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PLANNING COMMISSION STAFF REPORT
Meeting Date: April 16, 2014

I. SUBJECT

Application:	6133
Applicant:	Edward Biggs
Location:	1715 Elm Street
Zoning:	RM Multi-family Residential
General Plan:	High-Density Residential
APN:	502-112-038
Request:	Planning Commission consideration of a Mitigated Negative Declaration and necessary entitlements to consider the construction of 14 new dwelling units, the relocation 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of private open space, and 2,874 square feet of common open space. Entitlements requested include: General Plan Amendment, Planned Development, Development Agreement, Use Permit and Design Review.
CEQA:	A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND

This project was discussed at a study session before the Planning Commission at its last meeting. The previous staff report is included in this report as an attachment for reference. The findings and conditions of approval listed at the end of this staff report rely on the information from both staff reports.

During the study session comments were received by staff from the public as well as members of the Planning Commission. This staff report will address these comments by theme. The main concerns stated include the proposed density, height, traffic and parking impacts. There were also concerns listed regarding the potential construction impacts on the neighborhood, particularly on the adjacent pre-school. Staff met with representatives of the pre-school and a representative of the development team on April 2, 2014. A summary of the result of this discussion is included in the report, as well.

III. DISCUSSION

The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site. It also proposes to restore and relocate the existing, historic single-family detached house on site to provide a fifteenth dwelling unit. Finally, the project is proposing to retain the creek in place,

thereby protecting the 115 foot long water course which is a tributary of Baxter Creek and utilize it as an amenity for the overall site.

Below, staff has listed concerns stated at the study session and the meeting held on April 2, 2014. After each concern, staff has provided additional information in response to the concern.

Density

Concern: The project is too dense for its surrounding neighborhood.

The project has a proposed density of 35.7 dwelling units per acre.
The General Plan designation for this site is High Density (21 to 35 dwelling units/net acre)
This designation is described as follows:

> *The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.*

The General Plan further states that while 35 dwelling units per acre is a practical limit, it does allow for up to 70 units per acre in this designation if the appropriate parameters are met. Allowing the General Plan Amendment of 0.7 is seen by staff to be a minor exception necessary to make the project feasible to build. It is important to note that removing one unit would not lower the building height as the floor plate on the third floor shows five units. Therefore, the height and shading impacts would not be alleviated by restricting the project to 14 units or 35 dwelling units per acre.

The zoning designation for the subject property is RM Multi-family Residential. This district is described in the zoning ordinance as follows:

> *To provide opportunities for multi-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre. Additional density can be achieved through the approval of density bonuses and other incentives. The RM district is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, and where services and transportation systems are adequate to serve the increased densities. The RM district is further intended to achieve design compatibility between new multi-family development and surrounding less intensive residential neighborhoods by establishing physical development standards and performance standards.*

This neighborhood is generally intended for high density residential construction. The zoning district hosts an eclectic mix of single family, duplexes and multifamily homes. It is in the part of the zoning district that was envisioned to accommodate the higher density development. It is located on a street with a relatively high level of vehicle traffic, within a quarter mile of the BART station, the AC Transit Rapid Bus line and the Ohlone Greenway. While the proposed project is on the high end of the intended density for the neighborhood, it is staff's belief that the project is in keeping with the spirit and intent of both its zoning and General Plan designations. With the proposed conditions of approval, staff believes that the appropriate performance standards will be in place.

Height

Concern: The building is too tall and will cast too big a shadow on adjacent residences.

In the zoning ordinance, height is defined as the vertical distance from the highest point of any structure to the ground level directly below. The maximum height allowed in the RM zone is 35 feet. As noted on page A-11 of the plan set (included at the March 19th meeting), the roof plate for this project is 33 ft tall. The additional approximately 9 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and overall height of the building is recommended by staff for a number of reasons listed in the previous staff report. A summary of those reasons are included below with additional details added.

