

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Monday, September 22, 2014 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

Present: Councilmembers Benassini, Bridges, Lyman and Mayor Abelson
Absent: Councilmember Friedman

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 7:03 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Formal Color Guard Ceremony led by Boy Scouts, Troop 104.*

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Bridges reported that a group of citizens will be having a fundraising event for the Madera Open Space on October 12 from 2-6 p.m. in the Community Center Courtyard. The event will feature a folksinger/writer, the El Cerrito High School Jazz Quintet, a flamenco dancer and other musicians. There will be also be a silent auction at the event.

Councilmember Lyman reported that the East Bay Municipal Utility District is reminding everyone that we are in a severe drought and that we should be doing everything we can to reduce water use, particularly outdoor water use. On October 19 from 2:30-5:30 p.m. the Rotary Club will be having a fundraiser at Mira Vista Country Club for a new El Cerrito Library. The Writer Coach Connection is offering free training on September 23, noon to 3:00 p.m. at El Cerrito High School.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Stuart Samuelson, El Cerrito, stated that the overnight parking fine for commercial boats is very ineffective. Mr. Samuelson's neighbor parks his commercial boat, the "Boston Whaler" overnight on numerous weekends. Mr. Samuelson was informed by a police officer that the fine for overnight parking is \$49.00. The fine for parking beyond the four hour limit next to the BART station is \$71.00. If the boat is tied to the truck there is no fine for overnight parking. Mr. Samuelson stated that he is less concerned with the eyesore presented by the boat but rather, is more concerned with a fire truck that has to slow down to navigate the street. Mr. Samuelson said that fines for overnight parking should be increased for multiple offences and that tying a boat to a car should not be free.

Neil Landau applauded the new crosswalks at BART stations however the intersection near Terrace and Colusa is very wide and broad without a crosswalk or corner. Crosswalks should be marked as the area is quite busy. A similar situation exists near Terrace and Balra. Mr. Landau said he would like to see better marking of crosswalks and reasons why curbs are painted red or not. Mr. Landau also complained about illegal parking of delivery vehicles.

Howdy Goudey, El Cerrito, acknowledged the Police and Fire Departments for their work in the serial arson attacks that occurred in July and also recognized members of the public who participated in the spotting of and responding to the fires.

4. PRESENTATION

A. Proclamation Commemorating the Boy Scouts 75th Anniversary – *Presentation by Leonard Bjeldanes, Ph.D, Assistant Scoutmaster, Troop 104.*

Approve a proclamation proclaiming the week of September 21-27, 2014 as "Scout Week," in the City of El Cerrito and declaring September 22, 2014 in particular as "Scout Government Day" in the City of El Cerrito in recognition of Troop 104's 75th anniversary and in support of greater youth involvement in community and civic affairs.

Action: Moved, seconded (Lyman/Benassini; Ayes Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman). Proclamation presented.

B. Falls Prevention Awareness Week Proclamation – *Proclamation to be received by Alayne Balke, Manager, Fall Prevention Program.*

Approve a proclamation declaring the week of September 21-27, 2014 as "Fall Prevention Awareness Week," in the City of El Cerrito, and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Action: Moved, seconded (Benassini/Lyman; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman); and carried to approve the proclamation. Proclamation presented.

C. West Contra Costa Unified School District Update on the Status of the El Cerrito High School Stadium – *Presentation by Magdy Abdalla, District Engineering Officer.*

Receive a presentation from representatives of the West Contra Costa Unified School District on the status of El Cerrito High School Stadium project.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5F

Moved, seconded (Bridges/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Consent Calendar Item Nos. 5A through 5F in one motion as indicated below.

A. Minutes for Approval

Approve the August 19, 2014 regular City Council meeting minutes.

Action: Approved minutes.

B. October is Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring the month of October 2014 as Domestic Violence Awareness Month in the City of El Cerrito and urging all residents to actively participate in the efforts to end violence in our homes, in our schools, and in our communities.

Action: Approved proclamation.

C. October is National Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2014 as Arts and Humanities Month in the City of El Cerrito and encouraging all members of the community to celebrate and promote the arts and culture in the Nation and encouraging community members to participate, patronize and support the arts and humanities in El Cerrito.

Action: Approved proclamation.

D. Biennial Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2012-77.

Action: Adopted Resolution No. 2014-47.

E. Consent to Withdrawal and Substitution of General Partner and Limited Partner of Idaho Apartments Associates, LP

Adopt a resolution consenting to the withdrawal and substitution of the general partner and the limited partner of Idaho Apartments Associates and authorizing the City Manager to execute documents necessary to indicate the City's consent. Idaho Apartments is located at 10203 San Pablo Avenue.

