



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Staff Liaison

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AGENDA

**REGULAR MEETING OF THE
PLANNING COMMISSION**

November 15, 2023 at 7:30 p.m.

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

7:30 p.m. CONVENE REGULAR MEETING

- 1. ROLL CALL** – Chair Joy Navarrete, Vice Chair Daniel Hamilton; Members Brendan Bloom, Erin Gillett, Leslie Mendez, Abhijeet Singh, and Nathan Tinsclair
- 2. COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS**
The City Council Liaison or City staff may report on matters of general interest to the Planning Commission, Council policies, priorities and significant actions taken by the City Council.
- 3. ORAL COMMUNICATIONS FROM THE PUBLIC**
Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.
- 4. ADOPTION OF MINUTES**
Adoption of the September 20, 2023 meeting minutes.
- 5. COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.
- 6. TIER IV DESIGN REVIEW AMENDMENT – 6115 POTRERO AVENUE**
Application: PL23-0043
Applicant: Potrero Avenue Partners, LLC
Location: 11335 San Pablo Avenue, 6111 & 6115 Potrero Avenue
APN: 513-327-015, 513-327-018, 513-327-046
Zoning: Transit Oriented Higher Intensity Mixed Use (TOHIMU)
General Plan: Transit Oriented Higher Intensity Mixed Use (TOHIMU)
Request: Planning Commission consideration of amendments to the conditions of approval with regard to noise attenuation, transportation demand management measures, and the timing of payment of open space in-lieu and public benefit contributions for a previously approved project containing 63 residential dwelling units and approximately 6,220 square feet of ground floor commercial space.

CEQA: This project is consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c). The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan), under subsection (b) (Projects Proximate to Transit).

7. STAFF COMMUNICATIONS

Informational reports on matters of general interest, presented by City staff.

8. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Sean Moss at (510) 215-4330. 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).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection.



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Staff Liaison

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MINUTES

**REGULAR MEETING OF THE
PLANNING COMMISSION**

September 20, 2023 at 7:30 p.m.

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

7:30 p.m. CONVENE REGULAR MEETING

1. **ROLL CALL** – Chair Joy Navarrete, Vice Chair Daniel Hamilton; Members Erin Gillett, Leslie Mendez, Abhijeet Singh, and Nathan Tincclair.
Commissioner Brendan Bloom had an excused absence.
2. **COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS**
Nothing was reported.
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**
No comments were received.
4. **ADOPTION OF MINUTES**
Moved/Second: Commissioners Hamilton/Mendez. **Action:** Passed a motion to adopt the July 27, 2023 meeting minutes.
Ayes: Hamilton, Gillett, Mendez, Navarrete, Singh, Tincclair.
Noes: None.
Abstain: None.
Absent: Bloom.
5. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
Nothing was reported.
6. **Conditional Use Permit – 5601 Ludwig Ave**
Application: PL23-0055
Applicant: Anna Misharina
Location: 5601 Ludwig Ave
APN: 500-360-008
Zoning: RS-5 (Single Family Residential)
General Plan: Low Density Residential
Request: Planning Commission consideration of a Conditional Use Permit for expanding a nonconforming side setbacks (Chapter 19.27 and Chapter 19.34, ECMC).

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

Associate Planner Diego Romero presented the staff report and answered questions from the Commission.

Anna Misharina, representing the applicant, presented the project and answered questions from the Commission.

The public hearing was opened.

No speakers addressed the Commission.

The public hearing was closed.

Moved/Second: Commissioners Hamilton/Bloom. Action: Passed a motion to approve a Conditional Use Permit for expanding nonconforming side setbacks at 5601 Ludwig Avenue.

Ayes: Gillett, Hamilton, Mendez, Navarrete, Singh, Tincclair.

Noes: None.

Abstain: None.

Absent: Bloom.

7. Conditional Use Permit – 956 Sea View Drive

Application: PL23-0096

Applicant: Charles Green

Location: 956 Sea View Drive

APN: 505-221-045

Zoning: RS-5 (Single Family Residential)

General Plan: Low Density Residential

Request: Planning Commission consideration of a proposed amendment to a previously approved Conditional Use Permit for proposed retaining walls which are taller than 4 feet in the front setback and for walls which are taller than 6 feet located outside of the front setback.

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 & 15304 of the CEQA Guidelines, Class 3: New construction or conversion of small structures and Class 4: Minor Alterations to Land.

Associate Planner Diego Romero presented the staff report and answered questions from the Commission.

The public hearing was opened.

No speakers addressed the Commission.

The public hearing was closed.

Moved/Second: Commissioners Bloom/Navarrete. Action: Passed a motion approving an amendment to a Conditional Use Permit for proposed retaining walls which are taller than 4 feet in the front setback and for walls which are taller than 6 feet located outside of the front setback at 956 Sea View Drive.

Ayes: Hamilton, Mendez, Navarrete, Singh, Tincclair.

Noes: Gillett.

Abstain: None.

Absent: Bloom.

8. STAFF COMMUNICATIONS

Planning Manager Sean Moss updated the Commission on staffing changes, the sState conference of the American Planning Association, the Safety Element status, and the Housing Element adoption.

9. ADJOURNMENT

8:24 p.m.

Joy Navarrete, Chair

This is to certify that the foregoing is a true and correct copy of the minutes of the regular Planning Commission meeting of September 20, 2023, as approved by the Planning Commission.

Sean Moss, Staff Liaison



Community Development Department
Planning and Building Division
10890 San Pablo Avenue, El Cerrito, CA 94530
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PLANNING COMMISSION STAFF REPORT

November 15, 2023

6115 POTRERO AVE - USE PERMIT AMENDMENT

DETAILS

Application Number: PL23-0043

Applicant: Potrero Ave Partners, LLC

Location: 6111, 6115 Potrero Avenue/11335 San Pablo Avenue

APNs: 513-372-015, 513-372-018, and 531-372-046

Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)

General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)

Request: Planning Commission consideration of amendments to the conditions of approval for a previously approved project containing 63 residential units and 6,220 square feet of ground floor commercial space.

CEQA: The project is consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Section 15168 and Government Code Section 65457(a).

EXECUTIVE SUMMARY

The project at 6111, 6115 Potrero Avenue/11335 San Pablo Avenue received its final entitlement on May 4, 2022. The conditions of approval required the applicant to make a public benefit and public open-space in lieu contributions prior to issuance of a building permit, to provide specific noise attenuation for outdoor uses, and to provide specified Transportation Demand Management measures. Due to the after-effects of the COVID-19 global pandemic, rising interest rates, and general economic uncertainty the applicant has faced financing challenges. The applicant is requesting amendments to the conditions of approval of Resolution PC 2022-03 as outlined in detail in this report.

Background

On March 16, 2022, the Planning Commission approved its component of Tier IV Design Review for a 5-story building containing 63 residential units and 6,220 square feet of ground-floor commercial space located at 6111 Potrero Avenue, 6115 Potrero Avenue, and 11335 San Pablo Avenue. The proposed ground floor commercial space would be occupied by two establishments - a restaurant and a brewery. The Design Review Board approved its component of the Tier IV Design Review on May 4, 2022.

The Planning Commission's component of the Tier IV Design Review approval included an exception to the provision of private/common open space for a deficit of 2,828 square feet and a public benefit contribution of \$100,000 to support capital improvement projects identified in the 2015 Urban Greening Plan and Parks and 2019 Recreation Facilities Master Plan.

The COVID-19 global pandemic and its after-effects, rising interest rates, and general economic uncertainty have had significant effects on the financial feasibility of development in El Cerrito. Several entitled project continue to tenuously move forward despite these limitations. In order to advance these projects, City staff has recognized the need to remain flexible and have worked with applicants to facilitate minor design revisions and other changes within the limits of staff's authority. Some proposed changes are beyond the scope of staff's authority and require approval of the Planning Commission and/or the Design Review Board.

In June 2022, the Planning Commission approved modifications to the Conditions of Approval for the Civic project at 10290 San Pablo Avenue. These modifications changed the point of payment for a public benefit contribution and an open space in-lieu contribution from issuance of building permit to issuance of Certificate of Occupancy. Similar modifications are now requested for the project at 6115 Potrero Avenue in addition modification of the Conditions of Approval related to noise attenuation and Transportation Demand Management measures, as discussed in depth below.

Analysis

As described above, the conditions of approval for the project require the payment of \$100,000 to support capital improvement projects identified in the 2015 Urban Greening Plan and Parks and 2019 Recreation Facilities Master Plan (Condition #24 of Resolution PC 2022-03). This payment was offered as a public benefit to enable the Planning Commission to make the findings required for Tier IV Design Review. In addition, the applicant is electing to satisfy the public open space requirement through the payment of an in-lieu contribution. This contribution was specified in the findings of Resolution PC 2022-03, but was inadvertently omitted from the Conditions of approval.

Due to financing challenges, the applicant is now requesting to amend the conditions of approval for the Tier IV Design Review so that payment of the Tier IV public benefit contribution, and the public open

space in-lieu contribution are due prior to issuance of a Certificate of Occupancy, rather than prior to issuance of a building permit as is currently required.

Noise Attenuation

An Initial Study Checklist was prepared for the project in 2022. This checklist demonstrated compliance with the analysis in the San Pablo Avenue Specific Plan program EIR. As part of the preparation of the Initial Study Checklist, a noise analysis was prepared.

Section 19.21.050(B)(2) of the El Cerrito Municipal Code, which implements General Plan policy H3.2, states, “The goal for maximum outdoor noise levels in residential areas is an Ldn of 60 dB...Where the Zoning Administrator determines that providing an Ldn of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an Ldn of 65 dB at the discretion of the Planning Commission.” The 2022 noise analysis concluded that the noise levels at the fifth floor exterior common residential patio area would reach 67 dBA Ldn, exceeding El Cerrito’s General Plan limit for exterior residential patios of however, with an increase in the height of the perimeter wall from 4 feet to 5 feet, the noise level would be reduced to 64 dBA Ldn.

The report also concluded that, “noise levels at the outdoor restaurant patio are anticipated to reach 70 dBA Ldn...[and] constructing a wall with a minimum height of 7 feet surrounding the patio, with space for a door as shown in current plans, would reduce noise levels within the patio to 65 dBA Ldn.”

As part of its approval of the project, the Planning Commission approved the increased noise goal of 65 dBA Ldn.

The report went on to say, “to provide adequate noise reduction, all noise-abatement walls described in this section shall be constructed without any gaps or cracks along the face or at the base and have a minimum surface weight of three pounds per square foot (such as 1-inch-thick wood, ½-inch laminated glass, masonry block, concrete, or 1/16-inch steel or aluminum).” In order to ensure compliance with the findings of the noise analysis, this language regarding the construction of the walls, was included as Condition of Approval #18.e in Resolution PC 2022-03.

