

Planning Commission Resolution PC07-03

APPLICATION NO. 6320

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A USE PERMIT TO ALLOW THE DEVELOPMENT OF 20 TOWN HOUSE UNITS IN THE C-2 ZONE (GENERAL COMMERCIAL) ON A SITE LOCATED AT 6431 PORTOLA DRIVE.

WHEREAS, on August 13, 2006 the applicant submitted an application requesting Commission use permit to construct a 20-unit residential condominium project (19.16.212 A. ECMC) under the State of California Density Bonus Law (Government Code 65915);

WHEREAS, the General Plan land use classification of the site is Commercial Mixed Use;

WHEREAS, the zoning district of the site is C-2 (General Commercial);

WHEREAS, The project site is situated on Portola Drive, one parcel east of San Pablo Avenue. The lot is 24,469 square feet in size, with a width of approximately 96 feet and is rectangular in shape;

WHEREAS, on May 17, 2006, the Planning Commission conducted a study session on the proposed project. In general, the Commission was favor of the project and recommended several design modifications;

WHEREAS, on January 11, 2007, the Planning Division deemed the application complete;

WHEREAS, this project is Categorically Exempt from the provisions of CEQA – Class 32, In-fill Development; and

WHEREAS, on February 21, 2007, the Planning Commission held a duly noticed public hearing and considered relevant documents, reports and testimony;

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

1. The proposed development shall not adversely affect the livability or appropriate development of adjoining properties or surrounding area as the site is surrounded by residential development to the north and to the east and is consistent with the existing use of the area. The proposed development will not result in adverse impacts to surrounding properties. A noise study has been submitted which concludes that the development will not result in impacts to surrounding properties nor subject tenants to undue hardships due to noise.
2. The height and scale of the development will be harmonious with the surrounding development. The site is adjacent to the Village at Town Center (Mill and Lumber project), a residential project that is similar in height, scale, bulk, and density as the proposed project. The proposed development is substantially larger than the home to the east. Buffers have been created between the structures and the single family house by locating the open space plazas along the eastern property line.

3. The architect has taken into consideration the impacts of the development to surrounding uses and designed accordingly. Site planning and the variable heights and building setbacks of the development help reduce the bulk and the visual impacts from surrounding residential properties. Trees proposed to be planted in the plazas will also help create a buffer between the development and adjacent single family residence to the east..

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 Division hereby approves Application No. 6320, subject to the following conditions:

Planning Division:

- 1) The project shall be developed and maintained substantially in compliance the plans dated January 11, 2007, except as amended by subsequent conditions of this Resolution.
- 2) Approval of this use permit shall be limited to construct a 20-unit residential condominium project (19.16.212 A. ECMC) under the State of California Density Bonus Law (Government Code 65915). Under the Density Bonus Law, the applicant is allowed an exception to height and open space standards, and must reserve four units as affordable units pursuant to 50093 of the State Health and Safety Code.
- 3) If not used, this use permit shall expire one year from the date of this action.
- 4) All new development shall comply with City codes and ordinances, including those of Stege Sanitary District.
- 5) Prior to issuance of a building permit, the applicant shall record a deed restriction stating that four units shall be dedicated as affordable housing as defined by the State of California Health and Safety Code and a site plan showing which specific units are deemed affordable.
- 6) Prior to issuance of a building permit, the applicant shall record a deed restriction stating that two units must be dedicated as handicapped accessible units as defined in the California Building Code and a site plan showing which specific units are handicapped accessible.
- 7) Prior to the submittal of building permit application, the applicant shall file and obtain approval of the Covenants, Conditions and Restrictions, Design Review, and Subdivision Map.
- 8) The applicant must implement the recommendations as outlined in the Acoustical Study dated June 16, 2006, Charles M. Salter Associates Inc.

Public Works Department:

- 9) Prior to issuance of the final Certificate of Occupancy, an additional streetlight must be installed between the BART over crossing and San Pablo Avenue to the satisfaction of the Public Works Department.
- 10) Prior to issuance of a final Certificate of Occupancy, the applicant shall repair and repave the entire width of Portola Avenue along the property frontage to the satisfaction of the Public Works Department.

Fire Department:

- 11) Construction Plans. The applicant shall obtain approval from the Fire Department for all construction plans prior to issuance of a building permit.
- 12) Fire Sprinklers. The applicant shall install an NFPA 13-R automatic fire sprinkler system throughout the entire structure.
 - System shall protect all living spaces, garages, attics, large closets, porches, canopies, balconies, corridors, garbage enclosures, mechanical rooms, storage closets, stairwells, and elevator shaft.
 - Fire sprinkler system shall be 24-hour monitored and meet all acceptance tests prior to occupancy.
 - Fire sprinkler plans shall be submitted for review and approval on separate cover.
 - All fire sprinkler calculations shall be based on actual flow tests conducted by the contractor.
- 13) Fire Alarm System. The applicant shall install an approved NFPA 72 type fire alarm system throughout the complex including garbage, garbage areas, mechanical rooms, and storage closets or any other common areas.
 - Fire alarm annunciation panel location shall be approved by the Fire Department.
 - Fire alarm system shall be 24-hour monitored and meet all acceptance tests prior to occupancy.
- 14) Standpipe System. The applicant shall install a Wet Standpipe system with 2 ½ inch discharges in both courtyards.
 - Wet System shall be interconnected with automatic fire sprinkler system and shall provide a minimum of 250GPM above required sprinkler flow for each standpipe.
 - Standpipe locations shall be approved by the Fire Department before installation.
 - One serviceable standpipe shall operate during construction.
- 15) Circuit Breakers and other Major Equipment.
 - The applicant shall label all circuit breakers.
 - Fire Alarm system shall be on a separate circuit and the circuit breaker shall be marked in red and clearly identified in writing.
 - Major equipment shall have corresponding labels.
- 16) Site Address. The applicant shall provide
 - Minimum 6-inch addresses, consisting of reflective materials and colors that contrast that of the building exterior at parking entrances.
 - Addresses shall be unobstructed and clearly visible from the street.
- 17) Knox Box Key Vault. The applicant shall install a Knox key vault on the exterior of the building at an approved location for emergency access into all common areas.
 - All lockable gates shall be provided with Knox Box for Fire Department Access
 - Electric operating gates if installed will require a Knox Key opening system.
- 18) Gates. Fire Department Access Stairway is tentatively approved. Final approval will be determined when full scale building plans are submitted for Fire Department Final Approval.
 - Stairway landing shall be facing the main driveway on the building side furthest from the street as shown on revised drawing 12-1-06.
 - Gate shall be at the top of the stairs. One gate only.
 - Gate is to be locked by a Fire Department Knox Padlock.
 - Hammerhead to footbridge shall be labeled FIRE LANE NO PARKING.

19) Fire Department Inspection. The applicant shall obtain Fire Department inspection(s) prior to receiving Certificate of Occupancy.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on February 21, 2007 upon motion of Commissioner , second by Commissioner :

AYES:

NOES:

ABSTAIN:

ABSENT:

Jennifer P. Carman, AICP
Planning Manager