Action: Adopted Resolution No. 2014-48.

F. Quarterly Investment Report

Receive and file the City's Quarterly Investment Report for the period ending June 30, 2014.

Action: Received and filed.

6. PUBLIC HEARINGS

A. Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Presenter: David Ciappara, Fire Captain.

Mayor Abelson opened the public hearing. No speakers.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014-49.

B. San Pablo Avenue Specific Plan and Environmental Impact Report Certification

1. Conduct a public hearing and upon conclusion take the following actions related to the San Pablo Avenue Specific Plan:

- a. Adopt a resolution certifying the Environmental Impact Report and approving the Mitigation Monitoring and Reporting Program;
- b. Adopt a resolution amending the General Plan, to assure consistency between the Specific Plan and General Plan;
- c. Adopt a resolution approving the San Pablo Avenue Specific Plan;
- d. Introduce by title, waive any further reading and approve an ordinance revising the Zoning Map to incorporate the San Pablo Avenue Specific Plan regulations; and
- e. Introduce by title, waive any further reading and approve an ordinance revising the Municipal Code to incorporate the San Pablo Avenue Specific Plan regulations.

Presenters: Melanie Mintz, Community Development Director, Makul Malhotra, Principal and Director of Urban Design at MIG, Yvetteh Ortiz, Public Works Director, Ray Pendro, Senior Planner at Wagstaff and Associates, and Ellen Poling, Senior Associate, Fehr & Peers.

Mayor Abelson opened the public hearing. 44 speakers.

Speakers: Bill Jones, Former Mayor, El Cerrito, stated that it is good to see that after several years of study, professional opinion and analysis that the Specific Plan is at the point of determination to go forward. The Specific Plan (“Plan”) is phase two of a program. Phase one was improvement of public properties including the streetscape. The reason behind developing the Plan was to develop a common vision and associated building codes for both El Cerrito and Richmond along San Pablo Avenue and provide a progressive guide for development, increase economic opportunities and housing and enhance the quality of community. Former Mayor Jones stated that he is impressed to see that comments that were submitted to the City have been considered and incorporated into this Plan. The Plan is a living document. Public input and review will continue project by project and evaluation of the features of each project is required. Mr. Jones suggested that the City Council adjust the plan as necessary and make a final decision to approve the Plan. There has been enough time for thoughtful and reasonable analysis.

Thomas N. Miller, El Cerrito, said that the Council needs to consider that El Cerrito is in the USA and most people drive cars which is a part of our quality of life. Mr. Miller expressed concerns about parking. He explained that his daughter has limited parking at her condo in San Francisco and described the difficulty this poses for him. There are very few family affairs in that condo because it is difficult to get to it. Mr. Miller stated that no unit should be approved in San Francisco unless it has two side by side parking places.

Eric Pressler, expressed concerns about the south parcel of the Plan. Mr. Pressler said he

owns property off of Central Avenue and stated that higher density equals higher congestion and traffic. Mr. Pressler suggested holding back on the Plan until Central Avenue is fixed. El Cerrito is an area of many views. Eighty-five foot buildings will block views. Mr. Pressler also said he objects to the form based codes and a lack of public notification.

Dave Campbell, Advocacy Director with Bike East Bay, stated that the Bicycle Coalition supports the San Pablo Avenue Complete Streets Plan because it will transform San Pablo Avenue into a great street for people who walk, bike and take public transit and will also be a great thing for El Cerrito. The Coalition supports the project because it benefits all users of the roadway, will provide new housing that is closer to transit, will bring more people to San Pablo Avenue and will create an environment where people and businesses thrive. El Cerrito is the leader in the County for active transportation.

Katherine Cesa, El Cerrito, said she is not convinced that anything increasing density will improve her life. There will be more traffic and congestion. More people will park on residential streets and streets will be less safe. Ms. Cesa stated that she is concerned that buildings over three stories will block views. Housing density will also impact city services. Quality of life is more important than making money. The biggest beneficiaries of this Plan are developers, apartment dwellers, and BART. Ms. Cesa urged the City Council to vote no on the Plan.

Thad Smith, El Cerrito, said one of the charms of living in El Cerrito is that it is a village with easy access to the City. Mr. Smith expressed concerns with the proposed height limit and how increases in height would change the character of the street and also expressed concerns regarding notification. Ms. Smith said he would vote no on this Plan.

