



Community Development Department - Planning Division

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PLANNING COMMISSION STAFF REPORT

Meeting Date: May 21, 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 General Plan Amendment, Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment 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.

The Planning Commission is asked to make a recommendation regarding these entitlements to the City Council.

CEQA: A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND

In the City of El Cerrito, Planned Developments require both a legislative and quasi-judicial approval. This staff report analyzes the legislative component of the entitlement package, the General Plan Amendment, Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment. The Planning Commission is being asked to make a recommendation on these entitlements to the City Council. As the members of the Commission know, the other component of the project's entitlements, the Planned Development Use permit, was approved by the Planning Commission on April 16, 2014. That decision has been appealed to the City Council. Staff intends to bring this recommendation (positive or negative) and the appeal to the same City Council hearing on June 2, 2014. It is staff's intent to have all the entitlements before the City Council at the same meeting to allow for a robust community discussion of the project. Please note that the previous staff reports are included as attachments to this report for reference. The findings listed at the end of this staff report rely on the information from this and previous staff reports.

III. DISCUSSION

The project is proposing to provide fourteen new one- and two-bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density residential uses. It also proposes to restore and relocate the existing, historic single-family detached house on site to provide a fifteenth living unit and preserve an important historic resource. Finally, the project is proposing to keep the existing creek in place, thereby preserving the 115 foot long water course which is a tributary of Baxter Creek and utilize it as an amenity for the overall site. The proposed condominium would be 14,311 square feet, with eleven two-bedroom units (approximately 1,064 sq ft each) and three one bedroom units. (869 square feet each).

Below, staff has listed each of the entitlements for the Commission members review and consideration.

General Plan Amendment

The maximum density allowed within the High Density Residential designation is 35 units per acre for market rate housing. The project has a proposed density of 35.7 dwelling units per acre. The applicant has stated that they need the additional 0.7 density in order to make the project financially viable.

Staff evaluated the request which is manifested as the fourteenth dwelling by reviewing the General Plan designation's goals and the Zoning District's purpose, the information included in the Initial Study, and by analyzing the surrounding neighborhood.

The General Plan designation for this site is High Density Residential (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 Map illustrates the transition in the residential land uses in this area (Attachment 2). The High Density designation runs in a band immediately adjacent to the Commercial/Mixed Use designation along San Pablo Avenue. It is flanked in most areas by thinner band of Medium Density designation. In the vicinity of the project, from Hill on the north, to Elm on the east, Blake on the south and the BART tracks on the west, the entire section of the city is High Density Residential. South of Blake, the area transitions down to Medium and Low Density Residential. One of the primary reasons for the higher intensity designation in this area is tied to its transit-rich surroundings. In addition to BART and San Pablo Avenue, staff notes the immediate adjacency of Hill Street and Richmond Avenue (Arterial Streets) as well as the Ohlone Greenway for bike and pedestrian travel.

The General Plan has several policies that provide guidance towards this discussion. These include:

Land Use 5.1 BART Station Areas.

Encourage higher densities and a mix of uses near the city's two BART stations to take advantage of the transit opportunities they provide.

This project is within a quarter mile of del Norte BART station.

CD5.2 Planned Development.

Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities.

The project utilizes the planned development techniques in order to preserve open space, historic features and the existing creek.

Community Design 3.5 Creek Preservation.

Where possible, preserve and restore natural drainage ways as parts of the storm drainage system, coordinating with recreational and trail use.

R1.9 Development near Creeks.

For development adjacent to creeks and major drainages, provide adequate building setbacks from creek banks, provision of access easements for creek maintenance purposes and for public access to creekside amenities, and creek improvements such as bank stabilization. Also protect riparian vegetation outside the setback.

The 115 foot long tributary of the Baxter Creek is being preserved on site. All appropriate permits will be secured for work near the creek before the issuance of any building or grading permit.

R2.1: Historic Preservation.

Ensure that the remodeling and renovation of historic structures respects the character of the structure and its setting.

R2.5: Public Awareness.

Promote public awareness of significant resources through educational programs, tours, markers, and other appropriate measures.

The project is preserving the historical dwelling unit on site and restoring the front façade to the Department of Interior Standards. The new proposed construction is being designed in a way that it is architecturally compatible with the historic dwelling. In addition, the applicant is funding two historical plaques that will inform visitors to the site of the Rodoni home and the historic context of the neighborhood's "Little Italy".

Land Use 1.2: Multifamily Neighborhoods.

Ensure that new development in multifamily neighborhoods supports, rather than detracts from the existing residential character of the area.