On April 6, 2023, Studio KDA submitted a building permit application for the project. Through the process of creating construction drawings, the architect has identified constraints to constructing the walls as identified in the noise analysis and currently required by the Conditions of Approval. First, in order to provide a pleasant patio for restaurant patrons dining along San Pablo Avenue and to adhere to the building transparency standard of the San Pablo Avenue Specific Plan, the architect has proposed that the top 4 feet of the 7-foot wall be ½” laminated glass. Supporting this heavy glass while providing no gaps, has shown to be cost prohibitive. Additionally, constructing a 5-foot tall solid wall at the 5th floor patio, as permitted by the Conditions of Approval and the noise study, would obstruct most outward views from the patio and would make the space feel enclosed rather than open.

For these reasons, the architect designed revised sound wall details. The architect then commissioned a subsequent noise analysis that evaluated the 50% design development drawings with the specific wall details designed by the architect. The revised analysis concluded that noise levels at the 5th floor patio are not expected to exceed 65 dBA Ldn and noise levels in the ground floor dining area are estimated at 60 dBA Ldn.

For these reasons, staff recommends that Condition of Approval #18 be modified to allow any means which achieve the noise goals approved by the Planning Commission.

Parking/Transportation Demand Management

When the project was approved in 2022, the San Pablo Avenue Specific Plan had a by right parking range in the TOHIMU district of 0.5-1.0 spaces/unit. Parking reductions below 0.5 space/unit were permitted with inclusion of TDM measures that attempted to affect parking demand so that it approximately matched parking supply.

The project utilized a TDM plan in order to reduce the parking ratio to 0.37 space/unit. The recommendations of the TDM plan were required as part of Condition of Approval #30 of Resolution PC 2022-03.

In September 2022, subsequent to the project's approval, Governor Newsom signed Assembly Bill 2097 which prohibited public agencies from imposing or enforcing minimum parking requirements on development projects located within 1/2 mile of a major transit stop. The subject project is within 1/2 mile of both bus stops on San Pablo Avenue with frequent stops and a BART station. Therefore, if the project had been approved after January 1, 2023 (the effective date of AB 2097), no parking could have been required and therefore parking reductions through the implementation of a TDM plan would not be applicable. Given this development, staff supports the elimination of the required TDM measures in Condition of Approval #30, with the exceptions of the requirement that any parking that is provided be unbundled (separate from the cost of the unit) and the requirement to provide bike parking. These requirements are standards of the San Pablo Avenue Specific Plan and are not affected by AB 2097. The applicant is also now proposing to reduce the number of on site parking spaces to 15, as permitted by AB 2097 to reduce the construction costs of the project.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times and mailed to owners of property within 300 feet of the project site on or before October 25, 2023. No comments were received prior to the publication of this report.

Environmental Review

On September 22, 2014, the City of El Cerrito adopted the San Pablo Avenue Specific Plan ("SPASP") and certified an accompanying Program EIR (State Clearinghouse #2014042025). Government Code Section 65457 addresses California Environmental Quality Act (CEQA) requirements for residential developments subject to a Specific Plan for which an EIR was prepared. For these development situations, it directs no further CEQA review shall occur unless an event prescribed at CEQA Section 21166 occurs. The implementing regulations for CEQA Section 21166 are located at CEQA Guidelines Section 15162.

CEQA Guidelines Section 15168(c) addresses the use of Program EIRs for subsequent activities (e.g., the proposed project subject to the San Pablo Avenue Specific Plan and for which a Program EIR was prepared). The CEQA Guidelines also direct the application of CEQA Guidelines Section 15162 to determine whether additional CEQA review is required.

CEQA Guidelines Section 15162 provides that no subsequent EIR shall be prepared unless the lead agency (i.e., City of El Cerrito) determines one or more of the situations prescribed therein is present. An initial study checklist prepared for the proposed project (see Attachment E) provides substantial evidence for the Planning Commission to determine that, pursuant to CEQA Section 21166 and CEQA Guidelines 15162, no subsequent environmental review is required for this project.

The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan), under subsection (b) (Projects Proximate to Transit). The project is a mixed-use project exceeding 0.75 floor-area-ratio, is located within a transit priority area, is consistent with the SPASP, and is consistent with the use, density, building intensity and applicable policies of a sustainable communities

strategy relating to greenhouse gas reduction targets (i.e., Plan Bay Area 2040).

The proposed modifications to the Conditions of Approval are consistent with the project description and supporting material in the 2022 Initial Study Checklist prepared for the project. No changes to the Initial Study Checklist are required.

Compliance with the General Plan

The revised project is consistent with and will implement the following policies of the El Cerrito General Plan:

Policy LU2.2 (Commercial Diversification): Maintain a diversity of commercial land uses to ensure stability during economic cycles and enrich the lives of residents. The maintenance of diversity includes encouragement of small businesses, both in terms of creation of new firms and retention of existing ones.

The project will demolish an existing, unoccupied commercial building and construct a new five-story building with more than twice the commercial floor area and 63 residential units where none previously existed. This will cause an increase in the diversity of commercial uses on-site and in the surrounding neighborhood. The project's commercial component is also of a size that is conducive to small business with each floor area just above 3,000 square feet.

Policy LU4.1 (Mixture of Uses): Encourage a mix of uses that promotes such community values as convenience, economic vitality, fiscal stability, public safety, a healthy environment, and a pleasant quality of life.

The project consists of a mixed-use building designed for restaurant dining on the ground floor and residential dwelling on floors above. The restaurant aspect is located within an 8-minute walk of the Del Norte BART Station, a 4-minute walk to the Ohlone Greenway, and within a similar or shorter distance to many existing residences. This proximity of mixed-uses increased by the project results in greater convenience to residents and workers. The increase in small-scale businesses at the project site also have the potential to increase economic vitality and fiscal stability through increased sales tax revenue and increased market competition.

Policy LU4.2 (Availability of Goods and Services): Provide for economic development that assures the availability and diversity of resident-serving goods and services.

The project will provide food and beverage sales to El Cerrito residents, those working within the city limits, and persons visiting from out of town. In this way, the project supports economic development over the short and long-terms.

Policy 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.

Through compliance with San Pablo Avenue Specific Plan standards, the project provides frontages along two public streets (Potrero Avenue, San Pablo Avenue) that increase interest and safety by enabling surveillance of the street. In particular, the project's outdoor dining patio at San Pablo Avenue is highly visible and directly accessible to pedestrians from the sidewalk. Significant expanses of glass along ground floor facades (for both frontages) increases interest for pedestrians as well.

Policy CD2.3 (Streetscape Improvements): Maintain an active program of street tree planting and

improved roadway landscaping through both public and private means. Design guidelines shall describe appropriate types of trees for commercial areas – to enhance the shopping experience rather than detract from it.

The project will provide new street trees along two street frontages. Presently, there are no street trees along either frontage. Therefore, the project directly advances this policy.

Policy CD5.1 (San Pablo Avenue Specific Plan Area): Promote retail, office, and mixed uses within the San Pablo Avenue Specific Plan Area to provide more tax revenues to the city.

The project promotes a mix of uses in the plan area by providing new restaurant dining options to residents of and employees working in El Cerrito, including those visiting from out of town. Development of the substantially vacant site will bring increased property tax revenue to the city, and employees of the project can be expected to generate an incremental increase in sales tax through patronage of adjacent commercial businesses (e.g., restaurants, grocery stores).

Policy H3.2 (Outdoor Noise Levels): The goal for maximum outdoor noise levels in residential areas is an Ldn of 60 dB. This level is a requirement to guide the design and location of future development and is a goal for the reduction of noise in existing development. However, 60 Ldn is a goal that cannot necessarily be reached in all residential areas within the realm of economic or aesthetic feasibility. This goal will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing

A Noise and Vibration Assessment dated November 22, 2022 (CDA Design Group) was prepared for the proposed project.

- a. The assessment identifies that outdoor noise levels for the residential portion of the project are anticipated to reach 65 dBA Ldn.*
- b. The assessment identifies outdoor noise levels for the commercial portion of the project are anticipated to reach 60 dBA Ldn.*

Noise exposure above 60 dBA Ldn but below 65 dBA Ldn as acceptable for the residential portion of the proposed project. Pursuant to General Plan Policy H3.2, the standard will not normally be applied to small decks associated with apartments. The project's outdoor areas anticipated to exceed 60 dBA Ldn are substantially similar, in both design and purpose, to the decks referenced in the policy. Moreover, the project's level of anticipated noise exposure is appropriate since it is within the conditionally acceptable range illustrated at El Cerrito General Plan Figure 7-1.

Policy LU6.2 (Circulation Alternatives): To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others.

The project complies with all standards for automobile and bicycle parking. The project site is well-suited for walking, biking, and use of transit due to its proximity to features such as a continuous network of sidewalk, the Ohlone Greenway, and Del Norte BART Station.

Policy H2.2 (Housing Element): Encourage the construction of transit-oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors in accordance with the San Pablo Avenue Specific Plan and the City's Incentives Program (Chapter 19.23 of the El Cerrito Zoning Ordinance).

The project has a density of 173 residential units to the acre and floor-area-ratio of 2.73. It is also located within an 8-minute walk to the Del Norte BART Station, 4-minute walk to the Ohlone Greenway, and immediately adjacent to rapid bus service (i.e., 10-minute headway during commute periods). The project also includes a mixture of land uses all within a building compliant with all building form development standards.

Policy H2.3 (Housing Element): Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit, and enforce the San Pablo Avenue Specific Plan.

The San Pablo Avenue Specific Plan reduced parking requirements and eliminated maximum density in the plan area. This project will enhance the mix of uses in the corridor adjacent to public transit. The project complies fully with the standards of the San Pablo Avenue Specific Plan.

Required Findings

Tier IV Design Review Findings

Pursuant to San Pablo Avenue Specific Plan Section 2.03.08.01.02.D.3, in acting to approve or conditionally approve a Tier IV application, the Planning Commission shall make the following findings:

- a. That the project furthers the goals of this Specific Plan by encouraging practical and market friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift.

The project will develop a vacant and underutilized site with a new mixed-use building compliant, except for private/common open space, all applicable development standards. The new five-story building will create an activated pedestrian experience along both Potrero Avenue and San Pablo Avenue through frontage types and uses compliant with the San Pablo Avenue Specific Plan. The project also supports a mode shift away from single owner/operator passenger vehicles by providing parking spaces below the maximum allowed, providing on-site bicycle parking compliant with the Specific Plan (96 long-term and 10 short-term spaces), and transportation demand strategies (e.g., transit subsidies, shared mobility subsidies, unbundled parking costs) to support resident and employee mobility. Lastly, the project will provide 63 new residential dwellings and new small-scale businesses catering to the community at-large.

- b. That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) as stated in adopted city policy documents as identified by the Community Development Director. These documents include but are not limited to:

- El Cerrito Climate Action Plan
- El Cerrito Strategic Plan
- El Cerrito General Plan, especially the Housing Element
- El Cerrito Economic Development Action Plan
- El Cerrito Urban Greening Plan
- El Cerrito Active Transportation Plan

The public benefit shall be beyond that which is required by Tier II of this Specific Plan and other adopted regulations.