David McCoard, El Cerrito, spoke on behalf of many members of the Sierra Club who support the Plan. Mr. McCoard said the Plan encourages more businesses to move in, allows businesses to expand so people won't need to go out of town to buy what they need and will make bicycling and taking public transit easier and more pleasant to use. This will increase the City's finances and lower greenhouse gasses.

Kevin Markarian, El Cerrito, stated that the Plan will bring jobs to the City and make the city more affordable. Much of San Pablo Avenue is bleak due to vacant and underutilized properties. El Cerrito deserves a more livable community with more places to shop and live. Nimbyism is fine as long as it generates a productive dialogue but when it stagnates the local economy, it contributes to global warming and eliminates future housing.

Elizabeth Berdge, El Cerrito, stated that she is strongly opposed to the Plan.

Rob Everett, El Cerrito, expressed appreciation for the amount of public input and extent of review that has occurred. Mr. Everett expressed concerns over the proposed height of buildings and urged openness for public opinion and thoughts in the future to ensure that the neighborhood is walkable and enjoyable.

Nicholas Galloro, El Cerrito, said he has not owned a car since 1985 and gets around fine by walking, biking and using transit. Mr. Galloro stated that growth and high density will not create a sustainable future. High rise, high density, market rate housing is not designed for families, is virtually childless and will create economic segregation between single family homeowners and renters. Mr. Galloro stated that he votes no on the Plan.

Diane Stark, El Cerrito, stated that the proposed density and height are too much for the neighborhood and also expressed concerns about traffic congestion and parking. There is currently spillover parking into her neighborhood from San Pablo Avenue. Ms. Stark explained that an increase in traffic may impact traffic safety, create air and noise issues and will also impact public safety and emergency response services. Ms. Stark urged the City Council to deny the proposed height limits.

Al Miller, El Cerrito, stated that too many people are looking at the Plan as if it will decide the future forever instead of looking at it as a well thought out plan that is a work in progress to shape a visionary future. Mr. Miller stated that although he has some concerns about parts of the Plan, he strongly supports it because it will establish a visionary future for the commercial area rather than one of limited development as has been the case for the past few years. It will create a viable commercial business development community to attract developers which will in turn bring more revenues into the area to keep the services the community has come to expect and demand.

Ronnie Pelonsky, El Cerrito, expressed concerns with the technical terms used in the Plan and presentation. Ms. Pelonsky said she found out about the Plan accidentally from one of her neighbors and noted that just because we can get grant money from *One Bay Area* doesn't mean we should take it in the name of transit oriented development. She doesn't want to see a wall of apartment buildings on San Pablo Avenue and favors bike trails and sidewalks. She also expressed a desire for a shuttle and parks.

Bill Pinkham, Richmond, Various Bike Committees, spoke in support of the Plan as it will encourage more bikers to use it. It will also bring more customers to San Pablo Avenue. Mr. Pinkham noted that it is "crunch time for the planet," and stated that we can't afford to pollute it any more.

Deidre Heitman, Principal Planner with BART, stated on behalf of Grace Crunican, General Manager of BART and Directors Mallett and Saltzman that BART supports the Plan. The Plan creates a framework for creating a multi-modal corridor. It creates opportunities for living, working and community life and also provides an alternative to congestion which will reduce pollution. The Plan will also help the City with place-making, commercial space, housing and climate-action goals. BART urged the City Council to adopt the Plan. It will help bring development to the BART stations.

Suzan Pressler, El Cerrito, provided comments on form based codes, the proposed reduced rear setback and daylight plane. Ms. Pressler encouraged the City Council to adopt Albany's daylight plane and require developers to provide a ten foot rear set back. This would improve privacy for the residential properties located directly behind commercial development and is appropriate for all areas on both sides of San Pablo Avenue, Central Avenue and neighboring streets.

Steve Price, El Cerrito, passed out copies of a height photo-simulation that he prepared. Mr. Price stated that he is interested in seeing destinations consolidated together in commercial centers. This will alleviate a lot of the traffic patterns that are being seen now. Mr. Price said he supports the Plan, and noted that although it is not a perfect plan it is a worthwhile plan that will grow over time as a living document. Mr. Price encouraged the City Council to adopt it.

Tom Panas, El Cerrito, stated that he was initially skeptical of the Plan but has now embraced it. Staff has done a great job with it, particularly in drafting language for mitigation measures to protect historic and cultural resources. Mr. Panas noted that it should be stated somewhere that owners of single family home residences in the Specific Plan area should be able to demolish or remodel their houses without any additional paperwork or costs. Mr. Panas also provided comments on bus service in the hills related to mode shift, noted that shadow standards should apply to buildings on the north as well as those to the east and commented that all parties would benefit from a side by side comparison of old versus new fees.

