



AGENDA

REGULAR CITY COUNCIL MEETING NOVEMBER 15, 2022 – 7:00 p.m.

Members:

Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

Meeting Location:

Council Chambers, 10890 San Pablo Avenue
El Cerrito, CA 94530

Consistent with the Brown Act as amended by AB 361 (2021), members of the City Council, staff, presenters and the public may participate in-person at the location listed above, or remotely via zoom. **In-person attendance will be limited to available seats and designated accessible spaces only (no standing room) with chairs spaced to encourage social distancing. Masks are strongly recommended ([full in-person protocols available here.](#))**

Interested individuals can also participate or view the City Council meeting as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
3. Via Zoom (*Closed captioning available*):
<https://us06web.zoom.us/j/81861380240?pwd=WHBtQ055YUdOb2dOQ3ZGbfZlekliZz09>
Dial in: 1-408-638-0968 **Meeting ID:** 818 6138 0240 **Password:** 051730

Each period for public comment will be announced. Public Comments may be submitted one of the following ways:

1. In-person by submitting a request to speak to the City Clerk.
2. Via Zoom using the "[Raise Hand](#)" icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on Agenda or Public Comments – Agenda Item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting. Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

A. City Council Wall of Fame Ad-Hoc Committee Update

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

5. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meetings of October 18 and November 1, 2022.

Contact: Holly M. Charléty, City Clerk, City Management

B. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

Contact: Holly M. Charléty, City Clerk, City Management

6. PRESENTATIONS

A. Contra Costa Mosquito & Vector Control District Update (MVCD)

Action Proposed: Receive and file an overview of the Contra Costa MVCD, as well as information on the current vacancy for El Cerrito representation on the Board of Trustees.

Contact: Nola Woods, Public Affairs Director, MVCD

B. El Cerrito Police Department 2021 in Review

Action Proposed: Receive and file a department update and review of 2021 from the El Cerrito Police Department.

Contact: Paul Keith, Police Chief, Police Department

7. PUBLIC HEARINGS

A. San Pablo Avenue Specific Plan Update

Notice published 10/25/2022

Action Proposed: 1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development

8. POLICY MATTERS

A. Budget Amendment for Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5

Action Proposed: Adopt a resolution amending the Fiscal Year (FY) 2022-23 Adopted Budget and Capital Improvement Program to appropriate \$59,850 from the General Fund balance for construction of the Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Christopher Jones, Recreation Director, Recreation Department

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, December 6, 2022 at 7:00 p.m.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 11:00 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING TUESDAY, OCTOBER 18, 2022 – 6:00 p.m.

Members:

Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

Meeting Location:

Hillside Conference Room - 2nd Floor, 10890 San Pablo Avenue
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<https://us06web.zoom.us/j/89607126603?pwd=TjJiZlIiNEhUUUnNVU094QlFiR1JHUT09>
Meeting ID: 896 0712 6603 **Password:** 695398 **Dial in:** 1-408-638-0968

Each period for public comment will be announced. Public Comments may be submitted one of the following ways and are limited to items on the special meeting agenda only:

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6:00 PM **ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**
Mayor Quinto called the meeting to order at 6:04 PM

Present In-Person: Mayor Quinto, Councilmember Fadelli,
Councilmember Rudnick **Present Remotely:** Councilmember Abelson,
Mayor Pro Tem Motoyama **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Shannon Bassi, Senior Human Resources Analyst; Glenn Berkheimer, Labor Negotiator; and Sky Woodruff, City Attorney.

Employee Organizations: United Professional Firefighters Local 1230.

Contact: Sky Woodruff, City Attorney, City Management

The City Council convened into closed session at 6:05 PM. No reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:38 PM

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of October 18, 2022 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

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Councilmember Paul Fadelli · Councilmember Tessa Rudnick

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7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Quinto called the meeting to order at 7:01 PM.

Present In-Person: Mayor Quinto, Councilmember Fadelli,
Councilmember Rudnick **Present Remotely:** Mayor Pro Tem Motoyama,
Councilmember Abelson **Absent:** None

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A
MOMENT OF SILENCE**

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

City Manager Pinkos - update on local and state emergency, improvement of state auditor ranking, and receipt of State Coastal Conservation Grant; announced Great Shake Out October 20th, October 19th Unity Day, and October 20th Spirit Day.

Mayor Quinto - reported out on 6pm closed session, Mayoral proclamations issued for centenarians Tadashi Yoshii and Theodore Crum; reported on meeting with Make El Cerrito Fire Safe, Nations Giant Hamburger to recognize their 70th anniversary, meeting with Congressman Richie Torres, and members of the Methodist Church.

Councilmember Rudnick - reported on attendance at El Cerrito Folk Music Festival, and El Cerrito Fire Department Badge Pinning ceremony.

Councilmember Fadelli - reported on attendance at El Cerrito Fire Department Badge Pinning ceremony, and Ride Electric and Harvest Festival event in Berkeley.

Mayor Pro Tem Motoyama - reported on attendance at El Cerrito Fire Department Badge Pinning ceremony, and Toastmaster's 40th Anniversary event.

Councilmember Abelson - received plaque from Chamber of Commerce in recognition of work in the city.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler.

Oral Public Comments:

John Stashik - commented on status with State Auditor and holiday lights on San Pablo.

Buddy Akacic - spoke regarding work on city advisory body meetings, and request to return to in-person meetings.

Greg Lyman - announced the upcoming Sundar Shadi holiday light display from December 17 - December 26.

Vanessa Warheit - commented on communicating issues with technology, knowing attendees at the meeting, and consent item 5.N. and funding.

5. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama

Action: Adopted the Consent Calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meetings of August 16, September 20, 26, and 27, and October 11, 2022.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved minutes, revising August 16th Council Communication for Mayor Pro Tem Motoyama to read "BART Plaza Open House"

B. Code Enforcement Appreciation Week Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the second week of October as Code Enforcement Appreciation Week.

Contact: Jennifer Bright, Management Assistant, Community Development Department

Action: Approved proclamation

C. Filipino American History Month Proclamation

Action Proposed: At the request of Mayor Quinto, approve a proclamation recognizing October 2022 as Filipino American History Month in El Cerrito.

Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved proclamation

D. National Arts and Humanities Month Proclamation

Action Proposed: Pass a motion to approve a proclamation in support and recognition of October 2022 as National Arts and Humanities Month in El Cerrito.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved proclamation

E. Red Ribbon Week Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring October 23 - 31 as "Red Ribbon Week" and encouraging everyone to participate in drug prevention activities, making a visible statement to support a drug-free life.

Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved proclamation

F. Toastmasters International Proclamation

Action Proposed: At the request of Councilmember Motoyama, approve a proclamation recognizing Toastmasters International and the El Cerrito Club on its 40th anniversary.

Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved proclamation

G. Environmental Quality Committee Appointment Recommendation

Action Proposed: Approve an Environmental Quality Committee recommendation to appoint Simrun Dhoot to the Environmental Quality Committee, effective November 8, 2022.

Contact: Christina Leard, Management Analyst III, Public Works Department; Will Provost, Operations and Environmental Services Division Manager, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointment

H. Financial Advisory Board Recommendation

Action Proposed: Receive and file a recommendation from the Financial Advisory Board regarding General Fund Reserve and surplus allocations.

Contact: Sandra Dalida, Finance Director/City Treasurer

Financial Advisory Board (FAB) Chair written comments shared regarding the FAB's recommendation, appreciation for the opportunity, and sharing that the FAB is looking forward to working with the Section 115 Trust work group and proposing additional recommendations in the future.

Action: Received and Filed

I. Committing to Core Principles of Democracy: Free and Fair Elections

Action Proposed: At the request of Mayor Quinto, adopt a resolution committing to the core principles of democracy: free and fair elections.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved Resolution No. 2022-75, modifying the NOW THEREFORE BE IT RESOLVED clause to read "NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the City will continue to support elections that are safe, free and fair, and will work with the Contra Costa County Clerk-Recorder-Register to prevent any attempts by any elected officials, candidates, special interest groups, or other actors to undermine the election process, threaten election workers or voters, or disregard the collective will of the voters."

J. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved Resolution No. 2022-76

K. Consulting Services Agreement with Siegfried Engineering for the Design of the Arlington Park Improvements Project, City Project No. C3082

Action Proposed: Adopt a resolution authorizing the City Manager to execute a Consulting Services Agreement with Siegfried Engineering to provide design services for the Arlington Park Improvements Project, City Project No. C3082, in an amount not to exceed \$64,700.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution No. 2022-77

L. Reject Construction Bids for 2022 Slurry Seal Project, City Project No. C3027.23

Action Proposed: Adopt a resolution rejecting all bids submitted for the 2022 Slurry Seal Project, City Project No. C3027.23; and authorizing City staff to amend project scope, if necessary, and rebid the project.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-78

M. Construction Contract Award for Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5

Action Proposed: Adopt a resolution approving plans and specifications for the Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5 (Project); rejecting the bid submitted by USA Construction as non-responsive and accepting the bid submitted by Tricon Construction, Inc., DBA Tricon Aquatics (Tricon) for the Project; and authorizing the City Manager to execute a contract within the current budget for the Project, contingent on successful negotiations with Tricon for construction of the Project.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution No. 2022-79

N. Budget Amendment for City Hall Electric Vehicle Charging Station

Action Proposed: Adopt a resolution amending the Fiscal Year (FY) 2022-23 Adopted Budget and Capital Improvement Program to appropriate \$58,721 from the General Fund balance to replace the electric vehicle (EV) charging station at City Hall.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-80

O. Establish Speed Limits for Ten Speed Zones on Ashbury Avenue, Barrett Avenue, Colusa Avenue, Fairmount Avenue, Lincoln Avenue, Moeser Lane and Sea View Drive

Action Proposed: Adopt a resolution establishing the speed limits for 10 speed zones to allow for enforcement of these limits using radar, lidar and other electronic devices in conformance with State of California requirements.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-81

6. PRESENTATIONS

A. Annual Sundar Shadi Garden Club Awards

Action Proposed: Receive and file a brief presentation and acknowledgement of contest winners.

Contact: Pamela Austin, El Cerrito Garden Club Representative

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding drought resistant and juniper free displays in El Cerrito.

Action: Received and filed

B. Citizens Street Oversight Committee Annual Report for Fiscal Year 2020-21

Action Proposed: Receive and file the Citizens Street Oversight Committee Annual Report for Fiscal Year 2020-21 to City Council and Citizens of El Cerrito.

Contact: Vanessa Hill, Committee Chair, Citizens Street Oversight Committee; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Received and filed

7. PUBLIC HEARING

A. Adoption of Building Code Updates

Notice published on 10/8/2022

Action Proposed: Conduct a public hearing and upon conclusion 1) Adopt a Resolution which makes findings justifying changes to 2022 California Building Standards Code and 2) Introduce by title, waive the first reading, and set the second hearing for November 1, 2022 which adopts the 2022 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2021 International Property Maintenance Code, and Related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

Contact: Keith Marks, Building Official; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding electrification, nuisance abatement process, and local amendments.

Public Hearing: Mayor Quinto opened the public hearing.

Public Comments: All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments on this item were received from Scott Tipping. No oral public comments.

Moved/Seconded: Councilmember Fadelli/Councilmember Rudnick

Action: Closed the Public Hearing. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Abelson

Action: Adopted Resolution No. 2022-82 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick

Action: Introduce by title, waive the first reading, and set the second hearing for 11/1/2022 for the proposed ordinance **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Rudnick - reported on attendance at the RecycleMore meeting.

Councilmember Fadelli - reported on attendance at the Contra Costa Transportation Authority meeting.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 1, 2022 at 7:00 p.m.

The regular meeting adjourned at 8:29 PM.

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of October 18, 2022 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING NOVEMBER 1, 2022 – 6:00 p.m.

Members:

Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

Meeting Location:

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Meeting ID: 810 8235 3047 **Password:** 862261 **Dial in:** 1-408-638-0968

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6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Quinto called the meeting to order at 6:01 pm.

Present In-Person: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli, Councilmember Rudnick **Present Remotely:** Councilmember Abelson **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Name of case: City of Long Beach v. Monsanto Company, et al. (United States District Court for the Central District of California Case No. 2:16-cv-03493-FMO-AS)

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 6:01 pm. No reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:53 PM

Gabe Quinto, Mayor

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Holly M. Charléty, MMC, City Clerk

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Abelson Councilmember Paul Fadelli · Councilmember
Tessa Rudnick

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1. In-person by submitting a request to speak to the City Clerk.
2. Via Zoom using the "[Raise Hand](#)" icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on Agenda** or **Public Comments – Agenda Item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **3:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting. Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Quinto called the meeting to order at 07:02 PM.

Present In-Person: Mayor Quinto, Mayor Pro Tem
Motoyama, Councilmember Fadelli, Councilmember
Rudnick **Present Remotely:** Councilmember Abelson
Absent: None

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION
OF A MOMENT OF SILENCE**

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

City Manager Pinkos - provided an update on the local emergency, update on public health services, and upcoming changes on delivery method for public meetings.

Mayor Pro Tem - reported on attendance at East Bay division meeting for Cal Cities, Enhanced Infrastructure Financing District (EIFD) Ad-hoc meeting; reminder to vote on November 8th.

Councilmember Rudnick - reported on attendance at East Bay division meeting for Cal Cities, reminder of available COVID vaccines.

Councilmember Abelson - reported on attendance at East Bay division meeting for Cal Cities, reminder of available COVID vaccines and flu shots.

Councilmember Fadelli - reported on attendance at the Chamber of Commerce Best of El Cerrito Awards event; announced upcoming event for holiday lights; removal of trees between school district and community center; reminder to vote on November 8th.

Mayor Quinto - reported on the 6 pm closed session and on attendance at East Bay division meeting for Cal Cities.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, and consent item #5B from Jaleh Niazi.

Oral Public Comments:

Vanessa Warheit - commented on fire safety, removal of eucalyptus trees, available federal funding for increasing access to electronic vehicle charging.

5. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick

Action: Approved items A, C-F, and H-K on the consent calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick
Noes: None

A. Family Court Awareness Month Proclamation

Action Proposed: At the request of Mayor Quinto, approve a proclamation recognizing November 2022 as Family Court Awareness Month in El Cerrito.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved Proclamation

B. Human Rights in Iran Proclamation

Action Proposed: At the request of Mayor Quinto, approve a proclamation condemning the murder of Mahsa Amini and expressing support of human rights in Iran.

Contact: Holly M. Charl  ty, City Clerk, City Management

Pulled from Consent by Councilmember Rudnick

Oral Public Comments:

Pinole Mayor Vincent Salimi, Mo Samimi, Siamak Cyrus Khojateh, Esfandiar Imani, and Jaleh Niazi spoke in support of the proclamation and human rights for the women of Iran.

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick **Action:** Approved Proclamation **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

C. United Against Hate Week

Action Proposed: Pass a motion to approve a proclamation declaring November 13 - 19, 2022 as United Against Hate Week in the City of El Cerrito.

Contact: Shannon Bassi, Senior Human Resources Analyst, Human Resources, Human Resources

Action: Approved Proclamation

D. Receive Monthly Disbursement and Check Register Reports for August 2022 and September 2022

Action Proposed: Receive and file the Monthly Disbursement and Check Register Reports for the months of August 2022 and September 2022.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

Action: Received and filed

E. FY 2022-23 First Quarter Cash and Investment Report

Action Proposed: Receive and file the City's quarterly cash and investment report.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

Action: Received and filed

F. Environmental Quality Committee Appointment Recommendation

Action Proposed: Approve an Environmental Quality Committee recommendation to appoint Fred Bialy to the Environmental Quality Committee, effective November 8, 2022.

Contact: Christina Leard, Management Analyst III, Public Works Department; Will Provost, Operations and Environmental Services Division Manager, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointment

G. Letter of Opposition on California Public Utilities Commission (CPUC) Rulemaking 20-08-020

Action Proposed: At the request of Mayor Quinto, pass a motion authorizing the Mayor to sign a letter urging the CPUC to issue a revised proposed decision in the Net Energy Meeting proceeding in order to

expand access to distributed solar and storage technologies.

Contact: Holly M. Charléty, City Clerk, City Management

Pulled from Consent by Councilmember Fadelli.

Moved/Seconded: Councilmember Fadelli/Mayor Pro Tem Motoyama

Action: Approved letter **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Rudnick

Abstain: Councilmember Fadelli **Noes:** None

H. Temporary Suspension of Advisory Body Pre-Meeting Requirement

Action Proposed: Pass a motion authorizing the City Clerk to suspend the pre-meeting requirement adopted by Resolution 2021-55 through the end of Fiscal Year 2022.

Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved suspension of requirement

I. State Coastal Conservancy Grant Funding for the Hillside Natural Area Fire Resilience and Forest Conservation Management Plan

Action Proposed: Adopt a resolution approving the grant of funds in the amount of \$145,000 from the State Coastal Conservancy for the Hillside Natural Area Fire Resilience and Forest Conservation Management Plan.

Contact: Stephen Prée, Environmental Programs Manager/City Arborist; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-83

J. Consultant Services Agreements for On-Call Transportation Engineering Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute consultant services agreements with four consultant firms, Fehr & Peers, W-Trans, CHS Consulting Group, and TJKM, to provide on-call transportation engineering services for three years with an option to extend for an additional two years in an amount not to exceed \$200,000 per fiscal year for each agreement.

Contact: Roland Lambert, Acting Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-84

K. General Services Agreement for Maintenance at the El Cerrito Swim Center

Action Proposed: Adopt a resolution rejecting the bid received from USA Management LLC and accepting the other two submitted bids; and authorizing the City Manager to execute an agreement with Two Brother's Pool and Spa in an annual amount not to exceed \$60,000 in Fiscal Year 2022-23 to provide pool maintenance services for a period of three years, with the option to annually extend the contract for three years thereafter, contingent upon funding being appropriated by the City Council in future City budgets.

Contact: Beth Frazer, Recreation Supervisor, Recreation Department; Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution No. 2022-85

6. PRESENTATIONS

A. Federal Update from Congressman Desaulnier

Action Proposed: Receive and file a presentation from Congressman Desaulnier regarding federal updates and partnership throughout his tenure as El Cerrito's federal representative.

Contact: Holly M. Charl  ty, City Clerk, City Management

Item not presented, to be rescheduled.

7. PUBLIC HEARINGS

A. Fire Hazard Abatement

Exempt from CEQA review pursuant to Sections 15304 and 15308, Notice published 10/22/2022

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David Yun, Fire Prevention Officer; Chase Beckman, Fire Marshal, Fire Department

Public Hearing: Mayor Quinto opened the public hearing.

No Public Comments

Moved/Seconded: Councilmember Fadelli/Councilmember Rudnick
Action: Adopted Resolution (Identifying Properties) No. 2022-86.
Ayes: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Abelson **Action:** Closed the Public Hearing. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Adopted Resolution (Overriding Objections) No. 2022-87. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

B. 2nd Read and Adoption of Building and Fire Code Ordinance

1st public hearing and reading 10/18/2022; Notice published 10/22/2022

Action Proposed: Conduct a public hearing, and upon conclusion, waive the second reading and adopt Ordinance 2022-03 which adopts the 2022 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2021 International Property Maintenance Code, and Related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

Contact: Keith Marks, Building Official; Melanie Mintz, Community Development Director, Community Development Department

Public Hearing: Mayor Quinto opened the public hearing.
No public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson
Action: Closed the Public Hearing. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Abelson **Action:** Adopted Ordinance No. 2022-3. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. FY 2022-23 General Fund Budget Quarterly Update through September 2022

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2022-23 through September 2022.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the timing of when the total tax amount will be known for December, factors in Community Development and Recreation increases in revenue, expenses categorized as other purchased services under general expenditures, increase of administration expenses, emphasis on department budgets, and status of cannabis tax money.

Action: Received and filed

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Fadelli - reported on efforts of West Contra Costa Transportation Advisory Committee (WCCTAC) regarding San Pablo Ave planning.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 15, 2022 at 7:00 p.m.

The regular meeting adjourned at 8:17 PM

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of November 1, 2022 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk



AGENDA BILL

Agenda Item No. 5.B.

Date: November 15, 2022
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

ACTION PROPOSED

Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

BACKGROUND/ANALYSIS

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361") into law which provides the ability for legislative bodies to continue meetings via teleconferencing under specified conditions and includes a requirement that the legislative body make specified findings. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if certain conditions exist and the legislative body makes certain findings by a majority vote in order to use the bill's exemptions to the Brown Act teleconferencing rules. Any such findings are effective for a period of 30 days, after which such findings must again be declared in order to continue meeting under the provisions of AB 361.

To date, the City Council has adopted resolutions making the necessary findings for the period between October 5, 2021 through November 19, 2022. Staff is requesting that the City Council again adopt the proposed resolution, directing staff to continue facilitating all meetings of the City of El Cerrito and City Advisory Bodies pursuant to the requirements of AB 361 in order to better ensure the health and safety of the public. If adopted, this resolution would be in effect for the 30 day period of November 20, 2022 -

December 20, 2022.

The attached resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution also authorizes hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

If a meeting is held via teleconference, including a hybrid meeting, the following requirements apply under AB 361:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

In order to continue to hold teleconference or hybrid meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

As long as there is not a change in public health conditions, city staff is planning to continue holding hybrid meetings for City Council which will allow for City Council, staff, presenters, and members of the public to attend either in-person or via zoom. Due to

staffing resources and limitations of technology, staff is planning for the continuation of city board, commission and committee meetings via zoom with no in-person option for attendance.

STRATEGIC PLAN CONSIDERATIONS

This action is aligned with Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. County Recommendation for Safe Public Meetings

RESOLUTION 2022-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING NOVEMBER 20, 2022 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, all meetings of the City of El Cerrito's legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, in addition to the City Council, the City's legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter "Advisory Bodies"); and

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic; and

WHEREAS, on March 10, 2020, the County of Contra Costa adopted Resolution 2020-92 declared a countywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-12 declaring a citywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the applicable provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that, if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, the legislative body shall make findings that it reconsidered the circumstances of the state of emergency and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, such conditions now exist in the City, specifically, a State of Emergency due to COVID-19 continues; and

WHEREAS, on October 21, 2022 the Contra Costa County Health Officer rescinded all active health orders pertaining to COVID-19 but confirmed that the recommendations for safely holding public meetings (last revised on October 4, 2022) remains in place; and

WHEREAS, the Contra Costa County Health Officer's recommendations for safely holding public meetings include, but are not limited to, holding online meetings, as they present the lowest risk of virus transmission, and imposing social distancing measures for in-person meetings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, City remains concerned about COVID-19 and the health and safety of all individuals who intend to attend City Council and Advisory Body meetings; and

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings, and that state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that all City Council and City Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and

- b. The state of emergency, as declared by the Governor, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, from meeting safely in person; and
- c. The CDC and the Contra Costa County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta and Omicron variants, meeting in person would present imminent risks to the health or safety of attendees, the members of City Council and the City's Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall be in effect for the 30 day period of November 20, 2022 through December 20, 2022. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

I CERTIFY that at a regular meeting on November 15, 2022, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID-19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of October 4, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and COVID-19 wastewater surveillance are decreasing, but community transmission, as noted in CDC community transmission map, remains high. In addition to this, the predominant variant of COVID-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of COVID-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 10-4-2022

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County



Contra Costa Mosquito and Vector Control District

Nola Woods
Public Affairs Director



District History

protecting public health since 1927

Contra Costa County
suffered Saltwater

Marsh Mosquito Infestation in the 1920s

Schools Closed

Real Estate Issues

Uninhabitable Areas



District History

protecting public health since 1927

Citizens voted — Contra Costa Mosquito
Abatement District opened in 1927



District Mission Statement

protecting public health since 1927

The Contra Costa Mosquito & Vector Control District is a public health agency dedicated to protecting the community from mosquitoes and other vectors of disease.



What is a Vector?

protecting public health since 1927

Vector: any insect or other animal that can transmit causative agents of disease or cause discomfort to people or other animals



District Facts

protecting public health since 1927

Contra Costa Mosquito and Vector Control District

Special District: **Independent**

Personnel: **34 + Seasonal Employees as needed**

Operational Jurisdiction: **716 square miles/ 1.1 million people**



District Facts

protecting public health since 1927

Board of Trustees: **22 Trustees** representing
cities and County at Large



2019 Trustee Photo



Special District

protecting public health since 1927

Funding

Property taxes

Benefit Assessments



District Services

protecting public health since 1927

Mosquitoes

Rats/mice

Skunks

Ticks

Yellowjackets

Bees



District Trustees

Board of Trustees

Represent the best interests of your community, ensure the delivery of essential local services and infrastructure, and faithfully serve the public good while upholding the law.

Source: CSDA Board Member Handbook



District Trustees

Board of Trustees – Appointment & Stipend

- Appointed by respective City Councils or the County Board of Supervisors for a term of two to four years
- Serve without compensation but are provided with an allowance (not to exceed \$100 per month) in lieu of expenses while attending official District Board Meetings



District Trustees

Board of Trustees – Meetings

- Prior to the Pandemic, regular business meetings were held on the second Monday every **other** month starting in January at the District office, 155 Mason Circle in Concord
- Since 2020, Board of Trustee Meetings have been held monthly and virtually.
- Anticipate a return to in person, every other month meetings early 2023
- Meetings are open to the public



Mosquito Control Matters

protecting public health since 1927

Get the word out!

Board of Trustees Needs an El Cerrito Trustee

- Share with Constituents
 - Social Media
 - Newsletters
 - Events and Gatherings



Contra Costa Mosquito & Vector Control District



155 Mason Circle, Concord
www.ContraCostaMosquito.com



El Cerrito Police Department



2021 ANNUAL REPORT



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Letter from the Chief

September 15, 2022

Greetings El Cerritans,

Thank you for taking the time to read through our annual report from 2021. The El Cerrito Police Department and the City of El Cerrito faced many unique challenges during the year. In 2021, we were still firmly in the midst of a response to the COVID-19 pandemic. At the start of the year, we returned our staff to a quarantine schedule to preserve available staffing for emergency calls, during an infection surge. Crime continued to remain below historical averages for the first eight months of the year, before rebounding back to normal levels beginning in September. By the end of the year, it was clear to the ECPD that crime was back to business as usual.



During 2021, our ability to respond to crime trends degraded significantly as officers sought other employment, both in and out of the law enforcement profession. If you have been keeping up on news reports lately, you may recognize that this is a nationwide trend that many are calling a police staffing crisis. In El Cerrito, our staffing crisis is all too real. Unfortunately, we have lost many highly skilled and talented officers to other careers and other agencies.

Despite these headwinds, our officers did some fantastic work last year. They patrolled the streets day and night, making an impact on car-part thieves, burglars, and robbers. Our staff members buckled down to business and did their part to help turn around our city's previously precarious finances. Our staff assisted crime victims with care and compassion.

As we look toward the coming years, the ECPD has clear priorities. Our top priority is to continue to police our community in line with our mission statement: We protect our community, solve crimes, and pursue justice. Our second priority is to find the best police officer candidates, hire them, and return our department to acceptable staffing levels.

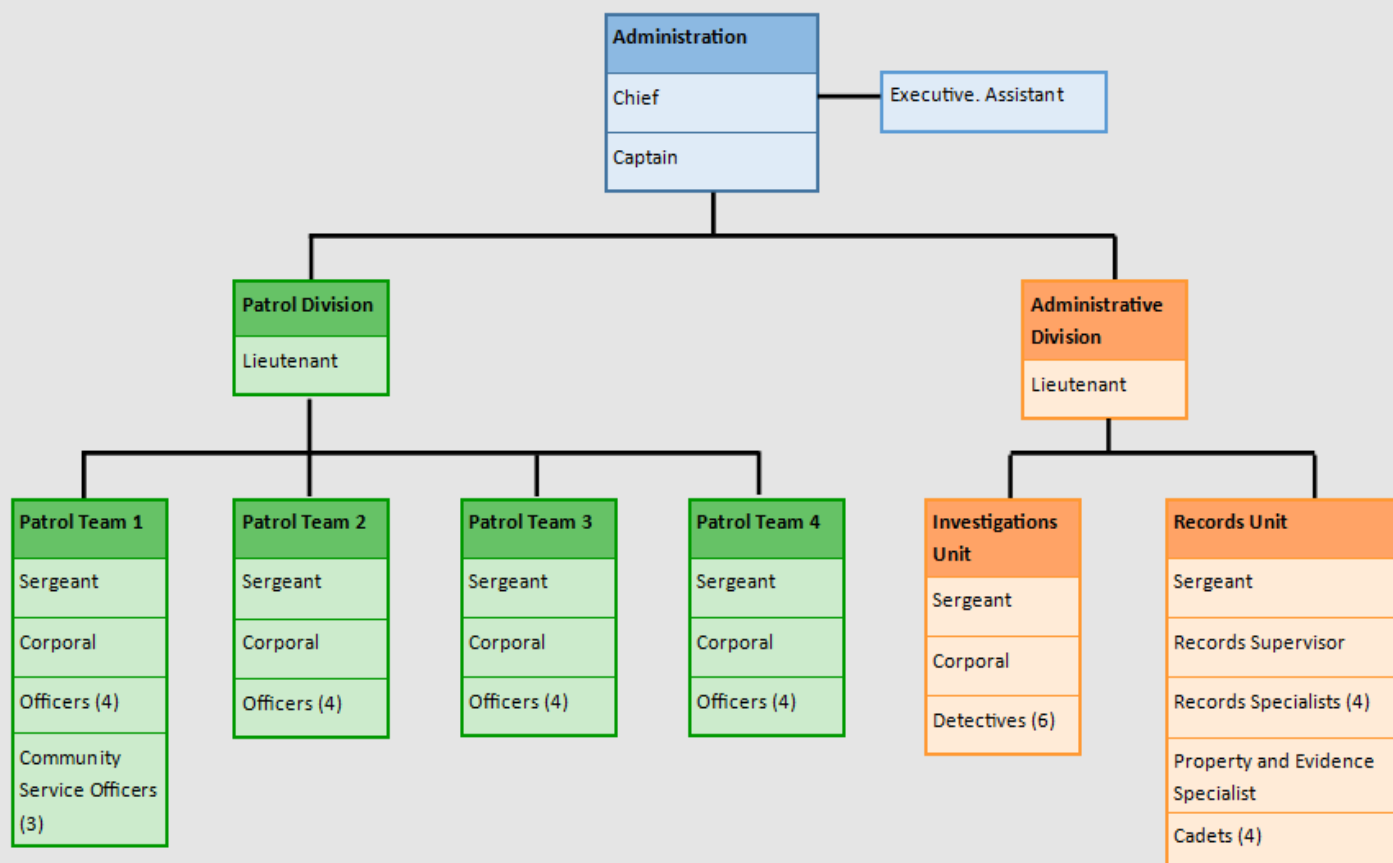
I am proud of the work of our police officers and professional staffers. I hope you find this document to be an interesting and informative report on your El Cerrito Police Department.

Sincerely,

Paul Keith, Chief of Police



Organization Chart





Staffing

In 2021 staffing was, and continues to be, a challenge. Negative media coverage, along with the defund movement and COVID concerns, has significantly affected law enforcement agencies throughout the country. The applicant pool to fill vacancies has been severely reduced and the job market for qualified candidates is extremely competitive.

In the last six years, the department has lost many officers, primarily due to a combination of budget cuts, officers leaving law enforcement and officers pursuing employment in other agencies.

Specialized units, such as Traffic, School Resource Officers, and Detectives have been reduced and/or cut to ensure adequate resources are available to provide Patrol services.

Current patrol staffing is at **54% of authorized strength**, with most shifts relying on overtime to maintain minimum staffing requirements. The Department has made hiring efforts the top administrative priority for 2022, along with bringing back some specialized positions.

Staffing Summary as of September 2022							
Sworn Staff				Professional Staff			
Position	Filled	Vacant	Total	Position	Filled	Vacant	Total
Chief	1	0	1	Executive Assistant	0	1	1
Captain	1	0	1	Records Supervisor	1	0	1
Lieutenant	1	1	2	Records Specialist	3	1	4
Sergeant	6	0	6	Evidence Specialist	1	0	1
Corporal	3	2	5	CSO	1	2	3
Officer	13	9	22	Cadet	2	2	4
Total	25	12	37	Total	8	6	14



Budget Overview

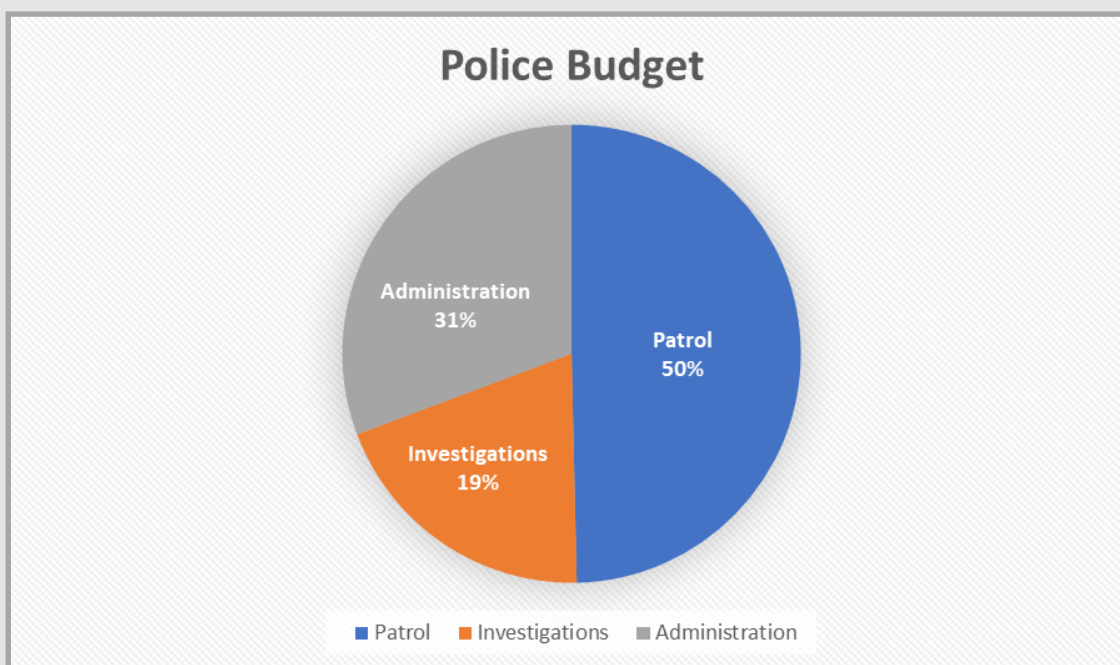
ANNUAL POLICE DEPARTMENT BUDGET

\$12,300,818

ADMINISTRATION \$3,779,393	OPERATIONS \$6,106,952	INVESTIGATIONS \$2,414,473
Dispatch Services Contract	Front Line Staff	Investigators
Animal Services Contract	Traffic Enforcement	Evidence Contract
Other Contracts	Community Service Officers	Crime Lab Fees
Training	Vehicles & Equipment	Crime Prevention

The Police Department Budget represents 24.1% of the City's total budget. Like other cities throughout California, public safety is a city's largest expense. In El Cerrito we are proud to serve our residents and visitors and provide a safe and secure community for all to enjoy.