The Tier IV Design Review aspect of the project consists of a request to reduce the required private/common open space from 5,040 square feet to 2,212 square feet and, in exchange for said reduction, a public benefit of \$100,000 is voluntarily proposed to fund park and recreation improvements identified in the El Cerrito Urban Greening Plan and El Cerrito Parks and Recreation Facilities Master Plan. The project also fulfills public open space requirements through the payment of \$145,826.85. These funds, when combined, can fund capital improvement project(s) identified within each planning document and located near the project (i.e., less than one-quarter mile).

The proposed public benefit and potential capital improvement project(s) it will fund are consistent with San Pablo Avenue Specific Plan Goal A (Strengthen Sense of Place), Goal D (Enhance and Humanize Public Realm), and Goal E (Catalyze Mode Shift).

- c. That the development will not have an undue adverse effect upon the Transect Zone in which it is located, and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located.

The project is compliant, except for private/common open space, all applicable development standards. As such, the project will have a beneficial effect upon the TOHIMU Zone by its ability to realize development that represents the planned mix of land uses and urban form intended by the San Pablo Avenue Specific Plan.

- d. That the proposed development complies with the intent of the Specific Plan.

Except for the private/common open space standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

- e. That the project implements applicable goals and policies of the El Cerrito General Plan.

As discussed in this report, the project will implement the following policies of the El Cerrito General Plan: Policy LU2.2 (Commercial Diversification), Policy LU4.1 (Mixture of Uses), LU4.2 (Availability of Good and Services), Policy CD2.1 (Street Frontages), Policy CD2.3 (Streetscape Improvements), Policy CD5.1 (San Pablo Avenue Specific Plan), Policy LU6.2 (Circulation Alternatives), and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application PL23-0043, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC 2023-XX approving amendments to the conditions of approval of a Tier IV Design Review approval for a project containing 63 residential units and 6,220 square feet of ground floor commercial space at 11335 San Pablo Avenue, 6111 Potrero Avenue, and 6115 Potrero Avenue.

Appeal Period

Within ten (10) calendar days after the date of the decision, the Planning Commission action may be appealed to the City Council.

Attachments

1. Resolution PC 2022-03
2. Draft resolution
3. Revised project plans
4. Noise Analysis by CDA Design Group, dated November 22, 2022

Planning Commission Resolution PC 2022-03

APPLICATION NO. PL21-0036

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION GRANTING ADMINISTRATIVE USE PERMIT APPROVAL FOR RESTAURANT, FULL OR LIMITED SERVICE, WITH ALCOHOL SALES LAND USES AND TIER IV DESIGN REVIEW APPROVAL FOR THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND SUBSEQUENT CONSTRUCTION OF A NEW BUILDING CONTAINING 63 RESIDENTIAL DWELLING UNITS AND APPROXIMATELY 6,220 SQUARE FEET OF GROUND FLOOR NON-RESIDENTIAL SPACE AT 11335 SAN PABLO AVENUE, 6111 & 6115 POTRERO AVENUE (APNS 531-372-015, -018, -046)

WHEREAS, the site is located at 11335 San Pablo Avenue, 6111 & 6115 Potrero Avenue;

WHEREAS, the existing Assessor's Parcel Numbers of the site are 531-372-015, -018, and -046);

WHEREAS, the site is located within the San Pablo Avenue Specific Plan Area;

WHEREAS, the General Plan land use classification of the site is Transit-Oriented Higher-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Higher-Intensity Mixed Use and the project is located on a Gateway Street (i.e., Potrero Avenue) and a Community Street (i.e., San Pablo Avenue);

WHEREAS, on February 9, 2021, the applicant submitted an application for an Administrative Use Permit and Tier IV Design Review;

WHEREAS, subject application proposes, in part, sixty-three (63) residential dwellings that are for-rent and without income restrictions for occupants;

WHEREAS, the Tier IV Design Review aspect of the subject application consists of a request to reduce the required private/common open space from 5,040 square feet to 2,212 square feet and, in exchange for said reduction, a public benefit of \$100,000 is voluntarily proposed to fund park and recreation improvements identified in the El Cerrito Urban Greening Plan and El Cerrito Parks and Recreation Facilities Master Plan;

WHEREAS, pursuant to San Pablo Avenue Specific Plan Section 2.02.07(D) and regarding the Tier IV request, the Planning Commission is authorized to act upon:

- a. The site plan and aspects of the project that do not meet the development standards of the form-based code; and
- b. A determination that the project achieves an over-arching public benefit.

WHEREAS, the Administrative Use Permit concerns a proposed Restaurant, Full or Limited Service, with Alcohol Sales land use consisting of approximately 6,220 square feet and located on the ground floor;

WHEREAS, pursuant to San Pablo Avenue Specific Plan Section 2.02.06(B), the Zoning Administrator does refer the Administrative Use Permit request to the Planning Commission for review and action;

WHEREAS, on March 16, 2022, the Planning Commission, after due consideration of all evidence and

reports offered for review, does find and determine the following:

California Environmental Quality Act

1. Government Code Section 65457 addresses California Environmental Quality Act (CEQA) requirements for residential developments subject to a Specific Plan for which an EIR was prepared. For these development situations, it directs no further CEQA review shall occur unless an event prescribed at CEQA Section 21166 occurs. The implementing regulations for CEQA Section 21166 are located at CEQA Guidelines Section 15162.

CEQA Guidelines Section 15168(c) addresses the use of Program EIRs for subsequent activities (e.g., the proposed project subject to the San Pablo Avenue Specific Plan and for which a Program EIR was prepared). The CEQA Guidelines direct the application of CEQA Guidelines Section 15162 to determine whether additional CEQA review is required.

CEQA Guidelines Section 15162 provides that no subsequent EIR shall be prepared unless the lead agency (i.e., City of El Cerrito) determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- c. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - d. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - e. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - f. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - g. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - h. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - i. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
2. An initial study checklist prepared for the proposed project, incorporated herein by reference, provides substantial evidence for the Planning Commission to determine that, pursuant to CEQA Section 21166 and CEQA Guidelines 15162, no subsequent environmental review is required.
3. The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a

Specific Plan), under subsection (b) (Projects Proximate to Transit). The project is a mixed-use project exceeding 0.75 floor-area-ratio, is located within a transit priority area, is consistent with the SPASP, and is consistent with the use, density, building intensity and applicable policies of a sustainable communities strategy relating to greenhouse gas reduction targets (i.e., Plan Bay Area 2040).

Tier IV Design Review Findings

4. *That the project furthers the goals of this Specific Plan by encouraging practical and market friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift.*

The project will develop a vacant and underutilized site with a new mixed-use building compliant, except for private/common open space, all applicable development standards. The new five-story building will create an activated pedestrian experience along both Potrero Avenue and San Pablo Avenue through frontage types and uses compliant with the San Pablo Avenue Specific Plan. The project also supports a mode shift away from single owner/operator passenger vehicles by providing parking spaces below the maximum allowed, providing on-site bicycle parking compliant with the Specific Plan (96 long-term and 10 short-term spaces), and transportation demand strategies (e.g., transit subsidies, shared mobility subsidies, unbundled parking costs) to support resident and employee mobility. Lastly, the project will provide 63 new residential dwellings and new small-scale businesses catering to the community at-large.

5. *That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) as stated in adopted city policy documents as identified by the Community Development Director.*

The Tier IV Design Review aspect of the project consists of a request to reduce the required private/common open space from 5,040 square feet to 2,212 square feet and, in exchange for said reduction, a public benefit of \$100,000 is voluntarily proposed to fund park and recreation improvements identified in the El Cerrito Urban Greening Plan and El Cerrito Parks and Recreation Facilities Master Plan. The project also fulfills public open space requirements through the payment of an estimated \$163,000. These funds, when combined, can fund capital improvement project(s) identified within each planning document and located near the project (i.e., less than one-quarter mile).

The proposed public benefit and potential capital improvement project(s) it will fund are consistent with San Pablo Avenue Specific Plan Goal A (Strengthen Sense of Place), Goal D (Enhance and Humanize Public Realm), and Goal E (Catalyze Mode Shift).

6. *That the development will not have an undue adverse effect upon the Transect Zone in which it is located and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located.*

The project is compliant, except for private/common open space, all applicable development standards. As such, the project will have a beneficial effect upon the TOHIMU Zone by its ability to realize development that represents the planned mix of land uses and urban form intended by the San Pablo Avenue Specific Plan.

7. *That the proposed development complies with the intent of the Specific Plan.*

Except for the private/common open space standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use

Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

8. That the project implements the following goals and policies of the El Cerrito General Plan: Policy LU2.2 (Commercial Diversification), Policy LU4.1 (Mixture of Uses), LU4.2 (Availability of Good and Services), Policy CD2.1 (Street Frontages), Policy CD2.3 (Streetscape Improvements), Policy CD5.1 (San Pablo Avenue Specific Plan), Policy LU6.2 (Circulation Alternatives), and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

Administrative Use Permit Findings

9. *The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.*

The project includes a ground floor commercial space of approximately 6,220 square feet that will be occupied by two establishments - a restaurant and a brewery. Both will serve alcohol and share kitchen facilities, back of house storage, and customer restrooms. Operating hours for both the restaurant and brewery are seven (7) days a week from 8 AM to 2 AM. The brewery will operate with an Alcohol Beverage Control (ABC) License Type 23 (Small Beer Manufacturer); the restaurant will operate with an ABC License Type 47 (On-Sale General – Eating Place).

Restaurants that offer alcoholic beverages are common in El Cerrito's commercial areas. A similarly sized brewery (i.e., Elevation 66) has also operated in El Cerrito at 10082 San Pablo Avenue since the year 2011. Many other full-service restaurants with alcohol sales have operated in El Cerrito in a way that is compatible with surrounding properties and neighborhoods, and the project is expected to be equally compatible. Full-service restaurants with alcohol sales operate in the surrounding area (e.g., Los Moles Beer Garden, Denny's).

The surrounding area contains a mixture of commercial and few residential uses. Uses along San Pablo Avenue both north and south of the project site primarily consist of a broad mix of commercial uses. The project site is vacant and borders a gas station, dry cleaners, hotel, and retail and service establishments. Across the street from the project site lies more commercial retail and services uses, including restaurants. The Del Norte BART station is approximately 0.3 miles away to the north. Although suburban in its current built form, the San Pablo Avenue Specific Plan envisions the project site and surrounding area to transform to a dense urban environment with a broad mix of land uses and buildings reaching up to 5 or more stories in height.

Given the proposed restaurant's location on a major thoroughfare and the existing and planned nature of surrounding uses, the proposed use will not adversely affect the livability of adjacent development or the surrounding neighborhood. Rather, it is envisioned as a potential amenity providing a new location for residents to gather and socialize, and which is accessible by foot, bicycle, public transit, and passenger vehicle.