Adjacency of Historical Building:

Although not required as a condition of approval for this project, the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. See page A-8 and A-10 of the plan set. The mansard roof with brown asphalt shingle roofing is used on both primary buildings and the pitch is of each roof is also very similar. The applicant is also using horizontal siding painted in neutral tones to support this goal. Staff believes a flat roof that could meet the maximum height would not be preferable in this case. Further, the applicant has stated that the mansard roof will screen a number of the possible roof mounted utilities that would otherwise be partially visible or require a tall parapet wall. For these reasons, the mansard roof as proposed is the preferred design.

Impact of Height of New Construction Related to Neighboring Dwellings:

Staff reviewed the new construction to try to identify ways to reduce the height. The floor plates provide for a ten foot wide floor which is typical for new construction today. Staff would not recommend decreasing this measurement. Staff and the applicant discussed ways to modify the roof structure in a way that might decrease the related impact of shade on the adjacent dwellings. (In practical terms, the possibility of shading the windows of the adjacent neighbors). The studies illustrate that at 2:00 pm on December 21st (winter solstice when the sun is in lowest orbit or worst case in terms of building shade impact) the impact created by the addition of the Mansard roof is minimal as compared to a flat roof. The additional shade is added to the front yards of the dwellings to the north and across the street, not to the buildings themselves.

The one property that will have the potential to have additional shading impact to the residence is the property directly to the north. Staff measured the distance between the existing six foot solid wood fence and the dwelling on the neighboring property (based on GIS measurement). It is approximately seven feet away. The existing fence, based on its height and location is already shading the side of the existing building openings on that side much of the day, throughout the year. Although the municipal code does not have a specific standard for shade impacts of new construction. These types of (worst case scenario) shadow studies are common ways to compare proposed building's impact on the surrounding neighborhood. In this case, staff believes the additional height is not a detriment to the surrounding neighborhood.

Traffic and Parking

Concerns:

1. The parking study was completed in 2009. Too much time has passed for it to be accurate 2.
2. The proposed construction will add significant additional traffic to a roadway that is already very congested.

3. The proposed parking is not realistic and it will cause additional vehicles to be parked on the street. Street parking is already challenging in the neighborhood due to the proximity of the BART station.

A traffic impact study (TIS), which assumed development of 13 new units and rehabilitation of the existing house on the site (14 total units), was prepared for the project site in 2009. Kittelson & Associates reviewed the existing TIS to determine whether the analysis adequately reflects conditions that would occur with the project as proposed. Kittelson also conducted a trip generation analysis based on the latest data from the Institute of Transportation Engineers to verify assumptions made in the traffic impact analysis. Kittelson determined the project would result in 40 additional total daily trips and up to 5 additional peak-hour trips (total for AM and PM peak hours), which does not substantially differ from the 2009 analysis. Therefore, the key level of service (LOS) findings in the 2009 study are applicable to the current project despite changes in project land use, trip generation reference updates, analysis methodologies, and economic conditions (Kittelson 2013).

Table A shows the results of the existing LOS analysis for signalized and unsignalized intersections in the area of the project. Data from three study intersections show current operations at acceptable levels of service during weekday AM and PM peak-hour time frames. As stated in the General Plan, if an intersection is functioning at LOS D or above, it is considered acceptable. Table B presents the results of the existing plus project intersection LOS analysis from the 2009 study, which shows the proposed project would result in no change to the peak-hour LOS and would have a minimal effect on delays. The addition of five vehicle trips during each peak hour would not reduce the level of service to below the City's standard of LOS D (Kittelson, 2013). All of the study intersections are forecast to operate at acceptable levels of service during all peak-hour scenarios.

TABLE A

Intersection		**Existing Weekday AM Peak Hour**		**Existing Weekday PM Peak Hour**	
		Delay	**LOS**	**Delay**	**LOS**
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.2	C
AWSC	Elm Street/Richmond Street/Blake Street	11.5	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

TABLE B

Intersection		**Existing Plus Project Weekday AM Peak Hour**		**Existing Plus Project Weekday PM Peak Hour**	
		Delay	**LOS**	**Delay**	**LOS**
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.3	C
AWSC	Elm Street/Richmond Street/Blake Street	11.6	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

Although Elm Street experiences a fair amount of traffic throughout the day, the traffic impact study completed for this project shows that when the amount of traffic is at its highest (peak travel time)

the key intersections around the project site operate at an acceptable level. This project is expected to generate a total 12 weekday AM peak-hour trips and 13 weekday PM peak-hour trips. The addition of this amount of additional vehicles is not considered a significant amount of new traffic by planning standards.