The police budget is divided into three Divisions; Administration, Patrol, and Investigations. Patrol functions are a core service and represent the largest portion of our budget, with Investigations and Police Administration representing the balance.

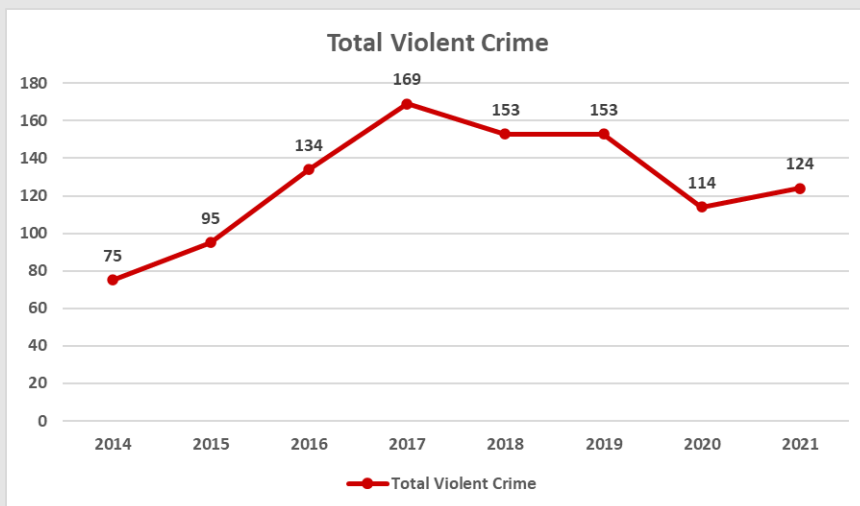




Crime Statistics

Part 1 Crime Statistics

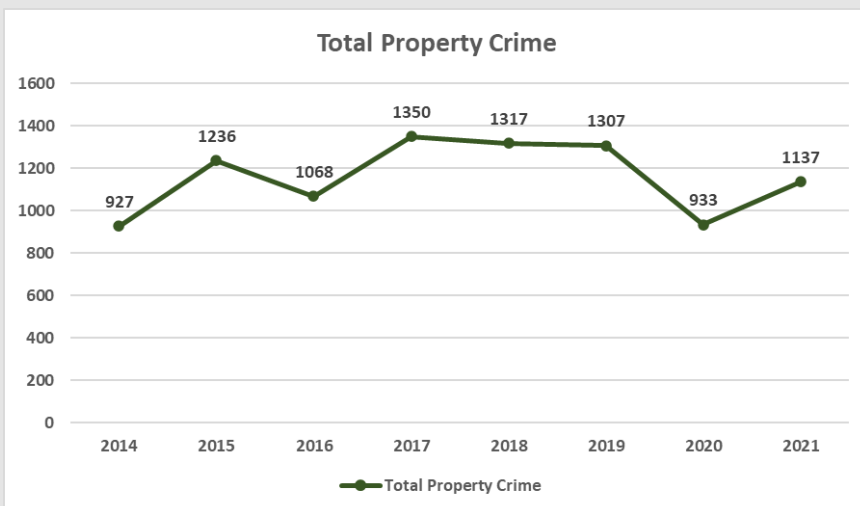
Uniform Crime Reporting Statistics								
PART 1 CRIMES TOTALS	2014	2015	2016	2017	2018	2019	2020	2021
Murder	0	1	1	2	1	1	0	0
Forcible Rape	3	1	4	2	3	4	2	3
Robbery	43	68	78	93	97	91	57	59
Aggravated Assault	29	25	51	72	52	57	55	62
Burglary	159	213	125	164	169	167	129	90
Larceny / Theft	667	902	836	1108	1055	1058	698	928
Motor Vehicle Theft	101	121	107	78	93	82	106	119
Total Offenses	1002	1331	1202	1519	1470	1460	1047	1261



Violent crime includes murder, forcible rape, robbery and aggravated assault.

In 2021, there was a 8% increase in violent crime.

2021
 Calls for service: **20,842**
 Arrests: **367**
 Reports written: **2,690**



Property crime includes burglary, larceny/theft and motor vehicle theft.

In 2021, there was a 21% increase in property crime. Larceny offenses increased by over 30%.



Use of Force Review

The vast majority of police incidents do not result in the use of force. In 2021, the El Cerrito Police Department responded to 20,842 incidents, of which only 18 resulted in the use of force by officers. This translates to a use of force rate of approximately .086% or in other words, force was used in less than one in one -thousandth of police incidents.

We track and review all uses of force involving the: Use of any weapon (including: impact weapons, firearms, taser, baton, less-lethal munitions [bean bag, foam rounds] personal body weapons [fist, knee etc.]); Use of chemical weapons such as pepper spray; Physical take-down of the subject to the ground; Use of a K9; Anytime the subject has visible injuries or reports injuries as a result of the police contact.

Use of Force is covered in our Policy Manual, under section 300; and can be found at this link: <http://el-cerrito.org/1391/Policies>

A single use of force incident may include multiple officers using a variety of techniques. The included chart outlines the types and frequency of force used in 2021.

The department used force in 18 total incidents, of these: 13 were related to a call for service, 1 involved a pedestrian stop, 3 were from a vehicle stop, and 1 was from a custodial event.

Type of Force	# of times used
Control Hold	11
Direct Impact Munition	0
ECD (ex. Taser)	4
Firearm	0
Impact Weapon	0
K9 Deployment/Apprehension	3
Pepper Spray	0
Pain Compliance Technique	1
Personal Body Weapon (ex. Elbow, knee)	1
Takedown Technique (ex. Trip, tackle)	11
WRAP	3
Total	34



Citizen Complaints and Internal Affairs

California Penal Code section 832.5 requires every law enforcement agency in California to establish a procedure to investigate complaints against peace officers made by members of the public. The El Cerrito Police Department (ECPD) has established these procedures and conducts investigations into the actions of El Cerrito Police Employees when a complaint is made. The ECPD investigates complaints from two sources: members of the public and internal complaints from within the police department.

Members of the public can make a complaint against police department personnel in several ways:

- In person at the Police Department.
- In writing; by mailing in, or dropping off a written complaint.
- By direct contact to the Chief of Police or a command staff member.

Complaint forms, and instructions, can be picked up at the police department, or downloaded from our website at: www.el-cerrito.org/1004/Professional-Standards

- These forms can be returned by mail, emailed, or dropped off in person.

The El Cerrito Police internal investigation process is designed to respect confidentiality and the rights of our community members and employees. We do not make judgements about the validity of complaints before we have gathered evidence and concluded an investigation. All investigations are conducted under the requirements of the Public Safety Officers Procedural Bill of Rights, found in California Government Code sections 3300-3313.

Depending on the nature of the complaint, complaints are investigated by a trained internal investigator such as a Sergeant; by an outside independent certified private investigator, or by an Attorney. It is the responsibility of the investigator to interview involved people, gather and analyze evidence, and make a fact-based determination about the allegations.

Once the investigation is complete, the investigator will prepare a written report with recommend findings for each allegation, that are then reviewed by the Captain and Chief of Police. The possible findings are:

The allegation is **sustained**, evidence shows the conduct did occur

The allegation is **not sustained**, evidence shows the conduct may not have occurred

The allegation is **unfounded**, evidence shows that the conduct did not occur

The allegation shows the employee is **exonerated**, evidence shows that the conduct did occur, but it was lawful and proper.



Internal Affairs Findings

Internal Affairs Continued

When an investigation results in a sustained finding, meaning the allegation has proven to be true and misconduct has been identified, the Police Captain makes a recommendation of discipline or corrective action to the Chief of Police. The recommendation can range from a verbal counseling all the way up to and including termination. If the investigation revealed that a crime occurred, the subject of the investigation could face prosecution. At the conclusion of an investigation, the complainant will receive a letter from the Chief of Police informing them of the findings of the investigation.

The City Manager acts in an oversight capacity for internal affairs investigations. At the conclusion of an investigation, the City Manager reviews the elements of the allegation, the findings and any discipline imposed on employees.

Investigation Results by Year

		Sustained	Not Sustained	Unfounded	Exonerated
2018	Citizen Complaint	1	1	1	0
	Internal Complaint	2	2	0	0
2019	Citizen Complaint	0	0	5	3
	Internal Complaint	0	3	0	0
2020	Citizen Complaint	0	2	4	2
	Internal Complaint	1	0	1	0
2021	Citizen Complaint	2	0	2	0
	Internal Complaint	4	2	0	0



Aerial Drone Operations

Aerial Drone Deployment

In 2020, the ECPD began to deploy a drone or unmanned aerial system (UAS) for law enforcement uses. ECPD use drones for evidence photography, searching for missing and wanted people, and training.

The ECPD tracks and logs all drone flights.

Our monthly deployment logs can be found at: <http://el-cerrito.org/1400/Aerial-Operations>.

UAS Operations

When flying the UAS, there must be an operator and an observer. The operator is a member of the El Cerrito Police Department who is trained as a UAS pilot and exercises control over a UAS during flight. The operator is solely responsible for the operation and for the input commands and piloting during flight.

The observer is a member of the El Cerrito Police Department who is responsible for the visual observation of the UAS while in flight. The observer maintains visual observation of the UAS while in flight and alerts the operator of any conditions that affect the safety of the flight. Both the operator and observer complete all required department-approved training in the operation, applicable laws, policies, and procedures regarding the use of the UAS.



Drone Statistics

In 2021, the drone was deployed 5 times. Because the drone could be deployed for different uses in each incident, the total uses is higher than the total number of deployments.

Evidence Search	Suspect Search	Missing Person Search	Scene Documentation	Training
1	3	1	3	1



Administrative Division

The Administrative Division plays an essential role in the management, training, risk reduction, and effectiveness of the Department. The Administrative Division oversees the Investigations Bureau, manages critical department records, ensures that officers receive continual professional training, and recruits and hires new department members. We are continually looking for new department members with the character and work ethic to support the mission, vision, and values of the Police Department.

Records & Property

Records staff are public facing and provide public assistance and information at the front counter. They also fingerprint job applicants, sign off correctable citations and provide various forms of assistance to the public.

The Records staff is responsible for processing police reports through our records management system (RMS). The statistical data entered is required by the FBI, California Department of Justice (DOJ), National Crime Information Center (NCIC) and other law enforcement entities. They are also responsible for our warrant management which includes entering new warrants and removing or updating warrant status as needed.

The Records staff also provides assistance to the Investigations Bureau by preparing prosecution packages for the District Attorney's Office. These packages include copies of reports, and compilation of sensitive and confidential information. They also assist Patrol Officers during the booking process by providing information from various law enforcement database records.

RECORDS PROCESSED - 2021

Arrests	Total Citations	FI Cards	Impounds	Reports
366	325	56	204	2689

Evidence

In 2020, the Property and Evidence unit took in 1,749 pieces of property and evidence. This included items that were seized by officers, turned in for destruction or booked into safekeeping.

In 2021, 82 pieces of narcotics were seized and booked into property and evidence.

In 2021, 69 firearms were booked into property and evidence for either destruction, safekeeping or seizure.



Investigations Unit

The El Cerrito Police Department Investigations Unit has an authorized staffing level of: One (1) Sergeant, one (1) Corporal, and six (6) Detectives. Due to staffing shortages, in 2021 this unit operated with 1 Sergeant and 3 Detectives.

In previous years, the ECPD assigned one investigator to the Safe Streets Task Force, which is run in conjunction by the Contra Costa County District Attorney's Office and the Federal Bureau of Investigation. This position was suspended due to staffing constraints.

Detectives are responsible for following up on criminal reports and other incidents. Their follow-up includes follow-up interviews, collecting and gathering evidence, authoring and serving various types of warrants, canvassing crime scenes and reviewing digital and video evidence. They also register sex and arson offenders and conduct community supervision compliance checks.

Detectives prepare and present cases to the Contra Costa County District Attorney's office for prosecution, and work collaboratively with other law enforcement agencies in the region.

Significant Cases

Carjacking

A woman was accosted, ripped from her vehicle, and shoved to the ground by an unknown suspect. The suspect then fled in the victim's car. Detectives responded to the scene and collected video evidence from nearby businesses. They released a bulletin to other agencies about the crime. Later, a Richmond Police Officer spotted the vehicle and tried to pull it over. The driver of the vehicle accelerated away and led the officer on a pursuit towards El Cerrito. El Cerrito patrol units joined the chase and followed the vehicle until it exited the freeway and crashed in the landscaping at the Ashby Ave. off-ramp.

Multiple subjects fled from the vehicle. An El Cerrito Officer chased the driver across the freeway and detained him in Emeryville. All of the suspects were ultimately apprehended by officers from El Cerrito and other police agencies. Detectives presented the case and the District Attorney's office filed felony charges against the primary suspects.



Investigations Unit

Significant Cases Continued

Financial Elder Abuse

A community member was reported as being a possible victim of financial elder abuse after their financial institution reported suspicious transactions. Through the course of the investigation, a Detective determined the victim fell prey to a romance scam and lost more than \$200K. The Detective authored numerous search warrants and traced the financial transactions to the accounts of two scammers based in Georgia and Virginia. The service of several of the warrants required coordination with prosecutors from other states to domesticate search warrants for service in their jurisdictions. The investigation also revealed numerous other victims and other substantial financial losses. This case was ultimately turned over to the US Attorney's office for prosecution.

Armed Robbery

A victim was robbed at gunpoint in a gas station parking lot. Detectives recovered video evidence of the incident and obtained the license plate of the suspect vehicle. After conducting research into the vehicle, Detectives identified a suspect and obtained a warrant for his arrest. After the suspect vehicle was located, investigators obtained a search warrant and recovered a firearm and other evidence related to the robbery. The suspect, who was on parole, was charged with several felony offenses by the District Attorney's office.

Home Invasion Robbery

A victim was confronted in their home and viciously assaulted by several armed suspects. The suspects fled with the victim's property. Detectives responded and processed the scene for evidence. They also followed up on property stolen during the robbery and subsequently identified two suspects and the suspect vehicle. Detectives obtained arrest warrants for both suspects and they were both later taken into custody. Additionally, the suspect vehicle was located outside of California. Detectives coordinated the service of a search warrant and processing of that vehicle for forensic evidence by an out of state Crime Laboratory. Detectives also obtained search warrants for cell phone data records for the involved suspects. The District Attorney is still considering charges in connection with this case.



Field Operations

The uniformed members of the Field Operations Division are the front line of the El Cerrito Police Department's law enforcement effort. This division includes patrol officers, corporals, sergeants, community service officers, and canine handlers. If a person calls the Police Department with a problem or a need for help, members of the Field Operations Division respond.

Patrol officers are among the first to arrive at traffic collisions, medical crises, and crimes in progress. The canine (K-9) handler addresses problems using different means; canine handlers rely on the enhanced senses of their canine partners for tracking and apprehension. K-9's provide enhanced safety for their human counterparts in the department during searches of buildings and when apprehending dangerous suspects.



This division also oversees the VIPS (Volunteers in Police Service) and the Explorer POST programs.

Canine Unit (K9)

The El Cerrito Police Department has two (2) fully trained Police Canine(K9) Officers and their K9 partners: Officer Perales with K9 Bosco and Officer Cooper with K9 Roman. Both K9 Roman and K9 Bosco are trained in protection and apprehension, as well as narcotic and article searches.

K9s are used to search for suspects who have fled from Officers after committing a crime, detecting narcotics in homes and vehicles, and searching large areas for missing persons. Our K9 teams are also a resource for neighboring agencies and are often called to assist law enforcement agencies outside of El Cerrito.

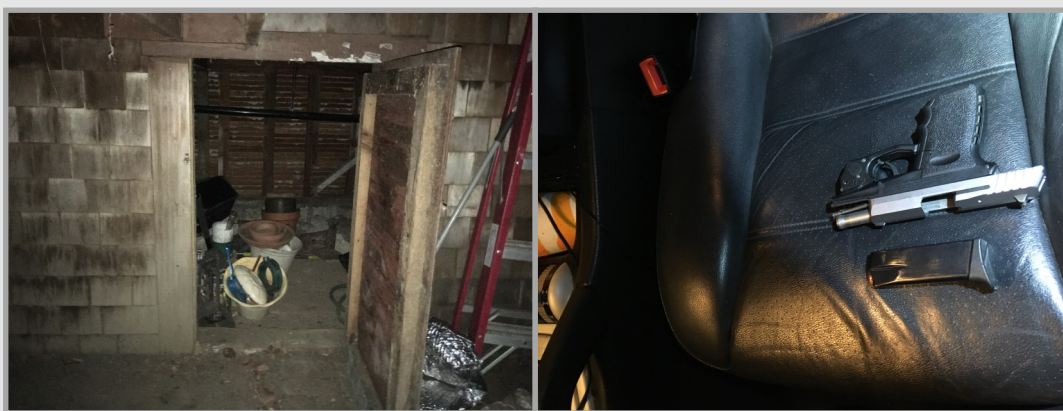




Notable Cases

October—Carjacker Pursuit

During the night shift, officers located a carjacking suspect and gave chase, in the area of Eureka Ave. and Lexington Ave. After a brief pursuit, the suspect crashed into a parked car and fled on foot. Officers established a perimeter around the area and began searching yards with an El Cerrito K9 team. The search had a lot of ground to cover, but with the help of K9 Bosco's nose officers found the suspect hiding in the basement of a home. When officers searched the suspect's vehicle, they found a stolen handgun and over 75 grams of methamphetamine.



November—Assault with a Deadly Weapon

Officers responded to a call of an assault with a deadly weapon in the area of S. 55th and School St. Officers arrived at the scene and found evidence of a shooting involving multiple shots fired. The victim reported that the suspects fired on him after a roadway disagreement. Officers and detectives scoured the area and located video footage of the suspect vehicle. Detectives put out a "Be on the Lookout" (BOLO) bulletin to all agencies in the Bay Area.

A few nights later, an officer was patrolling through the El Cerrito Plaza and saw a vehicle that matched the description. He approached the car with his partner and found two people sleeping inside. They investigated the car and discovered four loaded handguns, three of which were ghost guns. The occupants had warrants for their arrest for homicide charges and criminalists at the Contra Costa County Crime Lab later linked one of the guns to the El Cerrito Shooting.





Awards and Recognition

Officer of the Year Michael Olivieri



Officer Michael Olivieri began his career in El Cerrito as a Police Cadet in 2016, and began learning about the roles that all employees play in the success of the department. He continued to step into positions that demanded great responsibility by becoming a Records Specialist in 2017, followed by Community Service Officer in 2018. In 2019, Officer Olivieri graduated from the University of California at Berkeley and then attended the Alameda County Police Academy as a Recruit for the El Cerrito Police Department.

In 2021, Officer Michael Olivieri was recognized by the California Highway Patrol with the 10851 Award for his efforts to locate stolen vehicles. Also during this year he has displayed an attitude that encourages teamwork, achievement, and community involvement. Officer Michael Olivieri's performance has been exemplary, personified the mission of the El Cerrito Police Department to protect our community, solve crime, and pursue justice, and this has led his peers and supervisors to select him for this special recognition.

Professional Staff of the Year Kent Ringgenberg



After a 30-year career in both law enforcement and the private sector, Kent Ringgenberg joined the El Cerrito Police Department in 2018 as a Community Service Officer, a role in which he excelled. In 2019, he became the Property and Evidence Specialist, responsible for the safety and security of Property and Evidence at the El Cerrito Police Department. Since that time, he has continued to strive for excellence in supporting police operations by mentoring, training, and counseling coworkers.

Kent has a proactive mindset toward solving problems and supporting community members. He has displayed his dedication to the community of El Cerrito, in ways both big and small, by supporting the work of front-line officers, setting high standards of excellence in evidence management and storage, and working to support the mission of the El Cerrito Police Department. Property and Evidence Specialist Ringgenberg has been selected for special recognition by his coworkers for his commendable work ethic and exemplary performance.



Remembrance

IN LOVING MEMORY OF EL CERRITO POLICE OFFICER **JERRICK BERNSTINE**



On Sunday, January 9, 2022, on his way home from work, Officer Jerrick Bernstine was involved in a traffic collision on Interstate 80 near San Pablo Dam Road. A van in front of Officer Bernstine lost control and collided with the center median. Officer Bernstine's car struck the van and he died at the scene.

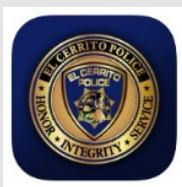
Officer Bernstine began his career with the El Cerrito Police Department as an Academy Recruit in 2019 and became a Police Officer in February 2020. In his two years with the ECPD he was recognized as a model officer, combining a humble personality with a tenacious crime fighting spirit. Officer Bernstine was 26 at the time of his death and he was everything a person could hope for in a police officer, citizen, teammate, son, brother, and friend. Officer Bernstine is dearly missed and will never be forgotten.



Stay Informed



Stay up to date with letters the Chief of Police has written to the community. All community publications can be found at <http://el-cerrito.org/1548/Community-Publications>.



The El Cerrito PD App is available for free in the App and Google Play Stores. With the app you are able to submit an anonymous tip, commend an officer, view upcoming events, and much more!



Nixle: Stay instantly informed of trusted, neighborhood-level public safety and community information. You choose the information you want, for the addresses you want, all delivered at no cost by text message, email, or web.



Follow us on Twitter @elcerritopd for all the latest information, events, pictures, and tweets from the El Cerrito Police Department.



El Cerrito residents can join private neighborhood websites to share information, including neighborhood public safety issues, community events and activities, local services, and even lost pets.



Follow us on Instagram @elcerritopolice to keep up with all the latest events, pictures and posts from the El Cerrito Police Department.



Join the Team



EL CERRITO POLICE



NOW HIRING

Salary: Up to \$117,387
plus incentives

Find out more at:

<https://www.el-cerrito.org/498/Police-Recruitment-Information>



AGENDA BILL

Agenda Item No. 7.A.

Date: November 15, 2022
To: El Cerrito City Council
From: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development
Subject: San Pablo Avenue Specific Plan Update

ACTION PROPOSED

1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

BACKGROUND

The San Pablo Avenue Specific Plan (SPASP) process first began in 2007. The Plan began as a joint effort between the cities of El Cerrito and Richmond to create a shared vision and more standardized development standards along the stretch of the San Pablo Avenue corridor that is shared by both cities. The earliest efforts to create a San Pablo Avenue Specific Plan resulted in a draft document which was reviewed by the El Cerrito City Council in 2011. The El Cerrito City Council did not adopt the initial Plan and issued a series of recommendations, including increasing building heights and densities, providing more flexible parking standards and a more flexible approach to mixed-use development, including allowing ground-floor residential uses. In response to these comments, with grant funding, the Specific Plan process was restarted in 2013. At this time, the Plan was substantially overhauled and revised, a Complete Streets Plan was added, and the scope of the environmental review was expanded to include an Environmental Impact Report. The revised plan was adopted by the El Cerrito City Council on October 7, 2014. The Plan has not been amended since its adoption.

The Plan includes the following Chapters:

- **Chapter 1: Introduction**
Establishes the framework and goals of the Specific Plan
- **Chapter 2: Form Based Code**
Establishes regulations for the built environment
- **Chapter 3: Complete Streets**
Establishes plans and policies to improve San Pablo Avenue for all modes and users

- **Chapter 4: Infrastructure**

- Evaluates the infrastructure needed to accommodate the development of the Specific Plan

- **Program Environmental Impact Report (EIR)**

- The program EIR established a streamlined, comprehensive CEQA process throughout the Plan area

As required by the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan EIR evaluated a development capacity 1,706 new residential units and 243,112 of net new square feet of commercial space within the Plan area by 2040. The EIR also noted that, “when and if these numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted.”

Between the Plan’s adoption and the beginning of 2019, over 1,400 residential units had been entitled or proposed, leaving only 282 units within the analyzed development capacity. Therefore, in order to continue the plan’s success, a Supplemental Environmental Impact Report was necessary in order to analyze additional development capacity.

City staff successfully applied for grants from both the Department of Housing and Community Development’s SB2 Planning Grant program and MTC’s Priority Development Area Planning Grant program to update the Plan, primarily the EIR in order to provide for additional capacity. From its inception, the San Pablo Avenue Specific Plan update has been undertaken as a limited update, to establish capacity in order to continue the Plan’s successes and incorporate changes needed due to lessons learned during 8 years of Plan implementation. The City commenced the Specific Plan update process in 2019. On January 16, 2019, a joint body of the Planning Commission and Design Review Board reviewed the proposed scope for the update. The proposed scope was presented in terms of a series of topics areas identified for inclusion in the Specific Plan update. The body provided feedback to City staff. On February 5, 2019, the City Council considered this scope which was modified based on feedback from the Planning Commission and Design Review Board. The Council directed staff to proceed with the proposed scope, as presented without modifications.

On November 20, 2020, the City issued a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan update. A public scoping meeting for the SEIR was held on December 3, 2020. As part of the scoping process for the SEIR, the El Cerrito Environmental Quality Committee (EQC) adopted and made recommendations to City staff and the Planning Commission regarding the Specific Plan update and the SEIR. These recommendations were forwarded to the Planning Commission and are included in the SEIR under NOP Comment Letters (EIR Appendix 24.1).

On March 31, 2021, a joint body of the Planning Commission and Design Review Board reviewed more detailed proposals for the topic areas identified in the scope for the Specific Plan update. The joint body provided feedback to City staff to assist City staff and the City's consultant, MIG, in finalizing the detailed project description for the SEIR.

In July 2022, the City's consultant completed the Draft SEIR and the document was circulated for a 45-day public review and comment period as required by the California Environmental Quality Act (CEQA) along with the draft of the Specific Plan update on July 19, 2022. On August 17, 2022, the Planning Commission conducted a meeting and received comments on the Draft SEIR. Immediately following this meeting, a joint body of the Planning Commission and Design Review Board reviewed the draft of the Specific Plan update.

On August 9, 2022, the Environmental Quality Committee (EQC) received a presentation from City staff on the Specific Plan Update and SEIR. At the conclusion of the presentation and discussion, the EQC passed a unanimous motion to recommend to the Planning Commission and Council that the SEIR not be certified without addressing additional climate actions to meet stated climate goals, including all-electric buildings, increased EV infrastructure readiness and reducing embodied GHG emissions associated with construction materials, and to recommend analysis of recent federal legislation, as well as state and regional funding opportunities supporting the funding of greenhouse gas emission reductions.

On October 19, 2022, the Planning Commission reviewed the final draft of the Specific Plan update. After receiving public comments, and discussing the proposed final draft, the Commission passed a motion unanimously with four Commissioners in attendance to recommend that the City Council certify the Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan update, adopt the update to the San Pablo Avenue Specific Plan with amendments to require building electrification for all new buildings subject to Tier II or Tier IV Design Review, and to increase the Electric Vehicle Supply Equipment (EVSE) requirement to 20% of parking spaces for all new buildings subject to Tier II or Tier IV Design Review, with potential appeals processes, waivers, and small projects and special cases clarifications as determined by staff.

ANALYSIS

The Specific Plan update has been developed according to the project scope that was endorsed by the City Council in February 2019. The sections below will discuss each of the topic areas identified in the 2019 project scope and will detail the changes that have been developed as part of the Specific Plan update to address each topic. The Specific Plan update is available for review at: <http://www.el-cerrito.org/SPASP>.

Chapter 1: Introduction

The Introduction has been updated to reflect the 2022 Specific Plan update and changes that have been made regarding City policy documents and State regulations since 2014. Most notably, the goals and strategies of the Specific Plan have been

revised to reflect changes in State legislation, changes in City policies, and shifting community values since 2014.

Chapter 2: Form Based Code

The Form Based Code Chapter has been revised most substantially. The revisions are discussed below, organized by topic area.

Expand Commercial Requirements

Prior to the adoption of the San Pablo Avenue Specific Plan ("Plan" or "SPASP"), commercial uses were required on the ground floor of all development along San Pablo Avenue, although very little commercial development had occurred in many years and economic indicators were poor for new commercial development. Several economic studies commissioned by the City recommended a more strategic approach to the ground floor commercial requirement, e.g. focusing commercial requirements in "nodes" to create more pedestrian-oriented activity and to support transit-oriented development while allowing groundfloor residential elsewhere. Furthermore, studies confirmed that the City's strongest path to economic development was to attract urban residential development. Currently, commercial uses are required for 50% of the ground floor frontage of projects located only on the San Pablo Avenue Commercial and Major Commercial Street types, e.g. commercial requirements were significantly reduced. These commercial street types are located near the two BART stations, at the Stockton Avenue and Moeser Lane commercial nodes, and along the portions of Fairmount Avenue, Stockton Avenue, and Hill Street that are within the San Pablo Avenue Specific Plan area.

While demand for retail real estate is overall declining throughout the region, as the Specific Plan area develops there will be continued need for new high-quality commercial spaces to support the overall goals of the Plan. In most places where the requirement to add commercial space has been added, it is either on existing commercial properties and represents an overall decrease in the required commercial square footage, and/or is at a key node. The goal is to have a variety of commercial spaces available to retain and attract new businesses, while not negatively impacting project feasibility. The changes to these designations can best be seen by comparing Figure 2.01.02 (page 02-2) to the crossed-out figure preceding it from the 2014 Plan.

The 2019 scope for the Specific Plan update included an evaluation of a Commercial Priority Overlay Zone to preserve commercial uses in limited areas that benefit from freeway access and proximity. Staff evaluated this potential revision and determined that the expansion of the Commercial Street types will achieve a similar goal of preserving commercial uses in key locations in the Plan area. Further, the recent adoption of SB 330 currently prevents cities from 'downzoning' property zoned for residential development. SB 330 makes implementation of a Commercial Priority Overlay Zone difficult to impossible since it would limit residential development within the zone. A Commercial Priority Overlay Zone has not been included in the Specific Plan update.

Daylight Plane and Shadow Standards

The shadow and daylight plane standards contained in SPASP Section 2.05.02.02.03 of the 2014 Specific Plan proved difficult to administer. As a result of confusion among these standards, the Zoning Administrator issued an interpretation on May 1, 2018 that was intended to clarify the application of the standards.

In addition, during the implementation of the Specific Plan and the Specific Plan update process, staff has heard input and concern from members of the public regarding the massing and scale of development on the Neighborhood Streets street type, especially adjacent to existing residential land uses.

In order to address these issues, the daylight plane and shadow standards have been clarified. Changes to these standards are best summarized as the following and can be seen in Section 2.05.02.02 (pages 02-73 through 02-75):

1. Standards for sites adjacent to existing residential uses have been revised in favor of daylight plane standards instead of shadow standards.
2. Standards along Neighborhood Streets have been clarified and revised in favor of shadow standards instead of daylight plane standards.
3. Shadow standards have been clarified to apply to multiple street types.

The previous standards for sites adjacent to existing residential uses limited shadows to extending across a property line a maximum of 14 feet on parcels to the east. Parcels to the west were specifically excluded due to solar angle, and parcels to the north and south were previously not mentioned. In order to limit substantial changes in scale between existing and proposed development and to minimize shadows in more locations, staff developed a standard that will apply broadly to sites that are adjacent to existing residential uses, regardless of the direction of those uses. The standard includes a daylight plane that extends to 25 feet at the property line and then angles back at a 45-degree angle. The massing of new buildings adjacent to existing residential uses will be required to comply with this daylight plane. The standards along all other street types consist of shadow standards that require shadows not to extend past the curb line on the opposite side of the street on the Winter Solstice.

Design Review Process

The changes to the Design Review processes can be seen in Section 2.02.06.04 (pages 02-25 through 02-28). All Design Review Tiers have been revised to clarify the applicability of each tier. Tier III Design Review has been refined to make the threshold more qualitative (e.g. substantial exterior modification) rather than quantitative (e.g. 50% of the assessed value). These changes will make the Tier III Design Review process easier to administer. In addition, Tier IV Design Review has been revised to clarify the applicability and the scope of both the Planning Commission's and the Design Review Board's authority, and the required findings have been refined. Section 2.02.06.04 has been revised with heavy involvement of the City Attorney, in order to ensure that the process remains objective as required by State law.

Pre-application Process

Based on experience implementing the Specific Plan, City staff have found that opportunities for early public review and comment can strengthen project proposals. The 2014 Specific Plan contains an optional “community charrette” process. This process has not been utilized to date. During meetings in the Specific Plan update, the Planning Commission expressed a desire to require applicants of projects over a certain size to host a community meeting. As part of the Specific Plan update, Section 2.02.05.02 (page 02-19) has been revised to add a process that requires applicants for projects of more than five residential units to host a community meeting early in the design process. This meeting process (including public notice) would be conducted entirely by the applicant, with limited assistance from City staff, as necessary—to generate the mailing list for public notices, for example. The intent of the community meeting is to allow for the exchange of information and ideas early in the design process.

Land Use Regulations

The land use regulations in the Specific Plan update have been modified in several areas to be more consistent with the other City goals such as economic development, housing and complete streets goals. FBC Table 02 (pages 02-11 through 02-14), which regulates land uses in the Specific Plan area, has been revised. Notable changes include:

1. Removing the requirement for an Administrative Use Permit for restaurants that serve alcohol. All restaurants will now be treated the same. This change was made in consultation with the El Cerrito Police Department. (The 2014 Plan removed the requirement for a Use Permit for food uses.)
2. Permitting accessory dwelling units and large-family daycare in all districts as required by recent changes to State law.
3. Adding Low Barrier Navigation Center as a residential use, as required by State law.
4. Reclassifying Live-Work as a residential use so that it does not satisfy commercial frontage requirements on commercial street types.
5. Permitting General Markets in all districts. Currently all General Markets require an Administrative Use Permit.
6. Referencing the Tobacco Retailers Ordinance with regard to tobacco sales uses.
7. Requiring a Conditional Use Permit for Recycling Collection Points and Recycling Processing Facilities. Recycling Collection Points and Processing Facilities have been the subject of many code enforcement issues across the City and staff would like to ensure a higher level of review for these uses. In addition, changes in the recycling industry since the Specific Plan was first adopted have greatly reduced the utilization of privately operated Recycling Processing Facilities.
8. Processes for outdoor dining uses have been streamlined. Outdoor dining along public right-of-way frontages will be allowed by-right; however, permanent installations and installations on the street (e.g. a parklet) would be subject to the review of the Public Works Department. On private property, in areas other than

along a public-right-of-way frontage, in order to assure outdoor uses are managed to minimize impact to adjacent properties, an Administrative Use Permit will continue to be required (note: this has been suspended during the public health emergency and will be considered further by the City Council at a later time).

Major Commercial Street Standards

In the 2014 Specific Plan, the public-right-of-way and front setback standards are the same on both San Pablo Avenue Commercial and Major Commercial street types. Generally, the Major Commercial Streets (Fairmount Avenue, Stockton Avenue and Hill Street) have a different character and profile than San Pablo Avenue. Additionally, the City has made significant investments in Fairmount Avenue streetscape improvements which have improved the appearance and usability of Fairmount Avenue, but which are not consistent with the right-of-way standards for Major Commercial Streets. In acknowledgement of the scale of these streets, and the existing improvements on Fairmount Avenue, the Major Commercial Street standards in Section 2.04.02.02 (pages 02-47a through 02-47d) have been revised.