Land Use 1.3: Quality of Development.

Ensure that all multifamily or mixed-use development in residential areas addresses compatibility and quality of life issues.

Land Use 1.5: Suitable Housing.

Promote suitably located housing and services for all age groups within the city

Land Use 1.6: Variety of Housing Types.

Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments.

The project, along with the mitigations and conditions that staff has proposed, is found to be supportive and compatible to the residential character of its surrounding residential neighborhood. It consists of condominium style apartments with a mix of one and two bedroom units. There are three common areas in the present plan. One is directly in front of the restored historic structure. It features a turf oval surrounded by a concrete walk that connects to the pedestrian entry along Elm Street. Plantings abutt this area on both the north and south side, which include orchard trees, accent trees, orchard trees as well as shrubs and North of this larger area, there is another area that is proposed to include raised beds, accent trees and decomposed granite walking paths. The third common space adjoins this area and serves as the primary pedestrian access to the new primary structure. This area also includes accent trees, shrubs and groundcovers and utilizes permeable brick pavers. A bridge is proposed across the creek to connect the entry area to turf area. Each proposed dwelling unit has its own private space as well, either as a patio or balcony. Due to its proximity to the many services on the San Pablo Avenue corridor, it is well located for residents that prefer non-vehicular transit. Please see the additional discussion as part of the neighborhood context, below.

CD1.3: High-Quality Design.

Encourage higher-quality design through the use of well-crafted and maintained buildings and landscaping, use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

CD1.9: Building Design.

A variety of attractive images will be achieved by encouraging a variety of building styles and designs, within a unifying context of consistent “pedestrian” scale along streets and compatibility among neighboring land uses.

CD4.2: Building Articulation.

Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

CD5.1: Design Review Process.

Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single-family homes on existing lots).

The architecture of the proposed fourteen unit structure has been designed to reflect but not mimic the existing historic single family dwelling. The roof pitch of the dormers is consistent with the roof pitch of the single family dwelling, and while the materials are not the same, the appearance of the materials as well as their colors appear to be consistent with the existing main building. The proposed building interacts with Elm Street by providing an interesting variation in form and mass (as opposed to monolithic). The elevations include vertical architectural elements and horizontal color bands. Balconies and trellises have been added to soften the interface with the street. This

project received positive feedback for the Design Review Board at its conceptual review in November, 2013.

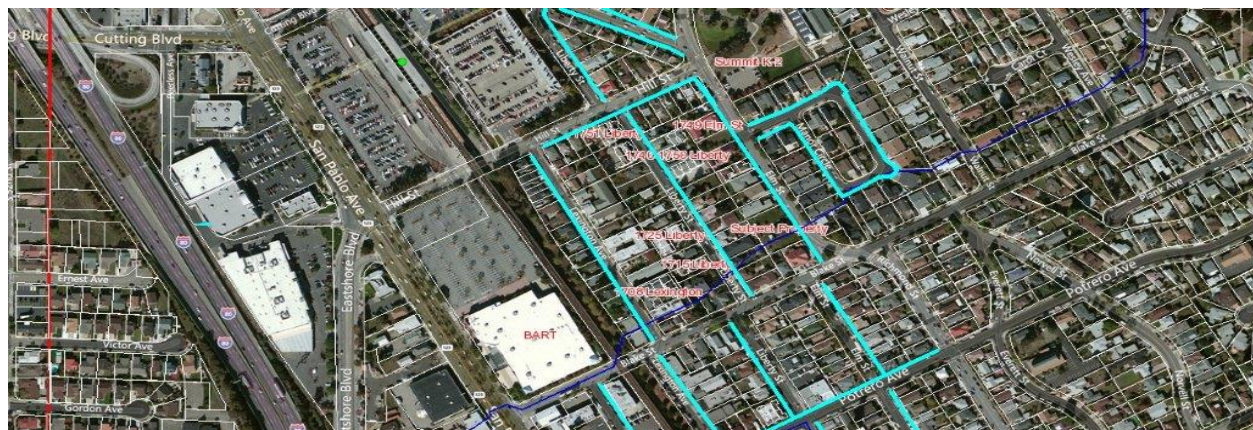
The zoning designation for the subject property is RM Multi-family Residential. This district is described in the zoning ordinance as follows:

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.

The purpose of a Planned Development District is to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to the underlying base district regulations. To that end, the City may allow deviation from physical development standards, if there is an over-arching community benefit. However, the spirit and intent of the underlying zoning district is still an important consideration. The project, along with the mitigations and conditions that staff has proposed, is in keeping with the district's purpose in that it is well served by adjacent services and transportation corridors and achieves a design compatibility between taller, denser multifamily development existing along San Pablo Avenue and the smaller, less dense residential development to the east of the site in the Medium and Low Residential designations.