Mark Miner, El Cerrito, Chair of the Environmental Quality Committee, spoke on his own. Mr. Miner stated that he supports the Plan and emphasized that sustainability is not optional. We need to open our minds to make changes and build future infrastructure that is not car dependent. Making El Cerrito less car dependent will also make it a much more pleasant place to live. Mr. Miner urged the City Council to support the Plan and stated that change can be good and powerful. A mix of cars, bikes and pedestrians is well balanced in the Plan.

Nicholas Arzio, El Cerrito, stated that the real divide is between community members and real estate developers and that this Plan has real estate developers smiling from ear to ear. Residents don't want the proposed heights. On the commercial corridor the Cerrito Theater, Elevation 66 and Nong Thon restaurant are working well. The Village at Town Center, other mixed used commercial structures that surround Safeway, and other parcels on San Pablo Avenue show vacancies and are not working. Mr. Arzio said the City should refocus. The City is taking away commerce and vitality.

Damian Moskovitz, El Cerrito, expressed concerns about the impact the Plan will have on levels of service for various modes of service on San Pablo Avenue. Mr. Moskovitz said this Plan will lower the level of service and asked the Council to rework the Plan so that it prevents a breakdown in service rather than allowing it.

Darcy Newton, El Cerrito, stated that the Plan provides for zero parking places for houses near BART stations. The City assumes new residents will want to use BART and will not own a car. Ms. Newton stated that she believes this assumption is wrong and that although she takes BART five times per week she also owns a car and wants the freedom to go where she wants to go and park her car easily. Ms. Newton asked the Council to rethink its assumptions and refrain from rushing to vote on the Plan.

Michael Jhon, El Cerrito, read a statement regarding land use classifications on behalf of someone who was not able to attend the meeting. It was stated that an administrative use permit allows planning department staff to make decisions regarding businesses that are adjacent to other properties without including a list of conditions. Because businesses can impact abutting properties it is important to require a public hearing before the Planning Commission so that a number of pertinent conditions can be approved to protect adjoining residential neighborhoods from negative impacts.

Arlin Robins, El Cerrito, stated that she is concerned about traffic congestion. Ms. Robins really likes the Transportation Plan and the design of the streets. It addresses a large number of concerns regarding living and moving around San Pablo Avenue. Although the intent of the plan is to reduce cars, the City cannot reduce the amount of drivers that go through San Pablo Avenue or the rush hour traffic. Ms. Robins also expressed concerns regarding high

density buildings and congestion, view obstruction and scale.

Marilyn Langlois, Richmond, stated that she strongly supports the complete streets aspect of the Plan with its enhanced bike and pedestrian safety improvements. It will dovetail nicely with Richmond's bicycle and pedestrian plan and lay the ground for making San Pablo Avenue a vibrant place for all users. It will bring benefits to the residents of El Cerrito and other area residents, to local businesses and to the planet. Everything cities can do to encourage people to get out of the single occupancy vehicle trips and use other alternative methods of transportation is important to combat climate change. The complete streets aspect will also benefit people's health and wellbeing and encourage interaction with neighbors.

Kyle Brunelle, El Cerrito, encouraged support of the complete streets portion of the Specific Plan. Mr. Brunelle stated that a more bikeable San Pablo Avenue will be safer and will also be good for local businesses.

Mary Selva, President, Richmond Annex Neighborhood Council, stated that the Neighborhood Council submitted a sixteen page packet for the Council's consideration and expressed concerns about the Plan, particularly obstruction of views. Those who have views want them preserved. Albany's height limit along San Pablo Avenue is 38 feet. Ms. Selva asked the Council to take height limits and lower density into consideration during deliberations.

Dave Harris, Richmond Annex Neighborhood Council, stated that form based codes are regulatory and not advisory and contain very little modification of an application prior to approval. This results in minimal communication and eliminates community based planning. Form based codes are only as good as the administrative process and due diligence that support them. El Cerrito will commit itself to a building design type for the next forty years that will dictate all future development without knowing whether it is the right fit economically for the City. Mr. Harris asked if market analysis, infrastructure and city resources support such high density and noted that neighborhoods did not receive sufficient notification or input before form based codes were adopted. Mr. Harris urged the City Council to modify the existing Plan so that it protects the integrity of all the established neighborhoods in the City without negative impacts from the adjacent commercial districts. Zoning regulations should emphasize locally relevant factors and increased public notification, hearing and right of appeal.