Neighborhood Streets

As mentioned in the discussion on Daylight Plane and Shadow Standards, staff has received feedback during the implementation of the Specific Plan about the scale of proposed development along Neighborhood Streets. The intent of the Neighborhood Street standards in the 2014 Specific Plan was to allow denser development while preserving the existing character and scale of Neighborhood Streets. The Neighborhood Street standards in Section 2.04.02.04 (pages 02-56 through 02-59) have been revised to add a 10-foot Activity Zone. This zone is appropriate for Neighborhood Streets which are smaller streets with a more neighborhood scale. Additionally, a note has been added that clarifies that private front yards are permitted in the Activity Zone. The standards have also been revised to reduce the ground floor ceiling height for residential uses. The intent of the higher ceiling height was to allow residential uses to more easily convert to commercial uses in the future. Most locations on Neighborhood Streets are, at best, marginal locations for commercial uses and are not envisioned to convert to commercial uses in the foreseeable future. The Neighborhood Street standards allow for residential frontage types, and these frontages are compatible with a lower, albeit still generous, ceiling height.

Green Infrastructure (Stormwater Infrastructure)

The City Council adopted the City's Green Infrastructure Plan in 2019. Green infrastructure refers to the construction and retrofit of storm drainage to reduce public runoff volumes, disperse runoff to vegetated areas, promote infiltration and evapotranspiration, and the use of bioretention and other natural systems to detain and treat runoff before it reaches our creeks and San Francisco Bay. Green infrastructure differs from the bioretention requirement on private property ("C.3") that requires all new development to treat its own stormwater runoff. Green infrastructure can be incorporated into construction on new and previously developed parcels, as well as new and rebuilt streets, roads, and other infrastructure within the public right-of-way.

References to the Green Infrastructure Plan have been incorporated throughout the San Pablo Avenue Specific Plan as part of the update and projects are required to evaluate opportunities for Green Infrastructure. Notably, the Green Infrastructure Opportunity Sites have been added to the Open Space Map on page 02-5.

Open Space Standards

The Specific Plan requires new development to provide different types of open space. New residential development must provide common/private open space in the ratio 80 square feet/unit. Private open space is private to a particular unit (e.g. a private yard or balcony). Common open space is typically for the exclusive use of residents of a building and is shared among those residents. The 2014 Specific Plan allowed a project applicant to divide the required open space between private and common open space as they saw fit. In addition, buildings over 25,000 square feet are required to provide 25 square feet of publicly accessible open space for every 1,000 square feet of building area, or to pay a fee in-lieu of providing public open space on a project site. Publicly accessible open space remains privately owned and maintained by the project, but is available for public use, typically during daylight hours, at a minimum. As part of the San Pablo Avenue Specific Plan update, the open space standards have been revised in the following ways:

1. Requiring 30% of the required common/private open space square footage to be allocated to individual, private open spaces (page 02-97).
2. Requiring the provision of onsite public open space for larger projects, with more than 150 units or on sites larger than 1 acre (page 02-97). (Also see discussion of the waiver to this requirement in the Waivers section.)
3. The balcony requirements have been revised to require balconies on street facing elevations. (Also see discussion of the waiver to this requirement in the Waivers section.)
4. Minimum dimensions have been established for private open spaces. The adopted San Pablo Avenue Specific Plan does not contain minimum dimensions for such spaces. In some circumstances, staff had to refer to standards in the Zoning Ordinance. Adopting these standards as part of the Specific Plan update will make their implementation much clearer. (Section 2.05.06.02.01.03 on page 02-98a.)

Parking/Transportation Demand Management (TDM)

The Specific Plan allows parking within a range by right (1 to 1.5 space per unit in the Transit Oriented Mid Intensity Mixed Use district and 0.5 to 1 space per unit in the Transit Oriented High Intensity Mixed Use district). Currently, for projects with lower parking ratios, the Zoning Administrator requires a parking study and additional Transportation Demand Management (TDM) measures. Section 2.05.08.05 (page 02-116) has been revised to clarify the process for requesting automobile and bike parking reductions. The parking reduction process for projects that qualify for a State Density Bonus has also been clarified. Staff notes that these changes may be largely mooted in January 2023 when the recently signed AB 2097 takes effect. AB 2097 prohibits cities from imposing minimum parking requirements within ½ mile of public transit.

Light and Air Exposure to Units

The Design Review Board has expressed interest in evaluating requirements related to the dimension of courtyards which are internal to a project to ensure appropriate dimensions (length, width and height) to create usable open spaces and provide sufficient light and air to adjacent residential units.

Requirements for internal courtyards have been added to the Specific Plan as part of the update (Section 2.05.06.03, page 02-98b). In order to preserve light and air exposure to courtyards and adjacent units, these requirements establish minimum dimensions for interior courtyards based on the depth of the courtyard.

Waivers

Section 2.02.07.04 of the 2014 Specific Plan (renumbered as Section 2.02.06.07 in the Specific Plan update) creates a process for waivers to certain standards. The waivers process allows a decision-making body for a project to consider waivers to specific standards that are listed in the Section. This process is distinct from the Tier IV Design Review process which allows the Planning Commission to grant exceptions to standards that are not listed in the Waivers section. At the August 17, 2022 joint Planning Commission and Design Review Board meeting, the joint body expressed a desire to add flexibility to the standards of the Specific Plan in several areas. To address these comments, the Specific Plan update has expanded the list of standards that qualify for waivers. The expanded list of waivers can be found in Section 2.02.06.07 on page 02-30.

Specific Plan Area Boundary

The development of transit-oriented development (TOD) on the surface parking lots at the El Cerrito Plaza BART station is moving forward, as previously discussed by the City Council. Most of the project site lies within the Specific Plan area. However, the BART-owned parking lot bounded by Richmond Street, Central Avenue, the Ohlone Greenway, and Willow Street is outside the area of the 2014 Specific Plan and is currently a remnant of the City's Transit Oriented Mixed Use (TOM) zoning district that was in place in the San Pablo Avenue corridor prior to the adoption of the Specific Plan. In order to bring the entire development site into the Specific Plan area, a boundary change to the Specific Plan boundary is proposed. This change requires rezoning through an ordinance, which is attached to this report. This rezoning brings the site into compliance with AB 2923, which requires minimum zoning on BART-owned properties.

Planning Commission Recommendation

As discussed above in the Background section, the Planning Commission recommended that the City Council adopt the Specific Plan update with amendments to the Plan regarding building electrification and EV charging. The building electrification and EV charging requirements recommended by the Planning Commission are outside the scope of the Specific Plan update that was reviewed by the Planning Commission and Design Review Board and endorsed by the City Council in 2019. However, City staff have drafted modifications that could be included in the Specific Plan update if the City Council wishes to incorporate the Planning Commission's recommendation with

respect to building electrification and EV charging. The City is also preparing an update to the City's Climate Action Plan (CAP) at this time. Based on previous direction from the City Council and the City Council Climate Action Subcommittee, staff had planned to include building electrification as part of the CAP update. The Request for Proposals for the Climate Action Plan included identification of an "early-win" climate strategy that could be implemented ahead of the adoption of the CAP update. However, based on the Planning Commission's recommendation, building electrification could be included in the Specific Plan update. As noted below, the inclusion of electrification requirements and increased EV charging requirements is being incorporated into the Plan with exceptions, because the two requirements were not able to be fully vetted for their impact on the other goals of the Plan, e.g. financial feasibility of private commercial and residential development projects.

Building Electrification

Building Electrification means a prohibition on the use of natural gas as a fuel source in new buildings. As electricity generation becomes less carbon-emitting, building electrification can reduce the carbon emissions of buildings. In California, to date, natural gas is commonly used for water heating, space heating, and cooking purposes in residential units. These natural gas uses can be substituted with electric heat pumps, induction cooktops, and other appliances that run on electricity. The 2022 California Green Building Standards Code (CalGreen Building Code) requires all new units to be "electric ready," meaning that electrical systems be provided to an area that has natural gas appliances so that an electric appliance could be substituted in the future. The Planning Commission's recommendation would go beyond this new CalGreen requirement and would prohibit natural gas in new buildings.

The Planning Commission's recommendation allowed City staff to develop building electrification requirements with waivers and clarifications for small projects and special cases. Accordingly, staff has developed language banning the use of natural gas which applies to new residential units in projects of 5 units or more throughout the Plan area and with exemptions for technical infeasibility and financial infeasibility. Natural gas prohibition for commercial uses can be challenging because there are not always viable substitutes for natural gas use in a commercial setting (certain types of cooking processes in a commercial kitchen, for example) and there may be other commercial projects similarly negatively impacted by such a prohibition. The City of Berkeley has been sued by the California Restaurant Association over the City of Berkeley's natural gas ban in restaurants. The case is currently pending before the Ninth Circuit Court of Appeals.

EV Charging

The 2022 CalGreen building code will require new multi-family projects of 20 units and hotels and motels with 20 or more guest rooms to equip 5% of parking spaces with Level 2 Electric Vehicle Supply Equipment (EVSE). EVSE is all of the equipment needed to charge an electric vehicle and is often referred to as an EV charger. Additionally, the 2022 CalGreen code requires that 25% of parking spaces be EV

ready, e.g. that the spaces are equipped with low power Level 2 charging receptacles to support future chargers. The 2022 CalGreen code also requires that 10% of parking spaces be EV capable, meaning that a raceway (conduit) is provided from the electric panel to each EV capable parking space and electric panel capacity is provided to support future charging.

Prior to the Planning Commission's recommendation, the Specific Plan update included a requirement that all parking spaces include a conduit from the electric panel to each parking space. This requirement is contained in Section 2.05.08.07(O) on page 02-120. Based on the Planning Commission's recommendation, City staff have drafted language that would increase the EVSE requirement to 20% of parking spaces for parking serving new projects of 5 units or more, or 6,000 square feet of commercial space or more, with exceptions for technical infeasibility and financial infeasibility.

Chapter 3: Complete Streets

The only revision to the Complete Streets Chapter is a note that states that the Chapter has not been revised as part of the 2022 Specific Plan update. The Complete Streets Chapter will continue to be implemented as funding becomes available and through required frontage improvements through private development. Notably, the [El Cerrito del Norte Transit Oriented Development \(TOD\) Complete Streets Improvements](#) project which is currently in the design phase will implement key components of the Complete Streets Chapter and is funded through a variety of sources, including developer impact fees and grants.

Chapter 4: Infrastructure

The Infrastructure Chapter has been revised to accommodate changes since 2014 and to address infrastructure needs in terms of the increased development capacity.

Supplemental Environmental Impact Report (SEIR)

Pursuant to Sections 15162 and 15163 of the California Environmental Quality Act (CEQA) Guidelines, a Supplemental Environmental Impact Report has been prepared for the San Pablo Avenue Specific Plan Update. The scope of the SEIR is limited to environmental issues raised by the differences between the Specific Plan Update and the 2014 adopted Specific Plan described and evaluated in the 2014 Specific Plan EIR.

The SEIR is available for review at: <http://www.el-cerrito.org/SPASP>. The SEIR consists of two volumes: the Draft SEIR and the Final SEIR. The Draft SEIR contains the project description and the environmental analysis described below. The Final SEIR contains the comments received during the public review period and the responses to those comments.

The SEIR analyzes a total of 14 environmental topic areas. Each chapter analyzes an environmental topic area and describes the environmental setting and the regulatory setting for the topic. The chapter then describes any potential supplemental impact of the plan update that exceeds the analysis in the 2014 EIR. Each chapter goes on to conclude whether the impacts remain less-than-significant with implementation of the

mitigation measures in the 2014 EIR or whether supplemental mitigation measures are required to reduce the impact of the Specific Plan update to a less-than-significant level.

Throughout the SEIR, only one supplemental impact was identified that required supplemental mitigation. This supplemental impact is in the area of Tribal Resources (Chapter 7). The addition of the supplemental impact and mitigation mainly stem from the fact the Tribal Resources was a topic area added to the Appendix G CEQA Checklist after 2014, and was not explicitly analyzed in the 2014 EIR. Supplemental Mitigation Measure 7-1 requires notification of the Native American Heritage Commission in the event of an archeologic discovery that appears to be Native American in nature. It also requires the City to conduct consultation with appropriate tribal contacts in the event of such a discovery.

The SEIR also concludes that the Significant and Unavoidable Impacts identified in the 2014 EIR remain unchanged with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for the Specific Plan Update. This is due to the change in metric from Level of Service (LOS)/Multi-Modal Level of Service (MMLOS) in the 2014 EIR to Vehicle Miles Traveled (VMT) in the SEIR. This change in metric is required by changes to the CEQA Guidelines as a result of SB 743.

STRATEGIC PLAN CONSIDERATIONS

The SPASP directly implements several of the goals and strategies, and is consistent with, the overall Strategic Plan. The primary goals and strategies furthered by the SPASP include:

- Goal B: Achieve long-term financial sustainability. Attract and maximize opportunities for new/expanding businesses.
- Goal C: Deepen a sense of place and community identity. Reimagine underdeveloped and underutilized properties through advance planning efforts that encourage investment and/or new development. Encourage use of alternative modes of transportation to connect people and create a sense of community.
- Goal F: Foster environmental sustainability citywide. Implement the City's Climate Action Plan, including: Reducing vehicle miles traveled (by creating a well connected, pedestrian, bicycle and transit-oriented urban form that will make it easier for residents and visitors to leave their car behind).

ENVIRONMENTAL CONSIDERATIONS

In accordance with the California Environmental Quality Act (CEQA), a Supplemental Environmental Impact Report (SEIR) has been prepared for the San Pablo Avenue Specific Plan update. A Notice of Preparation was issued on November 20, 2020. The Draft SEIR was circulated for public review and comment and a Notice of Availability was published with the Contra Costa County Clerk and the State Clearinghouse on July

19, 2022. The Final SEIR with response to the comments received during the public review period has been prepared in accordance with the CEQA Guidelines.

FINANCIAL CONSIDERATIONS

Preparation of the San Pablo Avenue Specific Plan update and Supplemental Environmental Impact Report have been funded by two grants: a Metropolitan Transportation Commission Priority Development Area Planning Grant and a State SB 2 Grant totaling \$468,000.

The costs of processing entitlement applications in the Specific Plan area will continue to be paid by project applicants. Implementation of the Complete Streets chapter of the San Pablo Avenue Specific Plan will be funded by developer contributions (e.g. the City's Transportation Impact Fee), grants, and available City, Regional, State and Federal funds. Infrastructure identified in the Infrastructure chapter of the San Pablo Avenue Specific Plan will be funded by a variety of mechanisms, including developer impact fees.

LEGAL CONSIDERATIONS

The City Attorney has been involved throughout the San Pablo Avenue Specific Plan update process and has reviewed the San Pablo Avenue Specific Plan update and Supplemental Environmental Impact Report for compliance with applicable laws.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution (Certifying the SPASP Update SEIR)
2. Exhibit A to the Resolution (Findings for Certification)
3. Exhibit B to the Resolution (Mitigation Monitoring Plan)
4. Resolution (Adopting SPASP Update General Plan Amendment)
5. Exhibit A to the Resolution (General Plan Amendment Map)
6. Resolution (Adopting SPASP Update)
7. Exhibit A to SPASP Update Revision Regarding Natural Gas Prohibition
8. Exhibit B to SPASP Update Revision Regarding EVSE Requirements
9. Ordinance
10. Exhibit A to Ordinance

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE, ADOPTING ENVIRONMENTAL IMPACT FINDINGS, FINDINGS REGARDING ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on November 20, 2020, the City circulated a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan (SPASP) update pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

WHEREAS, on December 3, 2020, a public Scoping Meeting for the SEIR was held; and

WHEREAS, on July 19, 2022 the Draft SEIR was circulated for public comment; and

WHEREAS, on August 9, 2022 the Planning Commission heard public comment on the Draft SEIR in a public meeting; and

WHEREAS, on September 2, 2022, the public comment period for the Draft SEIR closed; and

WHEREAS, on October 19, 2022 the Planning Commission recommended that the City Council certify the SEIR;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito finds that pursuant to CEQA Guidelines and Section 19.42 of the El Cerrito Municipal Code:

1. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation of an Environmental Impact Report was circulated on November 20, 2020. A scoping meeting was held at City Hall on December 3, 2020. The Draft Supplemental Environmental Impact Report (SEIR) was circulated on July 19, 2022 the public comment period on the Draft SEIR ended on September 2, 2022. Pursuant to CEQA, comments received during the comment period have been responded to in the Final SEIR which is now before the City Council for consideration.
2. The analysis contained in the SEIR has been developed using experts in related fields to professional standards stipulated by the CEQA Guidelines and by prevailing CEQA case law.
3. The Final SEIR was presented to the City Council prior to the November 15, 2022 meeting. The City Council reviewed the SEIR and has considered the analysis contained therein.

4. On November 15, 2022, the City Council held a public hearing and heard public comments and testimony regarding the Final SEIR.
5. The Final SEIR has been developed by City of El Cerrito staff and the City's consultant, using the analysis of experts in related fields. The final SEIR reflects independent expert analysis and the City of El Cerrito's independent judgment.
6. The City Council certifies that the Supplemental Environmental Impact Report has been completed in compliance with CEQA and the CEQA Guidelines.
7. The City hereby makes the findings and adopts a statement of overriding considerations in compliance with Sections 15091, 15092, 15093, and 15097 of the CEQA Guidelines and Sections 21081, 21081.5, and 21081.6 of CEQA, as set forth in detail in the attached Exhibit A, and based on the above certified Final SEIR and substantial evidence in the record.
8. The City Council hereby adopts the mitigation measures and the Mitigation Monitoring and Reporting Program to be implemented for each mitigation measure as included in Exhibit B, in compliance with Section 15097 of the CEQA Guidelines.
9. The location of the documents that constitute the record of proceedings are available for public review during business hours at El Cerrito City Hall, Community Development Department, 10890 San Pablo Avenue, El Cerrito CA.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Exhibit A
FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE
(Public Resources Code, section 21000 et. seq.)

I. INTRODUCTION

The San Pablo Avenue Specific Plan update ("project") represents an update to the San Pablo Avenue Specific Plan which was adopted in 2014. The Specific Plan contains the following elements: (1) a Form-Based Code (FBC); (2) multi-modal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The Specific Plan Update:

1. Form-Based Code

The Specific Plan Form-Based Code (FBC) supports the community vision of a vibrant, walkable, sustainable, and transit-oriented corridor that respects surrounding neighborhoods, by establishing development standards that further these goals.

2. Complete Streets Plan

The Complete Streets Plan provides direction for the redesign and development of the street right-of-way (ROW) in the Plan area, such as travel lanes, intersections, bike lanes, cycletracks, crosswalks, and medians. The Plan also provides guidance for the pedestrian realm of the ROW. The Complete Streets Plan aims to create a streetscape environment that balances the needs of all users and encourages "mode shift" to increase the percentage of pedestrians, cyclists, and transit users.

3. Infrastructure Systems

The Specific Plan update (especially the Infrastructure Systems chapter) includes infrastructure goals and policies, and recommends feasible improvements to infrastructure systems to support the Plan objectives. The systems evaluated in the plan include water, wastewater, storm drainage, and dry utilities (e.g., gas, electric, cable).

Development Capacity Assumptions

The certified EIR notes, "When and if [the development capacity] numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted." This SEIR is that new environmental analysis, documentation, and determination for the Specific Plan Update. No site-specific, individual development proposals will be approved as part of the Specific Plan Update SEIR certification

process. Any such individual project would be subject to its own CEQA review, including evaluation against the Specific Plan SEIR.

The Plan area development capacity assumptions used for the impact analyses in the 2014 EIR were first based on projections provided by the Association of Bay Area Governments (ABAG) for the Plan area, then on entitled and planned projects in the Plan area, and projections for the construction of projects consistent with the Form-Based Code development standards. For this SEIR, ABAG Plan Bay Area growth projections were applied to the development standards, including on-site parking, site layout, and height parameters, to forecast a realistic growth projection for the Specific Plan area. The development capacity assumptions also incorporate locally refined data of development feasibility that is more precise than regional projections.

The Specific Plan update requires the following approvals:

Implementation of the San Pablo Avenue Specific Plan update would require, but not be limited to, the following discretionary approvals:

- Certification of the Final Supplemental Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of amendments to the San Pablo Avenue Specific Plan (the Specific Plan update)
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency between the Specific Plan and the General Plan and Zoning Ordinance
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan area

II. PROJECT OBJECTIVES

The City Council has determined that the Project has been designed to meet the following objectives:

Goal A: Enliven San Pablo Avenue

Strategy 1: Attract pedestrian activity, and increase residential population to foster community, support businesses and create places of interest.

Strategy 2: Attract new businesses and support existing businesses.

Strategy 3: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.

Strategy 4: Plan for all modes of travel.

Strategy 5: Require active ground-floor commercial uses at key nodes.

Strategy 6: Provide publicly-accessible open spaces in appropriate locations.

Strategy 7: Encourage dynamic public art.

Goal B: Encourage Practical and Market Friendly Development

Strategy 1: Provide development clarity and objective design standards to encourage investment.

Strategy 2: Incorporate flexible development codes processes and standards that respond to constrained parcels, surrounding context and the market.

Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area's residential base.

Goal C: Support Climate Action Goals

Strategy 1: Encourage modern higher-density development in the Specific Plan area in order to increase resource efficiency of housing units.

Strategy 2: Reduce vehicle miles traveled by locating higher-density development in close proximity to transit and bicycle infrastructure and commercial and public-serving uses.

Strategy 3: Invest in public right-of-way improvements that enhance travel for transit users, pedestrians and bicyclists through public funding and private contributions.

Strategy 4: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile and to make development near transit more feasible.

Strategy 5: Incorporate Complete Streets that enhance the experience, safety, and efficiency of pedestrians, bicyclists, and transit users.

Goal D: Create Housing That Supports a Diverse Population

Strategy 1: Encourage a range of units types across the Specific Plan area.

Strategy 2: Promote the creation of affordable housing units through implementation of the City's Inclusionary Zoning requirements and through partnering with affordable housing providers.

Strategy 3: Allow new development to provide housing that responds to market demands.

Strategy 4: Support diversified transportation options for residents by promoting housing development in proximity to existing or planned transportation investments.

Strategy 5: Continue to support a wide variety of community amenities to attract and maintain a diverse population.

Strategy 6: Allow sufficient housing in the Specific Plan area to accommodate the City's required Regional Housing Needs Allocation at all income levels.

III. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

On September 22, 2014, the El Cerrito City Council adopted the San Pablo Avenue Specific Plan and certified the San Pablo Avenue Specific Plan Final Environmental Impact Report (State Clearinghouse Number 2014042025) (Specific Plan EIR), which assessed the potential environmental impacts of implementing the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report supplements the previously certified Specific Plan EIR per CEQA Guidelines Sections 15162 and 15163. This includes changes in the environmental and regulatory setting, potential environmental effects associated with the San Pablo Avenue Specific Plan update.

On November 20, 2020 the City circulated a Notice of Preparation ("NOP") for 30 calendar days to help identify the type of impacts that could result from the Specific Plan update, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices on the Plan. In addition, the NOP was posted on the City's website. A public scoping meeting was held on December 3, 2020. Comments received by the City on the NOP and at the public scoping meeting were considered during preparation of the Draft SEIR.

The Draft SEIR was made available for public and agency review on July 19, 2022. Copies of the Notice of Availability (“NOA”) of the Draft SEIR were mailed to public agencies (including the State Clearinghouse (SCH #2014042025)), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices about the Plan. In addition, copies of the Draft SEIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft SEIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A public comment session on the Draft SEIR was held before the Planning Commission on August 17, 2022. The CEQA-mandated 45-day public comment period for the Draft EIR ended on September 2, 2022. All comments on the Draft SEIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

The comments on the Draft SEIR, changes to the Draft SEIR, and the written responses were incorporated into a Final SEIR that was published on October 15, 2022. Copies of the Final EIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of El Cerrito on October 19, 2022, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to certify the Final SEIR.

A duly and properly noticed public hearing was scheduled before the City Council of the City of El Cerrito on November 15, 2022, and all persons interested and expressing a desire to comment were heard.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP, comments received on the NOP or at the scoping meeting, and all other public notices issued by the City in conjunction with the Plan;
- (b) The Draft San Pablo Specific Plan update released for public review on July 19, 2022 and the revised Draft San Pablo Specific Plan released on October 15, 2022;
- (c) The Draft SEIR for the Project (July, 19, 2022), appendices to the SEIR, and technical materials cited in the document;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the Specific Plan update, including comments received on the Draft SEIR, responses to those comments, text revisions to the Draft SEIR, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between July 19, 2022 and September 2, 2022;

- (f) The Mitigation Monitoring and Reporting Program for the Plan;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Specific Plan update prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Plan;
- (h) All documents submitted to the City (including the Design Review Board, the Planning Commission and the City Council) by other public agencies or members of the public in connection with the SEIR, up through the close of the public hearing on November 15, 2022;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the SEIR;
- (j) All matters of common knowledge to the Commission and Council, including, but not limited to:
 - (i) The El Cerrito General Plan and other applicable policies;
 - (ii) The El Cerrito Zoning Ordinance and other applicable ordinances;
 - (iii) The 2014 San Pablo Avenue Specific Plan
 - (iv) The 2014 EIR for the San Pablo Avenue Specific Plan
 - (v) Information regarding the City's fiscal status; and
 - (vi) Applicable City policies and regulations; and
- (k) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 9453. The custodian of these documents is the Community Development Director or his/her designee.

C. Findings Are Determinative

These City of El Cerrito findings required under CEQA for the Specific Plan update ("Findings") are the City's findings under CEQA (Pub. Resources Code, §21000 et seq.) and *CEQA Guidelines* (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the Specific Plan update. The Findings provide the written analysis and conclusions of the Council regarding the update's environmental impacts, mitigation measures and project alternatives that, in the Council's view, justify approval of the Plan update. All mitigation measures listed below in this Findings document are included in a Mitigation Monitoring and Reporting Program ("MMRP").

In certifying the Final SEIR, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the document and testimony that make up the SEIR and the administrative record; that experts disagree; and that the City Council must base its decision and these findings on the substantial evidence in the record that

it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the SEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the SEIR have been adopted and included in the MMRP, substantially in the form proposed in the SEIR, with such clarifications and non- substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. The MMRP is expressly incorporated into the Project.

The findings and determinations in this Exhibit A are to be considered as an integrated whole and, whether or not any subdivision of this Exhibit A fails to cross-reference or incorporate by reference any other subdivision of this Exhibit A, any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding in this Exhibit A is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures identified in this Exhibit A may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by a particular mitigation measure; however, any failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. SCENIC VISTAS

Aesthetics Impact 4-1: Project Impacts on Scenic Vistas.

Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

Aesthetics Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02.

Mitigation Measure Aesthetics 4-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. *Effects of Mitigation:* Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. Incorporation of this measure would reduce the impact on scenic vistas.
2. *Remaining Impacts:* Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed within the framework of this program SEIR, the impact is considered significant and unavoidable.
3. *Finding.* Because the outcome of future decision making process is cannot be guaranteed to work within the framework of the SEIR, No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3))

CULTURAL AND HISTORIC RESOURCES.

Impact 7-1: Destruction/Degradation of Historic Resources.

There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]).

Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less than- significant level*** (CEQA Guidelines section 15064.5).

(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.

If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character defining features and materials for educational and interpretive use onsite, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.

Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources.

Mitigation Measure HR 7-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. This SEIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level.
2. Remaining Impacts: The impacts to cultural and historic resources would remain significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

NOISE

Impact 13-3: Construction Noise.

Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.

Mitigation 13-3.

Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Businesses, residences, or noise sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would address complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
- Conspicuously post a telephone number for the liaison at the construction site.

Mitigation Measure NOISE 13-3 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Constraints to daily construction times have been noted and a list of ways to lessen noise impacts have been included. Changes or modifications have been incorporated into the project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance.
2. Remaining Impacts: The impact of increased noise on businesses and residences during construction is significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

Impact 13-4: Construction-Related Vibration.

Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings.

Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities:

- Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.
- In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:

- Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration.
Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
- Design construction contingencies that would be implemented when vibration levels approached the limits.
- At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Mitigation Measure Noise 13-4 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessens the significant environmental effects identified in the SEIR, although not to a level of insignificance. Even with the above mitigation measures it may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan update. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce groundborne vibrations below a level of significance.
2. Remaining Impacts: The Specific Plan update would have a significant and unavoidable impact resulting from construction related vibration.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations § 15091(a) (3))

V. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Potentially significant impacts of the Specific Plan are listed below with applicable mitigation measures, all of which are included in the Mitigation Monitoring and Reporting Plan. For each of

the impacts listed, the City Council finds that changes or alterations have been required in the Specific Plan, through the adoption of the MMRP, to mitigate or avoid the significant impacts on the environment (14 California Code of Regulations §15091(a)(1)), as described in this Section V.

A. AESTHETICS AND VISUAL RESOURCES

Impact 4-2: Project Light and Glare Impacts.

The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties.

Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the Mitigation Monitoring and Reporting Program (“MMRP”) and it will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the utilizing the design review process and requiring facades to be constructed from non-reflective materials will cause the impact to be less than significant with implementation of the mitigation measure.
2. Remaining Impacts: Any remaining impacts related to impacts of light and glare would not be significant.

Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline- powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM₁₀ and

PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_x emission thresholds.

Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter and PM₁₀ from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM₁₀) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 5 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions:
 - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the

construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet- average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.

- Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure low emissions.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP. The City finds that implementing the following BAAQMD-recommended measures to control particulate matter emissions during construction will reduce the impacts caused by diesel particulate matter and PM10 to ensure that short-term health impacts to nearby sensitive receptors are to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of diesel particulate matter and PM10 would not be significant.

Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors.

Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM2.5 exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant.

Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by- project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection;

- Use of alternative fuels and engine retrofits, temporary line power or electric equipment;
- Modified construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a project-level construction health risk assessment is feasible and will reduce the impacts of TACs of sensitive receptors during construction to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of TACs of sensitive receptors during construction would not be significant.

Impact 5-3: Toxic Air Contaminant Exposure - Long-Term Operations.

The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan area surface streets is not readily available, the *roadway screening analysis tables* indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than- significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a potentially significant impact.

Mitigation 5-3. Implement the following measures in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within the overlay distances identified above:

- Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site- specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.

- Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual PM2.5 exposures greater than 0.3 µg/m3, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0 or annual PM2.5 exposures greater than 0.8 µg/m3.
- For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).
- Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.
- Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best-suited to trapping particulate matter shall be planted, including the following: Pine (*Pinus nigra* var. *maritime*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.
- Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for the following measures in site planning and building designs will reduce the impacts of TACs to a less-than-significant level.
2. Remaining Impacts: Any remaining long term impacts related to TACs would not be significant.

B. BIOLOGICAL RESOURCES

Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.

The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take"

under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed.

Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

Actions (1) and (2) can be implemented simultaneously.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the pre-construction surveys and measures for the avoidance of active nests and bats are feasible and will reduce potential impacts to nesting birds and bats to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to nesting birds and bats would not be significant.

C. CULTURAL AND HISTORIC RESOURCES

Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains.

Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area.

Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of

the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site.

Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission.

Identified cultural resources shall be recorded on form DPR 422(archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a site- specific cultural resources study and technical report meeting state and federal requirements performed by a qualified archaeologist or equivalent cultural resources professional and treatment plans for identified resources as well as resources discovered during construction are feasible and will reduce potential impacts to archaeological resources to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to archaeological resources would not be significant.

Impact 7-3: Potential for Disturbance of Paleontological Resources.

Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.

Mitigation 7-3. During the City’s standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:

(1) *Education Program.* Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel;
- Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and
- Procedures for reporting discoveries and their geologic context.

(2) *Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material

collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to educate earth moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts to paleontological resources would not be significant.

Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.

Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA.

Supplemental Mitigation 7-1.

During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts (“tribal finds”) shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as

identified in the SEIR. The City finds that the requirement to notify appropriate tribal contacts and engage in consultation if tribal finds are encountered will reduce potential impacts to tribal resources to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts to tribal resources would not be significant.

D. GEOLOGY AND SOILS

Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements.

Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for site-specific geotechnical investigations and engineering studies would reduce potential impacts related to geologic stability to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts related to geologic stability resources would not be significant.

E. NOISE

Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from BART noise. Future noise levels would exceed El Cerrito's noise and land use compatibility standards.

Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito General Plan. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L_{dn}, the local established land use compatibility threshold. In areas where residential developments would be exposed to an L_{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects.

- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.

The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits.

- Similar to above, noise insulation features shall be considered on a case-by-case basis for noise- sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific consideration outside noise levels and appropriate requirement of project-specific acoustical analyses would reduce potential impacts to noise and land use compatibility to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts to noise and land use compatibility resources would not be significant.

Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact.

Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

- Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limit for the City of El Cerrito. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the City's noise standards.
- Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for approval of commercial development near residences to complete a noise study ensuring that the business would be consistent with the City's noise standards and reduce potential impacts to commercial development noise to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to commercial development noise would not be significant.

VI. GROWTH INDUCING EFFECTS

The City Council finds that implementation of the Specific Plan update could result in a net increase in housing and population in the Specific Plan area over existing conditions, as explained in Section 3.6 (Development Capacity Assumptions) and Chapter 14 (Population and Housing) of this SEIR. The net increases through the horizon year of 2040 would be approximately 2,500 residential units. The direct increase in residential units and population could have an indirect economic "multiplier" effect, generating additional employment in the broader region.

No substantial, detrimental, growth-inducing effect is expected. Specific Plan update implementation would not extend roads or infrastructure through undeveloped or low-density areas; one of the main objectives of the Specific Plan update is to facilitate new development efficiently and effectively in an area where roads and infrastructure already exist (see Chapter 3, Project Description). Any future individual development proposals outside the Plan area would require standard local review of associated development applications, including CEQA-mandated development specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to avoid or reduce the potential environmental impacts of such secondary growth inducement associated with the Specific Plan to less-than-significant levels, except where specific CEQA statements of overriding consideration are adopted.

VII. PROJECT ALTERNATIVES

The potential environmental consequences of the San Pablo Avenue Specific Plan were analyzed in detail in the 2014 San Pablo Avenue Specific Plan EIR (2014 EIR). After considering a reasonable range of potentially feasible alternatives, including a No Project alternative, the City chose to adopt the Specific Plan project as proposed. This SEIR is intended to supplement the City-certified 2014 EIR; it is not intended to be a completely new EIR. As required under CEQA Guidelines Section 15163, the scope and content of this supplement to the 2014 EIR is limited to additions and changes necessary to make the previous EIR adequate for the project as revised.