Required Parking for Vehicles

Parking is proposed to be located in a gated parking garage located below the units. The project proposes 15 new parking spaces and is requesting an exception to the City parking requirements, which requires 21 spaces.

The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed construction and not in a surface lot and by reducing the amount down from 21 to 15, it allows for much more efficient use of the site making the land available for the new housing, the creek and considerable amount of open space; as well as the historic building. This style of parking tucked under the new construction is a preferred alternative with regard to urban design, which basically hides the vehicles from public view, while accommodating them on site. It also allows more of the existing square footage of the lot to be used for open space.

In the parts of the city that are not served by transit, a new single family dwelling is required to have two spaces per dwelling unit. The zoning code allows any proposed multifamily development project located within one-quarter (¼) mile of a Bay Area Rapid Transit (BART) station, to be reduced by 25 percent. It also allows additional reductions of required spaces through the granting of a Use Permit. There are a number of compelling arguments that support parking may be significantly decreased for new development located near transit (TOD). This project site is located within 800 linear feet or just under 1,400 ft by foot, of the BART station, the AC Transit Rapid line and the Ohlone Greenway. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies and reports that support a parking standard of zero to 0.5 parking spaces per unit for projects up to one-half mile away from a BART station. Please see recent links to studies included as Attachment 4. One of results of these studies is that people moving into new transit oriented development such as this project actually self select their residence based on its proximity to transit. However, one of the few points in opposition to allowing reduced rates of parking in new TOD development is the idea that if the projection is incorrect, the new residents will use the nearby on street parking. To ensure that this will not occur, a condition of approval has been added that will prohibit anyone living at this address to participate in the residential permit parking program. This will limit their use of street parking to four hours on Elm Street and many surrounding streets. That is the same amount of parking allowed any visitor to this neighborhood. Any street in the vicinity not currently participating but would like to take advantage of the program may do so by visiting the City's website: http://www.el-cerrito.org/index.aspx?NID=753.

(GIS map of the streets participating in residential parking program.)

With this added restriction in place, staff believes that this project will not create a detrimental impact on the neighborhood's existing on street parking.

Construction Related Issues

Concern: During construction, the proposed project will have serious impacts to the neighborhood and in particular, the preschool located to the south of the project site.

As a result of the testimony given on March 19th and the meeting with the preschool representatives and the agent for the development team; a number of conditions of approval have been added to the project. For the sake of analysis, these potential impacts are grouped again by theme.

Air Quality

In addition to the issues identified in the Initial Study, the community expressed concern related to the possible presence of asbestos and/or lead in the existing dwelling. These elements could become airborne during the scope of the construction/renovation. There was also general concern that there are contaminants found in the soil and that they too would become airborne during construction and grading. As a result, the following condition has been added to the project:

Prior to the issuance of a building permit:

1. The Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated.

During construction:

1. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.

2. Dust control measures to minimize air quality impacts shall be implemented including:

    a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
    b. Cover all trucks hauling soil, sand, and other loose materials.
    c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
    d. Limit traffic speeds on unpaved roads to 5 mph.
    e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
    f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
    g. No grading between October 1st and April 15th unless the City Engineer has approved an erosion and sedimentation control plan.

Noise

There was concern that the project's construction would cause a substantial amount of noise due to the use of heavy equipment and pneumatic tools. The preschool asked that the tools and machinery be stopped from noon to 2:00pm to allow for nap time. The applicant did agree to try to limit noise by setting a lunch break from noon until 1:00pm. He also stated that he would agree to meetings between the person in charge of the construction and the personnel of the preschool at least once a month to ensure that communication between the two uses remains open. Staff added that the person in charge of the construction site should also be available to other members of the public. The following condition has been created:

1. Applicant shall submit a construction sign for approval by the Development Services Manager. The sign shall be made of a permanent material with professional lettering. The sign shall include the following information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The sign shall be posted at the time of placing temporary fencing and start of construction activity.