Jerry Yoshida, Richmond Annex Neighborhood Council, spoke about form based codes and noted that the Plan does not use a larger neighborhood perspective to inform compatible design elements, architectural styles and use. Form based codes prescribe a one size fits all approach. This is unacceptable to the community. Each area within the City is different. If the City does not carefully layout a well crafted set of design elements under the form based code the community will end up with a design that shows a very limited compatibility with the neighborhoods.

Garland Ellis, Richmond Annex Neighborhood Council, stated that several people attended the meeting but left and also stated that the form based codes in El Cerrito and Richmond are "made up." Mr. Ellis also stated that the design standards should require setbacks and differences in building heights, as proposed benefits developers not residents and is designed to attract big developers rather than local developers. The heights should be 45 feet including the bonus and equipment to be placed on the roof. The proposal for Central

Avenue moves traffic from one intersection to another. Mr. Ellis also queried where money for the rest of the Plan is going to come from.

Mhel Kavanaugh-Lynch, El Cerrito, spoke in support of the Specific Plan, in particular, leadership and recognition of the role that place plays in shaping behavior, attitudes and health. Research shows that the built environment can have a profound impact on the health of residents. Built environment features that promote health contain many elements of the form based code and the complete streets plan. This creates opportunities to increase physical activity and promote walking, cycling, and public transit use in daily life. Walkability and bikeability have a direct effect on the health of residents. Easy access to public transit can also contribute to physical activity. This Plan can help El Cerrito residents become healthier and will promote activity by all.

Howdy Goudey, El Cerrito, stated that he strongly supports the complete streets part of the Plan, particularly the protected bike lane. Mr. Goudey also stated that he is not convinced that the shading criteria in the Plan is designed to meet the goals evenly. It does a good job on the east and north but residences to the west have a very different setback. Concerns regarding the Tier IV opportunity were also expressed.

Robin Mitchell, El Cerrito, stated that there are many exciting elements of the Plan including creek protection and restoration, urban agriculture, open space and renewable energy. Ms. Mitchell also expressed concerns with the Plan and requested Planning Commission review for Tier III, reconsideration of Tier IV to eliminate loopholes, limiting height to a maximum of four stories, ensuring adherence to shadow standards, and compliance with sustainable design guidelines. Ms. Mitchell stated that given her most recent experience with the 1715 Elm development project she has little confidence that sustainable objectives in the Specific Plan will be implemented and also noted that the City does not need to add the super high density identified in the Plan.

Lisa Wicks, El Cerrito, stated that high density requires infrastructure to support it and neither AC Transit or BART can support what exists now.

Martie Conner, El Cerrito, stated that she supports the Plan, is excited about what is happening and loves to ride her bike. The prospect of riding a bike safely to do errands along the San Pablo Avenue corridor is exciting.

Nathan Landau, AC Transit Planner, said AC Transit is pleased that the Plan contains a strong commitment to transit oriented development and also offers planning for all modes of travel. San Pablo Avenue is the third busiest corridor for AC Transit. In El Cerrito 5,400 passengers get on or off in the City on a weekday. AC Transit offers nine busses an hour. Mr. Landau stated that AC Transit is not too happy with the Plan for bike sharrows as they may interfere with bus operations and may not offer much for cyclists. Mr. Landau also noted that AC Transit is kicking off its own major corridors plan.

Nick Pilch, Strollers and Rollers of Albany, stated that the City of Albany's Planning and Zoning Commission reviewed the Plan in June or July and the response was favorable. Mr. Pilch stated that he believes it will help Albany with its planning process and the projects the City is trying to get going. He is happy to see the progress El Cerrito has made over the years. The improvements to bike and pedestrian access are wonderful and point in the right direction for building stronger communities and combatting climate change. Mr. Pilch stated

that he supports the Plan and certification of the EIR.

George Gager, El Cerrito, said he loves living in El Cerrito and thanked the City Council for all of its good work. Mr. Gager said the proposed streetscape is elegant and that the proposed planning changes will allow the community to grow with grace. El Cerrito has half the population density of Albany and Berkeley but generates twice the retail sales per capita. This is a successful community with many successful businesses but there is a lot of underutilized buildings and building sites. The City needs the tools contained in the Plan to protect the viability of the City and the quality of life residents enjoy. Mr. Gager urged the City Council to accept the Plan and move ahead with El Cerrito's great future.

Cynthia McMillan, Richmond Annex, stated that she does not like the form based code drawings in the Plan, particularly the height or look. Ms. McMillan said she likes the small, unique businesses located along Stockton Avenue and adjacent to the Plaza. Ms. McMillan also queried where the traffic will go and noted that she only likes some aspects of the Plan, like bike lanes.