10. *The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the city.*

The application proposes alcohol sales within a restaurant and a brewery. Each establishment will front a busy commercial thoroughfare (e.g., Potrero Avenue and San Pablo Avenue). The project site is presently vacant and, once developed, will have a five-story building including commercial uses on the ground-floor and multi-family residential units above. Commercial uses, including those serving alcohol, are common in

the surrounding area. As proposed and conditioned, alcohol sales will be ancillary with meals always available for purchase. The addition of new commercial uses where none presently exist contributes to a more functional living, working, shopping and civic environment. Moreover, it supports the San Pablo Avenue Specific Plan's goals for an urban environment with a diverse mix of land uses. Each proposed business also presents an opportunity for a new culinary and craft beverage destination within El Cerrito – serving as an attractive amenity for the city.

11. *The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.*

A thriving full-service restaurant and brewery will add to the vibrancy and walkability of the area, consistent with intent of the Transit Oriented Higher-Intensity Mixed Use (TOHIMU) Transect Zone in which it is located. The proposed project will implement the following policies of the General Plan: LU2.1, San Pablo Avenue; LU2.2, Commercial Diversification; LU4.1, Mixture of Uses; and LU4.2, Availability of Goods and Services.

El Cerrito General Plan Noise Standard Findings

12. The El Cerrito General Plan includes noise standards applicable to the proposed project. El Cerrito Municipal Code Section 19.21.050(B) (Performance Standards: Noise) provides additional noise standards. As a building with both residential and commercial land uses, the proposed project is subject to standards specific to each use.
 - a. For residential uses, General Plan Policy H3.2 sets a maximum outdoor noise level of 60 dB Ldn for outdoor areas. That policy states further that, where the city determines that providing an Ldn of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an Ldn of 65 dB at the discretion of the Planning Commission.
 - b. For commercial uses, El Cerrito Municipal Code Table 19.21-A sets an outdoor noise exposure maximum of 60 dBA Ldn as normally acceptable and 80 dBA Ldn as conditionally acceptable. This noise exposure range is consistent with El Cerrito General Plan Figure 7-1.
13. A Noise and Vibration Assessment dated January 25, 2022 (Illingworth & Rodkin, Inc.) was prepared for the proposed project.
 - a. The assessment identifies that outdoor noise levels for the residential portion of the project are anticipated to reach 66 dBA Ldn and 67 dBA Ldn. However, with noise attenuation features included in the project design, the noise levels for those areas are reduced to between 63 and 64 dBA Ldn.
 - b. The assessment identifies outdoor noise levels for the commercial portion of the project are anticipated to reach 70 dBA Ldn. However, with noise attenuation features included in the project design, the noise level for that area is reduced to 65 dBA Ldn.
 - c. Plans for the proposed project have been revised to include the assessment's noise attenuation recommendations for both the residential and commercial outdoor areas referenced above.
14. In accordance with General Plan Policy H3.2, the Planning Commission finds the noise exposure above 60 dBA Ldn but below 65 dBA Ldn as acceptable for the residential portion of the proposed project. Pursuant to that policy, the standard will not normally be applied to small decks associated with apartments. The project's outdoor areas anticipated to exceed 60 dBA Ldn are substantially similar, in both design and purpose, to the decks referenced in the policy. Moreover, the project's level of anticipated noise exposure

is appropriate since it is within the conditionally acceptable range illustrated at El Cerrito General Plan Figure 7-1.

15. In accordance with El Cerrito General Plan Figure 7-1, the Planning Commission finds the project's level of anticipated noise exposure for the commercial portion of the project is appropriate since it is within the conditionally acceptable range illustrated at El Cerrito General Plan Figure 7-1.

NOW, THEREFORE, BE IT RESOLVED that after careful consideration of all 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 approves Application No. PL21-0036, subject to the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. The project will be constructed substantially in conformance with the plans dated February 11, 2022, except as noted herein. 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 the building or makes improvements in accordance with this approval 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 non-issuance 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 used, this approval shall expire two years from the date of this action.
5. The applicant shall share the conditions of approval with their general contractor for the project. The general contractor shall sign a copy of the conditions of approval 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 copy shall be returned to the planning and building division and kept as part of the project file. The conditions of approval shall be reviewed at the mandatory pre-construction meeting held between the City and the General Contractor. A copy of the conditions of approval shall be maintained on the project site at all times during construction.
6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Municipal Code Chapter 13.50 (Art in Public Places) 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. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit to allow this use.
8. The applicant shall maintain the subject property in a manner free from public nuisances, in accordance with Municipal Code Chapter 8.34 (Nuisance Abatement).
9. Prior to issuance of building permit, the Applicant/Developer shall submit a plan for construction site

security to the satisfaction of the Police Chief and the Fire Chief.

CONDITIONS BASED ON SAN PABLO AVENUE SPECIFIC PLAN PROGRAM EIR MITIGATION MEASURES

10. Aesthetics and Visual Resources (Mitigation 4-2): The project shall install landscaping and incorporate other measures into and around parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

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

11. Air Quality (Mitigation Measure 5-1): Implement the following Bay Area Air Quality Management District (BAAQMD) recommended measures to control particulate matter emissions during construction. City staff will spot check that these measures are being implemented throughout the construction phase of the project. These measures reduce diesel particulate matter PM_{2.5} and PM₁₀ created from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM_{2.5} and PM₁₀) Control Measures:

- 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. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and 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. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- f. Limit traffic speeds on any unpaved roads to 15 mph.
- g. Replant vegetation in disturbed areas as quickly as possible.
- h. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- i. Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Additional Measures to Reduce Diesel Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions:

- j. The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including

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

- k. Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
 - l. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
 - m. Properly tune and maintain equipment for low emissions.
12. Air Quality (Mitigation Measure 5-2): Prior to issuance of building permit the applicant shall complete a project-level construction health risk assessment to the satisfaction of the Zoning Administrator. This assessment shall be completed either through screening or refined modeling to identify impacts and, if necessary, include performance standards and industry-recognized measures to be accomplished through, though is not limited to, the following measures:
- a. Construction equipment selection.
 - b. Use of alternative fuels and engine retrofits temporary line power or electric equipment.
 - c. Modified construction schedule; and
 - d. Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.
13. Air Quality (Mitigation Measure 5-3): For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).
- a. Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.
14. Biological Impacts (Mitigation Measure 6-1): Removal of trees, shrubs, or weedy vegetation between February 1 and August 31 shall require a survey for nesting birds by a qualified wildlife biologist to the satisfaction of the Zoning Administrator. The survey shall be conducted no sooner than 14 days prior to the start of removal of trees, shrubs, or weedy vegetation. Survey results shall be valid for 21 days following the survey. Any removal of trees, shrubs, or weedy vegetation more than 21 days after a survey shall require a new survey. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

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

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

The survey for nesting birds, bats and suitable bat roosting habitat may be conducted simultaneously.

15. Cultural Resources – Archaeological (Mitigation Measure 7-2): If subsurface archeological or cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist shall be retained to evaluate the finds following the procedures described in Mitigation Measure 7-3 of the San Pablo Avenue Specific Plan Environmental Impact Report. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been notified of the remains and has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

16. Cultural Resources - Paleontological (Mitigation Measure 7-3): The applicant shall implement a program that includes the following elements:

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

If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared and submitted to the Zoning Administrator.

17. Geology and Soils (Mitigation Measure 8-1): As required by the Building Official, subject to City review and approval, the applicant shall complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

18. Noise & Land Use Compatibility (Mitigation Measure 13-1): Consistent with the requirements of Mitigation Measure 13-1, an evaluation of noise mitigation measures for the project has been prepared. The following

recommendations of the Potrero Project Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. dated January 25, 2022 apply to the project:

To ensure that the outdoor noise levels for these uses comply with the City's exterior noise level standards, the noise assessment recommended the following, which have been integrated into the project design and incorporated at project conditions of approval:

- a. Sound-rated materials should be used in the construction of the building's northeastern façade. Based on preliminary analysis, windows would need to meet a minimum STC rating of 32 and walls would need to meet a minimum STC rating of 39. Alternatively, windows meeting a minimum STC rating of 30 and walls meeting a minimum STC rating of 46 would sufficiently reduce interior noise levels. Remaining residential units and commercial spaces would meet this interior noise standard with standard mixed-use building construction assuming adequate forced-air mechanical ventilation. A qualified acoustical specialist shall prepare a detailed analysis of interior noise levels resulting from all exterior sources. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels in habitable rooms to not exceed applicable regulations.
 - b. The 65 dBA Ldn criteria would be met at the outdoor restaurant patio by enclosing the space with a wall reaching a minimum height of 7 feet.
 - c. The 65 dBA Ldn criteria would be met at the fifth-floor balcony by increasing the height of the balcony's perimeter wall to a minimum of 5 feet.
 - d. The 65 dBA Ldn criteria would be met at the second-floor courtyard through construction of a perimeter wall reaching a minimum height of 4 feet.
 - e. To provide adequate noise reduction, all noise-abatement walls shall be constructed without any gaps or cracks along the face or at the base and have a minimum surface weight of three pounds per square foot (such as 1-inch-thick wood, ½-inch laminated glass, masonry block, concrete, or 1/16-inch steel or aluminum). Locations of the walls described in this section are shown in Figures 8, 9, and 10 of the Noise and Vibration Assessment prepared by Illingworth and Rodkin and dated January 25, 2022.
19. Noise – Commercial Development (Mitigation 13-2): New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.
- a. Noise levels at residential property lines from commercial development shall be maintained not in excess of the General Plan and municipal code limits for the City of El Cerrito.
 - b. Ensure that noise-generating activities, such as maintenance and loading and unloading, are limited to the hours of 7:00 AM to 9:00 PM.
20. Noise - Construction (Mitigation Measure 13-3): Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures shall be implemented to reduce noise from construction activities:
- a. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
 - b. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- c. Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- d. Prohibit unnecessary idling of internal combustion engines.
- e. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- f. Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.
- g. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- i. Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 5:00 PM on weekends and holidays.
- j. Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 5:00 PM on weekends and holidays.
- k. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
- l. Conspicuously post a telephone number for the liaison at the construction site.

To avoid potentially significant impacts from the construction noise levels at the immediately adjacent noise-sensitive uses the noise assessment recommends that in addition to applying Mitigation Measure 13-3 of the SPASP DEIR, the city requires a construction noise plan that addresses the following additional mitigations:

- a. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - b. Locate staging areas and construction material areas as far away as possible from adjacent noise-sensitive land uses.
21. Noise - Construction Vibration (Mitigation Measure 13-4): Prior to the issuance of a permit for grading or demolition, the project plans shall incorporate the following provisions due to construction vibration activities that could exceed 0.3 in/sec PPV at nearby buildings:
- a. Prohibit the use of heavy vibration-generating construction equipment within 15 feet of adjacent residential buildings.
 - b. Select demolition methods not involving impact tools.

- c. Use smaller construction equipment for activities within 15 to 20 feet of existing sensitive receptors.
- d. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent commercial buildings. Only use the static compaction mode when compacting materials within 15 feet of residential buildings.
- e. Avoid dropping heavy equipment or materials and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 15 feet of adjacent residential buildings.
- f. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

CONDITIONS SPECIFIC TO THE ADMINISTRATIVE USE PERMIT

Planning Division:

- 22. This Administrative Use Permit authorizes, for the commercial aspect of the project, a land use of "Restaurants, Full or Limited Service, With Alcohol Sales."
- 23. Prior to the sale of alcoholic beverages, the applicant shall apply for and receive a license from the California Department of Alcoholic Beverage Control.

