



Community Development Department

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.
Wednesday, December 17, 2014
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Andrea Lucas; Commissioners: Carla Hansen, Michael Iswalt, Bill Kuhlman, Lisa Motoyama and Tim Pine.

1. Comments from the Public

(Each speaker is limited to a maximum of 3 minutes.)

2. Approval of Minutes

Approval of the November 19, 2014 and the December 4, 2014 meeting minutes.

3. 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.

4. Public Hearing - 3217 Yosemite Daycare Parking Exception

Application: PL14-0162

Applicant: Tsering Yangchen

Location: 3217 Yosemite

Zoning: RM (Multi Family Residential)

General Plan: High Density Residential

APN: 510-022-007

Request: Planning Commission consideration of a Conditional Use Permit to allow an exception to the required off-street parking for a Large Family Daycare (19.20.110.M, EMMC)

CEQA: Section 15301 – Class 1 Existing Facilities.

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

10890 San Pablo Avenue, El Cerrito, CA 94530 Tel: (510) 215-4330

E-mail: smoss@ci.el-cerrito.ca.us

5. Public Hearing - Tobacco Retail License Program

Applicant: City of El Cerrito
Location: Citywide
APN: Citywide
Request: Planning Commission consideration of a recommendation to the City Council regarding an ordinance and appropriate amendments to various Sections of Title 19 (Zoning Ordinance) to further the goals of curbing underage smoking in the City of El Cerrito.

6. Staff Communications

7. Adjournment

Appeals:

A decision of the Planning Commission may be appealed to the City Council, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of an appeal fee of \$339 with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division office located at 10890 San Pablo Avenue during normal business hours.



Community Development Department

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.
Wednesday, November 19, 2014
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Andrea Lucas; Commissioners: Carla Hansen, Michael Iswalt, Bill Kuhlman, Lisa Motoyama and Tim Pine.

1. Council/Staff Liaison Announcements and Reports

Councilmember Friedman reported on recent City Council matters including the recent election, the Park and Recreation Committee Work Plan and the possibility of joining Marin Clean Energy.

2. Comments from the Public

No comments were received.

3. Approval of Minutes

Motion to approve the October 15, 2014 meeting minutes: Kuhlman, 2nd: Motoyama.

Vote:

Ayes: Iswalt, Kuhlman, Motoyama, Pine

Noes: None

Abstain: Hansen, Lucas

Absent: None

4. Commissioner Communication/Conflict of Interest Disclosure

Nothing was reported.

5. Public Hearing - AT&T DAS Node

Application: PL14-0108

Applicant: New Cingular Wireless PCS, LLC

Location: Public right-of-way near 7687 Stockton Avenue

APN: Public Right-of-Way

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City of El Cerrito
Planning Commission Meeting Minutes

Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit for a wireless telecommunications facility mounted to an existing utility pole in the public right-of-way near 7687 Stockton Avenue.
CEQA: Categorically Exempt, Section 15303 – Class 3, New Construction or Conversion of Small Structures.

Senior Planner Sean Moss presented the staff report and answered questions from the Commission.

Marc Grabisch of AT&T addressed the Commission and answered questions.

The public hearing was opened.

David Green of 910 Seaview Dr addressed the Commission.
Mark Grabisch of AT&T answered a question from the Commission.
Nick Arzio of 10026 San Pablo Ave addressed the Commission.

The public hearing was closed.

Motion to approve a Conditional Use Permit for a wireless telecommunications facility mounted to an existing utility pole in the public right-of-way near 7687 Stockton Avenue: Pine, 2nd: Kuhlman.

Vote:

Ayes: Iswalt, Hansen, Kuhlman, Lucas, Motoyama, Pine

Noes: None

Abstain: None

Absent: None

6. Zoning Text Amendments

Applicant: City of El Cerrito

Location: Citywide

APN: Citywide

Request: Planning Commission consideration of a recommendation of an ordinance and corresponding Zoning Text Amendments to the El Cerrito Municipal Code (Zoning Ordinance) Section 19.47 Terms and Definitions. The following three definitions are proposed to be modified: Supportive Housing, Transitional Housing and Lot Line Types. The purpose of the first two amendments is to ensure consistency between the Zoning Ordinance and state law. The purpose of the third amendment is to allow the Zoning Officer the authority to make determinations as to front, rear and side yards on a case by case basis.

