AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, April 18, 2017 – 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 Gabriel Quinto
Councilmember Greg Lyman
Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

ROLL CALL

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Mayor Janet Abelson.*

2. COUNCIL / STAFF COMMUNICATIONS *(Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.)*

3. 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. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. 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 are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. ADOPTION OF THE CONSENT CALENDAR – Item No. 4(A) through 4(I)

A. Approval of Minutes

Approve the April 4, 2017 Regular City Council meeting minutes.

B. Sexual Assault Awareness Month Proclamation

Approve a proclamation declaring April 2017 as Sexual Assault Awareness Month in the City of El Cerrito, and encouraging everyone to support anti-sexual violence advocates and service programs in the belief that all community members must be part of the solution to end sexual violence.

C. El Cerrito / Kensington Fire Protection District "Community Wildfire Protection Plan"

Adopt a resolution establishing a Community Wildfire Protection Plan (CWPP) for the City of El Cerrito in its entirety. In doing so the City of El Cerrito will use the plan to guide pre-wildland urban interface fire (WUI) mitigation Federal Grant applications. Once receiving federal grant funding the CWPP will be used to guide development of those mitigation projects. After implementation of the plan the City will continue to support the partnership developed and describe in the CWPP. The City of El Cerrito will promote and support the mitigation success of the CWPP planning partnership.

D. On-Call Transportation Engineer Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consultant firms, Fehr & Peers, W-Trans, and Wood Rodgers, Inc. to provide on-call transportation engineering services for three years with options to extend for an additional two years in an amount not to exceed $150,000 per fiscal year for each agreement. *Exempt from CEQA.*

E. On-Call Building Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with ten consulting firms to provide on-call building services for three years with options to extend for an additional two years. *Exempt from CEQA.*

F. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project – Cooperative Agreement

Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority (CCTA) and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project. *The project is consistent with the Ohlone Greenway Master Plan and will not have a significant effect on the environment.*

G. Extension of Mayfair Block Exclusive Negotiating Rights Agreement

Adopt a resolution authorizing the extension of an Exclusive Negotiating Rights Agreement (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation through December 28, 2017. *(City Council and Redevelopment Successor Agency Item.) The action requested is not a project pursuant to the California Environmental Quality Act. The approval of the ENRA does not commit the City to a specific project or to the sale of the property.*

H. Amendments to the City's Classification Plan

Adopt a resolution amending the City's Classification Plan to: 1) Ratify the reclassification of Account Clerk to Account Clerk Technician in the Finance Department; and 2) Ratify the reclassification of one Management Assistant to Waste Prevention Specialist in the Operations and Environmental Services Division of the Public Works Department.

I. Support for the National Endowment for the Arts and Humanities

Approve a recommendation authorizing the Mayor to sign and send a letter to

President Trump, Senator Feinstein, Senator Harris and Congressman DeSaulnier supporting the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) and urging them to maintain funding for the two agencies in the Fiscal Year 2018 budget.

5. PRESENTATIONS – *None*

6. POLICY MATTERS

Presentation and Possible Direction on Marijuana Regulation

Receive a presentation and provide direction regarding regulation of marijuana in El Cerrito.

7. PUBLIC HEARINGS

Appeal of the Planning Commission's Design Review Action to Approve the El Dorado Townhomes

Conduct a public hearing and upon conclusion, adopt a resolution upholding the Planning Commission's Design Review action to approve the El Dorado Townhomes.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, May 2, 2017 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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 and AT&T Uverse Channel 99. 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/ind-ex.aspx?NID=114. 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: 215–4305 Fax: 215–4379, email cmorse@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 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, April 4, 2017 – 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 Gabriel Quinto
Councilmember Greg Lyman
Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

7:00 p.m. ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson all present.

CONVENE REGULAR CITY COUNCIL MEETING

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

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

2. COUNCIL / STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

Councilmember Pardue-Okimoto announced that a citizens group named "Services not Cells" which opposes the expansion of the West County Detention Center has formed and will be having a kick-off meeting on April 15.

Mayor Pro Tem Quinto reported that he attended a Metropolitan Transportation Commission / Association of Bay Area Governments workshop on March 22 in Sacramento. Bay Area Senators and Assemblymembers spoke about bills they are working on. There are over 100 affordable housing and housing bills and an important transportation bill. Mayor Pro Tem Quinto invited all to look at the transportation bill and noted how important it is to get it done. He also reported on this March 23rd attendance at the West County Mayors and Supervisors' meeting in Hercules. He attended the meeting with Mayor Abelson. The mayors spoke about the importance of youth volunteers and Mayor Pro Tem Quinto added that El Cerrito hosts a youth intern program every summer.

Councilmember Lyman reported that he and Vice-Mayor Quinto attended the California League of California Cities Environmental Quality Policy Committee meeting. The Committee voted to support Senate Bill 231 which will change the definition of sewer so that more local funding can be returned to cities for implementation of clean stormwater programs to comply with mandates and keep our San Francisco Bay clean. The vote was very controversial but passed 21 to 20.

Councilmember Fadelli reported that he and Mayor Abelson attended the grand opening of the Warm Springs BART station on March 24. On April 3, Councilmember Fadelli attended a hearing in Sacramento that was also attended by Governor Brown in support of Senate Bill 1, the Transportation/Fix our Roads bill.

Mayor Abelson recently attended a Richmond Chamber of Commerce mixer at Contra Costa College. The speaker was inspiring. He had been imprisoned in San Quentin and was released due to a change in the law. He is currently an executive in a tech company. The Contra Costa College is having its 10th annual food and wine event on April 23 from 11-2:30 p.m. in the Fireside Hall on campus. The event helps support the Contra Costa College Culinary Arts scholarship program. The City will be convening an Affordable Housing Strategy workshop on April 8 and an Affordable Housing Policy Recommendations workshop on May 23 at City Hall. Spanish and Chinese translation will be available. More information is available on the City's website or by emailing Katherine Ahlquist, Management Analyst, at kahlquist@ci.el-cerrito.ca.us.

Mayor Abelson also reported that she attended the West County Mayors and Supervisors Association meeting as noted by Mayor Pro Tem Quinto and attended the West Contra Costa Transportation Advisory Committee (WCCTAC) Board meeting on March 24 in which the Board received a status report regarding I-80 pavement concerns and also discussed Transportation for Livable Communities funds. The East Bay Division of the League of California Cities met at the Mira Vista Country Club and received a presentation from a CalPERS representative on closing the pension gap. As a member of the League of California Cities Community Services and Governance, Transparency and Labor Relations Policy Committees, Mayor Abelson received another presentation on CalPERS issues and funding retirement for future generations of public agency retirees.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

John Gioia, Supervisor, Contra Costa County Board of Supervisors, thanked the City Council and the Public Safety Departments for changing its dispatch to the Contra Costa County dispatch system. This will improve response time for El Cerrito residents. He also thanked the Council for their leadership regarding its declaration of El Cerrito as a Sanctuary City and for their opposition to the expansion of the West County Detention Facility. Supervisor Gioia updated the Council and public about the history and development of the jail proposal noting that there will be an ongoing cost of $5 million in operating costs each year that have yet to be identified in the budget. Supervisor Gioia stated that he opposes the jail expansion and expressed support for a bail reform system that would change from a financial model to a risk model for those awaiting trial as a way of decreasing jail capacity. He also noted that due to the Sheriff's contract with the United States Justice Department to house Immigration Control Enforcement detainees, trust has been eroded among the immigrant community. Funds should be used for local needs rather than federal needs. Funds should be invested in mental health services prior to incarceration, during incarceration and post incarceration re-entry services. Supervisor Gioia concluded by stating that the proposed facility is much larger than it needs to be to

serve the local population. It is Supervisor Gioia's hope that funding will focus more on mental health services than constructing high security jail cells. It takes a coalition to express its views in Sacramento. The Board of State and Community Correction will be meeting in May or June 2017 to make a decision on funding.

Delfina Fung, El Cerrito, asked the City Council to review El Cerrito Municipal Code Chapter 6.55 regarding alarm systems. The code was enacted in 2010. Ms. Fung recommended that the code be amended to allow for more robust noticing and that Section 6.55.040 be amended to exempt existing alarm users from 2010 or before from permit application fees and renewals. Ms. Fung stated that her alarm was installed in 1991 and she was not aware of the ordinance until two weeks ago and does not know why a letter was sent to her.

Jean Rabovsky, El Cerrito, thanked the City Council for declaring itself a Sanctuary City and encouraged the Council to adopt the American Civil Liberties Union's (ACLU) nine model rules and enforcement policies to be followed by state and local police officers. The ACLU model policy seeks to protect neighbors from mass deportation, invasion of privacy, regressive grievances and ensures against discrimination.

Maria Allegria, Democratic Party of Contra Costa County, urged the City Council to oppose the West Contra Costa County jail expansion and ask Sheriff Livingston to terminate his contract with ICE and use the existing facility for its intended purpose which is to alleviate over-crowding of the County Jail located in Martinez.

Al Miller, El Cerrito, spoke in support of Consent Calendar Item No. 4(H) Support for SCA 3, and also asked the Council to oppose the West County jail expansion (Consent Calendar Item No. 4(I). Mr. Miller also commended Stephen Preé, City Arborist, for his work with the Baxter Creek work parties and encouraged all to attend.

Marlene Keller, El Cerrito, urged the City Council to oppose the expansion of the West County jail facility.

Tom Panas, El Cerrito, reported that the El Cerrito Community Garden Team has carefully sourced seeds and restocked the seed libraries located at the El Cerrito branch of the Contra Costa Library and Recycling Center. The seed libraries are free for everyone to use.

Judith Tannenbaum, El Cerrito, thanked the City Council for its leadership in declaring El Cerrito a Sanctuary City and also urged the City Council to oppose the West County jail facility expansion.

Tomi Nagai-Rothe, El Cerrito, expressed her support for Councilmember Pardue-Okimoto's letter opposing expansion of the West County Jail facility and urged the City Council to approve it. Ms. Nagai-Rothe said she advocates for services instead of jail cells.

Elizabeth "Betty" Brown, Kensington, queried why the County would want to spend $20 million on jail cells when it doesn't even have a community hospital.

Janaki Sullivan, El Cerrito, thanked the City Council for declaring El Cerrito a Sanctuary City and urged the County to support a similar policy along with SB 54. Ms. Sullivan expressed her opposition to expansion of the West County Jail facility and asked the City Council to support Councilmember Pardue-Okimoto's letter and voice its opposition of Sheriff Livingston's contract with ICE.

Sarah Bakkar, El Cerrito, ACLU People Power, thanked the City Council for passing its Sanctuary City resolution and also thanked the Police Department for its support and the Human Relations Commission (HRC) for their initiative. Ms. Bakkar expressed concerns about the political rhetoric surrounding immigration and also asked the Council to reflect on the effect that the work of the HRC has on the Crime

Prevention Committee to ensure that the City is doing everything it can to make sure El Cerrito feels like home for everyone.

Jess Laird, El Cerrito, spoke in opposition to the West County Jail expansion.

Donna Crawford, El Cerrito, ACLU People Power, said she was pleased to learn that the Police Department is already practicing many of the policies that the ACLU is concerned about however the ACLU does not feel that some of the policies currently in place do not go far enough to ensure that the entire community is fully protected. Ms. Crawford asked that policies regarding clarity, transparency, and public accountability be codified to ensure trust between law enforcement and community. The ACLU will be reaching out to the HRC and Crime Prevention Committee in the coming months to express its concerns and offer strategies. The ACLU opposes the jail and encourages services instead.

Sherry Drobner, El Cerrito, said it is ironic that the County faces a crisis in mental health and housing and chooses to put money toward jails. Ms. Drobner said it is a backward step to put money toward incarceration instead of services.

Michelle Mendieta Mitchell, El Cerrito, expressed support for the City Council's letter opposing the proposed West County Detention facility. Funds should be placed toward services to help the community instead of incarceration.

Brigid (Kennedy) Acuña, Albany Community Action Group, spoke against the expansion of the West County Detention facility.

Doug Jones, SEIU International Healthcare Workers organizer, spoke against the expansion of the West County jail, asked the Council to approve the letter, and encouraged the county to redirect spending to services.

Georgina Edwards, El Cerrito, expressed her appreciation for the hard work of the City Council and Staff. Ms. Edwards asked the City Council and staff to think of additional ways to better reach out to the community, commissioners and journalists in expressing its goals and priorities.

Michael Kerr, Baypoint, thanked the City Council for declaring El Cerrito a Sanctuary City and its support for Senate Bill 54. Mr. Kerr said he will be working toward accomplishing a similar policy in Pittsburg.

Adel Olvera, Concord, expressed appreciation for the City Council's support for the immigrant community and also spoke in opposition of the West County jail expansion.

Alyssa Kang, Richmond, California Nurses Association, stated that the Association also opposes expansion of the jail project. Ms. Kang also stated that the proposed closure of Alta Bates Hospital coupled with the closure of Doctors Hospital in 2015 would exacerbate the healthcare crisis. Funds invested in expanding healthcare, re-entry services, affordable housing, infrastructure, education and job creation will all help strengthen our community and prevent incarceration. There is value in investing in the community instead of jail expansion. Ms. Kang also thanked the City Council for its resolution regarding the closure of Alta Bates Hospital.

4. ADOPTION OF THE CONSENT CALENDAR – Item No. 4(A) through 4(J)

Moved, seconded (Lyman/Quinto) and carried unanimously to approve Consent Calendar item Nos. 4(A) through 4(H) and 4(J). Consent Calendar Item No. 4(I) was removed from the Consent Calendar at the request of Councilmember Lyman and voted on separately as indicated below.

A. Approval of Minutes

Approve the March 21, 2017 Special City Council and March 21, 2017 Regular City Council meeting minutes.

Action: Approved minutes.

B. Earth Day Proclamation

Approve a proclamation designating April 22, 2017 as "Earth Day" in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Action: Approved proclamation.

C. Public, Educational and Government (PEG) Fee Reauthorization Ordinance

Adopt Ordinance No. 2017–03, an ordinance of the City of El Cerrito reauthorizing the public, educational and government (PEG) fee on state cable franchisees operating with the City and amending Section 14.12.170 of the El Cerrito Municipal Code. *First reading on March 21, 2017. Approved by unanimous vote.*

Action: Adopted Ordinance No. 2017-03. *Effective May 4, 2017.*

D. Annual Parcel Assessment for the National Pollution Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2017-18

Adopt a resolution establishing the annual parcel assessment for the National Pollution Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of $38.00 per Equivalent Run off Unit (ERU), and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area levies based on said amount for Fiscal Year 2017-18.

Action: Adopted Resolution No. 2017-17.

E. Calendar Years 2014 and 2015 Growth Management Program Compliance Checklist

Adopt a resolution approving the Calendar Years 2014 and 2015 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal years 2015-16 and 2016-17 Measure J, Local Street Maintenance and Improvement Funds by the Contra Costa Transportation Authority.

Action: Adopted Resolution No. 2017-18.

F. Cost Allocation Plan and Community Development User Fee Study Award

Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El Cerrito and Willdan Financial Services in an amount not to exceed $29,275 to prepare a Cost Allocation Plan and Community Development User Fee Study and to approve potential change orders not to exceed $3,000.

Action: Adopted Resolution No. 2017-19.

G. Authorize Annual Report for Landscape and Lighting Assessment District for Fiscal Year 2017-18

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for Fiscal Year 2017-18

Action: Adopted Resolution No. 2017-20.

H. Support for SCA 3(Dodd) Local Government Finance – Libraries

At the request of Mayor Abelson, authorize the Mayor to send a letter on behalf of the City Council, which expresses the Council's support for SCA 3 (Dodd) Local Government Finance: Libraries – Voter Approval. Committee date March 29, 2017.

Action: Approved recommendation.

I. Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

At the request of Councilmember Pardue-Okimoto, approve a recommendation authorizing the Mayor to send a letter to the California Board of State and Community Corrections opposing the $70 million grant proposal from the Contra Costa Sheriff's Office for the expansion of the West County Detention Facility in Richmond.

Action: Removed from the Consent Calendar at the request of Councilmember Lyman. Moved, seconded (Lyman/Quinto) and carried unanimously to approve the letter as amended by Councilmember Lyman to copy the Contra Costa County Supervisors and Sheriff Livingston on the letter and to add the following language to the end of the letter:

> "If the State is considering the grant, the State should require Contra Costa County Sheriff Livingston to cancel his contract with ICE so that Contra Costa is not unfairly benefitting from an ICE contract while using revenues from throughout the state. Additionally, cancelling the contract may well resolve some of the overcrowding issues."

J. Environmental Quality Committee Appointment

Approve an Environmental Quality Committee recommendation to appoint Rebecca Miller to the Environmental Quality Committee, effective April 4, 2017.

Action: Approved recommendation.

5. PRESENTATIONS

El Cerrito Strategic Plan Goals and Strategies Report – *Presentation by Karen Pinkos, Assistant City Manager.*

Action: Received presentation.

6. PUBLIC HEARINGS – *None*

7. POLICY MATTERS

A. Fiscal Year 2016-17 Mid-Year Budget Update

Receive an update on city revenues and expenditures for the first six months of the fiscal year through December 31, 2016 and adopt a resolution authorizing amendments to the Fiscal Year 2016-17 budget and approving new spending limits.

Presenter: Mark Rasiah, Finance Director.

Speakers: Howdy Goudey, El Cerrito, stated that he had encouraged the city to opt into the 100% renewable energy option offered by Marin Clean Energy for city operations. Mr. Goudey also commented on vehicle replacement funds and encouraged the city to invest in electric vehicle charging infrastructure and purchase electrical vehicles for its fleet.

Action: Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to adopt resolution No. 2017-21.

B. El Cerrito Wall of Fame Council Subcommittee

Confirm the Mayor's appointment of two members of the City Council to an El Cerrito Wall of Fame Subcommittee for the purposes of reviewing nominations received this year and return to the City Council with a recommendation by May 15, 2017. Additionally, conduct a review of Resolution No. 2008-77 selection and appointment guidelines and return to the City Council in Fall 2017 with recommendations, if any.

Action: Councilmembers Pardue-Okimoto and Mayor Pro Tem Quinto were appointed to the Council subcommittee to evaluate nominations received this year. Councilmember Fadelli and Mayor Abelson will serve on a separate ad-hoc Council subcommittee to review Wall of Fame guidelines and procedures.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Mayor Pro Tem Quinto reported that he attended a transportation press conference in Concord with Governor Brown, Senators Bell, De Leon and Renden, Assemblymember Fraser and other public officials. All of the cities in Contra Costa County, including El Cerrito, support the Governor's plan [for a gas tax to fund road repairs].

Councilmember Pardue-Okimoto attended the Arts and Culture Commission meeting. The El Cerrito Creative ReUse Artist Residency Program will offer a stipend and use of materials from the Recycling Center to create art. Applications are being accepted now. For more information contact Suzanne Iarla, Assistant to the City Manager, at siarla@ci.el-cerrito.ca.us. Events the Commission is promoting include: 1) The State Poet Laureate at the Library on April 20; 2) Earth Day on April 22; and 3) The film, "This Aint No Mouse Music," on April 23.

Councilember Fadelli reported that the Tree Committee will be planting a tree in the Baxter Creek area as part of the City's Centennial Celebration. The Economic Development Committee may discuss the renaming of the Mira Vista Country Club at an upcoming meeting.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:37 p.m. in memory of Charles Hernandez.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

(Submitted prior to the City Council meeting.)

Item No. 4(H) Support for SCA 3(Dodd) Local Government Finance - Libraries

1. Comments in support of SCA 3 – *Submitted by Michael Fischer, El Cerrito representative to the Contra Costa Library Commission.*

Item No. 4(I) Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

2. "My World: Contra Costa needs more services not more jail cells," East Bay Times, March 27, 2017 – Written and submitted by Judith Tannenbaum, El Cerrito.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 2

(Submitted at the City Council meeting)

Item No. 4(l) Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

3. Letter to the City Council urging the Council to send its letter to the Board of State Community Corrections rejecting the application of Contra Costa County Sheriff Livingston's plan to expand the West County Detention Facility (WCDF) in Contra Costa County – *Submitted by Maria Alegria, Chair, Democratic Party of Contra Costa County.*

4. Letter to Mr. Prince and Construction Financing Committee of the Board of State and Community Corrections from Albany Community members – *Submitted by Brigid (Kennedy) Acuña, Albany.*

5. Limit the Role of Immigration and Customs Enforcement (ICE) in Contra Costa County: Oppose Expansion of the West County Detention Facility in Richmond. El Cerrito Progressives Fact Sheet.

6. Services Not Cells Kickoff and Update on the West County Jail Expansion – *Submitted by Sherry Drobner, El Cerrito.*

7. Letter urging the City Council to oppose the West County Jail Expansion – *Submitted by Michael Kerr, Bay Point, CA.*

Other:

8. ACLU's 9 "Model" state and local law enforcement policies and rules – *Submitted by Jean Robovsky, El Cerrito.*

Agenda Item No. 4(B)

EL CERRITO CITY COUNCIL PROCLAMATION

Recognizing April as Sexual Assault Awareness Month in the City of El Cerrito

WHEREAS, In California there were 12,793 forcible rapes in 2015 and 240 forcible rapes reported in Contra Costa County in the same year; with an increasing number affecting adolescents: and

WHEREAS, sexual assault affects every person of Contra Costa County as a victim/survivor or as a family member, significant other, neighbor or co-worker of a victim/survivor; and

WHEREAS, many citizens of Contra Costa County are working to provide quality services and assistance to sexual assault survivors; and dedicated volunteers help staff 24-hour crisis hotlines, respond to emergency calls and offer support, comfort and advocacy during forensic exams, criminal proceedings, and throughout the healing process; and

WHEREAS, staff and volunteers of Community Violence Solutions and its Rape Crisis Center, Children's Interview Center, Prevention Department, and Anti-Trafficking Project programs in Contra Costa County are promoting education by offering training to schools, churches, and civic organizations, as well as medical, mental health, law enforcement, education, and criminal justice personnel regarding sexual assault issues; and

WHEREAS, it is vitally important that continued educational efforts to provide information about prevention and services for sexual assault be supported and enhanced; and

WHEREAS, it is critical to intensify public awareness of sexual assault, to educate people about the need for citizen involvement in efforts to reduce sexual violence, to increase support for agencies providing sexual assault services, and to increase awareness of the healing power of creative expression; and

WHEREAS, Community Violence Solutions requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim April 2017 as Sexual Assault Awareness Month in the City of El Cerrito, and encourages everyone to support anti-sexual violence advocates and service programs in the belief that all community members must be part of the solution to end sexual violence.

Dated: April 18, 2017

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Janet Abelson, Mayor

AGENDA BILL

Agenda Item No. 4(C)

Date: April 18, 2017

To: El Cerrito City Council

From: Michael J. Bond, Battalion Chief / Fire Marshal

Subject: City of El Cerrito / Kensington Fire Protection District "Community Wildfire Protection Plan"

ACTION REQUESTED

Adopt a resolution establishing a Community Wildfire Protection Plan (CWPP) for the City of El Cerrito in its entirety. In doing so, the City of El Cerrito will use the plan to guide pre-wildland urban interface fire (WUI Fires) mitigation Federal Grant applications. Once receiving Federal Grant funding the CWPP will be used to guide the development of those mitigation projects. After implementation of the plan, the City will continue to support the partnership developed and described in the CWPP. The City of El Cerrito will promote and support the mitigation success of the CWPP planning partnership.

BACKGROUND

The first county-wide Contra Costa County CWPP in 2009 began with compilation of existing documents, analysis of fire behavior potential (based on fuels, topography and historical weather conditions) and collaboration with homeowners, representatives of special interest groups and agency officials. In 2014 - 2015 an Updated Contra Costa County Plan was revised through a similar County-wide planning effort that reviewed the plan, updated relevant sections and refined priority actions.

In 2015 the Diablo Fire Safe Council (DFSC) and the El Cerrito Fire Department (ECFD) began investigating the development of an El Cerrito / Kensington CWPP. Since then, the ECFD and DFSC have held community outreach meetings in El Cerrito and Kensington engaging citizen groups, the general public and Cal Fire in conjunction with electronic surveys to develop an understanding of the community's wildfire awareness and concerns.

After collecting and interpreting the community surveys, a draft CWPP was created based on scientific, historical, community concerns and the ECFD's understanding of relevant wildfire risks of wildfire fuels, topography and historical weather conditions. This undertaking was completed by the utilization and collaboration of homeowners, representatives of special interest groups and agency officials.

A final community meeting was conducted in March 2017 where the draft CWPP was presented to the committee for review and approval.

ANALYSIS

The El Cerrito Kensington Fire Action Plan provides an analysis of wildfire hazards and risk in the wildland-urban interface (WUI) of the City of El Cerrito and unincorporated community of Kensington in Contra Costa County, California. The Plan is an appendix to the Contra Costa Countywide Community Wildfire Protection Plan (CWPP) and follows the standards for CWPPs that have been established by the federal Healthy Forest Restoration Act, including:

1. Identifying and prioritizing fuel reduction opportunities across the county;
2. Addressing structural ignitability; and
3. Collaborating with stakeholders.

Based on the analysis, recommendations have been identified to aid stakeholders in preventing and reducing the threat of wildfire. The Plan complements local agreements and existing plans for wildfire protection for a coordinated effort in determining appropriate fire management actions. The Contra Costa Countywide CWPP is the result of an area-wide planning effort.

The El Cerrito Kensington Wildfire Action Plan looks at similar issues, but allows for a more detailed investigation and customized recommendations for El Cerrito and Kensington communities. The goal of the plan is to reduce hazards through increased information and education about wildfires, hazardous fuels reduction, actions to reduce structure ignitability and other recommendations to assist emergency preparedness and fire suppression efforts. Most importantly it facilitates a coordinated effort between the various stakeholders.

STRATEGIC PLAN CONSIDERATIONS

The El Cerrito / Kensington Community Wildfire Protection Plan blends seamlessly into the City's Strategic Plan by providing a clear vision and direction for establishing and maintaining a well balanced urban / wildland interface environment.

ENVIRONMENTAL CONSIDERATIONS

The CWPP does not require anyone to conduct any work. It allows the citizens to apply for and receive vegetation management grants that would not otherwise be available to them. In addition, the CWPP provides best management standards that have been specifically designed for our area. These best management practices have also been vetted by the US Forest Service, Department of Agriculture and the US Fish and Wildlife Service.

FINANCIAL CONSIDERATIONS

The Community Wildfire Protection Plan does not require the City to fund or incur any expenses. The CWPP provides the opportunity to apply for and receive grant monies. When grants are applied for by the City, all financial regulations and requirements need to be followed. Citizen grant applications are the responsibility of the person(s) applying for the grant.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution
2. Wildfire Action Plan

Agenda Item No. 4(C)
Attachment 1

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING THE COMMUNITY WILDFIRE PROTECTION PLAN

WHEREAS, all of El Cerrito has exposure to natural hazards that increase the risk of harm to life, property, environment and the City's economy; and

WHEREAS, a portion of El Cerrito is within the Very High Fire Hazard Severity Zone which places homes located in the Zone and nearby homes at a much greater risk of a catastrophic wildland urban interface fire; and

WHEREAS, for the development of the 2017 Community Wildfire Prevention Plan, a coalition of citizens from El Cerrito, Kensington, Diablo Fire Safe Council, Cal Fire and other agency stakeholders was formed to create realistic and achievable mitigation objectives to enhance and protect the homes and community from devastating wildland urban interface; and

WHEREAS, the Community Wildfire Protection Plan (CWPP) provides guidance and direction for the City and the residents to apply for federally funded wildfire risk reduction plans and also provides guidance regarding mitigation strategies for both fuel reduction projects and structure modifications to reduce the risk of catastrophic urban wildfire in El Cerrito; and

WHEREAS, the planning partnership has completed a planning process that engaged the public, assessed risk and vulnerability to the impacts of wildland urban interface fires, developed mitigation strategies consistent with a set of uniform goals and objectives, and created a plan to enable the City and its citizens to be able to apply for and receive federal grants to achieve these goals; and

WHEREAS, this planning process resulted in the creation of the El Cerrito-Kensington Community Wildfire Protection Plan;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby adopts a resolution establishing a Community Wildfire Protection Plan (CWPP) for the City of El Cerrito in its entirety. In doing so, the City of El Cerrito will use the plan to guide pre-wildland urban interface fire (WUI Fire) mitigation federal grant applications. Once receiving federal grant funding the CWPP will be used to guide the development of those mitigation projects. After implementation of the plan the City will continue to support the partnership developed and described in the CWPP. The City of El Cerrito will promote and support the mitigation success of the CWPP planning partnership.

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

I CERTIFY that at a regular meeting on April 18, 2017 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 April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor
2803919.1

Agenda Item No. 4(C)
Attachment 2

El Cerrito - Kensington Wildfire Action Plan

An Appendix to the Contra Costa Countywide Community Wildfire Protection Plan (CWPP)

Contra Costa County

Prepared by
Diablo Fire Safe Council

In conjunction with the
El Cerrito Fire Department
Kensington Fire Protection District
Stakeholder Committee Members

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Additional Materials from the planning process available at:
www.diablofiresafe.org/El-Cerrito-Kensington-CWPP-AP.html

Executive Summary

The El Cerrito - Kensington Wildfire Action Plan provides an analysis of wildfire hazards and risk in the wildland-urban interface (WUI) of the City of El Cerrito and unincorporated community of Kensington in Contra Costa County, California. The Plan is an appendix to the Contra Costa Countywide Community Wildfire Protection Plan (CWPP) and follows the standards for CWPPs established by the federal Healthy Forest Restoration Act, including:

1. Identifying and prioritizing fuel reduction opportunities across the county
   See Section 2: Fire Hazard and Risk in the Wildland Urban Interface and Section 4: Prioritizing Fuel Reduction Vegetation Management Treatments
2. Addressing structural ignitability
   See Section 5: Prioritized Treatment of Structural Ignitability
3. Collaborating with stakeholders
   See Section 1.2: The Planning Process and Stakeholders

Based on analysis, recommendations have been identified to aid stakeholders in reducing the threat of wildfire. The Plan complements local agreements and existing plans for wildfire protection for a coordinated effort in determining appropriate fire management actions.

The Contra Costa Countywide CWPP is the result of an area-wide planning effort. The El Cerrito Kensington Fire Action Plan looks at similar issues, but allows for a more detailed investigation and customized recommendations for El Cerrito and Kensington communities. The first countywide CWPP in 2009 began with compilation of existing documents, analysis of fire behavior potential (based on fuels, topography and historical weather conditions) and collaboration with homeowners, representatives of special interest groups and agency officials. In 2014 - 2015 an Updated Plan was revised through a similar area-wide planning effort that reviewed the plan, updated relevant sections and refined priority actions.

The goal of the plan is to reduce hazard through increased information and education about wildfires, hazardous fuels reduction, actions to reduce structure ignitability and other recommendations to assist emergency preparedness and fire suppression efforts. Most important, it facilitates a coordinated effort between the various stakeholders.

Recommendations

The El Cerrito Kensington Fire Action Plan recommendations are organized into four categories of mitigation related to:

- Information, Education and Collaborative Planning
- Enhanced Suppression Capability and Emergency Preparedness
- Fuel Reduction Treatments around Homes and on Public Lands
- Improving Structure Survivability

Priority Action overviews are provided for a four of priority activities. These summaries identify implementation steps, lead and partners, timeframes and funding needs. A list is included of geographically-based, priority fuel reduction projects and prevention strategies.

The El Cerrito Kensington Fire Action Plan is a multi-year guiding document that will facilitate the implementation of present and future mitigation efforts. It is important to note that the El Cerrito - Kensington Fire Action Plan is a working document and will need to be updated bi-annually and after major “events” such as wildfire, flood, insect infestation, significant new home development as well as the regional update of the Multi-Hazard Mitigation Plan or General Plan Safety Elements.

Introduction

Wildfire records for the western portion of Contra Costa County around El Cerrito and Kensington document an active, damaging and costly wildfire history. There is little question that the area's unique ecology – particularly the topography, climate and vegetation – provides the setting for catastrophic wildfire to strike. While large-scale wildfires do not occur every year, wildfire incidents driven by extreme wind conditions have repeatedly been difficult to contain. Residential development in the wildland urban interface (WUI) along with the introduction and proliferation of exotic species exacerbates this problem by putting more people, property, critical infrastructure and natural resources in harm's way. In order to reduce the risk of loss of life and property due to wildfire, the Diablo Fire Safe Council and project partners have worked with residents, representatives of federal, regional, state and local agencies, and community organizations to develop this focused Appendix to the Contra Costa County Community Wildfire Protection Plan.

Although the format of this plan is guided by the Healthy Forest Restoration Act's (HFRA) call for such plans, the principles behind it are not new. The National and State Fire Plans, the Federal Emergency Management Agency Disaster Mitigation Act of 2000 and several locally developed documents all mandate community-based planning efforts, coordination, project identification, prioritization, funding review and multi-agency cooperation. Unique benefits of the CWPP include:

- The opportunity to establish a locally appropriate definition and boundary for the WUI.
- The requirement for federal agencies, when planning fuel reduction projects, to give priority to projects that provide for the protection of at-risk communities or watersheds, or that implement recommendations in a CWPP.
- Expedited National Environmental Policy Act (NEPA) procedures for federal agencies implementing fuel reduction projects identified in a CWPP.

Since within Contra Costa County there are few federally owned lands, the stakeholder group discussed what the Contra Costa County CWPP Update should include and why both the County-wide plan and the focused Appendices are of value to us. The ideas can be grouped around several themes including overall planning and participation, fuel reduction projects, increased public awareness and involvement in prevention, balance of wildfire hazard reduction and environmental protection, fire resistant structures. Many common challenges and shared solutions were identified and a few selected for development with action plans.

Funding provided by a grant from the

Cooperative Fire Program of the U.S. Forest Service,

Department of Agriculture, Pacific Southwest Region,

through the California Fire Safe Council

Scope

The scope of this Fire Action Plan focuses on the City of El Cerrito and the unincorporated community of Kensington in western Contra Costa County. The plan does the following:

1. Describes the fire environment of the area.
2. Identifies values at risk as defined by the stakeholders.
3. Provides maps that show high fire hazard areas, as defined by federal, state and local authorities.
4. Establishes the rationale for prioritization of fuel management projects and treatment methods, as well as outlines principles for selection of projects when funding is available.
5. Describes measures communities and homeowners can take to reduce the ignitability of structures.
6. Identifies sources for Best Management Practices for fuel reduction treatments included in the plan.
7. Identifies federal, state and local resources (fire, wildlife, regulatory agencies, landscape groups, etc.)

Purpose

The purpose of the El Cerrito - Kensington Wildfire Action Plan is to protect human life and reduce loss of property, critical infrastructure and natural resources due to wildfire. The document builds on the Countywide CWPP and is intended to help agencies, communities and local homeowners define, plan and prioritize types of actions that will limit the damage associated with the inevitable wildland fire event. This plan can be used to reduce the risk of conflagration by the following actions:

1. Increased collaborative planning and cooperative actions that will build useful relationships between communities and agencies.
2. Reduction of hazardous fuels in the WUI.
3. Creation and maintenance of defensible space for structures and properties.
4. Reduction of structural ignitability hazards.
5. Planning of evacuation protocols and drills.

The stakeholders in this effort believe that the work outlined above requires a collaborative approach that combines the following elements:

- Development and implementation of strategic, cost effective, sustainable and environmentally sensitive hazardous fuel management plans;
- Educational programs that explain fire risk, promote voluntary citizen involvement and emphasize long-term strategies for creating and maintaining fire resistant communities.
- Application of resources to areas and projects where efficacy is most probable.

To that end, stakeholder participation and regular review are central to maintaining the ideas and priorities of the Fire Action Plan in the future. The dynamic nature of the plan will reflect changes in practices, technology and information available to prevent and minimize loss from wildfire.

El Cerrito - Kensington Information

1.1 Area Overview

The City of El Cerrito is located on the eastern shore of the San Francisco Bay in the western portion of Contra Costa County. Immediately to the southeast is the unincorporated community of Kensington located in the east bay hills.

City of El Cerrito and unincorporated community of Kensington are located in the western portion of Contra Costa

The City of El Cerrito was incorporated in 1917. As of the 2010 census, El Cerrito's population was 23,549 (with a 2014 estimated population of 24,599). The census also lists the city with a total area of 3.7 square miles for a total of 6,385.3 people per square mile.[1] There are 10,142 households and homeownership rate is 60.6% (from 2009-2013), well over the state rate of 55.3%, with 2.39 persons per household and a median house value of $589,100. Population age distribution is: 17.4% under the age of 18, 5.4% aged 18 to 24, 29.4% aged 25 to 44, 22.9% aged 45 to 64 and 17.9% aged 65 or older. A 2011 economic forecast listed Contra Costa County, along with Alameda County (East Bay metro area), as the third highest median family income in California, with El Cerrito's median household income at $88,380. Population growth was positive with an increase between the 2010 census and the 2014 estimate of 4.3%, slightly faster that the state average of 4.2%.[2]

The unincorporated community of Kensington has a total population of 5,077 in an area, just under 1 square mile. There are 2,199 households and homeownership rate is 82.9%, with an average of 2.31 persons per household. Property values vary greatly in this area depending on acreage and improvements, from $550,000 to $2.3 million.[3]

Contra Costa County has experienced two very large growth spurts, one in the World War II years and another over the last 20 years. By 2030, Contra Costa County is anticipated to have over 1.2 million residents (or an additional 228,500 people).[4] El Cerrito and Kensington experienced their major growth post World War II. In 1950, El Cerrito's population grew from 7,000 to 16,000, and Kensington's peaked at 6,061.[5] Both communities are primarily built out. Future growth is limited by land available, in-fill development and re-use of existing sites. These two communities are closely tied to the entire San Francisco Bay area, a region with well-educated residents, a robust economy, an increasingly diverse population and high cost of living.

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[1] Data from: http://www.census.gov/quickfacts/table/PST045215/0621796,0621782,0613882accessed 3/23/2015.

[2] Data from http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2013/Contra_Costa.pdf accessed 11/18/2014.

[3] Data from: http://www.zillow.com/homes/recently_sold/Kensington-CA/39222_rid/37.909339,-122.268133,37.901551,-122.284162_rect/15_zm/ accessed 1/31/2017

[4] Data from: http://www.bayareavision.org/bayarea/cc.html/ accessed 11/29/11

[5] "El Cerrito Historical Evolution," by Edward Staniford. http://www.el-cerrito.org/index.aspx?NID=365 accessed 1/31/17.

Geographic Features

El Cerrito and Kensington are located on the west-facing slope of the East Bay Hills, within the northern portion of the Coast Range characterized by northwest-southeast trending mountain ranges. Highest Peak is William Rust Summit at 1010 feet elevation. The range formed millions of years ago as a result of uplift along the San Andreas, San Pablo and Hayward faults and other subsidiary faults. The Hayward fault is the nearest active fault. The complex geological history has resulted in diverse soils, hydrology and topography. Virtually all the hillsides in the north and east of El Cerrito and in Kensington are prone to landslide. El Cerrito is divided into two topographic regions: the lower elevations characterized by a traditional grid street pattern and the steeper slopes with a street pattern that follows the contours of the land. Kensington is entirely located within steep terrain resulting in numerous people inhabiting areas where narrow roads make it difficult to access under emergency conditions.

Climate, Temperature and Rainfall

El Cerrito and Kensington have a "Mediterranean" climate with mild winters and hot dry summers. Winter lows are typically in the 30s and summer highs can be above 90° Fahrenheit. Precipitation depends upon the season, location and topography with an average of 22 inches annual rainfall.

Natural Resources

Over the years the region has seen significant acreage set aside as parkland, open space and protected watershed lands. East of El Cerrito and Kensington are Tilden Regional Park and watershed lands for East Bay Municipal Utility District's San Pablo Reservoir. Within El Cerrito the most significant public open space is the Hillside Natural Area. Additional public open space is in 11 developed parks, the Ohlone Greenway, school playfields and several pocket parks. Private open space includes: Mira Vista County Club, Sunset View Cemetery and Camp Herms Boy Scout Camp. Kensington public open space includes Kensington Park. Private open space includes large private properties such as Blake Garden and the Carmelite Monastery, and community facilities such as the Unitarian Universalist Church.

Watersheds

The El Cerrito and Kensington area has two historically important watersheds that drain from the ridge to the San Francisco Bay: Baxter Creek and Cerrito Creek.[6] Baxter Creek is located in the north with three branches in Richmond and El Cerrito. Cerrito Creek in Kensington and El Cerrito forms the boundary of Contra Costa County with adjacent Alameda County. Cerrito Creek includes several additional tributaries, including the North Fork of Cerrito Creek stretching through both communities. Many of the creeks in these two watersheds were lined or culverted during the first half of the 20th century. A large percentage of the creeks and drainage-ways are located on private property. Other reaches run through neighborhood parks or have more recently been "daylighted" and the natural creek restored.

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[6] Source: Contra Costa County Watershed Atlas. 2003 http://cocowaterweb.org/publications/ Accessed 1/31/2017.

http://www.sfei.org/documents/east-contra-costa-historical-ecology-study

Vegetation and Wildlife Habitat

The scarcity of undeveloped land in El Cerrito and Kensington has a limiting effect on vegetation and wildlife habitat. Important ecological communities include:

- Grass dominated communities: predominantly annual grasslands dominated by grasses and forbs, but also areas of native grassland (valley needlegrass grassland) and ruderal (disturbed areas with sparse typically weedy non-native vegetation).
- Scrub dominated communities: consisting of woody vegetation dominated by shrubs (soft chaparral) with scattered trees. Dominant species include coyote brush, toyon, ceanothus, California sagebrush, with lupine and sticky monkeyflower as associates.
- Oak woodland communities: oak woodland (coast live oak), mixed with California bay, and deciduous trees such as buckeye and big leaf maple.
- Riparian woodland/ riparian scrub associated with drainages, intermittent, ephemeral and permanent streams and permanent water sources. May contain understory of shrubs and forbs. Salt marsh habitats are found near the San Francisco Bay.
- Other landscape features: rock outcrops, springs and seeps; landslides; ecotones; disturbed areas and developed landscaped areas.
- Exotic invasive species: stands of exotic and invasive species such as French broom, pampas grass and eucalyptus groves can be found throughout the El Cerrito and Kensington area.

A review of the California Natural Diversity Data Base (CNDDB) indicates three sensitive natural communities occur within the "Richmond Quad" including El Cerrito and Kensington:[7] North Coastal Salt Marsh, Northern Maritime Chaparral and Valley Needlegrass Grassland.

Several plants and animals that are designated as "special status" occur near El Cerrito and Kensington (rare, threatened or endangered species, or candidates for such designation). These include both federally- and state-listed species, as well as those identified by the California Native Plant Society. Information about Federally protected species, vegetation and habitat is included in the *Best Management Practices Guidebook for Fuel Management Treatments in Contra Costa County* (developed for in 2009 as part of the Contra Costa County CWPP),[8] and other resource documents. Rare and sensitive species that are known to occur or have the potential to occur in the area include:

<u>Plants</u>

- Halls redtop *(Agrostis halliu)*
- Bent-flowered fiddleneck (*Amsinckia lunaris*)
- Coast rockcress *(Arabis blepharophylla)*
- Pallid manzanita (*Arctostaphylos pallida)*
- Longtail wild ginger (*Asarum caudautum)*
- Alkali milk-vetch *(Astragalus tneer var tener)*
- Cascades Oregon grape *(Berberis nervosa)*
- Big tarplant (Blepharizonia plumose)

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[7] Source: California Natural Diversity Database: https://map.dfg.ca.gov/bios/?tool=cnddbQuick based on 9 quad search accessed 2/14/17.

[8] *Best Management Practices Guidebook for Fuel Management Treatments in Contra Costa County* is available online at www.diablofiresafe.org/publications.html - BMP

- Round-leaved filaree *(California macrophylla)*
- Oakland star tulip *(Calochortus umbellatus)*
- Coastal bluff morning-glory (*Calystegia pururata ssp. saxicola*)
- Hill sun cup (Camissonia graciflora)
- Congdon's tarplant *(Centromadia parryi spp. congdoni)*
- Smooth stem sedge *(Carex laeviculmis)*
- Bolander's water hemlock *(Cicuta maculate var. bolanderi)*
- Franciscan thistle *(Cirsium andrewsii)*
- Alameda County thistle *(Cirsium quercetorum)*
- Presidio clarkia *(Clarkia francisana)*
- Point Reyes bird's beak *(Cordylanthus maritimus spp palistris)*
- Torrye's cryptantha *(Crpthanata torreyana)*
- Western leatherwood *(Dirca occidentalis)*
- California wheat grass *(Elymus stebbinsii)*
- Jepson's coyote thistle *(Eryngium jepsonii)*
- Minute pocket moss *(Fissidens pauperculus)*
- Fragrant fritillary *(Fritillaria liliacea)*
- San Francisco gumplant *(Grindelia hirsutula var. maritime)*
- Diablo helianthella (*Helianthella castanea*)
- Congested headed hayfield tarplant *(Hemixonia congesta spp. congesta)*
- Hogwallow starfish *(Hesperevax caulescens)*
- Loma Prieta hoita (Hoita strobilina)
- Santa Cruz tarplant *(Holocarpa macradenia)*
- California horkelia *(Horkelia californica ssp. californica)*
- Douglas' iris *(Iris douglasiana)*
- Central coast iris *(Iris longipetala)*
- Carquinez goldenbrush *(Isocoma arguta)*
- Southern California black walnut *(Juglans californica)*
- Pointed rush *(Juncus oxymeris)*
- Contra Costa goldfields *(Lasthenia conjugens)*
- Tall layia *(Layia hieracoides)*
- San Francisco lessingia *(Lessingia germanorum)*
- Lovage *(Ligusticum apifolium)*
- Mason's lilaeopsis *(Lilaeopsis masonii)*
- Manycolored lupine *(Lupinus variicolor)*
- Wooly malacothrix *(Malacothrix floccifera)*
- Mt. Diablo cottonweed *(Micropus amphibious)*
- Oregon meconella *(Meconella oregnana)*
- Large leaved sandwort *(Moehringia macrophylla)*
- Woodland woolythreads *(Monolopia gracilens)*
- California wax myrtle *(Morella californica)*
- Robust monardella (*Monardella villosa globosa)*
- Fire poppy *(Paperver californicum)*
- White-rayed pentachaeta *(Penachaeta bellidiflora)*
- Western coltsfoot *(petasites frigidus var. palmatus)*
- Choris' popcornflower *(Plagiobothrys chorisianus var. chorisianus)*
- San Francisco popcorn flower *(Plagiobothrys diffuses)*
- Michael's piperia *(Piperia michaelii)*
- Lobb's aquatic buttercup *(Ranunculus lobbii)*
- Golden current *(Ribes aureum var. gracillimum)*
- Nootka rose *(Rosa nutkana var nutkana)*
- Adobe sanicle *(Sanicula maritime)*
- Chaparral ragwort (*Senecio aphanactis)*
- California skullcap *(Scutellaria california)*

- Most beautiful jewel flower *(Streptanthus albidus ssp. peramoenus*
- California seablite *(Suaeda californica)*
- White panicle aster *(Symphotricum lanceolatum var. hypericum)*
- Saline clover *(Trifolium hydrophilum)*
- Pacific trillium *(Trillium ovatum spp. Ovatum)*
- Coastal triquetrella *(Triquetrella californica)*
- Oval leaved viburnum *(Viburnum llipticum)*

Amphibians & Reptiles

- California tiger salamander *(Ambystoma californiense)*
- California giant salamander *(Dicamptodon ensatus)*
- Western pond turtle *(Emys marmorata)*
- Alameda striped racer (whipsnake*) (Masticophis lateralis euryxanthus)*
- Foothill yellow legged frog *(Rana boylii)*
- California red-legged frog *(Rana draytonii)*
- Coast horned lizard *(Phyrnosoma blainvillii)*
- Coast range newt *(Taricha torosa)*

Birds

- Cooper's hawk *(Accipter cooperi)*
- Sharp shinned hawk *(Accipter striatus)*
- Tricolored blackbird *(Agelaius tricolor)*
- Grasshopper sparrow *(Ammodramus savannarum)*
- Tule greater white fronted goose *(Anser albifron elgasis)*
- Golden eagle *(Aquila chrysaetos)*
- Great egret *(Ardea alba)*
- Great blue heron *(Ardea Herodias)*
- Short eared owl *(Asio flammeus)*
- Long eared owl *(Asio otus)*
- Burrowing owl *(Athene cunicularia)*
- Oak titmouse *(Baeolophus inornatus)*
- American Bittern *(Botaurus lentiginosus)*
- Ferruginous hawk *(Buteo regalis)*
- Cackling goose (*Branta hutchinsii leucopareia)*
- Western snowy plover (Charadrius alexandrines nivosus)
- Vaux's swift *(Chaetura vauxi)*
- Northern harrier *(Circus cyaneus)*
- Snowy egret *(Egretta thula)*
- White tailed kite *(Elanus leucurus)*
- Willow flycatcher *(Empidonax trallii)*
- California horned lark *(Eremophila alpestris actia)*
- Merlin *(Falco columbarius)*
- American peregrine falcon *(Falco peregrinus anatum)*
- Saltmarch common yellowthroat *(Geothlypis trichas sinuousa)*
- Bald eagle *(Haliaeetus leucocephalus)*
- Caspian tern *(Hydroprogne caspia)*
- California black rail *(Laterallus jamaicensis coturniculus)*
- Loggerhead shrike *(Lanius ludovicianus)*
- Alameda song sparrow *(Melospiza melodia pusillula)*
- San Pablo song sparrow *(Melospiza melodia samuelis)*
- Long billed curlew *(Numenius americanus)*
- Black-crowned night heron *(Nycticorax nycticorax)*
- Osprey *(Pandion Haliaetus)*
- *Bryant's savannah sparrow (Passerculus sandwichensis alaudinus)*
- California brown pelican *(Pelecanus occidentalis californicus)*

- Double crested cormorant *(Phalacrocorax auritus)*
- Yellow billed magpie *(Pica nuttalli)*
- California clapper rail *(Rallus longirostris obsoletus)*
- Bank swallow *(Riparia riparia)*
- Rufous hummingbird *(Selasphorus rufus)*
- Yellow warbler *(Setophaga petechial)*
- Lawrence's goldfinch *(Spinus lawrencei)*
- California least tern *(Sternula antillarum)*
- Yellow headed blackbird *(Xanthocephalus xanthocephalus)*

Fish

- Green sturgeon *(Acipenser medirostiris)*
- White sturgeon *(Acipenser trnsmontanus)*
- Sacramento perch *(Archoplits interruptus)*
- Tidewater goby *(Eucyclogobius newberryi)*
- Delta smelt *(Hypomesus transpacificus)*
- Sacramento–San Joaquin tule perch *(Hysterocarpus traski traski)*
- River lamprey *(Lampetra ayresii)*
- Coho salmon *(Oncorhynchus kisutch)*
- Steelhead *(Oncorhynchus mykiss irideus)*
- Chinook salmon spring + winter run *(Oncorhynchus tsawytscha)*
- Sacramento splittail *(Pogonichthys macrolepidotus)*
- Longfin smelt *(Spirinchus thaleichthys)*
- Eulachon *(Thaleichthys pacificus)*

Insects + Invertebrates

- Opler's longhorn moth *(Adlea oplerella)*
- Obscure bumble bee *(Bombus caliginosus)*
- Vernal pool fairy shrimp *(Branchinecta lunchi)*
- *Sand beach tiger beetle (Cicindela hirticollis gravida)*
- Monarch butterfly *(Danaus plexippus)*
- Bay checkerspot butterfly *(Euphydryas editha bayensis)*
- Bridges' coast range shoulderband *(Helminthoglypta nicklianiana bridgesii)*
- Bumblebee scarab beetle *(Lichnanthe ursine)*
- Lee's micro-blind harvestman *(Microcina leei)*
- Plebejus icarioides missionensis *(Mission blue butterfly)*
- Callippe silverspot butterfly *(Speyeria callippe callippe)*
- San Francisco's Bay area leaf cutter bee *(Trachusa gummifera)*

Mammals

- Pallid bat *(Antrozous pallidus)*
- Townsend's big-eared bat *(Corynorhinus townsendii)*
- Berkeley kangaroo rat *(Dipodomys heermanni berkeleyensis)*
- Southern sea otter *(Enhydra lutris nereis)*
- Silver-haired bat *(Lasionycteris noctivagans)*
- Western red bat *(Lasiurus blossevillii*
- Hoary bat *(Lasiurus cinereus)*
- San Pablo vole *(Microtus californicus sanpabloensis)*
- Yuma myotis *(Myotis yumanensis)*
- San Francisco dusky-footed woodrat *(Neotoma fuscipes annectens)*
- Big free-tailed bat *(Nyctinomops macrotis)*
- Salt marsh harvest mouse *(Reithrodontomys raviventris)*
- Angel Island mole *(Scapanus latimanus insularis)*
- Alameda Island mole *(Scapanus latimanus parvus)*

- Suisun shrew *(Sorex ornatus sinuosus)*
- Salt-march wandering shrew *(Sorex vagrans halicoetes)*
- American badger *(Taxidea taxus)*
- Point Reyes jumping mouse *(Zapus trinotatus orarius)*

The area also contains federally designated "critical habitat" for two species[9]:

- Alameda striped racer (formerly called Alameda whipsnake) (*Masticophiis lateralis euryxanthus*),
- Red-legged frog (*Rana draytonii),*

Contra Costa County (covering Kensington) and the City of El Cerrito both have tree related ordinances. Contra Costa County includes protection of "Heritage Trees" with diameter breast height more than 22.9 inches and trees or groves of trees worthy of protection due to historical or ecological interest. Contra Costa County also has "Protected Trees" which are indigenous trees (oaks, pines, buckeye, black walnut, willows, redwood, maple, elderberry, toyon, alder, cottonwood and madrone with diameter breast height of 6 ½ inches or more).

The El Cerrito Municipal Code prohibits five species from being planted in the City of El Cerrito due to their rapid growth, height at maturity, dense foliage, shallow root structure, flammability, breakability or invasiveness. These include: coast redwood, Monterey cypress, Monterey pine, blue gum eucalyptus and red gum eucalyptus. The City also has an ordinance related to obstruction of views by trees on private property.[10] An Urban Forest Management Plan and Urban Greening Plan offer additional strategies for the management of city vegetation.

Public Lands Management

There are three public entities that manage large areas of lands in or adjacent to El Cerrito and Kensington for public access and recreation.

East Bay Regional Park Districts (EBRPD) is a special district that offers developed and dispersed recreation opportunities in over 120,931 acres in Alameda and Contra Costa Counties. The 2,789-acre Wildcat Canyon Regional Park, 740-acre Tilden Nature Area and a portion of Tilden Regional Park are located east of El Cerrito and Kensington. Dispersed park activities include hiking, biking, horseback riding and picnicking. The Nature Area includes the Tilden Little Farm and Environmental Education Center, regional destinations that offer interpretive programs for schools, organized groups as well as the general public.[11] Hazardous fuel management activities in the areas adjacent to El Cerrito and Kensington include seasonal goat grazing, cattle grazing and hand labor. A seven-member elected Board of Directors manages the Park District.

City of El Cerrito manages El Cerrito's largest open space, the 102.5-acre Hillside Natural Area. Located on steep slopes, the area is surrounded by single-family residences.[12] The area includes an abandoned quarry, woodlands, grasslands and several intermittent watercourses. Recreational use of the area includes hiking, walking, dog walking and biking along the trails and fire roads, with access through several neighborhood entry

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[9] US Fish and Wildlife Service. Critical Habitat Mapper. https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77 accessed 2/8/2017

[10] Source: http://ca-elcerrito.civicplus.com/index.aspx?NID=467 and https://www.municode.com/library/ca/el_cerrito/codes/code_of_ordinances?nodeId=TIT10PUPEMOWE_CH10.90OBVITRPRPR accessed 2/21/2017.

[11] Source: http://www.ebparks.org accessed 2/2/2017.

[12] Source: El Cerrito. Urban Greening Plan 2015. http://www.el-cerrito.org/index.aspx?NID=928

points. The Hillside Natural Area has three areas: "Motorcycle Hill" located north of Portrero Avenue, "Madera Property" acquired in 2014 south of Portrero Avenue and the main portion of the area that extends south from Wildwood Creek to the PG&E property on Moeser Lane. The City of El Cerrito is governed by a five-member City Council.

