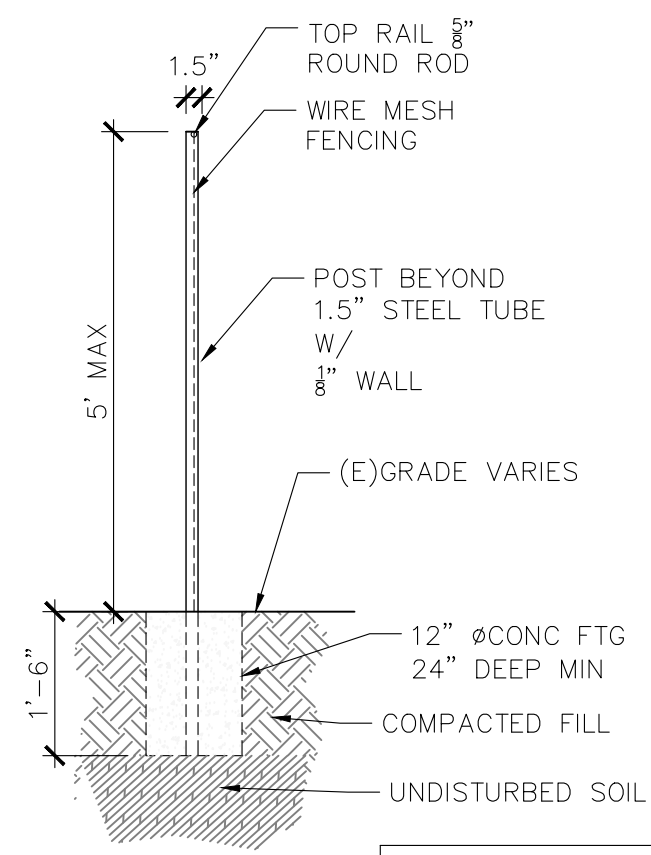
L-02

SCALE: AS NOTED

DATE: 05.10.2024



1 WIRE FENCE 5'HT ELEVATION
L-02.1 SCALE: 1/2" = 1'-0"

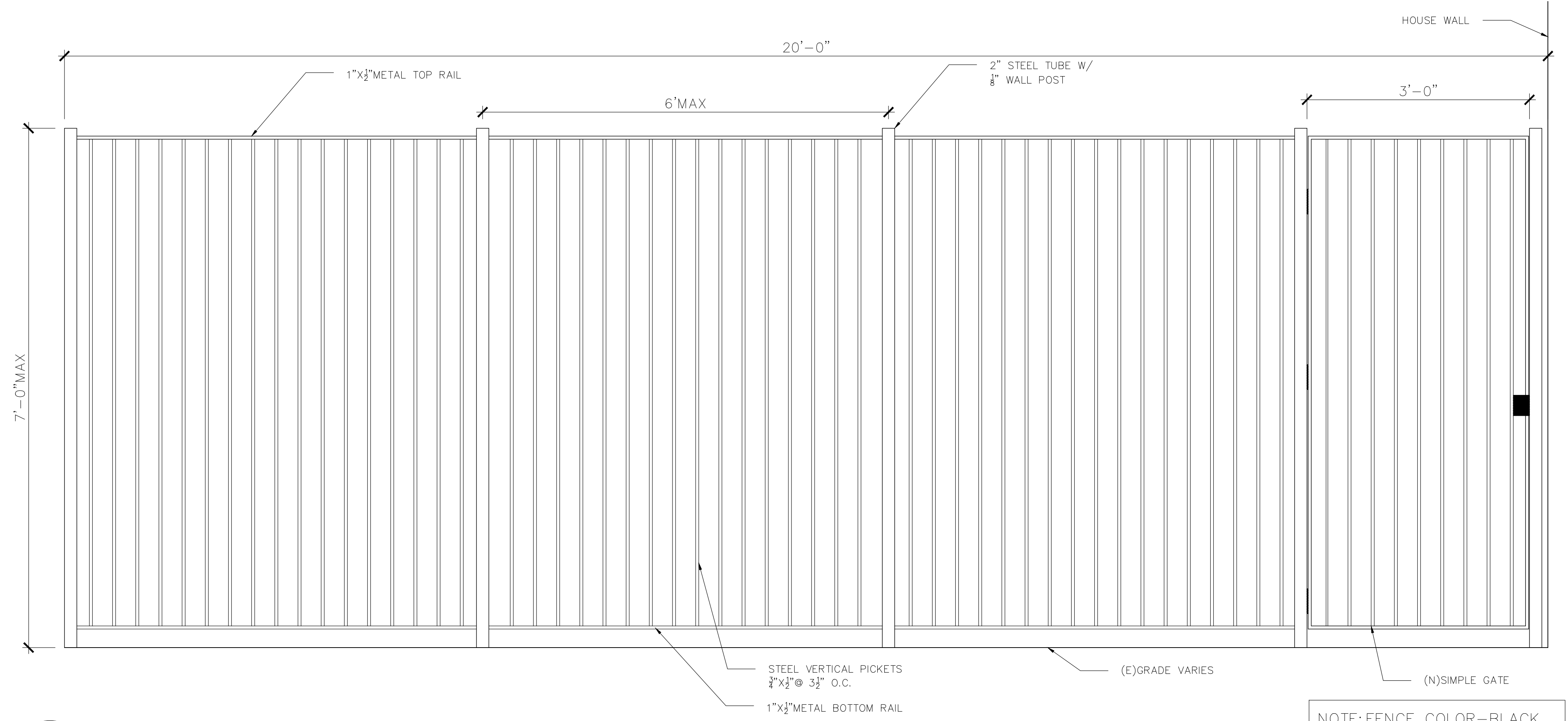


SECTION NOTE: FENCE COLOR-BLACK

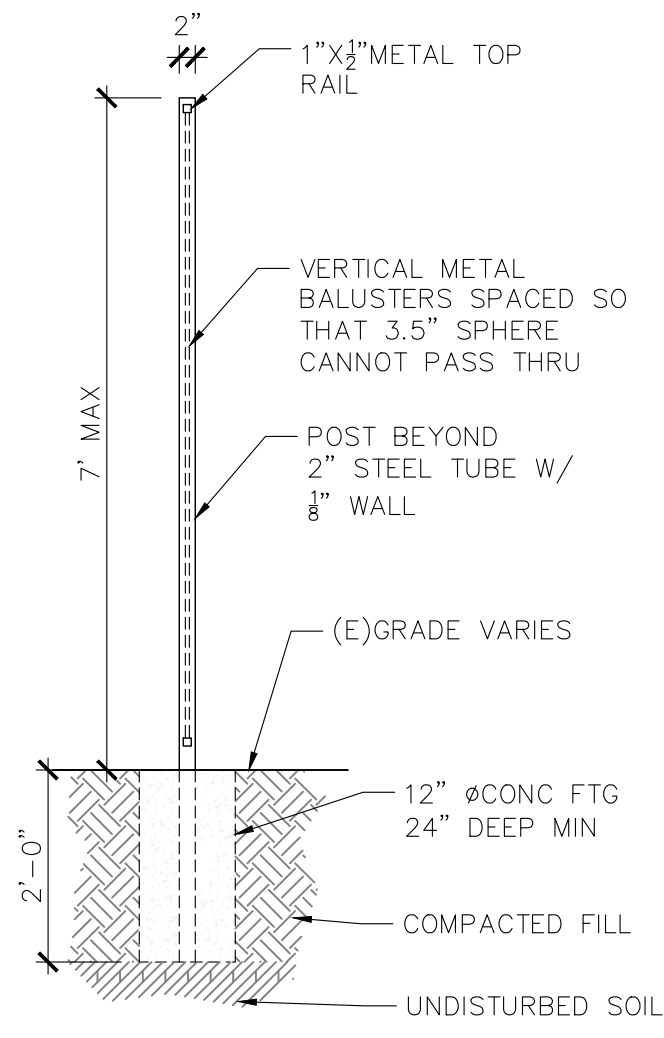


REFERENCE PHOTOS FOR WIRE FENCE

2 WIRE FENCE SECTION
L-02.1 SCALE: 1/2" = 1'-0"



3 METAL (DEER) FENCE 7'HT ELEVATION
L-02.1 SCALE: 1" = 1'-0"



NOTE: FENCE COLOR-BLACK

4 METAL FENCE SECTION
L-02.1 SCALE: 1/2" = 1'-0"



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SEAL

PROJECT TITLE

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8455 BUCKINGHAM DRIVE,
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DRAWING NAME

DETAILS

DRAWING NUMBER

L-02.1

SCALE: AS NOTED

DATE: 05.10.2024



EXISTING FENCE ALONG BREWSTER DRIVE



PROPOSED FENCE ALONG BREWSTER DRIVE



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SEAL

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8455 BUCKINGHAM DRIVE,
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DRAWING NAME

PHOTOS

DRAWING NUMBER

L-03

SCALE: AS NOTED

DATE: 05.10.2024