2. The applicant shall stipulate in the construction bid information for the project that every possible effort shall be made to have the construction site turn off all unnecessary heavy equipment, generators and power tools from noon until 1:00pm.

General Safety and Communication

Much of the concerns stated regarding this project relate to general safety of the site during construction and need to have the construction company and all neighbors to be able to communicate with each other. To that end, the following conditions have been added:

1. The applicant shall submit a site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours. This will include the temporary construction fence. The height of the construction fence on the south side shall be twelve feet in height. The applicant shall create a notification procedure stating their plan to notify adjacent property owners and public safety personnel as to when major deliveries, detours and lane closures may occur. At a minimum, this notification plan will include a

written notice sent electronically as soon as possible to all neighbors that request such notification. The list of interested parties will be kept by the Community Development Department.

2. They will also meet monthly in person with the operators of the preschool to go over any issues or concerns.

3. The applicant shall submit the location of construction staging areas for materials, equipment, and vehicles.

4. The applicant shall submit a parking management plan for all construction workers and their equipment to ensure that construction workers or construction equipment and vehicles do not occupy on-street spaces.

5. No construction shall take place on June 22, 2014 at the request of the preschool.

Traffic

Finally, there was considerable concern of the impact of truck traffic during construction. The following conditions have been added to address the issue:

1 Applicant shall submit a Traffic and Parking Management Plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas.

2 Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). (Staff believes these also are the peak pick up and drop off hours of the pre-school)

Additional Entitlements

As stated in the previous staff report, this project has a complex entitlement process.
In addition to the Planned Development Use Permit which is the purview of the Planning Commission, it also has a Development Agreement, the creation of Planned Development District, as well as a General Plan Amendment. As staff and the applicant are still revising the Development Agreement, staff will be bringing to the Planning Commission for recommendation the second half of the necessary entitlements at an upcoming hearing.

IV. CEQA

An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for this project and has been incorporated into the conditions of approval. Many of these mitigations are listed in the staff report. Staff has chosen to highlight a few additional mitigations that are of listed in the mitigation monitoring plan below.

Biological

The proposed project does have the potential to impact migratory birds, raptors, and bats. Trees on and adjacent to the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA), as well as Sections 3503.5 and 3800–3806 of the FGC. In addition, the abandoned structures on-site have the potential to provide suitable nesting habitat for protected birds and roosting habitat for bats. Demolition of structures and removal of trees during construction activities could result in noise, dust, human disturbance, and other direct or indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site. Therefore the following mitigations have been required:

Survey for Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird.

Survey for Active Raptor Nests. If construction activities will occur during the nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer shall be erected around the nest while the nest is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line of sight of the construction activity.

Survey for Bird Nests in Structures**.** If demolition of on-site structures is proposed to take place during the migratory bird nesting season (April 15–August 15), a survey for nesting migratory birds (e.g., swallows, phoebes) shall be conducted by a qualified biologist prior to demolition.

Survey for Potential Bat Roosts. Demolition of on-site structures shall be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

In addition, If the US Army Corps of Engineers identifies that the creek under their jurisdiction, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement. This will be part of the Joint Aquatic Resource Permit (JARPA) process.

Cultural

The historic resource evaluation (VerPlanck, 2013) found that 1715 Elm Street appears eligible for listing in the California Register under Criterion 1 (Events) and Criterion 3 (Design/Construction), as a very early residential property in the city and as a property closely associated with El Cerrito's Little Italy. The proposed project will relocate the house and rehabilitate the façade. Movement of the structure on site is an acceptable treatment of the historic structure if it results in the building's preservation. However, there still remains a potential impact to cultural resources by the creation of the proposed project, itself. To mitigate the remaining impacts the following mitigation measures have been added:

Prior to any alterations of structures on the project site, the project applicant shall complete Historic American Building Survey (HABS) level documentation.

Prior to occupancy of any structure on the project site, the applicant shall complete façade restoration of the historic structure, and salvage and reuse building materials and landscape features, as discussed in the evaluation.