The surrounding neighborhood context.

The project 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. The land uses of the existing neighborhood are an eclectic mix of single family dwellings, duplexes, a private school campus and multifamily dwellings all within a two-block radius of this site.



Address	No. of Units	Lot Size (sq. ft.)	No. of Stories	Density
<i>1715 Elm Street (Proposed Project)</i>	<i>15</i>	<i>18,468</i>	<i>3</i>	<i>35.7 du/ac</i>
1749 Elm Street	5	9,225	2	23 du/ac
1725 Liberty St.	10	12,500	2 (tuck under prk.)	32 du/ac
1740 - 1750 Liberty St.	16	23,136	3	30 du/ac
1751 Liberty St.	20	21,780	3	40 du/ac
1708 Lexington Ave.	13	13,000	3	33 du/ac

The Table above illustrates some of the nearby multifamily developments. It is noted that many are three stories in height and similar in terms of density to the proposed project. Staff concludes that the proposed project is consistent with the range of uses in the nearby neighborhood.

Creation of a PD Planned Development District

The specific purpose of the PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. As stated above, this district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to development under district regulations. If approved by City Council, the Zoning map will be amended for the subject property to note a change to RM-PD.

The project proponent is requesting variation from the specific development standards of the RM zone in order to retain the site’s environmental and historic community assets while accommodating a transit oriented development that is generally consistent with the General Plan. These four standards are described in detail, below.

While requiring relief from some development standards, it exceeds the RM 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.

Development Standards

Dev. Standards	Required	Proposed
Setbacks		
Front	10 ft	10 ft
Sides	5 ft; 10 ft for portions of building greater than 25 ft. in height	25ft on the west side, 3 ft. on the east side
Rear	15ft	15 ft
Height	35 ft	42 ft
Parking	2/unit (21)	15
Lot Coverage	60 % max	53 %
Distance Between Buildings	10 ft to 20 ft depending on location of primary rooms	10 ft to 20 ft

Setback from Property Line of Relocated Historic Building

The relocated historic building is proposed to be three feet away from the east side elevation. The distance is really a function of the width of the existing building and the location of the creek bank. The applicant has located the building as close as possible to the creek bank without compromising the building's foundation or the bank of the creek. Staff determined this relief of two feet allows for an overall better design of the project, in that it allows the historic building to fit into that quadrant of the site. Staff also notes that it is only the front section of the house that requires this relief as the remaining two thirds of the structure do conform to the five foot requirement. This impact is further mitigated by the large common open space that is proposed for the front half of the lot. The private school's main building is located over 20 feet away on its abutting lot line, offering an unusually large buffer between the two uses. Therefore, staff believes that this variation will not adversely affect the usability of the adjacent private school.

Maximum Height of Proposed New Construction

Pursuant to the El Cerrito Municipal Code, height is considered 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, the roof plate for this project is 33 feet tall. The additional 8 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and overall height of the building is supported by staff for a number of reasons:

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 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 period of daylight is the shortest 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. Attachment 5. 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.

Building Setback from the Creek and the pedestrian bridge

One of the goals of the Creek Protection Overlay district is to preserve, enhance and restore natural drainageways as part of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed. In support of that goal, the Creek Protection overlay district (Chapter 19.14) prohibits placement of fill or any other obstruction and establishes a minimum 30-foot setback from the top of creek bank. The new construction is proposed to be 7 ft 8 in from the center line of the creek and the relocated historic building is proposed to be 5 ft 5 in away from the centerline. In addition, a footbridge is proposed to cross the channel to provide access to the shared common area.

The project is proposing to maintain the creek in its current location and ensure that it would not be filled or otherwise obstructed. Instead, it would be part of the common open space area of the development and would benefit from proposed adjacent riparian friendly landscaping.

Although the project does not include the 30-foot setback from the channel pursuant to Municipal Code Chapter 19.14, it is noted in this case that the on-site surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value for wildlife that may include utilization by local birds and mammals, therefore the adopted initial study concludes that there would be less than significant impacts to biological resources.

Required Parking for Vehicles

The project proposes fifteen 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. In addition, staff believes that the close proximity of the project site to the El Cerrito del Norte BART station (located within a quarter mile), several bus lines, and commercial uses, will result in increased transit use and pedestrian activity that will reduce the demand for parking on site. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies that support a parking standard of one space per unit for projects up to one-half mile away from a BART station. Please see the recent studies included as Attachment 4. For all of these reasons, staff recommends the reduction in parking to one parking space per unit for residences.