Kensington Police Protection and Community Services District (KPPCSD) is a special district that provides police protection services, park and recreation programs and manages garbage pickup and park operations. They manage the 9-acre Kensington Community Park. A five-member elected Board governs KPPCSD.

Federal Lands

Bureau of Land Management (BLM): While there are no BLM lands in the El Cerrito and Kensington area, local stakeholders work with BLM staff from the Hollister Office in conjunction with federal grants for public education and fuel reduction projects.

US Forest Service (USFS): While there are no USFS lands in the El Cerrito and Kensington area, local stakeholders work with USFS staff from the Vallejo Office in conjunction with federal grants for public education and fuel reduction projects. The USFS often provides grant funding through the California Fire Safe Council.

US Fish and Wildlife Service (USFWS): While there are no USFWS lands in the El Cerrito and Kensington area, local stakeholders work with USFWS regional and zone fire management programs, the Recovery Program on critical habitat for the Alameda Whipsnake, and in Section 7 consultations for Biological Opinions related to fuel modification projects. USFWS funded the Diablo Fire Safe Council's development of the Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County, California in 2009 by a grant through the California Fire Safe Council.

Other Land Managing Entities

Pacific Gas and Electric Company (PG&E), incorporated in California in 1905, is one of the largest combination natural gas and electric utilities in the United States. Based in San Francisco, their service area stretches from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to the Sierra Nevada in the east. PG&E utilizes a program of Integrated Vegetation Management (IVM) to manage vegetation on transmission rights-of-ways. Properly maintained right-of-ways (ROW) are essential for the safety of the public and workers. The long-term goal of their vegetation management program is to provide for public safety, worker safety, and environmental safety while providing for reliable service.[13] El Cerrito and Kensington are located in PG&E's East Bay Division. PG&E high-voltage transmission lines are located in El Cerrito along Moeser Lane and run from the Sobrante and Valley View substations to a substation located between Schmidt Lane and Portola Drive immediately south of the Hillside Natural Area.[14] Local distribution lines also serve individual homes and businesses throughout the community.

East Bay Municipal Utilities District (EBMUD): In addition to the San Pablo Reservoir watershed lands to the east, EBMUD manages two facilities in Kensington: the 22-acre San Pablo Water Treatment Plant and Summit Reservoir which is in the process of being replaced with a new tank, associated facilities and additional native plantings on the 7-acre site. EBMUD also manages two tank sites in El Cerrito (Summit North and Arlington reservoirs) along with other facilities for water delivery.

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[13] Source: http://www.pge.com/ accessed 1/5/16

[14] Source: Solar Photovolataic (PV) and Renewable Auction Mechanism (RAM) Program https://www.pge.com/b2b/energysupply/wholesaleelectricsuppliersolicitation/PVRFO/PVRAMMap/index.shtmlaccessed 1/5/16

Fire Protection Agencies

The El Cerrito Fire Department and Kensington Fire Protection District provide professional fire protection services to the communities. Beginning in 1995, the Kensington Fire Protection District entered into a contract with the City of El Cerrito whereby El Cerrito would provide all fire prevention, fire suppression and emergency services within Kensington for an annual fee. The efforts of these local fire protection agencies are made even more effective through common training in the national incident management systems (NIMS), incident command system (ICS) and the California standardized emergency management system (SEMS) that are used to manage response to multi-agency, multi-jurisdiction emergencies. Master mutual aid plans and automatic aid agreements also bring together resources from outside of the region.

California Forestry and Fire Protection Agency (CAL FIRE): Santa Clara Unit (SCU) provides fire protection for state responsibility areas (SRA). These include East Bay Regional Park District lands in Wildcat Canyon and Tilden Regional Parks located outside of City of El Cerrito and Community of Kensington. SCU also provides fire protection in the SRA of other portions of Contra Costa, Alameda, Santa Clara counties and a portion of San Joaquin County.

East Bay Regional Park District Fire Department: EBRPD Fire Department provides professional fire, medical and aquatic services for emergencies that occur within and adjacent to park district lands. A branch of the Public Safety Division, services include emergency response, search and rescue, fuels management, fire danger and weather information and lifeguard services.

Other Local Stakeholders

Bay View Refuse and Recycling provides curbside green material pickup every other week to the community of Kensington to recycle yard trimmings.

Contra Costa County: The unincorporated community of Kensington is governed by the Contra Costa County Board of Supervisors, and represented by District I Supervisor John Gioia. Supervisor Gioia also serves the unincorporated communities of El Sobrante, North Richmond, Montalvin Manor, East Richmond Heights, Tara Hills and Rollingwood, in addition to Kensington. A five-person volunteer citizen advisory group, Kensington Municipal Advisory Council (KMAC), provides input to the Board of Supervisors on Kensington issues. Other stakeholders in Contra Costa County include: Animal Service, Conservation and Development, Department of Public Works and the Sherriff's Department.

Diablo Fire Safe Council (DFSC) a non-profit organization formed in 1992 to bring together homeowners and agencies in Alameda and Contra Costa Counties to reduce the impact of wildfire. Programs include planning, outreach, education and cost share assistance for hazardous fuel removal.

El Cerrito Community Emergency Response Training (CERT) teaches neighbors to help themselves and each other. The City of El Cerrito Fire Department and the Kensington Fire Protection District have been strongly committed since 1992 providing its citizens with the ability to be self-sufficient for up to 72 hours and beyond in the event of a major disaster. In addition, the CERT Program is a founding member of the Contra Costa County CERT Committee, which oversees citizen preparedness throughout the County.

El Cerrito Trail Trekkers formed in order to build, maintain, publicize and use the little known urban trails of El Cerrito, California.

Friends of Five Creeks, founded in 1996, is an all-volunteer citizens group operating under the fiscal sponsorship of Berkeley Partners for Parks, a 501(c)3 nonprofit corporation. They are a hands-on group that on mobilizes volunteers of all ages to restore, maintain, and

enjoy the creeks and watersheds of the East Bay from North Berkeley to Richmond. In year-round work parties, they help revitalize creeks, improve habitat and water quality, eliminate invasive plant species, and increase public access and stewardship. They have several projects in the El Cerrito Hillside Natural Area.

Kensington Amateur Radio Operators (KARO) and El Cerrito Ham Operators (ECHO) are two groups of amateur radio operators who live in Kensington and El Cerrito and have agreed to support these communities' emergency preparedness activities in conjunction with local CERT programs.

Kensington Public Safety Council (KPSC) has a mission to educate the community on how to prepare for emergencies, strengthen citizen emergency response infrastructure and promote community public safety initiatives. KPSC is integrated with CERT training through the Kensington Fire Protection District.

Kensington Fuel Reduction Group ("the Elves") consist of several groups of homeowners who develop and manage fuel reduction projects along the boundary of Kensington and Wildcat Canyon Regional Park in partnership with EBRPD and DFSC. Since 2009, "Right of Entry" agreements have been in place to guide this work.

Kensington Outlook is a community newsletter that covers local events and issues. The nonprofit Kensington Community Council publishes the Outlook ten times a year.

Mt. Diablo Silverado Council, Boy Scouts of America (MDSC) owns and operates Camp Herms, a year-round camp located on James Place in the El Cerrito hills. Opened in 1930, camp activities include campouts and training. Facilities include a meeting lodge with kitchen, campsites and sleeping shelters.

West Contra Costa Unified School District (WCCUSD): Based in Richmond, WCCUSD covers the cities of El Cerrito, San Pablo, Pinole and Hercules and the unincorporated areas of Bayview-Montalvin Manor, East Richmond Heights, El Sobrante, Kensington, North Richmond and Tara Hills.

1.2 The Planning Process & Stakeholders

The development of the El-Cerrito Kensington Wildfire Action Plan: An Appendix to the Contra Costa Countywide CWPP was made possible through a grant from the Cooperative Fire Program of the U.S. Forest Service, Department of Agriculture, Pacific Southwest Region, through the California Fire Safe Council. The grant would not have been possible without matching in kind services of many stakeholders.

The planning process followed a four-step process that included 4 stakeholder meetings and outreach to the community. Materials were posted on the Diablo Fire Safe Council web site at http://www.diablofiresafe.org/El-Cerrito-Kensington-CWPP-AP.html.

State, local and private agencies, companies, organizations and special interest groups, as well as the residents of El Cerrito and Kensington participated in the development and review of this Plan. Stakeholders included:

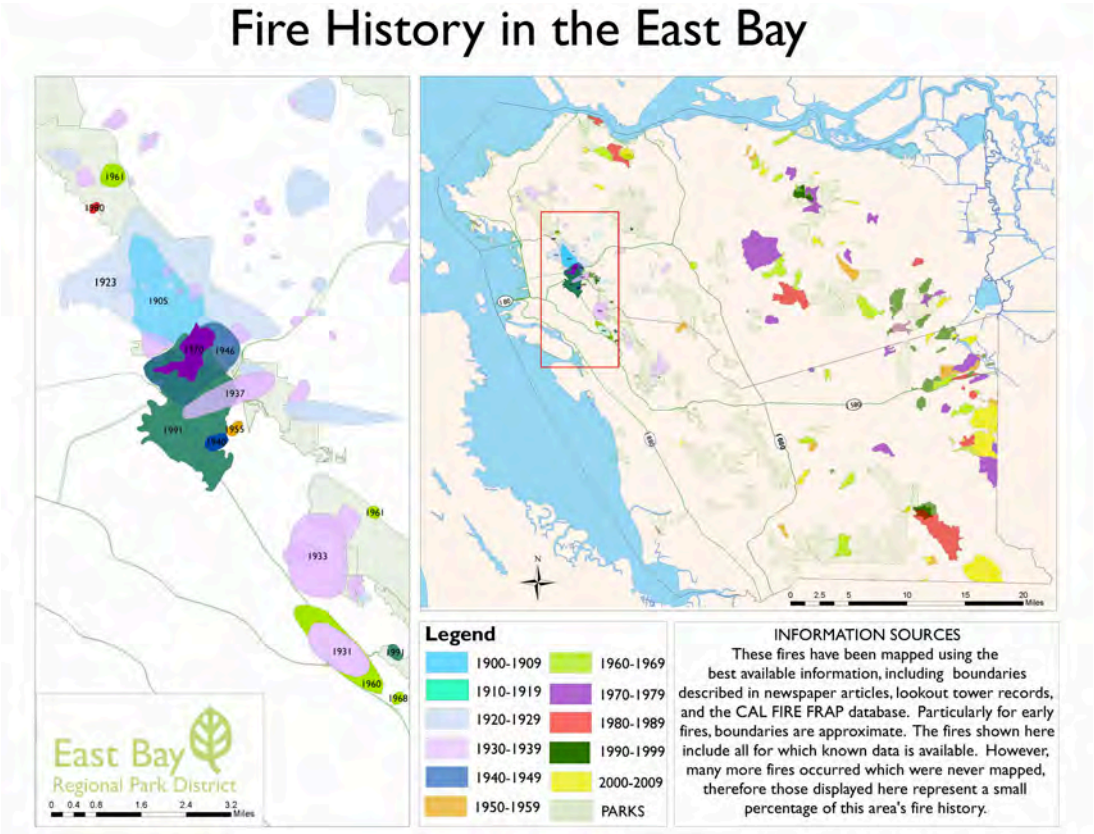
CAL FIRE Santa Clara Unit
Camp Herms (Mt. Diablo Silverado Council, Boy Scouts of America)
California Native Plant Society
Carmelite Monastery, Kensington
Contra Costa County
Diablo Fire Safe Council
East Bay Regional Park District Fire Department
East Bay Regional Park District Wildcat Canyon Regional Park
East Bay Municipal Utility District
ECHO and KARO (amateur radio groups)
El Cerrito City Arborist
El Cerrito Community Garden Network
El Cerrito Garden Club
El Cerrito Fire Department
El Cerrito Historical Society
El Cerrito Public Works
El Cerrito Trail Trekkers
El Cerrito Tree Committee and Green Teams
Friends of Five Creeks
Friends of Kensington Community Center
Kensington Fire Protection District
Kensington Fuel Reduction Group
Kensington Police Protection Community Services Board
Mira Vista Golf Club
Pacific Gas and Electric Company
Villa Mira Vista HOA
West Contra Costa Unified School District

Wildfire Hazard and Risk in the Wildland Urban Interface

2.1 Wildfire Environment

Wildfires are a part of the natural ecosystem in the El Cerrito and Kensington area. The Mediterranean-like climate with no summer rains, the steep, wind-conducive topography, and fire adapted native vegetation set the stage for periodic burns. The fire environment is made more dangerous by the abundant hazards and risk associated with a large population and dense pattern of development. The urban side of the wildland-urban interface brings new hazards into the equation with introduced vegetation, structures constructed of flammable materials and many potential ignition sources.

Contra Costa County has a rich history of over 51 fires since the 1950s resulting in loss of lives, property and natural resources. The most recent was the 3,111-acre Morgan Fire that started on September 8, 2013 (in the eastern part of the County near Clayton). The 1991 "Tunnel Fire" took place seven miles south in the Berkeley and Oakland hills. The 1991 fire destroyed 2,900 structures, the largest recorded number in California history, and is the state's second deadliest fire with 25 fatalities.[1] Historically, more frequent wildfires of lesser intensity were common. Drought and human behaviors, particularly in the arenas of land-use and fire suppression, have



Historically fires in Contra Costa County have clustered in 3 areas: East Bay Hills and along border with Alameda County; east areas of county around Mount Diablo and north areas of central county around Martinez.

[1] Source: http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=908. And http://www.fire.ca.gov/SCU/ accessed 2/8/2017.

had a profound impact on the County's fuel complex and fire regime. This increases the possibility of catastrophic wildfire, especially as the hazards of vegetation, topography, structures and fire weather are present.

Weather

Chief among fire hazards is the area weather. Despite efforts to improve neighborhood safety and fire fighting capability, uncontrollable fire storms will occur under the extreme but periodic conditions of "Red Flag" weather days. The National Weather Service issues "Red Flag" warnings when weather elements such as low relative humidity and strong winds could lead to rapid increases in wildfire activity.

"Red Flag" weather can mean the occurrence of strong, hot, dry offshore winds (technically called "foehn" winds). These winds are known locally as "Diablo Winds" and they come from the north, northeast. They carry extremely dry air at high velocity. They quickly desiccate vegetation and other flammable materials and can push a fire down or up a slope with amazing speed. These can occur at any time of year, but are especially dangerous in the driest months of summer and fall. During these times, fighting a fire becomes far more difficult.

Fuel – Structures and Vegetation

Due to the number and density of homes built in the high fire hazard zone and changes in the natural fire-cycle, El Cerrito and Kensington have areas of highly flammable structures amongst an over-accumulation of flammable vegetation. This massive fuel load of homes and vegetation in the area's steep topography makes fires very difficult to contain. In addition, non-native and invasive weedy vegetation has replaced the more fire resistive and ecologically stable native species in many places, adding to the threat.

Years of drought and associated pests and disease have increased tree mortality. The Contra Costa County region has seen a decline in tree health due to drought, pine beetles and Sudden Oak Death. Ongoing tree mortality assessments will provide additional information on declining conditions.

Topography

The area's steep topography, with canyons and swales, influences fire behavior and in many instances intensifies fire effects. Westward facing slopes are more arid (due to long exposure to the afternoon sun) and thus more combustible. The narrow roads in the steep hillside areas of both El Cerrito and Kensington make ingress and egress difficult and delay fire fighter response time.

2.2 Wildland Urban Interface Risk & Hazard Assessments

The wildland urban interface (WUI) is defined as an area in which wildlands and communities are sufficiently close to each other to present a credible risk of fire spreading from one to the other. Nationally, the WUI has gained increasing importance as more Americans build homes in rural settings adjacent to public lands.

The housing density and geography of El Cerrito and Kensington are such that most of the developed areas not only border WUI areas, but also include conditions within the urbanized areas that can fuel wildfires. The two communities include locations considered "*Very High Fire Hazard Severity Zones*" and are at significant risk for loss of life and property if a fire were to occur on a normal or extreme weather day. For the purposes of this plan, the CAL FIRE Fire Hazard Severity maps were used as a starting point to determine where significant fire hazards

exits both in the wildland and urban areas. Both El Cerrito and Kensington and the adjacent EBRPD parklands have been identified as at significant risk from wildfire.

2.2.1. Potential for Wildfire to Occur

Factor 1 – Risk of Wildfire Occurrence

Fire History Locations

Contra Costa County has a history of fire. The map "*Fire History in the East Bay"* shows many fires throughout the county over the past century. Three areas show clusters of fire:

- East Bay Hills – Richmond, El Cerrito Kensington and Alameda County boundary
- East areas of county around Mount Diablo, Walnut Creek, San Ramon
- North areas of central-county around Martinez.

Fire History Patterns, Climate Change Impact and Ignitions

There is limited detailed information on fires in the El Cerrito and Kensington area. However, a regional look at the 15 fires in the vicinity of the Caldecott Tunnel from 1923 – 1991 shows a common pattern of ignitions during critical Diablo Wind conditions in the Fall, occurring every 10 to 20 years. Similar conditions occur in the El Cerrito and Kensington area.

Climate change has the potential to affect multiple elements including fire behavior, ignitions, fire management and vegetation fuels. Hot dry spells may dry out fuels faster and increase disease and insect infestations resulting in higher fuel loads. Increased winds may result in more erratic fire behavior making fires harder to contain.

As a part of its fire management plan, EBMUD looked at causative agents for fires on its watershed from 1980-1997. Many ignitions were "unknown," but known causes were primarily human and included arson, camping and picnic activities, power lines, fireworks, fuel reduction activities, smoking, children, automobiles and rekindles. Only 2 out of the 174 fires analyzed were caused by lighting. EBMUD used this information to help identify high fire risk areas including:

- All interface or intermix areas
- High use or recreational areas
- High travel transportation corridors with roadside grasslands.

EBRPD did a similar analysis of 1,900 fires over twelve years in Alameda and Contra Costa Counties and reached similar conclusions. While there has been no specific fire history developed for the El Cerrito - Kensington area, stakeholders and fire personnel familiar with the communities' fire history felt that these causes and patterns could be extrapolated to this area.

Fire Weather

Another factor that has been assessed is fire weather or periods of "Diablo winds" that bring low relative humidity and higher temperatures. Alameda and Contra Costa Counties have 11 remote automated weather stations (RAWS) that provide localized information on the weather. Many fire departments also take local weather readings to supplement these regional data. National Oceanic and Atmospheric Association's National Weather Service also provides "red flag warnings" and "Fire Weather Watch" of periods of high fire danger. www.wrh.noaa.gov/firewx/cafw/

Communities at Risk

In association with the development of the National Fire Plan, the Federal Register published a list of Communities at Risk in 2001.[2] Twenty-five communities in Contra Costa County were identified, including El Cerrito and Kensington. This list provided another confirmation of El Cerrito and Kensington as high priority areas for wildfire prevention.

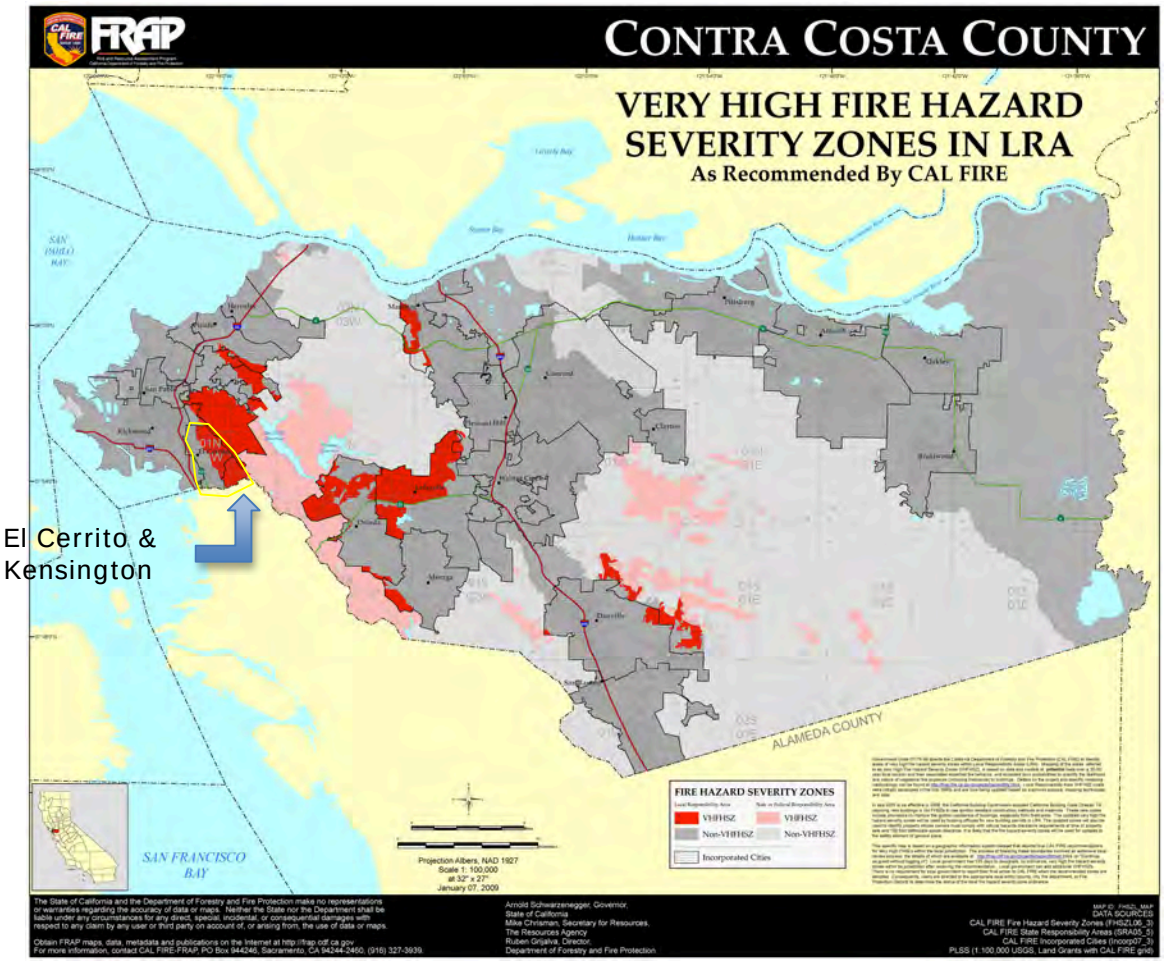
Factor 2 – Fuel Hazards

CAL FIRE Statewide Hazard Assessment Maps

The CAL FIRE statewide hazard assessment maps have served as the basis for much of the analysis in Contra Costa County. Very High Fire Hazard Severity Zones for State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) are identified on these maps based on:

- Flame length modeled based on vegetation, topography and weather.
- Crown fire potential, ember production and ember movement
- Likelihood of burning based on fire history and other factors.[3]

The hills portion of El Cerrito (see detailed map in Appendix) and all of Kensington were identified as very high wildfire hazard severity zones, as well as the adjacent EBRPD lands.



[2] http://cdfdata.fire.ca.gov/fire_er/fpp_planning_car?filter_text=Contra+Costa&filter_field=county_name&action=Search accessed 2/8/2017

[3] Map from: http://www.fire.ca.gov/fire_prevention/fhsz_maps_contracosta.php accessed 2/8/2017.

2.2.2. What to Protect - Values at Risk within the WUI

Factor 3 – Homes, businesses, critical infrastructure and other values to protect

Millions of people are exposed to the destructive forces of wildfire by virtue of living, working or visiting areas in the WUI. Much of what people value most highly – their lives, family, community, property, as well as cultural, economic and ecological interests is at risk of loss in an uncontrollable wildfire.

During planning meetings, area stakeholders identified homes, businesses, parklands and protected watersheds among values at risk. Regional roads are at risk, as are power and water supply facilities and substations, communications networks.

In addition to looking at fuel hazards, it is important to identify things that should be protected from the hazards. Some of the values at risk to protect include:

- Homes and businesses. The 2010 census shows a population of 23,549 with 10,142 housing units in the City of El Cerrito. Approximately 10,795 people live in 5,250 housing units located in the very high fire hazard severity zone. The unincorporated community of Kensington has a population of 5,077 and 2,199 households all of which are located within the very high fire hazard severity zone.[4] Of particular concern are those who for whatever reason would not be able to leave during an evacuation without assistance. Total monetary value of structures in the area is estimated at more than $4.39 billion.[5]
- Schools. El Cerrito includes four public elementary schools (including public pre-school), a middle school, a high school and a charter school, as well as five private schools. Kensington includes one public elementary school. In addition there are several churches and other private facilities that operate pre-schools and day care.
- Other public facilities. There are no hospitals or critical care facilities in El Cerrito or Kensington. An urgent care facility, the Shields Nursing Center and other private residential care facilities are located primarily in El Cerrito outside of the very high fire hazard severity zone. Other public facilities include the El Cerrito Community Center, El Cerrito Library, Kensington Community Center and Kensington branch of the Contra Costa Library.
- Infrastructure. The PG&E high voltage transmission lines that cross east of Kensington and through El Cerrito to the El Cerrito sub-station are part of the national electric grid, as well as providing power to the region. Similarly, the water facilities operated by EBMUD are critical to the region, as well as for local water delivery. Telecommunication networks and public emergency communication systems also serve the region. A network of local roads maintained by the City of El Cerrito and Contra Costa County provide both emergency access and evacuation routes for residents. Many of these roads are narrow and steep, reflecting the topography.
- Other things to consider. Contra Costa County is seismically active with nearby faults including the Hayward, San Andreas, and other related faults.[6] Seismic activity could impact access, reliability of water supply and result in potential ignitions from gas or fuel lines following an earthquake. The steep hillsides are also geologically unstable, with areas of slides located throughout the hills.

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[4] Data from: http://quickfacts.census.gov/qfd/states/06/0613882.html accessed 2/8/17.

[5] Source: Based on average house value of $589,100

[6] Source: http://earthquake.usgs.gov/hazards/qfaults/map/ Accessed 11/18/2015

While fire is a natural and critical ecosystem process in much of California's diverse terrestrial ecosystem, many of the existing "fire regimes" in the El Cerrito and Kensington area have been drastically altered from their natural variability. Introduced species, fire suppression, disease and insect infestations, and fire suppression are just a few of the reasons why some ecosystems now experience fires that are more intense and damaging. Severe environmental impacts from wildfires can include:

- Damaged fisheries, with increased water temperatures, sedimentation and changes in water quality
- Soil erosion from both wind and water erosion. Accelerated soil erosion can lead to landslides as well as threaten nearby aquatic habitats. Hot fires can also damage soil nutrients or make soil water repellant (hydrophobic).
- Disease and insect infestations as non-native plant species invade burned areas
- Damage to critical wildlife habitat.

Critical wildlife habitat

US Fish and Wildlife Service has identified critical habitat for the Alameda Whipsnake and Red Legged Frog in the East Bay Regional Park lands adjacent to El Cerrito and Kensington. Other federal listed species are identified in the "Best Management Practices Guidebook for Hazardous Fuels Treatments in Contra Costa County" and the *Vegetation Management Almanac for the East Bay Hills*.

Local watersheds, creeks and riparian areas

The City of El Cerrito and Contra Costa County have recognized the value of protecting their local watersheds, creeks and riparian areas and have local storm water management, stream protection ordinances and regulations to protect these resources.[7] State regulatory agencies, including the California Department of Fish and Wildlife (CDFW) and the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), oversee protection of riparian areas, including along seasonal or ephemeral channels, and issue permits required for removal of riparian vegetation. Replanting or revegetation may be required in some areas when vegetation is removed to reduce wildfire hazards.

Significant recreation, scenic areas and areas of historical, economic or cultural value

El Cerrito and Kensington contain publically-owned open spaces with significant values related to recreation and scenic areas. The communities also contain areas of economic and cultural value both as documented historical and undocumented archeological sites.

2.2.3. Protection Capabilities

Factor 4 - Local Preparedness and Fire Fighting Capabilities

As identified in Section 1, local fire protection agencies leverage their resources through participation in emergency management systems and common incident command system. Local preparedness and firefighting capabilities include community preparedness and emergency personnel response. During fire incidents law enforcement, including the El Cerrito Police Department and the Contra Costa County Sheriff, are responsible for coordinating evacuation. Volunteer resources, such as local resident groups, both El Cerrito and Kensington CERT groups, ECHO, KARO and RACES, Contra Costa Medical Reserve Corps and Contra Costa County Office of the Sheriff Volunteers, also play critical roles in both preparedness and during response to wildfires.

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[7] Source: http://ca-elcerrito.civicplus.com/index.aspx?nid=141 accessed 2/8/17

In November 2011, the County Office of Emergency Services produced an Emergency Operations Plan for the Contra Costa Operational Area "for effective and economical allocation of resources for protection of people and property in time of an emergency."[8] The plan establishes the emergency organization, assigns tasks, specifies policies and general procedures, and provides for the coordination of planning efforts of the various emergency staff and service elements utilizing the California Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).

2.3 Strategies for Reducing Risk within the WUI

Wildfire is a natural process in the Contra Costa County ecosystem. The natural hazards of the fire environment – weather, climate, topography and fire adaptive vegetation – all are immutable. Attention to decreasing the human impacts and risk factors can reduce the incidence of catastrophic wildfire. The following potential strategies for reducing risk are organized to focus on each of the existing risk and hazard assessments.

1. Collaborative Partners

   Identifying and working with collaborative partners (including friends and volunteer groups) lays the groundwork for other strategies to reduce the risk of fire. Collaborative efforts may include:

   - Information, including sharing ideas and cross messaging to reach wider audiences.
   - Education - Existing programs include: "Ember Awareness, "FIREWISE, "Ready, Set, Go", Smokey Bear, CERT, volunteers in prevention that can be customized for each community, neighborhood or special interest group.
   - Collaborative planning on a local level with more detailed assessments and project development to reduce risk of fire occurrence. This could also include identifying friends and volunteer groups for project work and facilitating roles for residents.
   - Sharing best practices related to wildfire prevention, hazardous fuel reduction, natural resource conservation and stewardship.
   - Developing policy, such as for planting restrictions or removal of highly flammable plant species.

   Potential collaborative partners identified during the planning process include: the Boy and Girl Scouts of America, CERT, California Office of Emergency Services, planning and building departments, El Cerrito City Council members, Board of Supervisors, Contra Costa Fire Chiefs Association, Master Gardeners, University of California Extension, Institute of Building and Home Safety, California Landscape Contractors Association, local media (such as the aboutkensington.com and El Cerrito Patch), Contra Costa County OES, non profit habitat restoration organizations (such as Friends of Five Creeks), California Native Plant Society, special interest groups (such as El Cerrito Trail Trekkers or Kensington Home Owners Association) and utilities including PG&E and EBMUD.

   Electronic distribution allows for customization and distribution through existing partners networks. Communicating fire safety messages year-round, and identifying and facilitating roles for residents working with agencies could foster collaborative partnerships.

[8] Source: http://www.contracosta.ca.gov/DocumentCenter/View/7352

2. Recommendations to address risk of ignitions

Target key causes of ignitions in areas with ignition history, high equipment use and people (arson or accidents) through:

- Ignition Prevention Education – A specific ignition prevention campaign targeting contractors and public works agencies may help reduce equipment-caused fires. Existing ignition campaigns include "One Less Spark," fire department staff outreach, equipment rental operations and contractors (spark arrestors), mowing guidelines, drought related information. Develop ignition prevention education aimed at both residents and visitors (recreation or trail users).
- Enforcement – enforce restriction on certain activities: support consumer fireworks exclusions (including sky lanterns), fire investigations and working with law enforcement and defensible space inspections/ enforcement. Limit access or activities during periods of high fire danger (red flag warnings). Increase staffing levels and patrols on red flag days. Develop new policy and associated enforcement, such as for planting restrictions or removal of highly flammable plant species.
- Engineering – equipment safety, fuel reduction activities. This could include roadside clearance of vegetation or a juniper removal campaign.
- Areas of high tree mortality due to drought, disease or pest where there may be higher potential for ignition.

3. Recommendations to address fire weather

Improve communication of hazardous weather conditions (red flag weather) through:

- Awareness of hazard conditions and what to do/ not do – red flag program flags, fire danger signs (through community and in parks), education, shared responsibility of agencies and residents. National weather service (NOAA/ Monterey) and remote area weather stations (RAWS).
- Restrictions on specific uses, certain activities, specific operations or equipment (abatement work) during periods of high fire danger weather. Fire weather operations plans.
- Local media alerts during red flag weather. Additional partners can get the word out over a variety of communication systems (newsletters, Nixel, websites, Contra Costa County Warning System emergency alerts, etc.). Shared responsibility – patrols, community watch type activities.

4. Recommendations to address community at risk hazards

- Monitor tree decline mortality due to drought, disease (e.g. Sudden Oak Death) or pest infestation (key areas include: Madera Open Space and "Motorcycle Hill".)
- Develop new policy and associated enforcement mechanisms, such as for planting restrictions or removal of highly flammable plant species.
- Project planning and funding to deal with increase in tree mortality.
- Public education and exterior hazard abatement:
    - Reduce surrounding fuels and ignitability of existing homes and structures – from the house out.
    - Focus on dense vegetation directly adjacent to homes and homes themselves.
    - Weed abatement/ defensible space inspections and enforcement.

- Home ignition zone improvements (beyond weed abatement or fire code requirements).
- Reduce structure ignitability.

- Evacuation routes
- Special needs populations (who, where they are, and needs in event of emergency).

5. <u>Recommendations to further support defensible space programs</u>

- Talk to people about what to do. Prevention programs, communication and education. "How to do" training. Information on flammability of specific plants (e.g. juniper)
- Inspections, enforcement and abatement, including on vacant lots where no structures are present.
- Funding and incentives for private property owners. "Seed" funding for community projects.
- Share effective techniques. Balancing habitat needs and defensible space. Effective techniques to reduce noxious weed invasion after soil disturbing hazardous fuel reduction treatments.
- Chipping programs.

- Green waste pickup or other programs for disposal.
- Hazardous (dead) tree removal programs. Right tree right place program (existing PG&E program)
- Demonstration garden. Showcase successful treatments of private properties where habitat values, aesthetics and fuel reduction (defensible space) goals have been met.

6. <u>Recommendations to support improving structure survivability</u>

- Education regarding home ignition, WUI building standards and existing code requirements. Local building and remodeling standards reflective of the State adopted WUI Chapter 7A or better (recognizing these are minimum standards). Including: Class A roofs, smoke detectors, fire extinguishers, street address numbers. Educational materials to address inside the home, external shell, ember hardening and non-ignition zone (fences, outdoor structures). Use a variety of outreach tools including DVD, website, flyers and presentations.
- Practical retrofit techniques and building materials for roofs, gutters, windows, siding, vents, decks, outbuildings, especially information regarding what can be done without major remodels.
- Sprinkler systems required for new homes or if more than 50% of home is remodeled.

7. <u>Recommendations to support fuel management on public and large scale private lands</u>

- Pre-fire hazardous fuel management program and plans.
- Integrating fire with scientifically based resource and vegetation management that protects and improves native habitat values. A lot of collaborative planning work has been done in the region that should be incorporated. Balance protection of biological

resources with hazardous fuel removal (e.g. bird nesting and 100' defensible space). Support for further research on post fire effects.

- Share project implementation resources (contractors, equipment, specifications), best management practices (BMP) and lessons learned. Use of goats, cattle, control burns, disk or mow fire containment lines, understory maintenance, etc. Including use of volunteers to reduce fuel loads. Identify stakeholders and customize information and delivery methods.
- Project and funding support, for both the individual large property owner and for homeowner associations with private open space (e.g., Villa Mira Vista and Wildwood).
- Access for firefighter and equipment.
- Enforcement for abatement on public lands.

9. Recommendations for protecting homes, businesses, other facilities & essential infrastructure at risk

- Identify infrastructure to protect: roads, power grid, water treatment facilities, communications and utilities. Support hazardous fuel reduction projects, such as those on watersheds, roadside clearances and power-line clearance.
- Identify network of roads for fire response and resident evacuation.
- Water for fire fighting, including public and private sources.
- Provide extra patrols during high fire (Red Flag) days.

10. Recommendations to support Local Preparedness and Firefighting Capability

- Develop local evacuation plans and educate residents on preparedness, including special needs communities and animal rescue and sheltering. Recognize parking on narrow roads further limits fire access and evacuation.
- Support local volunteers and community readiness. Participate in and enhance existing CERT/ Neighborhood Watch programs. Ready Set Go. FIREWISE.
- Continue to support fire department response improvements: expanded mutual aid, wildland fire training, equipment, etc. Coordination between agencies and land managers.
- Continue to support public notifications systems –community warning sirens, Nixel, etc.

Recommended Action Plan

3.1 Selection of Recommended Priorities

The El Cerrito Kensington Wildfire Action Plan was developed through collaboration of stakeholders and residents that attended work sessions, public presentations or commented on draft versions of this plan. Participants were invited to submit project ideas that provide protection and reduce risk. The following recommended priorities are based on this collaboration, as well as the Countywide CWPP, analysis and the recommended strategies for reducing the risk with the WUI detailed in Sections 1 and 2.

Each of the following topics outlines specific recommendations and associated actions. It is anticipated that additional opportunities for actions will be identified as the Fire Action Plan is implemented. Projects, workshops, demonstrations and education efforts will be recommended for implementation and funding based on the following attributes:

- Protects life, property and infrastructure in areas of El Cerrito and Kensington where risk of catastrophic wildfire is most severe.
- Reduces risk of fire spreading between private lands to public lands (regional parklands, open space, or watershed lands) or areas where significant natural or cultural resources are at risk.
- Seeks to create a detailed implementation plan for fire prevention or mitigation at the local level in an area identified as “at risk”.
- Involves stakeholders at all levels, which is to say there is strong community support, as well as support from applicable agencies and landowners. Intensity of local support will be a significant factor when choosing projects.
- Demonstrates the capacity to continue to manage and maintain the project effectively, and/or supports ongoing, previously planned efforts.
- Projects that will improve firefighting response, wildfire control capabilities and residential evacuation plans and operational programs.
- Removal of invasive plants of known high flammability listed in a recognized source such Cal-IPC California Invasive Plant Inventory (publication 2006 or updated).

Many of the recommended actions will take long-term commitment over multiple years to address the complex hazards. Some actions have current funding, but additional funding and efforts are needed to continue to address the issue.

3.2 Information, Education and Collaborative Planning Priorities

Education is viewed as a force multiplier and stakeholders felt it should be a high priority. A key recommendation is working with potential partners to find common ground, share ideas and develop joint implementation of local projects. These partners may expand beyond the traditional agency partners to include volunteer groups who have interest in neighborhood or

nearby open spaces. They may also include organizations, such as the Friends of Five Creeks, El Cerrito Trail Trekkers, California Native Plant Society or Contra Costa County Master Gardeners, offices of the mayor or elected officials, homeowner associations or local businesses. One such recommendation includes supporting fire prevention educational program for ignition prevention.

Priority Action: Fire Prevention Educational Program

Recommendation: Support year-round community efforts with education programs regarding wildfire safety and ignition prevention. These should identify inexpensive things a homeowner, contractors and others can do.

Implementation Actions:

- Identify various audiences (e.g. residents, contractors, special interest groups). Identify the needs of residents versus special interest or recreational users.
- Develop topics including:
    - How the home can ignite (e.g., the ignition chain of how a wildfire or adjacent house fire can be transmitted through the landscape or house to house).
    - Importance of neighborhood defensible space, especially critical on dead end streets or where homes are close together. This information should be made available before inspections.
    - General awareness (e.g. wildfire season, red flag days)
    - Demonstration garden (see discussion in Section 4 Fuel Reduction treatments)
    - How to identify, develop and fund a hazardous fuel reduction project
- Delivery methods: Direct mail, information on existing electronic/ social networks (county, city and community list serves), open houses at Fire Stations and other community events.
- Encourage resident participation

Lead and Partners: Diablo Fire Safe Council and partner agencies.

Time frame: Short-term timeframe. On-going 9 month or year round program.

Estimated Funding Need: $ to development/ distribution of materials and evaluate additional needs.

3.3 Enhanced Suppression Capability and Emergency Preparedness Priorities

Each year wildfires reinforce the importance of local emergency preparedness and evacuation plans. The emergency service agencies (County Office of Emergency Services, El Cerrito Police, County Sheriff, and the various fire departments) are interconnected through mutual aid agreements and common training of the Incident Command System and National Incident Management System. To expand this preparedness to a local and neighborhood level, there are Citizen Emergency Response Training (CERT) programs offered through the El Cerrito and Kensington Fire Departments. One priority recommendation focuses on assisting in the development of local evacuation plans. Another opportunity is to collaborate with updates to local hazard mitigation plan or general plan safety elements.

Priority Action: **Evacuation Planning and Preparedness**

Recommendation: Collaborate with partners (CERT, Neighborhood Watch, Red Cross) to assist community groups in developing neighborhood evacuation plans so residents know what to do in the event of a wildfire.

Implementation Actions:

- Tie to general education of wildland urban interface issues, red flag warnings, "Ready Set Go!". Community warning systems such as Weather Radio, Nixel and Community Warning System.
- Focus on community groups and block level.
- Explain community evacuation procedures and develop appropriate expectations about access/ egress, parking, evacuation routes, role of police and sheriff, notifications etc.
- Identify essential supplies to maintain (Go Pack).
- Identify special populations or needs at the block level.
- Identify primary and secondary evacuation routes. Reinforce understanding that law enforcement is in charge of the evacuation.
- Pre-designate suitable evacuation shelters.
- Physical improvements to the routes as needed (parking restrictions, vegetation clearance, roadside maintenance, signage etc.)

Lead and Partners: Coordinate with other groups that address evacuation trainings such as CERT and Red Cross, as well as outreach to home owner association, fire department and police/sheriff departments.

Time frame: Short to identify, medium to long term to implement improvements.

Estimated Funding Need: $ for maps and brochures; $$$$ for physical improvements.

Prioritizing Hazardous Fuel Reduction Treatments

4.1 Hazardous Fuel Management

Hazardous fuel management, ideally a subset of sound vegetation and ecosystem management, is the practice of removing or modifying vegetation in order to reduce wildfire ignitions, rate of spread and intensity. Fuel management requirements depend on the vegetation type, location, condition and configuration. Given the dynamic nature of the fuels in El Cerrito and Kensington, a single treatment type or prescription is not effective. Follow up is often needed to avoid encroachment by weedy, non-native invasive species. Rigorous oversight, active management and an adaptive approach are required to achieve fuel management goals with a positive by-product of ecosystem improvement.

Generally five fuel management methods are available and used within the WUI:

- Manual (hand labor such as pulling or cutting)
- Mechanical treatment (equipment used for mowing, selective cutting of trees, masticating or crushing)
- Prescribed herbivory (targeted grazing by sheep, goats or cattle)
- Chemical treatment
- Prescribed fire

Specific fuel management treatment goals and methods are addressed more fully in the *Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County*. These best management practice guidebooks will continue to be refined based on environmental compliance documents, adaptive management practices and other lessons learned by the various stakeholders.

The sustainability of fuel management is an on-going challenge at all landscape scales – from the single residence, neighborhoods, public open space, watershed and parklands. Existing residential areas typically depend upon private property owners and their fire agency's fire prevention programs to reduce fuel loads. El Cerrito and Kensington both have the ability to enforce compliance with local fire codes. However, they are limited by the extent of local codes. Any new or in-fill residential development needs not only a plan for fire hazard reduction, but also funding mechanisms for long term vegetation management of any commonly held open space. Funding must include not only initial treatments, but also on-going maintenance on an annual or multi-year cycle.

4.2 Fuel Reduction Treatments – Geographically Based Projects

Public agencies, private owners, and fire districts establish hazardous fuel reduction treatment priorities on a regular basis as a part of their long-range planning or annual budgeting procedures. Some of the public land managers have detailed plans that incorporate fuel reduction treatments. Regionally such plans have not only identified geographically based projects, but also have developed best management practices and mitigation measures that should be incorporated into projects to reduce the impact of fuel

reduction treatments on the environment (see on-line Appendix for further resources and references).

Typically, fuel treatment is done around structures, by roadways and in areas of extreme fire behavior. Treatments addressed in the *Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County*[1] are organized by zone as follows:

- From the Home: 0-30', 30-100'
- Critical Infrastructure: 0–300'
- Emergency Access Roads: 0-30', 30-100'
- Community Protection: 100-300'
- Community Wildland Interface: 1.5-mile area around a community unless otherwise designated.

Regionally, stakeholders in Contra Costa County have further refined this list with the following areas as appropriate for fuel management, which is supported in this El Cerrito Kensington Fire Action Plan:

- Areas within 200 feet of homes in the wildland urban interface (WUI) with excessively flammable vegetation that would produce greater than 8-foot flame lengths.
- Areas within 200 feet of high-value or irreplaceable public facilities in the WUI with excessively flammable vegetation that would produce greater than 8-foot flame lengths.
- Areas within 30 foot to 100 foot of private residences in the WUI with excessively flammable vegetation that would exceed state or local defensible space codes.
- Areas with excessively flammable vegetation due to extreme amounts of litter or ground fuel levels. These may be areas where ground fuels exceed six-inches deep with occasional jackpots of fine material up to three-inch diameter. It may be with greater than two to six tons per acre with ribbon bark and understory fuel ladders in identified high risk forest like eucalyptus or Monterey pine that are subject to torching and crown fires with potential high ember flight rates into residential areas.
- Areas critical to strategic fire fighting operations in the event of a wildfire with excessively flammable vegetation.
- Areas with excessively flammable vegetation within 30 feet of wildfire evacuation and fire fighting access along paved roads and strategic fire trails.
- Areas of invasive plants that will increase the flammability of adjacent natural plant communities or displace more fire safe and fire adapted native species.

The list of current geographically based priority projects follows at the end of this section. An intended outcome of the Fire Action Plan is for this list to be updated annually to ensure that efforts are coordinated whenever possible. Past hazardous fuel reduction projects have included working on public lands, with special interest groups and small groups of homeowners on private property including:

[1] *Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County* (page 7). Available at www.diablofiresafe.org/publications.html#BMP

El Cerrito	Kensington

• Balra Drive
• Bates Avenue
• Camp Herms
• Contra Costa Dr/ King St
• Dorothy Rosenberg Park/ Shevlin Drive
• Hillside Natural Area
• Mira Vista Golf Club
• Villa Mira Vista HOA
• Prospect Sierra School
	• Cambridge Avenue
	• Carmelite Monastery
	• EBRPD - Wildcat Canyon Regional Park with adjacent homeowners on:
	  o Kensington Court
	  o Purdue Meadow
	  o Lake Drive
	  o Los Altos Drive
	  o Beloit Ave
	  o Canon Drive
	• Edgecroft Road
	• Highland Boulevard
	• Kensington Community Center
	• Kensington Elementary School
	• Kingston Road

When funding is available, fuel reduction treatment projects with the following attributes should be given the highest priority:

- Project reduces hazardous fuels that, if left untreated, would generate high intensity burning adjacent to structures or communities at risk, or produce large quantities of airborne burning embers that would carry into communities or other important resources.

- Project reduces hazards along strategic emergency access and evacuation routes, or other critical infrastructure.

- Project includes vegetation modification treatments that will reduce the threat of unacceptable impacts of high intensity fire to high value ecosystems, sensitive watersheds and high concentration recreation areas, including regional parklands or state lands. Projects to include strategies and funding for on-going maintenance, especially follow-up management of non-native invasive species that could create hazardous fire conditions.

4.3 Fuel Reduction Treatments – Related Priorities

In addition to geographically based projects, the stakeholders reinforced the need for a link between education and fuel reduction projects. Wildfire safety requires a partnership between homeowners and agencies, as well as an understanding of what we are trying to achieve if we implement the wildfire safety program or fuel reduction projects.

Priority Action: Demonstration Garden + Other Links Between Education and Projects

Recommendation: Showcase successful treatments of private and public properties for reducing potential for ignition and spread of wildfire.

Implementation Actions:

- Collaborate with others who have shared interest in community
- Look at successful examples in other communities where multiple goals have been met along with fuel reduction (defensible space) including: beautification, habitat values, creek restoration, removal of invasive species, sustainability, etc.
- Explore options for demonstration gardens: developing on public land (such as Kensington Community Center or other locations), in median strips and other small public spaces, showcasing private properties through contests, campaigns (juniper removal), adopt a spot.
- Select initial projects/ programs and outreach methods. Explain role of project – how it works to calm a fire (e.g., role of defensible space and fuel reduction, why some plants are more hazardous than others, what to remove and what to plant).
- Widely disseminate information and gather additional support. Show what community will look like if fire safety projects are implemented. Provide tours, open houses, guides, or pamphlets.
- Provide one-on-one services to talk to individual homeowners about actions they need to take in their homes.
- Develop or disseminate existing companion materials on topics such as: ember awareness, plant flammability, how invasive plants increase fuel loads. Link to websites such as http://www.diablofiresafe.org/tolerance.html on plant performance.

Lead and Partners: Not yet identified

Time frame: On-going

Estimated Funding Need: $ or $$$$

4.4 Environmental Review and Permitting

The El Cerrito Kensington Action Plan, an Appendix to the Contra Costa Countywide CWPP, is an advisory document. The Plan was prepared by the Diablo Fire Safe Council in collaboration with public agencies and other interested stakeholders pursuant to the Healthy Forests Restoration Act. The committee was composed of stakeholders (or their representatives) living in at-risk communities, and the contents of this CWPP are opinions of these stakeholders following the procedures outlined in The Wildland Fire Leadership Council's handbook, "*Preparing a Community Wildfire Protection Plan, A Handbook for Wildland Urban Interface Communities*." More specifically, landscape and fire science

discussions, WUI designation, priority of at-risk communities, regulatory interpretation and other discussions set forth in this Plan are findings and recommendations by these stakeholders to help protect their communities from wildfires. Because this Plan is an advisory document, the Plan does not legally commit any public agency to a specific course of action or conduct and thus, is not a project subject to CEQA or NEPA. At least twelve counties in California have signed CWPPs without considering the CWPP as a project subject to CEQA.

However, if and once funding is received from local, state or federal agencies and prior to work performed, or prior to issuance of discretionary permits or other entitlements by any public agencies to which CEQA or NEPA may apply, the lead agency must consider whether the proposed activity is a project under CEQA or NEPA. If the lead agency makes a determination that the proposed activity is a project subject to CEQA or NEPA, the lead agency must perform environmental review.

In addition to NEPA or CEQA, it is recognized there are a number of permits that may need to be obtained prior to fuel reduction work including:

- US Army Corps of Engineers: Clean Water Act Section 404 or Rivers and Harbors Act Section 10 Nationwide Permit or Individual Permit
- US Fish and Wildlife Service or National Marine Fisheries Service: Section 7 or Section 10 Consultation
- Regional Water Quality Control Board: Clean Water Act Section 401 or Porter Cologne Act 401 Certification or Water Discharge Requirement
- California Department of Fish and Game: Section 1600 Streambed Alteration Agreement; Fish and Game Code and California Endangered Species Act Streambed Alteration Agreement, CESA 2081 or CESA 2080.1 Permit

Other activities may not require specific agency permits, but may require additional review or specific mitigation measures to comply with:

- Migratory Bird Treaty Act
- National Historic Preservation Act (Advisory Council on Historic Preservation Section 106 review; State Historic Preservation Office)
- Bay Area Air Quality Management District Regulation 5. Open Burning.
- County Agricultural Commission, CAL EPA and Federal EPA on use of herbicides
- Local tree ordinances
- Local stream protection regulations
- Local noise ordinances
- City or county road encroachment

2017 Geographically Based
Priority Hazardous Fuel Reduction Projects and Prevention Strategies

Agency or Group	Project or Strategy	Status
CAL FIRE Santa Clara Ranger Unit	Technical support and personnel to allied agencies who are conducting projects in the SRA and LRA of Contra Costa County. See Unit Plan Santa Clara County.	Ongoing Funded
	Coordination of Fire Crews for project work	Ongoing Funded (limited availability)
	Grant programs for SRA area (part of Kensington)	2016-2017 funding
City of El Cerrito- Public Works Department	Continue to implement vegetation management programs in City owned Hillside Natural Area, parks and rights-of-way	Funding Needed
	Continue to coordinate vegetation management programs with volunteers	Ongoing Funded
Diablo Fire Safe Council (DFSC)	Defensible Space Program - seed fund for community projects + chipping	Ongoing Funded
	Partner with homeowners, HOAs and other groups to fund and manage hazardous fuel reduction activities	Ongoing Funded
	Right of Entry with East Bay Regional Park District (Kensington Fuel Reduction Group)	2016-2017 funding
East Bay Regional Park District	Project implementation in East Bay Hills. See Wildfire Hazard Reduction and Resource Management Plan.	Ongoing Funded
	Right of Entry with Diablo Fire Safe Council (Kensington Fuel Reduction Group)	Ongoing Funded
	High fire danger information - use restrictions	
	Integrated Pest Management Program (some treatments also include fuel reduction)	Ongoing Funded
El Cerrito Fire Department/ Kensington Fire Protection District	Continue to implement vegetation management programs. Visually inspect every property (public and private) within El Cerrito and Kensington.	Ongoing Funded
	Notify property owners when vegetation management standards are not being met, and achieve compliance, with 100% voluntary compliance as a goal	Ongoing Funded
	Hire private contractors and CDC crews to maintain and enhance defensible space areas on public land and between natural areas and neighborhoods as funding allows	Additional funding needed
	Continue to dialog and collaborate with East Bay Regional Parks to enhance area fire safety	Ongoing Funded
El Cerrito Trail Trekkers	Continue to implement vegetation management programs with volunteers in Hillside Natural Area and other public owned right of ways (paths)	Volunteer
El Cerrito Tree Committee and Green Team	Continue to implement vegetation management programs with volunteers	Volunteer
Friends of Five Creeks	Continue to implement vegetation management programs with volunteers in Hillside Natural Area and Cerrito Creek	Volunteer

Agency or Group	Project or Strategy	Status
Kensington Community Center Volunteers	Continue to implement fuel reduction projects around Kensington Community Center	Volunteer
Kensington Fuel Reduction Groups	Continue to implement fuel reduction projects under Right of Entry with EBRPD and DFSC	Volunteer
Kensington Public Safey Committee	Continue to implement vegetation management programs with volunteers in Kensington	Volunteer
Pacific Gas and Electric	High voltage and distribution lines vegetation maintenance	Ongoing Funded
	Implement right tree right place	Ongoing Funded

Prioritizing Treatment of Structure Ignitabilty

5.1 Structure Ignitability

The presence of structures within the WUI exposes both the natural and developed environments to increased risk of destruction by wildfire. In areas where the accumulation of flammable vegetation coexists with residential development, an ignition can lead to catastrophic fire. Mitigation of hazards that contribute to ignitability can reduce the potential of fire loss.

Adoption and enforcement of fire and building codes is an essential part of managing the risk in the WUI. The California State Fire Marshal's Office developed state of the art building standards known as "Chapter 7A" effective January 1, 2008 for use on new building construction within Very High Hazard Severity Zones. Other pertinent codes are included in California Code of Regulations (CCR) Title 24, such as the California Building Code (CBC) Part 2, California Residential Code (CRC) Part 2.5, California Fire Code (CFC) Part 9, California Reference Standards Code (CRSC) Part 12. More detail about these codes, code compliance policies and accepted products can be found at http://osfm.fire.ca.gov/codedevelopment/wildfireprotectionbuildingconstruction.

The El Cerrito and Contra Costa County (Kensington) Building Codes meet the Chapter 7A standard for the high fire hazard areas. However these codes apply for new construction but not for remodeling of existing homes.

For communities such as El Cerrito and Kensington that have limited room for new development, it is critical to incorporate fire safety in the general plan safety elements for the City of El Cerrito and for Contra Costa County. In 2012, Senate Bill 1241 was signed into law creating new wildfire safety requirements related to land use planning and updates to the Housing and Safety Elements. The Board of Forestry and CAL FIRE will now sign off on these plans for compliance.

No fire department can be expected to prevent all home losses in a WUI setting. The potential for a wildfire to outpace suppression efforts means that all homeowners in WUI areas must accept a high degree of risk, as well as responsibility.