CEQA: The project is categorically exempt from review under CEQA pursuant to Section 15061(b)(3), Review for Exemption (General Rule Exemption), because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Development Services Manager, Margaret Kavanaugh-Lynch presented the staff report and answered questions from the Commission.
Housing Program Manager Hilde Myall answered questions from the Commission.

The public hearing was opened.

Nick Arzio of 11026 San Pablo Ave addressed the Commission.

The public hearing was closed.

Motion to recommend to the City Council approval of an ordinance and corresponding Zoning Text Amendments to the El Cerrito Municipal Code (Zoning Ordinance) Section 19.47 Terms and Definitions: Kuhlman, 2nd: Hansen.

Vote:

Ayes: Iswalt, Hansen, Kuhlman, Lucas, Motoyama, Pine

Noes: None

Abstain: None

Absent: None

7. Study Session - Tobacco Retail License Program

Applicant: City of El Cerrito

Location: Citywide

APN: Citywide

Request: A study session on an ordinance as well as appropriate amendments to various Sections of Title 19 (Zoning Ordinance) to further the goals of curbing underage smoking in the City of El Cerrito.

Community Outreach Specialist, Suzanne Iarla presented the staff report and answered questions from the Commission

The public hearing was opened.

The following members of the public addressed the Commission:

Alexandra Nelson, American Lung Association in California

Tom Panas, 7345 Fairmount Ave

Mary Jaccodine, Contra Costa Tobacco Prevention Coalition

Denice Dennis, Contra Costa Tobacco Prevention Project

Bhupinder Dhindsa

Nick Arzio, 10026 San Pablo Ave

The public hearing was closed.

The Planning Commission provided input to staff regarding the level and type of regulations on tobacco sales that would be appropriate for a Tobacco Retailer License program in El Cerrito.

8. Staff Communications

Staff updated the Commission regarding the Housing Element update, and a planned disaster preparedness drill.

9. Adjournment
10:15 p.m.

DRAFT



Community Development Department

MINUTES

SPECIAL MEETING OF THE PLANNING COMMISSION

7:30 p.m.
Thursday, December 4, 2014
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Andrea Lucas; Commissioners: Carla Hansen, Michael Iswalt, Bill Kuhlman, Lisa Motoyama and Tim Pine.

1. Comments from the Public

Baker Lyon of Resources for Community Development addressed the Commission regarding the Ohlone Gardens project.

2. Commissioner Communication/Conflict of Interest Disclosure

Commissioner Iswalt disclosed that his spouse submitted a comment letter regarding the Housing Element.

3. Study Session - Draft 2015-2023 Housing Element Update

Applicant: City of El Cerrito, Community Development Department
Location: Citywide
Request: A Planning Commission study session of the Draft 2015-2023 Housing Element.

Housing Program Manager, Hilde Myall presented the staff report and answered questions from the Commission.

The following members of the public addressed the Commission:

BJ Thorsnes, 608 Everett St
Woody Karp, Eden Housing
Anne Hersch, 5611 MacDonald Ave
Tom Panas, 7345 Fairmount Ave
Nick Arzio, 10026 San Pablo Ave
Jeffrey Levin, 1504 Lexington Ave, East Bay Housing Organizations

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City of El Cerrito
Planning Commission Meeting Minutes

Howdy Goudey, 635 Elm St
Baker Lyon, Resources for Community Development
Nick Galloro, 646 Lexington Ave

The Commission gave staff input on the Draft Housing Element. The Commission suggested that City staff evaluate the possibility of changing the parking requirement for accessory living units and of implementing voluntary residential design guidelines.

Motion to recommend that the City Council authorize submittal of the Draft Housing Element to the State Department of Housing and Community Development (HCD) for State-level review as required per Government Code Section 65300: Kuhlman, 2nd: Pine.