CONDITIONS SPECIFIC TO TIER IV DESIGN REVIEW

Planning Division:

- 24. Prior to building permit issuance and in accordance with the voluntarily offered Tier IV public benefit, the applicant shall provide a payment of \$100,000.00 to the City of El Cerrito. These funds shall be used by the City of El Cerrito for capital improvement project(s) identified in the Urban Greening Plan and/or the Parks and Recreation Facilities Master Plan. Specific project(s) for which the funds will be applied to are subject to approval by the applicable review authority (e.g., City Council, Park and Recreation Commission). The Planning Commission recommends the review authority consider the following when taking action to commit funds to specific project(s):
 - a. City of El Cerrito Urban Greening Plan: Improvements identified for Focus Area 3 (Page 102) are proximate to the project site and it is recommended the public benefit funds provided by the project fund them for their ability to benefit both the public and project residents. The plan describes Focus Area 3 improvements as including:
 - i. Green Gateway: Create a gateway experience along Potrero Avenue.
 - ii. Biofiltration Gardens: Repurpose small portions of the landscaped areas along the Greenway for stormwater management and water quality improvements. Focus on areas adjacent to existing inlets to minimize area of disturbance and costs.
 - iii. Activity Node: Create social gathering and play opportunities near Potrero to create an activity node. Enhance the existing Bruce King Dog Park.
 - b. El Cerrito Parks and Recreation Facilities Master Plan: Improvements identified for Bruce King Dog Park (Page 64 and 65) and Ohlone Greenway (Page 96 and 97) are consistent with those identified for Focus

Area 3 of the Urban Greening Plan. The Planning Commission recommends concurrent consideration of the Facilities Master Plan when taking action to commit funds to specific project(s).

25. Prior to the issuance of a building permit the applicant shall provide a detailed analysis of interior noise for all residential uses. The analysis shall be prepared by a qualified noise control engineer and shall outline the specific attenuation measures (such as sound-rated windows and doors or other methods appropriate to the design of the building) required to meet the City's interior noise level standards (from exterior sources) of 45 dBA Ldn.
26. Prior to issuance of a building permit, a lot merger application shall be reviewed and approved by the Zoning Administrator and subsequently recorded with the Contra Costa County Clerk-Recorder. The merger shall result in a single parcel for the development.
27. Plans submitted for purposes of construction shall incorporate risk control measures for volatile organic compounds identified in the Vapor Intrusion Risk Assessment for the project site and prepared by Ninyo & Moore (January 31, 2020; Project No. 403406003). Said control measures shall be subject to review and approval by the applicable regulatory agency. The applicant can identify the applicable regulatory agency through a request for oversight; see this website for application and instructions (https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/brownfields.html).

Prior to building permit issuance, evidence of applicable regulatory agency approval of plans and specifications for risk control measures shall be provided to the City. Prior to certificate of occupancy, evidence of applicable regulatory agency approval of constructed risk control measures shall be provided to the City and may (as identified in the Vapor Intrusion Risk Assessment) consist of the following or other acceptable measures:

- a. Habitable units at ground level are built for commercial use with a ceiling height of at least 12 feet and a ventilation rate of one air exchange per hour.
 - b. In the event that the proposed project is modified and ground-floor residential uses are proposed then the following or other measure(s) approved by the applicable regulatory agency shall be implemented:
 - i) Installation of passive venting wells or trenches placed between the off-site VOC sources and the on-Site building(s) to prevent VOC vapors from reaching on-Site building foundations;
 - ii) Installation of vapor barriers designed to prevent vapor intrusion into indoor air;
 - iii) Installation of vapor intrusion mitigation systems, such as passive venting or active sub-slab depressurization systems, also designed to prevent vapor intrusion into indoor air; and/or
 - iv) Extraction/removal of VOCs from shallow soil.
28. The project site includes a building at 6115, 6117, and 6119 Potrero Avenue that was the subject of a Hazardous Materials Building Survey (HMBS) by Ninyo & Moore and dated November 21, 2019. The HMBS identifies the presence of asbestos-containing materials (ACM), lead-containing materials, and miscellaneous hazardous building materials within the building. Demolition activities associated with this approval shall implement the recommendations of the HMBS, including:
 - a. Prior to demolition, a licensed asbestos abatement removal contractor shall remove the asbestos-containing materials in compliance with the most recent applicable federal, state, and local laws, regulations, standards and/or codes governing abatement, transport, and disposal of such materials.

The removal work scope and requirements shall be included in a work plan/specification developed by a California Certified Asbestos Consultant. All removal activities shall be conducted under the observation of the Certified Asbestos Consultant.

The Bay Area Air Quality Management District (BAAQMD) regulates the demolition of buildings containing asbestos. Prior to demolition permit issuance, or if demolition activities are included within a building permit for the new mixed-use building, the applicant shall provide evidence of BAAQMD approval for said removal activities (e.g., issuance of an acknowledgement letter and ASB# in compliance with BAAQMD Regulation 11, Rule 2).

- b. A licensed lead abatement removal contractor shall remove all lead-containing materials in compliance with the most recent applicable federal, state, and local laws, regulations, standards, and/or codes governing abatement, transport, and disposal. All lead waste must be properly characterized prior to disposal to determine waste classification, packaging, transportation, and disposal requirements.
 - c. A licensed contractor shall remove potential mercury-containing thermostats/switches, PCB-containing items (light ballasts, transformers, etc.), fluorescent light tubes, exit signs, air conditioning units, and freon-containing refrigeration systems. All items removed shall be removed and properly recycled or disposed of by a licensed contractor according to applicable federal, state, and local laws/regulations. Light fixtures shall be visually inspected, prior to disposal, to determine if they contain PCBs (i.e., checked for stickers stating "No PCBs" or "PCD free").
 - d. Should additional suspect materials not sampled or assessed in the HMBS be uncovered during the demolition, samples of suspect materials shall be collected for laboratory analysis and activities that may impact the material shall cease until laboratory analytical results are reviewed, and the materials shall be assumed to be hazardous and handled as such.
29. Prior to Certificate of Occupancy, the applicant shall comply with El Cerrito Municipal Code Chapter 19.30 (Inclusionary Zoning).
30. Pursuant to San Pablo Avenue Specific Plan Section 2.05.08.05(B), this approval documents and affirms the Zoning Administrator's approval of the Transportation Demand Management (TDM) strategies identified in the memorandum prepared by Fehr & Peers and dated February 9, 2022. The TDM strategies identified therein and summarized below shall be carried out for the duration of the project.
- a. Unbundled Parking: The cost of on-site parking shall be separate from each residential unit.
 - b. Bicycle Parking: The project shall provide 96 long-term and 10 short-term bicycle parking spaces.
 - c. Residential Transit Fare Subsidies: Building management owner shall provide a \$3.00 per day subsidy in perpetuity for each dwelling unit that does not rent an on-site vehicle parking space. The subsidy may be provided, for example, through a monthly deposit on a Clipper Card.
 - d. Employee Transit Fare Subsidies: The commercial tenant(s) shall provide a \$3.00 per day subsidy in perpetuity for each employee. The subsidy may be provided, for example, through a monthly deposit on a Clipper Card.
 - e. Shared Mobility Subsidies: At the request of a building tenant, instead of a residential transit fare subsidy for residential units that do not rent a parking space, building management shall provide \$3.00 per day per unit in perpetuity for either membership or usage costs of shared mobility vehicles, (e.g., ZIPcar, Getaround [peer-to-peer car-share], or other car-share, bike-share, or scooter-share program

that may be available in the vicinity of the project in the future).

- f. TDM Coordinator: Building management shall designate a “Building TDM Coordinator” to coordinate, monitor and publicize TDM activities.
- g. TDM Marketing and Tenant Education: Building management shall provide residents and employees information about various transportation options in the project area and the TDM strategies provided by the building. This information would also be posted at central location(s) and be provided to each building tenant. The information shall be updated as necessary

TDM measures may be modified by the Zoning Administrator as needed to improve effectiveness.

- 31. To provide adequate noise reduction, all noise-abatement walls described in the Potrero Project Noise and Vibration Assessment prepared by Illingworth & Rodkin and dated January 25, 2022 shall be constructed without any gaps or cracks along the face or at the base and have a minimum surface weight of three pounds per square foot (such as 1-inch-thick wood, ½-inch laminated glass, masonry block, concrete, or 1/16-inch steel or aluminum).
- 32. The applicant shall maintain the subject property in a manner free from public nuisances, in accordance with Municipal Code Chapter 8.34 (Nuisance Abatement).
- 33. Subject to Zoning Administrator review and approval, the applicant shall post a sign on the site which:
 - a. Is visible to pedestrians; and
 - b. Is a minimum size of 24 inches by 36 inches; and
 - c. Includes an illustration of the approved project and contact information for the applicant.

Public Works Department:

- 34. As part of the application for a building permit, applicant apply for an encroachment permit and shall remove and replace sidewalk, curb, and gutter along the frontage of the property to current ADA and City standards.
- 35. As part of the applications for a Building Permit and Encroachment Permit, the applicant shall incorporate recommendations in the Transportation Impact Analysis done by Fehr and Peers dated September 10, 2021, as follows:
 - a. Make a fair share contribution, as required, towards the implementation of the multi-modal improvements identified by the San Pablo Avenue Specific Plan (SPASP) by contributing to the City of El Cerrito Transportation Impact Fee (TIF).
 - b. Provide a study prepared by a qualified consultant investigating time-limited parking and/or passenger loading zones along San Pablo Avenue and Potrero Avenue adjacent to the restaurant and brewery entrances for review and approval of the Public Work Director and implement any of the recommendations approved by the Public Works Director.
 - c. Ensure that on-street parking and trees on the east side of the project driveway on Potrero Avenue would not restrict sight distance for exiting vehicles by providing at least 20 feet of red curb on the east side of the driveway and ensuring that the tree canopies are higher than six feet from the ground.