5.2 Key Ignition Resistance Factors

The key to ignition resistance is the design of the structure, the materials used in its construction and the presence of defensible space. Research points to basic factors that affect the risk of a structure burning in a wildfire. A weakness in any of these areas can lead to a similar result – a destroyed or severely damaged home or building. The following information is adapted from several sources including the Insurance Institute for Building and Home Safety. Additional information can be found at their website https://disastersafety.org/ibhs-risks-wildfire/

Flammability of the Roof

Research shows that homes with a non-combustible roof and defensible space of at least 30 to 60 feet around the structure have an 85-95% chance of survival in a wildfire.[1] At a minimum, a home structure should have a Class A-rated, fire-resistant roof cover or assembly, and preferably one that is self-extinguishing once a falling ember burns out. Self-extinguishing means that the firebrand will not burn through to the roof deck and flames will not spread to other parts of the roof. Without a fire-resistant roof, other approaches toward mitigation will fall short of protecting the home.

Roof shape also plays an important role. If the roof has a lot of ridges and valleys or roof segments that intersect with vertical walls your house is more vulnerable to wildfire. Even a Class-A roof is more vulnerable because vegetative debris and wind-blown embers readily accumulate at these intersections and can expose combustible siding, vents or windows as well as the roof to fire.

Wind-blown debris and overhanging trees can lead to gutters full of leaves and needles on your roof and gutter. Research has shown that a home with a gutter full of leaves has enough fuel to ignite a roof, especially if there is a path for the fire to reach any exposed flammable surfaces such as the edges of roof structure or through vents. Keeping gutters clean of debris is especially important if you have a multi-story building or dormer windows where exterior siding would be exposed to flames from debris in gutters.

Structure Openings – Vents, Doors and Windows

Many post-fire surveys of damaged buildings have shown that the attic/roof and foundation vents are key entry points for embers and flames. Areas where there are direct pathways to the attic, house or crawl space provide an easy entry point. This can include vents, soffits or windows prone to breaking when exposed to wildfire conditions (usually unprotected, single pane windows). Window fans, pet doors, and fireplaces chimneys can allow firebrands to enter if left open or unscreened.

Recent fires have shown that screened vents alone may fail to keep embers out of attics or other spaces. Pre-cut fire resistive covers are one solution. New technology combines several features that increase the effectiveness of preventing embers from entering these flammable spaces; however, maintenance issues need to be evaluated when these products are considered.

Testing has shown that single pane windows are highly vulnerable to breaking when exposed to wildfire conditions. Larger windows are more vulnerable to breaking than smaller windows. Some glass will break after only 1 to 3 minutes exposure to intense heat allowing flames and embers to get inside and further ignite furnishings. Double pane windows with tempered glass for the outside pane can effectively increase the ability to survive a wildfire as well as a long-term solution for energy conservation within the home.

Siding

Siding can be vulnerable for several reasons. If ignited, combustible siding can provide a path for flames to reach other vulnerable components such as windows or eaves. Second, a horizontal or vertical joint in the siding (or at the top or bottom of the material) can provide access for embers or flames into the house. Some materials, such as vinyl siding, will deform and fall off the wall at relatively low heat or flame exposure. If this happens, protection of the structure will depend on the underlying sheathing in the wall assembly.

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[1] Foote, Ethan. "Wildland-Urban Interface Ignition Resistant Building Construction Recommendations." Community Wildfire Protection Plan Workshops, California Fire Alliance and California Fire Safe Council. August 2004.

Walls need to resist heat and flames, as well as embers. Non-combustible materials like three-coat stucco, fiber cement, brick and tile resist flames, but don't always resist heat and embers. Therefore, incorporating sheet-rock or other non-combustible sheathing material into the wall assembly underneath the exterior material will improve performance. Regardless of wall material choice, all gaps at the top or bottom edges, or at lap joints must be sealed or caulked to reduce the potential for ember intrusion. Embers can also accumulate at the foundation if the lower edges of the siding material is left unsealed. The more complicated the lap joint, such as tongue-and-groove or shiplap, the better the resistance from flame or embers. Attention to construction detail, such as use of metal flashing where fences or decks attached to walls can prevent accumulation of debris and slow ignition.

Overhanging Structures

Eaves, alcoves, entry ways, patio covers, decks, porches, and exterior stairways all have the potential to "trap" heat under them or create areas where burning embers can accumulate. Openings or gaps in blocking also result in areas where wind-blown embers can become lodged and ignite debris or wood.

Decking

Decks, patios and porches can become a pathway for fire into a home. Most are attached to a home and adjacent to doors, windows, sliding glass doors or other openings and combustible siding. Materials used to build the deck, the furniture or other items on top of the deck, as well as the items stored beneath them, all can increase the ease of structure ignition. Decks and porches can be particularly vulnerable when the home is sited on a slope or surrounded by vegetation where flame lengths can reach more than 30 feet, exposing even elevated decks.

The combustibility of wood deck boards is common knowledge; however, the performance of plastic composite decking products is less well known. Some manufacturers are incorporating fire retardant chemicals into these products. Information can be found at the California State Fire Marshal Wildfire Protection Building Construction website osfm.fire.ca.gov/codedevelopment/wildfireprotectionbuildingconstruction. Specific products can be searched at the building materials listing at osfm.fire.ca.gov/licensinglistings/licenselisting_bml_searchcotest. In general, large structural members will resist ignition better than small wood boards.

Fuel Hazards

Any fuel source that will bring flames close the structure can be a hazard. Examples of fuel hazards include:

- Flammable plants close to a wall
- Dead foliage that builds up underneath succulents or other normally fire-resistant plants
- Certain types of mulch and
- A combustible fence located close enough to allow flames to contact the overhanging roof above.

Fuel sources within the "defensible space" area that support a high intensity spot fire are especially problematic. These include: any trees that can quickly become a fire torch (such as an untrimmed palm tree) a wooden trellis made of small lumber sizes, playground equipment made with wood pieces, or a pile of firewood on the ground or in a wheelbarrow.

Access to the property

If firefighters and their equipment cannot gain access to the property and a water source, there is little chance they can protect the home. Access also affects the ability of the homeowner to evacuate the site should the need arise. In some areas these narrow roads can become constricted with on-street parking, temporary lane closures, encroachment into the road right of way by construction or by overgrown roadside vegetation. The communities served by only one road are at increased risk.

Surrounding topography and location of structures

Adjacent steep slopes and topographic features, such as natural chimneys or chutes, can intensify fire behavior. Structures located mid-slope or at the top of a steep slope are more likely to be damaged. A steeper slope will result in a faster moving fire, with longer flame lengths. A home with little setback from the slope will need to be more aggressive with vegetation treatment and maintenance.

Weather and "Red Flag" Conditions

Strong winds blowing a fire toward a house will have the same effect as being located on a slope. The fire will move faster and burn more intensely with taller flame lengths, blowing embers in front of the fire during periods of high winds. These high winds are often accompanied with an increase in temperature and decrease in relative humidity creating "Red Flag" conditions that further dry vegetation and wood building materials. Local topography often funnels wind and multiplies regional weather patterns.

5.3 Improving Structure Survivability within the WUI

Protecting structures exposed to wildfires is not a simple matter. Structures can ignite due to direct exposure to flames, from radiated heat or from embers. All three sources must be addressed in order to improve the survivability of structures within the WUI. It is recommended that the following measures be taken:

1. Reduce the amount of heat the structure will be exposed to through managing vegetation, creating defensible space and construction design.
2. Limit the time the structure is exposed to heat through vegetation management. Establishing a low fuel "home ignition zone" immediately adjacent to structures and creating "defensible space" in the first 30 - 100 feet from the house is critical.
3. Use fire resistant building materials and construction methods.
4. Remove combustible materials stored near structures.

Creating an effective defensible space around the structure and maintaining a fire safe landscape are critical to minimizing the threat of ignition. The homes in El Cerrito and Kensington are subject to regulations that require compliance with defensible space standards.

The selection of a building's site and materials has direct relationship to its survivability. New structures need to be located to reduce their exposure to the most intense part of a wildfire that might sweep across the site. There also are many noncombustible and fire resistive materials and treatments available to better protect structures and inhibit fire spread. However, these have limited application to El Cerrito and Kensington since there is little new construction in these communities.

5.4 Retrofitting an Existing Structure for Survivability

The areas at highest risk from wildfire in El Cerrito and Kensington are largely built out. In these communities new construction will occur as infill between existing homes, so the new building codes offer limited opportunities to increase structure survivability. In these areas, identifying opportunities to retrofit existing homes and businesses is key to reducing losses due to wildfire. Outreach and education were again identified as priorities, as the new building codes for ignition resistant construction are not required for remodeling of existing structures. Funding assistance for retrofit of existing structures has been non-existent in the past. In 2011, FEMA provided two grants to assist with wood shake roof replacement (Lake Tahoe Basin FEMA shake roof program and San Bernardino Mountains FEMA wood shake roof replacement assistance).

Priority Action: **Education on Home Ignitions and Training on Structure Retrofit**

Recommendation: Education on home ignitions and training related to retrofit of existing homes and structures to improve their survivability. Identify what can be done without major remodel. Evaluate new technologies, materials and products that are available for retrofit and the pros and cons.

Implementation Actions:

- Find funding for education and training program on ignition resistance
- Develop an educational booklet of simple things homeowners can do to make their home ignition resistant
- Explore dissemination and delivery methods, including building permit counters.

Lead and Partners: No lead identified. Institute for Building and Home Safety has information and research. State Fire Marshal's Office has materials and product information related to Code 7A.

Time frame: On-going

Estimated Funding Need: $$ for training and materials.

The Insurance Institute for Building and Home Safety (IBHS) continues to sponsor building safety research that leads to real-world solutions. They have identified key areas at risk and offer retrofit ideas. The following table has been adapted from IBHS Wildfire Home Assessment and Checklist: see disastersafety.org/wp-content/uploads/wildfire-checklist_IBHS.pdf for additional detailed information. The information has been generalized for planning purposes. Consult building professionals and local building departments for more detail related to your structure.

Retrofitting Existing Structures to Increase Wildfire Survivability

Survivability Threat	*Retrofit*	*Relative Cost/ Ease*
Roof – the most vulnerable part of your home		
Combustible roof.	Professional roof inspection to determine if covering and assembly are not "Class A." Need to remove old roofs.	$$$$ Contractor
Gaps at edges or ridges or other openings in tile (clay) or metal roof	Install bird stops in gaps at edges or ridges. Plug any roof openings that are not functioning as vents	$-$$ Contractor or Experienced DIY
Combustible siding where lower level roof (first floor) meets upper wall or upper level roof (second floor)	Replace siding with more fire resistant material and underlayment	$$-$$$$ Contractor or Experienced DIY
Vegetative debris accumulated on roof and gutters	Routinely remove from roof. For complex steep, roofs may consider hiring professional.	Free - $ Agile homeowner
Vents – vulnerable to wind-blown embers and flames		
Unscreened or unprotected vents (in foundations, crawl spaces, wall, dryer vents or gable end vents)	Attach screens (1/8" opening) or prepare solid covers to install when a wildfire is approaching. Use caution when installing or removing covers on upper story vents.	$ Agile homeowner
Planning to replace vents	Several types of new vent covers on market designed to reduce risk of wind-blown embers. See http://osfm.fire.ca.gov/codedevelopment/wildfireprotectionbuildingconstruction	$$ Experienced DiY
Gutters – fuel for falling embers could lead to fire in attic		
Vegetative debris accumulated in gutters	Clean gutters on regular gutters. For complex steep, roofs may consider hiring professional.	Free - $ Agile homeowner
Tired of cleaning gutters	Gutter covers help manage debris build up. Can result in accumulation of debris on roof behind gutter – so some maintenance may still be required.	$$
Open Eaves or Projections – vulnerable to flame or embers could lead to fire in attic		
Open eave construction or visible gaps between blocking and rafter tails.	Plug openings with durable caulk or install non-combustible covering over blocking to eliminate openings. Alternatively box in eaves. This method may require vents to remove excess moisture.	$-$$$ Contractor or Experienced DIY
Combustible soffit material or materials used to box in eaves (such as wood boards, untreated plywood).	Replace with non-combustible material such as fiber cement product or exterior fire retardant treated plywood. Vinyl soffit material not recommended as it will deform and sag causing gaps.	$$-$$$ Contractor or Experienced DIY

Retrofitting Existing Structures to Increase Wildfire Survivability

Survivability Threat	*Retrofit*	*Relative Cost/ Ease*
Windows – open windows are most vulnerable. The vulnerable part of a closed window is the glass.		
Single pane windows	Install dual pane windows. Preferred are multi- pane, insulated glass with added benefit of greater energy conservation Multi-pane (double or triple), tempered glass is 4 times more resistant to breaking in wildfire. Cost increases are relative to the opening size.	$$$ - $$$$ Contractor
No window coverings to protect from glass breakage	Screens, shutters or pre-made covers will protect window from embers, debris and radiant heat exposure. Covers would be installed prior to evacuation. Least expensive alternative is ½ plywood but need to clear area of combustible material that could ignite plywood.	$-$$ Contractor or Experienced DIY
Dome type skylights vulnerable to breakage	Replace with flat, tempered glass skylight. Remove vegetation and accumulated debris next to and around skylight	$-$$ Contractor or Experienced DIY
Siding – fire from ignited siding can spread into stud cavity and up wall into eave, soffit or attic as well as expose window to flames		
Combustible siding	Re-siding is expensive but can be worthwhile if building is 15 feet or closer to adjacent properties or if inadequate defensible space. Replace with non-combustible siding so vertical flame spread will not be a problem unless you have other combustible materials of highly flammable plants adjacent to wall. Siding products and assembles that are better able to resist penetration of flames into stub cavity can be found at http://osfm.fire.ca.gov/codedevelopment/wildfireprotectionbuildingconstruction	$$$$ Contractor
Gaps in joints of siding panels or simple laps joint or plain bevel joint	Panel products have fewer lap joints and can be considered less vulnerable. Wood siding shingles and plain bevel lap joints are most vulnerable.	$$$$ Contractor
Foundations – post and beam style foundation can result in vulnerable crawl spaces		
Open crawl space and post and beam style foundations	Enclose foundation area with non-combustible skirting material. Be sure to address moisture management issues through drainage and ventilation. Remove combustible materials stored in the crawl space or under the building.	$-$$$ Contractor or Experienced DIY

Retrofitting Existing Structures to Increase Wildfire Survivability

Survivability Threat	*Retrofit*	*Relative Cost/ Ease*
Decks can lead a wildfire directly into you home		
Deck boards of combustible material	Replace deck boards with fire or ignition resistant material. Learn more about choosing wildfire-resistant decking at http://osfm.fire.ca.gov/codedevelopment/wildfireprotectionbuildingconstruction	$$$-$$$$ Contractor or Experienced DIY
Combustible materials stored under or on top of deck	Move material to an enclosed area away from structure. If you choose to enclose underside of deck be sure to address moisture management issues through drainage and ventilation	Free-$$ Experienced DIY
Enclose area below deck to reduce accumulation of wind blown debris or embers	Use solid non-flammable material (fiber cement product or exterior fire retardant treated plywood; not lattice to enclose area below decks. Be sure to address moisture management issues through drainage and ventilation	$-$$ Experienced DIY
Garages can lead a wildfire directly to combustible materials that can threaten you home		
Garage doors can provide embers access to combustible materials	Install weather seal at the perimeter of garage doors to reduce ember penetration.	$-$$ Experienced DIY
Fencing can lead a wildfire directly into you home		
Combustible fencing that attaches directly to the home	Replace combustible fencing with a non-combustible section that is at least 5 feet long. Consider chin link gate, wood frame with metal mesh infill or other non-combustible material. Do not allow climbing vegetation to grown on fence.	$-$$ Experienced DIY

Sustaining the Plan

6.1 Updates of the Wildfire Action Plan

To ensure long-term success, the El Cerrito - Kensington Wildfisre Action Plan needs to include a method for changing, updating and revising the plan. As partners learn from successes and challenges, they may identify new actions or propose a shift in how decisions are made or actions accomplished.

It is important to recognize that many communities may lack resources to engage in a complex planning, monitoring and adaptive management process. The collaborative planning effort for the El Cerrito Kensington Action Plan was funded through a generous grant; however, similar funding is unlikely to be available for update efforts. Regardless, streamlined communications can leverage the initial planning effort to maintain a functioning collaboration and provide updates.

Project partners have agreed to the following roles in sustaining the Plan:

- Diablo Fire Safe Council: Communicate electronically with stakeholders and other partner agencies collecting information for annual status of the plan. Annual information will include an update of the status of geographically based fuel reduction projects and prevention strategies listed in Section 4 Prioritizing Fuel Reduction Treatments and of the priority action projects identified in Sections 3, 4 and 5. Updated information will be posted on the DFSC website and sent electronically to Fire Action Plan planning participants and other interested stakeholders.
- Contra Costa County Association of Fire Chiefs: The Contra Costa County Association of Fire Chiefs provides a forum for interagency information sharing across the many fire jurisdictions. They are in the unique position to continue to foster inter-jurisdictional cooperation on WUI issues and emergency response.
- East Bay Regional Park District: As part of the annual budget development process EBRPD reports the prior year's fuels management accomplishments and present the proposed program of work for the next year. EBRPD works with cooperators to plan and conduct work in a way that improves fire protection and program efficiencies for both EBRPD and the cooperator. Information will be shared with DFSC, which will incorporate the information into the Fire Action Plan updates.
- CAL FIRE: The Santa Clara Unit Strategic Plan updates provide opportunity to view wildfire protection for Contra Costa County in context with neighboring Alameda, Santa Clara and San Joaquin Counties. Contra Costa County is Battalion 6 of seven geographically based battalions in CAL FIRE's Santa Clara Unit. The Santa Clara Unit collects information from the various stakeholders to update their unit plan. The most recent plan was completed in May 2016. Each update of the unit plan will be shared with DFSC, which will incorporate the information into the Fire Action Plan updates.
- Kensington Fire Protection District: The Fire Chief provides an annual report to the Kensington Fire Protection Board that can identify upcoming issues as well as progress. KFPD maintains updated information on the water delivery system in

Kensington. KPFD also matches community fundraising for Kensington Fuel Reduction Group's projects. Information will be shared with DFSC, who will incorporate the information into the Fire Action Plan updates.

- El Cerrito Fire Department: The Fire Chief provides an annual report to the City Council that can identify upcoming issues as well as progress. Information will be shared with DFSC, which will incorporate the information into the Fire Action Plan updates.
- Other Partners: **Note: This section to be further developed as the plan is implemented.**

6.2 Monitoring, Evaluating and Adapting Strategies

The following framework offers strategies to monitor, evaluate and adapt the elements of the Fire Action Plan[1]. Strategies might include:

- Only monitor what matters. Partners should identify key goals and objectives and make decisions to monitor what is most important to the long-term sustainability of their Fire Action Plan.
- Tracking accomplishments and identifying the extent to which Plan goals have been met. This might include development of "success stories." (Examples can be found at www.diablofiresafe.org/current.html)
- Examining collaborative relationships and their contributions to Fire Action Plan implementation, including existing participants and potential new partners.
- Identifying actions and priority fuels reduction projects that have not been implemented and determining why.
- Setting a course for future actions and updating the plan.
- Evaluating the resources necessary for successful Plan implementation. Identifying needed community and homeowner outreach and education programs.

In conducting an evaluation, it is important to think critically about the kind of information that is accessible, what is most important to evaluate and how it might influence future priority activities. For example, the number of homes in a community with an evacuation plan provides insight into the level of preparedness among the general public, but may be difficult to obtain. Each action team should adapt the evaluation process; how information and results are documented with an eye toward refinements of the Fire Action Plan to meet their own needs. The following ideas for monitoring and evaluation are provided as suggestions.

6.2.1 Evaluating Information, Education and Collaborative Planning

Understanding the extent to which information, education and collaborative planning have been maintained, grown or diminished through implementation of the Fire Action Plan will

[1] Evaluation framework adapted from: Community Wildfire Protection Plan Evaluation Guide. Prepared by Resource Innovations, Institute for a Sustainable Environment. August 2008. University of Oregon. http://static.colostate.edu/client-files/csfs/pdfs/eval_9-8-08_web.pdf Accessed 2/28/2017.

help identify strategies to strengthen future efforts. Monitoring and evaluation might address any of the following:

Programs: What kind of information, education and public involvement has the Plan or its implementation fostered? Public meetings, trainings, field trips, demonstration projects, household visits, youth engagement, community events, clean up days.

Public Awareness: What kind of change in public awareness about wildfire has resulted from the plan or implementation actions? Knowledge of fire policies and regulations; change in number and type of human caused wildfires; awareness of local efforts to increase emergency preparedness; outreach efforts or techniques.

Activities: What kinds of activities have citizens taken to reduce wildfire risks as a result of the plan? Defensible space, fuel reduction, household emergency plans, woody debris disposal.

New information: Are there new or updated data sources that might change the risk assessment and influence priorities? Changes to process used to identify fuels treatments priorities? New wildfire related policies or ordinances? Index to access specific information?

Involvement: Who has been involved with the Fire Action Plan development and implementation? How have relationships changed or grown? What expertise or resources did partners bring? Numbers and types of partners (local, regional, state)? Accomplishments or challenges?

Implementation Capacity: How has the collaborative process assisted in implementing the Fire Action Plan and building capacity for the community to reduce wildfire risk? More partnerships, increased financial resources, increases in programs or activities.

Engagement: Have the partners involved in the planning process remained engaged in the implementation? Have new partners become involved?

6.2.2 Evaluating Suppression Capability and Emergency Preparedness

Comprehensive emergency management plays a key role in reducing a community's risk from wildfire and other hazards. Integrating federal requirements for multi-hazard mitigation within the Fire Action Plan efforts can help access federal funds through FEMA and Department of Homeland Security.

Alignment: Is the Plan aligned with emergency operations plans and other hazard mitigation plans? Addressing National Incident Management System (NIMS), State Emergency Management Plan (SEMS) and Incident Command Training (ICS).

Evacuation Planning: Does the Plan include an evacuation plan? Has the plan been tested? Are there local neighborhood evacuation plans, information about special population needs, animal and livestock preparedness, communication systems, resources list?

6.2.3 Evaluating Fuel Reduction

Monitoring hazardous fuels reduction projects on private and public lands will assist stakeholders in understanding the extent to which risk reduction goals and native habitat preservation goals are being accomplished. Monitoring these projects allows stakeholders to better understand the extent of resources needed to accomplish and maintain goals, as well as to help in identifying future priorities.

Fuel Reduction on Public Lands: How many acres have been treated on public land that had been identified as high priority projects? Total number of acres treated; number and percentage in WUI, number and percentage within Fire Action Plan priority area; treatment types.

Fuel Reduction on Private Lands: How many acres have been treated on private land that had been identified as high priority projects? Total number of acres treated; treatment types; number of homes with defensible space; number and percentage treated in low income communities/ vulnerable populations.

Compliance: How many homes are in compliance with local fuel reduction requirements?

Joint Projects: How many projects have spanned ownership boundaries including public and private lands?

Jobs: Economic development and local jobs resulting from fuels reduction or restoration activities. Number of green tons/ volume of woody fuel utilized. Number of part-time/ full time jobs. Percentage of local labor.

Environmental Protection: Ecological monitoring to assess environmental outcomes and maintenance requirements. Community surveys using photo points. Vegetation/ invasive weed surveys.

6.2.4 Evaluating Reducing Structure Ignitability

Monitoring structure survivability of existing structures and new developments span a wide range of actions including retrofit, codes, public knowledge and emergency response capability.

Fire Statistics: Wildfire loss in year reporting on. Number of fire starts within high hazard areas. Number of human caused fires. Number of homes damaged/ lost to wildfire.

Codes and Regulations: Current codes and regulations for wildfire hazards. Building codes (Chapter 7A or better). How is new development increasing in high hazard areas. Requirements for new developments. Mechanism for long term open space fuel management. Infill requirements. Infrastructure design requirements (roads, sprinklers, utilities = NFPA standards).

Public Education: Public knowledge and understanding about structure ignitability. Homeowner education on how to reduce ignitability. How many homes have been retrofitted. Number and percentage of homes in high hazard area included in fire district.

Response Capabilities: Changes of local fire agency response capability. Increase in certified fire fighters/ wildfire training. Upgraded or new fire suppression equipment. Changes in response time, infrastructure, access routes.

Signature Page

El Cerrito Kensington
Fire Action Plan
An Appendix to the Contra Costa Countywide Community Wildfire Protection Plan

Mutual Agreement

This Fire Action Plan developed for El Cerrito and Kensington as an Appendix to the Contra Costa Countywide Community Wildfire Protection Plan:

- Was collaboratively developed. Interested parties and agencies managing land in the El Cerrito and Kensington area have been consulted.
- Identifies and prioritizes areas for hazardous fuels reduction treatments and recommends types and methods of treatments that will protect community members and values at risk.
- Recommends measures to reduce ignitability of structures throughout the area addressed by the plan.

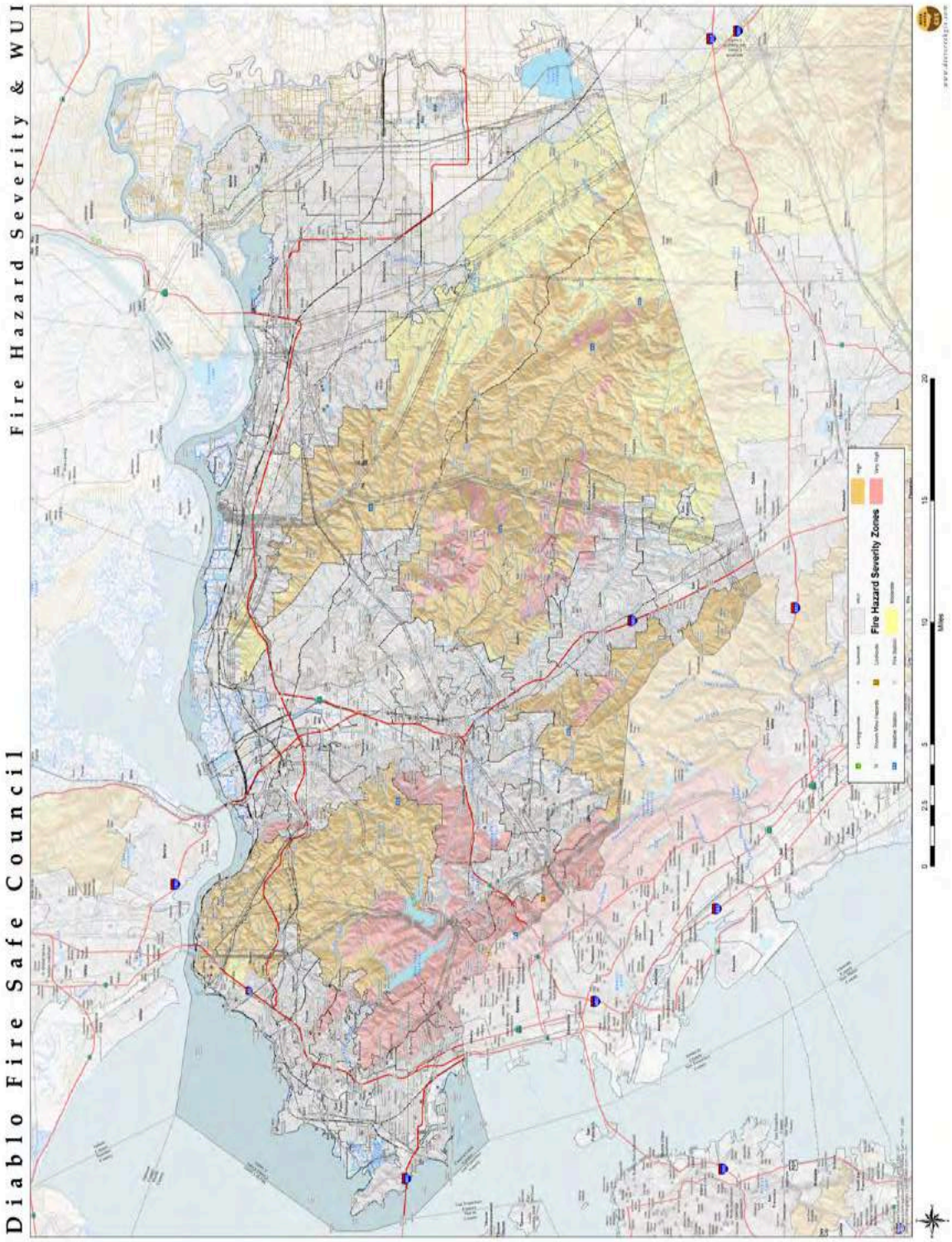
The following letters are from the entities that mutually agree with the contents of this Fire Action Plan.

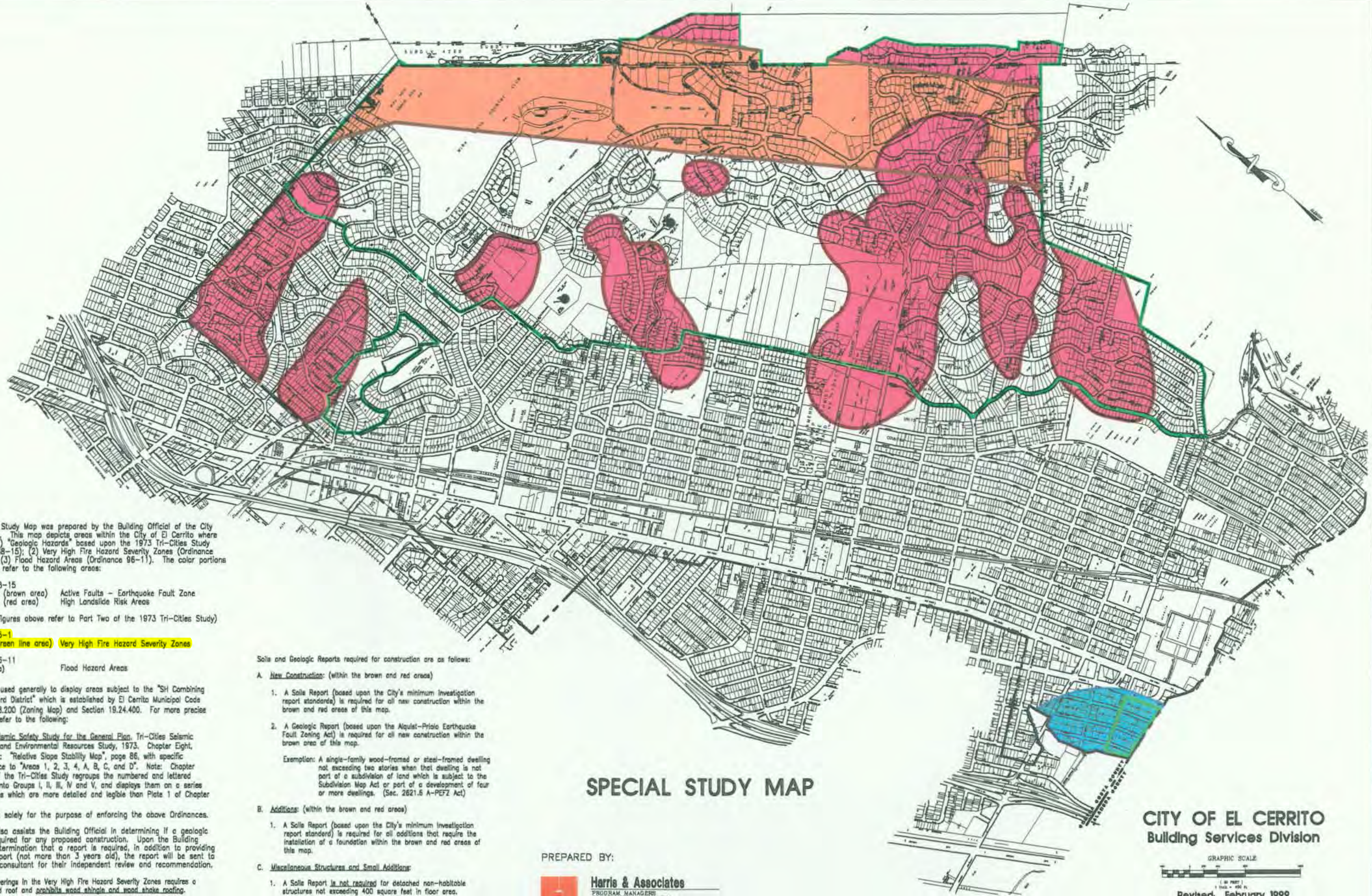
Approved by Resolution
Contra Costa County Board of Supervisors

City of El Cerrito, City Council

Appendix A

Fire Hazard Severity and WUI Area Maps





This Special Study Map was prepared by the Building Official of the City of El Cerrito. This map depicts areas within the City of El Cerrito where there are (1) "Geologic Hazards" based upon the 1973 Tri-Cities Study (Ordinance 88-15); (2) Very High Fire Hazard Severity Zones (Ordinance 95-1); and (3) Flood Hazard Areas (Ordinance 96-11). The color portions of this map refer to the following areas:

Ordinance 88-15
Figure 2 (brown area) Active Faults - Earthquake Fault Zone
Figure 4 (red area) High Landslide Risk Areas

(Note: The Figures above refer to Part Two of the 1973 Tri-Cities Study)

Ordinance 95-1
(within green line area) Very High Fire Hazard Severity Zones

Ordinance 96-11
(blue area) Flood Hazard Areas

This map is used generally to display areas subject to the "SH Combining Seismic Hazard District" which is established by El Cerrito Municipal Code Section 18.08.200 (Zoning Map) and Section 19.24.400. For more precise information refer to the following:

The Seismic Safety Study for the General Plan, Tri-Cities Seismic Safety and Environmental Resources Study, 1973. Chapter Eight, Plate 1: "Relative Slope Stability Map", page 86, with specific reference to "Areas 1, 2, 3, 4, A, B, C, and D". Note: Chapter Four of the Tri-Cities Study regroups the numbered and lettered areas into Groups I, II, III, IV and V, and displays them on a series of maps which are more detailed and legible than Plate 1 of Chapter Eight.

This map is solely for the purpose of enforcing the above Ordinances.

This map also assists the Building Official in determining if a geologic study is required for any proposed construction. Upon the Building Official's determination that a report is required, in addition to providing a recent report (not more than 3 years old), the report will be sent to an outside consultant for their independent review and recommendation.

New roof coverings in the Very High Fire Hazard Severity Zones requires a Class B rated roof and prohibits wood shingle and wood shake roofing.

New construction and additions within the Flood Hazard Area (blue) shall comply with Federal Guidelines for construction in these areas.

Soils and Geologic Reports required for construction are as follows:

A. New Construction: (within the brown and red areas)

1. A Soils Report (based upon the City's minimum investigation report standards) is required for all new construction within the brown and red areas of this map.

2. A Geologic Report (based upon the Alquist-Priolo Earthquake Fault Zoning Act) is required for all new construction within the brown area of this map.

Exemption: A single-family wood-framed or steel-framed dwelling not exceeding two stories when that dwelling is not part of a subdivision of land which is subject to the Subdivision Map Act or part of a development of four or more dwellings. (Sec. 2621.6 A-PEFZ Act)

B. Additions: (within the brown and red areas)

1. A Soils Report (based upon the City's minimum investigation report standard) is required for all additions that require the installation of a foundation within the brown and red areas of this map.

C. Miscellaneous Structures and Small Additions:

1. A Soils Report is not required for detached non-habitable structures not exceeding 400 square feet in floor area.

2. A Soils Report may not be required for small additions (less than 50 square feet in total floor area)

SPECIAL STUDY MAP

PREPARED BY:

Harris & Associates
PROGRAM MANAGERS
CONSTRUCTION MANAGERS
CIVIL ENGINEERS

CITY OF EL CERRITO
Building Services Division

GRAPHIC SCALE

Revised: February 1999

AGENDA BILL

Agenda Item No. 4(D)

Date: April 18, 2017

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director/City Engineer

Subject: On-Call Transportation Engineer – Professional Services Agreements

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ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consultant firms, Fehr & Peers, W-Trans, and Wood Rodgers, Inc. to provide on-call transportation engineering services for three years with options to extend for an additional two years in an amount not to exceed $150,000 per fiscal year for each agreement.

DISCUSSION

The City regularly requires the services of consultant firms to perform transportation engineering work for various projects and efforts in the City of El Cerrito. This type of work is usually variable in scope that may be short-term assignments or may be part of larger capital or planning projects. As a result, most cities, big and small, enter into on-call agreements with consultant firms to assign work as needed. In addition, many cities choose to enter into on-call agreements with multiple firms in order to assure that a consultant's workload issues will not get in the way of a city's critical-path needs, and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment. For complex projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility.

For the past five years, the City of El Cerrito has had two firms, Fehr & Peers and W-Trans, under contract for on-call services. The contract terms expired earlier this year. In order to meet current and anticipated needs for transportation engineering services, City staff issued a Request for Qualifications (RFQ) asking that qualified consultants submit a Statement of Qualifications (SOQ) demonstrating their ability to perform the following services:

- Traffic Control & Safety Evaluation and Implementation
- Traffic Control Plans
- Traffic Calming/Neighborhood Traffic Management
- Speed Zoning
- Traffic Operations and Safety Analysis
- Traffic Signal Timing and Design
- Pedestrian Planning and Design
- Bicycle Planning and Design

- Complete Streets/Context Sensitive Solutions
- Active Transportation
- Roadway and Streetscape Design
- Parking Analysis
- Transportation Planning
- Transportation Impact Assessment
- Transportation Impact Fees and Analysis
- Transportation Demand Management

City staff released the RFQ for On-Call Transportation Engineering Services on March 6, 2017. The availability of the RFQ was posted on the City's website and the RFQ was emailed to approximately 50 transportation engineering firms on the City's consultant list. Five SOQs were submitted by the due date of March 28, 2017. City staff reviewed the SOQs based on the following evaluation criteria as listed in the RFQ:

- Presentation, completeness, clarity, organization, and conformance to the RFQ content and format requirements. (10%)
- Demonstrated ability, based on firm experience and specific experience of the project manager and proposed team, to provide technical assistance on a broad range of the transportation engineering services listed in the RFQ. (30%)
- Demonstrated ability, based on firm experience and specific experience of the project manager and proposed team, for problem solving, development of solutions, project management, and quality control/quality assurance, to successfully manage multiple projects of varying sizes. (30%)
- Prior experience and ability to work with City staff, community groups and other stakeholders, and translating various requirements and interests into successful projects. (15%)
- Availability and depth of staff and resources to deliver quality products on schedule, including work on short notice and under time constraints. (15%)

Three firms rose to the top of the list: Fehr & Peers, W-Trans, and Wood Rodgers, Inc. These firms possess all the requested areas of expertise listed above, have recent experience handling on-call services for municipalities, are available to commence services immediately, and have resources and staffing to complete assignments on a timely basis.

Given El Cerrito's recent demand for transportation engineering services, City staff is recommending that the City enter into agreements with these three firms. The agreement will be based on the City's standard and crafted as a master agreement, with specific scope of services, schedule and cost to be determined on a task order basis. The agreements have an initial term of three years with options to extend for up to two additional years. This time frame will allow the City and the respective consultants to develop significant relationships to better serve the City's residents, businesses and other stakeholders. The firms have submitted billing rate sheets for the various skill levels and specific team members listed in their SOQs along with other charge conditions such as direct costs and mileage.

As needs arise, one or more of the firms will be asked to propose on the scope, schedule and fee for an individual task. Once a proposal is agreed upon, the Public Works Director will issue a task order and work will begin. If the cost of any one task exceeds $150,000 in any one fiscal year or if a series of tasks with one firm exceed $150,000, staff will present additional information and analyses to the City Council for final consideration.

STRATEGIC PLAN CONSIDERATIONS

Completing various transportation engineering projects, planning, and related efforts in a professional and timely manner is consistent with El Cerrito Strategic Plan Goal A of Delivering Exemplary Government Services.

ENVIRONMENTAL CONSIDERATIONS

This proposed action will not result in a project as defined by the California Environmental Quality Act, (CEQA). No further environmental review is needed.

FINANCIAL CONSIDERATIONS

The on-call agreements do not have dollar amounts directly associated with them. The agreed upon proposal for each task will be subject to funding available for that project or for non-project related expenses which will be covered by the Public Works Department's operating budget.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed. In addition, the City Attorney will review and approve the final professional services agreements.

Reviewed by:

Scott Hanin
City Manager

Attachment:

1. Resolution

Agenda Item No. 4(D)
Attachment 1

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH FEHR & PEERS, W-TRANS, AND WOOD RODGERS, INC. TO PROVIDE ON-CALL TRANSPORTATION ENGINEERING SERVICES FOR THREE YEARS WITH OPTIONS TO EXTEND FOR AN ADDITIONAL TWO YEARS IN AN AMOUNT NOT EXCEED $150,000 PER FISCAL YEAR FOR EACH AGREEMENT

WHEREAS, the City requires the services of consultant firms to perform on-call transportation engineering services; and

WHEREAS, it is customary for a city to enter into one or more agreements for these services on an as-needed basis; and

WHEREAS, Government Code Section 4526 requires State and local agencies to select professional services firms such as these on the basis of demonstrated competency and professional qualifications; and

WHEREAS, the City released a Request for Qualifications (RFQ) for on-call transportation services on March 6, 2017 including posting the availability of the RFQ on the City's website and emailing the RFQ to approximately 50 firms; and

WHEREAS, five firms submitted Statements of Qualifications (SOQs) by the due date of March 28, 2017; and

WHEREAS, City staff evaluated the SOQs based on the criteria listed in the RFQ and ranked Fehr & Peers, W-Trans and Wood Rodgers, Inc. as the most qualified for the requested services; and

WHEREAS, the on-call agreements do not have dollar amounts directly associated with them; and the agreed upon proposal for each task will be subject to funding available for that project or for non-project related expenses will be covered by the Public Works Department's operating budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute professional services agreements with three consultant firms, Fehr & Peers, W-Trans, and Wood Rodgers, Inc. to provide on-call transportation engineering services for three years with options to extend for an additional two years in an amount not exceed $150,000 per fiscal year for each agreement.

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

I CERTIFY that at a regular meeting on April 18, 2017 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 April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor

AGENDA BILL

Agenda Item No. 4(E)

Date: April 18, 2017

To: El Cerrito City Council

From: Mark Soltes, Building Official
Margaret Kavanaugh-Lynch, Development Services Manager

Subject: Authorize Agreements with Multiple Firms for On-Call Building Services

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ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute professional services agreements with ten consulting firms to provide on-call building services for three years with options to extend for an additional two years.

BACKGROUND

The Community Development Department issued approximately 1,100 building permits per year over the last five years. During this time, the Department's staffing levels have remained constant. This number has remained reasonably steady in both strong and weak economic years. In September of 2014, the City Council approved the San Pablo Avenue Specific Plan (Plan). Since that time, in addition to the standard work load, fourteen development projects have either been submitted or are already approved through their entitlement phase. In addition, two mid-rise development projects are also currently under construction and it is anticipated that several concurrent mid-rise development projects will be under construction over the next several years.

Additionally, Community Development utilizes outside services to provide Plan Check when needed to maintain timely permit turn around and/or when the project requires specialized review, as is the case with mid-rise and podium projects. In order to be prepared to meet the building staff needs that these new projects will produce and to provide specialized services when needed, staff issued a Request for Qualifications (RFQ) to seek qualified persons or firms (Consultants) to submit a Statement of Qualifications (SOQ) demonstrating their ability to perform building services on an on-call basis. City Council approved the creation of a similar list with multiple firms for on-call planning staff assistance in May of 2016.

Because the anticipated amount of work will be variable in scope and the timing of building submittals are hard to predict, staff believes that on-call agreements with consultant firms are appropriate to augment meeting both the upcoming and specialized workload, as needed. Many cities choose to enter into on-call agreements with multiple firms in order to assure that specialties are met and that any one consultant's workload limits will not prevent a city from meeting its needs. For certain projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility.

ANALYSIS

Staff sent the RFQ to 10 firms on March 20, 2017 requesting SOQs, which were due on April 5, 2017. Staff received ten responses for on call building services. Pursuant to Government Code Section 4526 State and local agencies are allowed to select professional services firms such as these on the basis of demonstrated competency and professional qualifications versus only using the lowest bidder. That approach is also consistent with the City's procurement policy. All selected firms possess several key or all requested areas of expertise, have demonstrated experience handling building on-call services for municipalities, and are available to commence services immediately. All firms have also submitted fee schedules for the various skill levels and specific team members listed in their SOQs; along with other cost-related issues such as direct costs and mileage. The list of firms consists of

1. Builders Protection Group, LLC.
2. Bureau Veritas North America, Inc.
3. CEL Consulting, Inc.
4. CSG Consultants
5. Four (4) Leaf, Inc.
6. Kutzman & Associates
7. SAFEbuilt, LLC
8. Shums Coda Associates
9. TRB+ Associates
10. West Coast Consultants, Inc.

The initial professional services agreements are crafted as master agreements, deferring the specific scope of each task and cost to be determined on a task order basis. The agreements have an initial term of three years with the option to extend for up to two additional years. This time frame will allow the City and the respective consultants to develop significant relationships to better serve the City's residents. If the cost of a series of tasks with any one firm will exceed $250,000 in one year, staff will bring the task before the City Council for approval.

STRATEGIC PLAN CONSIDERATIONS

Completing all necessary review and analysis of proposed development projects in a professional and timely manner is consistent with the Strategic Plan Goal of Delivering Exemplary Government Services.

ENVIRONMENTAL CONSIDERATIONS

This proposed action will not result in a project as defined by the California Environmental Quality Act (CEQA). No further environmental review is needed.

FINANCIAL CONSIDERATIONS

The on-call agreements do not have dollar amounts directly associated with them. The agreed upon proposal for each task will be subject to funding available for that project and provided by the applicant proposing the development or for non-project related expenses which will be covered by the Department's operating budget.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this staff report and associated resolution as part of the packet. In addition, the City Attorney has approved the Professional Services Agreement.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution

Agenda Item No. 4(E)
Attachment 2

RESOLUTION NO. 2017–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH TEN CONSULTANTS TO PROVIDE BUILDING SERVICES ON AN ON-CALL BASIS

WHEREAS, the City requires the services of consultant firms to perform on-call building services; and

WHEREAS, it is common for cities to enter into one or more agreements for these services on an as-needed basis; and

WHEREAS, the total amount for all Task Orders shall not exceed $250,000 per year, per consultant; and

WHEREAS, each Agreement has an initial term of three years with the option to extend for up to two additional years; and

WHEREAS, Government Code Section 4526 allows State and local agencies to select professional services firms such as these on the basis of demonstrated competency and professional qualifications, and selection on that basis is consistent with the City's procurement policy; and

WHEREAS, the City issued a Request for Qualifications to ten firms for on-call building services; and

WHEREAS, ten firms for on-call building services responded in a timely manner with complete statements of qualifications, and staff has determined that all firms have the required qualifications and provide specialty services that are anticipated to be needed to support the City's building services. The list of firms consists of:

1. Builders Protection Group, LLC.
2. Bureau Veritas North America, Inc.
3. CEL Consulting, Inc.
4. CSG Consultants
5. Four (4) Leaf, Inc.
6. Kutzman & Associates
7. SAFEbuilt, LLC
8. Shums Coda Associates
9. TRB+ Associates
10. West Coast Consultants, Inc.

WHEREAS, if the cost of a series of tasks with any one firm exceeds $250,000.00 in one year, staff will bring the task before the City Council for approval.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the City Manager to execute professional services agreements with ten on-call building services firms for periods of three years with options to extend for an additional two years.

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

I CERTIFY that at a regular meeting on April 18, 2017, the City Council 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 April XX, 2017.

_____

Cheryl Morse, City Clerk

APPROVED:

_____

Janet Abelson, Mayor

AGENDA BILL

Agenda Item No. 4(F)

Date: April 18, 2017

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project – Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority and the City of El Cerrito

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ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority (CCTA) and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project.

DISCUSSION

Project Description

The Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project will improve the Ohlone Greenway at the El Cerrito del Norte and El Cerrito Plaza BART Stations. Currently, in the two BART Station areas, the Ohlone Greenway becomes narrower than other segments of the Greenway and has an irregular alignment at street crossings. At the same time, it has higher pedestrian, bicycle, automobile and bus traffic that contribute to increased conflicts between all modes of travel. The Ohlone ASP Project will improve and widen the mixed-use path; upgrade and expand existing crosswalks on adjacent streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and flashing lights; enhance landscaping, lighting, seating, and other amenities; and upgrade and expand the existing camera surveillance system to three key nodes next to the Greenway. The goals of the project are to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community.

Project Funding

In June 2013, the City Council adopted Resolution No. 2013-29 applying for approximately $3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's (MTC) One Bay Area Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements. The Metropolitan Transportation Commission (MTC) formally approved the award in September 2013. The OBAG Program requires a minimum 11.47% percent local match in non-federal funding for each phase of the project. The local

matching funds include $300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project and $149,387 in Park In-Lieu funds contributed by Safeway as part of development of their del Norte Store.

In July 2016, the City Council adopted Resolution No. 2016-54 authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito. At that time, City staff had requested the STMP funding from WCCTAC to cover additional estimated costs for the construction phase including construction contract, contingency, construction management and engineering, inspection and material testing.

The project construction was advertised for bid in late 2016, and the City received three bids. However, the lowest bid came in significantly above the project budget. As such, in January 2017, City Council adopted Resolution 2017-06 rejecting all bids submitted for the project and authorizing City staff to proceed with value engineering measures and re-advertise the project. City staff has been working with the City's consultant team to redesign and restructure the project, as well as, requesting additional funding available through WCCTAC. At its January 27, 2017 meeting, the WCCTAC Board recommended appropriation of $500,000 in West County Sub-regional Transportation Needs category funds (Measure J Program 28b).

CCTA Cooperative Agreement

Measure J Program 28b is a flexible source of funding for sub-regional transportation needs that is programmed by the Regional Transportation Planning Committees (RTPCs), which in our case, is WCCTAC. RTPCs have generally used these funds for common sub-regional priorities, as matching funds to leverage other grants, and to keep projects on track. Program 28b funds are distributed by the CCTA, and CCTA requires that the City enter into Cooperative Agreement No. 28W.03 to receive the funds. The agreement is CCTA's standard agreement for various funding categories.

STRATEGIC PLAN CONSIDERATIONS

The Ohlone ASP Project is consistent with El Cerrito Strategic Plan Goal D – *Develop and rehabilitate public facilities as community focal points*; Goal C – *Deepen a sense of place and community identity by promoting strong neighborhoods*; and Goal F – Foster *environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle*. Consistent with the federal grant goals, the project will improve connectivity, enhance sense of place, bring new vibrancy and support the higher-density transit-oriented neighborhoods adjacent to BART as a place where developers want to build and people want to live, work and visit.

ENVIRONMENTAL CONSIDERATIONS

In 2009, the City completed an Initial Study and Negative Declaration per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone

Greenway Master Plan. The project is consistent with the Master Plan and will not have a significant effect on the environment.

In addition, because the project is federally-funded, the project Design Consultant and City staff completed preliminary environmental studies and various technical studies in compliance with the National Environmental Policy Act (NEPA). Caltrans reviewed the studies and determined that the project has no significant impacts on the environment as defined by NEPA and therefore the project is categorically excluded from the requirements of preparing an environment assessment or environmental impact statement.

FINANCIAL CONSIDERATIONS

The design and construction of the Ohlone ASP Project is currently funded by four sources, as described above, including a federal OBAG grant, Measure J BART project funds, City Park In-Lieu funds, and STMP funds. The current funding total is approximately $4.2 million with an additional $500,000 of Measure J Program 28b funds pending approval of this agreement. The overall project budget is summarized below.

Fund Source	Environmental/ Design	Construction	Total
Federal OBAG	$442,650	$3,025,350	$3,468,000
Measure J BART project	$34,462	$265,538	$300,000
WCCTAC STMP		$300,000	$300,000
City Park In-Lieu Funds	$36,141	$113,246	$149,387
Measure J Program 28b (Current Request)		*$500,000*	*$500,000*
Total	**$513,253**	**$3,704,134**	**$4,717,387**

LEGAL CONSIDERATIONS

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

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution
2. Cooperative Agreement No. 28W.03

Agenda Item No. 4(F)
Attachment 1

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE COOPERATIVE AGREEMENT NO. 28W.03 BETWEEN THE CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) AND THE CITY OF EL CERRITO FOR THE OHLONE GREENWAY BAY AREA RAPIC TRANSIT (BART) STATION AREA ACCESS, SAFETY AND PLACEMAKING IMPROVEMENTS PROJECT

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project is intended to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community; and

WHEREAS, in June 2013, the City Council adopted Resolution No. 2013-29 applying for approximately $3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's One Bay Area Grant Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements; and

WHEREAS, the non-federal local matching funds include $300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project and $149,387 in Park In-Lieu funds that were transferred and appropriated to the Capital Improvements Project Fund; and

WHEREAS, in July 2016, the City Council adopted Resolution No. 2016-54 authorizing the City Manager to execute a Subregional Transportation Mitigation Program Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito for additional costs associated with construction of the project; and

WHEREAS, in January 2017, City Council adopted Resolution No. 2017-06 to reject all construction bids submitted for the project in late 2016 because the lowest bid was significantly above the project budget and authorized City staff to proceed with value engineering measures and re-advertise the project; and

WHEREAS, City staff has been working with the consultant team to redesign and restructure the project and has requested additional funding available through WCCTAC; and

WHEREAS, at its January 27, 2017 meeting, the WCCTAC Board recommended appropriation of $500,000 in West County Sub-regional Transportation Needs category funds (Measure J Program 28b). The funds are distributed by the Contra Costa Transportation Authority; and

WHEREAS, the City completed an Initial Study and Negative Declaration in 2009 per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway

Master Plan, and the project is consistent with the Master Plan and will not have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project.

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

I CERTIFY that at a regular meeting on April 18, 2017 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 April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor

Agenda Item No. 4(F)
Attachment 2

MASTER COOPERATIVE AGREEMENT NO. 28W.03

BETWEEN
THE CONTRA COSTA TRANSPORTATION AUTHORITY
AND
CITY OF EL CERRITO

This **AGREEMENT** is made and entered into on _____2017 by and between the **City of El Cerrito** hereinafter referred to as **"CITY"** and the **CONTRA COSTA TRANSPORTATION AUTHORITY** hereinafter referred to as "**AUTHORITY**", collectively, "**the parties**."

RECITALS

1. **AUTHORITY** and **CITY** pursuant to the Measure C Sales Tax Renewal Ordinance (# 88-01 as amended by # 04-02), hereinafter referred to as "**MEASURE J**," approved by the voters of Contra Costa County on November 2, 2004, hereby desire to enter into a Cooperative **AGREEMENT** to define a framework to enable the two parties to work cooperatively in developing transportation improvements for "Sub-regional Transportation Needs" in Contra Costa County.

2. **CITY** desires to make certain transportation improvements to west county transportation facilities in Contra Costa County, as described in **Exhibit A** to this **AGREEMENT**, hereinafter referred to as the "**PROJECT**."

3. The **PROJECT** is eligible for funding under the "Sub-regional Transportation Needs" project category in MEASURE J.

4. **AUTHORITY** plans to authorize specific funding amounts in one or more resolutions for purposes of accomplishing **PROJECT**, pursuant to specific request(s) for appropriation of funds by **CITY**. Each funding appropriation resolution will set forth additional conditions if any, purpose, and timing for release of identified funds to **CITY** for **PROJECT**. A chronological listing of appropriation resolutions will be included in and made a part of **Exhibit B** (attached), which is hereby incorporated into this **AGREEMENT** and made a part hereof. **Exhibit B** will be updated with each new appropriation resolution. Each request for appropriation of funds will include the most current overall financial plan for the **PROJECT**.

NOW, THEREFORE, in consideration of the foregoing, the **AUTHORITY** and **CITY** do hereby agree as follows:

SECTION I

CITY AGREES:

1. To submit the initial request for appropriation of funds to the **AUTHORITY** for specific components of the **PROJECT** detailing the project scope, schedule and proposed funding plan at least 60 days before the funds are needed.

2. To apply any funds received under this **AGREEMENT** to the **PROJECT** consistent with the terms and conditions specified in the funding appropriation resolution approved by the **AUTHORITY**.

3. To allow the **AUTHORITY** to audit all expenditures relating to the **PROJECT** funded through this **AGREEMENT**. For the duration of the **PROJECT**, and for four (4) years following completion of the **PROJECT,** or earlier discharge of this **AGREEMENT**, **CITY** will make available to the **AUTHORITY** all records relating to expenses incurred in performance of this **AGREEMENT**.