Consequently, this SEIR addresses only the environmental issues that are raised by the differences between the approved 2014 Specific Plan and the proposed Specific Plan Update project (which includes a Specific Plan Amendment to increase the development cap allowance, expand the 2014 Plan Area, and revise and refine various Plan components to clarify and improve implementation of the Specific Plan). The scope of any further alternatives analysis would therefore be limited to a discussion of alternatives to the proposed Specific Plan Update project that would avoid or substantially lessen the significant effects resulting from the project above and beyond the 2014 EIR alternatives analysis. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Specific Plan Update project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). Therefore, no further discussion of alternatives to the proposed Specific Plan Update project is required.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). The significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for this Project due to the change in metric from Level of Service (LOS)/Multi-Modal Level of Service (MMLOS) in the 2014 EIR to Vehicle Miles Traveled (VMT) in the SEIR. After review of the entire administrative record, the City Council finds that, pursuant to CEQA section 21081(b) and CEQA Guidelines section 15093, specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project's benefits.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the entire administrative record, the City has determined that the Project would result in significant unavoidable transportation impacts, as described in Section IV of these Findings.

The City hereby finds that, where possible, changes or alterations have been required in or incorporated into the Project that substantially lessens the significant environmental effects identified in the EIR. The project and the MMRP incorporate all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. The City further finds that there are no additional feasible mitigation measures or alternatives that could be imposed or adopted to eliminate the significant and unavoidable impacts listed above. These impacts could not be reduced to a less- than-significant level by feasible changes, mitigation measures or alternatives to the Project.

B. Overriding Considerations

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the SEIR that could not be feasibly mitigated to a level of insignificance. The City Council finds that each of the specific environmental, economic, fiscal, social, housing and other overriding considerations set forth below constitutes a separate and independent ground for a finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. With the exception of Impact 16-1 (no longer an impact), the significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, and therefore the overriding considerations remain unchanged. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project.

Substantial evidence in the record demonstrates the City would derive the following substantial public benefits from adoption and implementation of the Project:

1. The Project is the product of a transparent, multi-year process designed to develop community consensus. The Project has benefitted from unprecedented levels of public outreach and participation, and has been informed by appropriate analyses. In addition to large attendance at the community workshops, the Planning Commission and City Council both conducted a detailed and public review of the Draft Specific Plan update and provided clear direction that has been comprehensively addressed. As a result, the Project is reflective of the community's diverse preferences and goals.
2. The Project will enhance the public realm, through an integrated network of public spaces, including widened sidewalks, plazas and parks, that invites strolling and public gathering and allows for community life, identity and sense of place. The Project's comprehensive public space network supports a more active, vibrant downtown and healthier living by encouraging walking, biking and social gathering.
3. The Project will create a more active, vibrant urban area, with a mix of commercial and residential uses that complement and support one another and bring vitality, including increased retail sales, to the area. In addition, the Project will establish standards and guidelines that encourage development of underutilized and vacant land on San Pablo Avenue while ensuring a building character that is modulated visually interesting.

4. The Project recognizes and promotes healthy living and activity by encouraging walking, biking and access to transit as alternatives to vehicular use, supported by widened sidewalks and new bicycle facilities; enhanced public spaces; development intensity focusing on the two BART stations; and a greater mix and diversity of uses. The Project takes a comprehensive approach to sustainability and carbon emissions reduction, utilizing standards integrated with best practices and guidelines for both public and private improvements. The Project also encourages context sensitive design.

X. SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Plan, shall continue in full force and effect unless amended or modified by the City.

EXHIBIT B

MITIGATION MONITORING CHECKLIST--SAN PABLO AVENUE SPECIFIC PLAN UPDATE

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the San Pablo Avenue Specific Plan Update in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AESTHETICS AND VISUAL RESOURCES						
Impact 4-1: Project Impacts on Scenic Vistas. Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond. This is considered a <i>potentially significant impact</i> .	Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02. Incorporation of this measure would reduce the impact on scenic vistas. However, because the outcome of this decision-making process for any individual, future proposal cannot be guaranteed within the framework of this program EIR, the impact is considered <i>significant and unavoidable</i> .	City; Individual project applicants	City	During individual project review		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Impact 4-2: Project Light and Glare Impacts. The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties. These impacts related to light and glare are considered a <i>potentially significant</i>.	Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process. With this requirement incorporated into the local design review process, the light and glare impact of future parking structures would be <i>less-than-significant</i>. Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating. This requirement would reduce potential glare impacts of building materials to a <i>less-than-significant level</i>.	Individual project applicants	City	During individual project review; Condition of occupancy permit issuance		
		Individual project applicants	City	Condition of building permit issuance; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AIR QUALITY						
Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM ₁₀ and PM _{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM ₁₀ and PM _{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO _x emissions, in addition to PM ₁₀ and PM _{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO _x emissions during grading and soil import/export for large projects may exceed the BAAQMD	Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM ₁₀ , and PM _{2.5} from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced: <i>Dust (PM₁₀ and PM_{2.5}) Control Measures:</i> - Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. - Cover all hauling trucks or maintain at least two feet of freeboard. - Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
NO _x emission thresholds. Without application of appropriate control measures to reduce construction dust and exhaust, construction period impacts would be considered a <i>potentially significant impact</i> .	inactive for 10 days or more). ▪ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. ▪ Limit traffic speeds on any unpaved roads to 15 mph. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Suspend construction activities that cause visible dust plumes to extend beyond the construction site. ▪ Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions: ▪ The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	particulate reduction compared to the most recent CARB fleet average for the year 2011. - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site. - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). - Properly tune and maintain equipment for low emissions. Implementation of these measures would reduce project construction-related air quality impacts to a <i>less-than-significant level</i>.					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors. Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM_{2.5} exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant. Health risks associated with temporary construction would, therefore, be considered a potentially significant impact.	Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures: - Construction equipment selection; - Use of alternative fuels and engine retrofits, temporary line power or electric equipment; - Modified construction schedule; and - Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. Implementation of these industry-recognized measures would reduce TAC construction impacts to a less-than-significant level.	Individual project applicants	City	During individual project review (health risk assessment); Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
BIOLOGICAL RESOURCES						
Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats. The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed. This is considered a potentially significant impact .	Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. Implementation of this measure would reduce the impact to a less-than-significant level .	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	(2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>. Actions (1) and (2) can be implemented simultaneously.	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
CULTURAL AND HISTORIC RESOURCES						
Impact 7-1: Destruction/Degradation of Historic Resources. There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines Section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a significant impact .	Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards: ▪ Secretary of Interior's <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i> ; or ▪ Secretary of Interior's <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a <i>less-than-significant level</i> (CEQA Guidelines Section 15064.5). (b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register. If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:					

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	(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's <i>Standards for Architectural and Engineering Documentation</i>. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society. (d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction. (e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance. (f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.					

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	Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources. However, this program EIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level. Consequently, this impact may remain significant and unavoidable .					
Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains. Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area. This possibility represents a potentially significant impact .	Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures. In general, to make an adequate determination in these instances, the	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

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	archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching). If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by: ▪ Planning construction to avoid the archaeological site; ▪ Incorporating the site within a park, green space, or other open space element; ▪ Covering the site with a layer of chemically stable soil; or ▪ Deeding the site into a permanent conservation easement. When in-place mitigation is determined by the City to be infeasible, a <i>data recovery plan</i>, which makes provisions for adequate recovery of culturally or					

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	historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities. A <i>data recovery plan</i> and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines Section 15126.4[b]). In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15126.4(b) shall					

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	apply. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.					
Supplemental Impact 7-1: Impacts on Tribal Cultural Resources. Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA. These possibilities represent a <i>potentially significant impact</i>. This is a new impact not identified in the 2014 Specific Plan EIR because this new CEQA criterion was added after the 2014 EIR was certified.	Supplemental Mitigation 7-1. During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts ("tribal finds") shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

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GEOLOGY AND SOILS						
Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements, representing a potentially significant impact .	Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards. Project incorporation of this mitigation requirement would reduce this impact to a less-than-significant level .	Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		
Impact 8-2: Paleontological Resources Impacts (formerly Impact 7-3: Potential for Disturbance of Paleontological Resources). The certified 2014 EIR determined that this impact would be potentially significant because the San Pablo Avenue Specific Plan would allow development in areas that may include unrecorded paleontological resources. The 2014 EIR found that the alluvium that underlies the plan area has a high potential for containing fossil resources, and it is possible that significant paleontological resources could be discovered during ground-disturbing activities. The Plan Update Area would include these soils with the potential for unrecorded paleontological resources, as the geological conditions have not changed since the 2014 EIR was certified. This possibility represents a potentially significant impact .	Mitigation 8-2 (formerly Mitigation 7-3). During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures: (1) <i>Education Program.</i> Project applicants shall implement a program that includes the following elements: ▪ Resource identification training procedures for construction personnel; ▪ Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and ▪ Procedures for reporting discoveries and their geologic context.	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

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	(2) <i>Procedures for Resources Encountered.</i> If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a <i>less-than-significant level.</i>					

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NOISE						
Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L _{dn} from traffic noise and 70 dBA L _{dn} from BART noise. Future noise levels would exceed both El Cerrito's and Richmond's noise and land use compatibility standards. This is a potentially significant impact .	Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond general plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L _{dn} , the local established land use compatibility threshold. In areas where residential developments would be exposed to an L _{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (L _{dn}) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions. ▪ Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L _{dn} from roadway traffic and 70 dBA L _{dn} from BART noise. ▪ The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L _{dn} or lower, and	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
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	the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits. Similar to above, noise insulation features shall be considered on a					

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	case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.					
Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact. This is a potentially significant impact.	Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards. - Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business – including loading docks, refuse areas, and ventilation systems – would meet these requirements and would be consistent with the respective City's noise standards. - Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities, are limited to the hours of 7:00 AM to 9:00 PM. Implementation of these measures would reduce the potential commercial development noise impacts to a less-than-significant level.	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

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Impact 13-3: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is a significant impact .	Mitigation 13-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities: ▪ Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment. ▪ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. ▪ Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. ▪ Prohibit unnecessary idling of internal combustion engines. ▪ Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. ▪ Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses. ▪ A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

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	which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. - Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. - Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. - Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. - Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the					

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	construction site. Although the above measures would reduce noise generated by construction, the impact would remain significant and unavoidable as a result of the extended period of time that adjacent receivers could be exposed to construction noise.					
Impact 13-4: Construction-Related Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a significant impact.	Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities: ▪ Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. ▪ Avoid using vibratory rollers and tampers near sensitive areas. ▪ In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: – Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

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	be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. - Design construction contingencies that would be implemented when vibration levels approached the limits. - At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. - Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels					

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	or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities. It may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be significant and unavoidable.					

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL APPROVING OF A
GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR
PROPERTY LOCATED IN SAN PABLO AVENUE SPECIFIC PLAN AREA

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, and associated Final Supplemental Environmental Impact Report, and all public testimony, adopts the General Plan amendment for the San Pablo Avenue Specific Plan update as detailed in Exhibit A and finds as follows:

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

The SPASP update is in the public interest because it adopts context-sensitive regulations to be applied throughout the Plan area

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

The SPASP update is consistent in all significant respects with the General Plan; in that supports the spirit and intent of all of the existing goals and policies in the General Plan related to the San Pablo Avenue corridor.

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 SPASP update shall be implemented in compliance with all appropriate sections of the El Cerrito Municipal Code, including the Building and Fire Codes as well as in concert with its Supplemental Environmental Impact Report, ensuring that it will not be detrimental to the public's health, safety or welfare.

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).*

A Supplemental Environmental Impact Report (SEIR) was prepared for the San Pablo Specific Plan update in full compliance with applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA) and the Planning Commission recommended that the City Council certify the SEIR on October 19, 2022, and the City Council certified the SEIR, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

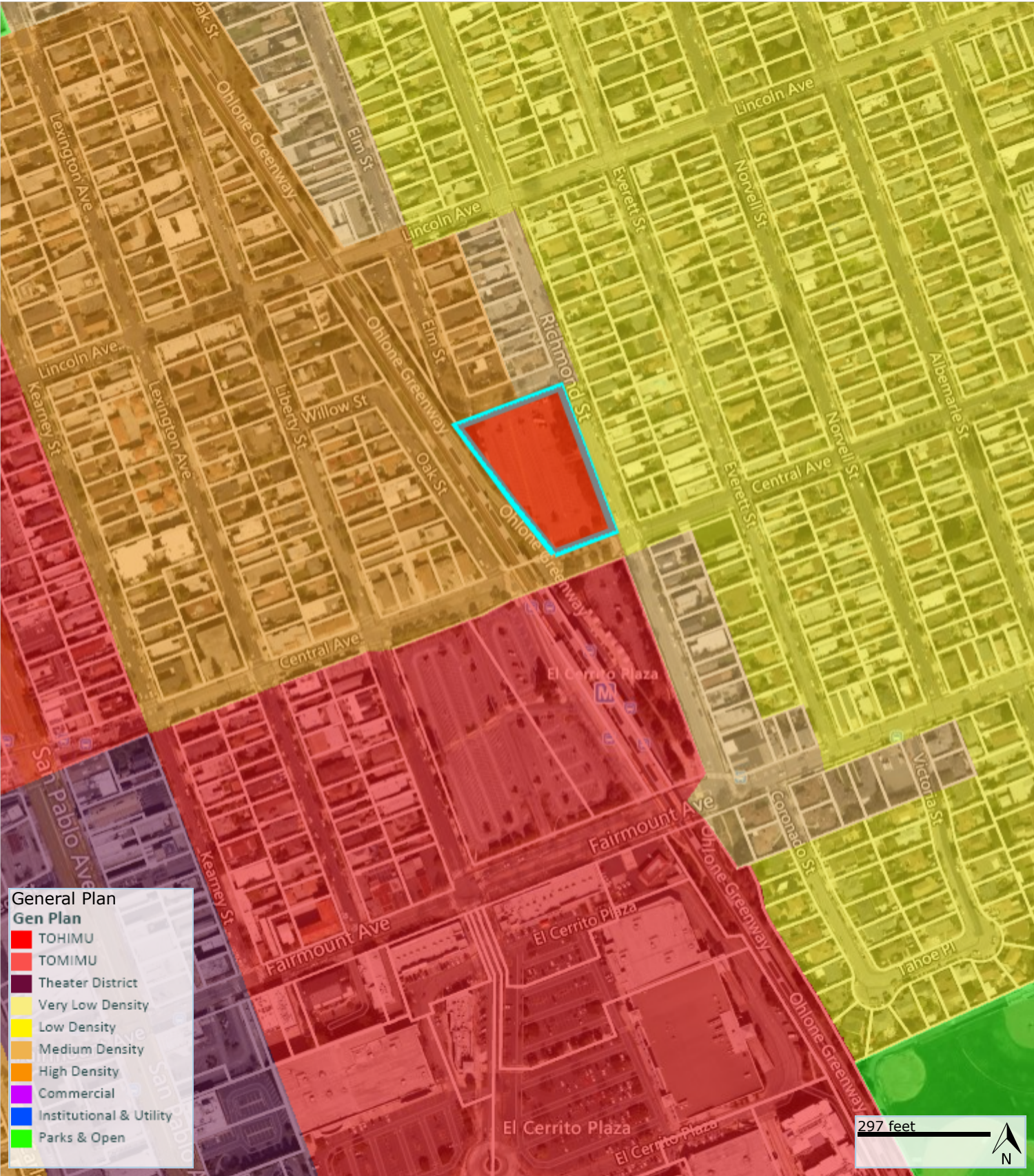
IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charl  ty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Exhibit A



San Pablo Avenue Specific Plan Update General Plan Amendment



RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ADOPTING THE UPDATED SAN PABLO AVENUE SPECIFIC PLAN WITH AMENDMENTS REGARDING BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE CHARGING

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging; and

WHEREAS, building electrification reduces carbon emissions and staff will provide additional information supporting the building electrification amendments referenced herein.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update,

attached exhibits, associated Final Supplemental Environmental Impact Report, and all other information and testimony, hereby adopts the San Pablo Avenue Specific Plan update, with amendments as set forth in Exhibit A and Exhibit B, and finds as follows:

1. The San Pablo Avenue Specific Plan update is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.
2. The San Pablo Avenue Specific Plan update is consistent with the El Cerrito General Plan.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charl  ty, City Clerk

APPROVED:

Gabe Quinto, Mayor

2.05.05.01.04 All-Electric Residential Units

A. Applicability

1. The requirements of this Section shall apply to all new residential dwelling units located in projects that include 5 residential dwelling units or more and are subject to Tier II or Tier IV Design Review.
2. This Section shall not apply to non-residential land uses and non-residential components of a mixed use project.
3. The requirements of this Section shall not apply to the use of portable propane appliances for outdoor cooking or heating.
4. This Section shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title 24, Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval.
5. The requirements of this Section shall be incorporated into conditions of approval for Tier II and Tier IV Design Review for projects subject to this Section.

B. Definitions

For the purposes of this Section:

1. "Fuel gas" shall be defined as natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.
2. "Fuel gas infrastructure" shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

C. Prohibited Fuel Gas Infrastructure in Newly Constructed Residential Dwelling Units

1. *Fuel gas infrastructure* shall be prohibited from serving new residential dwelling units that are subject to this Section. For the purposes of this Section, "serving new residential dwelling units" means, providing fuel gas infrastructure directly to a residential dwelling unit or otherwise conditioning the residential dwelling unit through the use of fuel gas infrastructure.
2. Existing *fuel gas infrastructure* shall not be extended to any system or device within a new residential dwelling unit that is subject to this Section. Inactive *fuel gas infrastructure* shall not be activated or otherwise operated to serve new residential dwelling units.
3. The requirements of this Section shall be deemed objective planning standards under Government Code Section 65913.4 and objective development standards under Government Code Section 65589.5.

D. Exceptions

The following exceptions may apply to a project otherwise subject to this Section:

1. Significant Hardship or Technical Infeasibility. If an applicant for new residential dwelling units subject to this Section believes that the type of project or physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare in the event of an electric grid outage make it a hardship or infeasible to meet the requirements of this Chapter, or the project meets any City-adopted sustainability and environmental policies, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.
2. Financial Infeasibility. If an applicant for new residential dwelling units subject to this Section believes that the prohibition on fuel gas infrastructure in newly constructed residential dwelling units will render the project as a whole financially infeasible, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.

E. Process for consideration of exemption applications.

1. To assist the Zoning Administrator in evaluating an exemption request, the City may retain one or more consultants to peer review information submitted by the applicant. The applicant shall reimburse the City for the costs of the consultants retained, plus the City's standard charge for administrative overhead as set forth in the City's Master Fee Schedule.
2. In making a determination in response to an exemption application under this Section, the Zoning Administrator shall determine that the facts offered in support of an application demonstrate both that substantial evidence in the record supports the exemption request, and that the purposes of this Section will have been achieved to the maximum extent reasonably allowed by the circumstances. Any exemption granted shall require the applicant to comply with the requirements of this Section to the fullest extent reasonably achievable given the circumstances, provided such requirements meet or exceed the electrical readiness requirements in the El Cerrito Municipal Code.
3. The Zoning Administrator's decision shall contain a statement of the facts upon which the decision was based, as well as the reduced compliance level requirements that must be achieved. The Zoning Administrator's decision shall become a condition of the development or building permit issued for the project.
4. The Zoning Administrator's decision shall be mailed or electronically mailed to the applicant to the address shown on the application.

NOTE: The City of Berkeley adopted a similar prohibition on fuel gas infrastructure in new buildings that is currently being challenged in federal court. The trial court upheld Berkeley's ordinance in *California Restaurant Association v. City of Berkeley* (N.D. Cal. 2021) 547 F.Supp.3d 878. That decision is on appeal to the Ninth Circuit Court of Appeals, which heard oral arguments in the summer of 2022. The City will review this Section in light of any Ninth Circuit decision and may suspend enforcement of this Section, issue administrative regulations for the administration of this Section, or other appropriate actions that might alter or limit the application of this Section.

O. Electric Vehicle Charging

All parking spaces shall be equipped with a raceway that originates at the main electric service or subpanel.

When parking is provided for a project containing 5 or more residential dwelling units and/or 6,000 square feet or more of commercial space, a minimum of 20 percent of the parking spaces, but not less than one parking space, shall be installed with Level 2 Electric Vehicle Supply Equipment (EVSE). For the purposes of this Section, "EVSE" shall be as defined by the California Green Building Standards Code. An automatic load management system (ALMS) shall be permitted to reduce load when multiple vehicles are charging. For the purposes of this Section, "ALMS" shall be as defined by the California Green Building Standards Code.

1. Exceptions

- a. **Significant Hardship or Technical Infeasibility.** If an applicant for a project subject to this Section believes that the type of project or physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare make it a hardship or infeasible to meet the requirements of this Chapter, or the project meets any City-adopted sustainability and environmental policies, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.
- b. **Financial Infeasibility.** If an applicant for a new project subject to this Section believes that the amount of EVSE required by this Section will render the project as a whole financially infeasible, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.

2. Process for consideration of exemption applications.

- a. To assist the Zoning Administrator in evaluating an exemption request, the City may retain one or more consultants to peer review information submitted by the applicant. The applicant shall reimburse the City for the costs of the consultants retained, plus the City's standard charge for administrative overhead as set forth in the City's Master Fee Schedule.
- b. In making a determination in response to an exemption application under this Section, the Zoning Administrator shall determine that the facts offered in support of an application demonstrate both that substantial evidence in the record supports the exemption request, and that the purposes of this Section will have been achieved to the maximum extent reasonably allowed by the circumstances. Any exemption granted shall require the applicant to comply with the requirements of this Section to the fullest extent reasonably achievable given the circumstances, provided such requirements meet or exceed the EVSE requirements in the El Cerrito Municipal Code.

- c. The Zoning Administrator's decision shall contain a statement of the facts upon which the decision was based, as well as the reduced compliance level requirements that must be achieved. The Zoning Administrator's decision shall become a condition of the development or building permit issued for the project.
- d. The Zoning Administrator's decision shall be mailed or electronically mailed to the applicant to the address shown on the application.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF EL CERRITO REZONING PROPERTIES
LOCATED IN THE SAN PABLO AVENUE SPECIFIC PLAN AREA

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1: Rezone The zoning map of the City of El Cerrito is hereby amended such that certain real property currently zoned/described as: the 2.28-acre area bounded by Central Avenue, Richmond Street, the Ohlone Greenway, and Willow Street; and more particularly described in Exhibit A, are rezoned to San Pablo Avenue Specific Plan.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 3: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on November 15, 2022 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on (Month, DD, YYYY) and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

APPROVED:

Gabe Quinto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

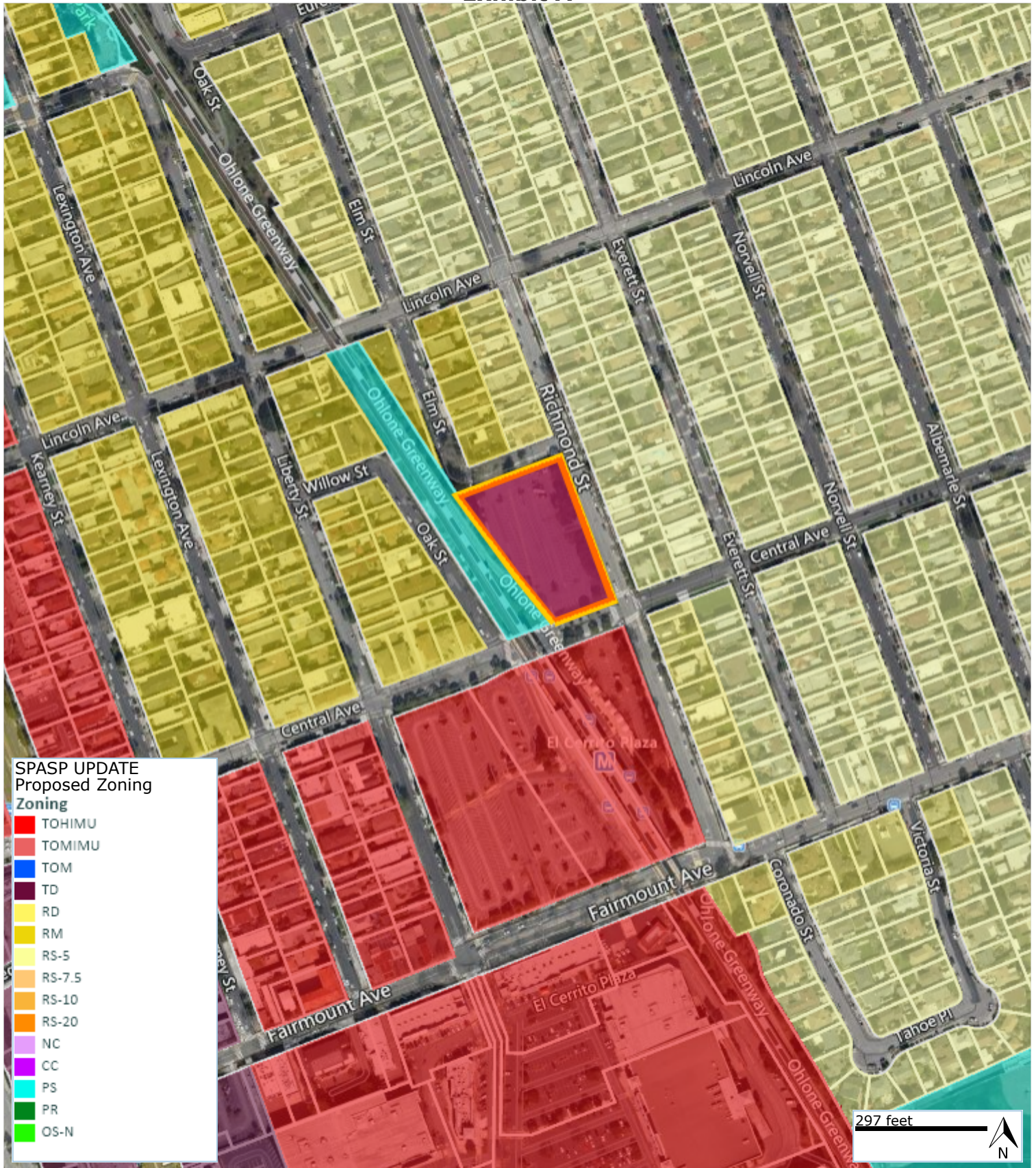
I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. (2022-XX) of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the (DD day of Month, 2022); and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _
_____ day of (Month), 2022.

Holly M. Charl  ty, City Clerk

Exhibit A: Amended Zoning Map

Exhibit A



San Pablo Avenue Specific Plan Update Rezone





AGENDA BILL

Agenda Item No. 8.A.

Date: November 15, 2022
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Christopher Jones, Recreation Director, Recreation Department
Subject: Budget Amendment for Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5

ACTION PROPOSED

Adopt a resolution amending the Fiscal Year (FY) 2022-23 Adopted Budget and Capital Improvement Program to appropriate \$59,850 from the General Fund balance for construction of the Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5.

BACKGROUND

The Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5 (Project) will implement mandated health and safety repairs and upgrades in and around the Recreation Pool at the El Cerrito Swim Center. The original scope of work generally consisted of replastering and retiling of the pool, replacement of main drain sumps and grates, replacement of the ADA lift and footing, replacement of the existing slide tower, and refinishing of the existing slide flume and mushroom water feature.

The original bid from Tricon Construction, Inc., DBA Tricon Aquatics (Tricon), the sole responsible and responsive bidder, for construction of the Project significantly exceeded the Engineer's Estimate and Project budget of \$335,000. The Engineer's Estimate also exceeded the current budget for the Project because the scope of the work had to be expanded to capture all mandated health and safety work associated with the Recreation Pool area. City staff's analysis of current bidding trends among neighboring agencies revealed higher than normal bid pricing due in part to a lack of available bidders, subcontractors, and materials. Additionally, the limited number of contractors available to perform the specialty items in the Project scope, specifically the replastering, led to increased bid prices.

Because of the mandated health and safety repairs, several of the project elements must be completed as soon as possible. City staff has been targeting the work to be completed over the winter closure of the Recreation Pool to minimize disruptions to programming and revenue (which is approximately \$65,000 during the spring months, beginning in March, and around an additional \$230,000 during the summer months, beginning in June). Because of the uncertainty in the bidding climate and limited time window for construction to minimize disruptions, City staff requested that the City Council authorize the City Manager to negotiate with Tricon and execute the contract

within the current budget for the Project.

On October 18, 2022, the City Council approved plans and specifications for the Project, rejected the bid submitted by USA Construction as non-responsive, accepted the bid submitted by Tricon, and authorized the City Manager to execute a contract within the current budget for the Project, contingent on successful negotiations with Tricon for construction of the Project (Resolution 2022-79).

ANALYSIS

City staff and consultants met with Tricon on October 20, 2022 to discuss potential project changes to bring the Project within the current budget. One of the cost-saving measures included redesigning the main drain grates to allow reuse instead of reconstruction of the existing sumps. In early November, the City's consultants met with Contra Costa County Health, which permits work on commercial pools, to seek approval of the redesign of the main drain grates and were pleased to report that the County agreed. Subsequently, City staff and consultants successfully negotiated with Tricon to reduce costs to a total of \$328,500 by incorporating the main drain revisions and removing the slide replacement and refinishing of play features from the scope of work. This reduced the cost to within the current budget of \$335,000. Given the prior City Council authorization, the City Manager intends to execute the contract with Tricon as soon as possible and in conjunction with the County issuance of a permit for the revised work. Other cost-saving options explored but not incorporated include leaving some of the original pool tiles in place (the contractor indicated this would increase costs) and having the City separately procure and install the ADA lift (City staff determined this would be inefficient and would not justify the small savings).

The estimated costs for construction for the revised project scope is summarized below.

Tricon Contract	\$328,500
Contract Contingency (10%)	\$32,850
Construction Management	\$32,000
Miscellaneous	\$1,500
Total	\$394,850

As indicated in the October 18, 2022 Agenda Bill, upon successful negotiations, City staff anticipated returning to the City Council should additional funds be needed to cover costs for construction such as contract contingency and construction management activities, including design support, administration, engineering, and testing. At this time, City staff requests an appropriation in the amount of \$59,850 from the General Fund Balance for this purpose. As budgeted, Measure H does not have sufficient fund balance to cover this request.

City staff is evaluating options for replacement of the water slide and refinishing of play

features and will return to the City Council at a later date to request additional funding appropriation to complete these elements.

STRATEGIC PLAN CONSIDERATIONS

The proposed action would fulfill the City's Strategic Plan Goal D – Develop and rehabilitate public facilities as community focal points by addressing ongoing and deferred maintenance of facilities and infrastructure; and Goal E – Ensure the public's health and safety by providing safe and accessible recreation facilities.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the Project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

Current funding for construction of the Project is included in the FY 2022-23 Adopted Budget and Capital Improvement Program in the amount of \$335,000, including \$270,350 from the Measure A Swim Center Fund and \$64,650 from the Measure H Parks & Recreation Facilities Fund. City staff is requesting \$59,850 from the General Fund Unreserved Fund Balance to complete the work as described above.

At the end of FY 2021-22, the General Fund Unreserved Fund Balance was \$7.2 million, and the unaudited projected FY 2021-22 General Fund balance is \$8 million (including American Rescue Plan Act funds), for an estimated total of \$15.2 million General Fund Unreserved Fund Balance. The American Rescue Plan Act (ARPA) funds are eligible for infrastructure maintenance and repair projects of this type. Additionally, in FY 2021-22, the Swim Center outperformed its operating budget in the General Fund by at least \$200,000 (unaudited), meaning that allocating funds for this project from the General Fund balance would reinvest revenue generated by the Swim Center back into its capital needs.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING THE FISCAL YEAR (FY) 2022-23 ADOPTED BUDGET AND CAPITAL IMPROVEMENT PROGRAM TO APPROPRIATE \$59,850 FROM THE GENERAL FUND BALANCE FOR CONSTRUCTION OF THE COMMUNITY RECREATION SWIMMING POOL RE-PLASTERING PROJECT, CITY PROJECT NO. C5030.5

WHEREAS, the Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5 (Project) will implement mandated, health and safety repairs and upgrades in and around the Recreation Pool at the El Cerrito Swim Center; and

WHEREAS, funding for construction of the Project is included in the Fiscal Year 2022-23 Adopted Budget and Capital Improvement Program in the amount of \$335,000 including \$270,350 from the Measure A Swim Center Fund and \$64,650 from the Measure H Parks & Recreation Facilities Fund; and

WHEREAS, the City Council adopted Resolution 2022-79 approving plans and specifications for the Project, rejecting the bid submitted by USA Construction. for the Project as non-responsive, accepting the bid submitted by Tricon Construction, Inc., DBA Tricon Aquatics (Tricon); and authorizing the City Manager to execute a contract within the current project budget, contingent on successful negotiations with Tricon for construction of the Project; and

WHEREAS, City staff and consultants, successfully negotiated with Tricon for a reduced cost of \$328,500 to be within the project budget and the City Manager intends to execute the contract with Tricon as soon as possible; and

WHEREAS, additional funds are needed to cover costs for the contract contingency, construction management and miscellaneous activities; and

WHEREAS, a budget amendment is requested for this purpose; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project involves a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby amends the Fiscal Year 2022-23 Adopted Budget and Capital Improvement Program to appropriate \$59,850 from the General Fund Unreserved Fund Balance for construction of the Community Recreation Swimming Pool Re-Plastering Project, City Project No. C5030.5; and

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



SUPPLEMENTAL AGENDA MATERIALS

REGULAR CITY COUNCIL MEETING

November 15, 2022

(Revised November 16, 2022)

PUBLIC COMMENT INDEX

1. Public Comments received

Agenda Item 6B – El Cerrito Police Department 2021 in Review

1. Presentation

Agenda Item 7A – San Pablo Avenue Specific Plan Update

1. An Errata document correcting errors in the SPASP update.
2. Resolution PC22-14 of the Planning Commission recommending certification of the SEIR
3. Resolution PC22-15 of the Planning Commission recommending adoption of the SPASP update with amendments
4. Revised City Council Resolution adopting the SPASP update with additional findings related to a natural gas prohibition for new multi-family residential units
5. **Presentation**



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING

November 15, 2022

(Revised November 16, 2022)

The following Public Comments were **received by 4:00:00 p.m. 11/15/2022**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda

1. Cordell Hindler
2. Lisa Tsering
3. Michael Fischer
4. Robin Mitchell

Agenda Item 7A – San Pablo Avenue Specific Plan Update

1. Fred Bialy
2. Howdy Goudey
3. Denice A. Dennis, MPH
4. Allison Cooper
5. Daniellle Watters Westbrook
6. Robert M. Gould, MD
7. **Nerisa de Jesus**

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Not on Agenda
Date: Thursday, November 10, 2022 3:48:35 PM

Good Evening Mayor Quinto, Council and Staff,

I have some items for the Record

1. for the Next Agenda, the Council should Invite Danny wan to Provide a Presentation on how the Port of Oakland is slowly recovering from the Pandemic.