Steve Kahn, El Cerrito, stated that he owns business property comprising approximately eight parcels on San Pablo Avenue that generate a significant amount of taxes. Mr. Kahn asked what safeguards are in place to protect small businesses during construction and also spoke about a previous planning appeal his business was involved in where he felt staff did nothing to address impacts or ensure harmonious design with a project.

Jessica Jones, El Cerrito, stated that she likes the rideability, walkability and affordability of the City and also likes the idea of bringing people to the community who may buy houses here and raise families later. San Pablo Avenue looks pretty bleak with car lots and empty storefronts. The more people that come to the San Pablo corridor will be there to support local businesses. Ms. Jones stated that the Plan is excellent and urged the City Council to support it.

Gina Calicura, El Cerrito, stated that building height is too high and creates a shade issue. Additionally, large properties will be too close to residential areas and abut fencing. Parking is difficult already and will only get worse. Parking minimums and slowing down traffic will also impact neighborhoods. Ms. Calicura also expressed concerns with public safety vehicle access and impacts on shoppers who will be coming to El Cerrito from other cities in their cars. Ms. Calicura concluded by stating bike sharrows will cause death and mayhem and that it isn't a case of nimbyism but of getting it right.

Gabriel Quinto, El Cerrito and Sierra Club Board Member, said the Sierra Club urges the City Council to adopt the Specific Plan. The Sierra Club has supported transit oriented development along major transportation corridors, the increase in density along these corridors and making all forms of transit more efficient and effective. The Plan is an important part of achieving these goals and making El Cerrito a more vibrant and exciting place to live, shop and raise a family. As someone who grew up in El Cerrito, Mr. Quinto stated that there were more shops in the 1960s and 1970s than there are now. He hopes to see more businesses in the future and also see seniors move to transit oriented development where they can walk to shopping and BART.

Moved, seconded (Bridges/Lyman; Ayes – Councilmembers Benassini, Bridges, Lyman and

Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Actions: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–50 certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan, adopting a statement of overriding considerations, and adopting a Mitigation Monitoring and Reporting Program as amended by Councilmember Lyman to include the changes in both sets of errata, revise Goal E as identified in page 20-2 of Revisions to the Draft EIR contained within the Final EIR to reflect Strategies 5,6 and 7 as revised previously and make the following modifications to the resolution:

1) Finding 8 in the enacting clause of the resolution is amended to insert “(Mitigation Checklist)” after the words Mitigation Monitoring and Reporting Program and after the reference, Exhibit B;

2) In Exhibit A (Findings required under CEQA), page 7 change all five references on the page from Exhibit B to Exhibit A;

3) In Exhibit A, page 10, delete “HR” from Mitigation Measure HR 7-1 at the top of the page – ie “Mitigation Measure ~~HR~~-7-1 has been incorporated into the MMRP;”

4) In Exhibit A, page 11, delete the word “NOISE” halfway down the page – ie “Mitigation Measure ~~NOISE~~ 13-3 has been incorporated into the MMRP;”

5) In Exhibit A, page 12, delete the word “Noise” halfway down the page – ie “Mitigation Measure ~~Noise~~-13-4 has been incorporated into the MMRP;”

6) In Exhibit A, page 13, delete “TRAN” halfway down the page – ie “Mitigation Measure ~~TRAN~~-16-1 has been incorporated into the MMRP;”

7) In Exhibit A, page 20, Mitigation Measure 7-2 and page 22, Mitigation Measure 7-3 reduce the threshold from 10,000 square feet to 2,500 square feet.

Moved, seconded (Lyman/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–51 approving a General Plan amendment to change the land use designation for property located in the San Pablo Avenue Specific Plan Area as amended by Councilmember Lyman to change the listing of attachments in the resolution from Exhibit 1 to Exhibit A and Exhibit 2 to Exhibit B, replace Exhibit A to the resolution with the revised Exhibit A submitted by the Development Services Manager at the City Council meeting and change the last sentence in the second note at the bottom of Table 4-2: Density and Intensity Ranges to read, “Height bonuses may be allowed through a Tier IV Entitlement Process or through a State-Mandated Density Bonus program.

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to Resolution No. 2014–52 approving the San Pablo Avenue Specific Plan.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman

and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to introduce by title, waive any further reading and approve Ordinance No. 2014–6 rezoning properties located in the San Pablo Avenue Specific Plan Area as amended by Councilmember Lyman to make the following changes to Section 2 of the ordinance: change 174.1 acres to 174 acres and change the reference to Exhibit A to Exhibit B. *Second reading October 7, 2014.*

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to introduce by title, waive any further reading and approve Ordinance No. 2014–7 amending Title 19 of the El Cerrito Municipal Code by adding Chapter 19.15 to incorporate the San Pablo Avenue Specific Plan Area.