4. To provide invoices and progress reports consistent with **Exhibit C**, along with the summary of expenditures to date, and to maintain strict accounting of all eligible expenses for which future reimbursement will be requested.

5. To prepare a report on an annual basis within ninety (90) **days of** the last day of the **AUTHORITY's** fiscal year which itemizes (a) the expenditure of all funds for the **PROJECT**, and (b) progress to date in its implementation.

6. To comply with the **AUTHORITY's** policy on the management of **MEASURE J** Projects (Resolutions 13-38-P & 08-05-A Rev.1) and all other applicable policies that the **AUTHORITY** may adopt in the future, which are available in the most recent version of the **AUTHORITY's** Strategic Plan or on its website.

7. To be responsible for evaluation of prospective consultants and contractors retained by **CITY** and subsequent award of work consistent with this **AGREEMENT** and any appropriation resolutions.

8. Upon request, to provide copies to the **AUTHORITY** of all executed contracts and other **PROJECT** documents between **CITY** and consultants, contractors and others, involved in the **PROJECT**. Copies of such executed contracts shall be retained for four (4) years following completion of **PROJECT** or earlier discharge of this **AGREEMENT**.

9. To be responsible for **PROJECT** financing and to provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of any appropriation resolution.

10. If the **PROJECT** involves construction, to install a sign approved by the **AUTHORITY** consistent with the specifications included in **Exhibit D** of this **AGREEMENT** (attached), that identifies the Contra Costa Transportation Authority as a funding source, no later than 30 days after the commencement of construction.

11. With respect to funding the acquisition of rights-of-way, the **AUTHORITY's** bond indenture or other financing agreement may prevent the deposit of financing proceeds into an escrow account, unless any interest earned on the escrow account is restricted so that it cannot exceed the yield on the **AUTHORITY's** bonds or notes. To the extent that the **AUTHORITY**, pursuant to a request from **CITY**, funds right-of-way escrows with financing proceeds, **AUTHORITY** will notify **CITY**, and **CITY** agrees to comply with any required restrictions on investment yield.

12. If the **PROJECT** involves right-of-way acquisition, to follow the requirements of California state law and the Federal Uniform Acquisition and Relocation Assistance Act. If applicable, **CITY** shall transfer to **AUTHORITY** a share of the net proceeds, after deducting auditable costs of sales, resulting from the sale of excess lands purchased in whole or in part with financing proceeds provided by the **AUTHORITY**. The **AUTHORITY's** share of these proceeds shall be in the same proportion as the **AUTHORITY's** financing proceeds used in the original purchase of the parcel.

SECTION II

AUTHORITY AGREES:

1. In response to a request from the **CITY** for appropriation of funds, provided notice of cancellation or termination of this **AGREEMENT** pursuant to Section III, paragraph 2 hereof, has not been given, to consider Resolution(s) consistent with available funds and any relevant components of the **AUTHORITY's** *Measure J Strategic Plan* then in effect to finance specific work components for the **PROJECT**, setting forth the level of funding, purpose, timing, and scope of work to be performed by **CITY** pursuant to this **AGREEMENT**. Such resolutions will be incorporated into **Exhibit B** (attached), and by this reference made a part hereof. If warranted, funding resolution(s) may authorize advances or wire transfers to **CITY** to address anticipated cash flow needs.

2. To transfer funds to **CITY** for the purposes described in the relevant resolution subject to **CITY's** compliance with, and in the manner specified in **Exhibit C** (attached).

3. To provide timely notice if an audit is to be conducted.

SECTION III

IT IS MUTUALLY AGREED:

1. Term: This **AGREEMENT** will remain in effect until discharged or terminated as provided in Paragraph 2 below or in this **AGREEMENT**.

2. Termination: This **AGREEMENT** shall be subject to termination as follows:

a. Either party may terminate this **AGREEMENT** at any time for cause pursuant to a power created by the **AGREEMENT** or by law, other than for breach, by giving written notice of termination to the other party. Such notice shall specify both the cause and the effective date of termination. Notice of termination under this provision shall be given at least ninety (90) days before the effective date of such termination.

b. This **AGREEMENT** may be terminated by a party for breach of any obligation, covenant or condition hereof by the other party, upon notice to the breaching party. With respect to any breach which is reasonably capable of being cured, the breaching party shall have thirty (30) days from the date of the notice to initiate steps to cure. If the breaching party diligently pursues cure, such party shall be allowed a reasonable time to cure, not to exceed sixty (60) days from the date of the initial notice, unless a further extension is granted by the non-breaching party. Upon termination, the non-breaching party retains the same rights as a party exercising its right to terminate under the provisions of paragraph 3(a), except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

c. By mutual written consent of both parties, this **AGREEMENT** may be terminated at any time.

3. Indemnity: It is mutually understood and agreed, relative to the reciprocal indemnification of **AUTHORITY** and **CITY**:

a. That neither **AUTHORITY**, nor any officer or employee thereof, shall be responsible for, and **CITY** shall fully indemnify and hold harmless **AUTHORITY** against any damage or liability occurring by reason of anything done or omitted to be done by **CITY** under or in connection with any work, authority or jurisdiction delegated to **CITY** under this **AGREEMENT**. It is also understood and agreed that, pursuant to Government Code Section 895.4, **CITY** shall fully indemnify and hold the **AUTHORITY** harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by **CITY** under this **AGREEMENT** or in connection with any work, authority, or jurisdiction delegated to **CITY** under this **AGREEMENT**.

b. That neither **CITY**, nor any officer or employee thereof, shall be

responsible for, and **AUTHORITY** shall fully indemnify and hold harmless **CITY** against any damage or liability occurring by reason of anything done or omitted to be done by **AUTHORITY** under or in connection with any work, authority or jurisdiction delegated to **AUTHORITY** under this **AGREEMENT**. It is also understood and agreed that, pursuant to Government Code Section 895.4, **AUTHORITY** shall fully indemnify and hold the **CITY** harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by **AUTHORITY** under this **AGREEMENT** or in connection with any work, authority, or jurisdiction delegated to **AUTHORITY** under this **AGREEMENT**.

4. Notices: Any notice which may be required under this **AGREEMENT** shall be in writing, shall be effective when received, and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below, or to such addresses which may be specified in writing to the parties hereto.

Scott Hanin
City Manager
City of El Cerrito
10890 San Pablo Avenue
San Pablo, CA 94530

Randell H. Iwasaki
Executive Director
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

5. Additional Acts and Documents: Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of this **AGREEMENT**.

6. Integration: This **AGREEMENT** represents the entire agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

7. Amendment: This **AGREEMENT** may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this **AGREEMENT** shall be void and of no effect.

8. Independent Agency: **AUTHORITY** renders its services under this **AGREEMENT** as an independent agency. None of the **AUTHORITY**'s agents or employees shall be agents or employees of **CITY**. **CITY** renders its services under this **AGREEMENT** as an independent agency. None of the **CITY's** agents or employees shall

be agents or employees of the **AUTHORITY**.

9. Assignment: The **AGREEMENT** may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

10. Binding on Successors: This **AGREEMENT** shall be binding upon the successor(s), assignee(s) or transferee(s) of the **AUTHORITY** or **CITY** as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this **AGREEMENT** other than as provided above.

11. Severability: Should any part of this **AGREEMENT** be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this **AGREEMENT** which shall continue in full force and effect; provided that, the remainder of this **AGREEMENT** can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

12. Counterparts: This **AGREEMENT** may be executed in counterparts.

13. Survival: The following provisions in **AGREEMENT** shall survive discharge or termination of this **AGREEMENT**.

a. As to **CITY**:
Section I, paragraph 2 (obligation to apply funds to **PROJECT**)
Section 1, paragraph 3 (obligation to allow audit and retain records)
Section I, paragraph 5 (for the year in which discharge or termination occurs only, to prepare an annual report to the **AUTHORITY**)
Section I, paragraph 8 (obligation to provide copies)
Section I, paragraph 9 (obligation to continue to manage **PROJECT**)
Section I, paragraph 12 (obligation to reimburse funds on sale of excess land)

b. As to **AUTHORITY**:
Section II, paragraph 2 (obligation to provide funds for work completed prior to termination without cause)
Section II, paragraph 3 (obligation to provide notice of audit)

c. As to both parties:
Section III, paragraph 2b (rights that survive termination)
Section III, paragraph 3 (indemnity obligations)

14. Limitation: All obligations of **AUTHORITY** under the terms of this **AGREEMENT** are expressly subject to the **AUTHORITY**'s continued authorization to collect and expend the sales tax proceeds provided by **MEASURE J**. If for any reason the

AUTHORITY's right to collect or expend such sales tax proceeds is terminated or suspended in whole or part, the **AUTHORITY** shall promptly notify **CITY**, and the parties shall consult on a course of action. If, after twenty five (25) working days, a course of action is not agreed upon by the parties, this **AGREEMENT** shall be deemed terminated by mutual or joint consent; provided, that any obligation to fund from the date of the notice shall be expressly limited by and subject to (i) the lawful ability of the **AUTHORITY** to expend sales tax proceeds for the purposes of the **AGREEMENT**; and (ii) the availability, taking into consideration all the obligations of the **AUTHORITY** under all outstanding contracts, agreements to other obligations of the **AUTHORITY**, of funds for such purposes.

CITY OF EL CERRITO	**CONTRA COSTA TRANSPORTATION AUTHORITY**
by:_____	**by:**_____
Scott Hanin, City Manager	**, Chair**
ATTEST:	
by:_____	**by:** _____
APPROVED as to form:	**APPROVED as to form:**
by:_____	**by:**_____
Legal Counsel	**Legal Counsel**

Agenda Item No. 4(F)
Attachment 2

COOPERATIVE AGREEMENT NO. 28W.03
between
Contra Costa Transportation Authority
and
West Contra Costa Transportation Advisory Committee

EXHIBIT A

DESCRIPTION OF THE PROJECT

28b Subregional Transportation Needs

CITY will propose programming these funds to any project or program eligible under the provision of the Act. Such projects may include: (1) planning work or environmental studies for a project; (2) implementation of recommended transportation projects in a regional study or plan (including, but not limited to, the El Sobrante Transportation and Land Use Plan, the Richmond Area Community-based Transportation Plan, the El Portal Gateway Plan, the Montalvin Manor Community Plan, the Safe Communities Program, etc.) (3) bus and/or BART improvements; (4) neighborhood traffic calming improvements; (5) transportation/transit information in languages other than English; and/or (6) other eligible transportation investments. CITY will coordinate with the appropriate local jurisdictions/agencies to plan and implement the projects in this category.

Agenda Item No. 4(F)
Attachment 2

COOPERATIVE AGREEMENT NO. 28W.03
between
Contra Costa Transportation Authority
and
West Contra Costa Transportation Advisory Committee

EXHIBIT B

Chronological Listing of Fund Appropriation Resolutions

Project Number	Resolution Number	DATE	FUNDS APPROPRIATED	CUMULATIVE TOTAL
				0

TOTAL FUNDS APPROPRIATED	0

Agenda Item No. 4(F)
Attachment 2

COOPERATIVE AGREEMENT NO. 28W.03
between
Contra Costa Transportation Authority
and
West Contra Costa Transportation Advisory Committee

EXHIBIT C

Method of Payment

1. **CITY** will submit, no more often than monthly, invoices to the **AUTHORITY** which includes all costs of the **PROJECT** for the stated time period.

2. The monthly invoice shall include the following;

A. CITY expenses (if eligible)

1. A listing of staff time providing the name, number of hours worked and charge rate for each. The allowable overhead CITY Staff charge may not exceed 50%. Staff working on activities chargeable to more than one funding resolution (design versus environmental activities for example), should show the appropriate split in hours for each resolution.

2. An itemized list of all other direct costs with identification of the activity to which the expense is chargeable.

B. Consultant/contractor expenses

1. A listing of the prime consultant/contractor and any sub-consultant/sub-contractor labor costs, broken out by funding resolution.

2. An itemized list of all other non-labor costs with identification of the activity to which the expense is chargeable.

3. If the above two items are prepared by **CITY**, a copy of the consultants/contractor invoice should be attached as backup to the above information.

C. Certification

The following statement will be included "We hereby certify that the funds requested CITY are to reimburse CITY for project costs already incurred and have not been included in a previous invoice request."

D. Invoice summary

The following page presents an example of the monthly summary report to be provided with each invoice. All of the information should be provided.

E. Progress Reports

CITY will submit a progress report that summarizes the activities covered by the invoice.

3. No detail of **CITY** or consultant/contractor expenses will be required if total costs are less than $1,000 for the month. The above mentioned detail will be required on the next invoice totaling more than $1,000.

4. The **AUTHORITY** will process reimbursement to **CITY** within **thirty** (30) working days after receipt by the **AUTHORITY** of a monthly invoice, containing all of the information required under item 2 above. The **AUTHORITY** reserves the right to adjust future reimbursements should subsequent review indicate that an invoice included ineligible costs. **AUTHORITY** may reimburse **CITY** either by check, or at **AUTHORITY's** discretion, by wire transfer from its sales tax bond proceeds construction account.

Proponents Name INVOICE SUMMARY 10-Oct-07

Project: 9848
Project Description Period Covered (9/1/07 to 10/1/07)

Invoice Number: 62319

Resolution: 07-51-P

I. Proponent Expenditures - Direct Labor

Person	Position	Hours	Rate	Amount	Total
Smith, Mike	Senior Engineer	16.00	24.56	392.96	
Ross, John	Project Manager	3.5	29.58	103.53	
Total Direct Labor:					496.49
Overhead @	35.00%				173.68
Total Direct Labor This Period					670.17

II. Proponent Expenditures - Direct Expenses

Vendor	Description	Total
Quick Copy	Reproduction	78.65
The Blueprint Shop	Bluelines	251.64
Total Direct Expenses		330.29

Total Direct Expenses by Proponent for Resolution 07-51-P 1,000.46

COOPERATIVE AGREEMENT NO. 28W.03
between
Contra Costa Transportation Authority
and
West Contra Costa Transportation Advisory Committee

EXHIBIT D

Approved Signs for Construction Projects

CITY shall install signs consistent with the specifications detailed in Exhibit D-1 or Exhibit D-2, (attached), if **PROJECT** involves construction.

AGENDA BILL

Agenda Item No. 4(G)

Date: April 18, 2017

To: El Cerrito City Council and Successor Agency Board

From: Melanie Mintz, Community Development Director

Subject: Authorization to Extend Exclusive Negotiating Rights Agreement with Holliday Development, LLC and BRIDGE Housing Corporation for the Development of the Mayfair Block

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ACTION REQUESTED

Adopt a resolution authorizing the extension of an Exclusive Negotiating Rights Agreement (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation for the development of the Mayfair Block through December 28, 2017.

BACKGROUND

The "Mayfair Block" is an approximately 1.75 acre site bordered by San Pablo and Knott Avenues, Kearney Street, and Cutting Boulevard. The block is immediately adjacent to the Del Norte BART station, and consists of three parcels of land (APNs 502-062-003, 502-062-029, 502-062-028) that were purchased by the former El Cerrito Redevelopment Agency (RDA) over a period of time. The property was acquired for the purpose of development and was approved to be transferred to the City for future development in the Successor Agency's Long Range Property Management Plan (Oversight Board Resolution 2015-06, approved by the Department of Finance).

In spring 2016, the Community Development Department undertook a Request for Qualifications/Request for Proposal process to select a team with whom to enter into an Exclusive Negotiating Rights Agreement (ENRA) for development of the Mayfair Block. Based upon the qualifications of the development team assembled by Holliday Development, LLC and BRIDGE Housing Corporation ("Development Team") and the quality of their proposed mixed-use, mixed-income project, in July 2016 the City Council adopted Resolution No. 2016-55 designating Holliday Development, LLC and BRIDGE Housing Corporation as the proposed developer and authorized execution of an ENRA with them. The ENRA established a period of exclusive good faith negotiations during which the parties were to negotiate the terms of a Development and Disposition Agreement (DDA). Issues to be addressed during the 150 day negotiating period established by the ENRA included property purchase price, a development schedule, conditions to conveyance of the property, land title conditions, financing commitment and final project details including those that would be addressed through the entitlement process, including environmental review. The ENRA authorized the City Manager to extend the agreement by 90 days if the Development Team is meeting its obligations. The 150-day plus 90-day extension expires on April 20, 2017. Further extensions require the approval of the City Council.

The ENRA specified milestones related to agreeing on an appraiser and appraisal instructions, conducting due diligence related to the property title and site and environmental conditions, and initiation of the entitlement process. As required by the ENRA, the Developer made a good faith deposit of $60,000 to compensate the City for staff costs to implement the ENRA and to cover the costs of appraisal fees, attorney fees and other costs associated with the negotiations.

Progress has been made on all of the terms contemplated in the ENRA. On September 7, 2016 the Developer presented their project to a joint Planning Commission-Design Review Board study session where the two boards expressed enthusiasm for the project. Approximately five public speakers made comments, and suggestions for refinements to the project's conceptual design were provided by the Planning Commission and DRB. In November, the City and Development Team agreed on an appraiser and the City entered into a contract for the appraisal. The appraisal is still underway with a final appraisal expected to be delivered in early May. In October and November, the Development Team worked to respond to comments received at the public meeting and to refine the project details. On December 20, 2016 the Development Team submitted a formal application for the project. Staff reviewed the application and provided comments and a revised application was submitted on February 17, 2017. The application was deemed complete by the City's Development Services Division on March 13, 2017 and the Environmental Review process has been initiated. Pursuant to the San Pablo Avenue Specific Plan entitlement process, the project is currently tentatively scheduled for Planning Commission consideration at its May 2017 meeting.

The initial negotiating period was set unusually short for an ENRA related to a development of this scale due to the City's desire to move the project forward on as quick a time period as possible. Although the project is moving at a pace to be expected of a project of this complexity, the parties are not in a position to enter into a DDA at this time. The Development Team has requested an extension of the ENRA through December 28, 2017 in order to continue with project predevelopment and negotiation of the DDA.

ANALYSIS

Two key components of the ENRA phase are for the City and the Development Team to agree on a purchase price and for the project to receive its planning entitlement to inform development of the DDA. The DDA would be brought to Council for consideration at the culmination of the land use entitlement process. This proposed schedule best assures that the development is ready to proceed to the building permit and construction phase as entitled and best assures that this property will be developed consistent with what the City and Successor Agency intend for the site. Below is a description of the status of the two key components ENRA components.

1. Purchase Price: Pursuant to Dissolution Law, the property must be sold for either Fair Market Value or Fair Reuse Value. During the ENRA phase and pursuant to the terms of the ENRA, the development team and the City have agreed upon an

appraiser and appraisal instructions. The appraisal is currently underway and it is anticipated that it will be finalized by early May. Once the appraisal is finalized, the Development Team and the City will begin negotiating the terms of the DDA. Terms that will need to be negotiated as part of the DDA include the timing for the conveyance of the property, the conditions to conveyance of the property and the development schedule for the construction of the project.

2. Entitlement: The Development Team has submitted a project that includes 223 residential units, including 156 market rate units and 67 affordable units. The project also includes 10,572 square feet of new commercial space. As a Tier IV Specific Plan project, the entitlement process involves the Planning Commission's consideration of the project's Site Plan and the Design Review Board's review and consideration of the project's design components. In the Specific Plan, the Planning Commission and Design Review Board decisions are both distinct decisions that require that the Environmental Review of the project pursuant to CEQA and the Specific Plan's Programmatic EIR are complete. The Environmental Review is currently underway and the project is tentatively scheduled for the May Planning Commission meeting.

Revised Project Schedule: The major steps required during the ENRA and DDA phases that lead to the property conveyance include: obtaining land use approvals (entitlement), obtaining building permits, obtaining private financing for the market rate units (Holliday) and public financing for the affordable units (BRIDGE). The detailed steps and schedule are items of negotiation in the DDA and will be presented to Council with the DDA, but a preliminary schedule was initially provided with the Development Team's development concept/proposal. A revised project schedule has been submitted for consideration with the requested ENRA extension.

Original Proposed Project Schedule	**Revised Proposed Project Schedule**
July 2016 - Development Team Selected **November 2016** • DDA Approved • Entitlements Completed • Design Development drawings underway **December 2016** • Apply to Contra Costa County for HOME/CDBG funding, Rebound Funds, and to the Housing Authority for Project Based	**July 2016** - Development Team Selected **August 2016** - ENRA Executed **September 2016** - DRB/Planning Commission Joint Study Session **December 2016** • Development Application Submitted • Initiate Appraisal Based upon Proposed Project **January/March 2017** • Initiate Due Diligence and Environmental

Original Proposed Project Schedule	Revised Proposed Project Schedule
vouchers **May/June 2017** • City Submits DDA to Oversight Board for approval of land sale. • Completion of construction drawings • Submit for building permits for Market-rate building **July 2017** - Apply to TCAC for an allocation of 9% tax credits **August/Sep 2017** • Close of Escrow Market Rate parcel and start of construction **December 2017** • Close of Escrow, Affordable parcel and start of construction **Oct/Nov 2018 -** Market Rate apartments completed, occupancy granted **February 2019** - Affordable apartments completed, occupancy granted	Studies • City Review of Development Application • Appraisal Underway • Meetings with BART regarding possible use of adjacent "sliver parcel" • Project Resubmitted/Deemed Complete **April/May 2017** • City Council Consideration of ENRA Extension • Appraisal Completed • Environmental Checklist Completed • Planning Commission Consideration (May/June) **June/July 2017** • Design Review Board (June/July) • DDA Negotiated **August/December 2017** • City Council Consideration of DDA • Mapping/Property Line Adjustment for Creation of Affordable and Market Rate Parcels **December 2017/May 2018** • Market Rate Building Permit(s) Submittal • TCAC Application for Tax Credit Allocation (Affordable Housing) • Affordable Housing Financing Package Secured **June/October 2018** • Market Rate Close of Escrow and Begin Construction • Affordable Housing Building Permit(s) Submittal • Affordable Housing Close of Escrow and Begin Construction **August 2019 -** Certificate of Occupancy Market Rate Apartments

Original Proposed Project Schedule	Revised Proposed Project Schedule
	October 2019- Certificate of Occupancy Affordable Apartments

As noted in the July 2016 Agenda Bill and reflected in the proposed schedule above, the market rate and affordable housing units could proceed on distinct schedules due to the differing financing requirements for the two components of the project.

Other Issues

Sanitary Capacity: As noted in the San Pablo Avenue Specific Plan and July 2016 Agenda Bill, there is an ongoing issue of limited sanitary capacity to serve new commercial and residential development in the City. Currently, projects over 10 residential units, commercial or office development over 10,000 square feet and restaurants over 1,000 square feet are required by Stege Sanitary District (Stege) to conduct a project specific Sewer Capacity Study and propose remedies where capacity is limited. This results in an inefficiency and uncertainty for new development, and is a potential barrier to achieving the Specific Plan goals. Currently, the City and Stege are cooperating on a Priority Development Area-wide capacity study and development of a single capacity fee through a nexus analysis to address capital improvement needs. This effort is funded by both CCTA and MTC PDA Implementation grants in order to support Transit Oriented Development and regional goals. It is anticipated that the capacity study and nexus analysis will be completed in the next two months. Until the issue is resolved and a capacity fee is adopted by Stege, there is price uncertainty with development. This issue will be noted in the project's appraisal and could be a part of land value negotiations. As noted in the July 2016 Agenda Bill, this issue has schedule and cost implications.

BART "Sliver Parcel": The development team continues to contemplate expanding the project through incorporating the adjacent 13,000-square foot BART parcel to include additional retail, flex space and better integrate the site with the Ohlone Greenway. Community Development staff, the development team and BART staff are in communication about this concept and exploring options. This also has potential schedule implications.

STRATEGIC PLAN CONSIDERATIONS

The proposed development fulfills the City's Strategic Plan Goal C: *Deepen a sense of place and community identity and specifically the strategy to reimagine underdeveloped and underutilized properties* and Goal B: *Achieve long-term financial sustainability*.

ENVIRONMENTAL CONSIDERATIONS

The action requested is not a project pursuant to the California Environmental Quality Act. The approval of the ENRA does not commit the City to a specific project or to the sale of the property.

FINANCIAL CONSIDERATIONS

The proposed action does not have any financial implications.

LEGAL CONSIDERATIONS

This has been reviewed by the Successor Agency Legal Counsel.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING EXTENSION OF AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH HOLLIDAY DEVELOPMENT, LLC AND BRIDGE HOUSING CORPORATION FOR THE DEVELOPMENT OF THE MAYFAIR BLOCK

WHEREAS, the former El Cerrito Redevelopment Agency ("Agency") acquired that certain property bordered by San Pablo and Knott Avenues, Kearney Street, and Cutting Boulevard and designated as APNs 502-062-003, 502-062-029, 502-062-028 (the "Property," also known as the "Mayfair Block") for the purposes of facilitating development of the Property consistent with the El Cerrito Redevelopment Plan; and

WHEREAS, the former Agency was dissolved in accordance with State law effective February 1, 2012; and

WHEREAS, the Successor Agency to the El Cerrito Redevelopment Agency ("Successor Agency"), in accordance with Health and Safety Code Section 34191.5 approved a long range property management plan ("LRPMP") dealing with the disposition of all of the former Agency owned property; and

WHEREAS, the LRPMP was approved by the Oversight Board to the Successor Agency and subsequently approved by the California Department of Finance; and

WHEREAS, the LRPMP called for the Property to be transferred to the City for future development; and

WHEREAS, the City issued a Request for Qualifications/Request for Proposal to potential developers of the Property; and

WHEREAS, City Council designated Holliday Development, LLC and BRIDGE Housing Corporation (Development Team) jointly as the proposed developer for development of the Property and authorized execution of an Exclusive Negotiating Rights Agreement (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation (Resolution 2016-55); and

WHEREAS, the current ENRA has an initial term of 150-days with one 90-day extension option, and expires on April 20, 2017; and

WHEREAS, the Development Team has a complete development application being reviewed for entitlement with the City; and

WHEREAS, the Development Team has requested an extension of the ENRA through December 28, 2017 to continue with project development and negotiation of the Disposition and Development Agreement;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of El Cerrito authorizes and directs the City Manager to extend the ENRA with Holliday Development, LLC and BRIDGE Housing Corporation on behalf of the City through December 28, 2017 and authorizes the City Manager to execute the extension of the ENRA consistent

with the existing terms of the ENRA subject only to such changes as are approved by the City Manager.

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

I CERTIFY that at a regular meeting on April 18, 2017, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

IN WITNESS of this action, I sign this document on April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor

AGENDA BILL

Agenda Item No. 4(H)

Date: April 18, 2017

To: El Cerrito City Council

From: Kristen Cunningham, Senior Human Resources Analyst
Karen Pinkos, Assistant City Manager

Subject: Amendments to the City Classification Plan

ACTION REQUESTED

Adopt a resolution amending the City's Classification Plan to: 1) Ratify the reclassification of Account Clerk to Account Clerk Technician in the Finance Department; and 2) Ratify the reclassification of one Management Assistant to Waste Prevention Specialist in the Operations and Environmental Services Division of the Public Works Department.

BACKGROUND

Human Resources has worked with Department and Division managers to review class specifications throughout the City to confirm that they are representative of organizational changes and duties performed that have evolved over time.

ANALYSIS

Staff has conducted a review of the current staffing and positions within the Finance and Public Works (Operations & Environmental Services Division) Departments. It has been determined that incumbents in both departments are performing duties that are more appropriately placed at higher classification levels:

Account Clerk Technician

A determination has been made that the current Account Clerk in the Finance Department is performing duties that are more aligned with those of the Account Clerk Technician classification. The current Account Clerk has successfully automated and streamlined the capturing of data, enabling the City to create customized advanced reports used by both internal and external customers; completed the integration of the Miscellaneous Billing module of New World Systems, enabling the department to more accurately reflect outstanding Accounts Receivables due to the City; re-initiated collection and reporting activities for returned checks through Financial Credit Network, including researching and resolving payment discrepancies. As a part of her daily duties, the incumbent investigates and resolves customer queries, reconciles and prepares bank and credit card deposits, processes journal entries to record fees, wirings, interest payments and adjustments, and communicates to customers regarding business licenses, permits and other revenue matters. These functions have all been determined to be at the higher level.

Waste Prevention Specialist

A determination has been made that the current Management Assistant within the Operations and Environmental Services Division of the Public Works Department is performing duties that are more aligned with those of the Waste Prevention Specialist classification. The incumbent, housed at the City's Recycling and Environmental Resource Center, has previously been tasked with performing primarily clerical duties that have now expanded to include specific waste prevention related duties. These expanded duties include: providing technical assistance to internal and external customers to help promote recycling and waste reduction citywide; performing initial waste assessments and preparing recommendations; conducting periodic site inspections citywide to measure recycling and waste reduction efforts and preparing related reports; and assisting in the development and implementation of education and outreach activities and programs related to waste reduction. These duties have been determined to be at the higher level.

STRATEGIC PLAN CONSIDERATIONS

Amending the City's classification plan will help fulfill City of El Cerrito Strategic Plan Goal A: Delivering Exemplary Public Services and the following objectives:

- Recruit and retain a talented and effective workforce
- Maintain emphasis on providing excellent customer service

FINANCIAL CONSIDERATIONS

There will be no additional costs for the proposed changes to the classification plan as the costs will be absorbed within the current fiscal year's operating budget.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution

Agenda Item No. 4(H)
Attachment 1

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING THE CITY CLASSIFICATION PLAN TO IMPLEMENT THE RECLASSIFICATION OF ACCOUNT CLERK TO ACCOUNT CLERK TECHNICAN IN THE FINANCE DEPARTMENT AND RECLASSIFICATION OF MANAGEMENT ASSISTANT IN THE PUBLIC WORKS DEPARTMENT TO WASTE PREVENTION SPECIALIST

WHEREAS, the City Council of the City of El Cerrito has an adopted Classification Plan for positions in the City's service; and

WHEREAS, the City's Personnel Rules and Regulations 2.6 allows for changes in classification if it is believed that a job being performed is inconsistent with the approved position classification; and

WHEREAS, staff has conducted a review of positions in the Finance and Public Works Departments; and

WHEREAS, staff has proposed personnel changes that allow for the reclassifications of Account Clerk to Account Clerk Technician and Management Assistant to Waste Prevention Specialist to better reflect the duties being performed by the current positions and the desired level of service to be provided.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby amend the City's Classification Plan to:

1. Authorize implementation of the reclassification of Account Clerk to Account Clerk Technician in the Finance Department.

2. Authorize implementation of the reclassification of Management Assistant to Waste Prevention Specialist in the Operations and Environmental Services Division of the Public Works Department.

I CERTIFY that at a regular meeting on April 18, 2017, the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor

THE CITY OF EL CERRITO

AGENDA BILL

Agenda Item No. 4(I)

Date: April 18, 2017

To: El Cerrito City Council

From: Christopher Sterba, Chair, Arts and Culture Commission
Suzanne Iarla, Assistant to the City Manager
and staff liaison to the Arts and Culture Commission

Subject: Support for the National Endowment for the Arts and Humanities

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ACTION REQUESTED

Approve a recommendation authorizing the Mayor to sign and send a letter to President Trump, Senator Feinstein, Senator Harris and Congressman DeSaulnier supporting the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) and urging them to maintain funding for the two agencies in the Fiscal Year 2018 budget.

BACKGROUND

In March, President Trump submitted a budget request to Congress that eliminates all funding for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) in fiscal year 2018. In response to this news, the California Arts Council and other arts agencies and advocates urged local arts agencies to contact their local representatives in support of the NEA and NEH. (See http://arts.ca.gov/news/atcdetail.php?id=926).

At the Arts and Culture Commission meeting on March 27, 2017, the Commission unanimously passed a motion requesting and recommending that the City Council send a letter of support for National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) to the President and our federal representatives.

Staff liaison Iarla incorporated the Commissioner's feedback into the letter. (Attachment 1)

STRATEGIC PLAN CONSIDERATIONS

Supporting the arts and humanities fulfills the following Strategic Plan goals:

- Deepen a sense of place and community identity
- Develop and rehabilitate public facilities as community focal points

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Letter

Agenda Item No. 4(I)
Attachment

THE CITY OF
EL CERRITO

Mayor Janet Abelson

April 18, 2017

Dear Mr. President, Senator Feinstein, Senator Harris, and Congressman DeSaulnier:

On behalf of the El Cerrito City Council, I urge your support for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH), two small agencies that bring vital programs of arts, culture and education to communities across the nation.

For more than 50 years, the NEA has expanded access to the arts for all Americans. Most of the Endowment's grants are awarded to small and mid-sized nonprofit groups. Furthermore, nearly half of all NEA funds go to support state arts agencies, such as the California Arts Council, which benefits Californians of all ages. Communities across our state benefit from the more than $9 million dollars awarded annually by the NEA to hundreds of California arts groups.

NEH is an independent grant-making agency of the United States and since its creation in 1965, NEH has awarded more than $5.3 billion for humanities projects resulting in the creation of books, films, museum exhibits, etc. Between 2008 and 2012, institutions and individuals in California received $47 million from the National Endowment for the Humanities and Cal Humanities for projects that explore the human endeavor and preserve our cultural heritage.

The arts and humanities enhance and enrich the lives of every American, and promote innovation and creativity, which are key components to a prosperous future California economy. Programs supported by the NEA and NEH not only help Americans express their values and build bridges between cultures, they also serve as important drivers of the economy.

The arts also promote tourism, prepare our students to think creatively (a necessary skill in the 21st century workplace), and generate jobs. Here in California, according to Americans for the Arts, the creative industries employ 485,797 people and account for 5% of our state's total businesses. Nationally, the nonprofit arts industry alone generates $135 billion in economic activity each year and returns $22.3 billion in government revenue.

Federal support for the arts is critical - The NEA is the single largest national funder of nonprofit arts and NEH is one of the largest funders of humanities programs in America. NEA grants help leverage more than a 9 to 1 match in private gifts and state/local public funding.

The City of El Cerrito supports the arts and so we urge you to help ensure the important work by NEA & NEH continues by supporting the agencies and maintaining funding in the FY18 budget.

Federal support for the arts reflects our national values and is crucial to our economy, to our students, and to our community. Thank you for your careful consideration and for your continued support of NEA & NEH.

Sincerely,

Janet Abelson
Mayor of El Cerrito, CA

CITY HALL 10890 San Pablo Avenue, El Cerrito, CA 94530
Telephone (510) 215-4305 Fax (510) 215-4379 www.el-cerrito.org

AGENDA BILL

Agenda Item No. 6

Date: April 18, 2017

To: El Cerrito City Council

From: Sean Moss, Senior Planner
Paul Keith, Chief of Police

Subject: Presentation and Possible Direction on Marijuana Regulation

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ACTION REQUESTED

Receive a presentation and provide direction regarding regulation of marijuana in El Cerrito.

BACKGROUND

Use and cultivation of medicinal marijuana has been legal in California since the passage of Proposition 215, the Compassionate Use Act, in 1996. In 2006, the City Council banned medical marijuana dispensaries. In response to changes in state law, in anticipation of further changes, and to maintain the legal status quo until the full scope of those changes was understood, in 2016, the City Council also banned cultivation and delivery of marijuana. In 2016, the City Council also directed staff to revisit these prohibitions and evaluate and make recommendations regarding whether they should be lifted and/or modified. A community meeting on the topic was also held in September 2016.

Since the City Council provided this direction to staff, California voters passed Proposition 64, the Adult Use of Marijuana Act, permitting the recreational use of marijuana by adults, 21 years of age or older. It also permitted the commercial cultivation, production, and sale of marijuana and related products. As a result of this change in State law, staff is returning to the City Council with an update, seeking clear direction on how to proceed with regard to regulation of marijuana in El Cerrito within the current State regulatory framework.

ANALYSIS

The attached presentation provides a background of regulation of marijuana in the United States; a summary of the public process related to marijuana regulation in El Cerrito, to date; and poses questions for the City Council for discussion of possible changes to the City's regulation of marijuana. The questions include a preliminary potential framework for regulation of marijuana. If the City Council favors the framework—with or without modifications—staff will prepare an ordinance to implement the City Council's direction, after holding an additional public workshop to obtain feedback about the framework.

STRATEGIC PLAN CONSIDERATIONS

Marijuana regulations have the potential to address several goals of the Strategic Plan depending on the direction given by the City Council. Considerations related to the Strategic Plan will be assessed as regulations are developed and when/if an ordinance is brought to the City Council for consideration.

ENVIRONMENTAL CONSIDERATIONS

Applicability of the California Environmental Quality Act will be assessed when/if an ordinance is brought to the City Council for consideration.

FINANCIAL CONSIDERATIONS

Financial considerations of marijuana regulations will be assessed as they are developed and when/if an ordinance is brought to the City Council for consideration.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the presentation. Any future marijuana regulations will be drafted at the direction of the City Council in consultation with the City Attorney.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Presentation

Agenda Item No. 6
Attachment 1

DISCUSSION AND POSSIBLE DIRECTION ON MARIJUANA REGULATION

EL CERRITO CITY COUNCIL • APRIL 18, 2017

PRESENTATION OVERVIEW

- Brief History of Cannabis
  - Cannabis Basics
  - Use and Regulation in the United States
- Local Marijuana Regulations
  - California
  - El Cerrito

CANNABIS BASICS

- Marijuana and hemp are cultivars of the cannabis plant.
- Three subspecies or 'strains' of cannabis: *sativa*, *indica*, and *ruderalis*.
- Cannabis contains at least 113 different canabinoids, including tetrahydrocannabinol (THC) and cannabidiol (CBD).

CANNABIS BASICS

- THC is the primary psychoactive component of cannabis.
- CBD is generally non-psychoactive and may have anti-psychotic effects.

HISTORY OF U.S. MARIJUANA REGULATION

- Hemp was cultivated widely in the United States beginning in the colonial period, through the 19th century.
- In 1619, the Virginia Assembly required all farmers in the colony to grow hemp.

HISTORY OF U.S. MARIJUANA REGULATION

- During the Mexican Revolution of 1910, Mexican immigration to the United States increased.
- Marijuana became associated with Mexican immigrants.
- During the Great Depression, resentment toward Mexican immigrants increased and research at that time linked marijuana to violence and crime.

HISTORY OF U.S. MARIJUANA REGULATION

- Federal Bureau of Narcotics (FBN) created in 1930.
- By 1931, 29 states had banned marijuana.
- FBN encouraged states to adopt the Uniform State Narcotic Act.
- In 1937, Congress passed the Marihuana Tax Act.

HISTORY OF U.S. MARIJUANA REGULATION

- During World War II, the Department of Agriculture encourage farmers to grow hemp.
- In the 1950's, Congress created mandatory minimum sentences for drug-related offences.
- Attitudes toward marijuana changed in the 1960's as its use grew amongst the counter-culture and the white upper-middle class.

HISTORY OF U.S. MARIJUANA REGULATION

- In 1969, in *Leary v. United States*, the Supreme Court found the Marihuana Tax Act to be unconstitutional.
- In 1970, Congress repealed most mandatory drug sentences.
- In 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act.

HISTORY OF U.S. MARIJUANA REGULATION

- In 1972, the Shafer Commission was created by Congress and appointed by President Nixon.
- Through the 1970's, 11 states decriminalized marijuana and most others reduced penalties.
- In 1973, the Drug Enforcement Agency (DEA) was created.

HISTORY OF U.S. MARIJUANA REGULATION

- In the late 1970's, some parents' groups began to lobby for stricter drug regulations.
- In 1986, Congress passed the Anti-Drug Abuse Act.
- As crime declined through the 1990's, attitudes toward marijuana again began to change.

HISTORY OF U.S. MARIJUANA REGULATION

- In 1996, California voters passed the Compassionate Use Act (Proposition 215).
- From 1996-2010 fourteen states legalized medicinal use of marijuana.
- In 2012, Colorado and Washington legalized recreational use of marijuana by adults.
- In 2016, California voters passed the Adult Use of Marijuana Act (Proposition 64).

HISTORY OF U.S. MARIJUANA REGULATION

- At the present:
  - 8 states have legalized recreational use of marijuana
  - 24 states have legalized medicinal use of marijuana
  - 12 states have legalized medicinal use of non-psychoactive cannabis substances, such as CBD oil

HISTORY OF U.S. MARIJUANA REGULATION

- In 2013, the Justice Department issued the "Cole memo."
- In 2014, Congress adopted the Rohrabacher-Farr amendment.
- Current administration has signaled greater enforcement on recreational marijuana.

EL CERRITO PROCESS

- State Compassionate Use Act passed in 1996.
- In 2006, the City Council adopted a ban on medical marijuana dispensaries in El Cerrito. (Chapter 6.80, ECMC)
- In January 2016, the City Council amended the ban on dispensaries to also include medical marijuana cultivation and delivery to maintain the status quo while state law was in flux.

EL CERRITO PROCESS

- In May 2016, the City Council discussed a proposal by a dispensary group to operate a dispensary in El Cerrito.
- In June 2016, the City Council provided direction to staff to begin a process to review the existing ban on medical marijuana dispensaries and evaluate new regulations for marijuana businesses.

EL CERRITO PROCESS

- In September 2016 the City held a community meeting to provide information to the community and to hear feedback regarding regulation of marijuana businesses.
- In November 2016, California voters passed Proposition 64 (Adult Use of Marijuana Act).

COMMUNITY MEETING SUMMARY

- Meeting was well-attended.
- Diversity of viewpoints represented.
- Participants discussed and gave comments about a variety of topics:
  - Existing ban
  - Deliveries
  - Standards for marijuana retail
  - Sensitive land uses and buffers
  - Appropriate locations for marijuana retail

PROPOSITION 64 (AUMA)

- Personal Use and Cultivation
  - Same limits on marijuana smoking as tobacco smoking
  - No marijuana smoking while driving or riding in a vehicle
  - No marijuana smoking within 1,000 feet of a school, daycare center or youth center
  - Indoor cultivation of 6 plants per residence permitted

PROPOSITION 64 (AUMA)

- Commercial Sales, Production, and Cultivation
  - Subject to local land use authority/police power
  - Requires State permit
- Taxation
  - 15% State tax on all marijuana sales
  - By weight State tax on cultivation
  - Cities can impose local taxes by ballot
  - Standard sales tax on recreational marijuana

QUESTIONS FOR CITY COUNCIL

- Does the Council wish to modify or end the ban on marijuana businesses?

OVERVIEW OF STAFF RECOMMENDATIONS

- Preliminary Framework/Assumptions
- Council Questions/Discussion
- Next Steps

PRELIMINARY FRAMEWORK FOR EL CERRITO

- Marijuana Retail
  - Maximum of two retail establishments
  - Limit businesses to San Pablo Avenue Specific Plan Area
  - Local operating permit required
  - Allow deliveries with cashless transactions
  - Buffers from sensitive land uses

PRELIMINARY FRAMEWORK FOR EL CERRITO

- Personal Cultivation
  - Permit indoor cultivation under AUMA without City permit.
  - Continue to prohibit outdoor cultivation.

PRELIMINARY FRAMEWORK FOR EL CERRITO

- Commercial Cultivation and Manufacturing
  - Permitted only as accessory use to a permitted retail use.
  - Small scale only (maximum square footage)

- Medical Laboratory/Testing
  - Allowed similarly to other light industrial uses

QUESTIONS FOR CITY COUNCIL

- Should marijuana retail be allowed in El Cerrito?
  - Is the presented model generally acceptable?

- Is the model for personal cultivation generally acceptable?

QUESTIONS FOR CITY COUNCIL

- Should commercial marijuana cultivation be allowed as an accessory use?
- Should laboratory/testing uses be allowed similarly to other light industrial uses?
- Is the City Council interested in implementing a local tax outside of standard sales tax? (Would require a ballot measure.)

QUESTIONS FOR CITY COUNCIL

- Other considerations regarding regulation of marijuana?

NEXT STEPS

- Hold second community meeting to hear input regarding proposed framework.
- With feedback from Council and the public, staff will create draft ordinance.
- Study session with City Council on draft ordinance.
- City Council adoption of ordinance before the end of the calendar year.

DISCUSSION/QUESTIONS

AGENDA BILL

Agenda Item No. 7

Date: April 18, 2017

To: El Cerrito City Council

From: Sean Moss, Senior Planner
Margaret Kavanaugh-Lynch, Development Services Manager

Subject: Appeal of the Planning Commission's Design Review action to approve the El Dorado Townhomes

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ACTION REQUESTED

Conduct a public hearing and upon conclusion, adopt a resolution upholding the Planning Commission's Design Review action to approve the El Dorado Townhomes.

BACKGROUND

Executive Summary

On December 17, 2014, Urban Community Partners submitted a proposal to build 27 townhome condominiums at 5828 El Dorado Street. City records showed that the use of the property was a Recreational Vehicle Park. The zoning designation for the site is Multi-family Residential. The General Plan designation is High Density Residential. The General Plan envisions this area of the city as follows: *In the area near Central Avenue, this plan will allow for a small increase in residential units over time as older single-family houses are replaced by new multifamily structures (duplex, three- and four-unit apartments, condos, and townhouses). T*he project site is surrounded by a mix of single family and multifamily housing. It is within a half mile of several public transit and service opportunities including the El Cerrito Plaza and the nearby BART station, as well as AC Transit bus stops.

Pursuant to the El Cerrito Municipal Code, the project originally required a Tentative Subdivision Map and Design Review entitlements. At the City Council hearing for the Tentative Subdivision Map two more units were added to the project and a Parking Waiver was then required, as well. (See Chronology of the Entitlement Process Section below for details), resulting in 29 townhome units.

Although this project has a long entitlement history, the purview of this hearing is the Appeal of the Planning Commission's approval of the Design Review Application only, and not other aspects of the project, which have already been approved.

Project Description

The project consists of 29 townhome units and three accessory living units. Two of the 29 units are one-bedroom ground floor flats that are fully accessible and three of the 29 include accessory living units.

The townhomes are proposed to be clustered into three buildings. One building will face El Dorado Street, one building will face Avila Street and one building will be internal to the project. The buildings will be served by two private driveways, one accessed from Avila Street and the other from Santa Clara Street. Twenty-seven townhome units will contain a two-car garage on the ground floor, with one bedroom and living space on the second floor and two additional bedrooms on the third floor. Most of the garages will be in a tandem configuration as allowed by the Zoning Ordinance. Three of the end units will have side by side two-car garages with an accessory living unit on the ground floor.

The site will also feature a small landscaped common area adjacent to Central Park that will also serve as required stormwater treatment during wet periods. In addition to this common open space, each unit will include private open space in the form of upper level balconies and/or ground level fenced yards. The private open space areas will be maintained by the unit owners, while the common open space, private drives and the exteriors of the townhome buildings will be maintained by a Homeowners Association. Please see the Plan set included as Attachment 3.

The Design Review Board conducted Preliminary Conceptual Design Review of the project on October 7, 2015. This type of review is not considered an entitlement, but rather an opportunity for initial feedback to the applicant.

Chronology of the Entitlement Process

Entitlements are planning land use actions that are required of development projects. Due to this project's location and specific development details, it was required to secure a Tentative Subdivision Map, a Parking Waiver and Final Design Review. Each of these actions has a specific set of findings that the applicable decision-maker must be able to make—based upon the evidence in the record—to be able to approve each entitlement for the project. The Tentative Map required both a recommendation and decision from separate public bodies (the Planning Commission and City Council). The Parking Waiver and the Design Review action only required the action of one body of decision, the Planning Commission. When an entitlement action is appealed, the decision is stayed while the action is reviewed by a higher body of decision.

The Planning Commission considered the Tentative Subdivision Map for the project on May 18, 2016. After conducting a public hearing, the Commission voted to recommend that the City Council approve the Tentative Subdivision Map.

The City Council considered the Tentative Subdivision Map on July 19, 2016. Although the proposed living units met the requirements of the Building Code and Fair Housing Act, the Council expressed concerns regarding the accessibility of the units. In addition, the Council expressed concern regarding the elimination of living options with lower rents as a result of the closure of the RV park by the property owner. The Council's discussion focused mainly on the inclusion of smaller units as a way to achieve units that had a lower price point and therefore a wider range of affordability.

In order to allow the applicant time to address these concerns, the City Council continued the item to the September 20, 2016 meeting. The applicant subsequently revised the project to add accessory living units within three of the townhomes and the City Council approved the Tentative Subdivision Map on September 20, 2016. The revised project required a parking reduction and the City Council approved a Condition of Approval requiring the applicant to seek a parking reduction from the Planning Commission.

The Planning Commission approved a parking waiver for the project on October 19, 2016.

The Design Review Board next considered the Final Design Review of the project on November 2, 2016. The Board expressed concerns about the aesthetic design of the project and continued the item to the December 7, 2016 meeting to allow the applicant an opportunity to respond to the Board's concerns. A more detailed discussion of the Board's comments is contained below.

The Design Review Board again reviewed the project on December 7, 2016 and unanimously approved the Final Design Review. (Attachment 4)

On December 15, 2016 Howdy Goudey submitted an appeal of the Design Review Board's decision to the Planning Commission.

On February 15, 2017 the Planning Commission reviewed the appeal of the Design Review Board's decision and unanimously denied the appeal, upholding the Design Review Board's approval of the project. (Attachment 5)

On February 23, 2017, Howdy Goudey submitted an appeal of the Planning Commission's decision to the City Council. (Attachment 2)

ANALYSIS

The scope of this hearing is the appeal of the Final Design Review entitlement of this project. Title 19 of the El Cerrito Municipal Code, Chapter 19.38 (*Design Review)* establishes the procedure for Design Review. Section 19.38.040 establishes the *Scope of Final Design Review* and provides the Design Review Board authority to review the aesthetics of projects based on specific criteria as detailed below. Chapter 19.39 *(Appeals)* extends this authority to the City Council if the project is appealed. The purview for appeals is discussed in more detail below. Each body of decision, (first the Design Review Board, then on appeal the Planning Commission, and finally the City Council) must limit their deliberation of the project to the Design Review entitlement purview and criteria as specified in 19.39.050

<u>Design Review Purview</u>
Section 19.38.040 states:

The Zoning Administrator or Design Review Board shall approve, conditionally approve or deny, or make recommendations on applications for final aesthetic architectural review based on consideration of the requirements of this Chapter as they apply to design of the structures, landscaping, lighting and other architectural features of an application including:

A. Building articulation, facade treatment and architectural details.

B. Exterior colors and materials.

C. Character defining features and the relation to existing settings.

D. Design of fences, walls, and screen plantings, including but not limited to height of those structures, materials, colors, and type.

E. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.

F. The size, location, design, color, number, lighting, and materials of signs.

G. Design of the streetscape, including but not limited to landscaping, furniture and materials.

<u>The Design Review Components of the Project</u>

Architecture

As noted earlier in the report, the project consists of three buildings. Building #1 faces Avila Street, Building #2 is in the interior of the project site and Building #3 faces El Dorado Street (Attachment 3). The architectural features of each building are essentially identical. The ground floors of the buildings that face Avila Street and El Dorado Street all feature pedestrian paths with entries into the dwellings. Vehicular access is tucked to the rear of the buildings. The interior building, (Building #2) has its pedestrian entry off of the interior drive on the north half of the site with a path of travel that connects to a walkway that runs along the eastern property line.

Since the initial project submittal to the City, the architecture was updated to a more contemporary nature and a number of architectural features have been added including step backs and pop-outs in a repeating pattern in response to comments provided at the October 2015 DRB meeting. The rooflines are a mix of pop-outs with shed roof lines, in contrast with the flat roof lines on the remainder roof area. Finally, a unifying color palette has also been included that utilizes modern colors and textures.

The ground floors of all three buildings are primarily finished with a cement plaster base in a dark grey color (Benjamin Moore, Stormy Sky) and either a gray (Benjamin Moore, Timber Wolf) roll-up garage door or brown (Benjamin Moore, Devonwood Taupe) metal

entry doors. Railings and trim throughout the project are gray (Benjamin Moore, Timber Wolf) and vinyl windows (Milgard, Montecito) will be silver.

The upper floors of all three buildings vary a bit depending on the elevation. On the elevations with roll-up garage doors, they are primarily finished with horizontal composite siding made of a synthetic polymer in a medium wood tone, (Trugrain Resyta, Java Teak). For accent, there is a two story pop-out element finished with white cement plaster siding, (Benjamin Moore, White Winged Dove). These elements top out three feet above the roof of the main part of the buildings and two feet out from the main façade.

On elevations without the garage doors, the second and third floor balconies are introduced using perforated metal panels as railing. The second floor balconies all step out over the first floor by five and one half feet, while the third floor balconies are set out by seven and one half feet, creating visual interest. The pop-out colors seen on the other elevations are also present on these facades, as well, but due to the step outs, the second story is more muted and the third story pop-out is more pronounced. Where the third story contains a master bedroom, a shed roof element has been added, using composition shingles (GAF Timberline Natural Shadow Shingles, Artic White). In aggregate, these color and articulation choices aim to add visual interest and general attractiveness of the pedestrian realm.

Landscape Design

Staff notes that a mix of deciduous trees (Japanese Maples) and evergreen trees (Tibouchina) have been added along the patio areas of each unit to allow more light in the winter and some year round privacy. Additional trees (Dwarf Southern Magnolia and Water Gum) have been added for screening purposes along the east side of the site and as part of the open space area to provide privacy to and from adjacent residential uses.

In terms of hardscape, the project includes a small shared seating area in the interior of the site. This area will include a pebble path and bench seating. Concrete walks occur throughout the site allowing pedestrian access through and around the project. A color-treated concrete walkway is located immediately adjacent to the driveway on Avila Street to allow a clear demarcation for all users of the pedestrian entry way.

New tubular steel metal fencing is proposed along the western edge of the site, delineating the boundary with Central Park. A six-foot horizontal wood fence is proposed along the eastern side of the property and 42-inch horizontal wood fences are proposed for the front yards of the patios.

<u>Design Review Board Actions</u>

At the November 2, 2016 Design Review Board hearing, the Board reviewed the project and expressed that it could not make the findings required for approval of the design as submitted. The Board gave several comments to the applicant about items that they wanted to see modified. The Board's comments and the applicant's responses are detailed below:

Comment: *Add a 2x4 trimmer to the windows to create a recess. Focus on key locations, such as the street-facing elevations.*

Response: *The applicant has agreed to make this change. All windows will feature a 2x4 trimmer. This change can be seen on the revised renderings. Staff has also added a condition of approval to ensure that this change is carried through in the building permit submittal.*

Comment: *Align window mullions vertically on the second and third floors.*

Response: *The windows and mullions have been aligned between the second and third floors.*

Comment: *Change the color of the base of the building to a dark gray.*

Response: *The paint color on the plaster base has been changed to Benjamin Moore #1616 – Stormy Sky.*

Comment: *Use an alternative balcony railing with a more modern look and a top railing.*

Response: *The railing has been changed to a more modern perforated metal panel (Bok Modern fascia mount guardrail system) with a top railing. A detail of the railing has been provided on Sheet A-18. In addition, the metal railing has been brought down to the bottom of the balcony deck fascia in order to minimize the trim band between stories (see comment below).*

Comment: *Remove the composite fascia panel on the second floor and extend the third floor bays down to the second floor.*

Response: *In many locations, the plaster bays have been extended down to the second story on either side of the sliding balcony doors on the second level. The sliding doors themselves could not be pushed forward, due to the need to maintain the minimum private open space required by the Zoning Ordinance.*

Comment: *Remove the trim band between the first and second floors.*

Response: *The trim band has been minimized or eliminated in all locations. In locations where a transition was needed, the height of the band has been minimized.*

Comment: *Add an architectural canopy above the front unit entries.*

Response: *Many front entries are situated under 2-foot overhangs of the above second story. However, on the Avila Street elevation, several entries do not have an overhang. In these locations, a canopy has been added. In addition, the applicant has added an elevation detail of an entry, showing typical lighting, and address numbers on Sheet A-18.*

Comment: *Use horizontal board fencing along the property line with Central Park.*

Response: *The fencing has been changed to horizontal board in this location.*

Comment: *Increase the height of the shed roofs.*

Response: *The maximum building height is limited by the Zoning Ordinance which establishes a maximum building height of 35 feet in the RM zoning district. However, the parapet wall between the shed roofs has been reduced about one foot in most locations to accentuate the height of the shed roofs and create the appearance of additional height.*

Comment: *Align the entry doors with the windows above.*

Response: *The misalignment of entry doors occurs only on the Avila Street elevation of Building. This condition occurs as a direct result of the City Council's direction to the applicant to add smaller units to the project and to address the accessibility of units. In response to these comments, accessible one-bedroom units were added to the ground floor in Building 1, along Avila Street. Due to the need to have accessible entries for these units, there is no flexibility in the floorplans to further align the entries.*

The Design Review Board held a second hearing and reviewed the project on December 7, 2016. At this meeting, the Board determined that the applicant had sufficiently addressed their comments. In addition, the Board identified some new comments. The Board expressed concern about the height of the trash enclosures adjacent to the two one bedroom units and the accessory living units and asked that the control joints in the exterior stucco surfaces be shown. The Board also expressed concern that the landscape plan lacked detail. The Board approved the project unanimously, adding Conditions of Approval to address these concerns. (Attachment 4)

Planning Commission Action on the Appeal

On December 15, 2016 Howdy Goudey submitted an appeal of the Design Review Board's decision to the Planning Commission. On February 15, 2017, the Planning Commission considered the appeal of the Design Review Board's approval of the project. Again, as specified by the Zoning Ordinance, the standards of the Planning Commission's review are the same as those required by the Design Review Board, although the hearing body may adopt the same decision and findings or different ones. The Commission held a public hearing and received public comment and presentations from staff, the appellant and the applicant. The Commission reviewed the findings and conditions of approval that were adopted by the Design Review Board and voted unanimously to deny the appeal without altering the findings or conditions of approval.

