

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, June 23, 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

Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson all present.

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the special City Council meeting at 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Lyman.

2. **COUNCIL / STAFF COMMUNICATIONS** – No comments.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Tom Panas, El Cerrito, reported that the seed library which is located at the Recycling Center gets good traffic. A branch of the seed library is being considered for the El Cerrito Library. The Community Garden at Fairmount Park is producing many delicious things to eat. The Community Garden is open to the public. Everyone is invited to partake in what grows there. At Eureka and Liberty during the prime growing season, there is a vegetable swap for home gardeners every Thursday at 6:00 p.m. Everyone is invited.

4. **PRESENTATION** – *None*

5. **ADOPTION OF THE CONSENT CALENDAR** – *None*

6. **PUBLIC HEARINGS** – *None*

Project at 1715 Elm Street – Planned Development and Appeal

On June 2, 2014, the City Council convened a consolidated public hearing to consider both the approval of a General Plan Amendment, Planned Development rezoning, and development agreement for the Project, as well as an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project. The Project includes 14 new multi-family residential units in a 42-foot tall structure, preservation and partial restoration of a historic residence, 15 on-site parking spaces tucked under the multi-family structure, planting of creek-related vegetation, and the creation of private open space. The City Council closed the public hearing on June 2, 2014 and continued deliberations regarding the

Project, including the appeal, to its June 23, 2014 meeting.

Staff recommends that, at the conclusion of its deliberations, the City Council take the following actions:

- 1) Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
- 2) Adopt a resolution approving a General Plan Amendment;
- 3) Introduce by title and waive any further reading of an ordinance approving the rezoning of 1715 Elm Street to a Planned Development Zoning District and amending the Zoning Map accordingly;
- 4) Adopt a resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project; and
- 5) Introduce by title and waive any further reading of an ordinance approving a Development Agreement between the City of El Cerrito and the Edward and Loretta Biggs revocable trust for 1715 Elm Street. Application 6133.

Because the City Council closed the public hearing on this matter at its June 2, 2014 meeting, public comments will be heard after deliberations, unless the City Council votes to reopen the public hearing.

Actions: Moved, seconded (Friedman/Lyman) and carried unanimously to open the public hearing for the limited purpose of receiving comments on retaining the stone lined channel versus restoration of a riparian channel.

Council recess from 8:40 p.m. to 8:45 p.m.

Speakers: Carl Campos, LCA Architects, representing the applicant/developer, expressed concerns about the proposal for a riparian channel and stated that the developer has been on the project 9-10 years, has focused on preserving the house and rock-lined creek channel, has put over \$600,000 into the project already and has done exactly as requested by the City but has not considered re-routing the creek and making a new creek channel. It will be expensive to start all over again.

Mr. Wood, Biologist, Wood Biological Consulting, Inc., stated that a complete realignment of the channel would result in a lot more rigorous review by regulatory agencies and would need to be considered within the context of a cost-benefit analysis of the site.

Clay Smith, El Cerrito, stated that he believes a hydrology report should be prepared and looked at.

Tom Panas, El Cerrito, stated that he is supportive of staff and the developer in this project and that he is swayed by Councilmember Lyman's comments that the cultural resource is a less important resource and that he would not object to running a creek through the property.

Howdy Goudey, El Cerrito, stated that it is a good suggestion to restore and enhance the waterways as stated in the 1995 watershed goal statement and zoning in the Creek Overlay District. This planned development is the backdoor around those regulations and goals. The site is unique and features unique resources. Mr. Goudey urged the City Council to reject the proposed development on the grounds that the project doesn't meet the criteria to do what is right for the site.

Robin Mitchell, El Cerrito, expressed support for Councilmember Lyman's proposal to restore the creek and prepare a hydrology study.

Actions: Moved, seconded (Lyman/Benassini) and carried unanimously to close the public hearing.

Moved, seconded (Friedman/Lyman; Ayes – Councilmembers Bridges, Friedman and Lyman; Noes – Councilmember Benassini and Mayor Abelson; Abstain – None; Absent – None) and carried to keep the public hearing open for the purpose of obtaining more information regarding the feasibility of creek restoration at the site, in the form of a hydrology and sinuosity report.

Speaker:

Howdy Goudey, El Cerrito, expressed appreciation for the City Council's intention to look at a better outcome for the site and make it the best project possible. The Developer has made a very generous offer to donate a restored historic house that could be used instead toward restoration of the creek.

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Lyman stated that the West Contra Costa Integrated Waste Management Authority Board met to discuss and pass its budget for the next year. The Board also discussed the future of the WCIWMA however no conclusions were made. Everyone is waiting for the City of Richmond to make a decision about whether it will continue to participate in the JPA going forward. A study session scheduled for August will analyze rate modeling. The Board also asked staff to move forward with bids for a waste characterization study.

Mayor Abelson reported that the Contra Costa Transportation Authority (CCTA) received the prestigious Project of the Year Award from the California Transportation Foundation. Mayor Abelson attended the League of California Cities Administrative Services and Community Services Policy Committee meetings last week which included a presentation on the state budget. Mayor Abelson stated that there is lots of state money for urban forestry from the Carbon Cap and Trade program. The program recognizes the importance of not only planting trees but taking care and maintaining them too. The West Contra Costa Transportation Advisory Committee is looking at moving into a building located at the corner of San Pablo and Potrero Avenues next to Dennys.

9. ADJOURN SPECIAL CITY COUNCIL MEETING at 9:42 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 6 Project at 1715 Elm Street – Planned Development and Appeal

1. Comments in opposition to the proposed project – *Submitted by Clay Smith, El Cerrito.*
2. Revised Attachment 3: Ordinance Rezoning 1715 Elm Street to a planned development zoning district – Application 6133 – Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.
3. Revised Attachment 4: Resolution denying an appeal and upholding the Planning Commission's Approval of a Planned Development Use Permit at 1715 Elm Street – Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.
4. Powerpoint presentation – *Submitted by Councilmember Lyman.*
5. Conceptual Site Plan – Proposed area for deed restriction – *Submitted by Carl Campos, LCA Architects.*

Other:

6. Comments regarding the local seed library – *Submitted by Tom Panas, El Cerrito.*

This is to certify that the foregoing is a true and correct copy of the minutes of the special City Council meeting of June 23, 2014 as approved by the El Cerrito City Council.


Cheryl Morse, City Clerk


Janet Abelson, Mayor