



AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.

Wednesday, June 20, 2018

El Cerrito City Hall

Council Chambers

10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call – Chair: Kevin Colin; Commissioners: Brendan Bloom, Greg Crump, Carla Hansen, Andrea Lucas, Leslie Mendez, and Joy Navarrete.

1. Comments from the Public

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

2. Approval of Minutes

Approval of the April 18, 2018 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

A. Conditional Use Permit – 616 Bonnie Drive

Application: PL17-0160

Applicant: Mary Storelli

Location: 616 Bonnie Drive

APN: 504-393-002

Zoning: Single Family Residential (RS-5)

General Plan: Low Density

Request: Planning Commission consideration of a Conditional Use Permit to legalize fence and gate over three feet high in the front set back.

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, 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. Staff Communications

6. 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 the applicable appeal fee 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.



MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.

Wednesday, May 16, 2018

El Cerrito City Hall

Council Chambers

10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call – Chair: Kevin Colin; Commissioners: Brendan Bloom, Greg Crump, Carla Hansen, Andrea Lucas, Leslie Mendez, and Joy Navarrete.

1. Comments from the Public

One person spoke about Item 4A.

2. Approval of Minutes

Motion to approve the April 18, 2018 meeting minutes: Lucas; Second: Hansen.

Vote:

Ayes: Bloom, Colin, Crump, Hansen, Lucas, Mendez, Navarrete

Noes: None

Abstain: None

Absent: None

3. Commissioner Communication/Conflict of Interest Disclosure

Nothing was reported.

4. Adoption of the Consent Calendar (Item 4A)

A. Final Subdivision Map – Creekside Walk/Metro 510

Application: PL16-0156

Applicant: Derek Baak

Location: El Cerrito Plaza

APN: 504-170-022

Zoning: Transit Oriented Higher-Intensity Mixed Use Zone

General Plan: Transit Oriented Higher-Intensity Mixed Use Zone

Request: Planning Commission consideration of a Final Subdivision Map for a one-lot Subdivision for condominium purposes of a 128-unit multi-family residential project located at 510 and 512 El Cerrito Plaza

CEQA: Certified Environmental Impact Report (SCH: 2004032021)

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There was a brief discussion about the issues raised by the speaker regarding this item. Additionally, there was some discussion about the language in Attachment 4 regarding the terms of notification on lease terminations.

Motion to approve the Item 4A, Final Subdivision Map – Creekside Walk/Metro 510: Mendez;
Second: Bloom.

Vote:

Ayes: Bloom, Colin, Crump, Hansen, Mendez, Navarrete

Noes: Lucas

Abstain: None

Absent: None

5. Public Hearing - 7715 Ward Avenue Addition

Application: PL17-0041

Applicant: Jessica Jones

Location: 7715 Ward Avenue

APN: 504-281-005

Zoning: RS-5

General Plan: Low Density Residential

Request: Planning Commission consideration of Conditional Use Permits to allow an addition to a non-conforming structure (19.27.050) and an exception to the main building envelope (19.06.030.D.3)

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

Elizabeth Dunn, Consulting Planner, presented the staff report, and answered questions from the Commission.

Jessica Jones, the applicant, gave a presentation on the project, and answered questions from the Commission.

The public hearing was opened.

There were no speakers.

The public hearing was closed.

Motion to approve the Conditional Use Permits for an addition at 7715 Ward Avenue: Lucas;
Second: Bloom.

Vote:

Ayes: Bloom, Colin, Crump, Hansen, Lucas, Navarrete

Noes: Mendez

Abstain: None

Absent: None

6. Staff Communications

Staff updated the Planning Commission about projects that were approved by Design Review Board in May 2018, and about upcoming projects that the Design Review Board will hear in June 2018.

7. Adjournment
8:35pm

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 the applicable appeal fee 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.)

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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 20, 2018

616 BONNIE DRIVE

DETAILS

Application Number: PL17-0160

Applicant: Mary Storelli

Location: 616 Bonnie Drive

APN: 504-393-002

Zoning: Single Family Residential (RS-5)

General Plan: Low Density

Request: Planning Commission consideration of a Conditional Use Permit to legalize a fence and gate over three feet high in the front set back.

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 is the legalization of an existing fence and retractable gate in the front of the subject property.