36. As part of the applications for a Building Permit and Encroachment Permit, the applicant shall provide all C.3 facilities and green infrastructure for sidewalk runoff created by the reconstructed sidewalks on both project frontage as shown on the plans dated May 5 and SWCP dated May, 202, by BKF (with landscape strips along the curb that can act as self-retaining areas for the new impervious areas to drain to)
37. As part of the application for a Building Permit, the applicant shall submit a draft C.3 Stormwater Facilities Operations & Maintenance Plan including requisite fee (using templates provided by the Contra Costa Clean Water Program and in accordance with the requirements here: http://www.el-cerrito.org/DocumentCenter/View/15031/El-Cerrito-Stormwater-Control-Plan-Requirements_October-2020)
38. As part of the application for a building permit, the applicant shall provide a detailed civil plan for offsite work (improvements in the PROW) and provide, dimensions and elevations.
39. As part of the application for a building permit, applicant shall provide a detailed drainage plan including rain leaders, roof slopes, down spouts, etc.
40. As part of the application for a building permit, applicant shall submit a complete grading plan with contours and elevations of existing and finish grade. This grading plan must be stamped by an engineer and also provide an estimate of grading and earthwork to be completed for the project. Any earthwork and/or grading operations in excess of 50 cubic yards will require the applicant to also obtain a Grading & Transportation Permit with the department of Public Works and pay all associated fees.
41. Applicant shall submit a landscaping plan, showing all planting in the right-of-way. All new street trees are to be installed, they must be selected from the City Master Tree List and approved by the City Arborist before installation. Tree species, location, spacing, tree well size, and planting details, are to be approved by the City Arborist before installation. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.
42. As part of the Demolition permit, applicant must conduct an assessment to screen for PCBs in the building materials. Applicant will be required to fill in the city's PCBs Screening Assessment Form, to summarize and certify the information needed by the City to issue a demolition permit.
43. Improvements on the property frontage are to follow the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section. This also includes signage, striping and curb painting.
44. As part of the application for a building permit, applicant must provide approval and permit forms from EBMUD and Stege Sanitary District.
45. As part of the application for a building permit, applicant must submit an Erosion and Sediment Control Plan for during construction.

Fire Department:

46. Building Construction

- a. Building construction shall meet current 2019 California and El Cerrito Fire Codes, National Fire Protection Association Codes, and current California and El Cerrito Building Codes and amendments.

47. Access

- a. Provide code analysis and exhibit on plan submittals how access requirements are met within 150' of all portions of the exterior walls of the first story.
- b. Due to limited street access for aerial apparatus, provide analysis of the open parking area between the structure and gas station that confirms it will support 75,000 pounds including hydraulic outrigger pads.
- c. Stairwells shall have roof access without use of ladders.
- d. A "KNOX BOX" rapid entry system shall be installed with keys for all common areas at all primary access points utilized by the Fire Department.
- e. Final location of these boxes shall be approved by the Fire Department.

48. Fire Flow Requirements

- a. Provide code analysis of required total firefighting water.
- b. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
- c. All fire hydrants within 500' of the exterior of the structure shall be retrofitted with a wet hydrant system with two (2) 4-1/2" nozzle and one (1) 2-1/2" nozzle. (Clow style 865 or equal).
- d. A new fire hydrant shall be installed and located on same side of the street (West side of San Pablo Avenue) as the building.
- e. One fire hydrant shall be located withing 75' of the building's FDC.
- f. If required, plans for fire service underground shall be submitted for review, approval, and permit under separate cover.

49. Gates

- a. If gates are installed across EVA roads, they shall be operable using a Knox Key.
- b. A "KNOX BOX" switch shall be installed to operate all gates or roll up doors.
- c. Final Knox Box switch locations shall be approved by the Fire Department.

50. Fire Pump

- a. A fire pump shall be provided and installed per NFPA 20.
- b. Provide an alternate source of power for the fire pump per NFPA 20, section A9.3.2, Annex A, as well as Section 9.3.1
- c. Calculations shall be submitted that determine the size of the pump but minimum size to be 500 gallons per minute (GPM).

51. Fire Sprinkler / Underground

- a. Fire riser and FDC locations shall be submitted for review and approval.
- b. Fire riser / control room shall be accessible from the outside of the building and shall be clearly labeled.
- c. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
- d. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
- e. All overhangs and balconies shall have sprinkler coverage including the 5th floor terrace.
- f. Fire sprinkler plans, and fire system underground pipe plans shall be submitted for review and approval. Deferred submittals shall and will not be accepted.

52. Standpipes

- a. Standpipes shall be wet and shall be in all stairwells.
- b. All standpipes shall extend to the roof.
- c. A minimum flow of 250 gallons per minute shall be available at the highest point of each standpipe. Flow requirement shall be demonstrated at final approval.
- d. Fire Department valve connections shall be in the intermediate landings of stairwells on each level.
- e. Standpipe locations shall provide so that interior hose pulls shall not exceed 150 feet to all portions of the interior of the building.
- f. Additional Fire Department valve connection shall be provided for the 2nd and 5th floor patios.

53. Smoke & Heat Vents

- a. Smoke & heat vents shall be installed on roof above each stairwell.
- b. Smoke & heat vents shall be equipped with fusible link.
- c. Smoke & heat vents shall be equipped with manual release for emergency operations.

54. Fire Alarm System

- a. Approved fire alarm system shall be required.
- b. Fire alarm plans shall be submitted for review and approval. Deferred submittals shall and will not be accepted.

55. Smoke Detection

- a. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level to be approved by State Inspector.
- b. Smoke detectors shall be 120-volt powered with battery backup.
- c. Smoke detectors shall be interconnected so when more than one is required per sleeping area.

- d. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.

56. Carbon Monoxide Detectors

- a. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping area in each residential unit.
- b. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
- c. Carbon Monoxide alarms shall be 120-volt powered with battery backup and shall be interconnected with the smoke detectors to be approved by State Inspector.

57. Electrical

- a. Electrical equipment rooms shall be identified on the door(s) leading to room(s).
- b. All electrical breakers shall be labeled to their function.

58. Premises Identification

- a. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
- b. Numbers shall be a minimum of 6" in height.
- c. Address shall be either internally or externally illuminated.

59. Emergency Egress

- a. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CFC 1030 to be approved by State Inspector.
- b. Escape or rescue windows shall be installed in accordance with CFC 1030 to be approved by State Inspector.
- c. Emergency electrical system to automatically illuminate means of egress.
- d. Exit signs shall be internally or externally illuminated.
- e. Braille or tactile exit route and exit signs shall be posted for ADA compliance.
- f. Emergency electrical system to automatically illuminate means of egress.
- g. Exit Plan signage required at each floor.

60. Emergency Responder Radio Communication System (ERRCS)

- a. Radio frequency signal strength analysis shall be conducted throughout the building.
- b. If radio signal strength deficiencies are identified, signal boosters shall be installed to achieve adequate signal strength and boosters shall be maintained.

c. Boosters shall be compatible to the local emergency responders radio system for Fire and police.

61. Prior to building permit issuance, the applicant shall submit and obtain Fire Marshall approval of a site security plan addressing fire prevention practices (e.g., 24-hour site surveillance through cameras, security guards, waste dumpsters with metal lids) during construction and up to the point which sprinkler systems are operational.

Stege Sanitary District:

62. The contractor shall first procure a permit from Stege Sanitary District (SSD) and pay all fees prior to any work. Plumbing Contractor guidelines can be found here:
<https://www.stegesan.org/publications/registered-plumbing-contractors>

63. If the existing connection to the sanitary sewer main line is NOT to be reused, then this existing connection must be abandoned by capping at the MAIN, not at the property line.

64. PVC is not allowed. Multifamily and commercial properties shall use 6" diameter pipe. If the existing lateral is 4" it must be upsized to 6". Our general (construction) guidelines can be found here:
https://www.stegesan.org/documents/general_guidelines.pdf

65. The applicant shall pay all applicable sewer connection fees pursuant to Section 7.3 of the Stege Sanitary District Ordinance Code.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on March 16, 2022, upon motion of Commissioner Hamilton, second by Commissioner Navarrete:

AYES: Bloom, Gillett, Hamilton, Klein, Mendez, Navarrete

NOES: None

ABSTAIN: None

ABSENT: None



Sean Moss, AICP
Planning Manager

Planning Commission Resolution PC 2023-XX

APPLICATION NO. PL23-0043

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL FOR A PROJECT CONTAINING 63 RESIDENTIAL DWELLING UNITS AND APPROXIMATELY 6,220 SQUARE FEET OF GROUND FLOOR NON-RESIDENTIAL SPACE AT 11335 SAN PABLO AVENUE, 6111 & 6115 POTRERO AVENUE (APNS 531-372-015, -018, -046)

WHEREAS, the site is located at 11335 San Pablo Avenue, 6111 & 6115 Potrero Avenue;

WHEREAS, the existing Assessor's Parcel Numbers of the site are 531-372-015, -018, and -046);

WHEREAS, the site is located within the San Pablo Avenue Specific Plan Area;

WHEREAS, the General Plan land use classification of the site is Transit-Oriented Higher-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Higher-Intensity Mixed Use and the project is located on a Gateway Street (i.e., Potrero Avenue) and a Community Street (i.e., San Pablo Avenue);

WHEREAS, on March 16, 2022, the Planning Commission adopted resolution PC 2022-03, approving an Administrative Use Permit, outdoor noise goals, and the Commission's portion of the Tier IV Design Review for a project containing 63 residential units and 6,220 square feet of ground floor commercial space at 11335 San Pablo Avenue, 6111 Potrero Avenue, and 6115 Potrero Avenue;

WHEREAS, on April 4, 2023, applicant submitted an application requesting to modify the conditions of approval of Resolution PC 2022-03; and

WHEREAS, on November 15, 2023 the El Cerrito Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

California Environmental Quality Act

1. Government Code Section 65457 addresses California Environmental Quality Act (CEQA) requirements for residential developments subject to a Specific Plan for which an EIR was prepared. For these development situations, it directs no further CEQA review shall occur unless an event prescribed at CEQA Section 21166 occurs. The implementing regulations for CEQA Section 21166 are located at CEQA Guidelines Section 15162.

CEQA Guidelines Section 15168(c) addresses the use of Program EIRs for subsequent activities (e.g., the proposed project subject to the San Pablo Avenue Specific Plan and for which a Program EIR was prepared). The CEQA Guidelines direct the application of CEQA Guidelines Section 15162 to determine whether additional CEQA review is required.

CEQA Guidelines Section 15162 provides that no subsequent EIR shall be prepared unless the lead agency (i.e., City of El Cerrito) determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR

or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - d. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - e. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - f. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - g. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
2. An initial study checklist prepared for the proposed project, incorporated herein by reference, provides substantial evidence for the Planning Commission to determine that, pursuant to CEQA Section 21166 and CEQA Guidelines 15162, no subsequent environmental review is required.
 3. The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan), under subsection (b) (Projects Proximate to Transit). The project is a mixed-use project exceeding 0.75 floor-area-ratio, is located within a transit priority area, is consistent with the SPASP, and is consistent with the use, density, building intensity and applicable policies of a sustainable communities strategy relating to greenhouse gas reduction targets (i.e., Plan Bay Area 2040).

Tier IV Design Review Findings

4. *That the project furthers the goals of this Specific Plan by encouraging practical and market friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift.*

The project will develop a vacant and underutilized site with a new mixed-use building compliant, except for private/common open space, all applicable development standards. The new five-story building will create an activated pedestrian experience along both Potrero Avenue and San Pablo Avenue through frontage types and uses compliant with the San Pablo Avenue Specific Plan. The project also supports a mode shift away from single owner/operator passenger vehicles by providing parking spaces below the maximum allowed, providing on-site bicycle parking compliant with the Specific Plan (96 long-term and 10 short-term spaces), and transportation demand strategies (e.g., transit subsidies, shared mobility subsidies, unbundled parking costs) to support resident and employee mobility. Lastly, the project will provide 63 new residential dwellings and new small-scale businesses catering to the community at-large.