Vote:

Ayes: Hansen, Iswalt, Kuhlman, Lucas, Motoyama, Pine

Noes: None

Abstain: None

Absent: None

4. Staff Communications

Staff announced that the Planning Commission will present their annual work plan to the City Council on February 3. Staff updated the Commission regarding changes on the City Council and upcoming agenda items.

5. Adjournment

9:38 p.m.



Community Development Department - Planning Division
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 - FAX: (510) 233-5401
planning@ci.el-cerrito.ca.us

PLANNING COMMISSION STAFF REPORT
Meeting Date: December 17, 2014

I. SUBJECT

Application: PL14-0162
Applicant: Tsering Yangchen
Location: 3217 Yosemite Avenue
APN: 510-022-007
Zoning: RM (Multi-Family Residential)
General Plan: High Density Residential
Request: Planning Commission consideration of a Conditional Use Permit to allow an exception to the required off-street parking for a Large Family Daycare (19.20.110.M, EMMC)
CEQA: Categorically Exempt, Section 15301 – Class 1 Existing Facilities.

II. BACKGROUND

The house at 3217 Yosemite was built in 1938. The 835 square foot house sits on a 4,256 square foot trapezoidal lot. The front property line is the shortest and the lot widens as it gets further from the street. The property has approximately 24 feet of street frontage and the lot widens to over 56 feet at the rear property line. The house has an existing one-car garage with a driveway of approximately 15'-5". The property lies within the RM (Multi Family Residential) Zoning District. The surrounding area contains mainly multi-family apartment buildings. However, one additional single family residence exists on the same block of Yosemite Avenue, directly adjacent to the project site.

The property owner currently operates a Small Family Daycare called Green Daycare on the project site. The State of California permits a daycare operator to care for up to 8 children with a Small Family Daycare license. The property owner wishes to upgrade her State daycare license to a Large Family Daycare. This would allow her to care for up to 12 children. State law requires that municipalities allow small family daycare facilities by right where residential uses are allowed. Municipalities must also allow large family daycare, but may place requirements on these uses to ensure that they do not negatively impact the surrounding neighborhood.

III. DISCUSSION

Section 19.20.110 of the El Cerrito Zoning Ordinance contains the required standards for Large Family Daycare homes. The Zoning Ordinance contains standards for separation between Large Family Daycare facilities, hours of operation, parking and traffic. Staff reviewed the application with the applicant and determined that the project met all requirements for Large Family Daycares except the provision of off-street parking. Pursuant to Section 19.20.110.F.2, Large Family Daycares are required to provide three off-street parking spaces. The three required spaces may include parking spaces which already satisfy the requirements for residential parking (parking spaces in an existing garage, for example) and one space may be uncovered and may be in tandem with the other parking. This means that an existing single family home with a two-car garage and a driveway of at least 18 feet in length would meet parking requirement for Large Family Daycares. The project, therefore, requires a reduction of the required parking by two spaces. Pursuant to Section 19.20.110.M, exceptions to the required off-street parking are allowed with a Conditional Use Permit.

The applicant has stated in her project description that most of the children in her daycare live nearby and many walk to the daycare. On the website for Green Daycare (<http://www.green-daycare.com>), the applicant promotes the close proximity of the daycare to the El Cerrito Plaza BART station (less than 0.5 mile). This proximity presents an opportunity for clients to arrive by BART. It does not appear that clients currently overburden parking nor are future clients expected to. Staff has not received any complaints regarding pick-up and drop-off or parking impacts related to the existing Small Family Daycare. The off-street parking requirement in the Zoning Ordinance is most likely intended to address staff parking. Large Family Daycare licenses do require additional staff in order to care for the increased number of children. The applicant has stated that her husband and children currently assist her with the business. Since they all reside in the residence, this does not require parking beyond the normal, residential off-parking. If one additional staff member is hired, one parking space may be needed for this staff member. City staff visited the site twice during the typical morning drop-off time and once during the typical evening drop-off time and in all instances, there were available on-street parking spaces available in close proximity to the subject site. Staff does not expect that the project will impact the availability of on-street parking in the nearby area.