2. Also to Invite Sabrina Landreth to provide an Update on the plans that east bay regional park has for pre-pandemic

Sincerely
Cordell

From: [Lisa Tsering](#)
To: [City Clerk](#)
Subject: Public Comments – Not on Agenda (License plate readers)
Date: Friday, November 11, 2022 8:22:36 AM

Caution! This message was sent from outside your organization.

License plate readers

I have lived in El Cerrito for over 10 years and have watched as our crime rates have increased, and as crime has touched my family.

I strongly support the adoption of license plate readers for increased safety.

Thank you,

Lisa Tsering

Lisa Tsering

[REDACTED]

El Cerrito, CA 94530

[REDACTED]

From: [Michael Fischer](#)
To: [City Clerk](#)
Subject: Public Comments - Not on Agenda
Date: Monday, November 14, 2022 3:39:30 PM

Caution! This message was sent from outside your organization.

cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line
Public Comments – Not on Agenda or Public Comments –

cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line
Public Comments – Not on Agenda or Public Comments –

I to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject
line
Public Comments – Not on Agenda or Public Comments – Agenda
Item #

Mayor Quinto and Council Members —

My name is Michael Fischer and I have the honor and privilege of being your designated Library Commissioner on the Contra Costa County Library Commission. I also serve as chair of that Commission.

I plan to bring you, on a monthly or bi-monthly basis, a brief update with highlights about our little library, especially as we begin to explore the possibility of a new, 21st century library at the BART Transit Oriented Development being proposed for the El Cerrito Plaza BART area.

Despite its small size, the El Cerrito branch is the busiest library among the system's west county libraries. We are at least 40% busier than any other library. We are popular. We are now fully staffed which helps in serving our growing patron group.

The library is continuing to open up after the restrictions imposed by the Coronavirus pandemic. One of the most wonderful programs, Read to a Dog, has now returned. This program uses therapy dogs to "listen" to children as they read aloud. The dogs are clearly enthralled and non-judgmental because someone is talking to them — and this greatly helps children build confidence in their reading skills. In addition story time is also available to attract children to books and stories.

The active Teen Advisory Group (TAG) continues to help bring programs that attract teens to our library. This month, at their request, there have been programs on financial literacy for teens.

And there is more to come. The new year will see English Language Learners Groups, the Mystery Book Club, Elder Tech, the Knit and Crochet Group, and an Insider's Group for the differently abled. More on some of these in my next report.

I'd like to thank the council for continuing to fund expanded hours for our library. As you can see, this is money well spent and benefits all segments of our diverse community.

Thank you.

Kind regards,

Michael

Michael Fischer (he him)

eclibrarycommissioner@gmail.com

El Cerrito City Designated Library Commissioner
Chair, Contra Costa County Library Commission

El Cerrito Needs an Appropriate 21st Century Library

From: [Robin Mitchell](#)
To: [City Clerk](#)
Subject: Public Comments – Not on Agenda
Date: Tuesday, November 15, 2022 2:56:51 PM

Caution! This message was sent from outside your organization.

Public Comment for items not on the agenda
City Council meeting 11/15/2022

Mayor Quinto and Council Members Fadelli, Motoyama, Rudnick, Abelson:

I am concerned that the city had taken the stand that when the city committees and commissions return to in person meetings there will not be a hybrid meeting option. I think that not providing a hybrid meeting option is actually an accessibility issue and restricts members of those committees only to people who can actually attend in person, which I believe is discriminatory.

I am the chairperson of the Urban Forest Committee, and have had recent health problems that do not allow me to currently attend meetings in person, and I will potentially have that same issue if the meetings restart in February or even March (it is still unclear to me when this will actually happen). My health status is respiratory related, requires me to be on oxygen, which is inconvenient for attending long meetings, and does not allow me to get the latest Omicron variant booster, so I am hesitant to be in an enclosed environment with people whose vaccination status and recent covid exposure is unknown. So I will not be able to meet in the small conference rooms usually used by the Committees and would probably not be comfortable meeting even in the Council Chambers.

There are other members of various committees and commissions who have different issues around meeting in person, but who can attend remotely. Not having the hybrid meeting option is at best a loss of talent and contribution, and at worst is discriminatory.

I know that the technology for having hybrid meetings seems daunting but I believe a much simpler technology could be set up for having remote attendance for committees and commissions compared to the elaborate technology apparently required for the city council meetings.

If the issue is the requirement of the Brown Act that the remote members be in a place that is available to the public, I would request that the City Attorney look into waivers for that requirement on the grounds that it is discriminatory to the members of those committees and commissions to have that requirement, particularly if there is already a public meeting option available by attending the in-person meetings taking place in City Hall.

Thank you for considering these requests.

Robin Mitchell
El Cerrito Resident

From: [Fred Bialy](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Janet Abelson](#); [Tessa Rudnick](#); [Lisa Motoyama](#)
Cc: [City Clerk](#)
Subject: Public Comments - Agenda Item #7A
Date: Monday, November 14, 2022 11:08:36 AM

Dear Mayor Quinto, Mayor Pro Tem Motoyama, and City Council Members Fadelli, Abelson and Rudnick,

I'm writing to urge you to support the Planning Commission's recommended amendments to the San Pablo Area Specific Plan Update that incorporates requirements for all-electric new construction and more robust EV charging infrastructure.

In El Cerrito's Climate Emergency Resolution of August, 2019, the city committed to reducing greenhouse gas (GHG) emissions as quickly as possible. All-electric new construction is a first step towards reducing the GHG emissions that come from the buildings in our city. Buildings that don't use natural gas are cheaper to build and healthier and safer for residents and other community members. Furthermore, the BAAQMD report of April 2022 (CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans) concluded that new buildings, both residential and commercial, needed to not include natural gas appliances or natural gas plumbing in order to do their fair share in implementing California's goal of carbon neutrality by 2045. El Cerrito's staff position on this BAAQMD resolution is that it need not apply to the SPASP Update and SEIR as the start of their development predates release of the report. While this would technically be correct, resting on technicalities will hinder rather than advance El Cerrito's commitment to address our Climate Emergency. It is certainly reasonable to not hold projects that have already progressed past a certain stage of planning or entitlement to an all-electric requirement. But going forward, an all-electric requirement for new buildings is one of many steps that the City should take to fulfilling its commitment to addressing the Climate Emergency.

The El Cerrito staff has raised the specter of law suits in response to requiring all-electric new construction. Berkeley was the first jurisdiction in California to instate a natural gas ban. Since Berkeley's ordinance was challenged, 61 other jurisdictions in California have passed their own all-electric new construction ordinances, including Richmond, the Board of Supervisors in Contra Costa County, Hercules and Martinez, without any subsequent legal action.

The Planning Commission's recommendations for more robust EV charging infrastructure in new buildings are important for addressing the GHG emissions from transportation, which contributed 50.9% of El Cerrito's GHG emissions in 2005. California is committed to a rapid transition from gasoline powered vehicles to zero-emission vehicles, primarily electric vehicles. This transition will be quicker if prospective purchasers of EVs are confident that they will have the ability to charge their vehicles at their homes.

Sincerely,

Fred Bialy

From: [Howdy Goudey](#)
To: [City Clerk](#)
Subject: Public comment for 11/15 meeting, agenda item 7A
Date: Tuesday, November 15, 2022 3:23:51 PM

Caution! This message was sent from outside your organization.

Dear Mayor Quinto and Councilmembers,

In addition to my previous letter focused on climate action through building electrification and EV charging infrastructure, please consider the following general comments regarding the San Pablo Avenue Specific Plan Update.

1. Prohibit new fossil gas infrastructure and gas appliances in the new construction, and major retrofit, in the Specific Plan area. There will be decades of ongoing fossil gas GHG emissions associated with any new building built to use gas and the cost to retrofit it to electric in the future will be greater than doing it now when all-electric buildings already cost less than those with gas infrastructure.
2. A lot of different EV charging requirements have been discussed. I support the amendment based on the Planning Commission's recommendation, but there are still missing details about total service/transformer capacity for EV charging, and raceway conduit capacity for each charger ready space. Consider the following guidance to best support more EV charging now and in the future. Reducing parking ratios and focusing on transit and active modes is a fine way to contribute to lowering transport GHG emissions, but the remaining vehicle traffic needs to be well supported for electrification, including in new multifamily buildings, commercial parking, street parking, car share venues, etc. At a minimum, there really should be a universal charging accessibility floor of a dedicated level 1 outlet (1.4kW) for each space for residential, but it would be preferable to have that minimum be a "half" rate (16A) level 2 outlet (3.3 - 3.8kW) provided for each space. The incremental cost of providing wiring and outlets versus empty conduit is very low, so wired outlets ready to go is preferred. That way a <\$300 portable EVSE can be supplied by the EV owner. Lower cost EVSEs like this can be used without the burden of subscription plans if the parking spaces are submetered for electricity payment to be reconciled without a service provider. Still, there needs to be a large fraction of higher rate (30-40A) level 2 charging infrastructure, too, particularly for short term parking and commercial spaces (and this would be subscription service providers with point of sale payment). With fewer off-street parking spaces being provided, solutions to support street-side EV charging become more important, especially for electrifying car share vehicles and the plan should explicitly prepare for this.
3. Reducing embodied carbon emissions associated with building materials needs to be

taken seriously in the Specific Plan. These are large impacts that take many years to recover with lower operational emissions, but there are measures that can be taken to reduce the magnitude of embodied emissions. For instance, reduced carbon concrete is rapidly becoming mainstream and should be required by the plan.

4.
Create strong enforceable standards for reducing material waste associated with construction. The off-site modular construction utilized at the Mayfair project generated about 10 acres of single-use plastic sheeting waste to the landfill for the temporary covers used during the delivery of each module. The same modular construction, at a larger scale, is expected to be used for the Plaza BART project (the largest project likely to fall under the revised Specific Plan). This problem has long been identified and it will be exceptionally negligent if there is no effort to remedy the problem when the Plaza project is constructed. The plan should explicitly address this. If nothing different is done, the Plaza BART project will likely generate more than 40 acres of single use plastic waste, more than enough to cover San Pablo Ave. curb to curb for its entire length in El Cerrito.
5.
Construction equipment is dirty and noisy and overly reliant on fossil fuel power. There need to be stronger measures in the Plan to require the use of temporary grid electrical services to eliminate the use of fossil fuel generators and other fossil fuel powered equipment.
6.
There needs to be future looking implementation of infrastructure that takes advantage of the lower costs at the time of construction. For instance, plumbing for greywater separation on waste drains and non-potable water supplies for irrigation and toilet flushing, etc.
7.
Sustainable design elements need to be more forcefully implemented rather than using language like "consider." The majority of the rest of the plan uses the language of "comply." The argument that sustainable design is more expensive and is a disincentive to affordable housing does not follow from the observation that the recent affordable projects Ohlone Gardens and Hana Gardens both have installed solar when none of the market rate SPASP projects have installed solar. Market rate can do better if the affordable projects are doing it. Market rate has a short term profit motive rather than long term cost effectiveness. Affordable projects have a long operation horizon as part of their business model and solar and other sustainable design elements serve them well over the lifetime of the project. Why allow short-term thinking to prevail, when we know what is better in the long run?
8.
Unit level utility metering and display (of electricity and the unit's portion of shared hot water) should be required as standard in all new dwellings, as it is for domestic water

meters.

9.

Given the recurring drought conditions and the issues with stormwater management, we should move beyond flow through c.3 stormwater treatments and establish onsite storage and reuse of stormwater. It is exceptionally wasteful to use potable water for flushing toilets. Rainwater cisterns are a great way to serve non-potable water needs and reduce stress on the imported water supply while also reducing heavy flashes of stormwater runoff during heavy rainfall.

10.

The changes to the shadow standards need to be better communicated with drawings depicting the shading impacts of baseline conditions and the changed conditions. The Planning Commission explicitly asked for these changes to be diagrammed in their first meeting on the Specific Plan update, but there was no further information offered on this when the Specific Plan update returned to the Planning Commission for a second meeting. In general, the reliance on a daylight plane standard rather than a shadow standard is desirable because it is easier to implement and confirm the accuracy of compliance, but the proposed change to replace the backyard shadow line standard with a daylight plane standard, will likely impose much deeper shadows on the backyards of residential neighbors to the east of San Pablo. The amount of this change at least needs to be clearly disclosed with accurate diagrams and visualizations before you make a decision about it. This change seems unnecessary and it is likely that a more balanced and easier to implement approach can be devised. In earlier discussions it was mentioned that the combined shadow and daylight plane standards can't impose more development restriction than previously allowed under the plan; however, it is important to remember that the original plan and the way the plan ended up being implemented are not the same thing. There is no obligation to maintain the level of development enabled by the Zoning Administrator interpretation of the plan, as this was a flawed decision that was never brought to a discretionary body, as required by the plan. As such, any baseline scope of development associated with shadow and daylight plane standards needs to be based on the original plan language before the flawed interpretation. The original language was not really that ambiguous and it had been applied correctly for the Credence project before it was changed by the interpretation to allow the Cerrito Vista project to impose the same shadow violation without using the Tier IV process. I have no issue with removing the neighborhood street shadow standard from perpendicular neighborhood streets immediately adjoining San Pablo, but the sweeping change imposed by the interpretation was not the right way to fix the issue and it was never reviewed and approved by a discretionary body. The Specific Plan update has an opportunity to do a better job with the shadow and daylight plane standards. Just make sure the baseline for comparing any new approaches is the pre-interpretation development constraints.

11.

Public open space criteria should explicitly focus on catalyzing new, high quality,

green/open space in the plan area, as opposed to in-lieu fees funding maintenance and improvements in existing green spaces at a greater distance from the plan area. Greenspace rather than hardscape should be a significant required component of public open space. Many of the public open spaces provided so far are notable poor quality and not getting any use (for instance the sad little strip along the sidewalk with what is supposed to be a bocce court on the north side of the Cerrito Vista development).

12.

There needs to be language in the plan that strengthens the enforcement and follow-through on bringing Zoning Administrator interpretations to a discretionary body (Planning Commission) in a timely fashion. This was handled poorly in the case of the only interpretation that was issued under the old Specific Plan (never brought to a discretionary body and years have elapsed). Something should be changed in the Plan so this abuse of power and lack of follow-through is not repeated. The Zoning Administrator should not be such sweeping control of a significant change to the Plan without further review.

13.

Strengthen the language used to foster habitat. "Consider" is not going to provide meaningful progress on implementation of pollinator pathway installation consistent with the Urban Greening Plan. This needs to be a forcefully implemented part of the plan.

14.

Introduce a 1% for environment element to the plan, similar to the 1% for art.

15.

There is an open space change in the Plan update requiring pocket parks to be a min. dimension of 50' wide by 90' deep, with a min. 50' lot frontage, which seems unnecessarily specific and limiting. There are not many large opportunity sites for parks in the Specific Plan area. We definitely need all the large park space in and near the Plan area that we can get, but that shouldn't discourage a good number of well designed small pocket park examples, too.

16.

The transparency area (window) requirement was removed from facades facing greenways/creeks. There is a lot less high quality greenspace than there is street frontage and it seems even more important to maintain a high transparency requirement toward green spaces rather than closing them off from the built environment.

17.

While this plan is an "update" it is important to reflect that there are really only modest changes being proposed. This is essentially a "more of the same" trajectory, which may be fine if you are happy with what happened under the Specific Plan during the

first 8 years, but I hope you will agree that there is plenty to learn from and improve upon. We should really be doing much more than just rubber stamping another very similar plan without addressing some of the shortcomings observed of the past 8 years. The Specific Plan was very successful at getting new development applications and approving them in a timely fashion. However, the production of actual units has been very slow. Of the roughly 17 projects entitled under the Specific plan, only 1 small project and 3 large projects have been built. That is only about 25% of the projects and about 21% of the unit count being realized so far. This completion rate looks unlikely to approach 50% even given several more years. This is not just a pandemic/inflation phenomenon. Many of the projects exceeded their allotted 2 year development periods in a hot market before the pandemic hit. We should not be expected to accept a development cycle with such a low rate of conversion of entitlements to delivered projects and there should not be such a long period between entitlement and completion. Most of the entitled Specific Plan sites have sat vacant for years with very poor maintenance, resulting in years of blight on unused spaces rather than the high quality developments that were promised. What policies are being proposed to address this? I assume you are not satisfied with this outcome? Shouldn't we actually try to do something about it? Below are my suggestions, but I'm sure there are others. I would like to hear this issue discussed and a policy change actually proposed, rather than just ignoring it and accepting more of the same delay and blight. A standard for temporary productive use of vacant sites in the development pipeline is needed. This can support establishment of new businesses with low barrier pop-up activities that can get started under reasonable rents and may allow them to transition to store front businesses. A vacancy tax on unused parcels in the Specific Plan area should be established to incentivize productive use or sales (at lower prices than owners are holding out for). There is no value, only harm, to the community for a speculative land owner to sit on a parcel and do nothing with it, except inviting blight. This is a behavior that should not be rewarded and a vacancy tax would serve to either encourage the owner to put the property to a productive use or sell it at what the market will bear when there is a strong expectation that the property has to be put to productive use, including the requirement of temporary productive uses while development plans are in process. Revenue from the vacancy tax could be put toward supporting creating temporary productive use businesses on development sites and other economic development activity. The Plaza BART project is a huge and important project, but this policy should be about more than carving out a healthy unit count in a program EIR to serve the development of one important project. It needs to thoughtfully consider how to bring about the positive transformation envisioned by the Specific Plan throughout the plan area and the pace and consequences, so far, begs the question, how can we go about this more effectively in the future?

Thank you for your consideration,
Howdy Goudey
El Cerrito

From: [Howdy Goudey](#)
To: [City Clerk](#)
Subject: Public Comment for 11/15, agenda item 7A
Date: Monday, November 14, 2022 12:09:30 PM

Caution! This message was sent from outside your organization.

Dear Mayor Quinto and Councilmembers,

Please adopt the San Pablo Specific Plan Update **with the amendments recommended by the EQC and the Planning Commission**, ideally with even more climate action.

It is imperative to act on the commitments made in the Council's 2019 Climate Emergency Declaration rather than continue delays and excuses for not taking the meaningful climate actions that at least 64 other CA jurisdictions have already taken (namely decarbonizing buildings with electrification). The draft Specific Plan Update without the electrification amendments is essentially the same as the plan was 8 years ago from a climate perspective, neglecting the Council's self-stated responsibility to take timely climate action and instead waiting for the state to take actions for us that we could take today.

Consider this analogy for global climate action. Each community is a boat, but all the community boats in the world are lashed together in a great raft on the sea. Each community has holes of various sizes in their boats. They are all taking on water and slowly sinking. These holes represent GHG emissions from burning fossil fuels and other sources that are wrecking the climate, and causing us to “sink” our future. Many communities have stopped making new holes (no new fossil fuel use in buildings) and are actively patching up old holes (retrofitting to serve loads with green electricity instead of fossil fuels). Their boats are more buoyant and help support those taking on more water, but they will still be dragged down by those who aren't addressing their holes. To be true environmental leaders, we need to take responsibility and stop making new holes in our boat so we aren't continuing to drag down all the boats around us. Without the electrification amendments, this Specific Plan and this SEIR does not represent the environmental leadership we must deliver.

I hope you had a chance to review the public comment and responses in the Final Supplemental Environmental Impact Report regarding the San Pablo Specific Plan, before you vote on recommending certification of it to Council tonight, as this document was not directly included or linked in your meeting packet ([see the Final SEIR document starting on page 9](#)).

Supporting the electrification amendment, and beyond, I have summarized some important points about the Specific Plan Update and SEIR for your consideration.

1. The electrification amendment should be modified to apply the electric only standard to all residential uses (not just 5+ units). Also, there is no reason to exempt commercial buildings from electric (heat pump) water and space heating. It is fine to offer a limited exception for types of cooking in commercial kitchens that can't be accomplished with electricity, but that is a rather limited need and can probably be more economically served with bottled gas rather than installing piped infrastructure for such a small load.
2. It is inappropriate, and inconsistent with our GHG emission targets (net-zero by 2045 or sooner), to continue to allow fossil gas infrastructure installations in new buildings, including the potential of 1236 MTCO₂e/yr in 2040 based on the SEIR analysis.

3. The 1.84 MTCO₂e/SP/YR GHG emissions target for 2040 is not adequately substantiated and does not provide a realistic path to meeting climate neutrality by 2045 or sooner, per current State AB 2133 and the 2019 El Cerrito Climate Emergency targets. There is no technical support, nor any references offered that anyone else is using the 1.84 metric. The SEIR claims that the 4.6 MTCO₂e/yr metric used to calculate the 1.84 metric is still "current" despite it being out of date and no longer used by BAAQMD. BAAQMD abandoned quantitative metrics in favor of a building electrification and EV charging infrastructure standard.
4. CA emission targets are absolute, not per-capita based, yet the carbon emission metric used in the SEIR is per-capita, which hides growing aggregate emissions when population rises, even when the amount per person goes down. No response was offered regarding the inconsistency with CA goals of using a per-capita reduction target rather than an aggregate emission target.
5. The CalEEMod modeling and analysis that concludes the Specific Plan emissions are below the 1.84 metric are not adequately documented with clearly stated inputs that allow an independent party to verify the claimed performance. The response to this comment states that Appendix 24.2 "presents the model output in standard format," but there are no comprehensive and clearly communicated inputs to the model to allow the reader to fully understand the assumptions that were used. The output in 24.2 contains page after page of numbers with no engineering units and the same cryptic IDs over and over with different numbers, which is completely meaningless. If this is "standard output" it is worthless without a clearer presentation and context.
6. The continued use of fossil fuel gas in buildings for heating, clearly fails the SEIR's Energy section criteria for "wasteful, inefficient, and unnecessary" use of energy, a factor that is independent of GHG emissions. No response (in L05.07) was offered to this claim other than the same misplaced "prevailing best practices" GHG argument. There is also an argument that the 2022 CA code update still allows gas infrastructure, but that doesn't mean that it isn't wasteful, inefficient and unnecessary, as considered by the SEIR. There are many things that would be allowed by code that would easily be considered wasteful, inefficient and unnecessary. Several past Specific Plan projects included outdoor gas-fired fire pits. Burning fossil fuels for ambiance and "heating" the outdoors is "wasteful, inefficient, and unnecessary" and should not be allowed by the plan. Outdoor restaurant gas heaters are similarly wasteful and there are superior ways to provide outdoor comfort with less energy and cleaner emissions, such as electrically heating outdoor furniture to more directly provide heat and comfort to people rather than sending the majority of the heat to the outdoor environment where it helps no one.
7. The decision to stick with a status quo approach to new construction (same plan as 2014), instead of more thoughtful, future-minded, development, will lead to costly future burdens, in the form of high retrofit costs and ongoing future GHG emissions that are increasingly impactful and costly to mitigate. This is true for any continued investments in gas infrastructure that will increase future costs of operation and retrofit, but also for plumbing considerations for drain (separate greywater) and water supply separate uses that can reuse non-potable water (like irrigation and toilets).
8. Embodied GHG emissions in construction materials are declared out of the scope in the SEIR. While it may be true that these have been neglected from inclusion in EIRs so far, does it make the impacts any less valid? The argument seems to be we acknowledge these are impacts, but others don't count them, so we aren't going to count them either. In other words, we will do what we can get away with, and not what we know to be right. Act to own up to the embodied GHG emissions of construction so we can start to act to reduce them. Otherwise, there is no incentive to control this critical source of

emissions.

9. The EV charging criteria to be specific about what is required when providing raceways for future installation of EV charging equipment. What is the criteria to establish that the electrical service equipment (service/transformer capacity, service panel capacity, and raceway conduit size) are sufficient to meet the load of the built out EV charging infrastructure?

The general sense from the responses provided to the public comments, is that the SEIR represents the status quo and that is good enough. The code allows gas, so we will allow gas. Net zero doesn't mean excluding options but giving choices to others to do what they want. This is a highly flawed shirking of responsibility. Such an argument essentially comes down to the SPASP and SEIR proclaiming that GHG emissions are "somebody else's problem." Do you want to put your name on a declaration that acting on the climate emergency is somebody else's problem? If everyone thinks this way, how will we get anything done to protect our future?

This Specific Plan can not primarily rely on transit oriented infill development as the contribution to climate action. There needs to be a comprehensive climate-friendly approach to developing our future buildings and infrastructure with thoughtful attention to the impacts these buildings will have for decades to come. Transit oriented infill development is a good thing and we desperately need it, but it is not sufficiently good for the climate, in and of itself. It needs to be delivered with a comprehensive view of the required performance to meet environmental needs over the next 50-100 years, if we are going to have any hope of having both a built environment and a natural environment that continues to support human needs in the future.

There have been attempts to justify no further action by saying that the technology or the industry isn't ready to ramp up with full electrification, or that the compromise measures in the 2022 building code updates will adequately address climate concerns (even though the multifamily changes relevant to the SPASP are less stringent than the single family change in the 2022 code). These are lazy excuses and just plain wrong. A large portion of the country has used all-electric buildings for decades, because there is not extensive gas infrastructure in all areas. CA is an outlier in the heavy reliance on fossil gas infrastructure. The equipment, technology and know-how to build all-electric buildings is all readily available, and it costs less to do so. The small fraction of demand in new construction, and the even smaller fraction of new construction in El Cerrito, is a negligible stress on the grid and the market for electric appliances, but still represents an important market signal of changing trajectories and it is a meaningful contribution to climate action that will avoid decades of emissions and avoid future retrofits cost burdens.

When it comes to change, there are always leaders and foot draggers. The state legislation has been providing strong leadership, but this progress continues to be slowed down by legacy vested interests dragging their feet. Merely relying on CA state leadership alone is succumbing to the foot dragger's pace and not being true to the commitment and responsibility to act on the Climate Emergency independently in El Cerrito, as adopted by Council in 2019. We need to demonstrate the environmental leadership that we claim to have, rather than just taking the compromises that come from others' work without any effort to take local action.

Below are not my words but those of the CA governor Gavin Newsom at the signing of 2022 Climate legislation.

“We’re not interested in doubling down on stupid,”

“We’re not interested in investing in the industries that have created the problems that we’re trying to mitigate. That’s just profoundly ridiculous.”

“We’re moving in a completely new direction and I couldn’t be more proud and excited.”

- Governor Gavin Newsom, Sept. 16th, 2022, at signing of 2022 climate bills

A vote to recommend the Specific Plan and Final SEIR without climate action amendments, is a vote to keep putting holes in our sinking boat and being a burden to our global community. Instead, we need to stop making new holes so we can start actively patching up old ones and make some headway on keeping ourselves afloat, as well as the global community with which we are inextricably intertwined.

Thanks for your time and consideration,
Howdy Goudey
El Cerrito

From: [Denice A Dennis](#)
To: [Gabe Quinto](#); [Janet Abelson](#); [Tessa Rudnick](#); [Paul Fadelli](#); [Lisa Motoyama](#)
Cc: [City Clerk](#)
Subject: Public Comment 7A San Pablo Ave Specific Plan Update
Date: Monday, November 14, 2022 2:39:07 PM

Caution! This message was sent from outside your organization.

Dear Mayor Quinto and Councilmembers,

I am writing on behalf of 350 Contra Costa, a grassroots organization committed to education and action on the climate emergency.

Please adopt the San Pablo Specific Plan Update (SPSPU) **with the amendments recommended by the Environmental Quality Committee and the Planning Commission**. As described in the staff report on the SPSPU, these recommendations included that the SEIR not be certified without addressing additional climate actions to meet stated climate goals, including building electrification for all new buildings and increased EV infrastructure readiness.

Sixty-one jurisdictions in California have passed **new building electrification ordinances**, including Contra Costa County, Martinez, Hercules, and Richmond. Jurisdictions have the option, and perhaps even the responsibility given the climate emergency, to create policies requiring ALL new buildings to be all electric. The City Council has the option to include all building types and does not need to limit it to residential units with 5 units or more and certain commercial buildings. Compared to natural gas infrastructure, *it is more cost effective to build all-electric buildings. Building all-electric now would also mean that owners would not need to do expensive retrofits in the future.* An infeasibility waiver system could be provided for those commercial buildings or restaurants that needed a rare exception.

The 2022 CalGreen Building Code standards provide a minimum requirement for **EV charging capabilities in multifamily homes**. Many jurisdictions improve on this minimum, to ensure that any new building has the infrastructure in place for future growth of EV vehicles. 350 Contra Costa recommends that every dwelling unit with a parking space should ensure such space(s) either be EV Ready or EV Capable. Doing so would be more cost effective when the building is being constructed than after it is built.

The City adopted a **Climate Emergency Resolution** over 3 years ago in 2019. Since that time, there has been no movement on an update to the Climate Action Plan or meaningful greenhouse gas emissions reductions on the scale that is required at this time. We strongly urge the City Council to take the action on Building Electrification for all new buildings as soon as possible, starting now with this San Pablo Avenue Specific Plan Update. Please do not delay until after completion of a new Climate Action Plan to address the climate emergency.

Toward health for all,
Denice A. Dennis, MPH


From: [Allison Cooper](#)
To: [City Clerk](#)
Subject: Public Comments – Agenda Item #7
Date: Monday, November 14, 2022 2:40:15 PM

Caution! This message was sent from outside your organization.

El Cerrito City Councilmembers,

I'm writing in support of the proposed EV readiness requirements and ban on natural gas in new residential construction proposed for inclusion in the San Pablo Avenue Specific Plan.

If our City is serious about taking action on the climate emergency in El Cerrito — as recognized by City Council in 2019 — this is the bare minimum that can be done. All-electric buildings are absolutely necessary not just for the longevity of our planet, but also — as all of California moves in this direction — as an investment in the future affordability of El Cerrito living, as natural gas inevitably becomes rarer and its infrastructure more and more cumbersome to maintain.

With or without El Cerrito's commitment, the market is moving toward all-electric anyway, because it also protects consumers in addition to aiding climate change mitigation efforts. Recent studies have shown the negative health impacts of natural gas cooking, and making this a requirement will protect El Cerrito residents from costly retrofits in the future when we run out of fossil fuels. The momentum of electrification actions by other jurisdictions signal that it would be negligent not to act similarly now in El Cerrito.

Finally, I want to note that I'd love to see this go further; I'd ask City Council to please consider expanding this all-electric mandate to cover not just certain residential and hotel developments, but also all other types of new buildings, and even to embrace policy innovations many other Californian cities have implemented encouraging retrofits of existing buildings to all-electric when being renovated as well.

Thank you for your time and support of climate change mitigation efforts in El Cerrito,

Allison, El Cerrito resident

From: [Danielle Westbrook](#)
To: [City Clerk](#)
Cc: [Gabe Quinto](#); [Janet Abelson](#); [Tessa Rudnick](#); [Paul Fadelli](#); [Lisa Motoyama](#)
Subject: Public Comments – Agenda Item #7
Date: Tuesday, November 15, 2022 1:09:50 PM

Caution! This message was sent from outside your organization.

Dear Mayor Quinto, Mayor Pro Tem Motoyama, and City Council Members Fadelli, Abelson and Rudnick:

I am writing as an El Cerrito resident to urge you to support the Planning Commission's recommended amendments to the San Pablo Area Specific Plan Update, and to incorporate requirements for all-electric new construction and more robust electric vehicle (EV) charging infrastructure in new construction.

In El Cerrito's August 2019 Climate Emergency Resolution, the city committed to reducing greenhouse gas emissions as quickly as possible. Requiring all-electric new construction is an important first step towards reducing greenhouse gas emissions in El Cerrito. Discontinuing use of natural gas appliances and natural gas plumbing is recognized in the BAAQMD report of April 2022 (CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans) as a core step in meeting California's goal of carbon neutrality by 2045. Further, buildings that do not use natural gas are more economical and cost-effective to build (i.e., less expensive), while also being healthier and safer for residents and other community members.

El Cerrito's staff position on this BAAQMD resolution is that it need not apply to the SPASP Update and SEIR as the start of their development predates release of the report. It is certainly reasonable to not hold projects that have already progressed past a certain stage of planning or entitlement to an all-electric requirement. But going forward, an all-electric requirement for new buildings is one of many steps that El Cerrito should take to fulfill its commitment to addressing the Climate Emergency.

El Cerrito staff have voiced concerns about potential lawsuits arising in response to requiring all-electric new construction. Berkeley was the first jurisdiction in California to institute a natural gas ban. And since Berkeley's ordinance was challenged, 61 other jurisdictions in California have passed their own all-electric new construction ordinances, including Contra Costa County, Hercules and Martinez, without any subsequent legal challenges. In requiring all-electric new construction, El Cerrito is working in partnership with many other cities in the state – the precedent has already been set; failure to act in accordance will be a failure on the city's part to seek impactful solutions that address the Climate Emergency.

In addition to requirements for all-electric new construction, the Planning Commission also recommends more robust EV charging infrastructure in new buildings; this recommendation is important for addressing the greenhouse gas emissions from transportation, which contributed 50.9% of El Cerrito's greenhouse gas emissions in 2005. Not only California but also the federal government are committed to a rapid transition from gasoline powered vehicles to zero-emission vehicles, primarily EVs. This transition will be quicker if prospective purchasers of EVs are confident that they will have the ability to charge their vehicles at their homes.

I greatly appreciate the work of the EQC and the Planning Commission, and call upon the El Cerrito City Council to accept their recommendations and take bold action to address the Climate Emergency.

With gratitude for your time and consideration,
Danielle Watters Westbrook
El Cerrito resident

From: [Robert Gould](#)
To: [City Clerk](#)
Subject: Public Comments – Not on Agenda or Public Comments – Agenda Item # 7.A.
Date: Tuesday, November 15, 2022 2:44:50 PM

Caution! This message was sent from outside your organization.

Statement of Dr. Robert M. Gould (SF Bay PSR): El Cerrito, November 15, 2022

Dear Mayor Quinto and El Cerrito City Council Members,

I'm Dr. Robert M. Gould. After working as a Pathologist at San Jose Kaiser for over 30 years, since 2012, I've been an Associate Adjunct Professor at UCSF School of Medicine, working as a Collaborator in our Program on Reproductive Health and the Environment (PRHE). Since 1989 I've also been President of San Francisco Bay Physicians for Social Responsibility (PSR), for which I'm submitting this testimony today, representing many hundreds of health professionals throughout our region, who speak for the health of our patients and communities, who are increasingly impacted by the unfolding public and environmental health impacts of global warming, and clearly connected issues of air pollution. In this capacity, I am urging you to approve the most far-reaching standards possible for promoting *building electrification*.

The most recent assessment by the United Nation's Intergovernmental Panel on Climate Change is unequivocal in its call for urgent action to ensure an energy efficient and fossil free future. In the SF Bay Area, we witness the intersecting impacts of our pandemic and climate crisis, having suffered through our recent wildfire seasons, with the resultant smoke harming our overall health while increasing the toll of COVID, especially among already increasingly over-burdened communities who are poor and of color.

Promoting *building electrification*, and moving toward ending our reliance on gas appliances is health protective, not only for the climate benefits, but also because gas stoves and other appliances can be a large source of toxic pollution in homes, reaching levels of pollution that would be illegal in outdoor settings. Children, especially those of color, are particularly at risk of respiratory

illnesses, such as asthma, associated with gas appliance pollution, and lower income households may be at higher risk of exposure.