5. *That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) as stated in adopted city policy documents as identified by the Community Development Director.*

The Tier IV Design Review aspect of the project consists of a request to reduce the required private/common open space from 5,040 square feet to 2,212 square feet and, in exchange for said reduction, a public benefit of \$100,000 is voluntarily proposed to fund park and recreation improvements identified in the El Cerrito Urban Greening Plan and El Cerrito Parks and Recreation Facilities Master Plan. The project also fulfills public open space requirements through the payment of \$145,826.85 in lieu of providing public open space on site. These funds, when combined, can fund capital improvement project(s) identified within each planning document and located near the project (i.e., less than one-quarter mile).

The proposed public benefit and potential capital improvement project(s) it will fund are consistent with San Pablo Avenue Specific Plan Goal A (Strengthen Sense of Place), Goal D (Enhance and Humanize Public Realm), and Goal E (Catalyze Mode Shift).

6. *That the development will not have an undue adverse effect upon the Transect Zone in which it is located and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located.*

The project is compliant, except for private/common open space, all applicable development standards. As such, the project will have a beneficial effect upon the TOHIMU Zone by its ability to realize development that represents the planned mix of land uses and urban form intended by the San Pablo Avenue Specific Plan.

7. *That the proposed development complies with the intent of the Specific Plan.*

Except for the private/common open space standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Higher-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Higher-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.

8. That the project implements the following goals and policies of the El Cerrito General Plan: Policy LU2.2 (Commercial Diversification), Policy LU4.1 (Mixture of Uses), LU4.2 (Availability of Good and Services), Policy CD2.1 (Street Frontages), Policy CD2.3 (Streetscape Improvements), Policy CD5.1 (San Pablo Avenue Specific Plan), Policy LU6.2 (Circulation Alternatives), and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

El Cerrito General Plan Noise Standard Findings

9. The El Cerrito General Plan includes noise standards applicable to the proposed project. El Cerrito Municipal Code Section 19.21.050(B) (Performance Standards: Noise) provides additional noise standards. As a building with both residential and commercial land uses, the proposed project is subject to standards specific to each use.
 - a. For residential uses, General Plan Policy H3.2 sets a maximum outdoor noise level of 60 dB Ldn for outdoor areas. That policy states further that, where the city determines that providing an Ldn of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an Ldn of 65 dB at the discretion of the Planning Commission.

- b. For commercial uses, El Cerrito Municipal Code Table 19.21-A sets an outdoor noise exposure maximum of 60 dBA Ldn as normally acceptable and 80 dBA Ldn as conditionally acceptable. This noise exposure range is consistent with El Cerrito General Plan Figure 7-1.
10. A Noise and Vibration Assessment dated January 25, 2022 (Illingworth & Rodkin, Inc.) was prepared for the proposed project.
 - a. The assessment identifies that outdoor noise levels for the residential portion of the project are anticipated to reach 66 dBA Ldn and 67 dBA Ldn. However, with noise attenuation features included in the project design, the noise levels for those areas are reduced to between 63 and 64 dBA Ldn.
 - b. The assessment identifies outdoor noise levels for the commercial portion of the project are anticipated to reach 70 dBA Ldn. However, with noise attenuation features included in the project design, the noise level for that area is reduced to 65 dBA Ldn.
11. In accordance with General Plan Policy H3.2, the Planning Commission finds the noise exposure above 60 dBA Ldn but below 65 dBA Ldn as acceptable for the residential portion of the proposed project. Pursuant to that policy, the standard will not normally be applied to small decks associated with apartments. The project's outdoor areas anticipated to exceed 60 dBA Ldn are substantially similar, in both design and purpose, to the decks referenced in the policy. Moreover, the project's level of anticipated noise exposure is appropriate since it is within the conditionally acceptable range illustrated at El Cerrito General Plan Figure 7-1.
12. In accordance with El Cerrito General Plan Figure 7-1, the Planning Commission finds the project's level of anticipated noise exposure for the commercial portion of the project is appropriate since it is within the conditionally acceptable range illustrated at El Cerrito General Plan Figure 7-1.

NOW, THEREFORE, BE IT RESOLVED that after careful consideration of all 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 approves Application No. PL23-0043, amending the Conditions of Approval of Resolution PC 2022-03 as shown below with added text underlined and deleted text ~~stuck through~~:

STANDARD CONDITIONS OF APPROVAL

1. The project will be constructed substantially in conformance with the plans dated February 11, 2022, except as noted herein. 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 the building or makes improvements in accordance with this approval 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 non-issuance 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 used, this approval shall expire two years from the date of this action.

5. The applicant shall share the conditions of approval with their general contractor for the project. The general contractor shall sign a copy of the conditions of approval 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 copy shall be returned to the planning and building division and kept as part of the project file. The conditions of approval shall be reviewed at the mandatory pre-construction meeting held between the City and the General Contractor. A copy of the conditions of approval shall be maintained on the project site at all times during construction.
6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Municipal Code Chapter 13.50 (Art in Public Places) 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. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit to allow this use.
8. The applicant shall maintain the subject property in a manner free from public nuisances, in accordance with Municipal Code Chapter 8.34 (Nuisance Abatement).
9. Prior to issuance of building permit, the Applicant/Developer shall submit a plan for construction site security to the satisfaction of the Police Chief and the Fire Chief.

CONDITIONS BASED ON SAN PABLO AVENUE SPECIFIC PLAN PROGRAM EIR MITIGATION MEASURES

10. Aesthetics and Visual Resources (Mitigation 4-2): The project shall install landscaping and incorporate other measures into and around parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

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

11. Air Quality (Mitigation Measure 5-1): Implement the following Bay Area Air Quality Management District (BAAQMD) recommended measures to control particulate matter emissions during construction. City staff will spot check that these measures are being implemented throughout the construction phase of the project. These measures reduce diesel particulate matter PM2.5 and PM10 created from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM2.5 and PM10) Control Measures:

- 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. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and 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. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- f. Limit traffic speeds on any unpaved roads to 15 mph.
- g. Replant vegetation in disturbed areas as quickly as possible.
- h. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- i. Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Additional Measures to Reduce Diesel Additional Measures to Reduce Diesel Particulate Matter and PM2.5 and other construction emissions:

- j. The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.
 - k. Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
 - l. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
 - m. Properly tune and maintain equipment for low emissions.
12. Air Quality (Mitigation Measure 5-2): Prior to issuance of building permit the applicant shall complete a project-level construction health risk assessment to the satisfaction of the Zoning Administrator. This assessment shall be completed either through screening or refined modeling to identify impacts and, if necessary, include performance standards and industry-recognized measures to be accomplished through, though is not limited to, the following measures:
- a. Construction equipment selection.
 - b. Use of alternative fuels and engine retrofits temporary line power or electric equipment.
 - c. Modified construction schedule; and
 - d. Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.
13. Air Quality (Mitigation Measure 5-3): For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level.

Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).

- a. Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.

14. Biological Impacts (Mitigation Measure 6-1): Removal of trees, shrubs, or weedy vegetation between February 1 and August 31 shall require a survey for nesting birds by a qualified wildlife biologist to the satisfaction of the Zoning Administrator. The survey shall be conducted no sooner than 14 days prior to the start of removal of trees, shrubs, or weedy vegetation. Survey results shall be valid for 21 days following the survey. Any removal of trees, shrubs, or weedy vegetation more than 21 days after a survey shall require a new survey. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

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

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

The survey for nesting birds, bats and suitable bat roosting habitat may be conducted simultaneously.

15. Cultural Resources – Archaeological (Mitigation Measure 7-2): If subsurface archeological or cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist shall be retained to evaluate the finds following the procedures described in Mitigation Measure 7-3 of the San Pablo Avenue Specific Plan Environmental Impact Report. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been notified of the remains and has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

16. Cultural Resources - Paleontological (Mitigation Measure 7-3): The applicant shall implement a program that includes the following elements:

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

If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared and submitted to the Zoning Administrator.

17. Geology and Soils (Mitigation Measure 8-1): As required by the Building Official, subject to City review and approval, the applicant shall complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.
18. Noise & Land Use Compatibility (Mitigation Measure 13-1): Consistent with the requirements of Mitigation Measure 13-1, an evaluation of noise mitigation measures for the project has been prepared. The following recommendations of the Potrero Project Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. dated January 25, 2022 apply to the project:

To ensure that the outdoor noise levels for these uses comply with the City’s exterior noise level standards, the noise assessment recommended the following, which have been integrated into the project design and incorporated at project conditions of approval:

- a. Sound-rated materials should be used in the construction of the building’s northeastern façade. Based on preliminary analysis, windows would need to meet a minimum STC rating of 32 and walls would need to meet a minimum STC rating of 39. Alternatively, windows meeting a minimum STC rating of 30 and walls meeting a minimum STC rating of 46 would sufficiently reduce interior noise levels. Remaining residential units and commercial spaces would meet this interior noise standard with standard mixed-use building construction assuming adequate forced-air mechanical ventilation. A qualified acoustical specialist shall prepare a detailed analysis of interior noise levels resulting from all exterior sources. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels in habitable rooms to not exceed applicable regulations.
- b. The 65 dBA Ldn criteria would be met at the outdoor restaurant patio by enclosing the space with a wall reaching a minimum height of 7 feet.
- c. The 65 dBA Ldn criteria would be met at the fifth-floor balcony by increasing the height of the balcony’s perimeter wall to a minimum of 5 feet.
- d. The 65 dBA Ldn criteria would be met at the second-floor courtyard through construction of a perimeter wall reaching a minimum height of 4 feet.
- e. To provide adequate noise reduction, all noise-abatement walls shall be constructed without any gaps or cracks along the face or at the base and have a minimum surface weight of three pounds per square foot (such as 1-inch-thick wood, ½- inch laminated glass, masonry block, concrete, or 1/16-inch steel or aluminum). Locations of the walls described in this section are shown in Figures 8, 9, and 10 of the

19. **Noise – Commercial Development (Mitigation 13-2):** New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.
- a. Noise levels at residential property lines from commercial development shall be maintained not in excess of the General Plan and municipal code limits for the City of El Cerrito.
 - b. Ensure that noise-generating activities, such as maintenance and loading and unloading, are limited to the hours of 7:00 AM to 9:00 PM.
20. **Noise - Construction (Mitigation Measure 13-3):** Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures shall be implemented to reduce noise from construction activities:
- a. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
 - b. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
 - c. Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
 - d. Prohibit unnecessary idling of internal combustion engines.
 - e. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - f. Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.
 - g. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
 - i. Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 5:00 PM on weekends and holidays.
 - j. Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 5:00 PM on weekends and holidays.
 - k. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
 - l. Conspicuously post a telephone number for the liaison at the construction site.