Section 19.06.030.U.2.c of the El Cerrito Zoning Ordinance allows the Planning Commission to approve a Conditional Use Permit to allow a maximum 6-foot tall fence in front yards on properties where deer and other animals intrude into the yard on a regular basis.

The applicant has noted that deer are commonly found in her neighborhood.

Based on the information in this report, which supports the required findings, staff recommends approval of the project.

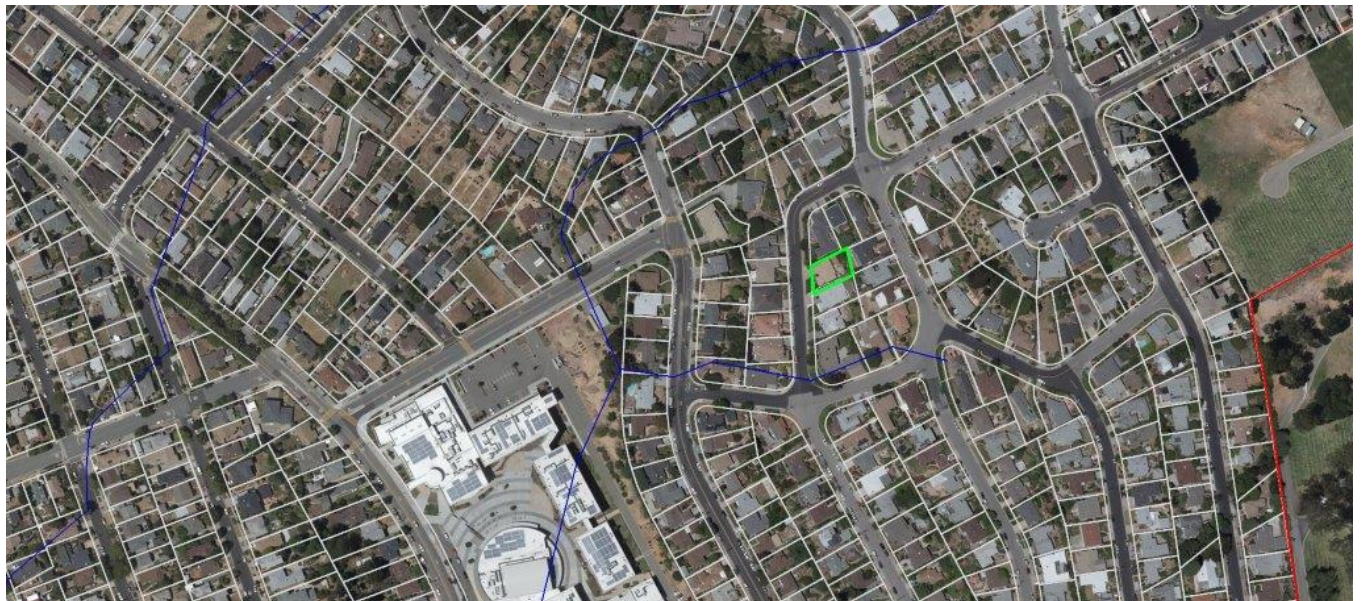
Background

Site Location and Layout

The project site is an approximately 5,214 square foot lot and is located at 616 Bonnie Drive. It is an upsloping lot in the middle of a residential block. The site contains a single family dwelling constructed in 1949.

In October of 2017, the City's Code Enforcement Officer received an anonymous complaint regarding the existence of a fence that was not compliant with the El Cerrito Municipal Code. In November of 2017, the applicant submitted a Conditional Use Permit application to legalize the fence.

Vicinity Map



Site Photo of fence with gate open



Adjacent Land Uses

North: single family dwelling

East: single family dwelling

South: single family dwelling

West: single family dwelling

Analysis

Project Description

The applicant is requesting a Conditional Use Permit to allow a 5.42-foot tall fence in the required front yard. Section 19.06.030.U.2 of the El Cerrito Zoning Ordinance allows the Planning Commission to approve a conditional use permit to allow a maximum 6-foot tall fence in front yards on properties where deer and other animals intrude into the yard on a regular basis. The Zoning Ordinance requires that at least 40 percent of the fence surface area is open and transparent and that no solid portion of the fence above three feet in height is within 10 feet of a driveway or alley.