So, as one example, a 2013 meta-analysis looking at the association between gas stoves and childhood asthma found children in homes with gas stoves have a 42% increased risk of experiencing asthma symptoms (current asthma), a 24% increased risk of ever being diagnosed with asthma by a doctor (lifetime asthma), and an overall 32% increased risk of both current and lifetime asthma.

In addition, there is mounting evidence linking combustion related air pollution with adverse brain development. A 2009 study found evidence that infant through preschool-age early-life exposure (through age four) to indoor air pollution from gas appliances may be related to impaired cognitive function and may increase the risk of developing attention-deficit/ hyperactivity disorder (ADHD) symptoms.

These health concerns have just been underscored by a new scientific report demonstrating that gas piped into millions of California homes contains hazardous air pollutants including benzene, a chemical strongly linked to malignancies such as leukemia, and that each year California gas appliances and infrastructure leak the same amount of benzene as is emitted by nearly 60,000 cars. (See: <https://www.nytimes.com/2022/10/20/climate/gas-stove-benzene-california.html?partner=slack&smid=sl-share>; and <https://pubs.acs.org/doi/10.1021/acs.est.2c02581>)

Accordingly, we strongly urge you to support the Planning Commission's recommended amendments to the San Pablo Area Specific Plan Update that incorporates requirements for all-electric new construction and more robust EV charging infrastructure. Such important measures can accomplish much toward reducing health and climate risks, while contributing greatly toward creating healthier homes and a more resilient community.

By adopting these amendments, El Cerrito would join many other cities in California who have already adopted electric requirements for new construction that avoid new fossil gas use, in recognition of numerous benefits to community health, safety, and a stable climate future afforded by this

transformation.

In conclusion, we at SF Bay Physicians for Social Responsibility call on you to use this critical opportunity to demonstrate El Cerrito's leadership and commitment to rapidly develop the more economical, pollution-free buildings we need now for the optimal public, environmental and climate health we and future generations so deserve.

Sincerely,

Robert M. Gould, MD

President, San Francisco Bay Physicians for Social Responsibility

From: [Nerisa de Jesus](#)
To: [City Clerk](#)
Subject: Public Comments - Agenda item #7
Date: Tuesday, November 15, 2022 10:09:31 PM

Caution! This message was sent from outside your organization.

Hello EC city council members,

I was scheduled to speak in the public comment time for this item, but could not make it to that point in the meeting - it was a packed agenda! Thanks to the City Clerk for allowing this late email.

I wanted to express my support for the Planning and EQ committees' amendments to the SP plan. It is clear now that all building infrastructures need to move to electric and in support of EV vehicles. To ignore what is happening in real time all around us in favor of old plans/old thinking, is to do a disservice to El Cerrito's future - the buildings will be around for a long time. Any new construction you approve that does not meet the standards we all see coming and are already going into effect at neighboring communities is to pass on huge retrofitting costs to the future. Please approve the suggested amendments and look to make livable, functioning buildings part of the SP plan.

Thank you,
Nerisa de Jesus
El Cerrito resident





El Cerrito Police

2021 in Review

Paul Keith – El Cerrito Police

November 15, 2022





Mission

PROTECT OUR COMMUNITY,
SOLVE CRIME,
AND PURSUE JUSTICE



MADD Awards

Sergeant Scott Cliatt Retires



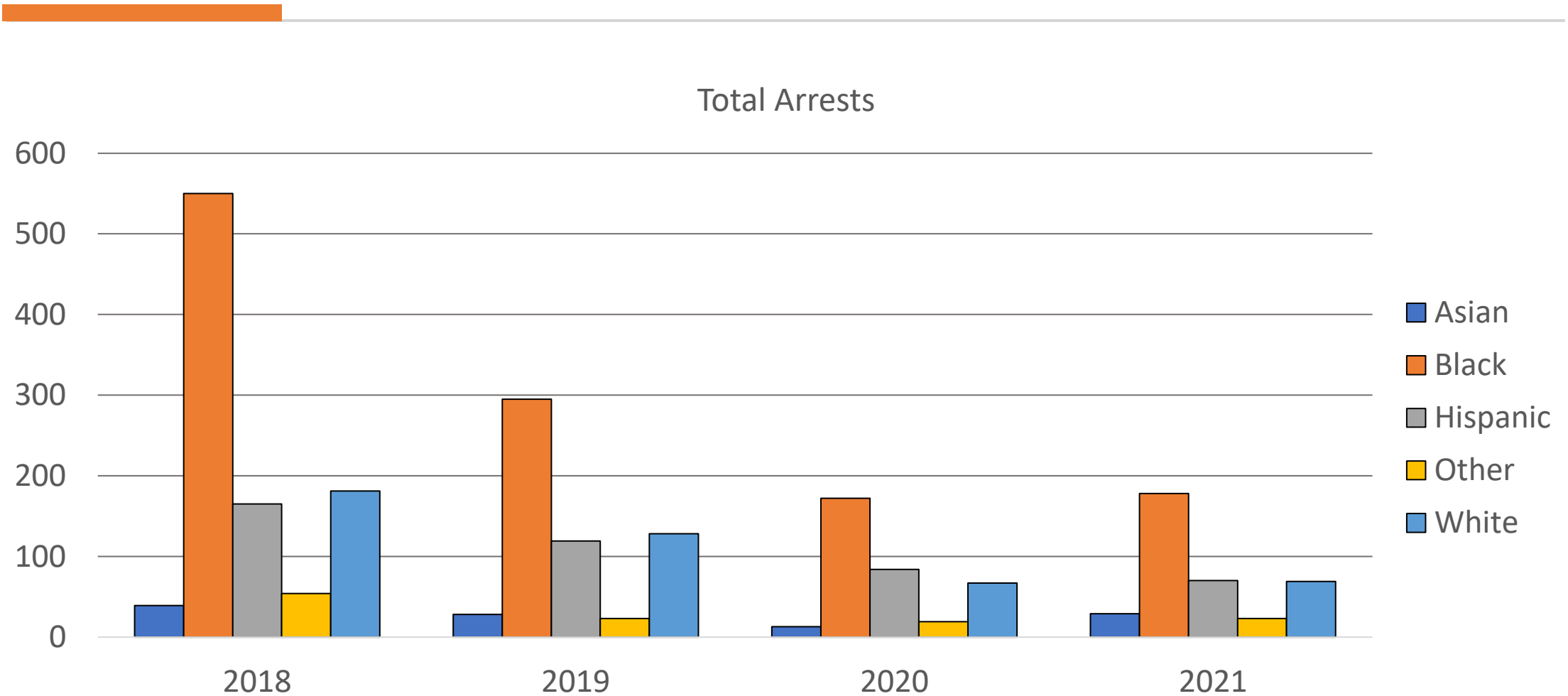


Law Enforcement Torch Run for Special Olympics

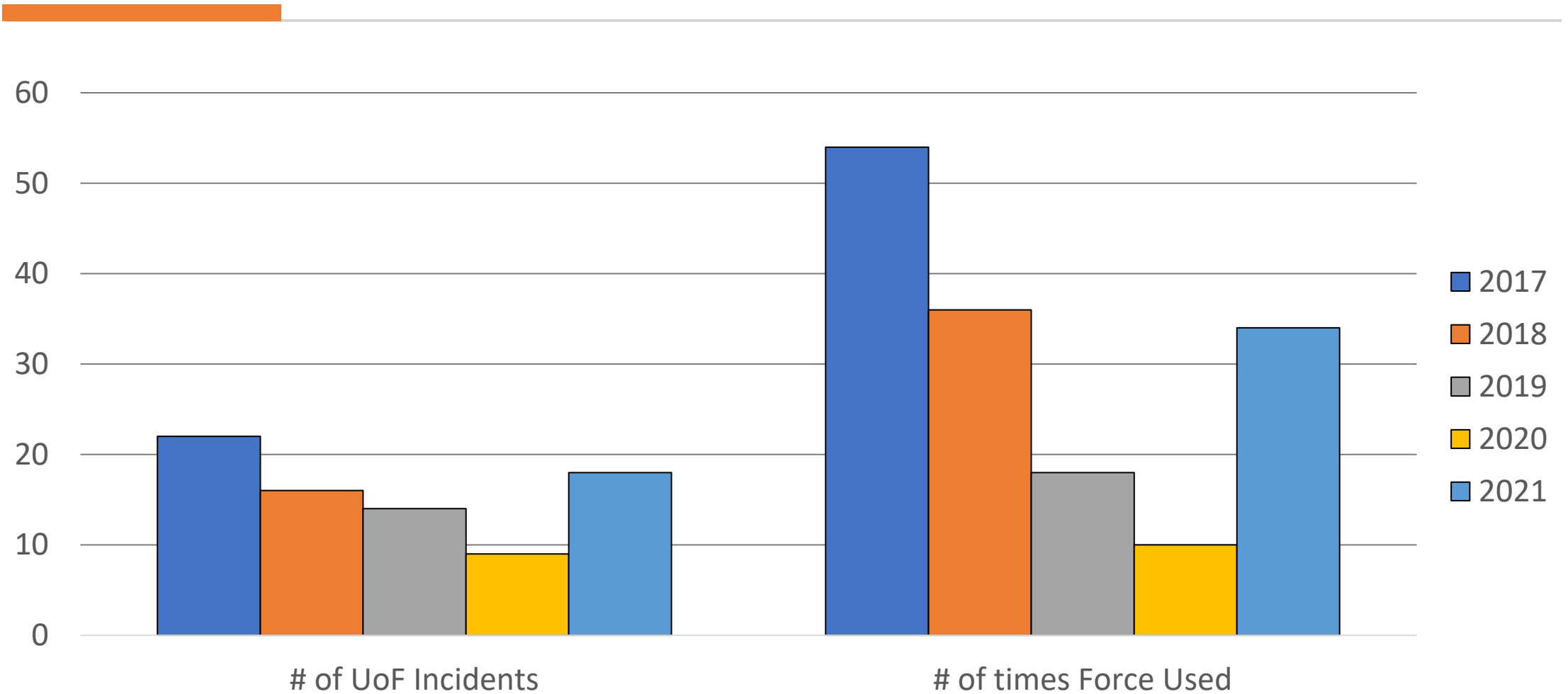
2021 Areas of Focus

- Pandemic Recovery
- Retail Theft
- Catalytic Converter and Vehicle Theft

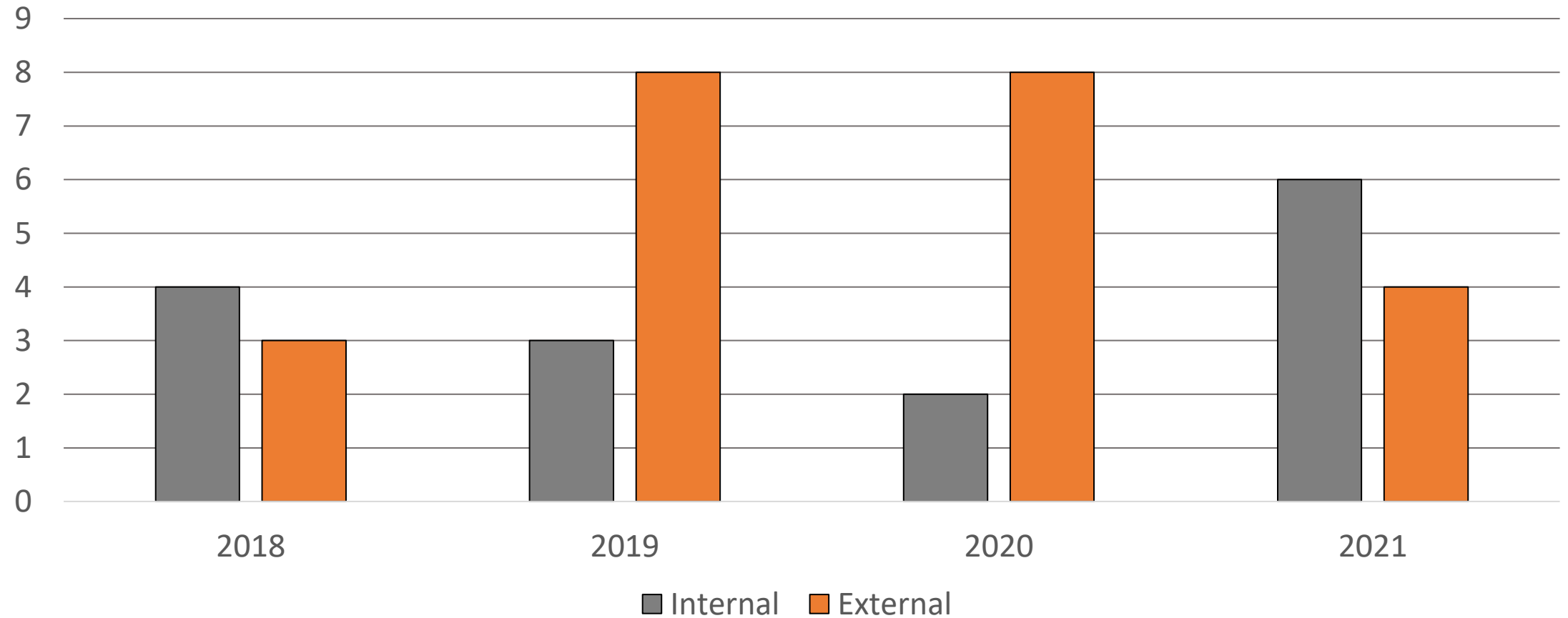
Arrest Trends



UOF Trends



Internal Affairs Investigations



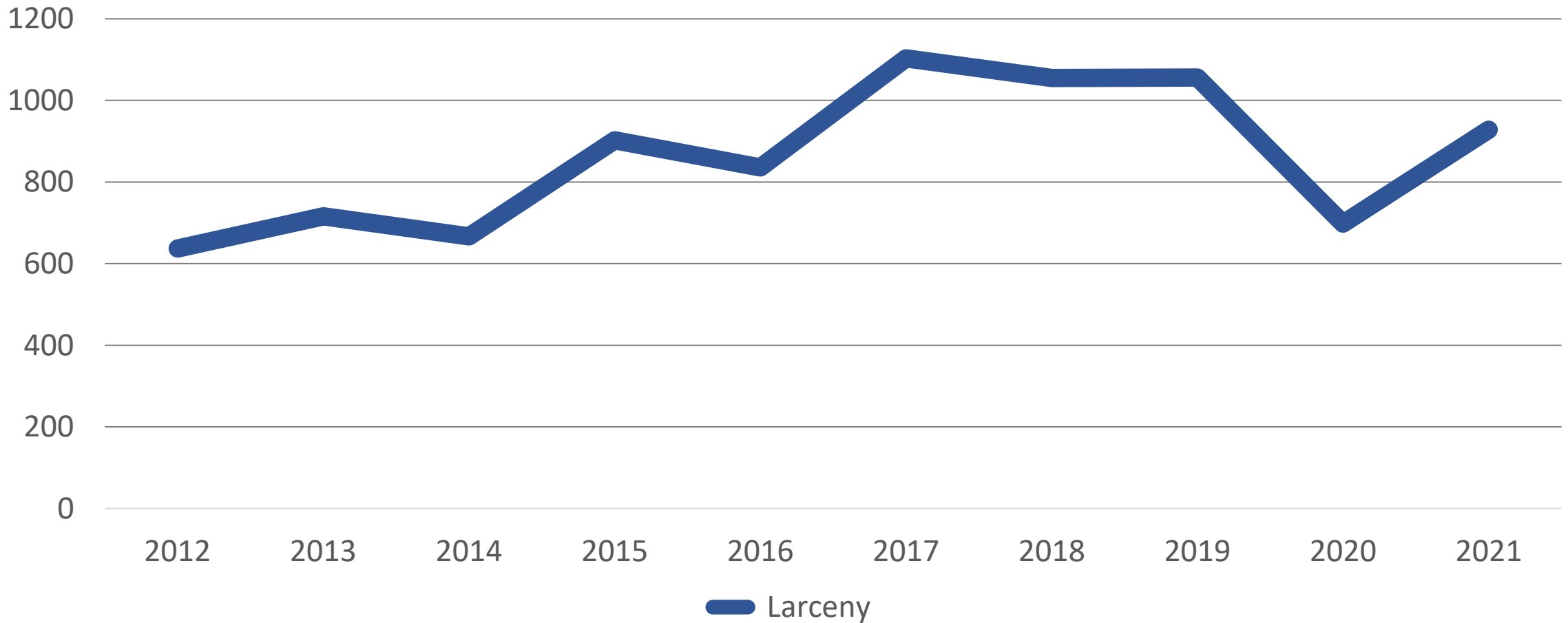
2021 Statistics

- Larceny
- Burglary
- Robbery



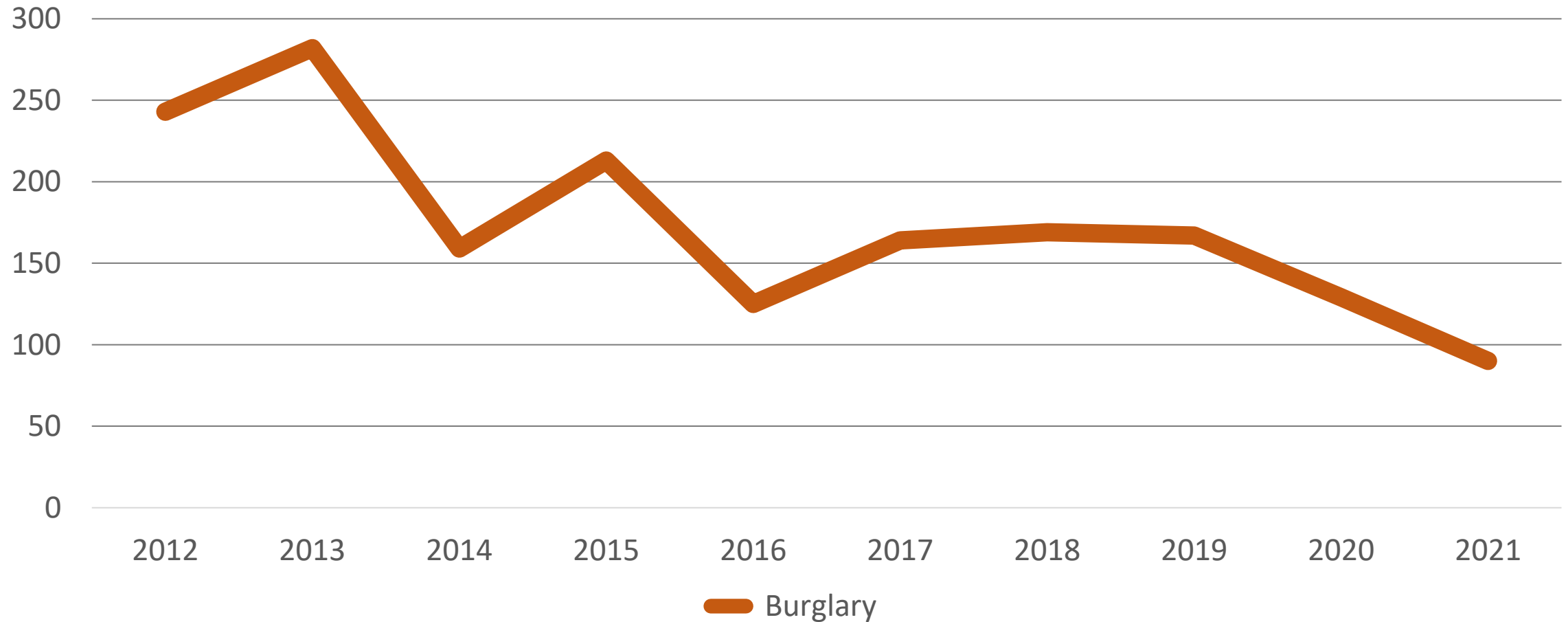


Larceny Trend



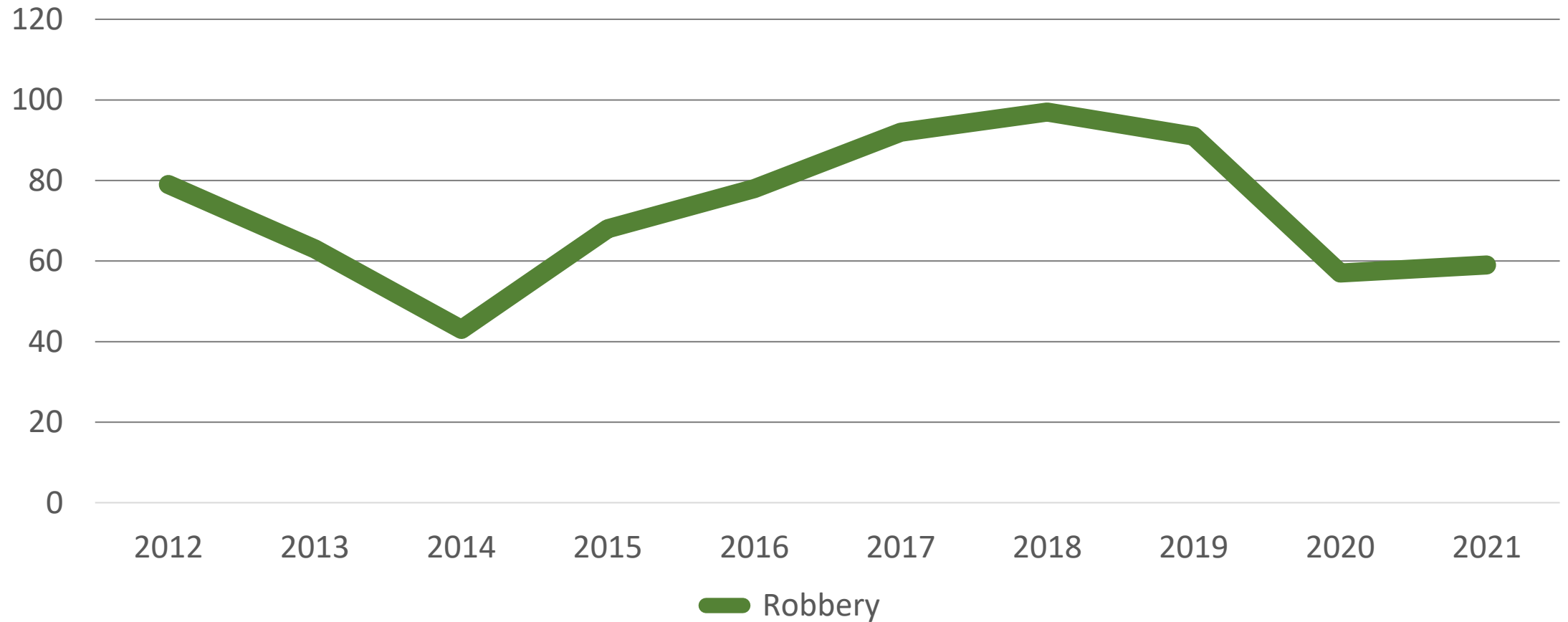


Burglary Trend





Robbery Trend



Annual Updates

- Sanctuary City
 - Training
 - No collaborations with U.S. Immigrations and Customs Enforcement in 2021
- Body Worn Cameras
 - Audits
 - Internal Investigations
 - Training



Work in Progress

- Recruiting and Retention Focus
- New Collaboration with Contra Costa County Public Defender
 - Youth Early Intervention Program (YEIP)
- Contra Costa County Behavioral Health – Anyone, Anywhere, Anytime (A3)
- Automated License Plate Reader (ALPR) Camera Systems
- Traffic Enforcement Unit



El Cerrito Police 2021 in Review

Paul Keith – El Cerrito Police
November 15, 2022
pkeith@ci.el-cerrito.ca.us







Memorandum

Date: November 15, 2022

To: Honorable Mayor and Members of City Council

From: Sean Moss, Planning Manager

Subject: Errata

This document lists all the changes to the San Pablo Specific Plan since the release of the October Final Draft Specific Plan. These changes are minor and do not represent significant changes. They are minor corrections or clarifications. Staff has worked diligently to identify each place that these changes may occur however, failure to note each place in these documents where these changes occur, does not preclude staff from making these corrections at a later date.

~~Strikethrough~~ indicates deletion; **red** indicates insertion

SAN PABLO AVENUE SPECIFIC PLAN

Page 02-1

The blue box should read:

SECTIONS

- 2.01 Intent and Use of the Code
- 2.02 Administration of Regulating Code
- 2.03 Regulating Plan
- 2.04 Development Standards
- 2.05 Supplemental General Development Standards
- ~~2.06 General Public and Private Open Space Standards~~
- ~~2.07 Definitions~~

Page 02-47c

The FBC Table 08a should read:

Allowed Uses	Required shop frontage must be occupied by commercial, public, semipublic, and service uses which are permitted in the applicable transect zone pursuant to FBC Table 02
--------------	--

Page 02-25

Section 2.02.06.04.02(A)(2)

The last sentence in the section should read:

A Notice of Application shall be provided pursuant to Section 2.02.098.03 of this Specific Plan.

Page 02-35

2.03.02 Transect Zones

The map should be depicted as attached.

Page 02-98b

2.05.06.03 Private Shared Open Space Design Standards

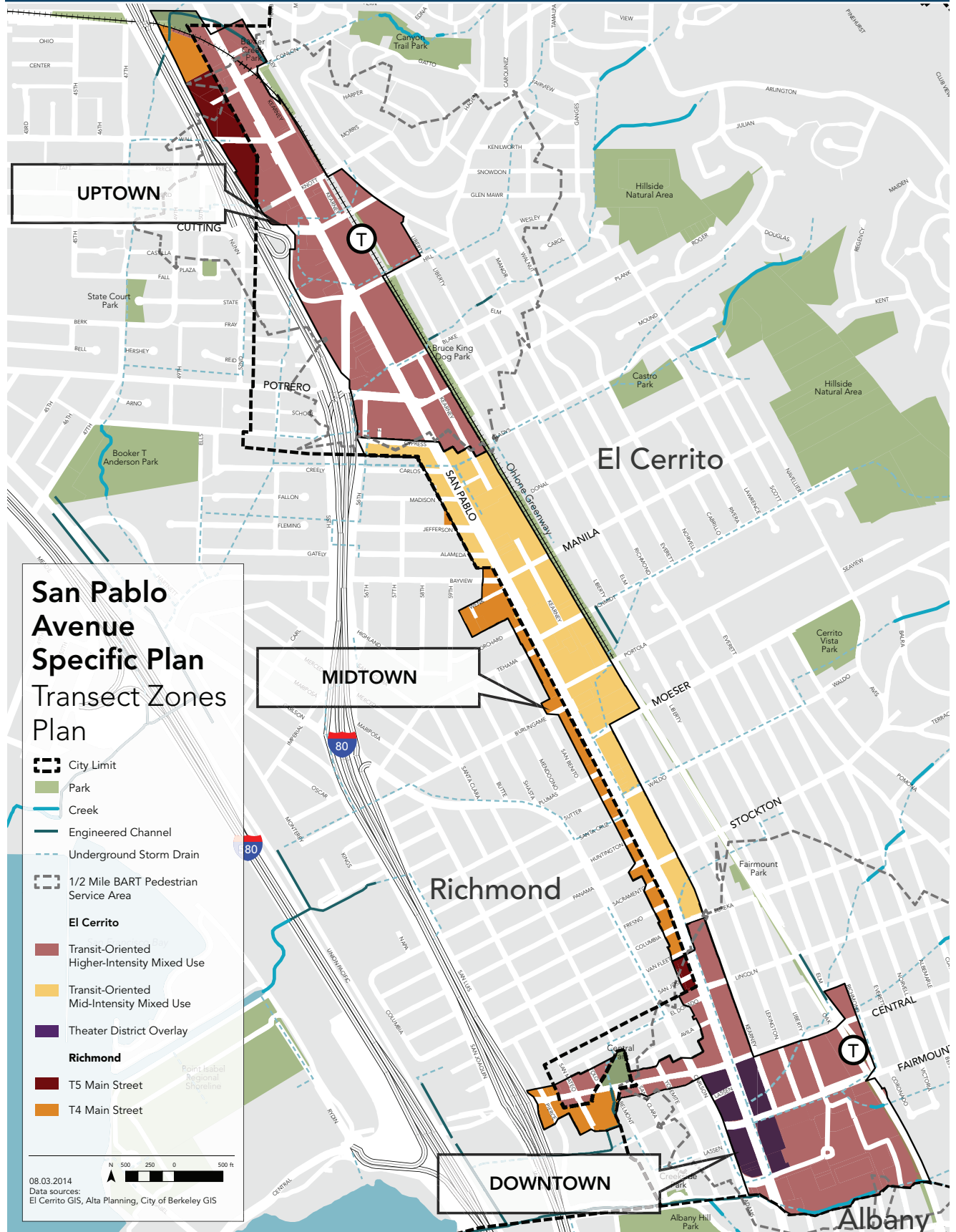
The dimension at the bottom of the figure should read:

(2015 ft. minimum in every horizontal dimension)

Attachment:

Revised Page 02-35

2.03.02 TRANSECT ZONES



FBC Figure 02. Transect Zones Map

Zoning designations for all properties in the City of Richmond are subject to change pursuant to the *Richmond Livable Corridors Form-Based Code* adoption process. Please refer to the *Richmond Livable Corridors Form-Based Code* for all zoning regulations.

Parcels in both jurisdictions shall be subject to the entitlement process of the jurisdiction in which it has the majority of its lot acreage.

Planning Commission Resolution PC2022-14

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING THAT THE EL CERRITO CITY COUNCIL CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on November 20, 2020 the City of El Cerrito issued a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan update, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, on December 3, 2020, the Planning Commission held a public scoping meeting for the SEIR and received public comments; and

WHEREAS, the Draft SEIR was circulated on July 19, 2022; and

WHEREAS, the public comment period for the Draft SEIR ended on September 2, 2022; and

WHEREAS, the Final SEIR has been prepared in accordance with the CEQA Guidelines; and

WHEREAS, on October 19, 2022, the Planning Commission, after due consideration of all evidence and reports offered for review does find and determine the following:

1. Pursuant to the CEQA Guidelines a Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) was circulated on November 20, 2020. A scoping meeting was held on December 3, 2020. The Draft Supplemental Environmental Impact Report was circulated on July 19, 2022. The public comment period on the Draft SEIR ended on September 2, 2022. Pursuant to CEQA, comments received during the comment period have been responded to in the Final SEIR which is now before the Planning Commission for consideration.
2. The analysis contained in the SEIR has been had been developed using experts in related fields to professional standards stipulated by the CEQA Guidelines and by prevailing CEQA case law.
3. The Final SEIR was presented to the Planning Commission prior to the October 19, 2022 meeting. The Planning Commission reviewed the Final SEIR and has considered the analysis contained therein.
4. The Final SEIR has been developed by City of El Cerrito staff and the City's consultant, using the analysis of experts in related fields. The Final SEIR reflects the independent expert analysis the City of El Cerrito's independent judgment.

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 recommends that the El Cerrito City Council

certify the Final Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan update.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 19, 2022, upon motion of Commissioner Hamilton, second by Commissioner Bloom:

AYES: Bloom, Gillett, Hamilton, Navarrete.

NOES: None.

ABSTAIN: None.

ABSENT: Mendez.



Sean Moss, AICP

Planning Manager

Planning Commission Resolution PC2022-15

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING THAT THE EL CERRITO CITY COUNCIL ADOPT AN UPDATE TO THE SAN PABLO AVENUE SPECIFIC PLAN WITH AMENDMENTS TO REQUIRE BUILDING ELECTRIFICATION FOR ALL NEW BUILDINGS SUBJECT TO TIER II OR TIER IV DESIGN REVIEW, AND TO INCREASE THE ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) REQUIREMENT TO 20% OF PARKING SPACES FOR ALL NEW BUILDINGS SUBJECT TO TIER II OR TIER IV DESIGN REVIEW, WITH POTENTIAL APPEALS PROCESSES, WAIVERS, AND SMALL PROJECTS AND SPECIAL CASES CLARIFICATIONS AS DETERMINED BY STAFF

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, approving a General Plan amendment for properties located in the San Pablo Avenue Specific Plan area; and

WHEREAS, on September 22, 2014, the El Cerrito City Council introduced Ordinance 2014-06, rezoning properties located in the San Pablo Avenue Specific Plan area; and

WHEREAS, Ordinance 2014-06 became effective on November 6, 2014, making the San Pablo Avenue Specific Plan effective as of this date; and

WHEREAS, in 2019, the City of El Cerrito commenced the preparation of an update to the San Pablo Avenue Specific Plan; and

WHEREAS, on January 16, 2019, the Planning Commission and Design Review Board reviewed the scope of the Specific Plan update; and

WHEREAS, on February 5, 2019, the El Cerrito City Council reviewed the scope of the Specific Plan update; and

WHEREAS, on March 31, 2021, the Planning Commission and Design Review Board reviewed focused areas within the scope for the Specific Plan update; and

WHEREAS, the Draft of the Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, the Draft Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan update was circulated on July 19, 2022; and

WHEREAS, the Final SEIR was prepared in accordance with the CEQA Guidelines; and

WHEREAS, on August 17, 2022, the Planning Commission and Design Review Board reviewed the draft of the San Pablo Avenue Specific Plan Update; and

WHEREAS, this update to the San Pablo Avenue Specific Plan complies with the provisions of Government Code Section 65453; and

WHEREAS, on October 19, 2022, the Planning Commission, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The San Pablo Specific Plan is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.

2. The San Pablo Specific Plan is consistent with the El Cerrito General Plan.

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 recommends that the El Cerrito City Council adopt an update to the San Pablo Avenue Specific Plan.

CERTIFICATION

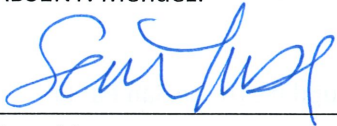
I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 19, 2022, upon motion of Commissioner Hamilton, second by Commissioner Bloom:

AYES: Bloom, Gillett, Hamilton, Navarrete.

NOES: None.

ABSTAIN: None.

ABSENT: Mendez.



Sean Moss, AICP
Planning Manager

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ADOPTING THE UPDATED SAN PABLO AVENUE SPECIFIC PLAN WITH AMENDMENTS REGARDING BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE CHARGING

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging; and

WHEREAS, building electrification reduces carbon emissions and staff will provide additional information supporting the building electrification amendments referenced herein.

WHEREAS, scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.

WHEREAS, Section 2.05.05.01.04 of the San Pablo Avenue Specific Plan update is reasonably necessary because of local climatic, geologic and topographical conditions as listed below:

1. As a coastal city located on the San Francisco Bay, El Cerrito is vulnerable to sea level rise, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water--resulting in rising sea levels.
2. El Cerrito is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons.
3. Structures in El Cerrito are located along or near the Hayward fault, which is likely to produce a large earthquake in the Bay Area.

WHEREAS, substitute electric heating and cooling infrastructure in new buildings fueled by less greenhouse gas intensive electricity is linked to significantly lower greenhouse gas emissions and is cost competitive because of the aggregate cost savings associated with all electric designs that avoid new gas infrastructure and increasing natural gas fuel prices.