IV. FINDINGS

The Planning Commission must make the following findings as outlined in Section 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 location in a residential zoning district is appropriate for a home daycare. The project will not expand or modify the existing home. The project is not expected to impact the availability of on-street parking or impact the surrounding area in other ways.

- 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 will provide additional daycare availability for the El Cerrito community, and it will therefore be a functional amenity for the City.

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

The project involves a Large Family Daycare home which is an allowed use in the RM zoning district. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.2: Multi-Family Neighborhoods, LU1.5: Suitable Housing, LU3.1: Commercial/Residential Interaction, LU4.1: Mixture of Uses, LU4.2: Availability of Goods and Services, and CD6: Affordable Commerce. There are no other relevant adopted plans.

V. RECOMMENDATION

Staff recommends approval of Planning Applications PL14-0162 as conditioned by the draft resolution in Attachment 1 approving a Conditional Use Permit to allow an exception to the required off-street parking for a Large Family Daycare (19.20.110.M, ECMC)

Proposed Motion: Move adoption of Planning Commission Resolution PC14-19 approving a Conditional Use Permit to allow an exception to the required off-street parking for a Large Family Daycare (19.20.110.M, ECMC)

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. Plans, dated November 17, 2014

Planning Commission Resolution PC14-19

APPLICATION NO. PL14-0162

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EXCEPTION TO THE REQUIRED OFF-STREET PARKING FOR A LARGE FAMILY DAYCARE AT 3217 YOSEMITE AVENUE.

WHEREAS, on November 17, 2014, the applicant submitted an application requesting a Conditional Use Permit to allow an exception to the required off-street parking for a Large Family Daycare;

WHEREAS, the subject property is located at 3217 Yosemite Avenue;

WHEREAS, the Assessor's Parcel Number of the subject property is 510-022-007;

WHEREAS, the zoning district of the site is RM (Multi Family Residential);

WHEREAS, the general plan land use designation of the site is High Density Residential;

WHEREAS, this project is Categorically Exempt from the provisions of CEQA – Section 15301 Class 1 – Existing Facilities; and

WHEREAS, on December 17, 2014, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The location in a residential zoning district is appropriate for a home daycare. The project will not expand or modify the existing home. The project is not expected to impact the availability of on-street parking or impact the surrounding area in other ways.
2. The proposed project will provide additional daycare availability for the El Cerrito community, and it will therefore be a functional amenity for the City.
3. The project involves a Large Family Daycare home which is an allowed use in the RM zoning district. The proposed project will implement the following policies of the El Cerrito General Plan: LU1.2: Multi-Family Neighborhoods, LU1.5: Suitable Housing, LU3.1: Commercial/Residential Interaction, LU4.1: Mixture of Uses, LU4.2: Availability of Goods and Services, and CD6: Affordable Commerce. There are no other relevant adopted plans.

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. PL14-0162, subject to the following conditions:

Conditions of Approval:

1. The project will be constructed substantially in conformance with the plans dated November 17, 2014. Minor changes may be approved by the Zoning Administrator. All improvements

shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this Conditional Use Permit shall expire two years from the date of this action.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on December 17, 2014 upon motion of Commissioner __, second by Commissioner__:

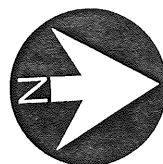
AYES:

NOES:

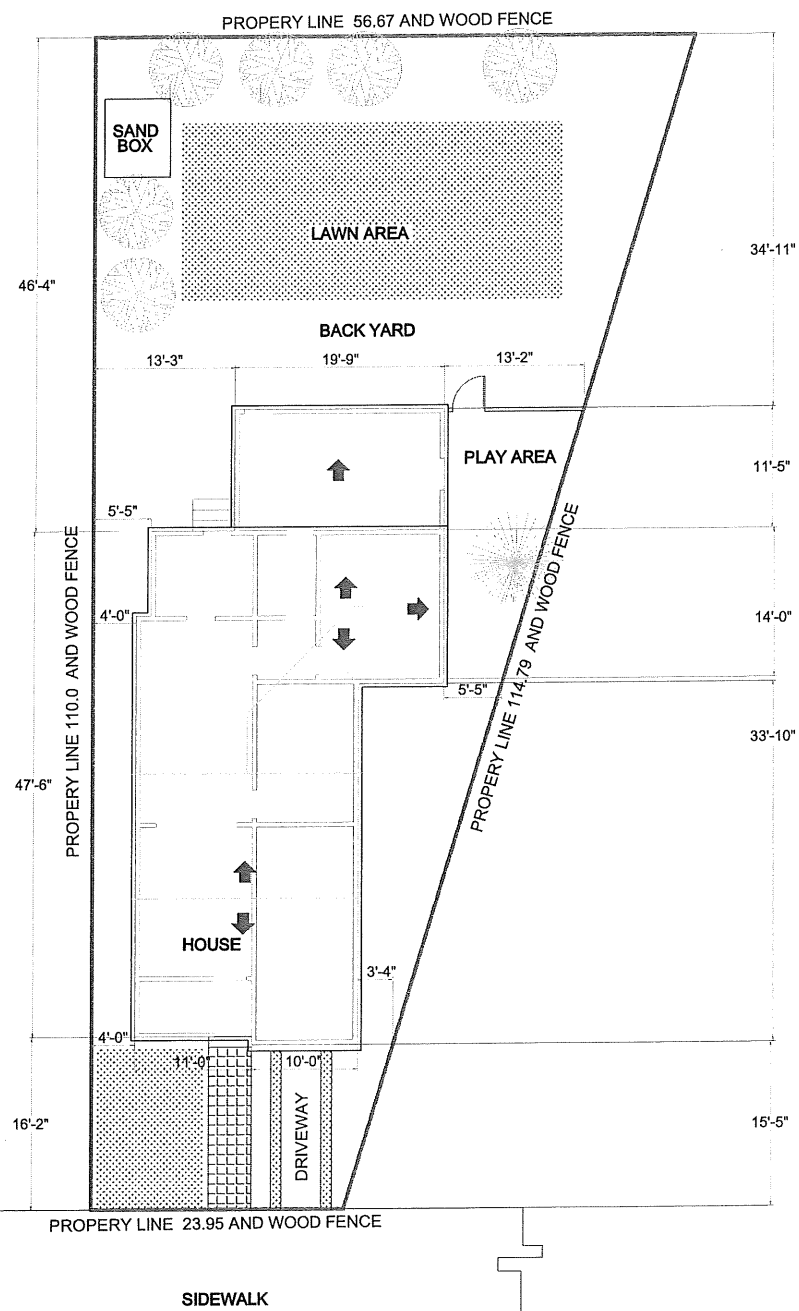
ABSTAIN:

ABSENT:

Sean Moss, AICP
Senior Planner

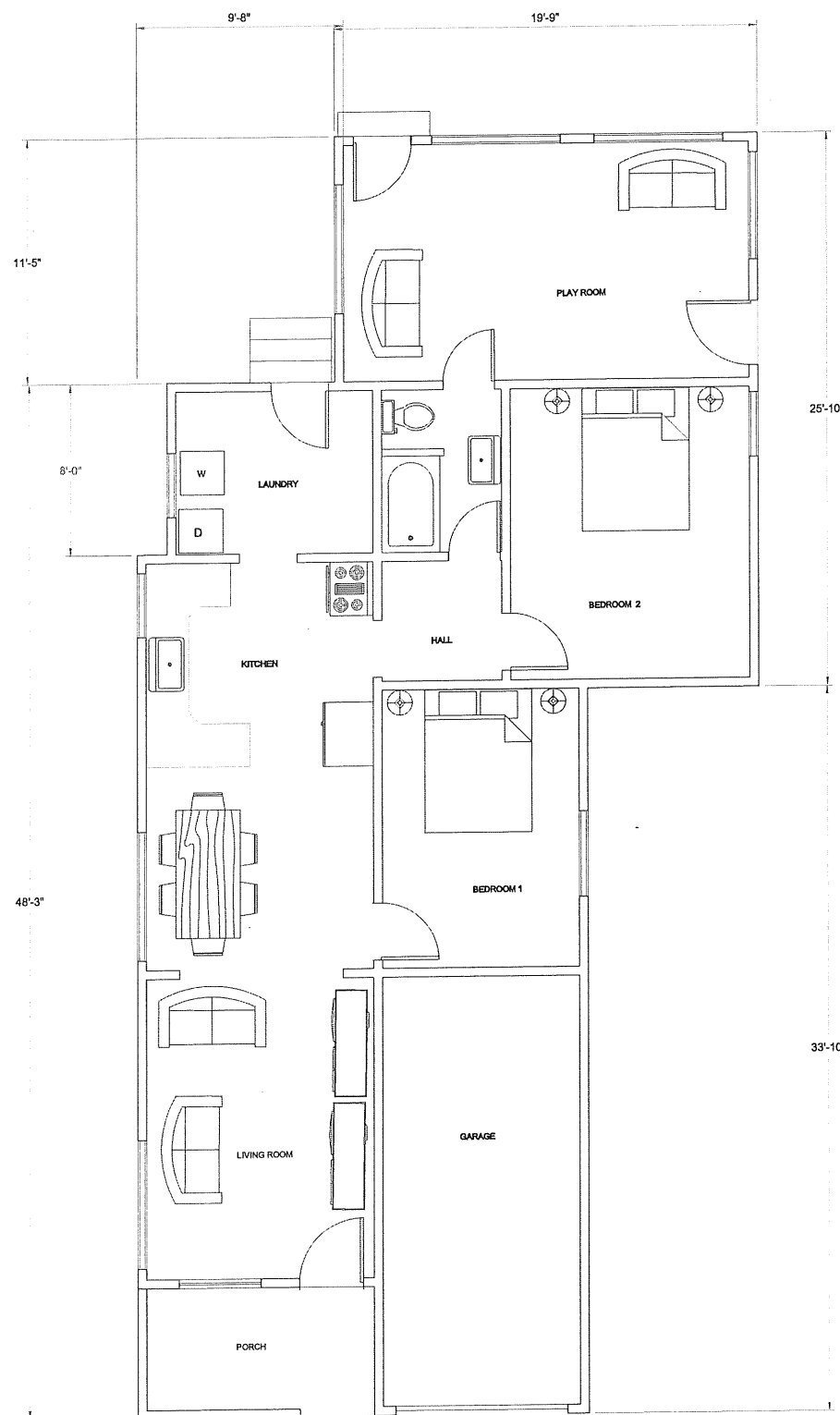


SITE AERIAL VIEW



EXISTING SITE PLAN

SCALE 1/8" = 1'



EXISTING FLOOR PLAN

SCALE 1/4" = 1'

General Notes

GREEN DAYCARE

Project Address:
3217 YOSEMITE AVE
EL CERRITO CA 94530

No.	Revision/Issue	Date

Firm Name and Address
BM RESIDENTIAL
BLUEPRINT & DRAWING,
2619 LOWELL AVE.
RICHMOND, CA 94804.
PHONE (510) 734-2181



Project Name and Address
PROPERTY OWNER
JAMPA DHONDUP
1(510)316-0211

SITE PLAN
FLOOR PLAN

Project	Sheet
Date 11/05/ 2014	A-1
Scale AS SHOWN ON PLAN	



Community Development Department - Planning Division

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PLANNING COMMISSION STAFF REPORT

Meeting Date: December 17, 2014

I. SUBJECT

Applicant: City of El Cerrito

Location: Citywide

Request: Planning Commission – Retail Sales of Tobacco

II. BACKGROUND

Staff has continued the item to further refine the draft ordinance. When this decision was made, staff sent emails and letters to the affected business owners informing them that no action would be taken at this hearing. However, since the hearing has been publically noticed, some interested members of the public may wish to speak regarding the topic at the December meeting. To facilitate receiving public comment in a way that is convenient for all, staff recommends that the public hearing remain open, and anyone wishing to speak on this azenized item be allowed to speak. The public hearing should then be continued to the January meeting, when a full report is anticipated.

IV. RECOMMENDATION

Staff recommends that the Chair note that the public hearing is open, take public testimony, and continue the hearing to the January 20, 2014 Planning Commission Meeting.