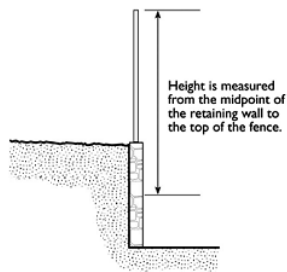
The fence is located on the property's front and side property lines. It is constructed of wood, tubular steel and concrete. The wood lattice segment steps down the slope along the side lot line towards the front of the site. A 34 inch high concrete retaining wall and 48 inch high metal combined fence run along the front of the lot and the metal fence continues along the driveway in the form of a retractable gate.

The metal is painted a sage green color, while the concrete retaining wall has been painted grey. The wood has been stained a natural wood stain. The fence is greater than 40% transparent along the front yard and the solid retaining wall portion does not exceed three feet in height, therefore, the fence design is in compliance with criterion stated in the municipal code.

Measurement of Combined Fences

El Cerrito Municipal Code provides direction for measuring the height of combined fences and retaining walls. When a fence is constructed on top of or within one foot of the face of an above-ground retaining wall, and located in a required yard, the height of the fence shall be measured from the top of the fence to the midpoint height of the retaining wall. When measured using this method, the fence is 5.42 feet in height.

FIGURE 19.03-E: FENCES ON TOP OF RETAINING WALLS



The applicant has informed staff that the fence was built in order to keep deer from entering the yard and eating plants as well as other safety concerns.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times, mailed to owners of property within 300 feet of the project site and posted at the site on April 11, 2018.

As of the writing of this report, no comments have been received by the City.

Environmental Review

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

Required Findings

The Planning Commission must make the following findings as outlined in Section 19.06.030.D.3(a) 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 fence is consistent with the residential neighborhood in which it is proposed. It will not have adverse impacts on surrounding properties, and will make the subject property more livable by providing a deer barrier.

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.*

By acting as a barrier to deer, the proposed fence will provide a convenient living environment. The design of the proposed fence will preserve the pleasant street environment.

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 proposed project is consistent with all requirements of the RS-5 zone in which it is located. The project is consistent with policies LU1.1 Predominant Single-Family Use, LU1.8 Neighborhood Maintenance, LU4.3 Street Frontages, CD1.1 Neighborhood Character, CD3.4 Fencing, and CD4.3 Front Yards of the El Cerrito General Plan. There are no other applicable, adopted plans.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application No. PL17-0160, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

Move adoption of Planning Commission Resolution PC18-07 approving a Conditional Use Permit to legalize fence and gate over three feet high in the front set back located at 616 Bonnie Drive.

Appeal Period

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

Attachments

1. Draft Resolution

Planning Commission Resolution PC18-07

APPLICATION NO. PL17-0160

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO LEGALIZE A FENCE AND GATE OVER THREE FEET HIGH IN THE FRONT SET BACK LOCATED AT 616 BONNIE DRIVE.

WHEREAS, the subject property is located at 616 Bonnie Drive;

WHEREAS, the Assessor's Parcel Number of the site is 504-393-002;

WHEREAS, the site is currently developed with a single family residence that was built in 1949;

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

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

WHEREAS, this project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301: Class1 – Existing Facilities;

WHEREAS, in October of 2017, the Code Enforcement Officer received a complaint of a fence within the front yard setback that was not compliant with El Cerrito Municipal Code;

WHEREAS, in November of 2017, the applicant submitted an application for the Conditional Use Permit; and

WHEREAS, on June 14, 2017, 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 proposed fence is consistent with the residential neighborhood in which it is proposed. It will not have adverse impacts on surrounding properties, and will make the subject property more livable by providing a deer barrier.
2. By acting as a barrier to deer, the proposed fence will provide a convenient living environment. The design of the proposed fence will preserve the pleasant street environment.
3. The proposed project is consistent will all requirements of the RS-5 zone in which it is located. The project is consistent with policies LU1.1 Predominant Single-Family Use, LU1.8 Neighborhood Maintenance, LU4.3 Street Frontages, CD1.1 Neighborhood Character, CD3.4 Fencing, and CD4.3 Front Yards of the El Cerrito General Plan. There are no other applicable, 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. PL17-0160, subject to the following conditions:

Planning:

1. The project will be maintained as approved.
2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. The applicant shall obtain any required building permits for the fence.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a special meeting held on June 20, 2018 upon motion of Commissioner _____, second by Commissioner _____ :

AYES:

NOES:

ABSTAIN:

ABSENT:

Margaret Kavanaugh-Lynch
Development Services Manager