WHEREAS, reducing natural gas infrastructure benefits the health, welfare, and resiliency of El Cerrito and its residents.

WHEREAS, the most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems inasmuch as projects can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and equipment venting systems.

WHEREAS, it is the intent of the San Pablo Avenue Specific Plan to reduce obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, associated Final Supplemental Environmental Impact Report, and all other information and testimony, hereby adopts the San Pablo Avenue Specific Plan update, with amendments as set forth in Exhibit A and Exhibit B, and finds as follows:

1. The San Pablo Avenue Specific Plan update is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.

2. The San Pablo Avenue Specific Plan update is consistent with the El Cerrito General Plan.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

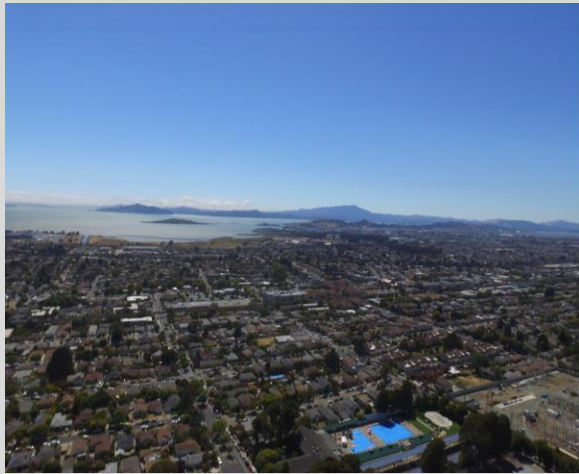
AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



San Pablo Avenue Specific Plan (SPASP) Update

El Cerrito City Council
November 15, 2022

Meeting Purpose

- Background/Vision
- Implementation
- Present Final Plan Update (Form Based Code)
- Present Final Supplemental EIR
- Current Issues
- Discussion



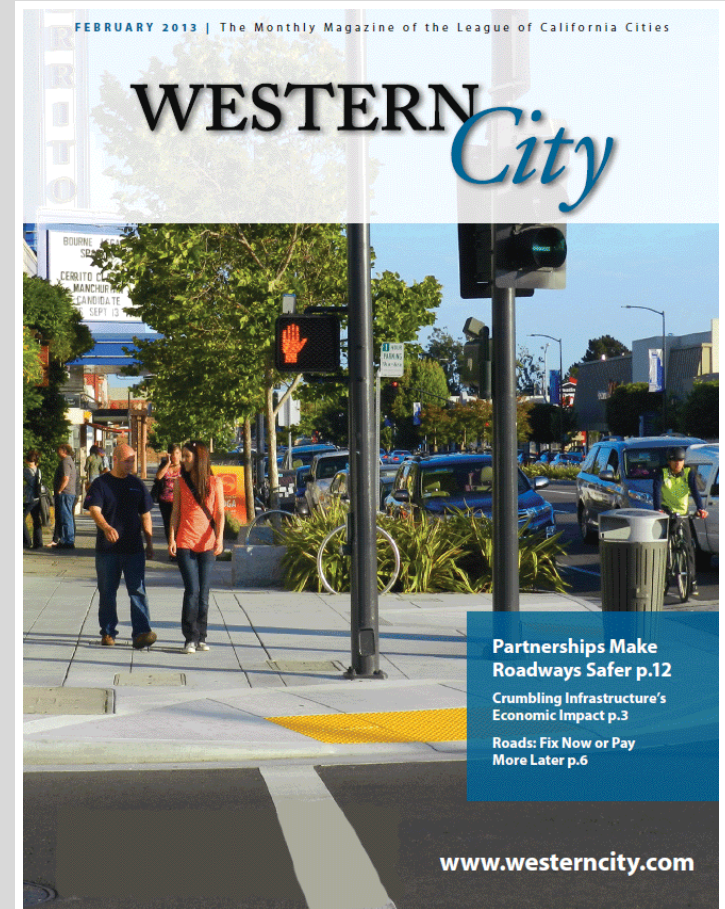
Background/Vision

Imagine San Pablo Avenue as a grand boulevard stretching from Oakland to Hercules, with jewels of pedestrian-friendly and family-friendly mixed-use urban and distinctive neighborhoods along the way. The San Pablo Avenue of the future will include a diverse range of housing, business, service, recreational, educational, transportation and civic opportunities with distinct nodes of activity in each city connected by an attractive, multi modal world class boulevard.

Loni Hancock

Former State Assemblymember/State Senator

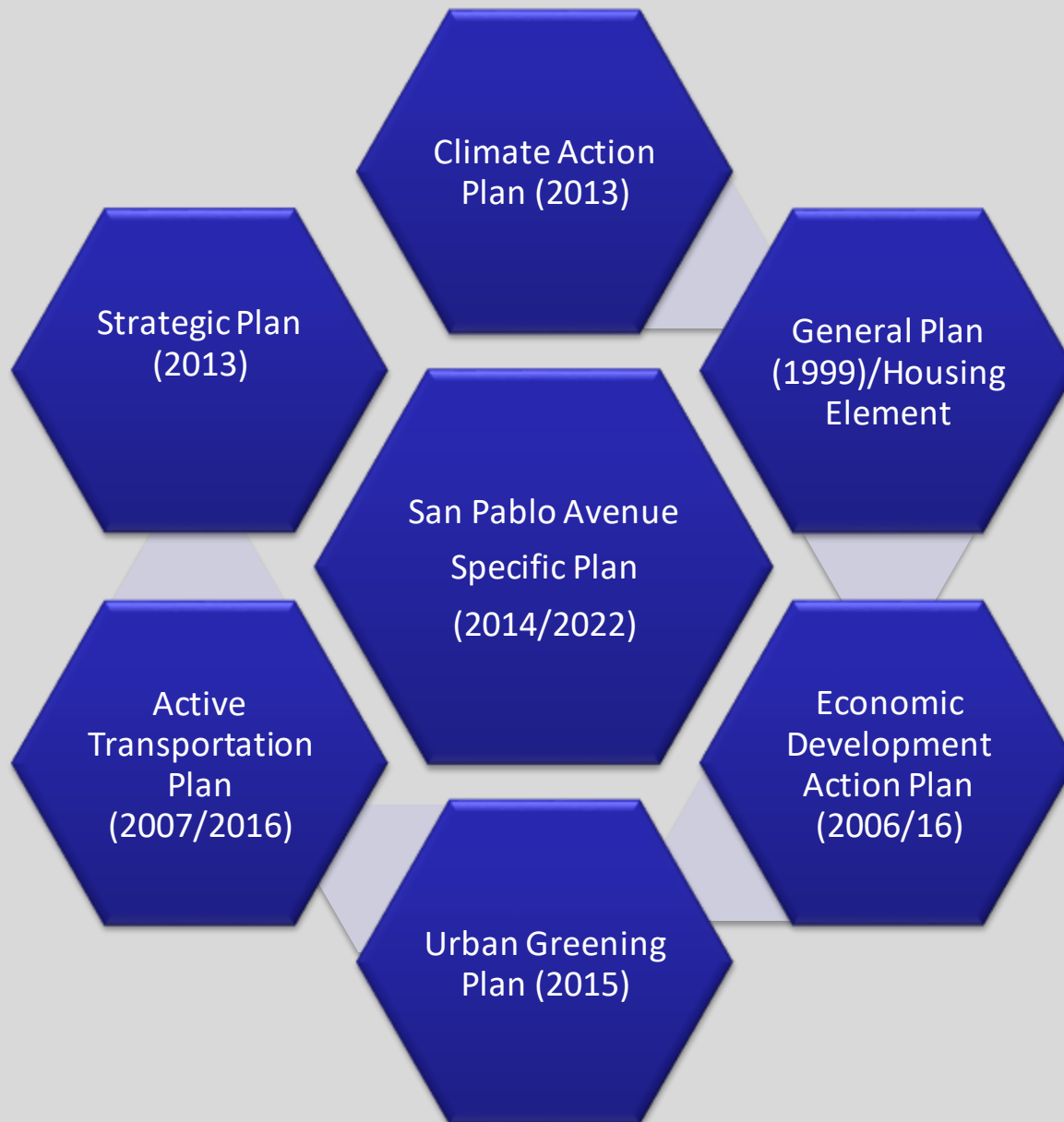
*Destination: San Pablo Avenue/SR 123 Vision
(2004)*



Background/Vision

- Caltrans/State Route 123
 - Sidewalk Relinquishment (2005)
 - Cerrito Theater (2006)
- City Hall (2008)
- Baxter Creek Gateway (2006)
- SPA Streetscape (2011)
 - New Enhanced Crosswalks, LED lights, Bicycle Racks, 300+ Trees/Median plantings, New Enhanced Crosswalks; Bus Benches, Dual Stream Containers, Signage
- Complete Streets/del Norte Complete Streets (2023)





General Plan (1999)

Major Issues: Development within SPA corridor is unattractive & not pedestrian friendly

Housing Element

2007-2014: Calls for streamlining to support more dense development

2015-2022: Utilizes Form Based Code/SPASP EIR to streamline development. Adopt Inclusionary Zoning. “On Track” for RHNA

2023-2031: Provides 92% of new RHNA within SPASP area

Climate Action Plan (2013/2023)

Land Use, Transportation & Community Development

Sustainable Community Goal

1. Encourage compact, higher density infill development along transportation corridors
2. Encourage more pedestrian friendly economic activity
3. Invest in walking/biking/transit infrastructure



Strategic Plan (2013)

Goal B: Achieve long-term financial sustainability

- Attract & maximize opportunities for new/expanding businesses

Goal C: Deepen a sense of place & community identity

- Reimagine underdeveloped and underutilized properties through advance planning that encourages investment and/or new development
- Encourage use of alternative modes of transportation

Goal F: Foster environmental sustainability citywide

- Implement CAP by reducing vehicle miles traveled through a well-connected bicycle, pedestrian and transit oriented urban form



Corner of Cutting and San Pablo Avenue...over time

Economic Development Action Plan (2006/2016)

- Create a consistent 2020 vision with a transition to an urban lifestyle environment attracting high-quality development in key commercial areas

Urban Greening (2015) & Ohlone Greenway Master (2009) Plans

- Enhance quality of life for residents by improving existing and creating new public places and open spaces to support increased density



11335-41 San
Pablo Avenue



6501 Fairmount



Centennial Park



San Pablo Avenue Specific Plan (2014)

Economic Feasibility

- Allowed Increase in Height to 5-6 stories “by right”
- Reduced Parking Requirements
- Allowed ground floor residential

Quality of Life/Design

- Form Based Code + Complete Street Plan
- 1% for Art
- Private/Public Open Space
- Frontage Improvements
- Fees
 - New: Stege SPA Capacity Fee; Transportation Impact Fee
 - WCCUSD, Subregional Transportation Mitigation Program



San Pablo Avenue Specific Plan (2014)



Streamlined Permitting

- Provided EIR capacity for first 1,706* units +243,112 sf net new commercial
- Created objective design standards (= certainty)
- Removed requirement for Use Permit for food uses/restaurants
- Created Tier I Process for Minor Improvements
 - Administrative
 - Façade Improvements
 - Signage



* Includes projects approved prior to SPASP

Since 2014	# of Projects	# of Units	Square Foot Comm ercial	Note
Entitled	18	1,025		Differs from Program EIR
Constructed	4	243	12,707 sf	-3,000 convert to L/W
Construction Phase*	6	321	3,431+ 124 room hotel	*3- Ready to Pull Permit/Demo *3- Preparing to Submit Permit



Since 2014	# of Projects	# of Units	Square Foot Commercial	Note
Entitled	18	1,025		Differs from Program EIR
Constructed	4	243	12,707 sf	3,000 conv. To L/W
Construction Phase*	6	321	12,563+ 124 room hotel	*3- Bldg Permit Ready/Demolition *3- Preparing to Submit Permit



10290 SPA



10919 SPA



11645 SPA



Mayfair Affordable



Agenda Packet Page 214 of 263
6115 Potrero/11335 SPA



6501 Fairmount

Since 2014	Projects	# of Units	SF Comm.	Note
Entitled	18	1,025		Differs from Program EIR
Entitled/"Inactive"	6*	493	8,130	* Re-entitle
Expired Entitlement	2			



10192 San Pablo Avenue*



11965 San Pablo Avenue "Polaris"



11795 San Pablo Avenue



10167 San Pablo Avenue



921 Kearney



10135 San Pablo Avenue

Since 2014	Projects	# of Units	SF Comm.	Note
Entitled	18	1,025		Differs from Program EIR
Entitled/"Inactive"	6*	262		10192 Re-entitling
Expired Entitlement	2			



10810 San Pablo Avenue: "The Village" Infill



11048 San Pablo Avenue (now Harbor Freight Tools)

San Pablo Avenue Specific Plan (2014)

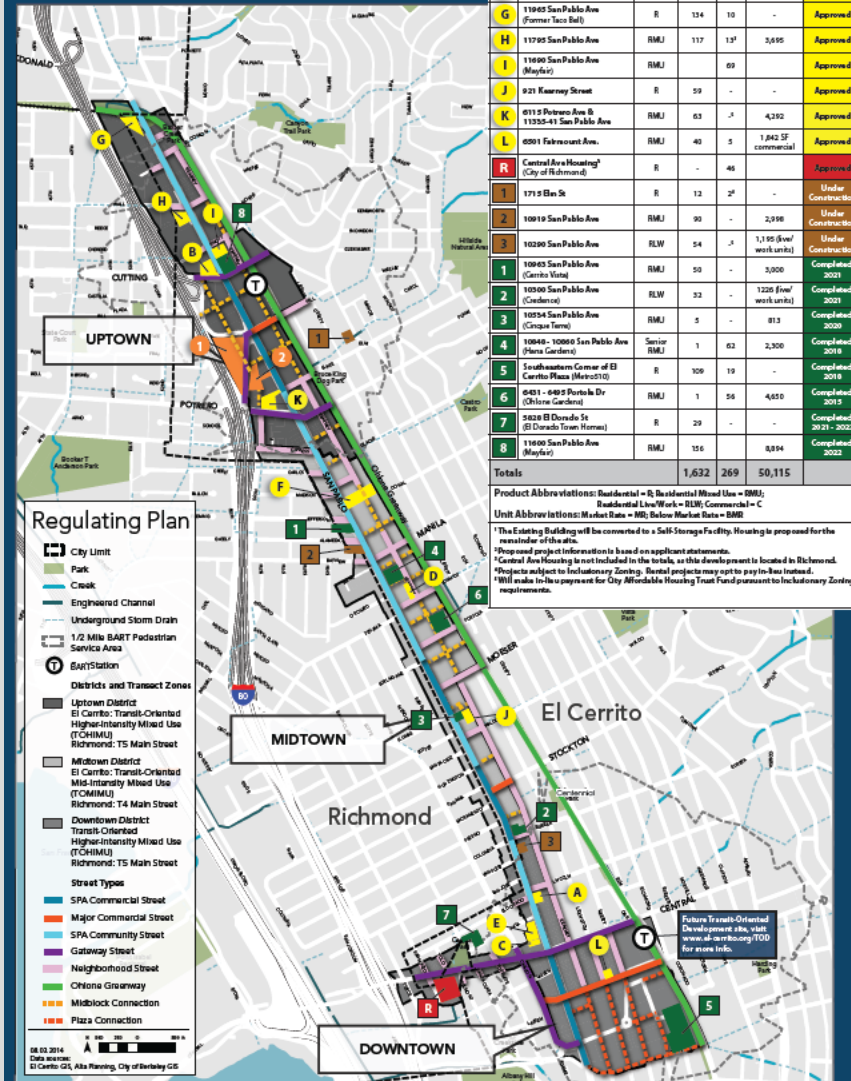
Year	Housing Units Entitled	Commercial S.F. Entitled
2015	5	813
2016	63	2,400
2017	279	8,893
2018	224	7,455
2019	534	92,067
2020	182	0
2021	45	1,800
2022	63	7,354

Background

- San Pablo Avenue Specific Plan adopted in 2014.
- Environmental Impact Report analyzed development capacity of 1,706 residential units and 243,000 square feet of commercial space.
- Over 1,500 units had been entitled by 2020.
- Supplemental EIR needed to increase development capacity
- Plan update is incremental; based largely on lessons learned from implementation

El Cerrito San Pablo Avenue Corridor, Major Projects:

Proposed, Approved, Under Construction, and Completed (as of 07/01/2022)



SPASP Update Process

- Project commenced early 2019
- Applied for/obtained by MTC and SB 2 grants
- Joint Planning Commission and Design Review Board Study Sessions in Jan 2019 and March 2021
- City Council received presentation on Plan update in February 2019
- Diverse community engagement forums including community meeting in March 2019 and Open House in July 2019
- SPASP Update and SEIR published on July 19, 2022
- Joint Planning Commission and Design Review Board Study Session in August 2022



SPASP Update Overview

- SPASP Update has four chapters:
 - Introduction
 - Form Based Code
 - Complete Streets
 - Infrastructure Systems
- SPASP Update implements the General Plan for the San Pablo Avenue corridor
- SPASP Update is mainly a form-based land use plan
- Complete Streets and Infrastructure chapters plan for infrastructure needed to facilitate new development in the corridor
- General Plan and Specific Plan establish a framework to develop new policies that are consistent with those documents

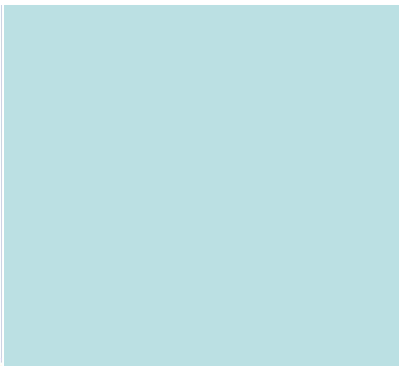
SPASP Update Scope

Reviewed and endorsed by Planning Commission, Design Review Board, and City Council in 2019

- Commercial Land Uses
- Daylight Plane and Shadow Standards
- Tier IV Process
- Land Use Regulations
- Major Commercial Street Standards
- Neighborhood Street Standards
- Stormwater Infrastructure
- Open Space Standards
- Parking
- Light and Air Exposure to Units

Related Efforts

- Housing Element Update
- Climate Action Plan Update
- Safety Element Update



Introduction



Introduction

- Updates to City policy documents and State Regulations since 2014
- Updates to Plan Goals and Policies



2014 Goals and Policies

Goal A: Strengthen Sense of Place

Goal B: Ensure Return on Investment

Goal C: Encourage Practical & Market Friendly Development

Goal D: Enhance & Humanize the Public Realm

Goal E: Catalyze Mode Shift

p. 01-18

2022 Goals and Policies

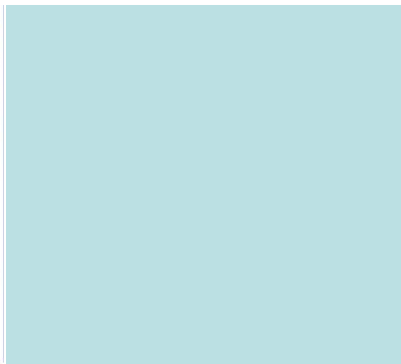
Goal A: Enliven San Pablo Avenue

Goal B: Encourage Practical & Market Friendly Development

Goal C: Support Climate Action Goals

Goal D: Create Housing That Supports a Diverse Population

p. 01-19



Form Based Code



Form Based Code Elements

- **Administration of Regulating Code**
 - Design Review Process
 - Public Meeting Process
 - Land Use Regulations
- **Regulating Plan & Development Standards**
 - Transect Zones
 - Street Types
 - San Pablo Ave Commercial Street
 - Major Commercial
 - Neighborhood Street
 - Midblock Connection

Form Based Code Elements

- **Supplemental General Development Standards**
 - Shadows and Daylight Plane Standards
 - Frontage Types
 - Sustainable Design Elements
 - Energy
 - Ecology
 - Open Space Standards
 - Parking Standards
 - Sign Regulations and Signage Standards

Regulating Plan

Transit Oriented High-Intensity Mixed Use & Theater District Overlay



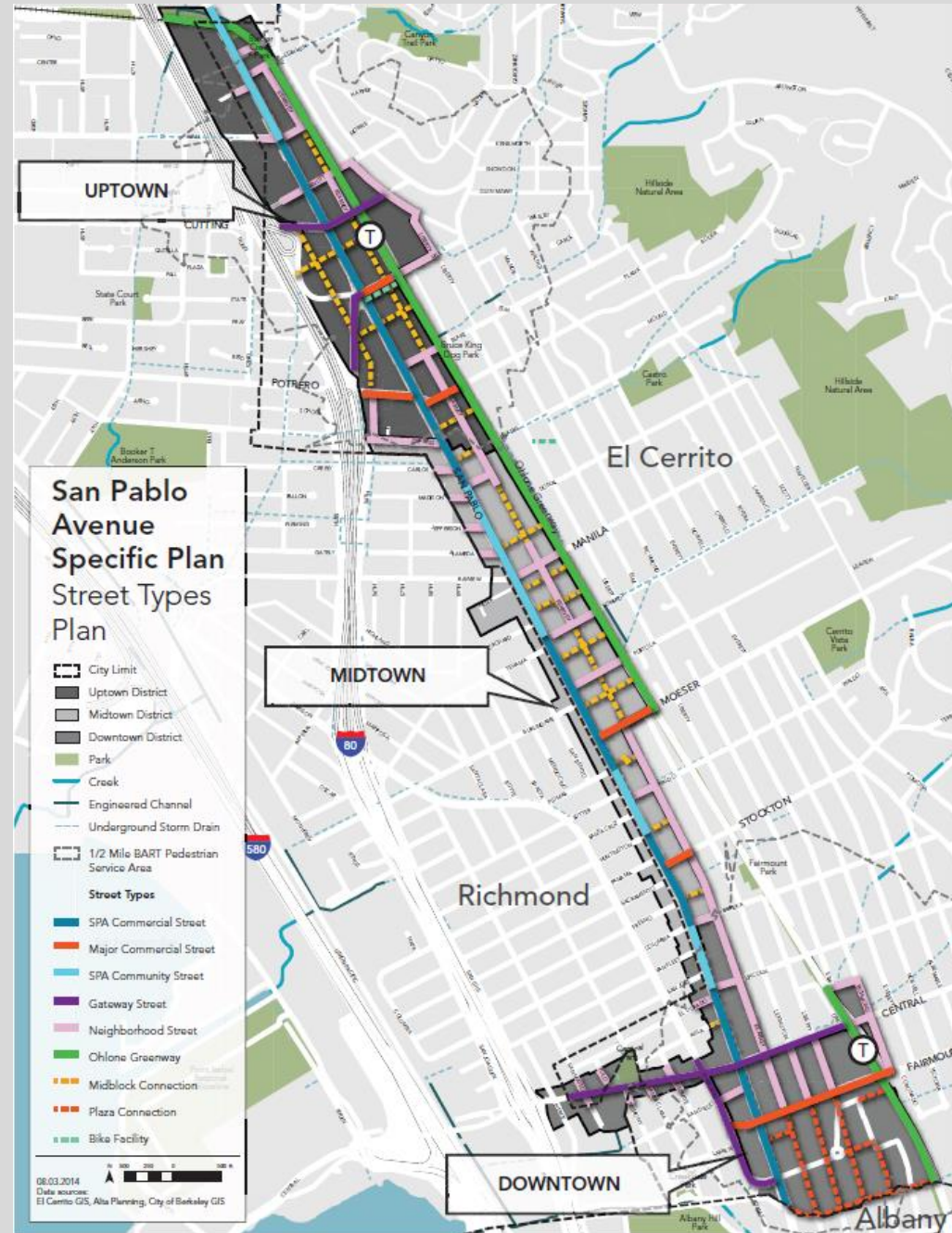
Transit Oriented Mid-Intensity Mixed Use



Street Types

Proposed Refinements

- SPA Commercial Street
- Major Commercial Street
- Neighborhood Street



Street Types

SPA Commercial Street & Major Commercial Street: Proposed Location

- Expand SPA Commercial
 - Central to Lincoln
 - Burlingame to Portola
 - Blake to Madison
 - Cutting to Wall



Street Types

SPA Commercial Street & Major Commercial Street: Proposed Location

- Expand SPA Commercial
 - Central to Lincoln
 - Burlingame to Portola
 - Blake to Madison
 - Cutting to Wall
- Expand Major Commercial
 - Moeser
 - Potrero



Street Types

SPA Commercial Street & Major Commercial Street: Other Changes

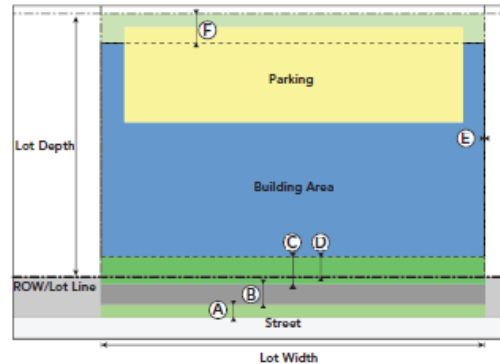
- Clarify 50% of street frontage of new development be commercial and public-serving uses
- Require ground floor uses to have mechanical shafts to vent to the roof to allow for future food service uses



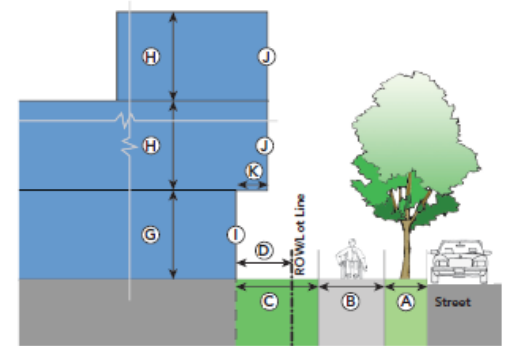
Street Types

Major Commercial Street: Development Standards

- A new table for Major Commercial
- Refine **A** **B** **C** balance constrained ROW and adjoining lots, existing street configuration and street operations:
 - Reduce Amenity Zone **A** to 4' min; Reduce to 2' min. in areas where trees are planted in parking lane (Fairmount Ave)
 - Reduce Pedestrian **B** Zone to min. 6'
 - No change **C**



FBC Figure 06a. Development Standards Plan Diagram



FBC Figure 07a. Development Standards Section Diagram

2.04.02.02.01 Intent

To strengthen an intimate 'main street' environment, new developments maximize opportunities for walking, shopping and socializing on major streets intersecting San Pablo Ave. Commercial uses are prioritized at key locations to encourage strolling and gathering opportunities. Flexible parking lanes provide opportunities for both shade providing trees and destination parking.

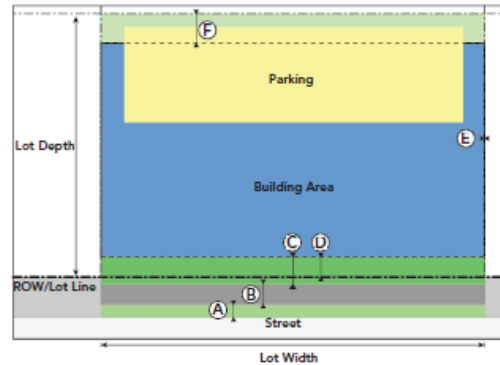
FBC Table 07a. Major Commercial Street Building Placement

Amenity Zone	4' min.; Reduce to 2' min. in areas where trees are planted in parking lane	A
Pedestrian Zone	6'-0" min. clear pathway	B
Activity Zone	4'-0" min.	C
Ground Floor Front Setback	Min: Distance from ROW necessary to accommodate zones A, B and C Max: Up to 10' non-residential uses, Up to 15' residential uses	D
Side Setback	0'-0"	E
Rear Setback	See Section 2.05.02.02 Shadow Standards	F
Pedestrian/Bicycle Access	Street fronting ground floor units and spaces to have individual entries along front. Upper floor units and spaces to be accessed by common entry along front. Provide two way protected, grade separated Class IV bike facility on the south side of Hill Street.	
Vehicular Access	Max. 24' 2-way driveways, min. 100' apart. Side access on corner lots	

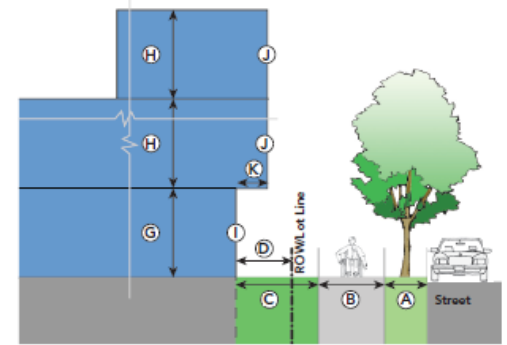
Street Types

Major Commercial Street: Development Standards

- Provide two way protected, grade separated Class IV bike facility on the south side of Hill Street



FBC Figure 06a. Development Standards Plan Diagram



FBC Figure 07a. Development Standards Section Diagram

2.04.02.02.01 Intent

To strengthen an intimate 'main street' environment, new developments maximize opportunities for walking, shopping and socializing on major streets intersecting San Pablo Ave. Commercial uses are prioritized at key locations to encourage strolling and gathering opportunities. Flexible parking lanes provide opportunities for both shade providing trees and destination parking.

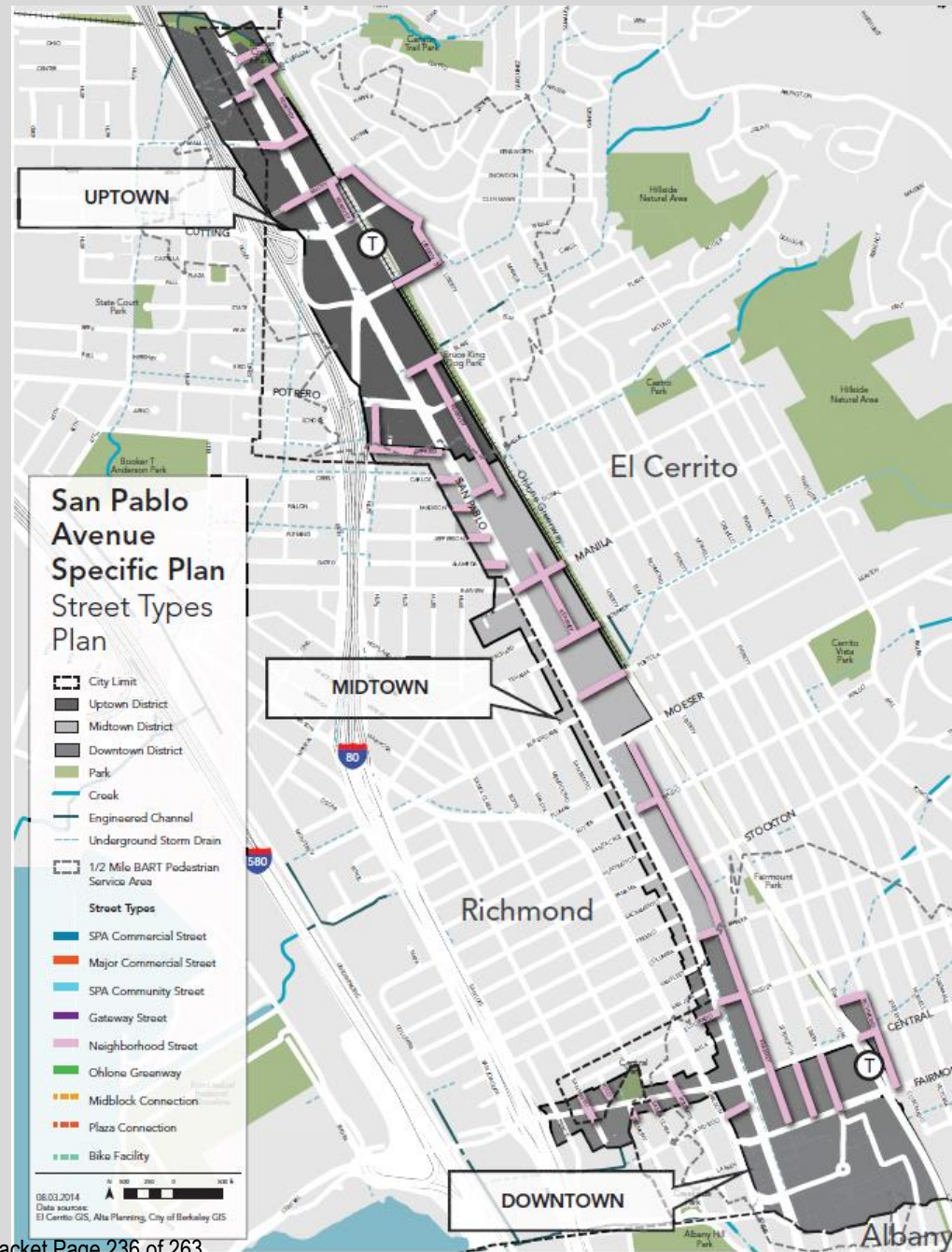
FBC Table 07a. Major Commercial Street Building Placement

Amenity Zone	4' min.; Reduce to 2' min. in areas where trees are planted in parking lane	A
Pedestrian Zone	6'-0" min. clear pathway	B
Activity Zone	4'-0" min.	C
Ground Floor Front Setback	Min: Distance from ROW necessary to accommodate zones A, B and C Max: Up to 10' non-residential uses, Up to 15' residential uses	D
Side Setback	0'-0"	E
Rear Setback	See Section 2.05.02.02 Shadow Standards	F
Pedestrian/Bicycle Access	Street fronting ground floor units and spaces to have individual entries along front. Upper floor units and spaces to be accessed by common entry along front. Provide two way protected, grade separated Class IV bike facility on the south side of Hill Street.	
Vehicular Access	Max. 24' 2-way driveways, min. 100' apart. Side access on corner lots	

Street Types

Neighborhood Street: Development Standards

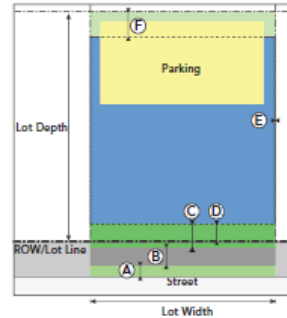
- Refine standards to respect the predominant residential character while allowing TOD



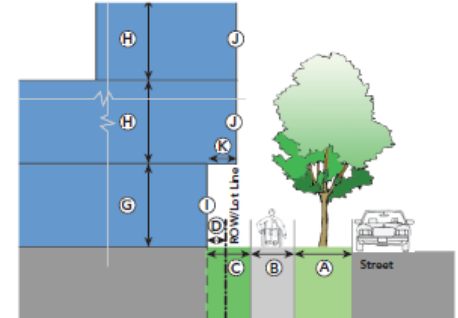
Street Types

Neighborhood Street: Development Standards

- Refine standards to respect the predominant residential character while allowing TOD:
- Increase Activity Zone to 10' to allow for ground floor open spaces such as front yards, porches, and other open spaces
- Require ground-floor street-facing units to have private open space in front



FBC Figure 22. Development Standards Plan Diagram



FBC Figure 23. Development Standards Section Diagram

2.04.02.04.01 Intent

To support and maintain the character of existing neighborhoods, new developments along low traffic volume residential and commercial streets respect existing building types by stepping down the building's height, breaking up the building's mass and incorporating pedestrian design elements.