In addition, although it is not listed as a required mitigation, the applicant has volunteered to donate up to four thousand dollars to the City of El Cerrito towards the creation of up to two plaques that could be located on the front fence. The purpose of commemorative plaques would be to explain the history of the Rodini house as well as the history of the surrounding Little Italy neighborhood. Staff will work closely with the El Cerrito Historic Society to meet this goal and has added donation as a condition of approval.

V. FINDINGS FOR APPROVAL

A Planned Development Use Permit shall only be granted if Planning Commission finds that the proposal as submitted, modified and/or conditioned conforms to all of the following criteria as well as to any other special findings required for approval of Use Permits in specific zoning districts:

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 residential project will be a transit oriented development (TOD)with good urban design. It will add 13 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.

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 location and design of the project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, day-lighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.

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 is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan policies: LU1.3: Quality of Development, LU1.5: Suitable Housing, LU1.6: Various Housing Types, LU1.7: Maximum Density, LU5.5: Pedestrians, Bicycles, and Access, LU6.4: Water Conservation, CD1.2: Design Concept, CD1.3: High-Quality Design,

CD1.5: Landmarks Preservation, CD 1.9: Building Design, CD3.3: Site Landscaping, CD4.2: Building Articulation, CD5.1: Design Review Process and R2.2: Historic Preservation

Development within the -PD district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.
In making this determination, the following factors shall be considered:

Appropriateness of the use(s) at the proposed location.

The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station. It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek.

The mix of uses, housing types, and housing price levels.
The proposed project offers a range of attached and detached dwellings on site. In the new construction is includes both one bedroom and two bedroom housing unit styles. All units' prices will be set by the market. It is expected that the prices will reflect the different unit sizes.

Provision of units affordable to persons and families of low and moderate income or to lower income households.

While this is an important consideration, there was no feasible way to include a mandate to offer these units at an affordable price to persons and families of low and moderate income or lower income homes as defined by the State of California.

Provision of infrastructure improvements.

The existing infrastructure is sufficient to serve the proposed development as proposed.

Provision of open space.

While requiring relief from some development standards of the RM zone, it exceeds the zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

Compatibility of uses within the development area.

The use of the development area is exclusively residential.

Quality of design, and adequacy of light and air to the interior spaces of the buildings.

The design of the new construction has been designed to allow acceptable levels of light and air into the interior spaces of the building. As conditioned, it shall meet or exceed all requirements of the California Building Code.

Overall contribution to the enhancement of neighborhood character and the environment of El Cerrito in the long term.

This project will contribute to the enhancement of the neighborhood character and the environment of El Cerrito in the long term in that it represents a balance of many of El Cerrito's core values. It incorporates transit oriented development and good unban design with successful historic preservation and stewardship of an existing creek.

Creativity in design and use of land.

The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site.

VI. RECOMMENDATION

A. Staff recommends approval of Planned Development Use Permit for Planning Applications 6133 as conditioned by the draft resolution in Attachment 1 and 2, adopting the Initial Study with mitigated negative declaration and mitigation monitoring and reporting that grants relief from:
   1. Setback from property line for the relocated historic building.
   2. Maximum height of the proposed new construction.
   3. Setbacks from creek from both the relocated historic dwelling and the proposed new construction. Restrictions regarding a bridge over the creek.
   4. Required parking for vehicles.

Proposed Motions:

1. Move adoption of Planning Commission Resolution PC14-xx:
   a. Adoption an Initial Study and mitigated negative declaration and , and
   b. Adopting the Mitigation Monitoring and Reporting Program, and

2. Move adoption of Planning Commission Resolution PC14-xx:
   a. Approving Planned Development Use Permits for relief from setbacks from property line and creek, a height reduction and reduction from parking.

Attachments:

1) Draft Resolution to adopt the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2) Draft Resolution to approve the Planned Development Use Permits
3) Staff report dated March 19, 2014
4) Initial Study Document. (Appendices available on City Website).
5) List of Reports and Studies in support for the reduction of parking near mass transit services.