City Council Action on Appeal

Chapter 19.39 of the El Cerrito Municipal Code establishes the procedures for appeals.

Section 19.39.040.F states:

> *The authorized hearing body shall review the appeal, the record, and any written correspondence submitted after the appeal has been filed, and shall take one of the following actions:*
>
> *1. Conduct a public hearing; or*
>
> *2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.*

Section 19.39.050 states:

> *When reviewing any decision on appeal, the hearing body shall use the same standards for decision-making required for the original decision. The hearing body may adopt the same decision and findings as were originally approved or different ones.*

This means that appeals are *de novo*, and the City Council is not obligated to make the same findings that the Design Review Board or Planning Commission made or to reach the same decision. The City Council is free to review the Planning Commission's findings and make the same findings or to make different findings. However, the Council is obligated to evaluate the project based on the Design Review criteria as specified in 19.38.040 and discussed above and the evidence in the record before the Council and to determine whether on the basis of that evidence it can make the findings required for Design Review as outlined in later sections of this report. The Council is also free to adopt the same Conditions of Approval. It may also adopt different Conditions of Approval , if it finds that it can make the required findings only if additional or modified Conditions of Approval are included in the project requirements.

<u>Appellant's Basis for Appeal</u>
The following is a brief summary of the points contained in Howdy Goudey's February 23, 2017 letter of appeal (Attachment 2). After each point staff has supplied a response. Many issues listed are not within the purview of the Design Review entitlement. When that argument is identified, staff attempts to offer related information for the Council's reference.

<u>Appellant Point</u>*: The project creates displacement of long term low-income, elderly and disabled El Cerrito residents. It is morally reprehensible that this act occurred.*

<u>Staff Response:</u> *This point is not within the purview of this Design Review entitlement action.*

For reference, housing conditions of the previous residents of the former Audiss RV Park were documented in a report which was reviewed by the Planning Commission and City Council as part of the review of the Tentative Subdivision Map. The report describes the benefits that were provided to residents of the RV park to mitigate the

effects of the closure of the park. Neither the Municipal Code nor State law mandates compensation to residents for the closure of an RV park. Staff nevertheless insisted on the preparation of the report to document the impacts of the closure of the RV park on residents. In staff's view, the report assisted the residents in negotiating for the benefits received. For more information see the July 19, 2016 City Council Agenda Bill and attachments located here: http://www.el-cerrito.org/DocumentCenter/View/6202 and on file with the City Clerk. The issue of displacement is a regional problem and its causes are diverse; including a regional lack of new housing at all price points. The possible solutions must also be multi-faceted. Staff hopes that the upcoming Affordable Housing Strategy can supply some policy recommendation for El Cerrito.

Appellant Point: *The project doesn't add housing units; it replaces 39 rental units with 29 market-rate condos.*

Staff Response: *This point is not within the purview of this Design Review entitlement action. In its approval of the Tentative Subdivision Map, the City Council determined that the project was consistent with the General Plan, including the goals and policies of the Housing Element. For a more detailed analysis of the project's General Plan compliance with regard to the Housing Element, please see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk. For an analysis of the project's General Plan consistency with respect to this Design Review entitlement, please see the General Plan Consistency section, below. Staff notes that several RV inhabitants had lived at Audiss for many years. However, since the use was legally listed as an RV Park, intended for short term occupancy not long-term residential rental. The property owner was not legally obligated to continue to use the property for an RV park. The number of units approved for the project is at the maximum density permitted under the Zoning Ordinance and General Plan without a density bonus, which a developer is not compelled to use.*

Appellant Point*: The Condo Conversion Ordinance (Chapter 19.45, ECMC) applies to the project.*

Staff Response: *This point is not within the purview of this Design Review entitlement action. Further, Planning staff, in consultation with the City Attorney, has determined that Chapter 19.45: Condo Conversion is not applicable to this project. For more information see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk.*

Appellant Point: *The project does not include enough diversity of unit types.*

Staff Response: *The unit types and mix of units have been approved as part of the approval of the Tentative Subdivision Map. This comment is not within the purview of this Design Review entitlement. In response to the City Council's comments, two one-bedroom units and three accessory living units were added to the project as part of the*

approval of the Tentative Subdivision Map. The project now features 5 unit types (including the accessory living units). For a more detailed discussion of the unit types, see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk.

Appellant Point: *The project will add underutilized units to El Cerrito's housing stock.*

Staff Response: *The unit types and unit sizes are not within the purview of this Design Review entitlement. For a more detailed discussion of the unit types and El Cerrito's housing stock, see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk.*

Appellant Point: *The project should include a greater degree of universal access.*

Staff Response: This point is not within the purview of this Design Review entitlement. The El Cerrito Building Official has reviewed the submitted plans and has determined that the project meets the requirements of the Americans with Disabilities Act as implemented through the California Building Code. Upon submittal of a Building Permit application, the project will be reviewed in detail for compliance with applicable accessibility requirements. Compliance with the Building Code is mandatory for all projects and is not part of the City Council's discretionary review of the project's aesthetics. Further, the applicant added additional accessibility features, including two fully accessible ground floor one-bedroom units to the project as a result of the City Council's initial comments on the Tentative Subdivision Map. For a more detailed discussion see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk.

Appellant Point: *The townhome model leads to a heavily automobile-dominated site plan with asphalt alleys that are low-quality space and lack good hardscape design.*

Staff Response: *The site plan was approved by the City Council as part of the approval of the Tentative Subdivision Map. Therefore, the locations and sizes of building and driveways have been approved. The project is fully compliant with the standards for the Multi-family Residential zoning district in which it is located, including required setbacks, lot coverage, and maximum building height. The applicant has responded to concerns of the City Council and Design Review Board with respect to delineating pedestrian areas along a portion of the driveway leading to Avila Street. This area will be delineated with stamped, colored concrete. Staff notes the project is not within the San Pablo Avenue Specific Plan area where transit-oriented development and lower parking ratios are incorporated into the regulations.*

Appellant Point: *The project should include centralized garbage collection.*

Staff Response: *This point is not within the purview of this Design Review entitlement. Further, the project has been reviewed by East Bay Sanitary Company and the City's*

Operations and Environmental Services Division with regard to garbage, recycling and green-waste pickup. The proposed townhome unit type shares some similarities with more dense multi-family land uses and some similarities with single family land uses. As such, the preference among the two service providers was for the units to have individual refuse bins which are picked up at two collection points. Residents will store bins individually and will wheel bins to two collection points, located near the end of each driveway (one on Santa Clara Street and one on Avila Street). Trucks will not need to enter the property, minimizing noise and inconvenience for residents.

Appellant Point: *The Park Closure Report is inadequate.*

Staff Response: *This Park Closure Report which documented the housing conditions of the previous tenants of the site is not within the purview of this Design Review entitlement. The Park Closure Report was reviewed by the City Council as part of the review of the Tentative Subdivision Map and was utilized to make a determination that the Tentative Subdivision Map approval was consistent with the El Cerrito General plan. For this Design Review action, the City Council must make a determination that the design elements subject to review are consistent with the General Plan. The Park Closure Report is not part of this review. For more information about the Park Closure Report see the July 19, 2016 City Council Agenda Bill and attachments located at: http://www.el-cerrito.org/DocumentCenter/View/6202 and on file with the City Clerk.*

Appellant Point: *Market-rate projects like this exacerbate the need for more affordable housing. The project could have included affordable housing.*

Staff Response: *This point is not within the purview of this Design Review entitlement. Further, as the appellant notes in his letter, the City cannot compel the inclusion of affordable units or participation in the State affordable housing density bonus program. As part of the Tentative Subdivision Map approval, the City Council made a determination that that project was consistent with the El Cerrito General Plan, including the Housing Element. For a more detailed analysis of the project's General Plan compliance with regard to the Housing Element, see the September 20, 2016 City Council Agenda Bill located at: http://www.el-cerrito.org/DocumentCenter/View/6524 and on file with the City Clerk. For an analysis of the project's General Plan consistency with respect to this Design Review action, please see the General Plan Consistency section, below.*

For further reference, Community Development is currently in the process of developing an Affordable Housing Strategy that will analyze the relationship between supply and affordability and consider strategies, such as inclusionary zoning, for the City Council's consideration.

Zoning Ordinance Consistency

The Design Review component of this proposed project is consistent with the parameters outlined in the Zoning Ordinance for this new development project in this

location. The Zoning Ordinance describes the Multi-family Residential (RM) District as follows:

To provide opportunities for multi-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre. Additional density can be achieved through the approval of density bonuses and other incentives. The RM district is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, and where services and transportation systems are adequate to serve the increased densities. The RM district is further intended to achieve design compatibility between new multi-family development and surrounding less intensive residential neighborhoods by establishing physical development standards and performance standards.

The project density, as proposed, is 35 dwelling units per acre. It is surrounded by a mix of single family and multifamily housing. Its location is within a half mile of several public transit and service opportunities including the El Cerrito Plaza and the nearby BART station, as well as AC Transit bus stops. It is immediately adjacent to Central Park. Nearby major roadways include Central and San Pablo Avenue. Finally, it is proposed to be constructed in full compliance with the development standards of the Multi-family Residential District.

General Plan Consistency

The Design Review component of this proposed project is consistent with the vision outlined in the General Plan for new development in this location. It is sited in the High Density General Plan Designation. This designation is described as follows:

> *The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.*

As noted above, the project is surrounded by a mix of single family and multifamily housing. Its location is within a half mile of several public transit and service opportunities including the El Cerrito Plaza and the nearby BART station, as well as AC Transit bus stops. It is immediately served by Central Park. Nearby major roadways include Central and San Pablo Avenue. In the General Plan, this part of the city is known as “Residential Areas West of San Pablo Avenue.” It is described as follows:

> *In the area near Central Avenue, this plan will allow for a small increase in residential units over time as older single-family houses are replaced by new multifamily structures (duplex, three- and four-unit apartments, condos, and townhouses). All new development will conform to local development standards and design and development review requirements. In most cases, the plan*

assumes that new construction will be better designed, providing for more amenities than the structures being replaced.

The project will implement all of the goals listed above and the following General Plan policies:

LU1.3 Quality of Development. Ensure that all multi-family or mixed-use development in residential areas addresses compatibility and quality of life issues.

The architectural design of the project was revised pursuant to the Design Review Board's comments to ensure the design aesthetic is compatible with the surrounding neighborhood and will provide a positive visual image.

CD1.1 Neighborhood Character. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding use.

The project conforms to all required development standards, including height limits. The proposed multi-family residential use and the overall design of the project are consistent with the surrounding residential neighborhood.

CD1.3 High-Quality Design. Encourage higher-quality design through the use of well-crafted and maintained buildings and landscaping, use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

The project is using high quality materials including TruGrain "Resysta" composite siding and Milgard "Montecito" vinyl windows which are made of durable materials. The composite siding is composed of synthetic polymer that can withstand weather conditions found in El Cerrito. Milgard "Montecito" vinyl windows have a slim profile frame providing a clean, modern detail, consistent with the architecture. The windows are recessed from the building face to create shadow lines.

CD1.9 Building Design. A variety of attractive images will be achieved by encouraging a variety of building styles and designs, within a unifying context of consistent "pedestrian" scale along streets and compatibility among neighboring land uses.

The project will add new multi-family housing next to surrounding residential uses. Its contemporary architecture with articulated facades will add an attractive image to an already diverse neighborhood architectural theme. It also adds window openings, patios and landscape along the street, continuing the consistent pedestrian-scaled streetscape.

CD2.1 Street Frontages. Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in development centers and neighborhood commercial centers along San Pablo Avenue to be directly abutting sidewalks, with window openings and entries along the pedestrian frontage.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

CD2.7 Accessible Design. Site and building design must meet basic accessibility needs of the community and not be exclusively oriented to those who arrive by car.

The project will exceed the basic accessibility needs of the community as required by the California Building Code by adding two fully accessible ground floor units and three additional fully accessible accessory living units. In addition, all other units are designed to have stair-lifts as an optional feature available to home buyers.

The project's many doors and windows which face directly onto Avila and El Dorado provides direct pedestrian access to the project from the public sidewalk.

The project's location, in close proximity to public transit, provides important transportation options for residents and visitors of the project.

CD3.3 Site Landscaping. Improve the appearance of the community by requiring aesthetically designed screening and landscaping on public and private sites. Ensure that public landscaping includes entry areas, street medians, parks, and schools. Require landscaping for all private sites, yard spaces, parking lots, plazas, courtyards, and recreational areas.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette has been selected appropriately for El Cerrito's climate and the characteristics of the site. The project has been revised to respond to the Design Review Board's preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately for their dual use.

CD4.2 Building Articulation. Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or

unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

The building façade is articulated with architectural pop-outs and recesses. These features are appropriately appointed with various exterior materials. The roofline has been revised to address the Design Review Board's preliminary comments. Garage doors in the project are appropriately broken with front entry doors and material changes.

CD5.1 Design Review Process. Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single-family homes on existing lots).

The project was approved by the Design Review Board, the Design Review Board's decision was upheld, on appeal, by the Planning Commission and the project is proceeding through the Design Review process on appeal to the City Council.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15332 Class 32 – Infill Development Projects, the project is exempt from review under CEQA.

Section 15332 of the CEQA Guidelines establishes following conditions for in-fill projects which are exempt from CEQA review:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

As discussed above, the project is consistent with the High Density General Plan designation and the Multi-family Residential (RM) zoning district.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is within the City of El Cerrito and the site is 0.84 acres.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The San Pablo Avenue Specific Plan EIR did not identify any "candidate, sensitive, or special- status species" with habitat in the San Pablo Avenue Specific Plan Area. While the site is not within the San Pablo Avenue Specific Plan Area, the site sits about 150 feet from the plan area. The site has been extensively disturbed by past development and no longer provides suitable habitat for any special-status animal or plant species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The applicant commissioned traffic analysis, a Noise Impact Assessment, an Air Quality Impact Assessment, a Water Quality Impact Assessment, and a Stormwater Control Plan. These studies are available for review on the city website at part of the Planning Commission packet of May 18, 2016 located at http://www.el-cerrito.org/ArchiveCenter/ViewFile/Item/2651 and on file with the City Clerk.

The original studies concluded that the project would not have any significant effects in these areas. The revision to the project provided as a result of the City Council action on the Tentative Map increased the unit count from 27 to 29. This caused an increase of seven new vehicles trips to the project. That increase was seen as negligible amount of additional traffic trips in the traffic analysis (within the standard of error for the existing study) and does not change the conclusions of the original analysis.

(e) The site can be adequately served by all required utilities and public services.

The site is currently served by all utilities. Pursuant to the requirements of the Stege Sanitary District, the applicant has prepared a sewer capacity study which shows that existing sewers have capacity to serve the project.

Proposed Findings for City Council Action

Pursuant to Section 19.38.060: Final Design Review Findings and Criteria of the Zoning Ordinance, the City Council must determine that the project is consistent with the following items in order to approve the project. Staff offers these draft findings to the members of the Council, based on the project as proposed and the action of the Planning Commission:

1. The applicable standards and requirements of this Zoning Ordinance;

   The project meets the requirements of the Zoning Ordinance, specifically Multi-family Residential District and Section 19.06.030 Development Standards. This includes the general development standards in terms of height, setbacks, parking and open space.

2. The design policies of the General Plan and specific plans adopted by City Council;

   The design is consistent with the General Plan designation of High Density Residential for this area of the city; as well as policies that influence design, specifically, L1.1 Quality of Development, CD 1.1 Neighborhood Character, CD 1.3 High Quality Design, CD1.9 Building Design, CD 2.1 Street Frontages, CD2.7

Accessible Design, CD3.3 Site Landscaping, CD4.3 Building Articulation and CD 5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   There are no design guidelines adopted by the City Council for this part of the city. This finding is not applicable.

4. The design review criteria set forth in the following subsection;

   The project is in keeping with the design review criteria as outlined below (Section 19.38.060 of the El Cerrito Municipal Code).

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

   The project is consistent with the City Council's approval of the Tentative Subdivision Map for the project and the Planning Commission's approval of a Conditional Use Permit to allow a parking reduction. The project has received all required Planning Commission and City Council approval. No additional Zoning Administrator approval is needed.

6. Any other relevant policies or regulations of the City.

   No other City policies apply to this project.

Pursuant to Section 19.038.060.B - Design Review Criteria:

When conducting design review, the City Council shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. Criteria listed below are specific criteria that, if applicable, all projects must satisfy for approval.

1. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

   The project provides an attractive and comfortable environment for all because the buildings have a clean, contemporary design. Landscaping will be a prominent design feature along the street frontage. The project design provides the tenants many amenities including; private and common open space areas; including private landscaped yards and a landscaped common area.

2. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

The building materials integrate well with the building design and the façade articulation. The proposed landscaping is appropriate for the site and integrates well with the proposed design aesthetic. The overall design scheme is visually consistent.

3. The project has been designed with consideration of neighboring development.

Surrounding structures include both single family and multi-family housing. The structures are one, two and three stories high and are typically mid-century in design. The massing of the proposed project is consistent with the prevailing three stories in the neighborhood with similar front, side and rear setbacks.

4. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The proposed contemporary design aesthetic will add visual interest and architectural variety to the surrounding area. The buildings will be well-articulated. The El Cerrito Plaza Bay Area Rapid Transit (BART) station and AC Transit bus routes are less than a half of a mile away from the project, making it an ideal walking or biking distance to public transit.

5. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

6. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having a historically or visually significant character.

7. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

This finding is not applicable. The project location is not in a part of the city that

has been recognized as having significant public views and vistas from public streets.

8. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette incorporates drought- tolerant plants and has been selected appropriately for El Cerrito's climate and the characteristics of the site. The project has been revised to respond to the Design Review Board's preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately for their dual roles.

9. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project has been designed to exceed the energy requirements of Title 24 of the 2016 Cal Green building code by 27%.

10. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

There are no significant natural features on the project site. The site is not adjacent to the Ohlone Greenway. This finding is not applicable.

STRATEGIC PLAN CONSIDERATIONS

By implementing the General Plan policies discussed above, the project will further Goal C: *Deepen a sense of place and community identity* of the El Cerrito Strategic Plan by incorporating a "vision for underdeveloped and underutilized properties…that [includes] investment and/or new development."

ENVIRONMENTAL CONSIDERATIONS

As discussed above, staff recommends that the project is exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects.

FINANCIAL CONSIDERATIONS

The development of infrastructure for the project will be financed through a combination of development impact fee programs and developer funding. The General Fund will not be used to pay for any of the infrastructure costs of this project.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the project and this report.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Draft Resolution
2. Appeal letter from Howdy Goudey, dated February 23, 2017.
3. Project plans, dated April 10, 2017
4. Design Review Board Resolution DRB16-05, granting design review approval to the project.
5. Planning Commission Resolution PC17-01, denying an appeal and upholding the Design Review Board's design review approval of the project.
6. Follow-Up to Appeal submitted by Howdy Goudey, dated April 10, 2017.

Agenda Item No. 7
Attachment 1

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT, MAKING FINDINGS, DENYING AN APPEAL, AND UPHOLDING THE PLANNING COMMISSION'S DESIGN REVIEW ACTION CONDITIONALLY APPROVING THE DESIGN REVIEW OF EL DORADO TOWNHOMES

WHEREAS, on December 17, 2014, Urban Community Partners ("applicant") submitted an application for a Tentative Subdivision Map and Design Review to build 27 townhome condominiums ("project") on property located at 5802, 5808 and 5828 El Dorado Street ("subject site" or "site) (Application No. PL14-0171); and

WHEREAS, the current Assessor's Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM (Multi-family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission adopted a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council held a public hearing and continued the project to September 20, 2016 with guidance to the applicant as to possible amendments to the project; and

WHEREAS, on September 20, 2016, the City Council adopted a resolution approving the Tentative Subdivision Map for the project; and

WHEREAS, on October 19, 2016, the Planning Commission approved a Conditional Use Permit to allow a parking reduction of 6 parking spaces and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of three second units; and

WHEREAS, on November 2, 2016, the Design Review Board considered the Final Design Review for the project and continued the item to the regular December 7, 2016 Design Review Board meeting; and

WHEREAS, on December 7, 2016, the Design Review Board granted Design Review approval to the project; and

WHEREAS, on December 15, 2016, Howdy Goudey submitted an appeal of the Design Review Board's approval of the project; and

WHEREAS, on February 15, 2017, the Planning Commission considered the appeal and adopted a resolution denying the appeal and upholding the Design Review Board's action; and

WHEREAS, on February 23, 2017, Howdy Goudey submitted an appeal of the Planning Commission's action; and

WHEREAS, on April 18, 2017, the City Council of El Cerrito held a properly noticed public hearing on the appeal. As required by El Cerrito Municipal Code Section 19.38.060 and based upon all evidence and reports offered for review, including both oral and written testimony by the appellant, applicant, and members of the public, the City Council does find and determine that the project is consistent with:

1. The applicable standards and requirements of this Zoning Ordinance;

   The project meets the requirements of the Zoning Ordinance, specifically Multi-family Residential District and Section 19.06.030 Development Standards. This includes the general development standards in terms of height, setbacks, parking and open space.

2. The design policies of the General Plan and specific plans adopted by City Council;

   The design is consistent with the General Plan designation of High Density Residential for this area of the city; as well as policies that influence design, specifically, L1.1 Quality of Development, CD 1.1 Neighborhood Character, CD 1.3 High Quality Design, CD1.9 Building Design, CD 2.1 Street Frontages, CD2.7 Accessible Design, CD3.3 Site Landscaping, CD4.3 Building Articulation and CD 5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   There are no design guidelines adopted by the City Council for this part of the city. This finding is not applicable.

4. The design review criteria set forth in the following subsection;

   The project is in keeping with the design review criteria as outlined below (Section 19.38.060 of the El Cerrito Municipal Code).

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

   The project is consistent with the City Council's approval of the Tentative Subdivision Map for the project and the Planning Commission's approval of a Conditional Use Permit to allow a parking reduction. The project has received all required Planning Commission and City Council approval. No additional Zoning Administrator approval is needed.

6. Any other relevant policies or regulations of the City.

   No other City policies apply to this project; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 19.038.060 B. - Design Review Criteria, when conducting design review, the decision maker shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. The City Council further finds and determines the following:

a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

   The project provides an attractive and comfortable environment for all because the buildings have a clean, contemporary design. Landscaping will be a prominent design feature along the street frontage. The project design provides the tenants many amenities including; private and common open space areas; including private landscaped yards and a landscaped common area.

b. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

   The building materials integrate well with the building design and the façade articulation. The proposed landscaping is appropriate for the site and integrates well with the proposed design aesthetic. The overall design scheme is visually consistent.

c. The project has been designed with consideration of neighboring development.

   Surrounding structures include both single family and multi-family housing. The structures are one, two and three stories high and are typically mid-century in design. The massing of the proposed project is consistent with the prevailing three stories in the neighborhood with similar front, side and rear setbacks.

d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

   The proposed contemporary design aesthetic will add visual interest and architectural variety to the surrounding area. The buildings will be well-articulated. The El Cerrito Plaza Bay Area Rapid Transit (BART) station and AC Transit bus routes are less than a half of a mile away from the project, making it an ideal walking or biking distance to public transit.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having a historically or visually significant character.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having significant public views and vistas from public streets.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette incorporates drought- tolerant plants and has been selected appropriately for El Cerrito's climate and the characteristics of the site. The project has been revised to respond to the Design Review Board's preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately for their dual roles.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project has been designed to exceed the energy requirements of Title 24 of the 2016 Cal Green building code by 27%.

j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

There are no significant natural features on the project site. The site is not adjacent to the Ohlone Greenway. This finding is not applicable.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other

evidence submitted in this matter, and, in consideration of the findings made above, it hereby denies the appeal of the Planning Commission's design review approval of the project and approves the design review of Application No. PL14-0171, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the City Council on April 18, 2017. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

4. If not vested, this Design Review approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.

5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list to acknowledge that he/she is aware of all these conditions of approval and will comply as directed. Prior to the issuance of a building permit, this signed list shall be returned to the planning and building division and kept as part of the project file:

    a. 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.

    b. Cover all hauling trucks or maintain at least two feet of freeboard.

    c. 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.

    d. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

    e. Replant vegetation in disturbed areas as quickly as possible.

    f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

g. Clear signage at all construction sites shall be posted indicating that diesel 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.

h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

j. 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.

k. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.

l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.

n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.

o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.

p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.

q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats 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 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.

r. 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.

s. 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 initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

u. Project personnel shall not collect cultural resources.

v. 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.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.

8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.

9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.

10. The applicant shall specify a two-by-four trimmer on all windows as part of the building permit submittal for the project.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.

12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.

13. The applicant shall construct an ADA path of travel, including truncated domes, with a striped crosswalk, from the newly constructed sidewalk on Santa Clara Street to the park entrance prior to issuance of Certificate of Occupancy.

14. The applicant shall provide pedestrian safety measures for pedestrians crossing from the sidewalk to the park to the satisfaction of the Public Works Director. This may include but is not limited to a convex mirror, sensors, or similar device to alert drivers or pedestrians if there is a conflict.

15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.

16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.

17. Any new street trees to be installed shall be from the City Master Tree List and be approved by the City Arborist before installation.

18. For any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.

19. The applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees for all earthwork and grading operations in excess of 50 cubic yards.

20. The applicant shall provide a drainage plan for new roof and any rain leaders. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.

Fire Department:

21. Building construction shall meet current Building, California Fire Codes, and the El Cerrito Fire Code.

22. Prior to the issuance of the building permit, the applicant is responsible to meet the following requirements to the satisfaction of the Fire Marshall:

23. Provide code analysis of required total firefighting water.

24. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

25. Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.

26. Fire Department Connections (FDCs) shall be interconnected between all three buildings and shall be located on El Dorado and Avila.

27. All pathways required for Fire Department access shall remain open, clear and ungated.

28. “KNOX BOX” shall be installed with keys for all common areas.

29. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).

30. Smoke detectors shall be 120v powered with battery backup.

31. Smoke detectors shall be interconnected.

32. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.

33. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.

34. Carbon Monoxide alarms shall be120 v Powered with battery backup and be interconnected with the smoke detectors.

35. All electrical breakers shall be labeled.

36. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property. Address shall be either internally or externally illuminated.

37. Automatic Fire Sprinklers shall be installed throughout the Complex.

38. Fire sprinkler plans shall be submitted for review, approval and permit under separate cover.

39. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.

40. Escape or rescue windows shall be installed in accordance with CBC 310.4.

Stege Sanitary District:

41. The applicant shall submit a sewer capacity study to Stege Sanitary District for review and approval prior to issuance of building permit.

Design Review Board:

42. Planning staff shall review and approve the final landscape plan prior to issuance of Building Permit.

43. Planning staff shall review and approve a method of screening trash bins in the front yards of units prior to issuance of a building permit.

44. The applicant shall show control joints on exterior stucco surfaces on the Building Permit submittal plans.

I CERTIFY that at a regular meeting on April 18, 2017 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 April XX, 2017.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Janet Abelson, Mayor

February 23rd, 2017

City of El Cerrito
Planning Division
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Appeal of the Feb. 15th Planning Commission decision regarding a proposed development at 5828 Eldorado Street (application PL14-0171)

Dear Mayor Abelson, City Council Members and Planning Division Staff,

Please consider the following appeal of the Feb. 15th 2017 Planning Commission decision regarding the final design review for the proposed development project at 5828 Eldorado Street (application PL14-0171). This letter summarizes some of the concerns and is followed by more detailed elements of the appeal and associated municipal code references.

Background

Because I have already appeared before the Council with an appeal regarding a different flawed project, I want to begin by stating that I do not take these appeals lightly and I am not motivated to obstruct development process. It has always been my intention to reach a better outcome than the one proposed and I hope you will work to do the same. I do not oppose development in El Cerrito and this is not a NIMBY complaint without substance. In fact, I have spoken in favor of several recent large developments in our City. However, I feel obligated to speak out against developments that are demonstrably inferior and inconsistent with the goals, policies and values of our community. Regrettably, this project falls into these categories. Not only has the developer made the colossal misjudgment to be a party to a socially irresponsible dislocation of low-income, elderly and disabled residents of longstanding when there are no suitable affordable living situations available to them, he has been insufficiently responsive to the criticism of his project. Furthermore, the planning process and review dialog has failed to uphold essential obligations to the community.

I appreciate the effort of Council, during the sub-division map portion of the process, to provide direction for improved affordability and accessibility elements in the plan. Unfortunately, the developer's response was insufficient to make the plan more consistent with city policies and the values of the community and relevant critiques on the site plan from the DRB's initial review were not shared with you at the time of the sub-division map decision. I urge you to oppose this project, as proposed, unless much more substantial improvements are made to address affordability and accessibility.

There are many innovative ways to do better. I have proposed a simple opportunity for the additional smaller units to provide genuine affordability. Instead of offering the additional smaller units for sale at market value, they can be designated as rental units belonging to the HOA with an

income qualification and affordable rent level set in a deed restriction on the property. This would provide significant income to the HOA for maintenance while simultaneously establishing at least two genuinely affordable units to compensate for those displaced by the project. It would be particularly appropriate to offer these rental units to former occupants of the site who have been displaced by the project at the rent they previously paid. The developer has asserted that this is too much of a management burden for an HOA; however, on the contrary, it would relieve some of the burden of HOA dues with very little management overhead.

This is not the only potential way to improve this project, it is just one, relatively easy, incremental gesture (from a re-design point of view). Please use your own imagination to propose solutions to improve this project such that it reflects the social responsibility that our City expects. I urge you to further challenge the developer's imagination to propose a project that is mindful of the profound social impacts the current project imposes and demand a solution that genuinely mitigates these impacts.

Purview

The decision being appealed has the purview associated with the DRB final design review, the scope of which is primarily an aesthetic architectural review of structures and landscaping applied to a number of stated findings and criteria. The following appeal document is therefore organized within that structure from the zoning ordinance. However, it is important to also reflect on the context of this purview in the larger process. Despite the aesthetic architectural focus of the scope, the DRB final review findings and criteria include broad language with a substantially larger scope, such as findings of consistency with the zoning ordinance, General Plan and other regulations. It has been argued that the sub-division map action for this project severely restricts the purview of final design review; however, it is still extremely important to embrace the entirety of the broad scope of the DRB findings, including an open-minded review of the previous entitlement decisions with respect to aesthetic implications. The design review perspective and findings were not part of the sub-division map decision, and that decision should not preempt them from being considered at this point.

These projects tend to develop a great deal of inertia and inevitability as they move through the process; however, part of final design review needs to be a fresh look at whether the process delivered a sound result in light of the overall context. The maturity and momentum of this project is not an excuse to avoid critical review of the process to date. The developer's neglect of site plan feedback that was provided at the beginning of the project, should not be rewarded by considering it a settled issue, just because a year has elapsed. The concerns and needs for significant site plan design changes have not gone away, just because the developer chose to ignore them, and their negative implications will not go away for many decades over which this project will stand.

Economic impact

The developer has repeatedly asserted the challenges of making the project economical when improvements have been proposed; however, there is no requirement to substantiate any of these claims and they remain highly questionable, especially considering this proposed design is

one of the least expensive construction types (entirely wood-framed) for units that can be sold at extremely high prices in the current market. In the sub-division map process before Council, the developer was questioned about proposing only 27 units when 29 are allowed. Two small units were subsequently added, as a minimal gesture to improve affordability and accessibility. Rather than hurting the economics of the project, they are likely to financially benefit from this change, because the incremental development cost will almost certainly be far less than the increased sales proceeds of the two additional units. By the same logic, they are leaving money on the table by not making more efficient use of the space and increasing the number of units further, by use of an affordable housing density bonus or other means of variance from the prevailing density standard. This is a rare large site in our city, one of the few that can accommodate greater density without undo impacts on the surrounding neighborhood when properly designed; however, this project completely fails to make the most of the opportunity the site offers and instead squanders the potential with a lasting impact for decades to come.

Despite the superior design flexibility it affords, there was never any serious consideration to utilize dense parking solutions in a common garage rather than individual private garages for each unit. Flexible independent access such as pit lift, puzzle parking and pallet systems (Appendix 2) provide convenience and space efficiency that preserve valuable space to create higher value, more livable, features. It is likely a viable option to consolidate dense parking in a core garage as a means to expand ground floor living space and increase units and density with a lower parking ratio that is more consistent with transit oriented development, without actually increasing the overall built out envelope of the site. In other words, the townhouse format and driveway heavy site plan is seriously underutilizing and degrading the valuable space of the site, one of the few of this size in the area.

Summary Comments

- **This project replaces 36 rental units (among the most affordable in El Cerrito) with 29, mostly three and four bedroom, townhouse condos for sale** at market rate, well out of reach of the majority of the population, certainly beyond that of the longstanding existing residents at the site who were displaced by the project.
- **This project does not help with urban infill and transit oriented development (TOD)** but rather displaces a greater number of low-income units to be replaced by a smaller number of high-income units. Low income workers will have to commute greater distances to their jobs in this area as a result of this displacement, which defeats the goals of TOD. The car-centric design of the proposed project is not actually in the spirit of good TOD.
- **The displacement of low-income, disabled seniors caused by this proposed project is highly immoral and reprehensible** (a displaced elderly man spent this rainy winter living out of his car, one woman suffered a heart attack during her forced move and another woman passed away from a stroke shortly after relocation into a $2500/mo apartment that she could not afford). The project has not adequately mitigated the displacement impact, and this is a major dereliction of social responsibility. The RV park closure document didn't contact most of the former residents, but it does indicate many former residents were

forced to move 20-30+ miles away. The report does not document the impacts on rent paid, commute distance to work, and other impacts caused by the displacement. Just because the previous residents presumably found something doesn't mean it came without a significant sacrifice. **You have not been adequately informed of the sacrifices that are being made, by those who can least afford it, for this project to be built**. There is plenty of language in City housing policy supporting the preservation of low-income housing, that has been inappropriately neglected in this case, including the following:

Necessary finding regarding condo conversion in Zoning Ordinance 19.45.080 G (reiterated in Housing Element H1.5):

> ***The proposed (condominium) conversion will not displace a significant percentage of low and moderate income or senior citizen tenants and delete a significant number of low and moderate income rental units from the city's housing stock at a time when no equivalent housing is readily available in the City of El Cerrito area***.

- According to the report provided, in Dec. 2014, only 2 out of 27 units at Audiss RV park were not long term. Despite the notion that an RV Park is typically intended to provide "short term" accommodations, this facility **was acting as a de-facto multi-unit rental housing, with several residents living there for decades**, because of the lack of sufficient affordable housing in the area. It is unconscionable to neglect the reality that this project is a condo conversion with adverse impacts that are expressly protected in our Zoning Ordinance. This project should not be entitled as condos, or until a mitigation can remedy the violation of 19.45.080 G.
- **It is unacceptable to claim that El Cerrito residents that are highly vulnerable to housing insecurity, do not deserve the protection of the condo conversion ordinance because their housing is somehow less important than someone else's.** The closure report clearly confirms the scarcity of equivalent housing units in the area. Former residents had to move 20+ miles to find another place to live and there are waiting lists several years long for local affordable housing. The RV park residences are respected by the US census and as a domicile for the purpose of voting and in the legal system. The US postal service, a branch of the federal government, delivered mail to individual free standing mail boxes at Audiss RV spaces, the same level of service as a single family residence. Why is the City of El Cerrito refusing to consider these homes as equal to others for the application of the Zoning Ordinance? The impacts on the people aligning with the conversion ordinance should be more important that the details of the housing perfectly aligning with the ordinance (even though there is nothing in the written ordinance that excludes application to this case).
- **Even with the two additional units, this project does not include enough diversity of housing types/sizes, especially considering the lower cost rental units it is removing**. As a result, this project is not adequately serving the most significant housing needs in our community. It is a waste to squander this rare large parcel on a subdivision for a type of housing that serves only a small sector of higher income residents who have more options than others.

- According to the housing element, nearly 50% of the El Cerrito housing stock is already 3-4 bedroom housing units, but 2/3 of households in the city are 2 or fewer people. As a result, 84% of homes have occupancy of 0.5 per room or less. The proposed pattern of development for this project will only further the underutilization of our housing stock. While reducing the options for low-income residents seeking small affordable dwellings.
- This project provides a meager provision for universal access that is inconsistent with the goals and policies of our City. **Optional stair lifts are not an acceptable level of universal access in new construction. This approach is a band-aid fix to retrofit older buildings designed when we didn't know better and should not be used as an excuse to shirk a responsibility to provide genuine universal access as a best practice.** The recently entitled 9 unit apartment building, just a few doors down El Dorado street, has a unit with a lift for full universal accessibility in one unit and it is a considerably smaller project. Surely a development of 29 units can afford to provide full universal access to at least one or two units. Really, it should do much better by having a single elevator serve all three buildings connected as one, as well as including larger, exclusively ground floor flats. The pattern of the development of tall narrow townhomes appears to be incompatible with achieving the universal access goals and policies of our city. Housing Element Policy H3.5

  Encourage the development of housing accessible to people with disabilities, including developmental disabilities, and strive to match housing needs established by local and regional entities for persons with developmental disabilities.

- While the townhouse rows appear fairly dense, this model of dwelling still closely resembles the detached single family residential model with **a heavily automobile dominated site plan**. These dominate asphalt alleys are low-quality spaces and they are not good hardscape design (which falls under DRB scope).
- **It is inappropriate that a project of this size would be served by individual trash and recycling bins for each unit**. Up to 64-96 bins are proposed to be rolled to the street each week. It is important to include provisions for green waste pickup to allow household compost waste diversion, even if the site doesn't otherwise generate much green waste from the landscape. An integrated shared refuse pickup solution needs to be implemented through the home owner's association. Just because the hauler doesn't mind the solution (they are undoubtedly happy to get up to 32 new accounts) doesn't mean it is thoughtfully planned for the convenience of the residents and neighbors.
- There are many ways in which this project could employ high quality design elements such as those required in the neighboring San Pablo Specific Plan to provide a more innovative and inclusive housing solution that truly serves the community.
- **The RV park closure report provides inadequate documentation of the impacts to previous residents.** An exceedingly small number of previous residents were actually able to provide input and only about 8 of the 40+ received any financial assistance.

- While there have been new affordable units introduced recently (Ohlone Gardens) and additional sorely needed affordable units are in the pipeline (including new units at Eden Senior Housing, the upcoming Mayfair site, and a modest number at Creekside Walk), these limited resources are massively exceeded by the need and it is irresponsible to remove affordable rental units in exchange for high end market rate condos. The Community Development Department has indicated that the sales comps generated by this condo project will help the financing case for future low-income housing projects; however we can't afford to lose so many low-income rental units in the name of real estate comps. When I was at the counter filing my first appeal of the DRB decision to the Planning Commission, a man came in asking about affordable housing opportunities and he was told that the waiting lists were about 2 years long. He was also told that "affordable" units in Creekside walk would rent for over $1000/mo. It was clear that he had immediate need and that paying that much rent was not affordable for him. It was painful to watch him be turned away without any help. This project is not helping him, but it did create 30-40 more people like him out there looking for affordable housing in a hostile market.
- It is precisely because of the pressure of market rate projects like this that there are insufficient affordable housing resources available to the people that have been evicted by the previous owner to allow selling this site for development. The developer claims that the project is only feasible as a market rate project, but that argument is unsubstantiated and unconvincing. There is undoubtedly considerable opportunity for a superior design that could probably have 40+ units in a similar site envelope, including affordable units and a greater diversity of units sizes and rental versus ownership types. Also, there were plenty of vacant lots available in El Cerrito that the developer could have chosen to develop without causing displacement.
- **It is up to your review to hold the developer to a high standard with regards to meeting Council direction for improved affordability and accessibility in the context of this site.** You shouldn't take a developer's hearty say-so at face value when they claim they can't afford to provide an important project amenity. There has been a pattern of reluctance and tone deaf statements by the developer during this application process that should not be rewarded. Our goals and policies give you the leverage to get a better project for the long-term in El Cerrito that doesn't sacrifice our affordable housing and universal access ideals.
- **Planning and construction decisions last a long time (50+years) it is important to get them right for the future they will serve**, rather than settling for something that is marginally (if at all) helpful in the short term. This project may be compliant with most of the somewhat dated ordinances for the RM district, but it is not consistent with the vision of the SPASP (that it borders) and the broader vision of TOD density increase to serve housing supported by alternative modes of travel. Other projects have sought and received support to obtain lower parking and increased density. This decision will be baked in for a long time, get it right.

Further discussion

There are many ways the developer could be making a more earnest effort to mitigate the affordability impacts associated with the displacement of longstanding residents their project has caused. While the developer cannot be compelled to do so, it still doesn't make financial sense that they are unwilling to take advantage of the state affordable housing density bonus opportunity, as relatively modest provisions of affordable units will allow building more market rate units (up to 39 total) and undoubtedly offer more profit potential. If they were leaving money on the table with 27 instead of 29 units, they are definitely leaving money on the table by not taking the 20% or 35% density bonuses.

For 20% bonus (up to 35 total units)

- 5% very low income: 2 very affordable units, enable 4 more market rate units
- 10% low income: 3 affordable units, enable 3 more market rate units

For 35% bonus (up to 39 total units)

- 11% very low income: **merely 3 very affordable units, enable 7 more market rate units!**
- 20% low income 6 unit affordable enables 4 more market rate

The “last-century” car-centric townhome site plan (entirely wood-framed) is perhaps the least costly for the developer, but it provides a poor service to the community by failing to achieve the opportunity for high quality dense TOD housing on one of the few larger lots in El Cerrito. A raised concrete podium, or even just elevated decks over the driveways and parking, opens the potential to support more units in the same space while establishing more and higher quality private/shared open space, as well as accommodating parking alongside significantly more ground level living space at the perimeter.

Accessibility, would also be improved by configuring units as flats rather than narrow three-story row houses (not to mention the space savings and construction costs on multiple stairwells in every unit). A single elevator could make every unit 100% accessible if all three building were connected as one. The wall strengthening provision for stair lifts is not an equal or sufficient access provision. It requires numerous inconvenient transfers and isn't accommodating to short notice needs. There are at least two runs of stairs in each unit. The verticality of the units inherently fails to provide universal accessibility. The stair lifts are impractical enough for a resident who needs to install one, but this measure completely ignores the provision of access to incidental needs to accommodate a visitor that aren’t planed weeks in advance and can’t warrant a band aid construction project, because the building didn’t prioritize inclusive design from the outset.

The developer already easily acquired a parking variance as part of the addition of two units, and it would have been an easy opportunity to propose an even lower parking ratio that would be more in line with the direction of the nearby San Pablo Specific Plan, rather than going by the more out of date prevailing zoning. However, even with 2 spaces per unit, they could accommodate parking in a superior manner if they didn't insist on separate garages and long wasteful driveways, dominating most of the ground floor. A common open garage solution (under podium/decks) could

provide more flexibility and enable more usable living space on grade. Mechanical parking density (appendix 2) could also help minimize space for parking and free it to be used for higher purposes that deliver more value to the occupants.

In addition to the two small unit that were added. The three largest units contain accessory dwelling (in-law) units which may increase the number of smaller rental units associated with the site, if the owner chooses to rent them. In order to maintain the highest possible utilization of the bedrooms provided by this project (as opposed to the prevailing low utilization rate in the city), the CC&Rs should be prevented from prohibiting the rental of accessory units, and rooms in other units when they are otherwise owner occupied. Sublet of a room by a renter of one of the full condo units should also not be prohibited. The housing element states: nearly 50% of the El Cerrito housing stock is already 3-4 bedroom housing units, but 2/3 of households in the city are 2 or fewer people. As a result, 84% of homes have occupancy of 0.5 per room or less. We don't need more large underutilized spaces, but we need to be sure that all dwelling configurations are likely to be highly utilized rather than reducing the number of people housed on the site.

Centralized waste collection really needs to be implemented for a project of this size and all three streams need to be supported. The non-driveway street frontage is 130’ and 225’ = 355’. At 3.5’ per bin (~18" gap per pick-up guidelines) the maximum 96 bins require 336’, so apart from the logistical (and noise) nuisance of rolling so many bins long distances every week, there will be curb length conflict with as few as 1-2 cars parking on each street bordering the site, leading to blocked sidewalks and less pickup convenience and efficiency for the route drivers. It has been mentioned that the bins will be “clustered” near the driveways, but it is completely unsubstantiated how such a solution can be practical, with so many bins, without creating significant egress problems. Individual bins are not a good solution for this density of housing, and just another example of where this developer is shirking the responsibility to provide a high quality dense housing solution that is a pleasure for the occupants and the neighborhood alike.

This project is squarely within the intention of the El Cerrito condo conversion ordinance (preventing dislocation of low-income, elderly and disabled residents when they have poor prospects for alternative accommodations), and I still do not see a compelling reason that the ordinance should not be applied equally to protect all long term renters, rather than dismissing some housing and occupants as inferior to others. We should not run El Cerrito like Orwell’s *Animal Farm* where some are “more equal” than others.

In addition to the many units of long term housing in RVs, there were at least 4-5 units in permanent structures. These units should also qualify for the condo conversion protection, but because two of the duplexes sit on separate lots, they can be narrowly excluded from the multifamily housing designation, even though the project is clearly impacting all five of these units together. A case can be made that the condo conversion ordinance should apply (especially since they are being impacted by a single project under a single demolition permit after the parcels have been combined and re-split with a subdivision map). The application of the condo conversion ordinance remains an interpretation that ultimately you need to evaluate and exercise with a well-supported determination, rather than just accepting the staff interpretation.

It has been said that this development has been careful or conservative by staying within the zoning criteria (some of which are now dated compared to recent directions in the city). However, it is never a conservative act to undertake the development of an occupied property that forces displacement of long-standing residents, especially when proposing condos in a city with a conversion ordinance. Even in the case that the law protects the intention to displace low-income and elderly residents (which I do not think it does), **it is all the more reprehensible that a developer is willing to exploit a favorable interpretation of the law rather than reflecting their social responsibility to the community and voluntarily avoiding the negative impacts of the current proposal.**

I do not oppose new development of the site in question. However, I strongly oppose the details of the proposed project as they stand because they are inconsistent with the goals and policies of the city and they represent a failure of social responsibility on the part of the developer to be thoughtful about the context of the housing they are replacing and the occupants that have been displaced by their proposed project.

Conclusion

I agree that we want to encourage new high quality development and not obstruct it, but we also shouldn't just take projects as they come, especially when they primarily serve outside interests, rather than the goals and values of the community of El Cerrito and its long-standing residents. **It is important for the City Council to stand up for the people and policies of our community and not just accept a developer's word without substantial supporting evidence.** Development decisions have longstanding impacts, it is imperative that we do our best to get them right and not just settle for anything new.

It was striking to witness the strength and caring within the Audiss community during the several presentations they made before the City Council and DRB. Despite modest means, they shared holidays together, and looked out for each other. It was heartening and inspiring to learn about, and thus even more disheartening to witness the lack of protection offered when their community was destroyed to make way for market rate condos to be sold to much wealthier people. It is a failure of policy interpretation that the longstanding residents of Audiss RV park were marginalized, under-appreciated and forced to move miles away so that other can build high priced housing where they once lived.

It is important to recognize that there are significant mental/physical stress implications of housing insecurity with serious health impacts. An elderly man has been living out of his car through this rainy winter, following his displacement from Audiss. An elderly woman suffered a heart attack during her move (thankfully she recovered and is ok). Another elderly woman suffered a stroke and passed away shortly after moving to the only accommodation she could find at $2500/mo, a rent she could not afford indefinitely. This project does not increase housing density or opportunity, it just changes who can live there (wealthier people replacing lower-income residents) and it is unconscionable.

The El Cerrito community has appropriately rallied support to denounce an egregious hate crime in our city. It is not hyperbole to characterize this displacement of some the most vulnerable low income residents in our city for the benefit of a developer and wealthy home buyers as an egregious economic hate crime that deserves the same denouncement and commitment to action. I do not say this to be provocative. I say it as a call to personal action, that not a single one of us should be comfortable condoning this action, and the developer should feel to social pressure to offer a better solution for the sake of his own conscience and to earn the heart-felt support of his fellow human beings, rather than hiding behind inhuman private property rights. With property right come property responsibilities and it is up to all of us to remind others of this social responsibility.

Unfortunately, the history of humanity is littered with recurring episodes of displacement of people with less socio-economic power, while simultaneously providing overwhelming favor toward those with more money and power. Which side of this dismal trend do you want to align yourself and your decisions for El Cerrito? Please fully consider and implement means to improve this project to assure that it adequately serves the standards and values of our community rather than just the economic interest of the developer.

I fully expect that developer, the community, City staff and Council do not want to be party to a project that benefits a few wealthier people over a larger number of low-income people who are struggling to find housing in our community. It is incumbent upon all of us to act to improve this project and protect the displaced residents as required by the Zoning Ordinance 19.45.080 G.

Sincerely,

Howdy Goudey

635 Elm St.
El Cerrito, CA 94530

An appeal of the February 15th 2017 decision of the Planning Commission regarding the final design review for the proposed project at 5828 Eldorado Street

It is important to begin with a full understanding of the scope, purview and findings for the Design Review Board (DRB) decision that that this appeal is asking the Council to consider. Because only a portion of the text was provided in the staff report for this appeal. The complete relevant text from the municipal code. The DRB final design review scope, has been provided in Appendix 1 of this document (ECMC 19.38.040 and 19.38.060). Selected relevant sections are presented below with each associated appeal argument.

Scope of Final Design Review (19.38.040):

To paraphrase the relevant sections, the scope of final design review is the aesthetic architectural review applied to structures and landscaping, including character defining features and the relation to existing settings (19.38.040-C) and the location and type of landscaping including selection and size of plant materials and design of hardscape (19.38.040-E).

This is the definition of scope that should be kept in mind when considering the following design review findings and criteria from section 19.38.060. I encourage you to consider the language in 19.38.040 and 19.38.060 yourselves (not just allow it to be interpreted for you by staff) and reflect on what you are being asked to review. To ensure the best project outcome, it is important to maintain an open mind that there is still an opportunity to revisit

Final Design Review Findings (19.38.060)

The Design Review Board may only approve a final design review application if it finds it to be consistent with the following:

A1. The applicable standards and requirements of this Zoning Ordinance

The project is not compliant with all the zoning ordinance standards. For instance, the condo conversion ordinance (19.45) should be applied.

19.45.010 - Purpose.

The purpose of this chapter is to establish criteria for the conversion of existing multiple family rental housing to condominiums and to reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion.

19.45.020 - Applicability.

The regulations set forth in this chapter shall apply to the conversion of existing multiple family rental housing to condominiums.

The ordinance does not elaborate on the type of multifamily rental housing. It says what is included, but it is not exhaustive and does not say what is excluded. It does not specify if the ordinance only applies to condo conversion of existing units as they stand, or conversion by demolition as well.

19.46.030 - Residential use classifications.

4. Multiple Family Residential. Three or more dwelling units on a single lot. Types of multiple-family dwellings include: townhouses, garden apartments, and other apartment buildings.

19.47.020 - Definitions.

Building. Any structure having a roof supported by columns or by walls, designed for the shelter or housing of any person, animal or property.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels or boarding houses.

Dwelling Unit. One room or a cluster of rooms designed for use by one family for living and sleeping purposes and having only one kitchen or kitchenette.

The definitions above help clarify that any rental situation with 3 or more units comprised of "room/s" with a roof on a lot for the purpose of living and sleeping by independent families would qualify for the 19.45 condo conversion ordinance.

There is no explicit reference in the El Cerrito Municipal code that excludes house trailers or motor homes (with fixed sewer, water and electrical connections) from being considered "dwelling units."

However it has been asserted as an interpretation by staff the, “for the purposes of the condo conversion ordinance, the RV park doesn't qualify as multi-family residential housing. The definition of multi-family residential housing includes a list of the types of housing that qualify and an RV park isn't similar enough to the types of housing listed to qualify.”

Shouldn’t we be more concerned about the impacts to the people being similar to those the ordinance tries to avoid rather than the building type being similar enough? Ultimately, this is an interpretation. The strict language of the ordinance does not clearly exclude this housing type from multi-family designation and there are more than three units of permanent rental housing structures across the multiple lots which should also qualify given they are impacted together under one project.

It would be in the best interest of all concerned to be more careful to mitigate the serious social impacts associated with housing displacement and affordability, rather than attempting to push through a market rate project that displaces low-income residents and seniors by interpreting ordinances in a manner that is favorable to a developer at the expense of the least powerful in our community.

A2. The design policies of the General Plan and specific plans adopted by City Council.

Housing Element (part of General Plan):

H1.1 Encourage neighborhood preservation and housing rehabilitation of viable older housing to preserve neighborhood character and , where possible, retain supply of very low, low, and moderate-income units.

- The "where possible" clause doesn't mean it is a low priority, optional consideration, it means that this is an important consideration that should be taken seriously where it applies, because it is infrequent as an existing condition. This is all the more reason to pay close attention to it in the rare instances where low-income units are the existing condition, such as this.

H1.2 Discourage the conversion of residential uses to non-residential uses, unless there is a finding of clear public benefit and equivalent housing can be provided for those who would be displaced by the proposed conversion.

- While the new use remains residential, this policy further emphasizes our community values that displacement is not acceptable without the availability of equivalent alternative housing, especially for residents facing the most extreme housing insecurity.

H2.1 Provide adequate residential sites for the production of new for-sale and rental residential units for existing and future residents.

- This project achieves new, for sale, housing by removal of a greater number of rental units (net loss) and displaces lower-income rental units with expensive for sale condo units.

H2.7 Encourage innovative housing approaches in the design and ownership of units to increase the availability of affordable housing.

- This project is not innovative and is providing only expensive 3-4 bedroom units for sale and the few smaller units in the revised plan are not a sufficient redesign. A more diverse selection of housing, including affordable units, would be far more innovative and supportive of the needs of the community. Beyond the superior project that could be prosed within the RM zone standards. The Planned Development and density bonus opportunities give the needed latitude to achieve a more innovative solution to address housing affordability and diversity, as supported by policy and programs of the Housing Element. Following the Planning Commission meeting on this project last May, one of the Commissioners said that the design of the project represented "everything that was wrong with townhouse development in the 1970's" (not a ringing endorsement of "innovative" and accommodating design).

H2.8 Encourage diversity of unit size and number of bedrooms within multifamily housing developments and strive to provide family housing of 3 to 4 bedroom units within projects.

- Mostly providing 3-4 bedrooms units is not adequately serving diversity. This provision means to be inclusive of 3-4 bedrooms units, not nearly exclusively providing 3-4 bedroom units (especially when replacing smaller more affordable units). The Mayfair project sees the market rate housing opportunity to be much greater with studio, 1 and 2 bedroom units. The housing element shows that roughly 2/3 of El Cerrito households are 2 or fewer people. Given this trend, most of the proposed bedrooms will be empty (at least as bedrooms). It has been suggested that renting out rooms may increase the density of use of these large units, but it is possible that the condo homeowner's association (HOA) will prohibit the rental of a room by its owner or the sublet of an extra bedroom by the renter of a whole conde. It should be assured as a condition of approval that renting portions of the condos will not be prohibited by the HOA CC&Rs.

H2.9 Provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.