Development Agreement

Section 19.14.020 of the El Cerrito Municipal Code states that Development Agreements are required as part of Planned Development Districts. Section 19.41.010 describe Development Agreements as follows: development agreements provide a greater degree of certainty by granting assurance that an applicant may proceed with development in accordance with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved. A development agreement shall be a contract that is

negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms or provisions agreed upon by the parties.”

The City Attorney and legal counsel representing the applicant met and developed a Development Agreement for this project. See Attachment 6. The resulting legal document would take effect only after the passage of the the creation of the district by City Council. This is the legal framework that encompasses the entitlement details of the Planned Development District. It codifies the project entitlements for a term of ten years. It allows the property owner to sell the entitlement package to another party.

IV. CEQA

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) were approved by the Planning Commission at the April 16, 2014 meeting. Impacts identified in the Initial Study and Mitigated Negative Declaration as “Environmental Factors Potentially Affected” included: hazard and hazardous materials, utilities/service systems, cultural resources, hydrology/water quality, noise, air quality and geology. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

V. FINDINGS

Required Findings for a General Plan Amendment. For a General Plan Amendment to be approved, Planning Commission must be able to make the following standard findings in order to recommend the action to the City Council:

- 1. The proposed amendment is deemed to be in the public interest.*

The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek. The balance of all these core values on the site is considered to be in the public interest.

- 2. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

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 goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed residential project will be a transit oriented development with good urban design. It will add 14 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 be detrimental to the abutting properties or neighborhood.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

Required Findings for a Planned Development District. A PD district Zoning Amendment shall only be approved if all of the following findings are made:

1. *The project meets all of the findings required for a zoning amendment pursuant to Chapter 19.40.*
 - a. *The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;*

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 goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

- b. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and*

The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 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 be detrimental to the public interest, health, safety, convenience or welfare of the City

- c. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

- d. *Additional finding for Zoning Text amendments: The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed amendment is a planned development district. It is consistent with applicable provisions of the zoning code including the purpose and intent of the Residential Mixed Use zone.

- e. *Additional finding for Zoning Map amendments: The site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land.*

It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. The site is 0.42 acres in size with a relatively level grade. It has direct access onto Elm Street and will be served by existing utilities in the area. 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.

2. *Development within the proposed -PD district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district as indicated by either the conceptual plans submitted as part of the Planned Development application or the project submitted for consideration of a Planned Development Permit.*

This project will is demonstratively superior to the development that could occur under the standards applicable to the underlying base district in that it represents a balance of many of El Cerrito's core values. It is a transit oriented development; thereby reducing Vehicle Miles Traveled with good urban design; successful historic preservation and preservation of an existing creek. Had the project had been governed by the base district standards and strict interpretation of the creek protection ordinance, much of the open space would have been lost to surface parking spaces, the number of units would have to have been decreased due to the reduced building footprint, the building would two stories with a mansard roof, which would have greatly reduce the number of dwelling units.

3. *The conceptual plans submitted with the application conform in all significant respects with the General Plan, and any applicable plan or policies 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 goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

Required Findings for Development Agreements. The Planning Commission shall determine whether or not the proposed development agreement:

1. *Is consistent with the goals, objectives, policies, and land uses and programs specified in the general plan and any applicable specific plan;*

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 goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

2. *Is compatible with the uses authorized in this Zoning Ordinance, and the zoning district in which the real property is located;*

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.

3. *Will provide substantial public benefits;*

It is a transit oriented development; thereby reducing Vehicle Miles Traveled with good urban design; successful historic preservation and preservation of an existing creek. All of these goals are public benefits to the City of El Cerrito.

4. *Will be non-detrimental to the public health, safety and welfare of the Community; and*

The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 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 be detrimental to the public interest, health, safety, convenience or welfare of the City

5. *Has been reviewed in accordance with the provisions of the California Environmental Quality Act.*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

VI. RECOMMENDATION

Staff recommends that the members of the Planning Commission review the staff report, take public comment and make a recommendation of approval for the General Plan Amendment, the Planned Development District and the Development Agreement.

Attachments:

- 1) Draft Resolution
- 2) General Plan Map
- 3) Staff report dated March 19, 2014
- 4) Staff report and resolutions dated April 16, 2014
- 5) Shade Studies
- 6) Development Agreement
- 7) Plan Set
- 8) Initial Study Document. (Available on City Website).