FBC Table 13. Neighborhood Street Building Placement

Amenity Zone	5'-0" min.	A
Pedestrian Zone	6'-0" min. clear pathway along commercial use, 5' min. clear pathway along residential use	B
Activity Zone *	0'-0" min. 10' min.	C
Ground Floor Front Setback	Min: Distance from ROW necessary to accommodate zones A and B. Max: Up to 10'-0" non-residential uses, Up to 15'-0" residential uses	D
Side Setback	0'-0"	E
Rear Setback	See Section 2.05.02.02 Shadow Standards	F
Pedestrian Access	Street fronting ground floor units and spaces to have individual entries along front or side streets.	
Vehicular Access	Max. 20' 2-way driveways, and 10' 1-way driveways	

* Activity Zone to allow for ground floor open spaces such as front yards, porches, and other open spaces. Ground-floor street-facing units are required to have open space in front

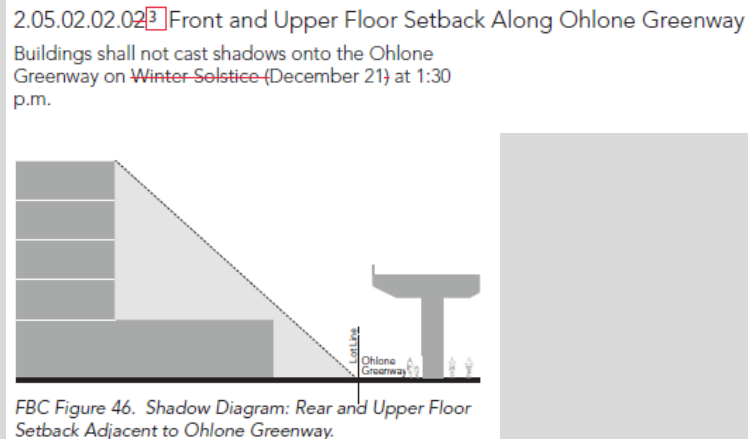
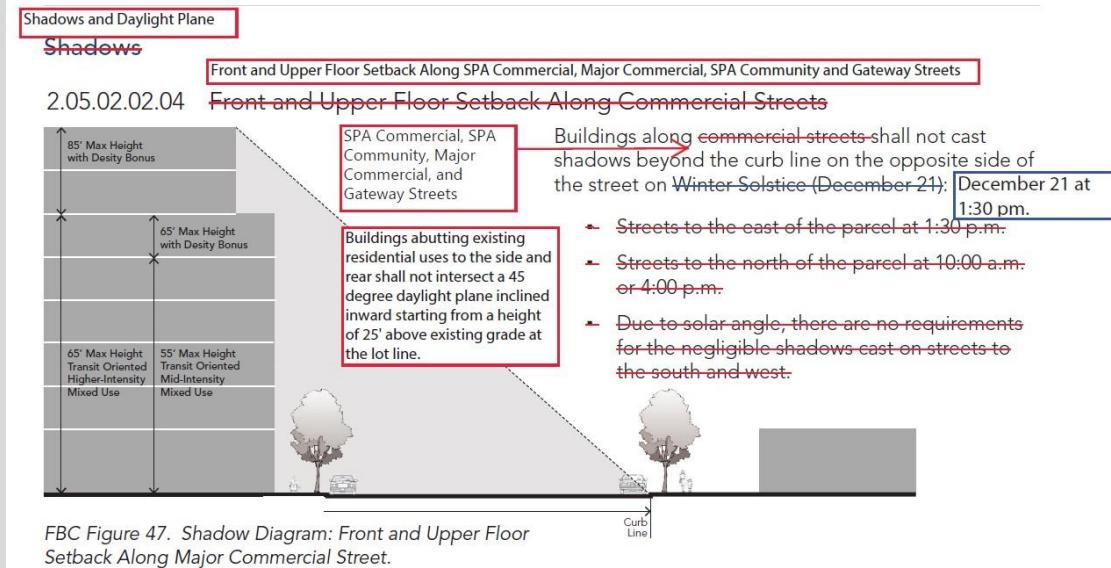
** A minimum of 50% of each of the Amenity Zone and Activity Zone shall be landscaped

Supplemental General Development Standards



Shadow and Daylight Plane Standards

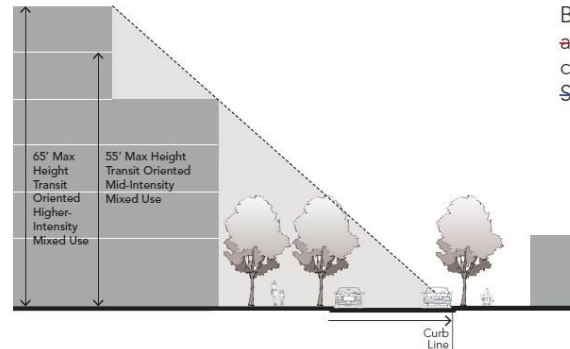
- Clarify shadow standards: *Buildings shall not cast shadows on December 21 at 1:30pm*
- Maintain existing shadow standards for Front and Upper Floor Setbacks along:
 - SPA Commercial, Major Commercial, SPA Community and Gateway
 - Ohlone Greenway



Shadow and Daylight Plane Standards

- Clarify and revise Front and Upper Floor Setback standards for Neighborhood Streets in favor of shadow standards instead of daylight plane standards
- Modify Rear and Upper Floor Setback Adjacent to Existing Residential
 - Use Daylight Plane for side and rear setback adjoining single-family, multi-family and mixed-use residential

2.05.02.02.05 Front and Upper Floor Setback Along Neighborhood Street

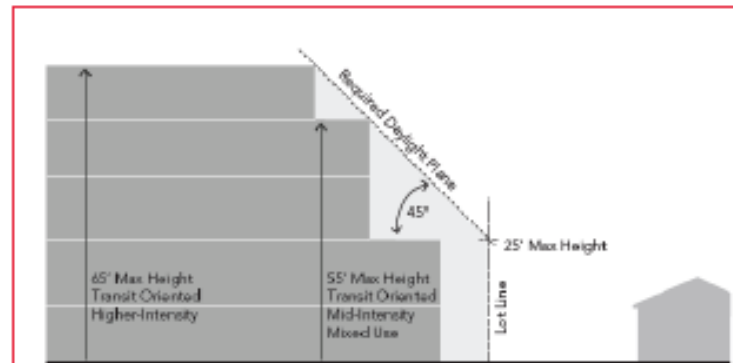


Buildings along neighborhood streets ~~with commercial and mixed uses~~ shall not cast shadows beyond the curb line on the opposite side of the street on ~~Winter Solstice (December 21):~~ December 21 at 1:30 pm.

- ~~Streets to the east of the parcel at 1:30 p.m.~~
- ~~Streets to the north of the parcel at 10:00 a.m. or 4:00 p.m.~~
- ~~Due to solar angle, there are no requirements for the negligible shadows cast on streets to the south and west.~~

FBC Figure 48. Shadow Diagram: Front and Upper Floor Setback Along Neighborhood Street ~~(Commercial/Mixed-use).~~

Buildings abutting existing residential uses to the side and rear shall not intersect a 45 degree daylight plane inclined inward starting from a height of 25' above existing grade at the lot line.



FBC Figure 44. Shadow Diagram: Rear and Upper Floor Setback Adjacent to Residential Lot.

Sustainable Design Elements

- Modify and update Energy policies:
 - Strongly encourage applicants and building operators to commit to an energy program that maximizes the use of renewable energy
 - Require applicant to evaluate the cost of constructing buildings as all electric
 - Enhance EV requirements in Final SPASP Update
- Require provision of three waste streams
- Modify guidelines and standards to align with City's Green Infrastructure Plan goals

2.05.05 SUSTAINABLE DESIGN ELEMENTS AND PUBLIC ART



FBC Figure 87. Sustainable Design Illustrative Photos

2.05.05.01 Energy

Intent – Reduce energy usage and El Cerrito's carbon footprint using energy efficiency and generation technologies in support of Climate Action Plan goals.

2.05.05.01.01 General Energy Reduction

- A. All external lighting fixtures must be Dark Sky certified, or equivalent.
- B. Consider passive heating and cooling techniques during building design. All buildings must adhere to California State regulations, including current Building Energy Efficiency Standards (Title 24, Part 6).
- C. Control solar heat gain and glare using external shading devices.
- D. Consider developing Zero-Net Energy buildings as defined by the California Energy Commission. In accordance with state regulations this standard will be mandatory for residential buildings in 2020, and mandatory for commercial buildings by 2030.

2.05.05.01.02 Solar Power

These regulations allow the use of building-scale solar power generation facilities, while eliminating the potential negative impacts of these facilities. Consider maximizing the solar readiness of each building by maximizing the surface area of southern and western facing roof-slopes.

A. Active Solar

1. The solar energy code for the city is the Uniform Solar Energy Code (USEC), 2009 Edition, adopted by the International Association of Plumbing and Mechanical Officials, as amended in El Cerrito Municipal Code 16.12: Uniform Solar Energy Code.
2. Panel Placement is governed by El Cerrito Municipal Code 16.02: California Building Code and 16.26: California Fire Code and the California Solar Rights Act.

E. Project applicants and building operators are strongly encouraged to commit to participating in an energy program that maximizes the use of renewable energy.

F. As part of the Tier II or Tier IV Design Review process, project applicants of new buildings containing 5 or more residential units shall evaluate any increased cost necessary to construct buildings with electricity as the only energy source. An estimate of any increased cost shall be provided as part of the project application.

Open Space Standards

Public Open Space

- Require on-site public open spaces based on:
 - Location:
 - Urban Greening and Green Infrastructure opportunity sites
 - New key locations such as BART Stations
 - Size:
 - When size of development parcel exceeds 1 acre
 - When size of development exceeds 150 units



FBC Figure 89. Open Space Plan

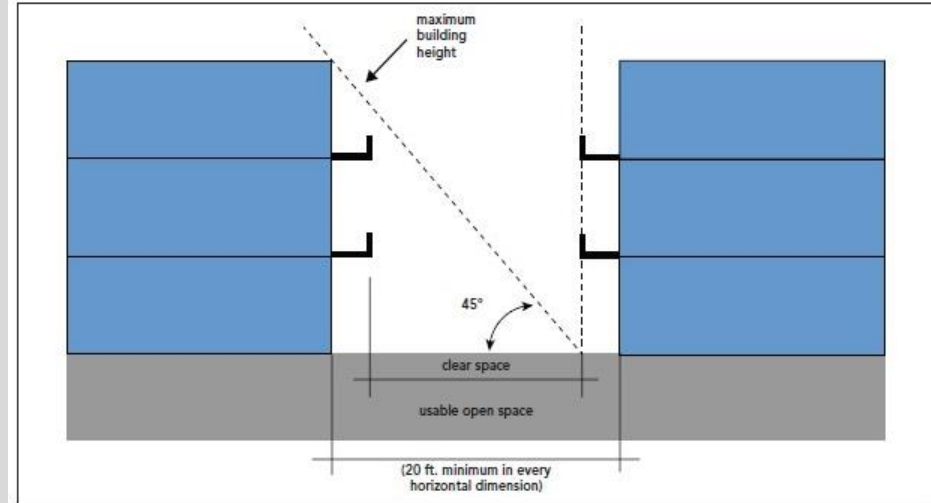
Open Space Standards

Private Shared Open Space

- Ensure upper floor courtyards have a min. 1:1 ratio



2.05.06.03 Private Shared Open Space Design Standards



2.05.06.03.01 Minimum Dimension

The minimum dimension of any private shared open space counted toward the private/common open space requirement shall be 15 feet.

2.05.06.03.02 Interior Courtyards

An internal, communal open space designed to allow residents to have rest and relaxation and social gathering and events. This space is also intended to provide sunlight for internal facing units.

- A. Maximum Wall Height. The height of the walls and projections above an internal courtyard on at least three sides (or 75 percent of the perimeter, whichever is greater) shall be such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the courtyard. This requirement does not apply to internal courtyards that are open on the longest side, or internal courtyards that are not counted toward the private/common open space requirement.

Open Space Standards

Private Individual Open Space

- Ensure 30% of all private common open spaces be private individual open
- Allow for diverse private individual open spaces
 - Ground floor front yards
 - Balconies as a result of upper floor setbacks
 - Balconies (Recessed, semi-recessed and cantilevered)
- Landscape 50% of all ground floor open space on Neighborhood Streets

2.05.06.02 Private Open Space Design Guidelines [Standards](#)



2.05.06.02.01 Private Individual Open Space Design Guidelines [Standards](#)

2.05.06.02.01.01 Front Yard

Private individual open space connected to ground floor units to provide landscaping and an outdoor recreational space.

A. Front yards shall be provided for ground floor units when a setback allows.

B. Fifty percent of all ground floor open space on Neighborhood Streets shall be landscaped.

2.05.06.02.01.02 Balconies

Private individual open space connected to upper floor units to provide rest and relaxation and private outdoor seating.

Balconies shall be provided on street-facing building elevations

C. Balconies shall be included when upper floor setbacks are present to ensure residents have a private open space accessible from upper floor units.

D. Balconies shall be recessed, semi-recessed or cantilevered.

2.05.06.02.01.03 Minimum Size

All private individual open spaces which are counted toward the private/common open space requirement shall have a minimum dimension of 5 feet and shall be a minimum of 40 square feet.

Parking

- Revise standards for bicycle parking
- Clarify process for requesting automobile and bike parking reductions

FBC TABLE 32. NUMBER OF PARKING SPACES REQUIRED

Transit Oriented Mid-Intensity

Use	Less than 3000 Sq ft	Larger than 3000 sq ft	Bicycle Parking
Commercial	*less than 0.5 parking spaces/500 sf* No off-street auto parking required	Up to 1 auto space/500 sf For projects proposing 0.5, the Zoning Administrator may require a parking study and additional TDM measures	Min. 1.5 short-term bicycle spaces/3000 sf (min. 2 short-term spaces per establishment) Min. 1 long-term bicycle space/10,000 5,000 sf
Residential	*less than 1 parking spaces/unit Up to 1.5 parking spaces/unit All projects include basic TDM For projects proposing 0.5, the Zoning Administrator may require a parking study and additional TDM measures		Min. 1 short-term bicycle space/20 10 units (Min. 2 short-term spaces) Min. 1.5 long-term bicycle spaces/unit

Transit Oriented Higher Intensity

Use	Less than 3000 Sq ft	Larger than 3000 sq ft	Bicycle Parking
Commercial	*less than 0.5 parking spaces/500 sf* No off-street auto parking required	Up to 1 auto space/1,000 sf For projects proposing 0.5, the Zoning Administrator may require a parking study and additional TDM measures	Min. 1.5 short-term bicycle spaces/3000 sf (min. 2 short-term spaces per establishment) Min. 1.5 long-term bicycle space/10,000 5,000 sf
Residential	*less than 0.5 parking spaces/unit* Up to 1 parking space/unit All projects include basic TDM For projects proposing 0.5 parking spaces, the Zoning Administrator may require a parking study and additional TDM measures		Min. 1 short-term bicycle space/10 units (Min. 2 short-term spaces) Min. 1.5 long-term bicycle spaces/unit

Parking Areas

Auto Parking shall be located behind habitable space, underground, or on the interior of the building. Long-term bicycle parking shall be located in a secure, weather-protected place on-site. Short-term bicycle parking shall be located inside or outside the building. It will need to be visible to pedestrians and bicyclists and serve the main entrance of a building.

Types of Parking (automobile and bicycle)

Shared, Stacked, Unbundled

2.05.08.05 Parking Adjustments

Reduction of Parking. The required number of parking spaces regulated within Section 2.05.08.04 *Number of Motor Vehicle Parking Spaces Required* may be reduced per the methods described in this Section. Existing parking that is determined to be nonconforming in accordance with *El Cerrito Municipal Code Chapter 19.27 Nonconforming Uses, Structures and Lots*, because less than the required number of spaces are provided, shall not be further reduced from the number of parking spaces required by this Form-Based Code.

- A. **Shared On-Site Parking.** Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces as determined by the Zoning Administrator may be allowed in the following manner:

Sign Regulations and Signage Standards

– Refine Signage Standards

- Allow signs on sites with multiple frontages
- Align sign area with City's municipal code

FBC TABLE 34. GENERAL SIGN TYPES

Specific Sign Type	Description	Max. Allowed
Awning Sign	These signs are traditional storefront fittings. Awnings can be used to protect merchants' wares, keep storefront interiors shaded and cool in hot weather and protect pedestrians from sun and rain.	1 projecting per awning; or 1 valance and 1 sloping pane per awning. Maximum 3 awning signs per tenant/use.
Blade Sign	These signs are mounted perpendicular to a buildings' façade. They are small, pedestrian scale and easy to read from both sides.	1 per entry door
Marquee Sign	These signs are vertical signs located either projecting perpendicularly from the façade of a building, or projecting at a 45-degree angle from the corner of the building.	1 per building
Wall Sign	These signs lie flat against the building façade and consist of a single panel with raised letters, individual cut letters applied directly to the façade, or are painted directly on the building.	1 per business wall storefront
Wall Mural Sign	These signs lie flat against a secondary façade, often along a side street, alley, or paseo.	1 per building
Floor Sign	These signs are inlaid into the walkway at building entrances, often when entrances are set back from the sidewalk.	1 per entrance
Yard Sign	These signs are mounted in a yard or on a porch between the building façade and the public right-of-way.	1 per porch; 1 per yard
Sidewalk Sign	These signs provide secondary signage, and may be used to announce daily specials or sales, or to direct customers to shops.	1 per tenant
Monument Sign	Monument signs are freestanding signs with a solid base that the sign face is installed on.	1 per building

2.05.10.04 Allowed Signs

1. Sites with Multiple Frontages. On sites with more than one frontage, maximum permitted sign area shall be calculated as follows:

a. Where a lot has two frontages both frontages may be used for calculating the allowable sign area.

b. Where a lot has three or more frontages, the length of only two contiguous sides, one of which shall be the principal frontage, shall be added to the allowable sign area.

- A. All signs are regulated by FBC Table 34. General Sign Types.
- B. The maximum area of signs per property shall be limited to 1 square foot of sign area per linear foot of building frontage.
- C. Wall mural signs may exceed the maximum allowable area, if approved by the Zoning Administrator.
- D. Allowed signs shall be designed and located in accordance with the standards of this Section.
- E. The Zoning Administrator must approve signs that require administrative review.

Land Use Regulations

- Refinements to existing uses
- Addition of new uses

FBC TABLE 02. TRANSECT ZONE LAND USE REGULATIONS				
	TOHIMU	TOMIMU	Theater Overlay Block	
Residential Use Types*				
Single Family Dwelling	L-1	L-1	—	
Second Unit Accessory Dwelling Units	L-1 P	L-1 P	— P	See Section 19.20.190 Second units** Accessory Dwelling Units
Two-Family Dwelling (Duplex)	L-1 L-2	L-1 L-2	—	
Multiple Family Residential	P	P	L-4	See Chapter 19.30 - Inclusionary Zoning**
Family Day Care				
Small Family	P	P	P	
Large Family	L-2 P	L-2 P	L-2 P	See Section 19.20.110 Large Family Day Care**
Group Housing	A	A	—	
Public, Semipublic and Service Use Types				
Clubs and Lodges	A	A	C	
Community Center	A	A	C	
Community Social Service Facilities	A	A	—	
Cultural Institutions	A	A	C	
Day Care Center	A	A	C	See Section 19.20.060 Day care centers**
Emergency Shelters***	L-3	L-3	—	
Government Offices	L-4	L-4	C	
Hospitals and Clinics				
Hospitals	C	C	C	
Clinics	A	A	C	
Park and Recreation Facilities	A	A	C	
Parking Facilities, Public	A	A	C	
Public Safety Facilities	P	P	P	
Religious Facilities	A	A	C	
Residential Care Facilities (Institutional Residential)				See Section 19.20.180 Residential Care Facilities**
Residential Care Facilities, General	C	C	C	
Residential Care Facilities, Limited	C	C	C	
Residential Care Facilities, Senior	C	C	C	Schools, Public or Private
Schools, Private and Trade	A	A	C	
Low Barrier Navigation Center	P	P	P	****
Live/Work Unit	P	P	P	See Section 19.20.130 Live/work units**

****As required per Gov Code Section 65660.

Note:

*Transitional and Supportive Housing are allowed in all residential areas.

** See the El Cerrito Municipal Code Title 19: Zoning Ordinance

*** As required per SB 2, aka (Gov Code Section 65583(a)(4)).

Design Review Process

- Refinement of Design Review Tiers to clarify the applicability of each tier
- Changes to Tier III and Tier IV Design Review Process
- Remain objective as per State law

2.02.04 APPROVAL PROCEDURES

2.02.04.01 Review Authority

This Specific Plan shall be administered by the City Council (Council), the Planning Commission (Commission), the Design Review Board (Board), the Zoning Administrator/~~Development Services Manager (hereafter referred to as "Zoning Administrator")~~, and the Community Development Director. *FBC Table 04. Designated Approving Authority* identifies the review authority established for the Specific Plan. The rules for each procedure are provided below.

FBC TABLE 04. DESIGNATED APPROVING AUTHORITY

Type of Permit or Action	Review/Approving Authority				
	Zoning Admin. (Public Hearing)	Zoning Admin. (No Public Hearing)	Design Review Board	Planning Commission (Public Hearing)	City Council (Public Hearing)
Administrative and Legislative Actions					
Development Agreement	Recommend	Recommend		Recommend	Decision
Specific Plan Amendment	Recommend	Recommend		Recommend	Decision
Specific Plan Interpretation	Decision			Appeal	Appeal
Development Permits and Approvals					
Administrative Use Permit	Decision	Decision		Appeal	Appeal
Conditional Use Permit	Recommend			Decision	Appeal
Site Plan and Design Review - Tier I	Decision		Appeal		Appeal
Site Plan and Design Review - Tier II	Recommend		Decision	Appeal	Appeal
Site Plan and Design Review - Tier III	Recommend		Decision	Appeal	Appeal
Site Plan and Design Review - Tier IV			Decision on Design Elements	Decision	Appeal
Sign Permit - Permanent Signage	Decision	Decision	Appeal		
Sign Permit - Temporary Signage	Decision	Appeal	Decision	Appeal	
Sign - Master Sign Program	Recommend		Decision	Appeal	Appeal
Specific Plan Clearance Review	Decision	Decision		Appeal	Appeal
Temporary Uses	Decision	Appeal	Decision		
Waiver	Decision	Decision		Appeal	Appeal
Variance	Recommend			Decision	Appeal

Permanent Signage and Other Minor Tier I Design Review

Other

- Community Meeting
 - Required early in design process
- Master Site Plan Review
 - Required site plan approval process for large projects
- Unit Mix Requirement
- Waivers

Building Electrification

Planning Commission Recommendation:

Require building electrification for all new building subject to Tier II and Tier IV Design Review with potential appeals, waivers, and small project and special case clarifications to be determined by staff.

Exhibit A to Resolution:

- Require electrification (natural gas prohibition) for new housing units in buildings of subject to Tier II and Tier IV Design Review
- Exceptions for technical and financial infeasibility
 - Burden on applicant to provide evidence

Electric Vehicle Charging Infrastructure

EVSE – Charging equipment

EV Ready – Adequate electricity supplied to support charging equipment (wiring and junction box or outlet)

EV Capable – Electric panel has capacity to support future charging equipment; raceways installed

2022 CalGreen Code requirements for 20+ unit multi-family:

EVSE – 5% of spaces

EV Ready for low power Level 2 – 20% of spaces

EV Capable – 10% of spaces

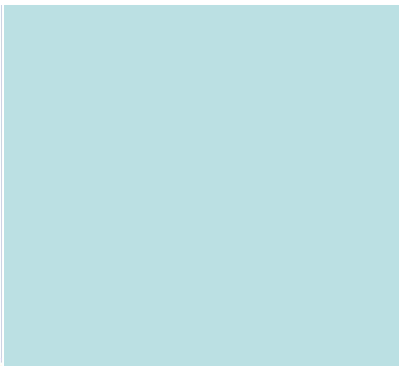
Electric Vehicle Charging Infrastructure

Planning Commission recommendation:

Require 20% of parking spaces for all new building subject to Tier II and Tier IV Design Review with potential appeals, waivers and small projects and special cases clarifications to be determined by staff.

Exhibit B to Resolution:

- Require 20% EVSE for new Tier II and Tier IV buildings of 5 units or more or 6,000 s.f. of commercial space
- Allow Automatic Load Management System to distribute electric load for multiple charging vehicles
- Exceptions for technical and financial infeasibility
 - Burden on applicant to provide evidence



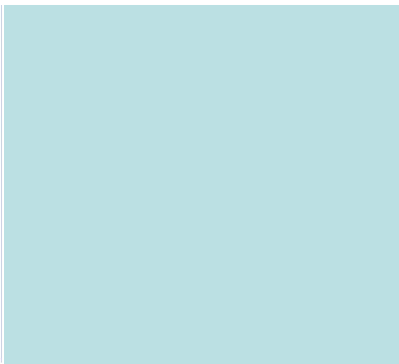
Complete Streets



Complete Streets

- The Complete Streets chapter not updated during the 2022 Specific Plan Update
- The Plan depicts the city's overall efforts to help support safe multimodal circulation and mobility
- Projects will be designed and built both by development projects when the improvements are directly connected to the project or through grants and developer contributions over the life of the Plan
- Details for the improvements depicted in concept form are developed when funding is secured

Infrastructure Systems



Infrastructure Analysis

- Address four systems:
 - Storm drainage
 - Water
 - Sanitary sewer
 - Dry utilities
- Revise recommendations to:
 - Accommodate changes City policy documents and State Regulations since 2014
 - Address needs in terms of increased development capacity

Infrastructure Analysis

BMPs must be incorporated to accommodate the runoff from impervious surfaces in compliance with the NPDES Permit. This need can be achieved through the use of low impact development (LID) features as well as various BMPs. LID features reduce the impervious surfaces. These features include pervious pavements, landscape features, and green roofs. Parking stalls and plaza areas along San Pablo Avenue may be able to utilize pervious asphalt, pervious concrete, or permeable pavers. Medians may be landscaped to increase permeability. Landscaped open space will contribute to reductions in impervious surfaces.

Given the existing level of urbanization and the proposed plans for the areas adjacent to San Pablo Avenue, BMPs should fit the project character and account for potential constraints. Bioretention planter areas may be used to treat roadway runoff. Flow-through planter boxes may be used to treat roof runoff. During design, the *Stormwater C.3 Guidebook* should be referenced for acceptable BMPs, design considerations, design criteria, and operation and maintenance information. In addition to the *C.3 Guidebook*, the project should also determine if drainage will discharge to a water body impacted by specific pollutants. The ~~2008~~ 2018 303(d) List of Impacted Water Bodies (303(d) List) has been prepared and issued by the Regional Board. Baxter Creek and Cerrito Creek have been added to the 303(d) List as TMDL required list. The *Municipal Regional Permit (MRP)* provides more detailed information concerning this subject.

4.02.06 RECOMMENDED IMPROVEMENTS

The recommended improvements cited relate to the right-of-way limits of San Pablo Avenue. The parcels to be developed into mixed use, office, residential, and commercial sites must accommodate their own storm drainage, hydromodification, and storm water quality improvements for each parcel. Regional facilities may be desirable to accommodate some developments or to reduce operation and maintenance responsibilities.

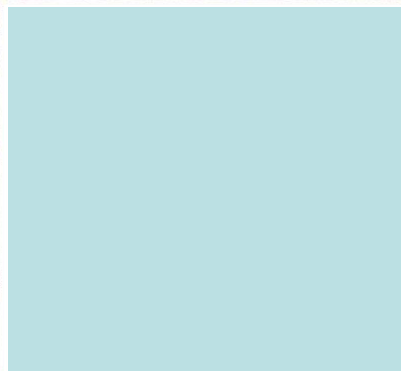
According to proposed Complete Streets streetscape designs, San Pablo Ave will mostly maintain existing curb edge and stormwater flowline. In the ~~the~~ Uptown area the sidewalks will be widened away from the road. Those additional impervious areas will have to be treated for water quality along the sidewalk.

Improvements related to 10-year storm event include those items recommended to provide collection and conveyance for a designated design event. The improvements are not required to address additional

flows since the proposed streetscape design maintains existing runoff conditions. Deficiencies along San Pablo Avenue have been analyzed as part of the update to City's Storm Drain Master Plan, which included an evaluation of pipe sizes 18-inches and up. This is an on-going effort with most of the analysis completed in 2018. The goal of the update to the City's Storm Drain Master Plan is to provide the City system with 10-year capacity. Projected costs for pipe capacity projects and condition improvement projects within the Specific Plan area are \$1,937,000 and \$578,000 respectively, based on the analysis to date. These costs were estimated based on the 2019 RS Means Heavy Construction Cost Data.

In September 2019, the City's Green Infrastructure (GI) Plan was adopted to identify and prioritize green infrastructure projects that can be built to reach pollution reduction targets for PCBs and mercury by 2020, 2030, and 2040 for storm water management purposes. Green Infrastructure is intended to improve storm water quality, reduce flood risk, and provide other environmental and health benefits to the community of El Cerrito and its watersheds. Private Green Infrastructure facilities will also be built as a result of the re-development of parcels, in compliance with the City's NPDES permit's C.3 provision. In addition, the City intends to leverage new development's design review process and related street frontage improvements to identify and pursue opportunities for Green Infrastructure on private and public property. The San Pablo Avenue Specific Plan update will ensure that planning documents relating to the City's main commercial corridor will incorporate LID and Green Infrastructure considerations and opportunities. Several project opportunity sites listed in Appendix 1 of the Green Infrastructure Plan are within the Specific Plan area, such as at the El Cerrito Plaza BART Station and Shopping Center, 11645 San Pablo Avenue, El Cerrito Del Norte BART Station, and San Pablo Avenue at the Richmond Greenway. By 2040, the City is aiming to have 10 GI projects completed in the Specific Plan area leveraging improvements completed as part of development projects. The assumed costs for the green infrastructure improvements are based on the Green Infrastructure Estimation Technical Memorandum (Geosyntec, November 2018). See Chapter 4: Green Infrastructure, Table 4-1: Summary of Green Infrastructure Projects and Table 4-3: Green Infrastructure Costs for reference.

Storm drain improvements are recommended because streets may be repaved as part of the infill development projects, providing an opportunity to maintain the current system and bring it up to current standards based on maintenance or repairs/ replacement determined via CCTV evaluation as part



San Pablo Avenue Specific Plan Update Final Supplemental Environmental Impact Report (SEIR)

Chris Dugan, MIG

City Council Meeting – November 15, 2022

San Pablo Avenue Specific Plan Update Background

- San Pablo Avenue Specific Plan Adopted in 2014:
 - Certified Program EIR (State Clearinghouse # 2014042025)
 - Analyzed impacts of 1,706 dwelling units and 243,110 square feet of commercial space
 - Identified 5 significant and unavoidable effects related to Aesthetics (scenic views), Cultural Resources (loss of historic resources), Noise and Vibration (temporary construction effects), Cumulative Traffic at San Pablo Avenue/Cutting Boulevard (reduced level-of-service, or LOS)
 - City Council found the environmental, economic, fiscal, social, and housing benefits of the Plan outweighed its adverse impacts
- Update to the Adopted Plan Initiated in 2019:
 - Changes to Plan area, form-based code, etc.
 - Increased development: 2,500 dwelling units, 100,000 square feet of commercial space
 - If adopted, the Plan Update could support a total of 4,206 dwelling units and 343,110 square feet of commercial space in a transit-oriented corridor (at full development)

San Pablo Avenue Specific Plan Update

Draft SEIR Background

- The Draft SEIR for the San Pablo Avenue Specific Plan Update was released on July 19, 2022 (State Clearinghouse #2014042025).
 - Still a Program EIR that evaluates a long-term plan, identifies mitigation for future development projects, and streamlines environmental review of future projects
 - Not a new EIR, but a supplement to the certified 2014 EIR (CEQA Guidelines §15163)
 - Focus on the differences between the approved Plan and the updated Plan pursuant to current CEQA statute and guidelines
- Development of the Draft SEIR included:
 - Notice of Preparation (Nov 2020)
 - City/Agency coordination
 - Public notice, scoping meeting, and comments
 - Research and analyses on 14 environmental issue areas

Draft SEIR Findings and Public Review

- The Draft SEIR (Chapters 4 thru 19):
 - Identifies 14 potentially significant impacts in 6 different resource areas
 - Included 14 mitigation measures to reduce adverse effects
 - Concluded 4 impacts would remain significant and unavoidable, even with mitigation: Aesthetics (scenic views), Cultural Resources (loss of historic resources), Noise and Vibration (temporary construction effects)
 - Only one new supplemental impact identified (tribal cultural resources)
- Draft SEIR Public Review Occurred July 19 to September 2, 2022 (45 days):
 - Presented to Environmental Quality Committee
 - Presented to Planning Commission, and Design Review Board (public comments received)
 - 8 written comment letters received:
 - 6 letters from individuals and organizations
 - 2 agency letters (Department of Toxic Substances Control and East Bay Municipal Utility District)

San Pablo Avenue Specific Plan Update Final SEIR

- The City reviewed the modifications made to the updated Plan and the public comments received on the Draft SEIR and prepared a Final SEIR in October 2022 that:
 - Provides responses to comments received on the Draft SEIR (Final SEIR Chapter 2)
 - Makes minor corrections to the Draft SEIR (Final SEIR Chapter 3)
- Amendment to Final SEIR issued on November 4, 2022 – clarifies that certain mitigation language in the Draft SEIR summary table (e.g., odor mitigation) is not needed due to changes in the Plan made in 2014.
- If adopted, Plan amendments (e.g., all electric residential units, enhanced EV charging requirements) further reduce less than significant impacts.
- The Final SEIR, Final SEIR Amendment, and Plan amendments do not change the Draft SEIR impact conclusions or mitigation measures.

Current Issues

- State Laws versus SPASP “Advantage”
 - Parking Minimums eliminated within ½ mi transit everywhere
 - SB35 Streamlining applies in neighboring cities
- Interest Rates
 - Flat rents, rising costs
 - “Brutal debt market”
- Vacant Properties
 - Entitled, No Project, Unleased Businesses
- Strategy
 - Marketing: Business Attraction
 - Public Improvements
 - Adaptability-Flexibility
 - Other Incentives?

Recommendation

1. Certify the SEIR and adopt written findings regarding significant effects, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP)
2. Adopt a General Plan Amendment for the SPASP update
3. Adopt the San Pablo Avenue Specific Plan Update with amendments regarding building electrification and electric vehicle charging infrastructure
4. Introduce an ordinance for the rezoning for the SPASP update

If the City Council takes these actions, staff will file a Notice of Determination pursuant to CEQA.