- Incentives exist to make it attractive to include affordable units (acceptance of higher density and other concessions), but this project is not including them and claiming that it isn't economical, which is unsubstantiated and not likely given the power of the incentives, if a more innovative project was proposed.

H2.12 Based on the land-use strategy developed in the General Plan and Zoning Ordinance, direct growth into compact patterns of development to promote infill and intensify land uses.

- Actually this "infill" project is reducing the intensity of housing by replacing 36 units with 29 units. The only thing it "grows" is high priced housing that can only be afforded by wealthier people than were previously living there.

H2.13 Assist and cooperate with non-profit, private, and public entities to maximize opportunities to develop affordable housing, including extremely low-income housing.

- The City is clearly committed to these goals if the developer is willing to engage the affordable housing opportunity and responsibly mitigate the problem they have exacerbated by displacing affordable rental housing units.

H3.1, 3.5 Encourage the provision of housing for special needs groups. / Encourage the development of housing accessible to people with disabilities, including developmental disabilities, and strive to match housing needs established by local and regional entities for persons with developmental disabilities.

- Evicting low-income disabled seniors to sell high cost condos is not adequately considering the welfare of some of our most vulnerable residents. The townhome design and the

limited provisions offered toward meaningful universal access, are inadequate to meet accessibility policies. The units are heavily dominated by the multiple flights of stairs. This reduces universal access and makes poor use of limited floor space as well as adding a great deal of inconvenience for occupants. Every piece of furniture and bag of groceries will need to be carried up one or more full flights of stairs.

H4.1 Promote fair housing opportunities for all people.

- In his letter supplied to the Planning Commission packet for their May meeting on the project, the developer expresses concern with the fairness of how his project is treated, but does not seem concerned with the fairness of the implications of his housing project on the people previously living there, or the community as a whole. It is exceedingly unfair (and a violation of El Cerrito's zoning ordinance) to evict low-income, elderly and disabled residents without good alternatives. To truly serve the community, the project design would embrace fairness to support the broader range of housing needs by introducing more diversity of housing units, instead of just replacing low-income renters with expensive condo units in order to turn the highest profit.

San Pablo Avenue Specific Plan:
Although the project site is not in the San Pablo Avenue Specific Plan (SPASP) area and the application predates the adoption of that plan, the close proximity and the claim of providing a transit oriented development, bears comparison to the guidance of that SPASP.

A4. The design review criteria set forth in the following subsection.

See comments on section B criteria below.

A6. Any other relevant policies or regulations of the City.

Strategic Plan:

Value: Responsiveness

- Seeks and utilizes community input

There has been a regrettable failure to meaningfully act on the significant community input, including the displaced residents of the former Audiss RV Park, to guide improvements to this project.

Value: Ethics and Integrity

- Keeps the public's interest always in mind
- Has the courage to say no
- Is willing to admit failures/faults

As stated under the responsiveness section above, the public process regarding this development has not kept the public's interest in mind as much as it has kept the developer's interests in mind.

The Strategic Plan guides decision makers to have the courage to say no. In this case that means the courage to say no to a developer who rigidly rejects adopting design modifications that will improve the project for all concerned.

We are appealing for your review to take to heart the Strategic Plan recommendation to willingly admit failures/faults of the process to date and to remedy them while there is still an opportunity.

Final Design Review Criteria (19.38.060)

All projects must satisfy the following for approval:

B1. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community

The three rows of tall, narrow buildings with asphalt driveways in between are too crowded and create unattractive and uninviting low quality alley spaces as the majority of the exterior common space on the site.

B3. The project has been designed with consideration of neighboring development.

The design is monotonous and not consistent with the surroundings. The car-centric choices and the dense concentrations of rolling refuse bins, rather than communal waste collection, is not a considerate interface with the neighborhood.

B4. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

At ½ mile, the walking distance to BART is not highly convenient and the destinations served by bus routes on San Pablo are limited. For these reasons, it is not accurate to portray these units as highly transit oriented, especially when the design is very car-centric with so much valuable space dedicated to driveways and private garages. Most importantly, the new development does not actually add units or residents compared to the preexisting condition, so the project does nothing to improve housing density near transit, as genuine transit oriented projects should.

B8. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

While the project meets outdoor open space requirements, the overuse of asphalt hardscape alleys serving the private garages is a poor use of outdoor common space that degrades the outdoor livability of the units.

B9. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The car-centric plan and high fraction of asphalt hardscape associated with this development is not green or eco friendly design. The poor choice of individual household roller bins for trash and recycling does not include composting for food waste diversion and is a disincentive to recycle, because an extra bin must be rolled a long distance every week and the large number of bins will probably not be easily accommodated on streets that also are used for street parking.

The DRB has repeatedly expressed that vinyl framed windows are a lower grade building material with poor aesthetics and lesser durability. It is worth noting that all vinyl frames expand and contract a great deal more than other materials with every temperature swing. The repeated cyclical expansion and contraction may lead to premature seal failure, operability and other durability issues. Vinyl framed windows do, of course, meet the energy code requirements; however, vinyl is not considered a “green” building material. It has significant environmental impacts associated with manufacture and it has lower performance in terms of lifetime durability and life cycle impacts. This is particularly notable because windows are an expensive building component to replace and by specifying a lower quality product the developer is saddling the future building owners with less occupant satisfaction and greater building maintenance cost over time.

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Appendix 1 – Title 19 – Zoning. Part V – Administration, El Cerrito Municipal Code

19.38.040 - Scope of final design review.

The Zoning Administrator or Design Review Board shall approve, conditionally approve or deny, or make recommendations on applications for final aesthetic architectural review based on consideration of the requirements of this Chapter as they apply to design of the structures, landscaping, lighting and other architectural features of an application including:

A. Building articulation, facade treatment and architectural details.

B. Exterior colors and materials.

C. Character defining features and the relation to existing settings.

D. Design of fences, walls, and screen plantings, including but not limited to height of those structures, materials, colors, and type.

E. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.

F. The size, location, design, color, number, lighting, and materials of signs.

G. Design of the streetscape, including but not limited to landscaping, furniture and materials.

19.38.060 - Final design review findings and criteria.

A. Findings for Approval. The Zoning Administrator or Design Review Board may only approve a final design review application if it finds that the application is consistent with the purposes of this Chapter and is consistent with:

1. The applicable standards and requirements of this Zoning Ordinance;
2. The design policies of the General Plan and specific plans adopted by City Council;
3. Any applicable design guidelines adopted by the City Council;
4. The design review criteria set forth in the following subsection;
5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;
6. Any other relevant policies or regulations of the City.

B. Design Review Criteria. When conducting design review, the Zoning Administrator and the Design Review Board shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. Criteria listed below are specific criteria that, if applicable, all projects must satisfy for approval.

1. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

2. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

3. The project has been designed with consideration of neighboring development.

4. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

5. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

6. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

7. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

8. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

9. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

10. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

C. Final Design Review Conditions. In granting final design review approval for a project that meets all of the applicable standards and requirements of this Zoning Ordinance, the Zoning Administrator or Design Review Board may impose final aesthetic architectural design conditions reasonably related to the application and deemed necessary to achieve the purposes of this Chapter. Therefore, such conditions may not overlap with, or impose more restrictive requirements than those provided for under Planning Commission land use authority pursuant to State law, the Municipal Code, Zoning Ordinance, and any other adopted plans, policies, permits or regulations. Notwithstanding the foregoing, this section shall not limit the powers of the Zoning Administrator or Design Review Board established by any other law.

(Ord. 2008-2 Div. II (part), 2008.)

Appendix 2 – Independent dense parking systems (any car is accessible anytime without the action of other drivers)

Pit lift system gain more independent parking with modest excavation

Puzzle parking (vertical and horizontal motion) more space efficient

Pallet parking (density without lift, pits, or higher ceiling)

Agenda Item No. 7
Attachment 3

OWNER/DEVELOPER

5828 EL DORADO, LLC.
URBAN COMMUNITY PARTNERS, LLC
935 PARDEE STREET
BERKELEY, CA 94710
CONTACT: KEITH MCCOY (510) 225-9270

CIVIL ENGINEER

CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322

LANDSCAPE ARCHITECT

RIPLEY DESIGN GROUP, INC.
1615 BONANZA STREET
WALNUT CREEK, CA 94596
(925) 938-7377

ARCHITECT

LCA ARCHITECTS
590 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CA 94596
(925) 944-1626

SHEET INDEX

1. COVER SHEET – INDEX SHEET
2. EL DORADO STREET RENDERING

TENTATIVE MAP SHEEETS

3. TM-1 TITLE SHEET & SITE PLAN
4. TM-2 EXISTING SITE CONDITIONS
5. TM-3 DIMENSION PLAN
6. TM-4 GRADING & UTILITY PLAN
7. TM-5 PRELIMINARY STORMWATER CONTROL PLAN
8. TM-6 PRELIMINARY EROSION CONTROL PLAN

LANDSCAPE SHEETS

9. L.1 FINAL LANDSCAPE PLAN
10. L.2 FINAL LANDSCAPE DETAILS
11. L.3 FINAL IRRIGATION PLAN
12. L.4 LANDSCAPE ENLARGEMENT PLAN

ARCHITECTURAL SHEETS

13. A-1.1 FIRE ACCESS PLAN
14. A-1 SITE PLAN
15. A-2 UNIT A PLANS
16. A-3 UNIT B PLANS
17. A-4 UNIT C & D PLANS
18. A-5 BUILDING 1 PLANS
19. A-6 BUILDING 1 PLANS
20. A-7 BUILDING 2 PLANS
21. A-8 BUILDING 2 PLANS
22. A-9 BUILDING 3 PLANS
23. A-10 BUILDING 3 PLANS
24. A-11 BUILDING 1 ELEVATIONS
25. A-12 BUILDING 2 ELEVATIONS
26. A-13 BUILDING 3 ELEVATIONS
27. A-14 BUILDING 1 SECTIONS
28. A-15 BUILDING 2 SECTIONS
29. A-16 BUILDING 3 SECTIONS
30. A-17 CONCEPTUAL BUILDING MATERIALS
31. A-18 CONCEPTUAL DETAILS
32. A-19 CONCEPTUAL BUILDING LIGHTING
33. EX-1 COMMON OPEN SPACE
34. EX-2 PRIVATE OPEN SPACE
35. EX-3 LANDSCAPED AREA

NOVEMBER 2016

EL DORADO TOWNHOMES

TENTATIVE MAP AND DESIGN REVIEW PACKAGE

EL CERRITO, CALIFORNIA

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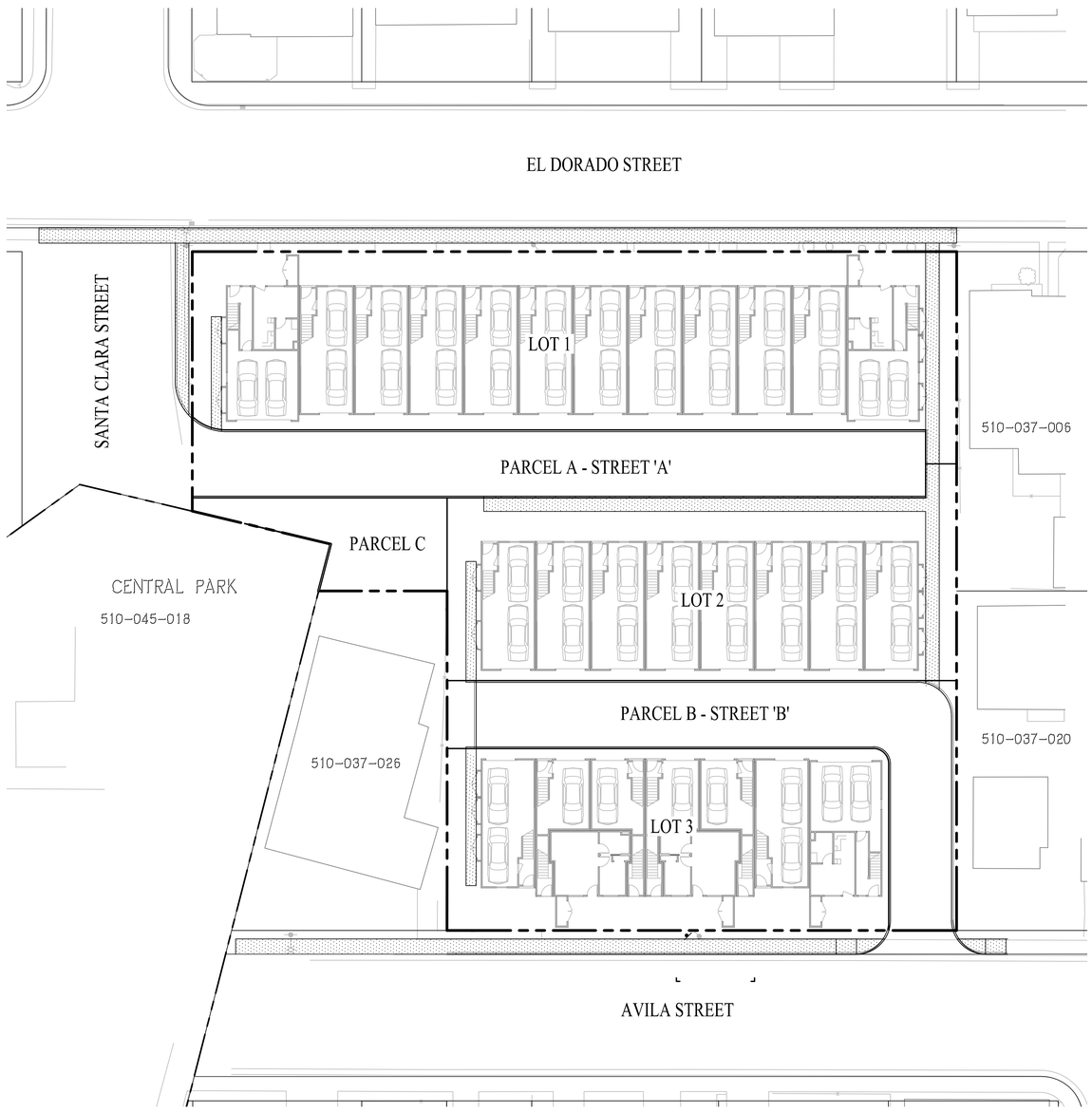
(925) 866-0322

SCHWAIGER 2016

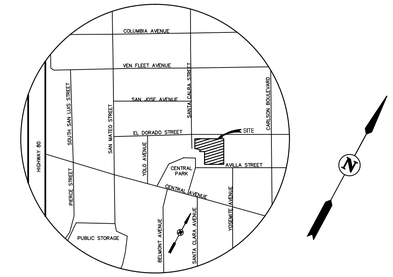


CONTACTS:

1. OWNER/APPLICANT: 5828 EL DORADO, LLC.
   URBAN COMMUNITY PARTNERS, LLC
   935 PARDEE STREET
   BERKELEY, CA 94710
   CONTACT: KEITH MCCOY
   (510) 225-9270

2. ENGINEER: CARLSON, BARBEE & GIBSON, INC.
   2633 CAMINO RAMON, SUITE 350
   SAN RAMON, CA 94583
   CONTACT: GREG MILLER
   (925) 866-0322

3. SOILS ENGINEER: ENGEO, INC.
   2010 CROW CANYON PLACE, SUITE 250
   SAN RAMON, CA 94583
   CONTACT: ALI SALEHIAN
   (925) 866-9000



VICINITY MAP

NOT TO SCALE

GENERAL NOTES:

1. SITE ADDRESS: 5828 EL DORADO STREET
   EL CERRITO, CA 94530
2. EXISTING USE: RESIDENTIAL
3. ZONING:
   EXISTING: RM (MULTI-FAMILY RESIDENTIAL)
   PROPOSED: RM (MULTI-FAMILY RESIDENTIAL)
4. GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (21 – 35 DU/AC)
5. ASSESSORS PARCEL NUMBERS: 510-037-001, 510-037-002, 510-037-027, & 510-037-028
6. EXISTING SITE AREA: 0.84± AC
7. PROPOSED DEVELOPED AREA: 0.84± AC

PROPOSED LOT 1 (12 UNITS):	11,888 SF
PROPOSED LOT 2 (8 UNITS):	8,159 SF
PROPOSED LOT 3 (9 UNITS):	6,952 SF
PROPOSED PARCEL A (PRIVATE STREET A):	4,329 SF
PROPOSED PARCEL B (PRIVATE STREET B):	4,072 SF
PROPOSED PARCEL C (BIORETENTION):	1,319 SF
EXISTING TOTAL SITE AREA:	36,719 SF (0.84± AC)

8. NUMBER OF LOTS/PARCELS: 3 LOTS/3 PARCELS
9. NUMBER OF UNITS: 29
10. DENSITY: 34.5 DU/AC
11. OWNERSHIP AND MAINTENANCE: ALL PRIVATE STREETS AND COMMON USE PARCELS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION ESTABLISHED WITH THE PROJECT.
12. THIS PROPERTY LIES IN THE JURISDICTION OF:

FIRE PROTECTION:	CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
DOMESTIC WATER:	EAST BAY MUNICIPAL UTILITY DISTRICT
SANITARY SEWER:	STEGE SANITARY DISTRICT
STORM DRAIN:	CITY OF EL CERRITO
GAS & ELECTRIC SERVICE:	PACIFIC GAS & ELECTRIC
TELEPHONE SERVICE:	AT&T

13. FLOOD ZONE DESIGNATION: ZONE X PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP, PANEL NUMBER 06013C 0245 F DATED JUNE 16, 2009
14. BENCHMARK: NGS BENCHMARK "C1198"
    BENCHMARK DISK STAMPED "C1198 1969" AT THE NORTHEAST CORNER OF THE INTERSECTION OF SAN PABLO AND WALDO AVENUES, IN THE TOP OF THE SOUTHWEST CORNER OF A CATCH BASIN ALONG THE EAST CURB OF SAN PABLO AVENUE. ELEVATION: 44.40 FEET (NGVD 88)
15. BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS, THE BEARING BEING N61°42'00"E PER RECORD OF SURVEY.
16. TOPOGRAPHY: PREPARED BY AEROMETRIC SURVEYS, DATED JULY 18, 2014
17. GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
18. ALL UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF EL CERRITO STANDARDS.
19. LOT DIMENSIONS AND AREAS ARE APPROXIMATE AND ARE ROUNDED TO THE NEAREST WHOLE NUMBER. EXACT DIMENSIONS AND AREAS WILL BE PROVIDED ON THE FINAL MAP.
20. LOTS 1, 2 & 3 ARE BEING CREATED FOR FUTURE CONDOMINIUM PURPOSES.

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		PROJECT BOUNDARY
		PROPERTY LINE
		CENTERLINE
		CURB, GUTTER AND SIDEWALK
		EASEMENT
x 100.0	x 100.0	SPOT ELEVATIONS
ø		POWER POLES

ABBREVIATIONS

AC	ACRES	INV	INVERT	RW	RIGHT-OF-WAY
BD	BOUNDARY	IRR	IRRIGATION METER	S	SLOPE
BRC	BACK OF ROLLED CURB	LF	LINEAR FEET	SF	SQUARE FEET
CC	CURB CUT	LS	LANDSCAPE STRIP	SD	STORM DRAIN
CCC	CORNER CURB CUT	MAX	MAXIMUM	SS	SANITARY SEWER
CL	CENTERLINE	MIN	MINIMUM	SW	SIDEWALK
CSJ	CITY OF SAN JOSE	OB	OVERBUILD	TC	TOP OF CURB
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY	P	PAD	TG	TOP OF GRATE
DU	DWELLING UNIT	PIEE	PRIVATE INGRESS & EGRESS EASEMENT	TYP	TYPICAL
EL	ELEVATION	PL	PROPERTY LINE	W	WATER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	PRUE	PRIVATE UTILITY EASEMENT	WLE	WATER LINE EASEMENT
EX	EXISTING	PUE	PUBLIC UTILITY EASEMENT	WM	WATER METER
FC	FACE OF CURB	PVC	POLYVINYL CHLORIDE		
FF	FINISHED FLOOR	R	RADIUS		
FH	FIRE HYDRANT	RCP	REINFORCED CONCRETE PIPE		
FL	FLOW LINE	RP	REDUCED PRESSURE BACKFLOW		
FS	FIRE SERVICE				

SHEET INDEX

TM-1	TITLE SHEET & SITE PLAN
TM-2	EXISTING SITE CONDITIONS
TM-3	DIMENSION PLAN
TM-4	PRELIMINARY GRADING & UTILITY PLAN
TM-5	PRELIMINARY STORM WATER MANAGEMENT PLAN
TM-6	PRELIMINARY EROSION CONTROL PLAN

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
TITLE SHEET & SITE PLAN
EL DORADO TOWNHOMES

CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

SCALE: 1" = 20' DATE: AUGUST 30, 2016

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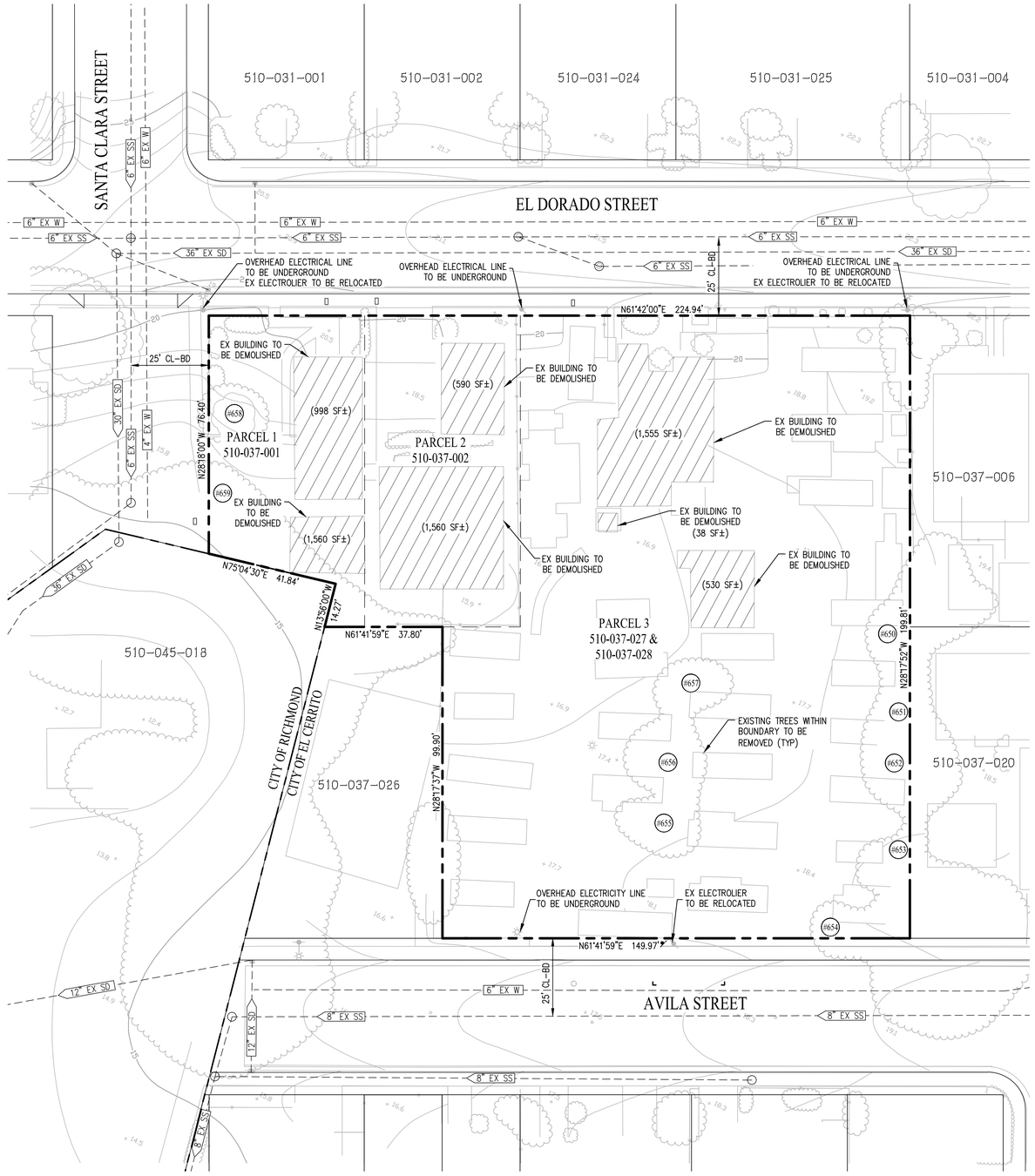
www.cbandg.com

SHEET NUMBER
TM-1



TREE SUMMARY

TREE NO.	SPECIES	TRUNK DIAMETER (IN)	STATUS
#650	SWEETGUM	8.0	TO BE REMOVED
#651	CAMPHOR	22.0	TO BE REMOVED
#652	PLUM	35.0	TO BE REMOVED
#653	CAMPHOR	11.0	TO BE REMOVED
#654	PLUM	7.5	TO BE REMOVED
#655	CAMPHOR	15.5	TO BE REMOVED
#656	CAMPHOR	32.0	TO BE REMOVED
#657	AVOCADO	19.0	TO BE REMOVED
#658	LEMON	13.0	TO BE REMOVED
#659	BOTTLEBRUSH	28.0	TO BE REMOVED

* PER TREE SURVEY PREPARED BY DRYAD, LLC DATED MARCH 25, 2015.
* ALL CITY STANDARD TREE PROTECTION MEASURES WILL BE OUTLINED DURING THE PREPARATION OF CONSTRUCTION DOCUMENTS.

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
EXISTING SITE CONDITIONS
EL DORADO TOWNHOMES

CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

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TM-2

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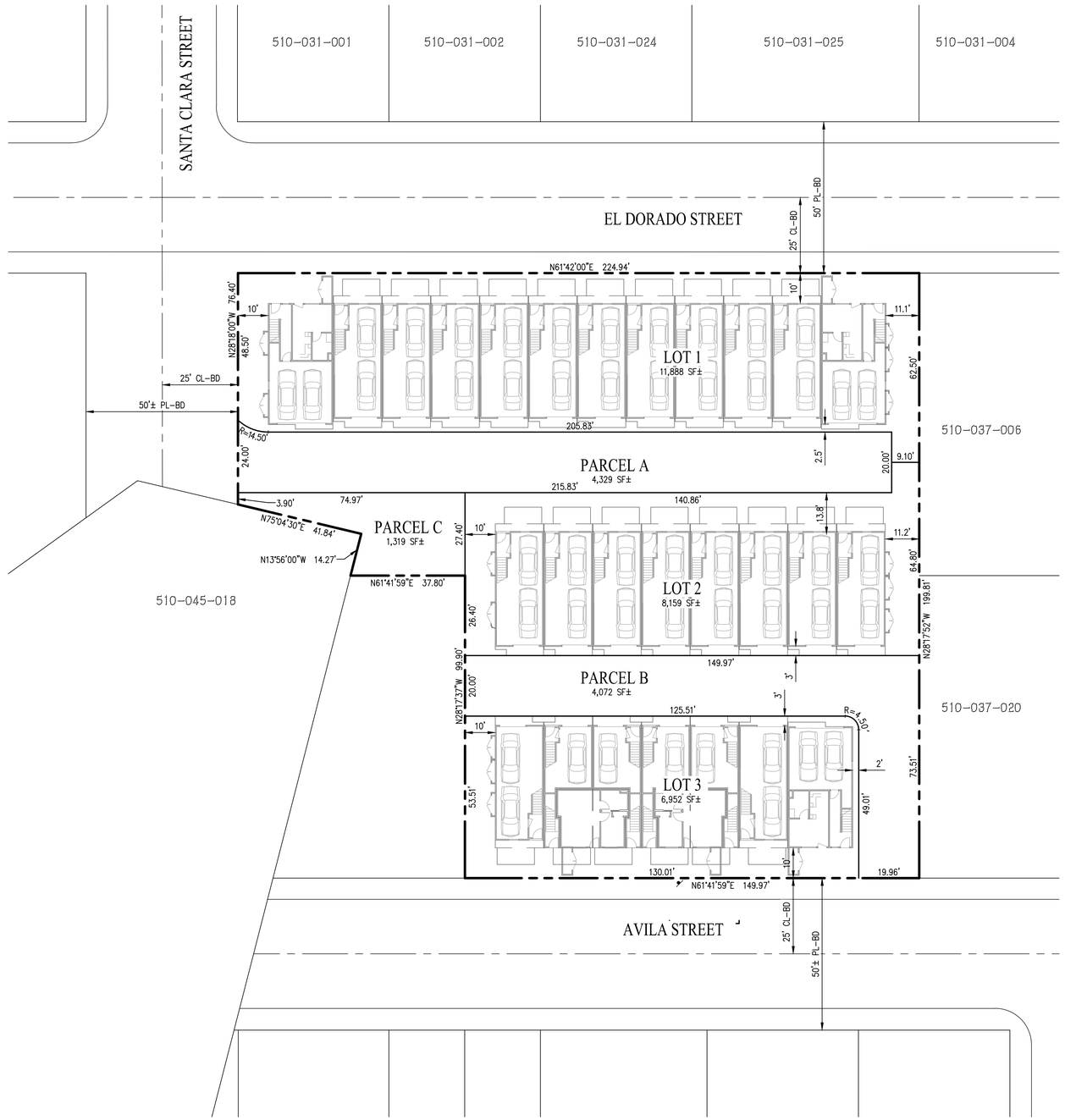

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		PROJECT BOUNDARY
		PROPERTY LINE
		CENTERLINE

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
DIMENSION PLAN
EL DORADO TOWNHOMES

CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

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TM-3

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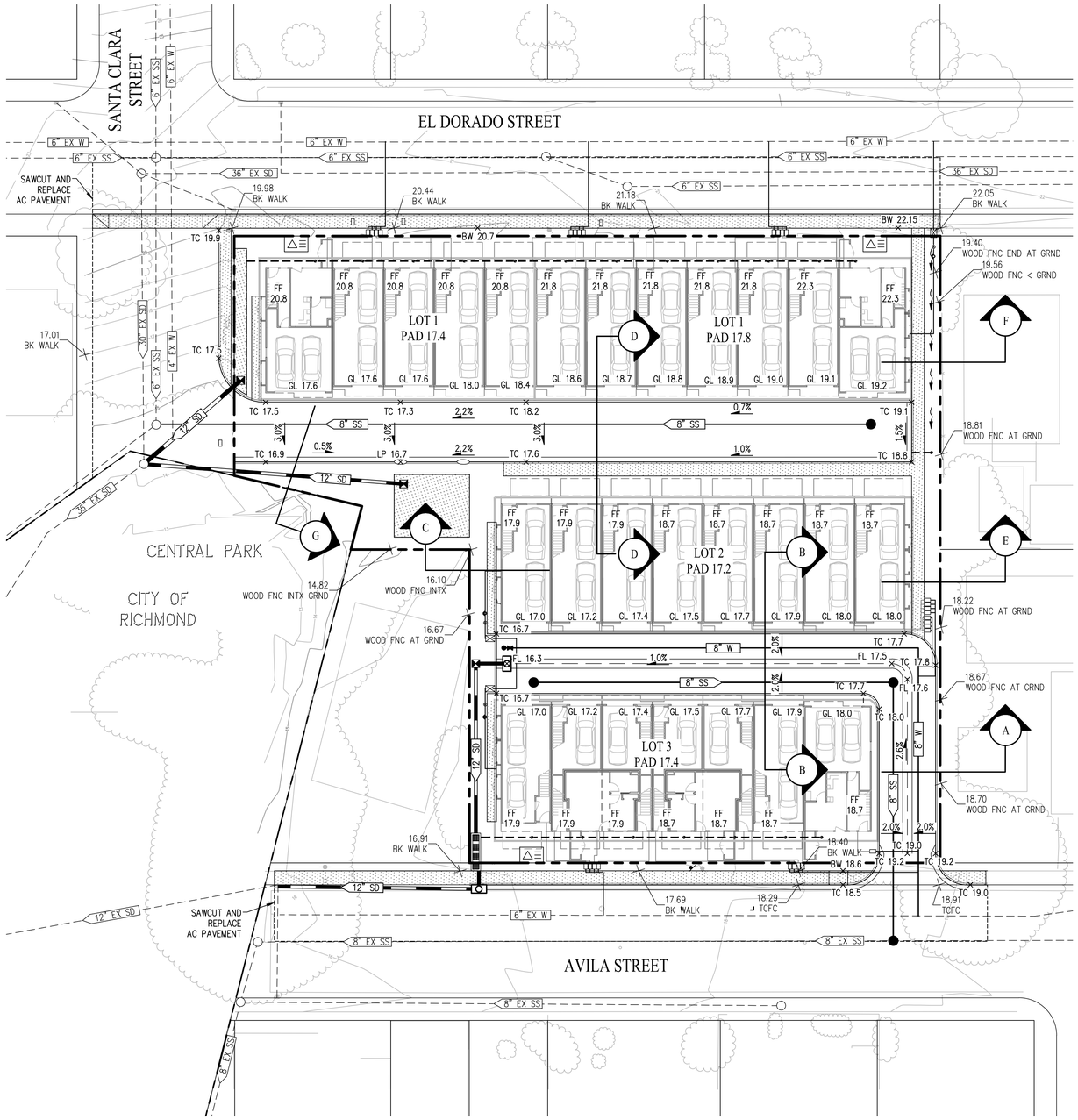

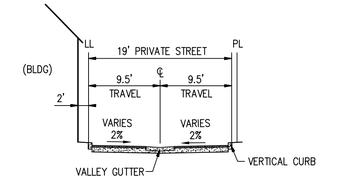

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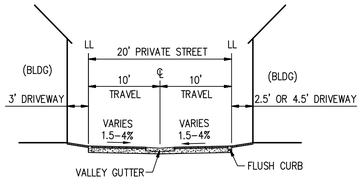

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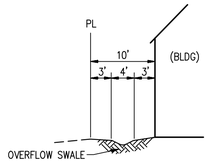

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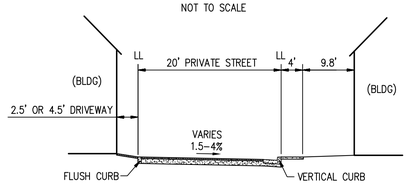

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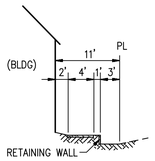

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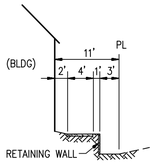

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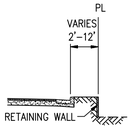


SECTION G
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		CURB, GUTTER AND SIDEWALK
		EASEMENT
	JT	JOINT TRENCH
EX SD	SD	STORM DRAIN
EX SS	SS	SANITARY SEWER
EX W	W	WATER LINE
		THRU CURB DRAIN
		MANHOLE
		CLEANOUT
		CATCH BASIN
		FIELD INLET
		FLOW DIRECTION
		FIRE HYDRANT
		VALVE
	WM	WATER METER
	RP	REDUCED PRESSURE BACKFLOW PREVENTION DEVICE
	DCDA	DOUBLE CHECK DETECTOR ASSEMBLY
		ELECTROLIER
		POWER POLES
		BIORETENTION AREA
		PAD LIMIT
	CC	CURB CUT
	CCC	CORNER CURB CUT

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
GRADING & UTILITY PLAN
EL DORADO TOWNHOMES

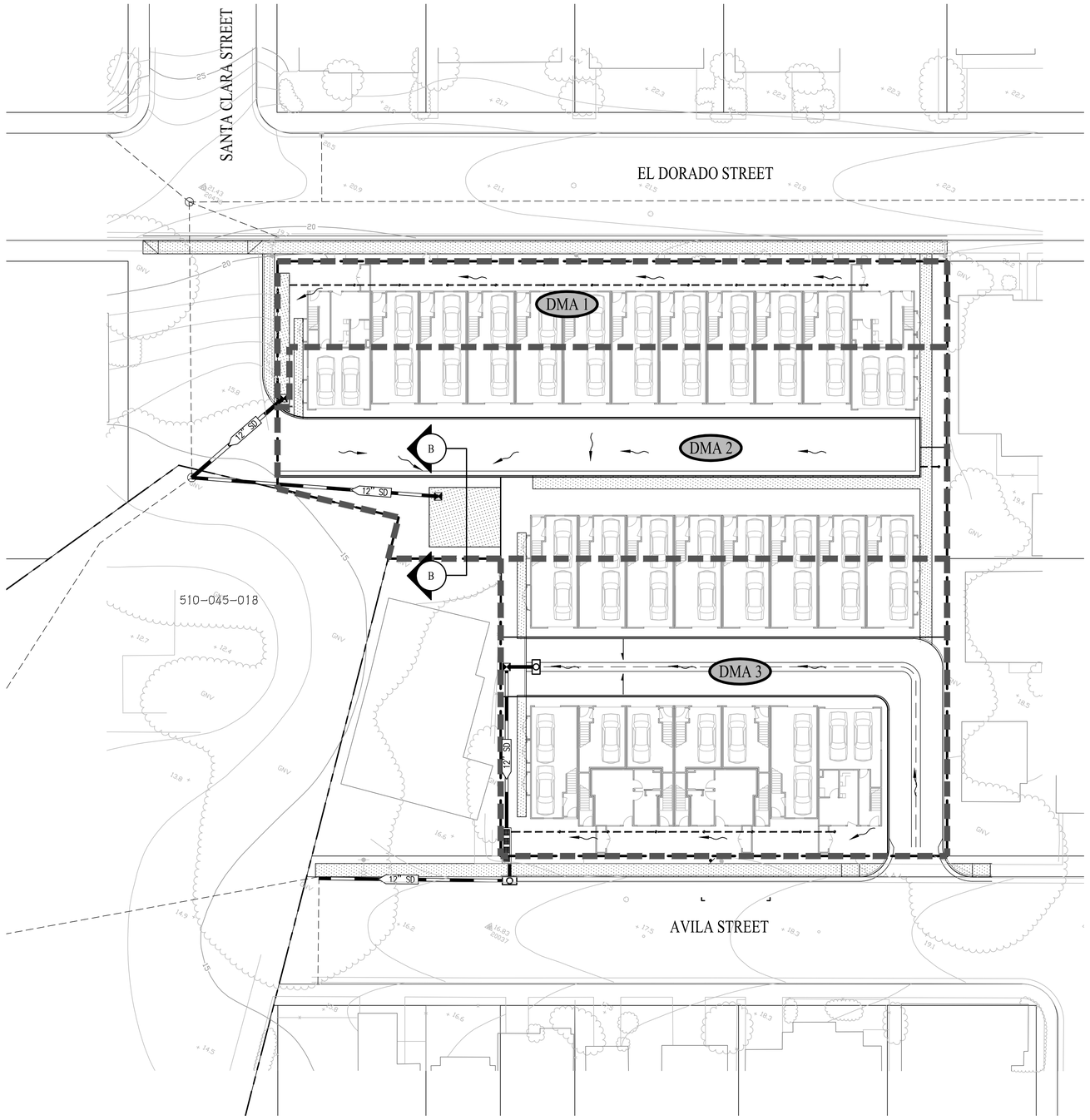
CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

SCALE: 1" = 20' DATE: AUGUST 30, 2016

cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 866-0322
www.cbandg.com

SHEET NUMBER
TM-4



LEGEND

- FIELD INLET
- CATCH BASIN
- MEDIA FILTER
- DIRECTION OF FLOW
- STORM DRAIN
- BIORETENTION AREA
- DMA 1 — DRAINAGE MANAGEMENT AREA
- DRAINAGE MANAGEMENT AREA BOUNDARY

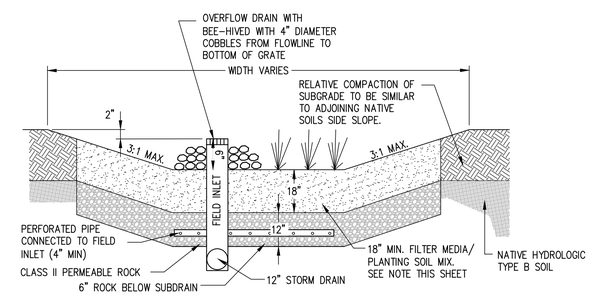
SPECIAL PROJECT CATEGORY "C" WORKSHEET
LID TREATMENT REDUCTION CREDIT CALCULATION

CRITERIA	CREDIT
WITHIN 1/2 MILE OF TRANSIT HUB	25%
RES ≥ 30 DU/AC OR FAR ≥ 2:1	10%
NO SURFACE PARKING	20%
TOTAL	55%

DRAINAGE MANAGEMENT SUMMARY TABLE

DMA AREA	TOTAL AREA (SF)	TOTAL IMPERVIOUS AREA (SF)	PERCENT OF IMPERVIOUS AREA	METHOD	BIORETENTION REQUIRED (SF)
DMA 1	6,566	4,006	14%	4% RULE	160
DMA 2	15,171	12,152	42%	4% RULE	486
DMA 3	14,981	12,955	44%*	MEDIA FILTER	
TOTAL	36,718	29,113			

*A MAXIMUM CREDIT OF 55% OF THE IMPERVIOUS AREA ON-SITE MAY BE TREATED BY NON-LID TREATMENT MEASURES



SECTION B-B
BIORETENTION AREA
NOT TO SCALE

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
PRELIMINARY STORMWATER CONTROL PLAN
EL DORADO TOWNHOMES

CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

SCALE: 1" = 20' DATE: AUGUST 30, 2016

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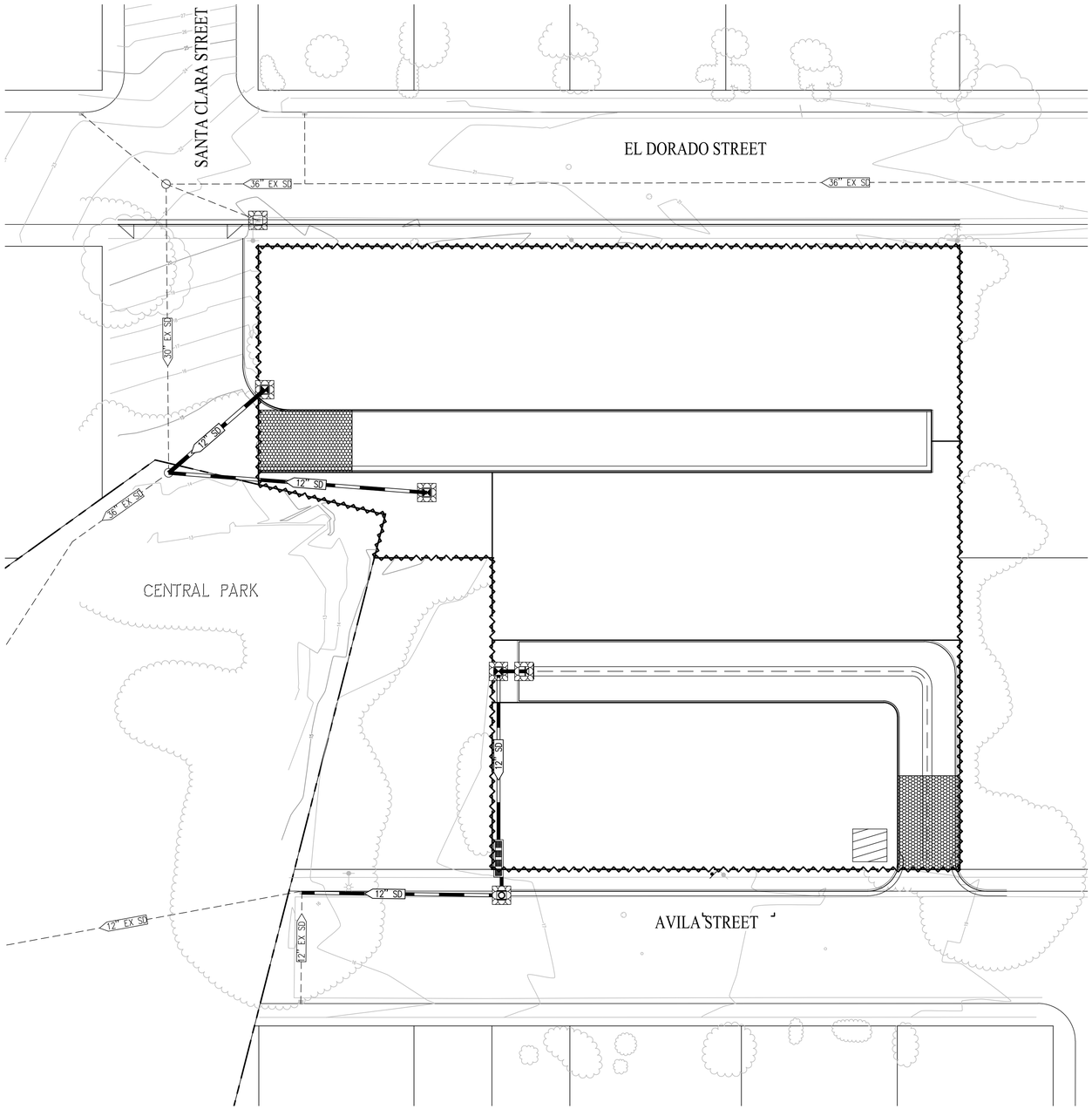
SHEET NUMBER
TM-5



LEGEND

EX SD	EXISTING STORM DRAIN
SD	PROPOSED STORM DRAIN
	INLET PROTECTION
	STRAW WATTLE (FIBER ROLLS)
	STABILIZED CONSTRUCTION ENTRANCE/EXIT
	MATERIALS AND EQUIPMENT STORAGE AREA
	PROPOSED MANHOLE
	PROPOSED FIELD INLET
	EXISTING MANHOLE
	EXISTING FIELD INLET
	MEDIA FILTER
	CATCH BASIN

TENTATIVE MAP
(FOR CONDOMINIUM PURPOSES)
PRELIMINARY EROSION CONTROL PLAN
EL DORADO TOWNHOMES

CITY OF EL CERRITO CONTRA COSTA COUNTY CALIFORNIA

0' 20' 60' 80'

SCALE: 1" = 20' DATE: AUGUST 30, 2016

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SHEET NUMBER
TM-6

NOTES:

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3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
   - A. TOTAL AREA OF HIGH WATER USE PLANTINGS IS LESS THAN 25% OF LANDSCAPE AREA (HIGH WATER USE PLANTINGS = 0%)
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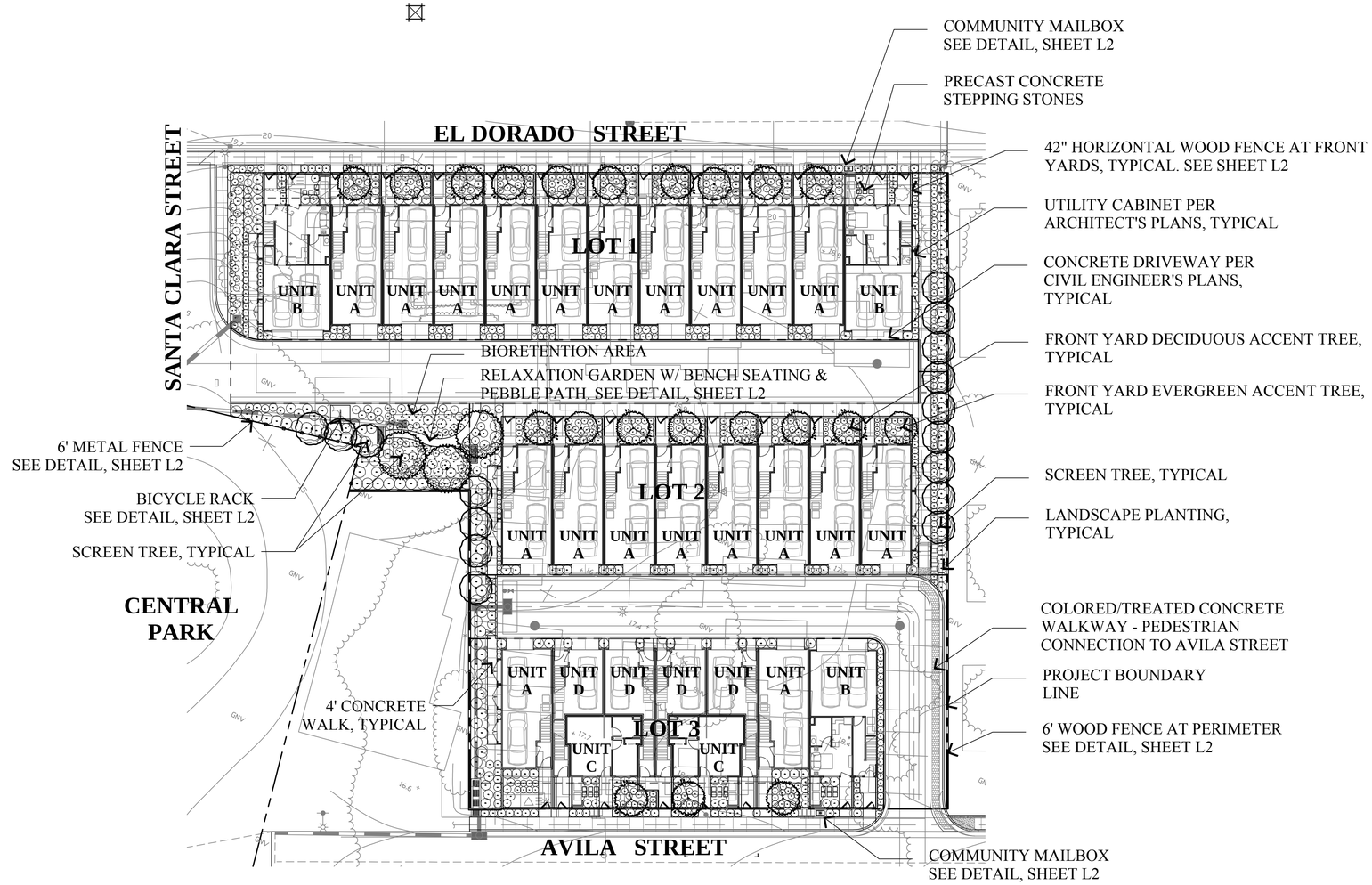
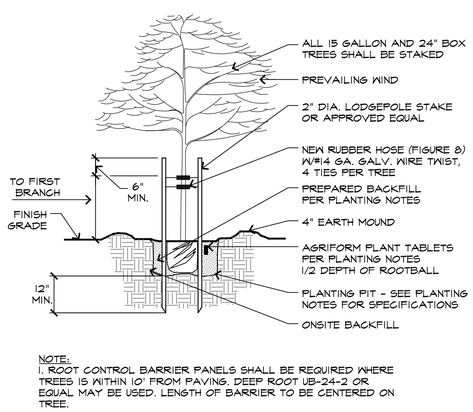




NOTE:
1. ROOT CONTROL BARRIER PANELS SHALL BE REQUIRED WHERE TREES IS WITHIN 10' FROM PAVING. DEEP ROOT UB-24-2 OR EQUAL MAY BE USED. LENGTH OF BARRIER TO BE CENTERED ON TREE.

TREE PLANTING AND STAKING DETAIL SCALE : 1/2" = 1'-0"

024 - Tree&PlntDtl

PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
SCREEN TREES			
MAGNOLIA G. 'LITTLE GEM'	DWARF SOUTHERN MAGNOLIA	15 GALLON	MEDIUM
TRISTANIA LAURINA	WATER GUM	15 GALLON	MEDIUM
FRONT YARD ACCENT TREES (DECIDUOUS)			
ACER P. 'BLOODGOOD'	JAPANESE MAPLE	15 GALLON	MEDIUM
CERCIS CANADENSIS 'ACE OF HEARTS'	ACE OF HEARTS REDBUD	15 GALLON	MEDIUM
FRONT YARD ACCENT TREES (EVERGREEN)			
TIBOUCHINA URVILLEANA	TIBOUCHINA	15 GALLON	MEDIUM
SHRUBS			
BERBERIS THUNBERGII 'CRIMSON PYGMY'	DWARF JAPANESE BARBERRY	1 GALLON	LOW
CISTUS X SKANBERGII	PINK ROCKROSE	1 GALLON	LOW
DAPHNE ODORA 'AUREOMARGINATA'	VARIEGATED WINTER DAPHNE	1 GALLON	LOW
DIETES BICOLOR	FORTNIGHT LILY	1 GALLON	LOW
DIETES IRIDIOIDES	FORTNIGHT LILY	1 GALLON	LOW

BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
SHRUBS CONTINUED			
EUONYMUS J. 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	1 GALLON	LOW
FESTUCA I. 'SISKIYOU BLUE'	SISKIYOU BLUE FESCUE	1 GALLON	LOW
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	LOW
JUNCUS PATENS	CALIFORNIA RUSH	1 GALLON	LOW
LAVANDULA A. 'MUNSTEAD'	ENGLISH LAVANDER	1 GALLON	LOW
LAVANDULA A. 'STOECHES'	SPANISH LAVANDER	1 GALLON	LOW
LIRIOPE GIGANTEA	GIANT LILY TURF	1 GALLON	LOW
LOROPETALUM 'EMERALD SNOW'	CHINESE FRINGE FLOWER	5 GALLON	LOW
LOROPETALUM C. 'RAZZLEBERRI'	RED FRINGE FLOWER	5 GALLON	LOW
NANDINA D. 'HARBOUR DWARF'	HEAVENLY BAMBOO	1 GALLON	LOW
OLEA EUROPAEA 'LITTLE OLLIE'	DWARF OLIVE	5 GALLON	LOW
PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS	1 GALLON	LOW
PENSTEMON 'MARGARITA BOP'	FOOTHILL PENSTEMON	1 GALLON	LOW
PHORMIUM T. 'DUSKY CHIEF'	NEW ZEALAND FLAX	1 GALLON	LOW
PHORMIUM T. 'SWEET MIST'	NEW ZEALAND FLAX	1 GALLON	LOW
PHORMIUM T. 'TINY TIGER'	NEW ZEALAND FLAX	1 GALLON	LOW
ROSMARINUS OFFICINALIS 'COLLINGWOOD INGRAM'	ROSEMARY	1 GALLON	LOW
SARCOCOCCA RUSCIFOLIA	SWEET BOX	5 GALLON	LOW
STIPA ARUNDINACEA	NEW ZEALAND WIND GRASS	1 GALLON	LOW
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	5 GALLON	LOW

GRAPHIC SCALE

0 20 40 60

(IN FEET)
1 inch = 20 ft.