2. San Pablo Avenue Specific Plan Fees

Conduct a public hearing and upon conclusion, adopt a resolution amending the City's Master Fee Schedule to add new Planning Fees and a Plan Maintenance Fee related to implementation of the San Pablo Avenue Specific Plan.

Mayor Abelson opened the public hearing. One speaker.

Speaker: Tom Panas, El Cerrito, asked if a single family home in the plan area would be subject to the new fees.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–53 as amended by Councilmember Lyman to increase the maintenance fee from \$160.00 to \$200.00 per residential unit and from 13 cents per square foot to 18 cents per square foot.

3. Interim Adoption of San Pablo Avenue Specific Plan Fees as an Urgency Measure

Conduct a public hearing and upon conclusion, adopt an urgency resolution enacting the San Pablo Avenue Specific Plan Planning fees on an interim basis for a period not to exceed 30 days.

Mayor Abelson opened the public hearing. No speakers.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–54 as amended by Councilmember Lyman to modify the maintenance fee for residential units by increasing it from \$160.00 to \$200.00 per residential unit and from 13 cents per square foot to 18 cents per square foot.

7. POLICY MATTERS

CITY COUNCIL ACTING AS EL CERRITO REDEVELOPMENT AGENCY
SUCCESSOR AGENCY

**A. Review and Authorization to Submit the Draft Recognized Obligations
Payment Schedule 14-15B (January – June 2015)**

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 14–15B covering the period January to June 2015.

Action: Moved, seconded (Lyman/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Successor Agency Resolution No. 2014–02.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports. – *No reports.*

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:30 p.m.

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:50 p.m.

9. ADJOURNED SPECIAL CITY COUNCIL MEETING at 11:51 p.m. in memory of Emery Weed, former El Cerrito Swim Center Pool Manager and Senior Lifeguard/Instructor and Liza Espadilla, Administrative Clerk Specialist with the Recreation Department.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS NO. 1

**Item No. 6(B) San Pablo Avenue Specific Plan and Environmental Impact
Report Certification / San Pablo Avenue Specific Plan Fees**

1. Additional Errata: San Pablo Avenue Specific Plan and Environmental Impact Report Errata Sheet to incorporate additional changes – *To be delivered by Margaret Kavanaugh-Lynch, Development Services Manager at the meeting.*
2. Comments regarding Plan impacts on traffic and the Richmond Annex Neighborhood – *Submitted by Elizabeth Berdge.*
3. Support for continuous, protected bikeways on San Pablo Avenue from a resident bicycle commuter – *Submitted by Irene Kuhn, El Cerrito.*
4. Revised comments on the Draft San Pablo Avenue Specific Plan (SPASP) and related EIR – *Submitted by Mary Selva on behalf of the Richmond Annex Neighborhood Council. Superseded by September 19 transmittal listed below.*
5. Maintain the planned protected bike lanes – *Submitted by Peter Myers.*
6. Support bike lanes on San Pablo Avenue – *Submitted by Jon Christensen, El Cerrito.*
7. Bike lanes on San Pablo – yes please! – *Submitted by San Neff.*

8. Support for continuous safe bike lanes on San Pablo – *Submitted by Angela Prendergast, Emeryville.*
9. Bike Lanes on San Pablo Avenue are Good for Everyone – *Submitted by Jess Maron.*
10. Vote against the adoption of the San Pablo Avenue Specific Plan – *Submitted by Marcie Cummins, El Cerrito.*
11. Protest and comments regarding the San Pablo Avenue Specific Plan – *Submitted by Alex Horne, El Cerrito.*
12. Revised comments on the draft San Pablo Avenue Specific Plan (SPASP) and related EIR – *Submitted by Mary Selva on behalf of the Richmond Annex Neighborhood Council.*
13. Comments on the Specific Plan – Submitted by Mary Doyle, El Cerrito.
14. Concerns about the Specific Plan – *Submitted by Thad Smith, El Cerrito.*
15. Comments opposing increases in building heights and setback reductions – *Submitted by Thomas Parent, El Cerrito.*
16. Comments in support of the Specific Plan – *Submitted by Ann Cheng, Former Mayor 2011, El Cerrito.*
17. Comments expressing concerns regarding the Specific Plan – *Submitted by Lorraine Shiraki, El Cerrito.*
18. Comments in support of protected bike lanes on San Pablo Avenue – *Submitted by Steve Porter, former Councilmember, El Cerrito.*