RIPLEY DESIGN GROUP

LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
FAX: 925.9387436

5828 EL DORADO, LLC

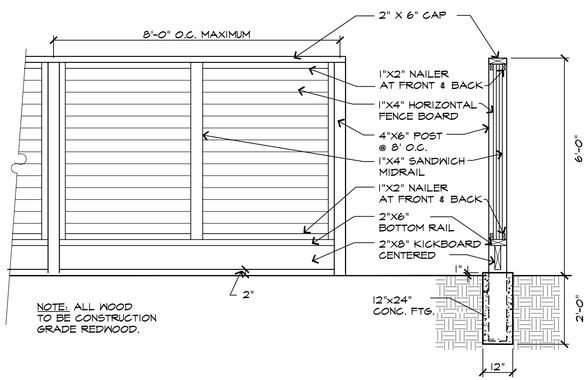
El Dorado Townhomes

El Cerrito, California

Final Landscape Plan

November 15, 2016

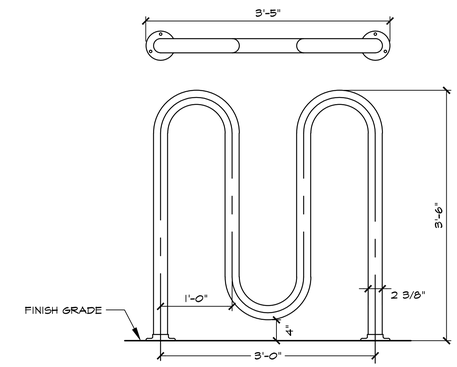
L1



HORIZONTAL WOOD FENCE W/KICKERBOARD SCALE: 1/2" = 1'-0"

024 -FnceRsr

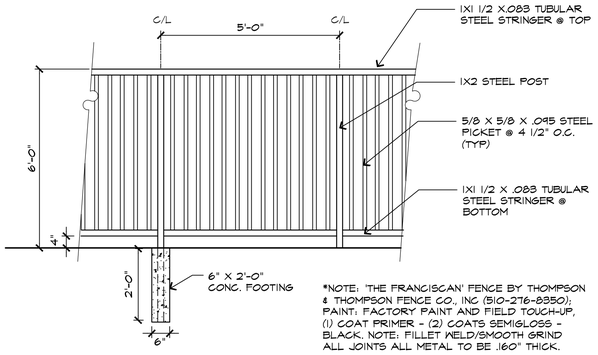
42" HORIZONTAL WOOD FENCE AT FRONT YARD



SONANCE BIKE RACK (5-CAPACITY)
BY KEYSTONE RIDGE

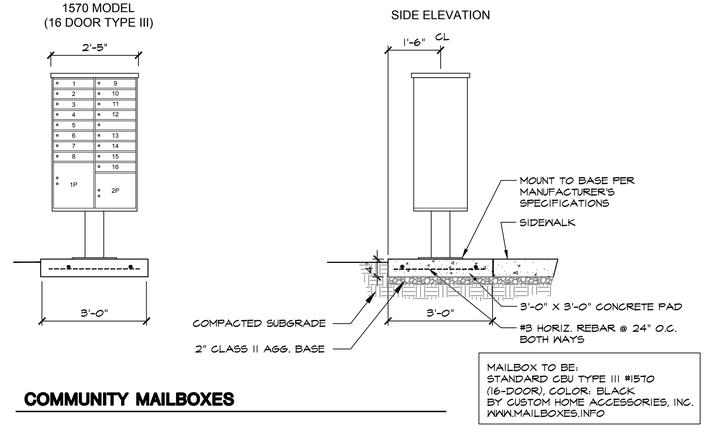
BICYCLE RACK SCALE: 1" = 1'-0"

012 -



METAL FENCE SCALE : 1/2"=1'-0"

024 - FnceMtm



COMMUNITY MAILBOXES

WOOD BENCH #472 BY DUMOR

RIPLEY DESIGN GROUP

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1615 BONANZA STREET
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WALNUT CREEK, CA 94596
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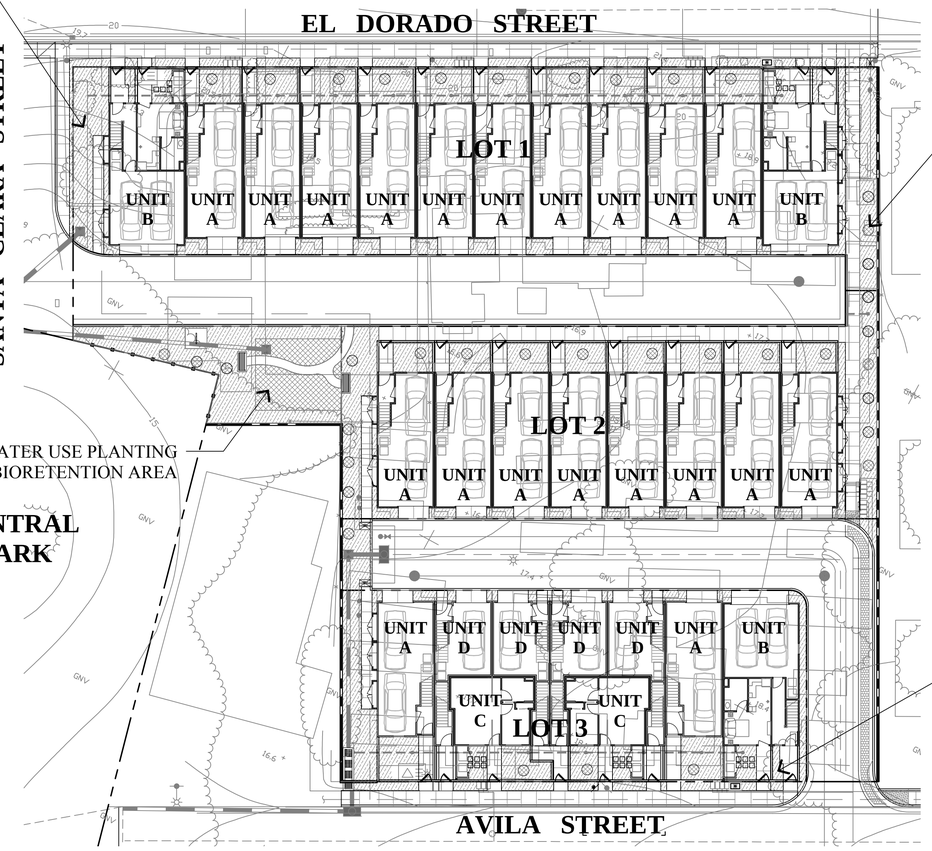
Final Landscape Details

El Dorado Townhomes

El Cerrito, California

November 15, 2016

L2



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WATER BUDGET CALCULATIONS:

LOW WATER USE PLANTING AREA	= 6,045 SF
MEDIUM WATER USE PLANTING AREA	= 665 SF
HIGH WATER USE AREA -TURF	= 0 SF
TOTAL PLANTING AREA	= 6,710 SF

ESTIMATED TOTAL WATER USE:

ETWU (LOW WATER USE) = (44.2) X (0.62) X $\frac{(0.3 \times 6{,}045)}{0.70}$ = 70,996 GAL/YR

ETWU (MEDIUM WATER USE) = (44.2) X (0.62) X $\frac{(0.6 \times 665)}{0.70}$ = 15,620 GAL/YR

ETWU (HIGH WATER USE) = (44.2) X (0.62) X $\frac{(1.0 \times 0)}{0.70}$ = 0 GAL/YR

TOTAL ETWU = 86,616 GAL/YR

MAXIMUM APPLIED WATER ALLOWANCE:

MAWA (LOW WATER USE) = (44.2) X (0.62) X (0.55 X 6,710) = 101,134 GAL/YR

IRRIGATION SYSTEM LEGEND

SYMBOL	DESCRIPTION	SPECIFICATION	NOZZLE GPM	OPERATING PSI
M	DOMESTIC WATER METER	-BY OTHER SECTION OF CONTRACT		
C	ELECTRIC CONTROLLER	-TORO-TIS-612 INTELLI-SENSE (ET-BASED)		
	REDUCED PRESSURE TYPE BACKFLOW DEVICE	-WATTS 009PCQTS W/ (20 MESH) Y-STRAINER, TEST COCK CLEAN OUT VALVE, COVER BACKFLOW ASSEMBLY		
	REMOTE CONTROL VALVES	-HUNTER ICV W/ACCU-SET PRESSURE REGULATOR		
	REMOTE CONTROL VALVES	-HUTNER-ICV-101 W/45 PSI REGULATOR & HY100 WYE FILTER		
	BALL VALVE	-NIBCO-T-560-BR-20-IRR-LINE SIZE		
	QUICK COUPLER	-HUNTER HQ-33D-LRC		
	BUBBLER (TREE)	-TORO-514-20	1.0	30
	BUBBLER (SHRUB)	-PEPCO-OCTA-BUBBLER	.80	30
	IRRIGATION SUPPLYLINE	-1120/SCHEDULE 40 PVC PIPE -18" COVER		
	IRRIGATION SPRINKLERLINE	-1120/CLASS 200 PVC PIPE -12" COVER		
E	ELECTRICAL CONDUIT	-1120/SCHEDULE 40 PVC PIPE -24" COVER		
	SLEEVING	-1120/SCHEDULE 40 PVC PIPE -24" COVER		
STA / GPM / SIZE	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE			

GRAPHIC SCALE

0 20 40 60

(IN FEET)
1 inch = 20 ft.

RIPLEY DESIGN GROUP

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5828 EL DORADO, LLC

Final Irrigation Exhibit

El Dorado Townhomes

El Cerrito, California

November 15, 2016

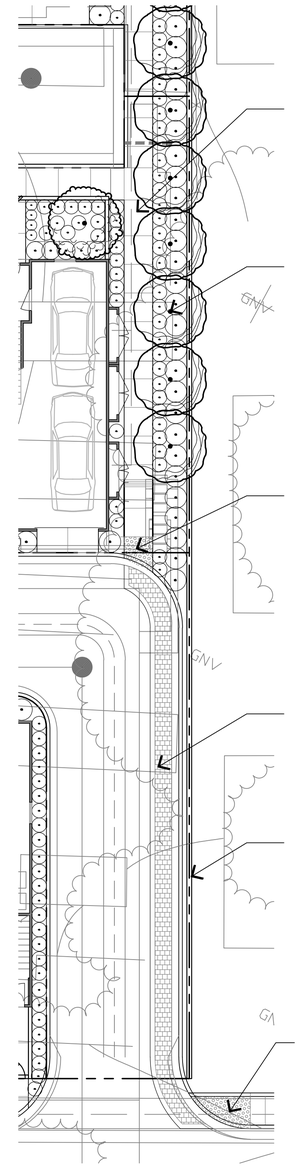
L3

PRECAST CONCRETE PAVER
TRUNCATED DOMES
COLOR: GREY

12X12" TRUNCATED DOME PAVERS

STAMPED COLORED CONCRETE
WALK AT ASPHALT DRIVE WITH
PERIMETER BAND AND
STAMPED COBBLE FIELD
COLOR: MESA BUFF BY DAVIS
COLORS

PEDESTRIAN PATH IN DRIVEWAY



AVILA STREET

GRAPHIC SCALE
0 20 40 60
(IN FEET)
1 inch = 20 ft.

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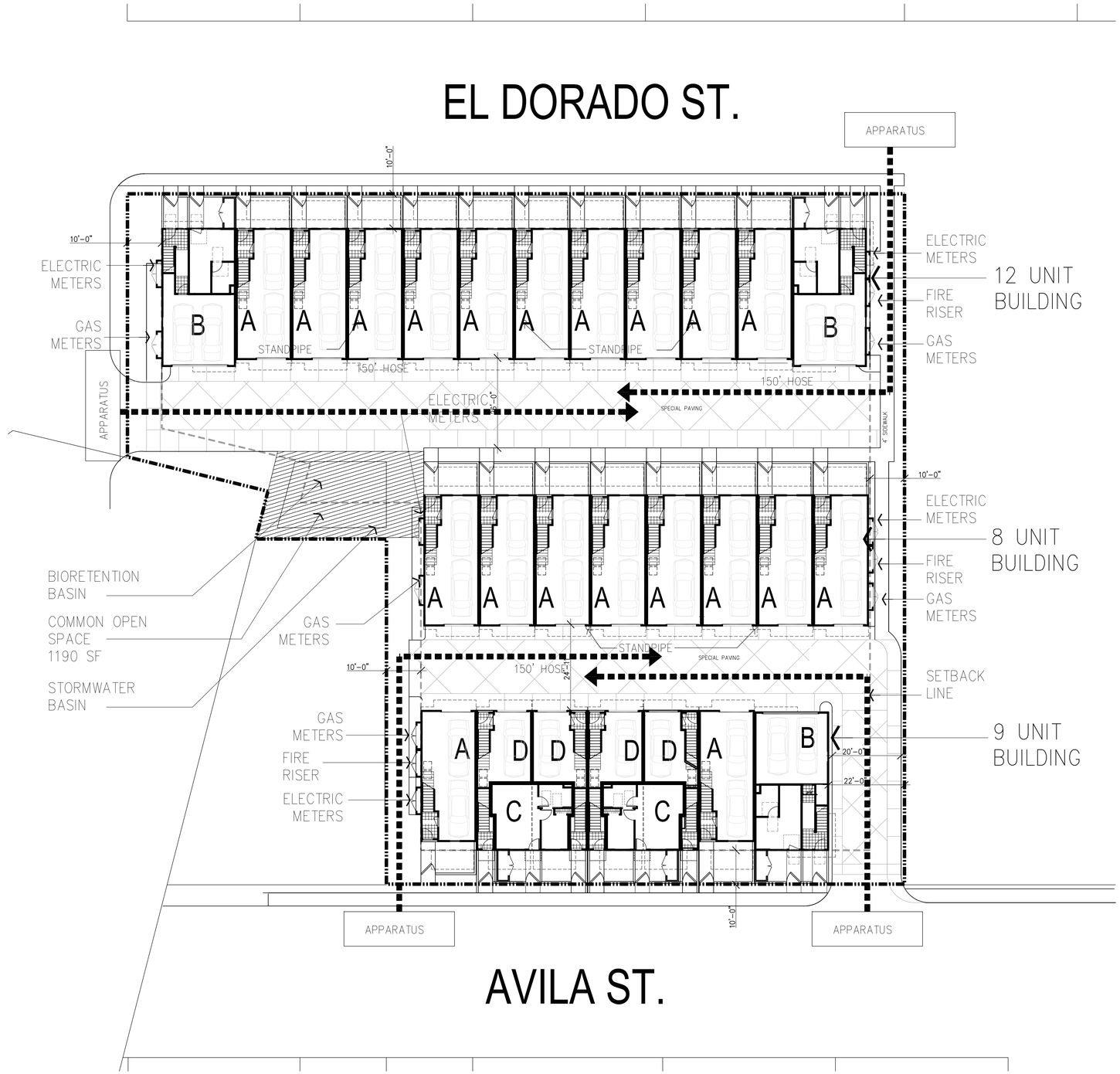
El Dorado Townhomes

El Cerrito, California

Landscape Enlargement Plan

November 15, 2016

L4



1 FIRE ACCESS PLAN

1/16" = 1'-0"

16' 0' 16' 32'

SCALE: 1/16" = 1'-0"

PROJECT NORTH

LCA ARCHITECTS

WWW . LCA - ARCHITECTS . COM

CARL E. CAMPOS
DAVID BOGSTAD
PETER STACKPOLE

590 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94596
(925) 944-1626

1970 BROADWAY, SUITE 800
OAKLAND, CALIFORNIA 94612
(510) 272-1060

El Dorado Townhomes
El Cerrito, California

LCA ARCHITECTS
RESTRICTED ARCHITECTURAL DRAWINGS

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FIRE ACCESS PLAN

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

PROJECT NO. 13073

A-1.1

SHEET OF

PROJECT DATA

ADDRESS:	**5828 EL DORADO STREET**
APN:	**510-037-001, 510-037-002, 530-037-027, 510-037-028**
ZONING DESIGNATION:	**RM (MULTI-FAMILY RESIDENTIAL)**
GENRAL PLAN DESIGNATION:	**HIGH DENSITY RESIDENTIAL**
TOTAL LOT AREA:	**.84 ACRES ± (36,761 SF±)**
LOT COVERAGE:	**47.6 %±**
HEIGHT LIMIT:	**35 FEET**

LANDSCAPED AREA

REQUIRED = 15% OF 36,761 S.F.	**5,515 S.F.**
LANDSCAPED AREA PROVIDED	**6,080 S.F. (565 SF OVER REQ'D.)**

PRIVATE OPEN SPACE REQUIRED (Based on 80% of units)

UNIT A: 50 S.F. ABOVE GROUND LEVEL PER UNIT	**1,000 S.F. (20 UNITS)**
UNIT D: 50 S.F. ABOVE GROUND LEVEL PER UNIT	**150 S.F. (3 UNITS)**
TOTAL PRIVATE OPEN SPACE REQUIRED	**1,150 S.F. (23 UNITS - 80% of 29 UNITS)**

PRIVATE OPEN SPACE PROVIDED

UNIT A:	
TOTAL PRIVATE SPACE ABOVE GROUND LEVEL	**2,720 S.F. (20 UNITS AT 136 SF EA.)**
TOTAL PRIVATE SPACE AT GROUND LEVEL	**1,280 S.F.**
UNIT B:	
TOTAL PRIVATE SPACE AT GROUND LEVEL	**0 S.F.**
UNIT C:	
TOTAL PRIVATE SPACE AT GROUND LEVEL	**0 S.F.**
UNIT D:	
TOTAL PRIVATE SPACE ABOVE GROUND LEVEL	**400 S.F. (4 UNITS AT 100 EA.)**
TOTAL PRIVATE OPEN SPACE PROVIDED	**4,400 S.F.**
EXCESS PRIVATE OPEN SPACE (4,400 S.F. PROVIDED - 1150 REQUIRED)	**3,250 S.F. EXCESS PRIVATE OPEN SPACE**

COMMON OPEN SPACE

COMMON SPACE REQUIRED (150 S.F./UNIT = 4,350 S.F. -3,250 S.F. EXCESS PRIVATE SPACE PROVIDED)	**1,100 S.F.± REQUIRED COMMON OPEN SPACE**
COMMON OPEN SPACE PROVIDED	**1,191 S.F.± PROVIDED**
ADDITIONAL USABLE COMMON OPEN SPACE PROVIDED BUT NOT COUNTED BY CITY ORDINANCE	**2,960 SF**

SUMMARY - RESIDENTIAL UNITS

TOTAL UNIT COUNT:	**29 UNITS**
ALLOWABLE DENSITY:	**29 UNITS**

UNIT COUNT BY TYPE:

UNIT A:	**20 UNITS**
UNIT B:	**3 UNITS**
UNIT C:	**2 UNITS**
UNIT D:	**4 UNITS**

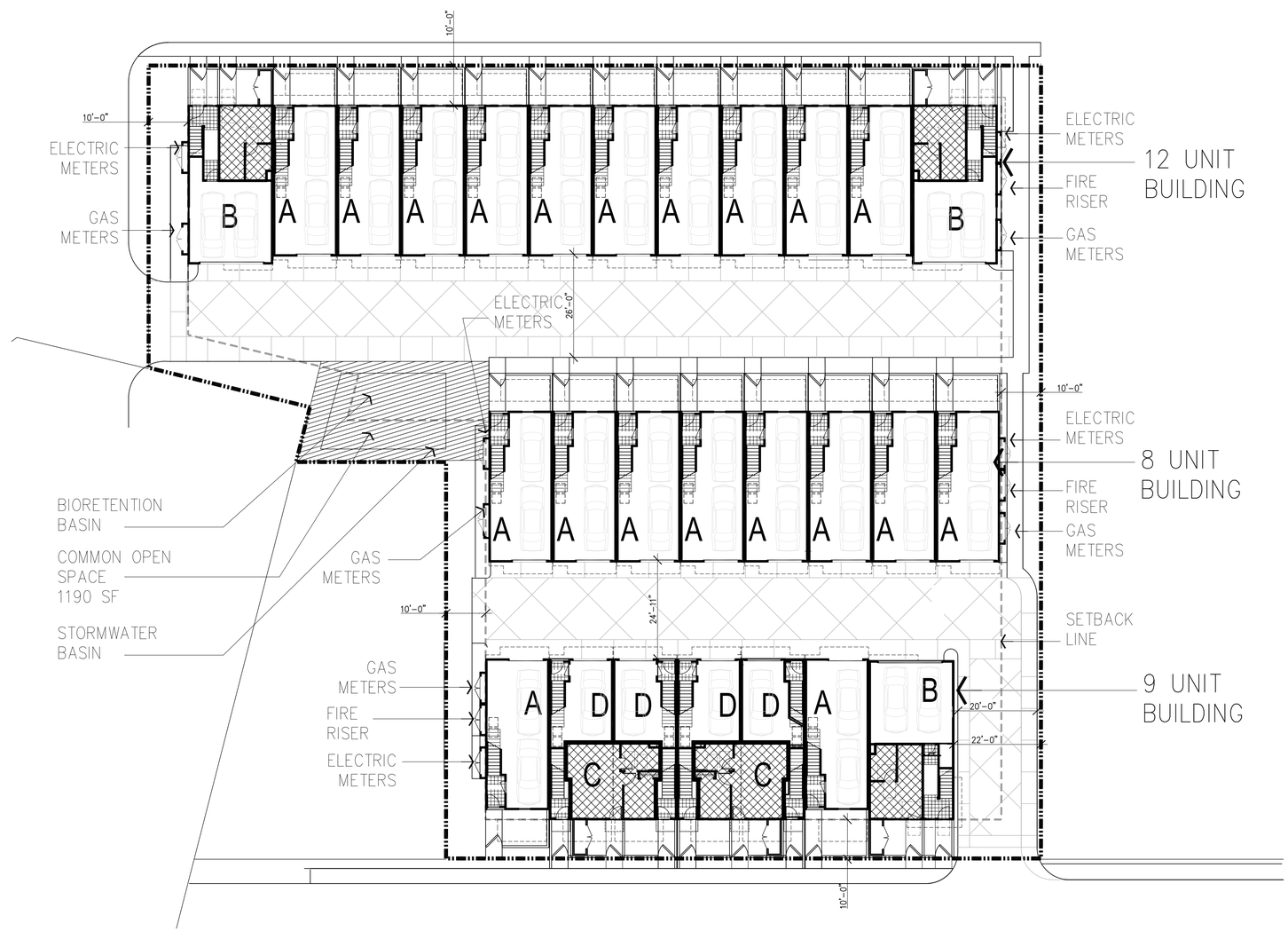
AVERAGE GROSS UNIT AREA BY TYPE:

UNIT A:	**2,140 SF**
UNIT B:	**2,616 SF**
UNIT C:	**435 SF**
UNIT D:	**1,958 SF**

PARKING REQUIRED

FOR PRIMARY UNITS	**56 COVERED SPACES**
FOR ACCESSORY UNITS	**3 SPACES (MAY BE UNCOVERED)**
TOTAL PARKING REQUIRED:	**59 SPACES**
COVERED SPACES PROVIDED:	**50 SPACES**

* REQUESTING PARKING WAVER FOR 9 SPACES



SUMMARY MATRIX

	AREA REQUIRED	AREA PROVIDED	NET DIFFERENCE
LANDSCAPED AREA	5,515 SF	6,587 SF	565 SF OVER REQ'D.
PRIVATE OPEN SPACE	1,150 SF	4,400 SF	3,250 SF OVER REQ'D
COMMON OPEN SPACE	1,100 SF	1,191 SF	91 SF OVER REQ'D.
ADDITIONAL USABLE COMMON OPEN SPACE PROVIDED BUT NOT INCLUDED BY CITY ORDINANCE		2,960 SF	

NEW UNITS (B, & C)

1 **CONCEPTUAL SITE PLAN**
1/16" = 1'-0"

16' 0' 16' 32'
SCALE: 1/16" = 1'-0"

PROJECT NORTH

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SITE PLAN

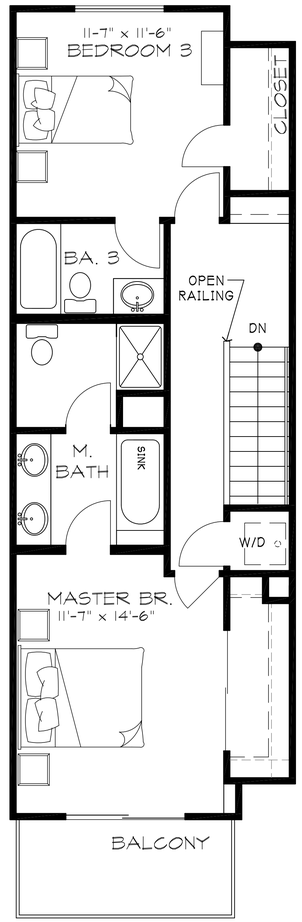
SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

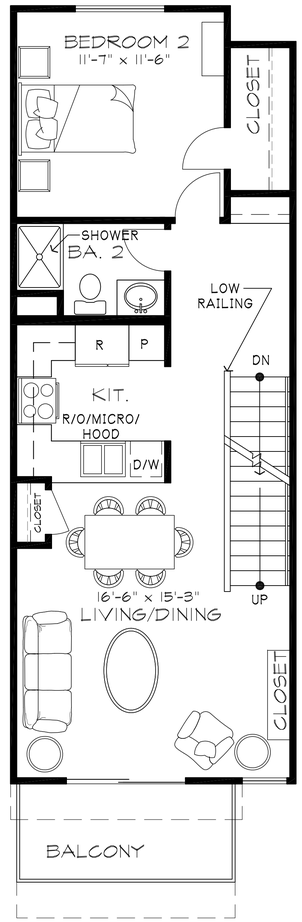
PROJECT NO. 13073

A-1

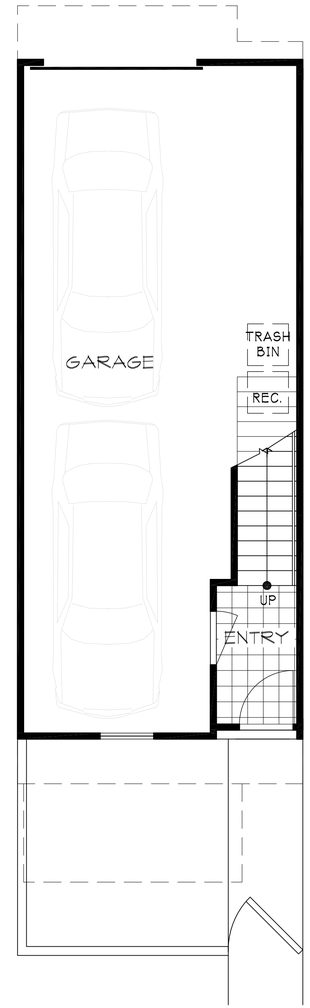
SHEET OF



SECOND FLOOR



FIRST FLOOR



GARAGE LEVEL

UNIT A SQUARE FOOTAGE

	AREA	
GARAGE LEVEL LIVING	68	± S.F.
FIRST FLOOR LIVING	686	± S.F.
SECOND FLOOR LIVING	712	± S.F.
TOTAL LIVING	1,466	± S.F.
GARAGE	537	± S.F.
BALCONIES	136	± S.F.
TOTAL S.F.	2,139	± S.F.

1 UNIT TYPE A (2,139 SF)

1/4" = 1'-0"

4' 0' 4' 8'

SCALE: 1/4" = 1'-0"

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BUILDING PLANS
UNIT A

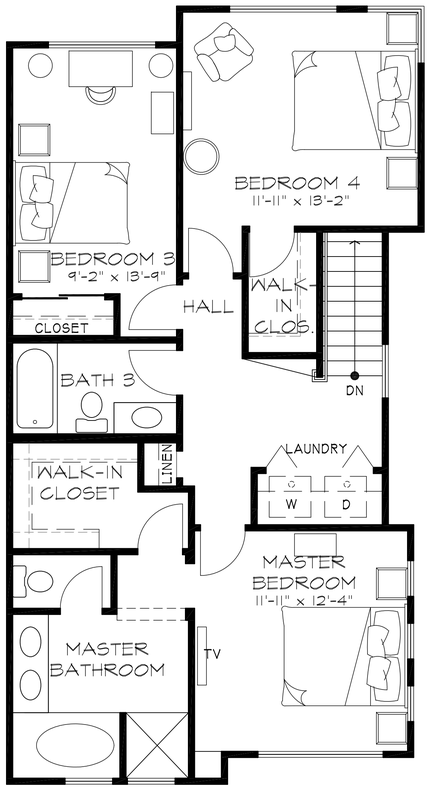
SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

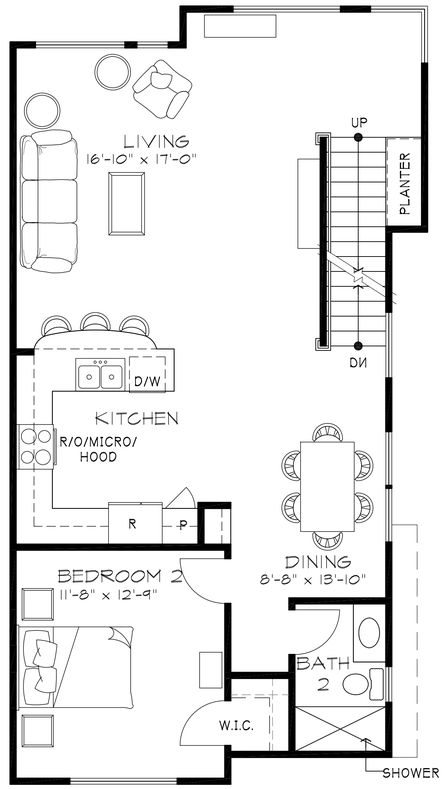
PROJECT NO. 13073

A-2

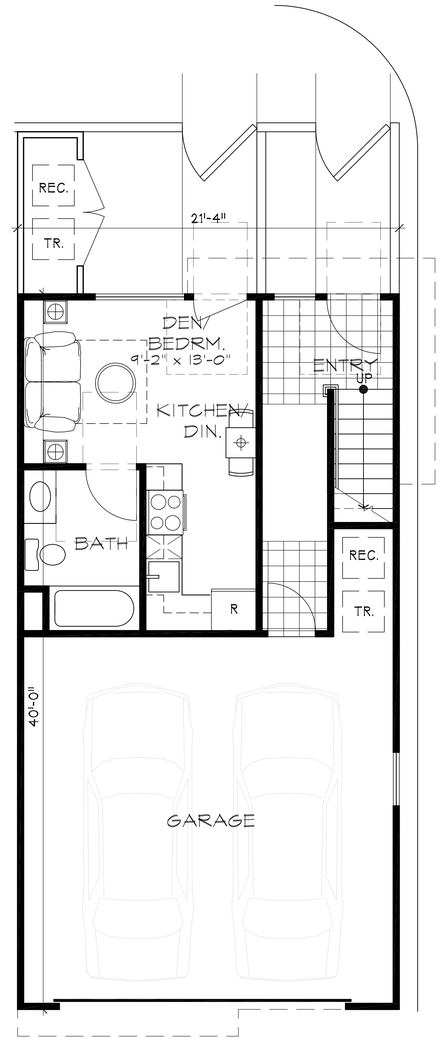
SHEET OF



SECOND FLOOR



FIRST FLOOR



GARAGE LEVEL

UNIT B SQUARE FOOTAGE AREA

GARAGE LEVEL ENTRY	147	± S.F.
ACCESSORY UNIT	262	± S.F.
FIRST FLOOR LIVING	921	± S.F.
SECOND FLOOR LIVING	939	± S.F.
TOTAL LIVING	2,269	± S.F.
GARAGE	444	± S.F.
BALCONIES	0	± S.F.
TOTAL S.F.	2,713	± S.F.

1 UNIT TYPE B (2,713 SF)

1/4" = 1'-0"

4' 0' 4' 8'

SCALE: 1/4" = 1'-0"

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BUILDING PLANS
UNIT B

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
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11 / 17 / 16

PROJECT NO. 13073

A-3

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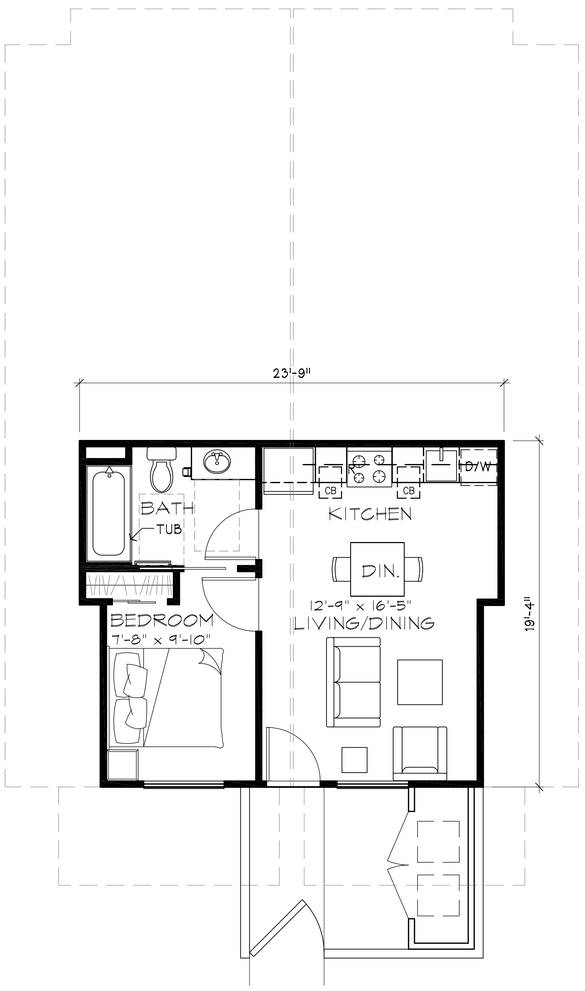
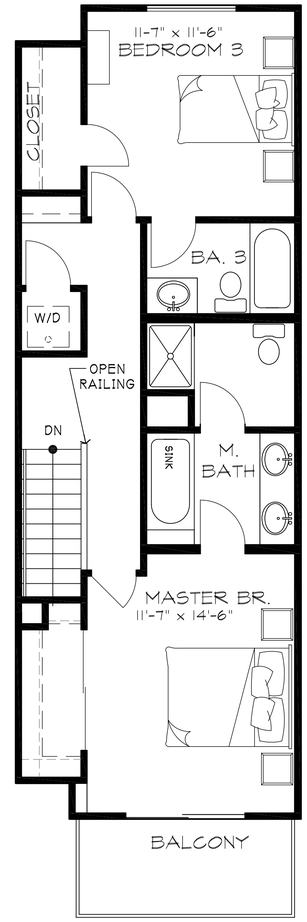
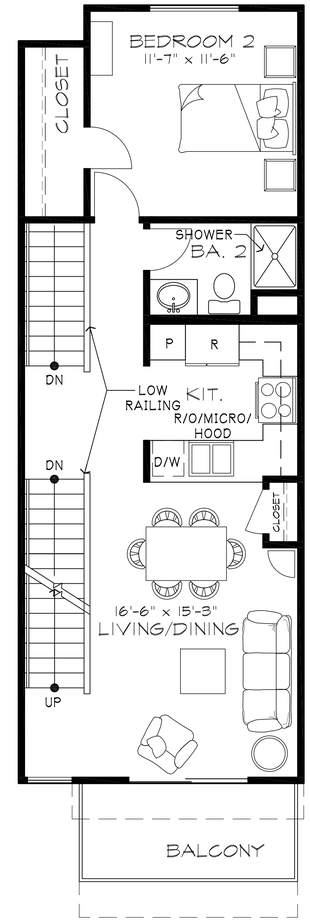


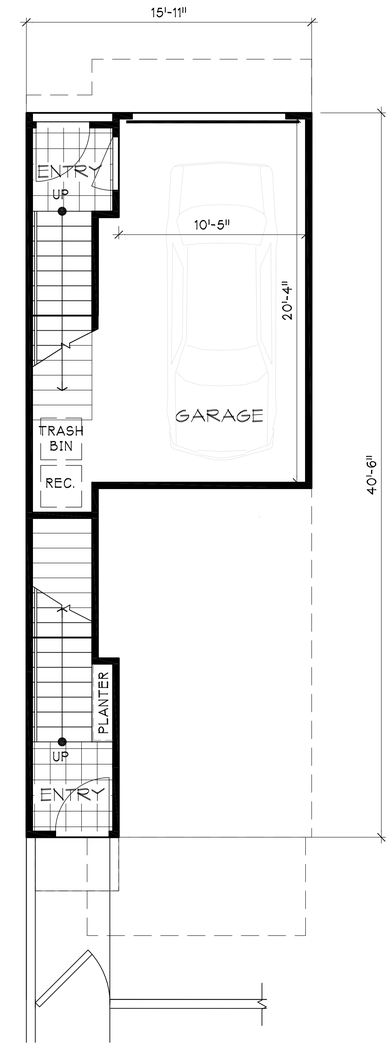
GARAGE LEVEL



SECOND FLOOR



FIRST FLOOR



GARAGE LEVEL

UNIT C SQUARE FOOTAGE

	AREA	
GARAGE LEVEL LIVING	435	± S.F.
FIRST FLOOR LIVING	0	± S.F.
SECOND FLOOR LIVING	0	± S.F.
TOTAL LIVING	435	± S.F.
GARAGE	0	± S.F.
BALCONIES	0	± S.F.
TOTAL S.F.	435	± S.F.

UNIT D SQUARE FOOTAGE

	AREA	
GARAGE LEVEL LIVING	104	± S.F.
FIRST FLOOR LIVING	686	± S.F.
SECOND FLOOR LIVING	712	± S.F.
TOTAL LIVING	1,502	± S.F.
GARAGE	320	± S.F.
BALCONIES	100	± S.F.
TOTAL S.F.	1,922	± S.F.

1 UNIT TYPE C (435 SF)

1/4" = 1'-0"

2 UNIT TYPE D (1,922 SF)

1/4" = 1'-0"

4' 0' 4' 8'

SCALE: 1/4" = 1'-0"

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BUILDING PLANS
UNIT C & D

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
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11 / 17 / 16

PROJECT NO. 13073

A-4

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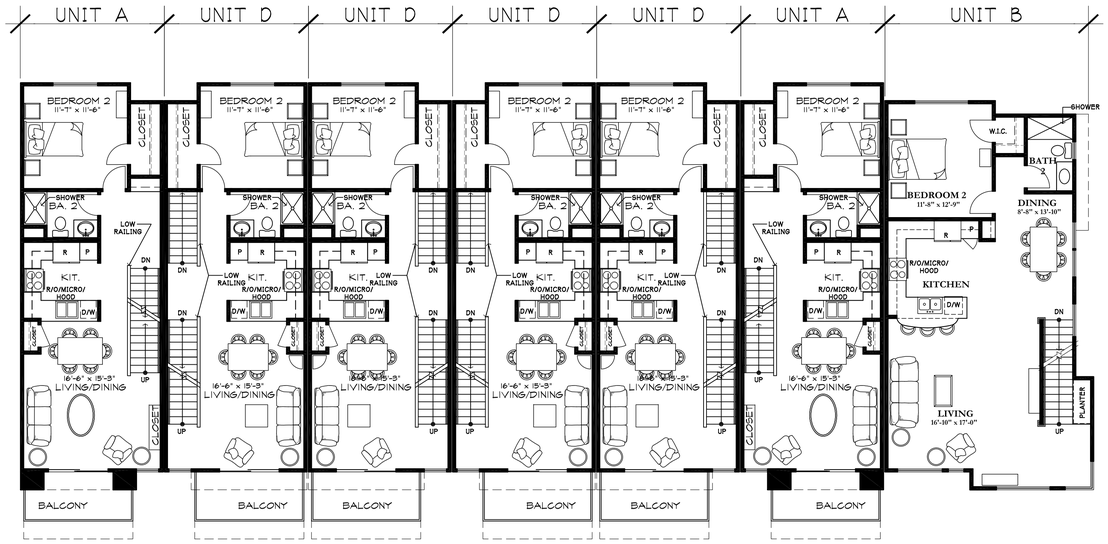
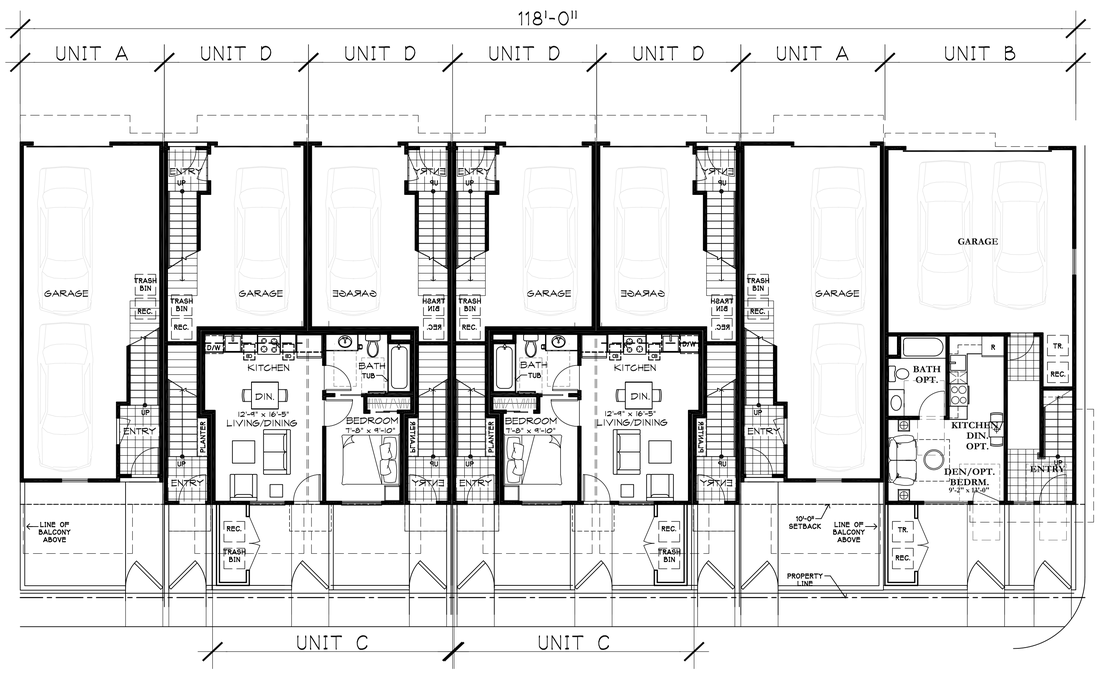


1 BUILDING 1 - FIRST FLOOR PLAN

1/8" = 1'-0"



2 BUILDING 1 - GARAGE FLOOR PLAN

1/8" = 1'-0"

BUILDING 1 AREAS

GARAGE LEVEL LIVING

	AREA	UNITS	SF	
UNIT A	68	2	136	± S.F.
UNIT B	409	1	409	± S.F.
UNIT C	435	2	870	± S.F.
UNIT D	104	4	416	± S.F.

FIRST FLOOR LIVING

UNIT A	686	2	1,372	± S.F.
UNIT B	921	1	921	± S.F.
UNIT C	0	2	0	± S.F.
UNIT D	686	4	2,744	± S.F.

SECOND FLOOR LIVING

UNIT A	712	2	1,424	± S.F.
UNIT B	939	1	939	± S.F.
UNIT C	0	2	0	± S.F.
UNIT D	712	4	2,848	± S.F.
TOTAL LIVING			**12,079**	± S.F.

GARAGE

UNIT A	537	2	1,074	± S.F.
UNIT B	444	1	444	± S.F.
UNIT C	0	2	0	± S.F.
UNIT D	320	4	1,280	± S.F.
TOTAL SF BLDG			**14,877**	± S.F.

TYPICAL BALCONY 5'-6" X 12'-4" = 68 S.F.
12 BALCONIES = 720 S.F.

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

PROJECT NORTH
TRUE NORTH

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BUILDING 1 PLANS

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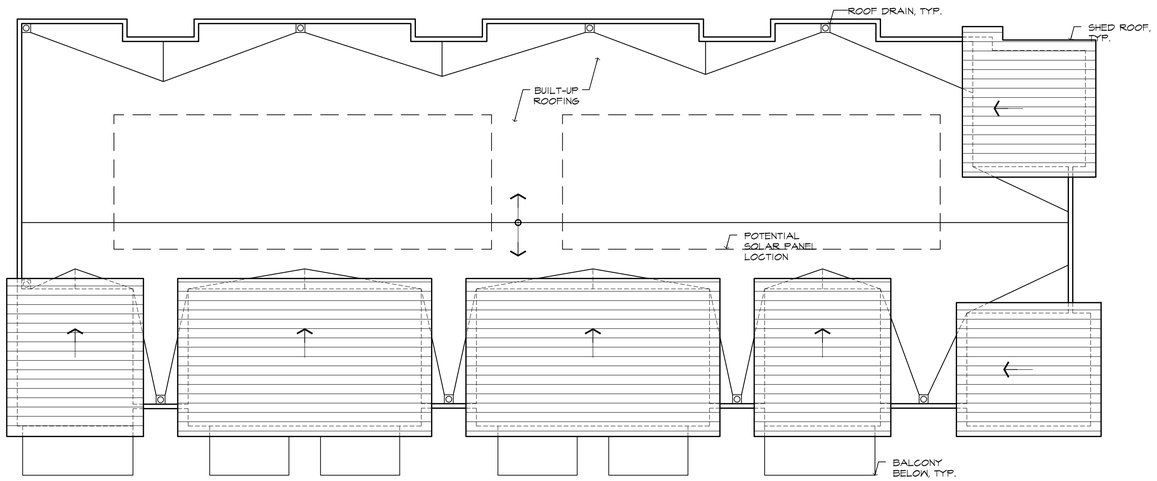
PROJECT NO. 13073

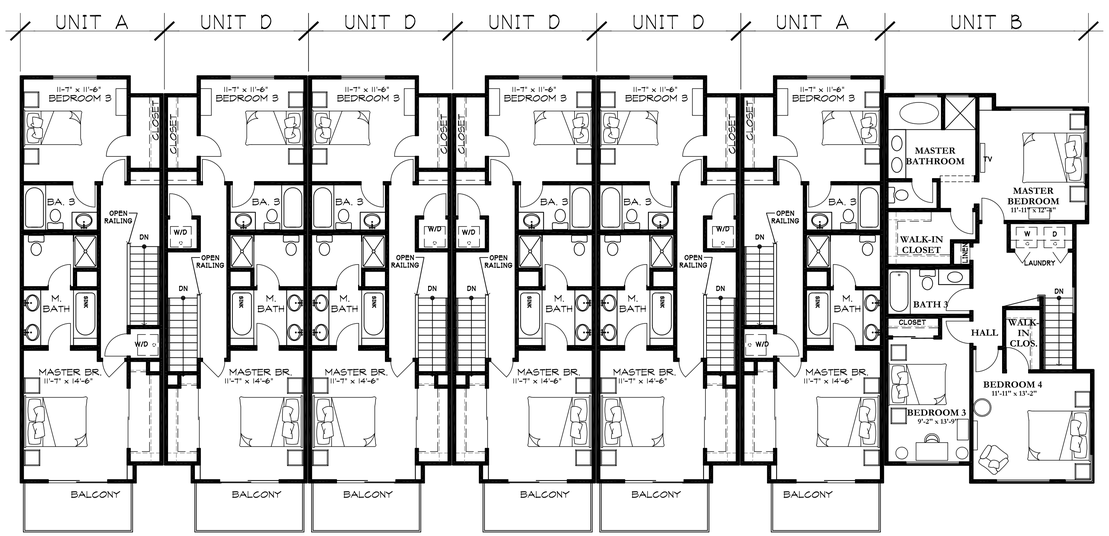
A-5

SHEET OF



1 BUILDING 1 - ROOF PLAN

1/8" = 1'-0"



2 BUILDING 1 - SECOND FLOOR PLAN

1/8" = 1'-0"

8' 0' 8' 16'

SCALE: 1/8" = 1'-0"

PROJECT NORTH

TRUE NORTH

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BUILDING 1 PLANS

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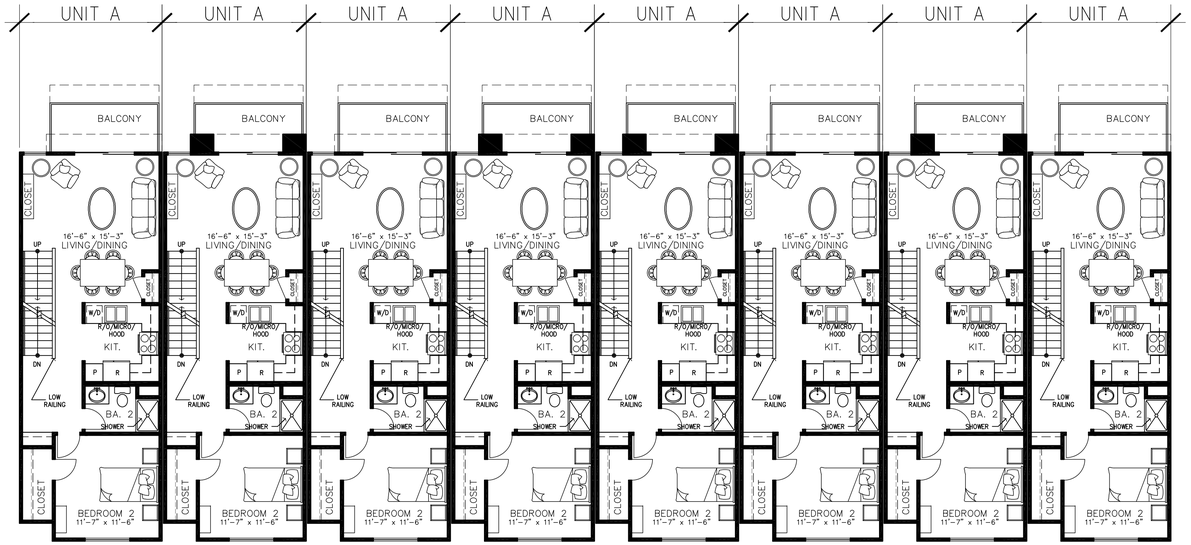
PROJECT NO. 13073

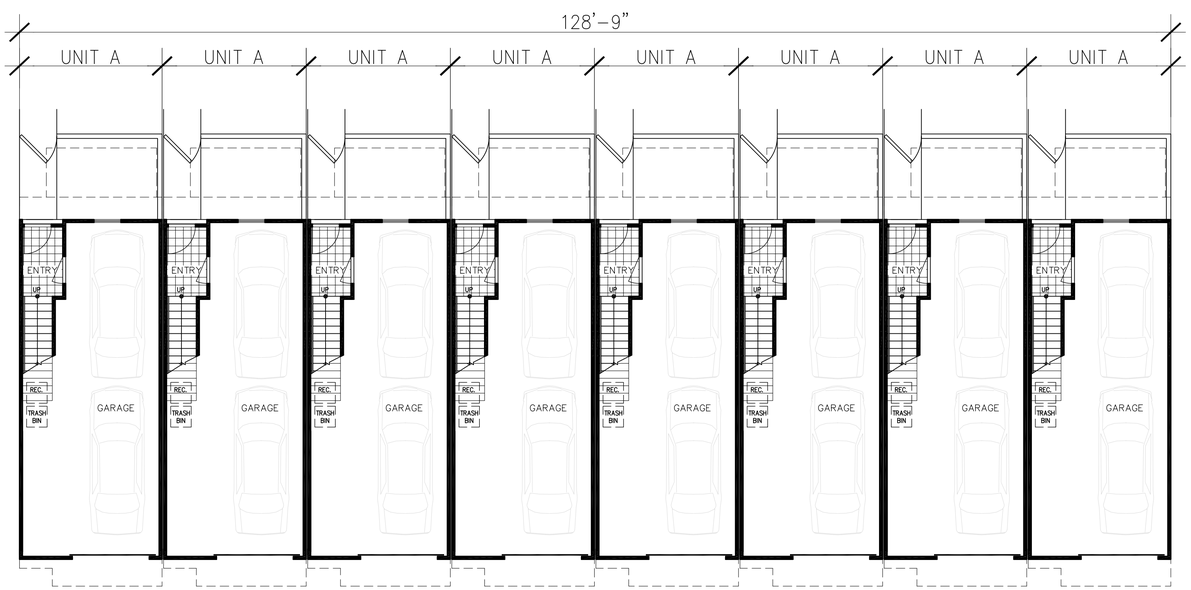
A-6

SHEET OF



1 BUILDING 2 - FIRST FLOOR PLAN

1/8" = 1'-0"



2 BUILDING 2 - GARAGE PLAN

1/8" = 1'-0"

BUILDING 2 AREAS

GARAGE LEVEL LIVING

	AREA	UNITS	SF	
UNIT A	68	8	544	± S.F.
UNIT B	409	0	0	± S.F.
UNIT C	435	0	0	± S.F.
UNIT D	104	0	0	± S.F.

FIRST FLOOR LIVING

UNIT A	686	8	5,488	± S.F.
UNIT B	921	0	0	± S.F.
UNIT C	0	0	0	+ S.F.
UNIT D	686	0	0	± S.F.

SECOND FLOOR LIVING

UNIT A	712	8	5,696	± S.F.
UNIT B	939	0	0	± S.F.
UNIT C	0	0	0	± S.F.
UNIT D	712	0	0	± S.F.
TOTAL LIVING			**11,728**	± S.F.

GARAGE

UNIT A	537	8	4,296	± S.F.
UNIT B	444	0	0	± S.F.
UNIT C	0	0	0	+ S.F.
UNIT D	320	0	0	± S.F.
TOTAL SF BLDG			**16,024**	± S.F.

TYPICAL BALCONY 5'-6" X 12'-4" = 68 S.F.
12 BALCONIES = 720 S.F.

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

PROJECT NORTH
TRUE NORTH

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BUILDING 2 PLANS

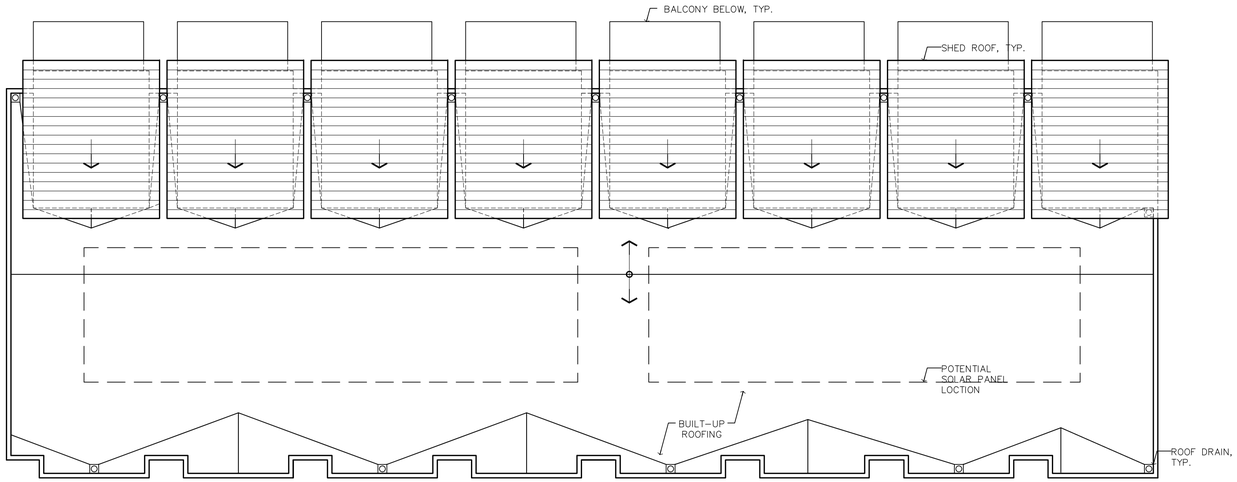
SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

PROJECT NO. 13073

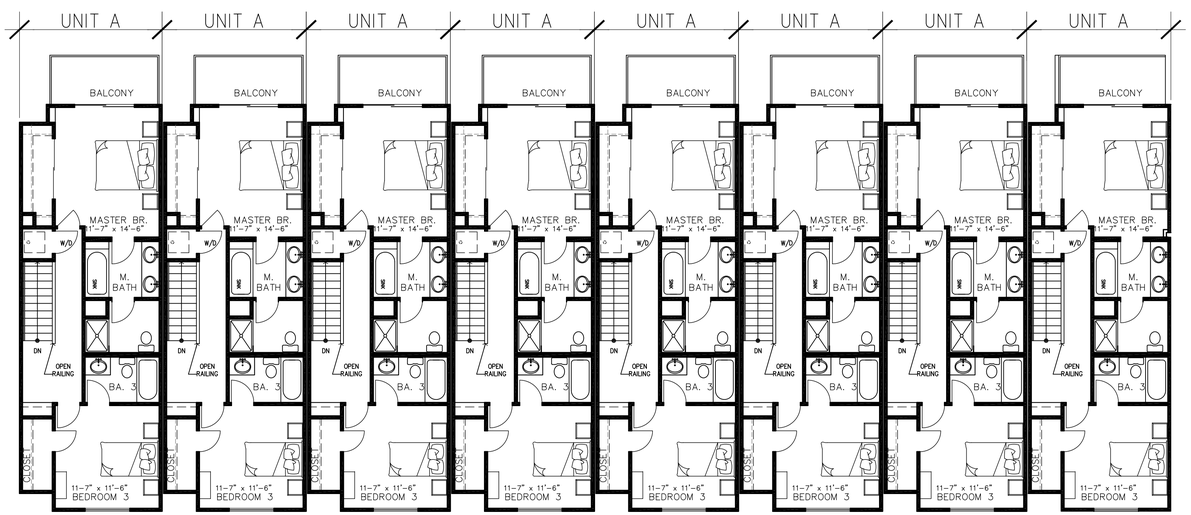
A-7

SHEET OF



1 BUILDING 2 - ROOF PLAN

1/8" = 1'-0"



2 BUILDING 2 - SECOND FLOOR PLAN

1/8" = 1'-0"

8' 0' 8' 16'

SCALE: 1/8" = 1'-0"

PROJECT NORTH

TRUE NORTH

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BUILDING 2 PLANS

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PROJECT NO. 13073

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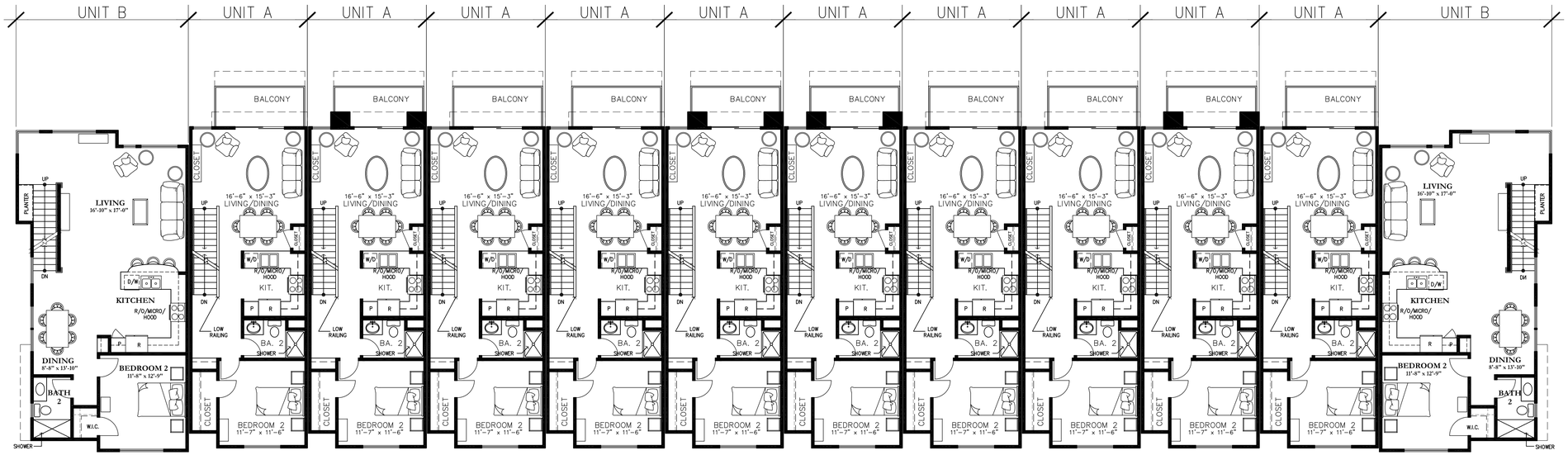
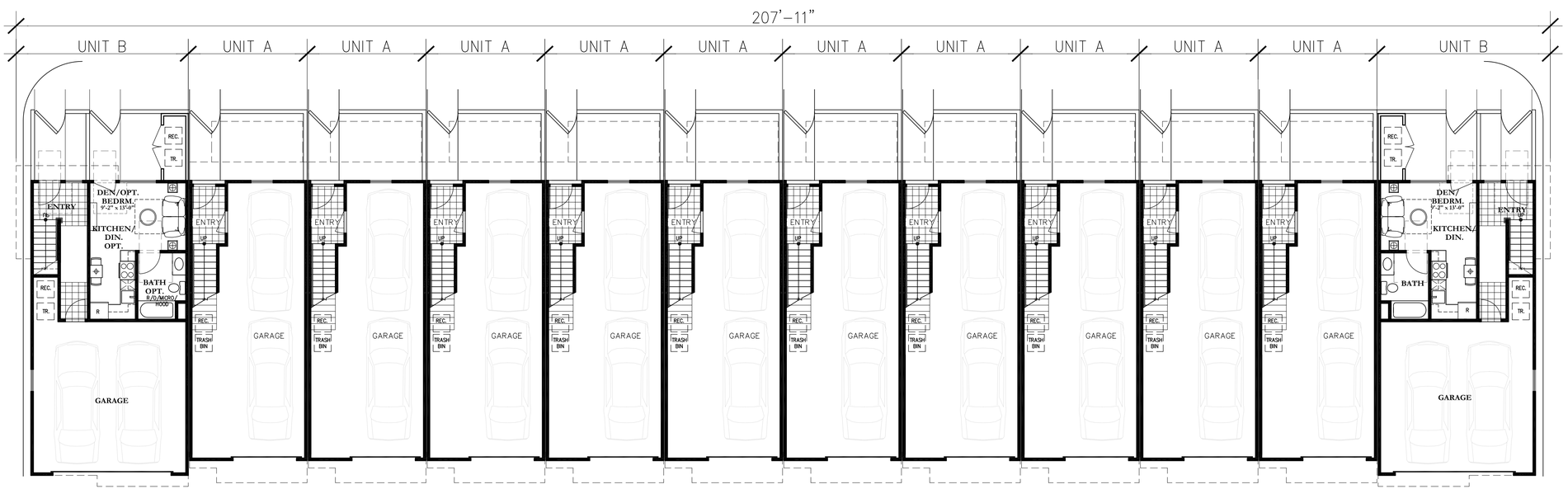


1 BUILDING 3 - FIRST FLOOR PLAN

1/8" = 1'-0"



2 BUILDING 3 - GARAGE PLAN

1/8" = 1'-0"

BUILDING 3 AREAS

GARAGE LEVEL LIVING

	AREA	UNITS	SF	
UNIT A	68	10	680	± S.F.
UNIT B	409	2	818	± S.F.
UNIT C	435	0	0	± S.F.
UNIT D	104	0	0	± S.F.

FIRST FLOOR LIVING

UNIT A	686	10	6,860	± S.F.
UNIT B	921	2	1,842	± S.F.
UNIT C	0	0	0	± S.F.
UNIT D	686	0	0	± S.F.

SECOND FLOOR LIVING

UNIT A	712	10	7,120	± S.F.
UNIT B	939	2	1,878	± S.F.
UNIT C	0	0	0	± S.F.
UNIT D	712	0	0	± S.F.
TOTAL LIVING			**19,198**	± S.F.

GARAGE

UNIT A	537	10	5,370	± S.F.
UNIT B	444	2	888	± S.F.
UNIT C	0	0	0	± S.F.
UNIT D	320	0	0	± S.F.
TOTAL SF BLDG			**25,456**	± S.F.

TYPICAL BALCONY 5' 6" X 12' 4" = 68 S.F.
12 BALCONIES = 720 S.F.

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

PROJECT NORTH
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PROJECT NO. 13073

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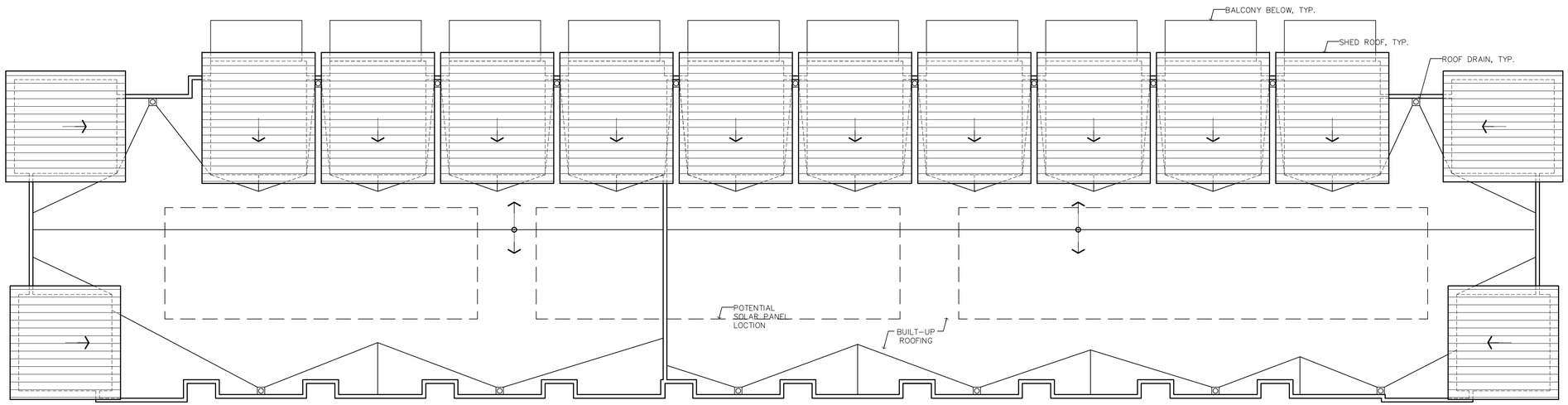
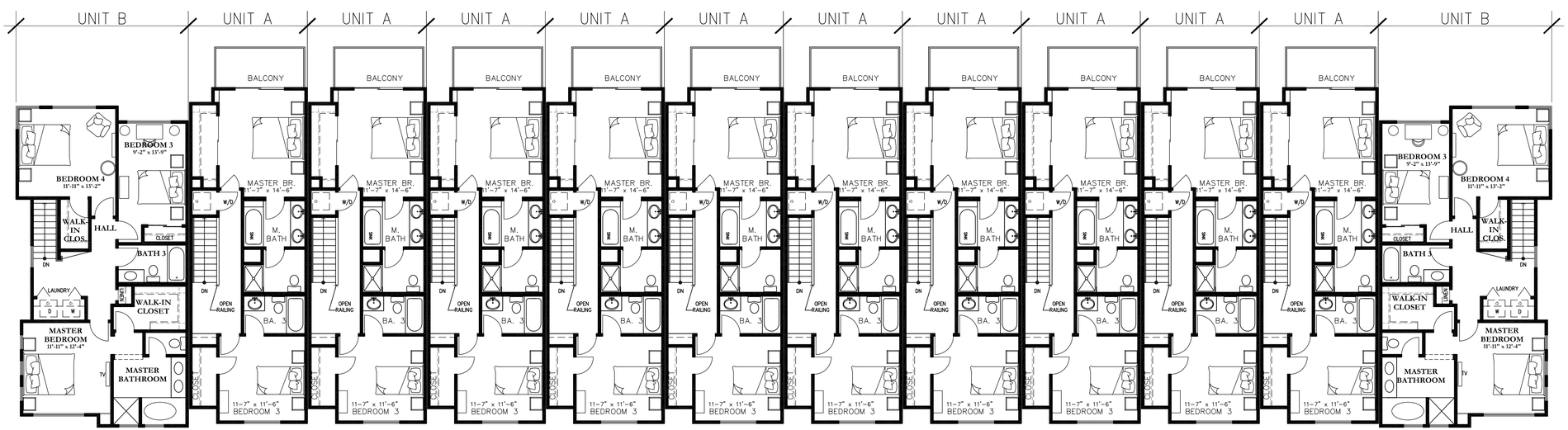


1 BUILDING 3 - ROOF PLAN

1/8" = 1'-0"



2 BUILDING 3 - SECOND FLOOR PLAN

1/8" = 1'-0"

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

PROJECT NORTH
TRUE NORTH

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BUILDING 3 PLANS

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PROJECT NO. 13073

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SHEET OF

BUILDING 1 - EAST ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 1 - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 1- WEST ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 1 - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

0 4 8 16

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BUILDING 1
ELEVATIONS

SCALE: 1/8"=1'-0"
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11 / 17 / 16

PROJECT NO. 13073

A-11

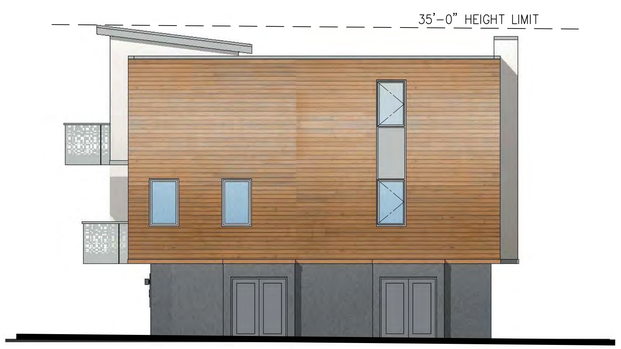
SHEET OF

BUILDING 2 - EAST ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 2 - NORTH ELEVATION

SCALE: 1/8" = 1'-0"



BUILDING 2 - WEST ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 2 - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

0 4 8 16

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BUILDING 2
ELEVATIONS

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PROJECT NO. 13073

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SHEET OF

BUILDING 3 - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 3 - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 3 - WEST ELEVATION

SCALE: 1/8" = 1'-0"

BUILDING 3 - EAST ELEVATION

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

0 4 8 16

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BUILDING 3
ELEVATIONS

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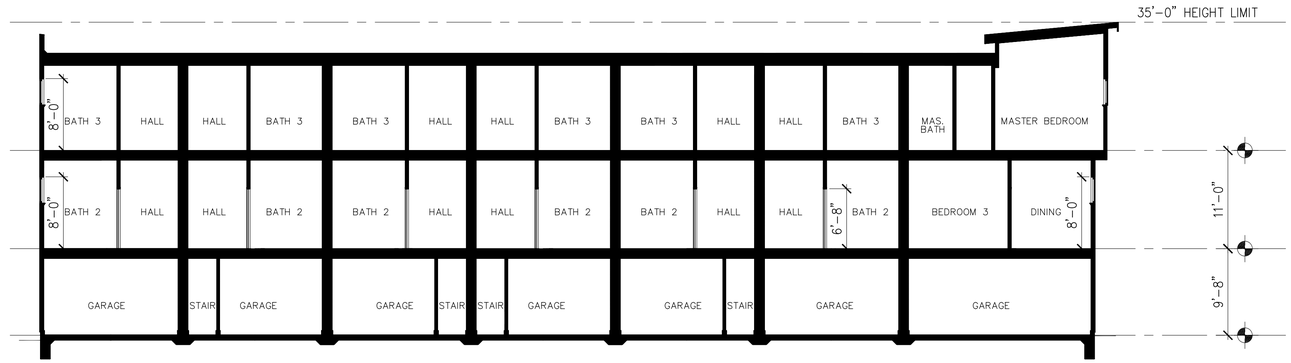
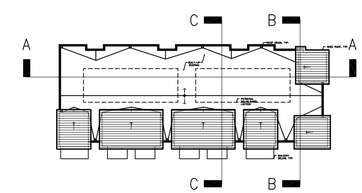
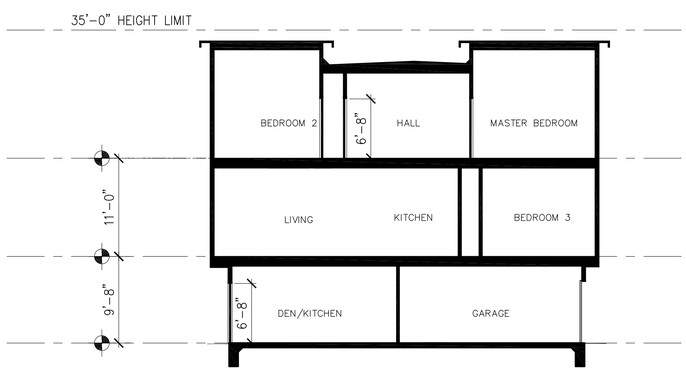


1 SECTION AA - BUILDING 1

1/8" = 1'-0"

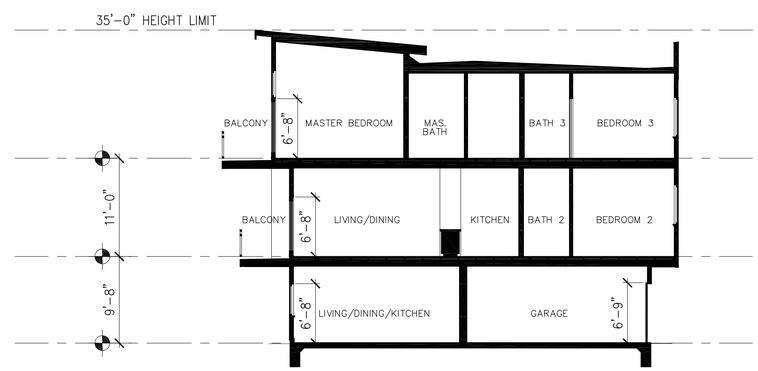
KEY PLAN





3 SECTION BB - BUILDING 1

1/8" = 1'-0"



2 SECTION CC - BUILDING 1

1/8" = 1'-0"

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BUILDING 1
SECTIONS

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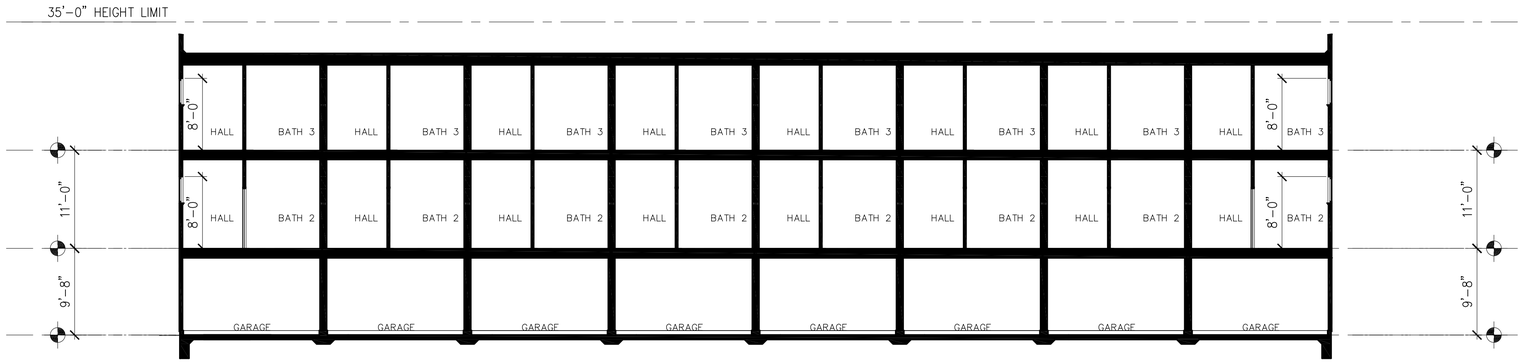
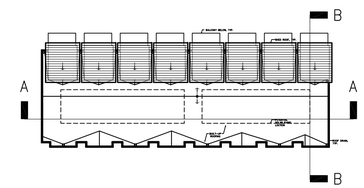
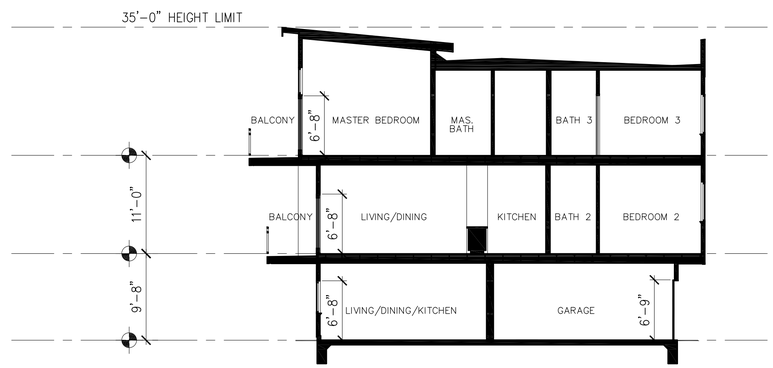


1 SECTION AA - BUILDING 2

1/8" = 1'-0"

KEY PLAN





2 SECTION CC - BUILDING 2

1/8" = 1'-0"

8' 0' 8' 16'

SCALE: 1/8" = 1'-0"

PROJECT NORTH

TRUE NORTH

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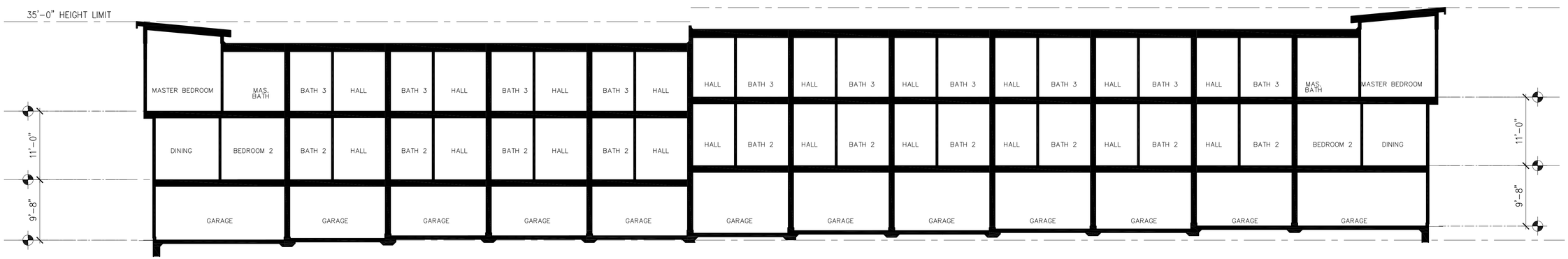
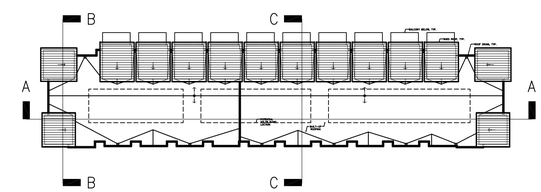


1 SECTION AA - BUILDING 3

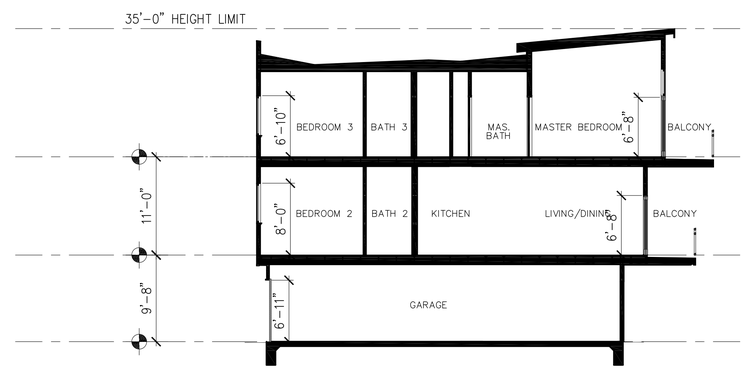
1/8" = 1'-0"

KEY PLAN



3 SECTION BB - BUILDING 3

1/8" = 1'-0"



2 SECTION CC - BUILDING 3

1/8" = 1'-0"

8' 0' 8' 16'

SCALE: 1/8" = 1'-0"

PROJECT NORTH

TRUE NORTH

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PROJECT NO. 13073

A-16

SHEET OF

CONCEPTUAL BUILDING MATERIALS

HORIZONTAL COMPOSITE SIDING
MANUF: TRUGRAIN "RESYSTA"
COLOR: JAVA TEAK
MATERIAL: SYNTHETIC POLYMER

ROOF SHINGLE
MANUF: GAF TIMBERLINE NATURAL SHADOW SHINGLES
COLOR: ARCTIC WHITE

VINYL WINDOWS & SLIDING DOORS
MANUF: MILGARD "MONTECITO"
COLOR: SILVER

CEMENT PLASTER BASE
MANUF: BENJAMIN MOORE
COLOR: #1616 STORMY SKY

CEMENT PLASTER SIDING
MANUF: BENJAMIN MOORE
COLOR: #1457 WHITE WINGED DOVE

FASCIA, RAILINGS AND TRIM
MANUF: BENJAMIN MOORE
COLOR: #1600 TIMBER WOLF

METAL FRONT ENTRY DOOR
MANUF: BENJAMIN MOORE
COLOR: #1008 DEVONWOOD TAUPE

NOTE: Paint chip colors/numbers, material and manufacturers shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for field review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as noted.

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CONCEPTUAL BUILDING MATERIALS

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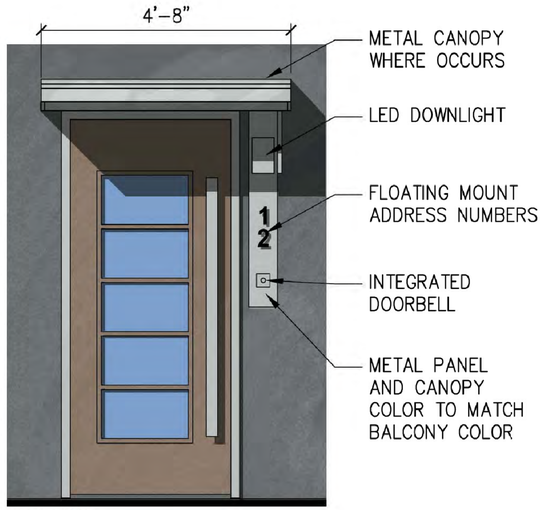
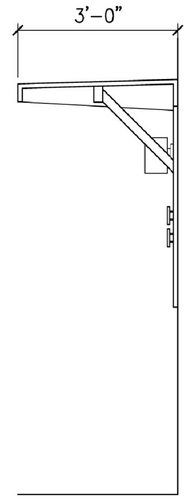
A-17

SHEET OF

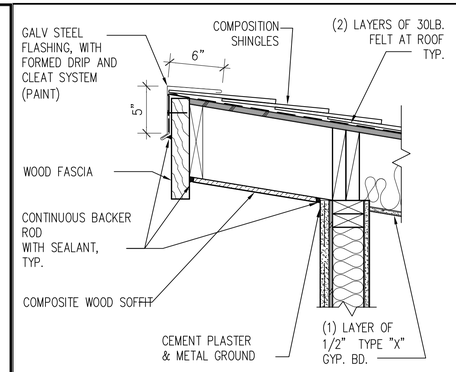


ELEVATION

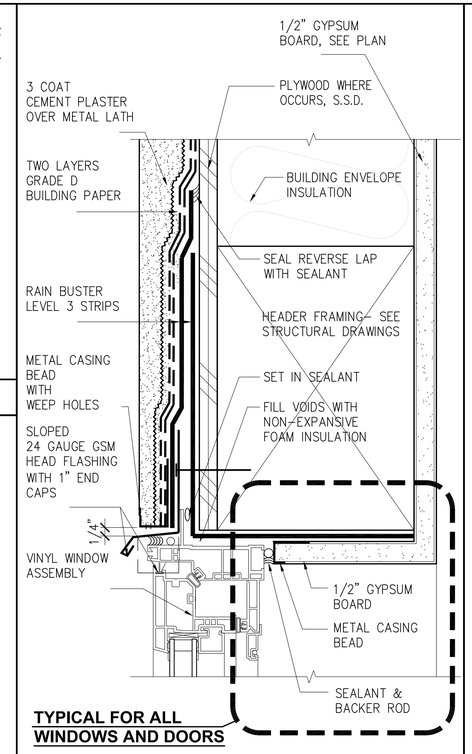


SECTION

INTEGRATED ENTRY DOOR FEATURES
3/4" = 1'-0"

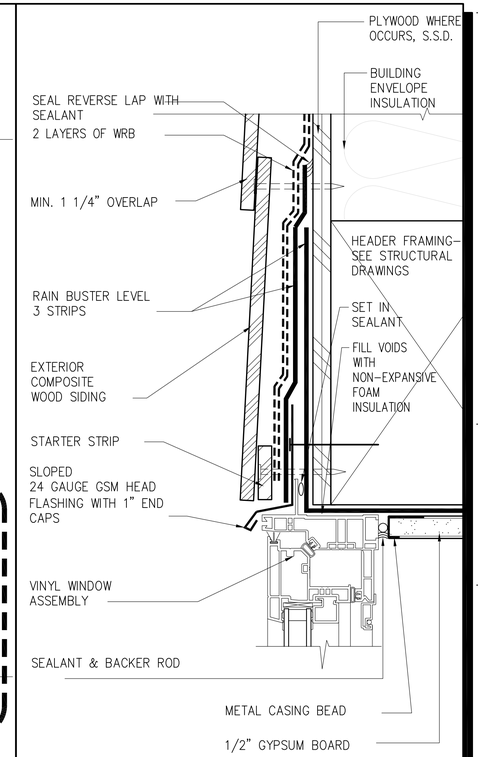


9 FRONT EAVE AT SHINGLE ROOF
SCALE: 1 1/2" = 1'-0"



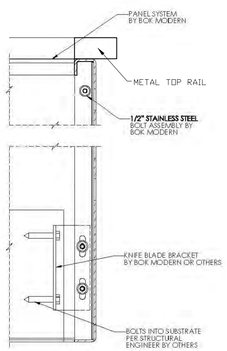
NOTE: DO NOT SEAL BETWEEN STUCCO WEEP & HEAD FLASHING

6 VINYL WINDOW HEAD AT CEMENT PLASTER
SCALE: 6"=1'-0"

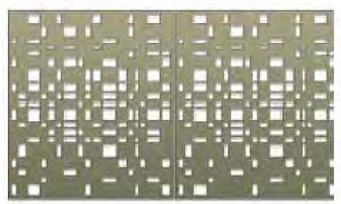


NOTE: DO NOT SEAL AT HEAD FLASHING

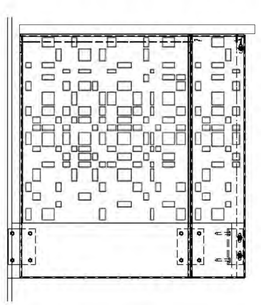
2 VINYL WINDOW HEAD @ COMPOSITE WOOD SIDING
SCALE: 6"=1'-0"



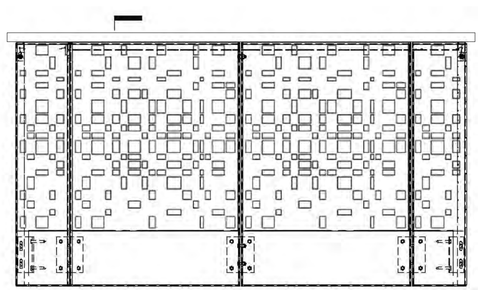
A SECTION DETAIL



METAL PANEL PATTERN – A12



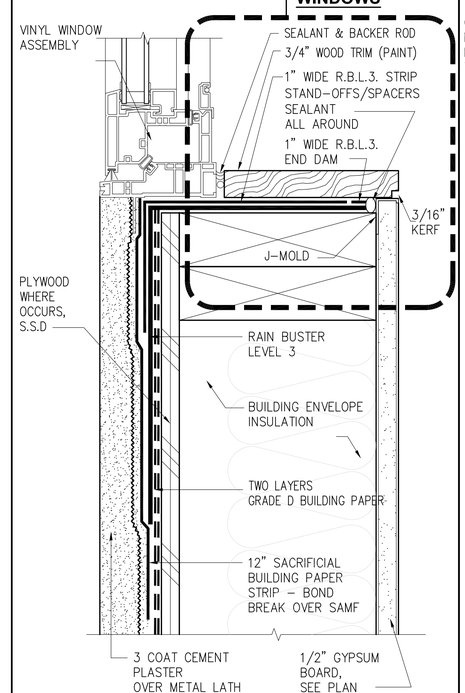
SIDE ELEVATION



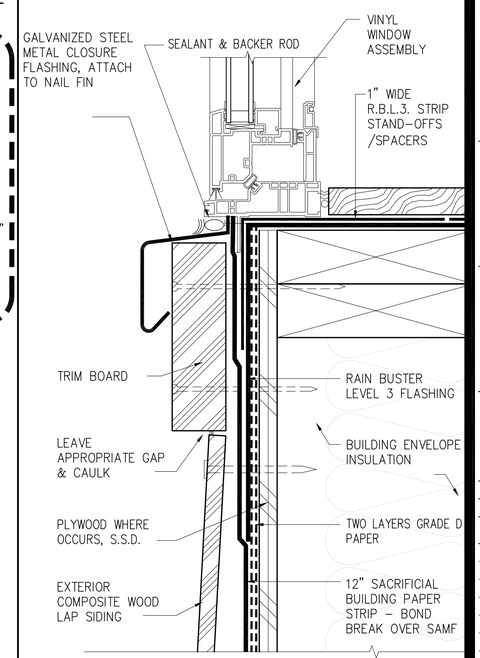
A FRONT ELEVATION

20 BOK MODERN FASCIA MOUNT GUARDRAIL SYSTEM
NOT TO SCALE

TYPICAL FOR ALL WINDOWS



8 VINYL WINDOW SILL @ CEMENT PLASTER
SCALE: 6"=1'-0"



4 VINYL WINDOW SILL @ COMPOSITE WOOD SIDING
SCALE: 6"=1'-0"

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El Dorado Townhomes
El Cerrito, California

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CONCEPTUAL DETAILS

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

PROJECT NO. 13073

A-18

SHEET OF

A.

WALL SCONCE
HEIGHT VARIES:
18-1/2", 24", & 50" HIGH

B.

DOWNLIGHT ONLY
PRIVATE DECK WALL LIGHTS
AT BACK WALL

C.

RECESSED WALL LIGHT

D.

UPLIGHT

E.

RECESSED DOWNLIGHT
UNDER CANOPY AND
GARAGE ENTRY SOFFIT

F.

EXTERIOR SECURITY LIGHTING
LED EXTERIOR WALL SCONCE

1 CONCEPTUAL BUILDING LIGHTING

NOTE: Light fixture colors, material and manufacturers shown on this board are representative only. The owner reserves the right to change any listed manufacturer.

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CONCEPTUAL
BUILDING LIGHTING

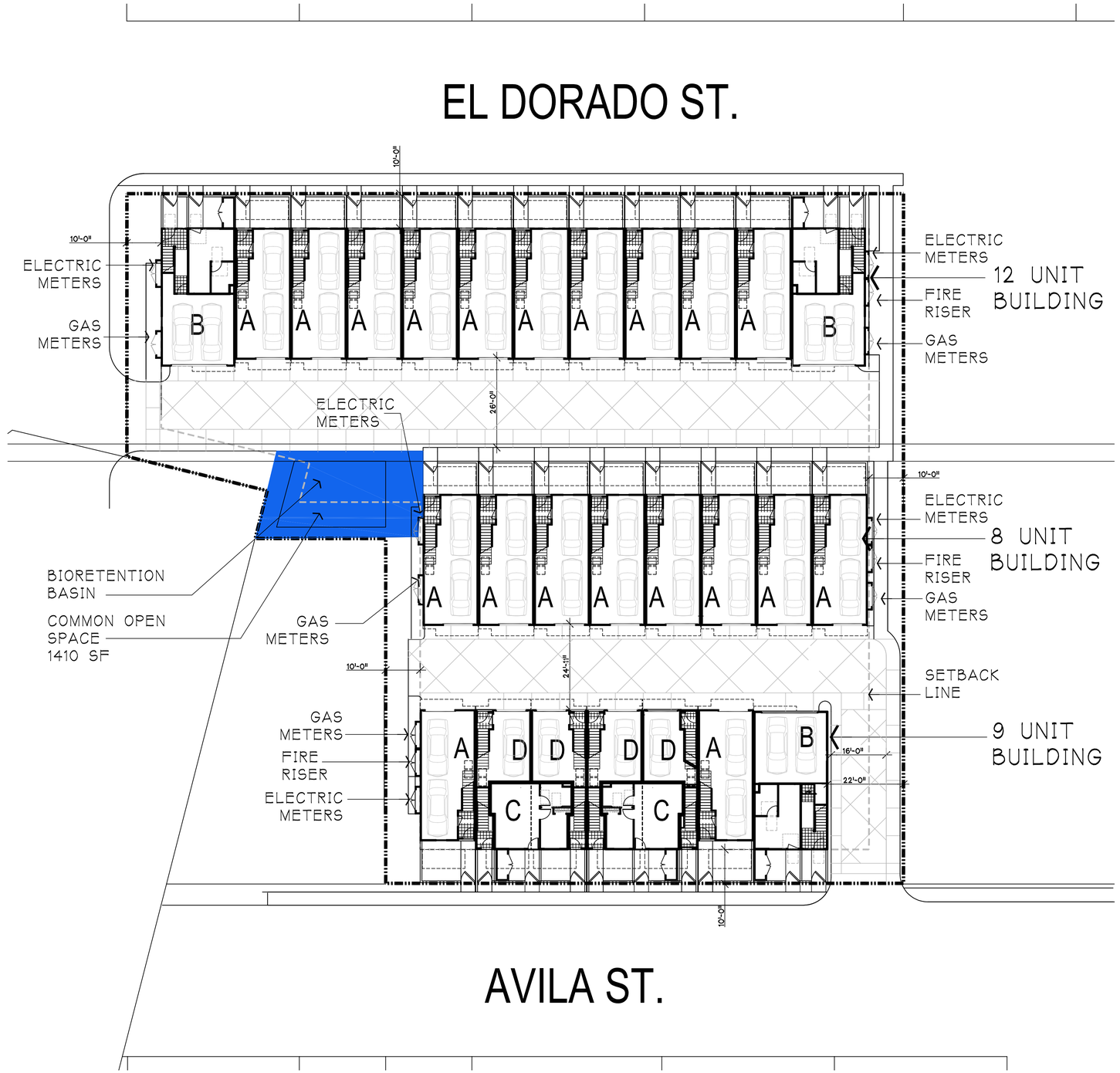
SCALE:
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16
11 / 17 / 16

PROJECT NO. 13073

A-19

SHEET OF



COMMON OPEN SPACE CALC

1 **CONCEPTUAL SITE PLAN**

1/16" = 1'-0"

16' 0' 16' 32'

SCALE: 1/16" = 1'-0"

PROJECT NORTH

LCA ARCHITECTS

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COMMON OPEN SPACE CALC

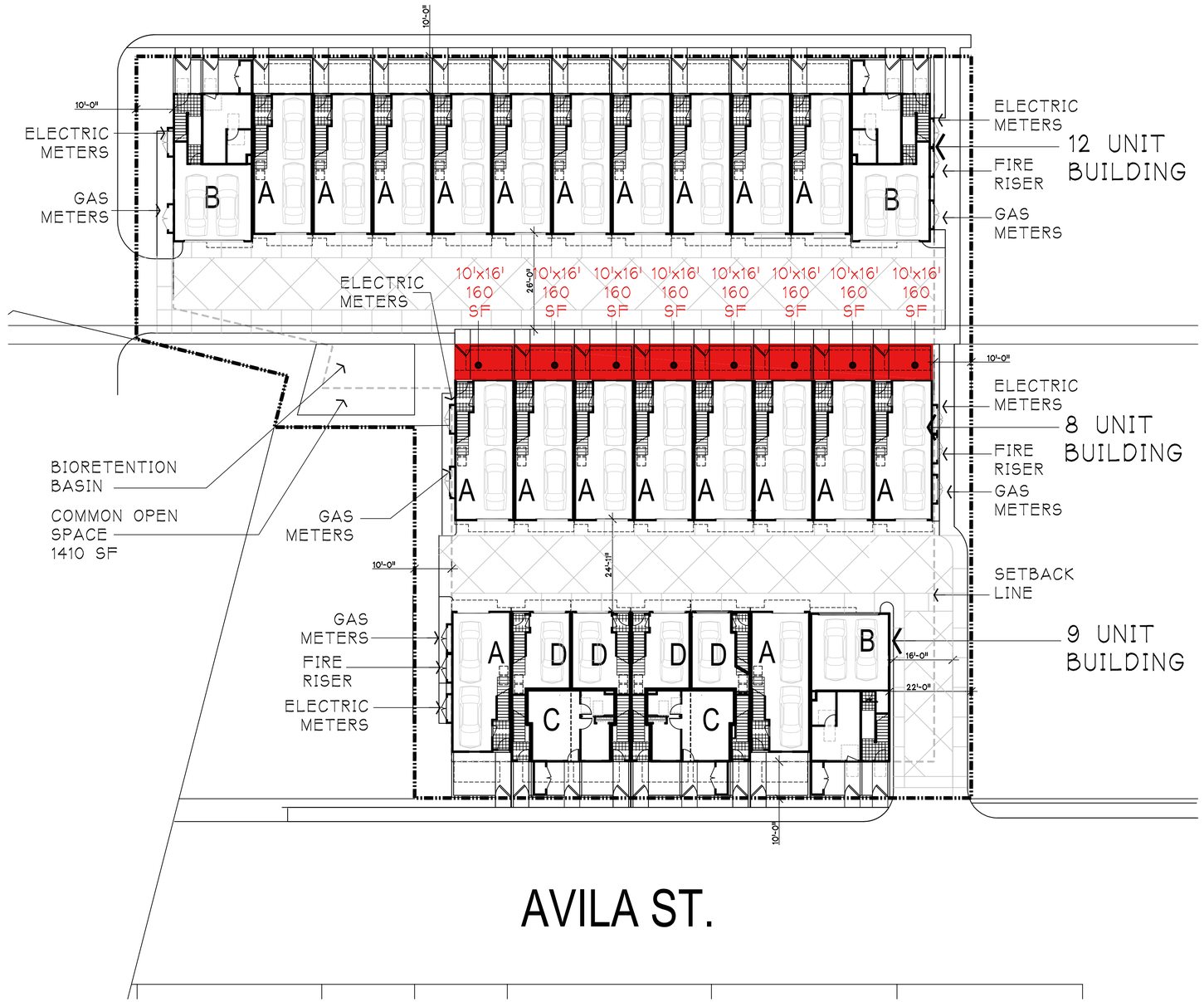
SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16

PROJECT NO. 13073

EX-1

SHEET OF



PRIVATE OPEN SPACE CALC

1 CONCEPTUAL SITE PLAN

1/16" = 1'-0"

16' 0' 16' 32'
SCALE: 1/16" = 1'-0"

PROJECT NORTH

LCA ARCHITECTS

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PRIVATE OPEN SPACE CALC

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16

PROJECT NO. 13073

EX-2

SHEET OF

LANDSCAPED AREA CALC

1 **CONCEPTUAL SITE PLAN**
1/16" = 1'-0"

16' 0' 16' 32'
SCALE: 1/16" = 1'-0"

PROJECT NORTH

LCA ARCHITECTS

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LANDSCAPED AREA CALC

SCALE: AS SHOWN
DATE: 08 / 24 / 2016

REVISIONS:
08 / 31 /16

PROJECT NO. 13073

EX-3

SHEET OF

Design Review Board Resolution DRB16-05

APPLICATION NO. PL14-0171

A RESOLUTION OF THE CITY OF EL CERRITO DESIGN REVIEW BOARD GRANTING DESIGN REVIEW APPROVAL OF A TWENTY NINE UNIT TOWNHOME PROJECT LOCATED AT 5802, 5808 AND 5828 EL DORADO STREET.

WHEREAS, the subject property is located at 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor's Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council held a public hearing and continued the project to September 20, 2016 with guidance to the applicant as to possible amendments to the project; and

WHEREAS, on September 20, 2016, the City Council passed a resolution approving the Tentative Subdivision Map for the project; and

WHEREAS, on October 19, 2016, the Planning Commission approved a Conditional Use Permit to allow a parking reduction of 6 parking spaces and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of 3 second units; and

WHEREAS, on November 2, 2016, the Design Review Board considered the Final Design Review for the project and continued the item to the regular December 7, 2016 Design Review Board meeting; and

WHEREAS, on December 7, 2016, the Design Review Board of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

Pursuant to Section 19.38.060: Final Design Review Findings and Criteria of the Zoning Ordinance, the Design Review Board must find that the application is consistent with:

1. The applicable standards and requirements of this Zoning Ordinance;

   The project meet the requirements of the Zoning Ordinance, specifically Section 19.06.030 Development Standards. This includes the general development standards in terms of height, setbacks, parking and open space.

2. The design policies of the General Plan and specific plans adopted by City Council;

   The design is consistent with the General Plan policies that influence design, specifically, L1.1 Quality of Development, CD 1.1 Neighborhood Character, CD 1.3 High Quality Design, CD1.9 Building Design, CD 2.1 Street Frontages, CD2.7 Accessible Design, CD3.3 Site Landscaping, CD4.3 Building Articulation and CD 5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   There are no design guidelines adopted by the City Council for this part of the city. This finding is not applicable.

4. The design review criteria set forth in the following subsection;

   The project is in keeping with the design review criteria as outlined below (Section 19.38.060 of the El Cerrito Municipal Code).

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

   The project has received all required Planning Commission and City Council approval. No additional Zoning Administrator approval is needed.

6. Any other relevant policies or regulations of the City.

   No other City policies apply to this project.

Pursuant to Section 19.038.060 B. - Design Review Criteria:

When conducting design review, the Design Review Board shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. Criteria listed below are specific criteria that, if applicable, all projects must satisfy for approval.

a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

The project provides an attractive and comfortable environment for all because the buildings have a clean, contemporary design. Landscaping will be a prominent design feature along the street frontage. The project design provides the tenants many amenities including; private and common open space areas; including private landscaped yards and a landscaped common area.

b. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

The building materials integrate well with the building design and the façade articulation. The proposed landscaping is appropriate for the site and integrates well with the proposed design aesthetic. The overall design scheme is visually consistent.

c. The project has been designed with consideration of neighboring development.

Surrounding structures include both single family and multi-family housing. The structures are one, two and three stories high and are typically mid-century in design. The massing of the proposed project is consistent with the prevailing three stories in the neighborhood with similar front, side and rear setbacks.

d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The proposed contemporary design aesthetic will add visual interest and architectural variety to the surrounding area. The buildings will be well-articulated. The El Cerrito Plaza Bay Area Rapid Transit (BART) station and AC Transit bus routes are less than a half of a mile away from the project, making it an ideal walking or biking distance to mass transit.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having a historically or visually significant character.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having significant public views and vistas from public streets.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette incorporates drought- tolerant plants and has been selected appropriately for El Cerrito's climate and the characteristics of the site. The project has been revised to respond to the Design Review Board's preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project has been designed to exceed the energy requirements of Title 24 of the 2016 CalGreen building code by 27%.

j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

This finding is not applicable.

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 Design Review Board hereby approves Application No. PL15-0100, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated November 21, 2016. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice

from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

4. If not vested, this Design Review approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.

5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list to acknowledge that he/she is aware of all these conditions of approval and will comply as directed. Prior to the issuance of a building permit, this signed list shall be returned to the planning and building division and kept as part of the project file:

    a. 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.

    b. Cover all hauling trucks or maintain at least two feet of freeboard.

    c. 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.

    d. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

    e. Replant vegetation in disturbed areas as quickly as possible.

    f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

    g. Clear signage at all construction sites shall be posted indicating that diesel 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.

    h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

j. 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.

k. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.

l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.

n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.

o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.

p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.

q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats 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 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.

r. 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.

s. 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 initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

u. Project personnel shall not collect cultural resources.

v. 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.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.

8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.

9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.

10. The applicant shall specify a two-by-four trimmer on all windows as part of the building permit submittal for the project.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.

12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.

13. The applicant shall construct an ADA path of travel, including truncated domes, with a striped crosswalk, from the newly constructed sidewalk on Santa Clara Street to the park entrance prior to issuance of Certificate of Occupancy.

14. The applicant shall provide pedestrian safety measures for pedestrians crossing from the sidewalk to the park to the satisfaction of the Public Works Director. This may include but is not limited to a convex mirror, sensors, or similar device to alert drivers or pedestrians if there is a conflict.

15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.

16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.

17. Any new street trees to be installed shall be from the City Master Tree List and be approved by the City Arborist before installation.

18. For any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.

19. The applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees for all earthwork and grading operations in excess of 50 cubic yards.

20. The applicant shall provide drainage plan for new roof and any rain leaders. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.

Fire Department:

21. Building construction shall meet current Building, California Fire Codes, and the El Cerrito Fire Code.

22. Prior to the issuance of the building permit, the applicant is responsible to meet the following requirements to the satisfaction of the Fire Marshall:

23. Provide code analysis of required total firefighting water.

24. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

25. Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.

26. Fire Department Connections (FDCs) shall be interconnected between all three buildings and shall be located on El Dorado and Avila.

27. All pathways required for Fire Department access shall remain open, clear and ungated.

28. "KNOX BOX" shall be installed with keys for all common areas.

29. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).

30. Smoke detectors shall be 120v powered with battery backup.

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32. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.

33. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.

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35. All electrical breakers shall be labeled.

36. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property. Address shall be either internally or externally illuminated.

37. Automatic Fire Sprinklers shall be installed throughout the Complex.

38. Fire sprinkler plans shall be submitted for review, approval and permit under separate cover.

39. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.

40. Escape or rescue windows shall be installed in accordance with CBC 310.4.

Stege Sanitary District:

41. The applicant shall submit a sewer capacity study to Stege Sanitary District for review and approval prior to issuance of building permit.

Design Review Board:

42. Planning staff shall review and approve the final landscape plan prior to issuance of Building Permit.

43. Planning staff shall review and approve a method of screening trash bins in the front yards of units prior to issuance of a building permit.

44. The applicant shall show control joints on exterior stucco surfaces on the Building Permit submittal plans.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on December 7, 2016, upon motion of Boardmember Thompson, second by Boardmember Leighly:

AYES: Groch, Leighly, Thompson
NOES: None
ABSTAIN: None
ABSENT: Laverne, Wood

Sean Moss, AICP
Senior Planner

Planning Commission Resolution PC17-01

APPLICATION NO. PL14-0171

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION DENYING AN APPEAL OF THE DESIGN REVIEW BOARD'S APPROVAL OF A TWENTY NINE UNIT TOWNHOME PROJECT LOCATED AT 5802, 5808 AND 5828 EL DORADO STREET AND GRANTING DESIGN REVIEW APPROVAL TO THE PROJECT.

WHEREAS, the subject property is located at 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor's Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council held a public hearing and continued the project to September 20, 2016 with guidance to the applicant as to possible amendments to the project; and

WHEREAS, on September 20, 2016, the City Council passed a resolution approving the Tentative Subdivision Map for the project; and

WHEREAS, on October 19, 2016, the Planning Commission approved a Conditional Use Permit to allow a parking reduction of 6 parking spaces and a Conditional Use Permit to allow an exception to the requirement for 1 parking space for each of 3 second units; and

WHEREAS, on November 2, 2016, the Design Review Board considered the Final Design Review for the project and continued the item to the regular December 7, 2016 Design Review Board meeting; and

WHEREAS, on December 7, 2016, the Design Review granted Design Review approval to the project;

WHEREAS, on December 15, 2016, Howdy Goudey submitted an appeal of the Design Review Board's approval of the project; and

WHEREAS, on February 15, 2017, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

Pursuant to Section 19.38.060: Final Design Review Findings and Criteria of the Zoning Ordinance, the Planning Commission must find that the application is consistent with:

1. The applicable standards and requirements of this Zoning Ordinance;

   The project meet the requirements of the Zoning Ordinance, specifically Section 19.06.030 Development Standards. This includes the general development standards in terms of height, setbacks, parking and open space.

2. The design policies of the General Plan and specific plans adopted by City Council;

   The design is consistent with the General Plan policies that influence design, specifically, L1.1 Quality of Development, CD 1.1 Neighborhood Character, CD 1.3 High Quality Design, CD1.9 Building Design, CD 2.1 Street Frontages, CD2.7 Accessible Design, CD3.3 Site Landscaping, CD4.3 Building Articulation and CD 5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   There are no design guidelines adopted by the City Council for this part of the city. This finding is not applicable.

4. The design review criteria set forth in the following subsection;

   The project is in keeping with the design review criteria as outlined below (Section 19.38.060 of the El Cerrito Municipal Code).

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

   The project has received all required Planning Commission and City Council approval. No additional Zoning Administrator approval is needed.

6. Any other relevant policies or regulations of the City.

   No other City policies apply to this project.

Pursuant to Section 19.038.060 B. - Design Review Criteria:

When conducting design review, the Design Review Board shall be guided by whether the project satisfies all applicable criteria, the policies of the General Plan's Community Design Element, and by any other policies or guidelines that may be adopted by the City Council for this purpose. Criteria listed below are specific criteria that, if applicable, all projects must satisfy for approval.

a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

The project provides an attractive and comfortable environment for all because the buildings have a clean, contemporary design. Landscaping will be a prominent design feature along the street frontage. The project design provides the tenants many amenities including; private and common open space areas; including private landscaped yards and a landscaped common area.

b. Project details, colors, materials, and landscaping, are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

The building materials integrate well with the building design and the façade articulation. The proposed landscaping is appropriate for the site and integrates well with the proposed design aesthetic. The overall design scheme is visually consistent.

c. The project has been designed with consideration of neighboring development.

Surrounding structures include both single family and multi-family housing. The structures are one, two and three stories high and are typically mid-century in design. The massing of the proposed project is consistent with the prevailing three stories in the neighborhood with similar front, side and rear setbacks.

d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The proposed contemporary design aesthetic will add visual interest and architectural variety to the surrounding area. The buildings will be well-articulated. The El Cerrito Plaza Bay Area Rapid Transit (BART) station and AC Transit bus routes are less than a half of a mile away from the project, making it an ideal walking or biking distance to mass transit.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The units will face street frontages on El Dorado and Avila Streets, with front doors, fenced yards and landscaping along the street-frontages. Additionally, balconies on upper levels will also allow for surveillance of the adjacent streets.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having a historically or visually significant character.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

This finding is not applicable. The project location is not in a part of the city that has been recognized as having significant public views and vistas from public streets.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito's climate.

Each unit in the project will feature a landscaped yard area in front of the unit. The plant palette incorporates drought- tolerant plants and has been selected appropriately for El Cerrito's climate and the characteristics of the site. The project has been revised to respond to the Design Review Board's preliminary comments regarding landscape design. In addition, the project features a landscaped common area, which also serves as a bio-filtration area during wet periods. The plants in this area have been selected appropriately.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project has been designed to exceed the energy requirements of Title 24 of the 2016 CalGreen building code by 27%.

j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

This finding is not applicable.

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 denies the appeal of the Design Review Board's approval of the project and approves Application No. PL14-0171, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated November 21, 2016. Minor changes may be approved by the Zoning Administrator. All improvements shall be

installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

4. If not vested, this Design Review approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.

5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list to acknowledge that he/she is aware of all these conditions of approval and will comply as directed. Prior to the issuance of a building permit, this signed list shall be returned to the planning and building division and kept as part of the project file:

    a. 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.

    b. Cover all hauling trucks or maintain at least two feet of freeboard.

    c. 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.

    d. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

    e. Replant vegetation in disturbed areas as quickly as possible.

    f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

    g. Clear signage at all construction sites shall be posted indicating that diesel 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.

h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

j. 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.

k. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.

l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.

n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.

o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.

p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.

q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats 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 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.

r. 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.

s. 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 initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

u. Project personnel shall not collect cultural resources.

v. 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.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.

8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.

9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.

10. The applicant shall specify a two-by-four trimmer on all windows as part of the building permit submittal for the project.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.

12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.

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44. The applicant shall show control joints on exterior stucco surfaces on the Building Permit submittal plans.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on February 15, 2017, upon motion of Commissioner Colin, second by Commissioner Bloom:

AYES: Bloom, Colin, Hansen, Lucas
NOES: None
ABSTAIN: None
ABSENT: Iswalt, Motoyama

Sean Moss, AICP
Senior Planner

April 10th, 2017

Follow-up to the appeal of the proposed development at 5828 Eldorado Street (application PL14-0171)

Dear Mayor Abelson, City Council Members and Planning Division Staff,

Please consider the following additional material with the earlier submitted appeal.

The formal submitted appeal presents policy-based arguments supporting the rejection of this project, as-is. In this letter I want to build on that to emphasize greater sensitivity to context and social responsibility that may, or may not be, adequately codified in law, but which we all recognize as an important part of being a good citizen and a productive member of our community.

There is no shortage of history involving legal standards that were "defensible" in their time, but were highly immoral and later changed through extraordinary effort and personal sacrifices. For example, by modern standards, there's appalling law laid out in the almost 4000 year old Hammurabi's code of ancient Babylonia, but it is important to point out, even when they accepted and codified slavery into their laws, the written introduction to their laws indicates a fundamental motivation "that the strong should not harm the weak." This is as true today as it was then and we are still struggling to live up to it today, as they were then.

Throughout the ensuing centuries, when unjust laws were applied, there were always those who went along with it, whether they agreed or not, just because the law was the law, and they didn't think it was their place to change the status quo, or they felt powerless to do so. Most troubling are the countless public officials who looked the other way and condoned actions they knew to be immoral when they actually did have some power to do something about it. Many of them would eventually make some courageous decisions, but it often was up to everyday people, with very limited power, to organize and raise attention to the injustice first. We have seen this pattern repeated over and over. We should know better by now. It shouldn't take acute personal sacrifice to motivate public officials to act in the best interest of their community and constituents.

I do not file this and previous appeals, because I enjoy it, or because my motive is to be obstructive. I do it because there is an important principle to defend and I must appeal to your conscience to defend it. You can be part of the progress of social responsibility through history, rather than put it off for someone else to deal with later.

To quote a country song I happened upon the other day "There ain't no right way to do the wrong thing" (lyric credit to John Rey Reed). I hope you choose to do the right thing and fully engage the need to do better by the former residents and the community with regards to this project, rather than putting a bandaid on a hemoragging wound to our community and making empty excuses why it isn't possible to do more.

Sincerely,

Howdy Goudey

635 Elm St., El Cerrito, CA 94530