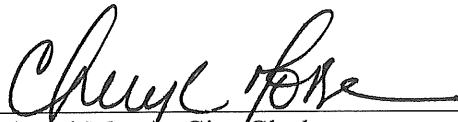
SUPPLEMENTAL REPORTS AND COMMUNICATIONS NO. 2

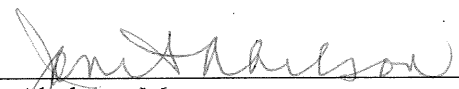
19. Comments registering opposition to the Specific Plan – *Submitted by Gino and Gloria Martinucci, El Cerrito.*
20. Comments in support of the Specific Plan – *Submitted by Alice Clerk and Charles Taylor, El Cerrito.*
21. Letter encouraging adoption of the Specific Plan – *Submitted by Letitia Moore, Former Mayor, El Cerrito.*
22. Comments in support of the Specific Plan – *Submitted by Michael Balmaceda, El Cerrito.*
23. Comments in support of the Specific Plan – *Submitted by Jessica Jones, Colin Ransdell, Josephine Ransdell and Roxanne Ransdell.*
24. Comments in support of a dedicated bike lane and high density zoning – *Submitted by Don Hermes, El Cerrito.*

25. Comments in support of continuous protected bike lanes in El Cerrito – *Submitted by Amy Bennett, El Cerrito.*
26. Comments from El Cerrito Citizen and Home Owner regarding protected bike lanes on San Pablo Avenue – *Submitted by Dennis Jones, El Cerrito.*
27. SPASP citizen comment – *Submitted by Roland Bergfelt, El Cerrito.*
28. Bikeways on San Pablo – *Submitted by Matthew Petrofsky.*
29. Comments in support of SPASP – *Submitted by Rose Vekony, El Cerrito.*
30. Bike lanes – *Submitted by Peter Meyer, El Cerrito.*
31. Additional Errata – *Submitted by Margaret Kavanaugh–Lynch, Development Services Manager.*
32. Revised proposed amendments to the General Plan to implement the San Pablo Avenue Specific Plan (Attachment 2, Exhibit A). Includes comments from Councilmember Lyman – *Submitted by Margaret Kavanaugh–Lynch, Development Services Manager.*
33. Comments regarding congestion and view obstruction – *Submitted by Arlin Robins, El Cerrito.*
34. Comments opposing the proposed San Pablo Avenue Specific Plan – *Submitted by Sherri Norris, El Cerrito.*
35. Statement to the El Cerrito City Council – *Submitted by Thomas Miller, El Cerrito.*
36. Comments in support of the Complete Streets Plan – *Submitted by David Campbell, Advocacy Director, BikeEastBay.org.*
37. Comments expressing BART’s support for the San Pablo Avenue Specific Plan – *Submitted by Grace Crunican, General Manager, BART.*
38. Photographs of San Pablo Avenue site near Steve’s Automotive – *Submitted by Steve Kahn.*
39. Comments regarding proposed height limit, bike lanes, notice and communication – *Submitted by Thad Smith, El Cerrito.*
40. Handwritten comments on Specific Plan – *Unidentified submission.*
41. Thoughts about the San Pablo Avenue Specific Plan with resources – *Submitted by Robin Mitchell, El Cerrito.*
42. Public comments regarding SPASP Form-Based Codes – *Submitted by Dave Harris, Richmond Annex Neighborhood Council.*

43. Comments regarding impacts of level of service for various modes of transportation on San Pablo Avenue – *Submitted by Damian Moskovitz.*
44. Comments for strengthening the details of the plan and aiding implementation over time – *Submitted by Howdy Goudey, El Cerrito.*
45. Land use classifications – *Unidentified submission.*
46. Comments on the Specific Plan – *Submitted by Tom Panas, El Cerrito.*
47. Comments regarding parking – *Submitted by Darcy Newton, El Cerrito.*
48. Comments regarding daylight plan – *Unidentified submission.*
49. Photo-simulation of San Pablo Avenue looking north – *Submitted by Steve Price, El Cerrito.*
50. Comments in support of the San Pablo Avenue Specific Plan – *Submitted by Devan Reiff (received after the meeting).*
51. Public comment on San Pablo Specific Area Plan – *Submitted by Karen Steen (received after the meeting).*

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of September 22, 2014 as approved by the El Cerrito City Council.


Cheryl Morge, City Clerk


Janet Abelson, Mayor