To avoid potentially significant impacts from the construction noise levels at the immediately adjacent noise-sensitive uses the noise assessment recommends that in addition to applying Mitigation Measure 13-3 of the SPASP DEIR, the city requires a construction noise plan that addresses the following additional mitigations:

- a. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - b. Locate staging areas and construction material areas as far away as possible from adjacent noise-sensitive land uses.
21. Noise - Construction Vibration (Mitigation Measure 13-4): Prior to the issuance of a permit for grading or demolition, the project plans shall incorporate the following provisions due to construction vibration activities that could exceed 0.3 in/sec PPV at nearby buildings:
- a. Prohibit the use of heavy vibration-generating construction equipment within 15 feet of adjacent residential buildings.
 - b. Select demolition methods not involving impact tools.
 - c. Use smaller construction equipment for activities within 15 to 20 feet of existing sensitive receptors.
 - d. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent commercial buildings. Only use the static compaction mode when compacting materials within 15 feet of residential buildings.
 - e. Avoid dropping heavy equipment or materials and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 15 feet of adjacent residential buildings.
 - f. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

CONDITIONS SPECIFIC TO THE ADMINISTRATIVE USE PERMIT

Planning Division:

- 22. This Administrative Use Permit authorizes, for the commercial aspect of the project, a land use of "Restaurants, Full or Limited Service, With Alcohol Sales."
- 23. Prior to the sale of alcoholic beverages, the applicant shall apply for and receive a license from the California Department of Alcoholic Beverage Control.

CONDITIONS SPECIFIC TO TIER IV DESIGN REVIEW

Planning Division:

- 24. Prior to ~~building permit issuance~~ issuance of a Certificate of Occupancy and in accordance with the voluntarily offered Tier IV public benefit, the applicant shall provide a payment of \$100,000.00 to the City of El Cerrito. These funds shall be used by the City of El Cerrito for capital improvement project(s) identified in the Urban Greening Plan and/or the Parks and Recreation Facilities Master Plan. Specific project(s) for

which the funds will be applied to are subject to approval by the applicable review authority (e.g., City Council, Park and Recreation Commission). The Planning Commission recommends the review authority consider the following when taking action to commit funds to specific project(s):

- a. City of El Cerrito Urban Greening Plan: Improvements identified for Focus Area 3 (Page 102) are proximate to the project site and it is recommended the public benefit funds provided by the project fund them for their ability to benefit both the public and project residents. The plan describes Focus Area 3 improvements as including:
 - i. Green Gateway: Create a gateway experience along Potrero Avenue.
 - ii. Biofiltration Gardens: Repurpose small portions of the landscaped areas along the Greenway for stormwater management and water quality improvements. Focus on areas adjacent to existing inlets to minimize area of disturbance and costs.
 - iii. Activity Node: Create social gathering and play opportunities near Potrero to create an activity node. Enhance the existing Bruce King Dog Park.
- b. El Cerrito Parks and Recreation Facilities Master Plan: Improvements identified for Bruce King Dog Park (Page 64 and 65) and Ohlone Greenway (Page 96 and 97) are consistent with those identified for Focus Area 3 of the Urban Greening Plan. The Planning Commission recommends concurrent consideration of the Facilities Master Plan when taking action to commit funds to specific project(s).

24.1. Prior to the issuance of a Certificate of Occupancy, the applicant shall pay the required contribution to the City of El Cerrito (\$145,826.85) in-lieu of providing public open space on the project site.

25. Prior to the issuance of a building permit the applicant shall provide a detailed analysis of interior noise for all residential uses. The analysis shall be prepared by a qualified noise control engineer and shall outline the specific attenuation measures (such as sound-rated windows and doors or other methods appropriate to the design of the building) required to meet the City's interior noise level standards (from exterior sources) of 45 dBA Ldn.
26. Prior to issuance of a building permit, a lot merger application shall be reviewed and approved by the Zoning Administrator and subsequently recorded with the Contra Costa County Clerk-Recorder. The merger shall result in a single parcel for the development.
27. Plans submitted for purposes of construction shall incorporate risk control measures for volatile organic compounds identified in the Vapor Intrusion Risk Assessment for the project site and prepared by Ninyo & Moore (January 31, 2020; Project No. 403406003). Said control measures shall be subject to review and approval by the applicable regulatory agency. The applicant can identify the applicable regulatory agency through a request for oversight; see this website for application and instructions (https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/brownfields.html).

Prior to building permit issuance, evidence of applicable regulatory agency approval of plans and specifications for risk control measures shall be provided to the City. Prior to certificate of occupancy, evidence of applicable regulatory agency approval of constructed risk control measures shall be provided to the City and may (as identified in the Vapor Intrusion Risk Assessment) consist of the following or other acceptable measures:

- a. Habitable units at ground level are built for commercial use with a ceiling height of at least 12 feet and a ventilation rate of one air exchange per hour.

- b. In the event that the proposed project is modified and ground-floor residential uses are proposed then the following or other measure(s) approved by the applicable regulatory agency shall be implemented:
 - i) Installation of passive venting wells or trenches placed between the off-site VOC sources and the on-Site building(s) to prevent VOC vapors from reaching on-Site building foundations;
 - ii) Installation of vapor barriers designed to prevent vapor intrusion into indoor air;
 - iii) Installation of vapor intrusion mitigation systems, such as passive venting or active sub-slab depressurization systems, also designed to prevent vapor intrusion into indoor air; and/or
 - iv) Extraction/removal of VOCs from shallow soil.

28. The project site includes a building at 6115, 6117, and 6119 Potrero Avenue that was the subject of a Hazardous Materials Building Survey (HMBS) by Ninyo & Moore and dated November 21, 2019. The HMBS identifies the presence of asbestos-containing materials (ACM), lead-containing materials, and miscellaneous hazardous building materials within the building. Demolition activities associated with this approval shall implement the recommendations of the HMBS, including:

- a. Prior to demolition, a licensed asbestos abatement removal contractor shall remove the asbestos-containing materials in compliance with the most recent applicable federal, state, and local laws, regulations, standards and/or codes governing abatement, transport, and disposal of such materials. The removal work scope and requirements shall be included in a work plan/specification developed by a California Certified Asbestos Consultant. All removal activities shall be conducted under the observation of the Certified Asbestos Consultant.

The Bay Area Air Quality Management District (BAAQMD) regulates the demolition of buildings containing asbestos. Prior to demolition permit issuance, or if demolition activities are included within a building permit for the new mixed-use building, the applicant shall provide evidence of BAAQMD approval for said removal activities (e.g., issuance of an acknowledgement letter and ASB# in compliance with BAAQMD Regulation 11, Rule 2).

- b. A licensed lead abatement removal contractor shall remove all lead-containing materials in compliance with the most recent applicable federal, state, and local laws, regulations, standards, and/or codes governing abatement, transport, and disposal. All lead waste must be properly characterized prior to disposal to determine waste classification, packaging, transportation, and disposal requirements.
- c. A licensed contractor shall remove potential mercury-containing thermostats/switches, PCB-containing items (light ballasts, transformers, etc.), fluorescent light tubes, exit signs, air conditioning units, and freon-containing refrigeration systems. All items removed shall be removed and properly recycled or disposed of by a licensed contractor according to applicable federal, state, and local laws/regulations. Light fixtures shall be visually inspected, prior to disposal, to determine if they contain PCBs (i.e., checked for stickers stating "No PCBs" or "PCD free").
- d. Should additional suspect materials not sampled or assessed in the HMBS be uncovered during the demolition, samples of suspect materials shall be collected for laboratory analysis and activities that may impact the material shall cease until laboratory analytical results are reviewed, and the materials shall be assumed to be hazardous and handled as such.

29. Prior to Certificate of Occupancy, the applicant shall comply with El Cerrito Municipal Code Chapter 19.30 (Inclusionary Zoning).

30. Pursuant to San Pablo Avenue Specific Plan Section 2.05.08.05(B), this approval documents and affirms the Zoning Administrator's approval of the Transportation Demand Management (TDM) strategies identified in the memorandum prepared by Fehr & Peers and dated February 9, 2022. The TDM strategies identified therein and summarized below shall be carried out for the duration of the project.

- a. ~~Unbundled Parking:~~ The cost of on-site parking shall be separate from ~~the cost of~~ each residential unit.
- b. ~~Bicycle Parking:~~ The project shall provide 96 long-term and 10 short-term bicycle parking spaces.
- c. ~~Residential Transit Fare Subsidies:~~ Building management owner shall provide a \$3.00 per day subsidy in perpetuity for each dwelling unit that does not rent an on-site vehicle parking space. The subsidy may be provided, for example, through a monthly deposit on a Clipper Card.
- d. ~~Employee Transit Fare Subsidies:~~ The commercial tenant(s) shall provide a \$3.00 per day subsidy in perpetuity for each employee. The subsidy may be provided, for example, through a monthly deposit on a Clipper Card.
- e. ~~Shared Mobility Subsidies:~~ At the request of a building tenant, instead of a residential transit fare subsidy for residential units that do not rent a parking space, building management shall provide \$3.00 per day per unit in perpetuity for either membership or usage costs of shared mobility vehicles, (e.g., ZIPcar, Getaround [peer-to-peer car share], or other car share, bike share, or scooter share program that may be available in the vicinity of the project in the future).
- f. ~~TDM Coordinator:~~ Building management shall designate a "Building TDM Coordinator" to coordinate, monitor and publicize TDM activities.
- g. ~~TDM Marketing and Tenant Education:~~ Building management shall provide residents and employees information about various transportation options in the project area and the TDM strategies provided by the building. This information would also be posted at central location(s) and be provided to each building tenant. The information shall be updated as necessary

TDM measures may be modified by the Zoning Administrator as needed to improve effectiveness.

As required by the San Pablo Avenue Specific Plan, the cost of on-site parking shall be separate from the cost of each residential unit, and the project shall provide 96 long-term and 10 short-term bicycle parking spaces.

31. ~~To provide adequate noise reduction, all noise abatement walls described in the Potrero Project Noise and Vibration Assessment prepared by Illingworth & Rodkin and dated January 25, 2022 shall be constructed without any gaps or cracks along the face or at the base and have a minimum surface weight of three pounds per square foot (such as 1-inch thick wood, ½-inch laminated glass, masonry block, concrete, or 1/16-inch steel or aluminum).~~

Prior to the issuance of a building permit the applicant shall provide a detailed analysis of exterior noise for all outdoor spaces in the project. The analysis shall be prepared by a qualified noise control engineer and shall outline the specific attenuation measures required to meet the City's outdoor noise level goals, as approved by the Planning Commission.

32. The applicant shall maintain the subject property in a manner free from public nuisances, in accordance with Municipal Code Chapter 8.34 (Nuisance Abatement).

33. Subject to Zoning Administrator review and approval, the applicant shall post a sign on the site which:
- a. Is visible to pedestrians; and
 - b. Is a minimum size of 24 inches by 36 inches; and
 - c. Includes an illustration of the approved project and contact information for the applicant.

Public Works Department:

34. As part of the application for a building permit, applicant apply for an encroachment permit and shall remove and replace sidewalk, curb, and gutter along the frontage of the property to current ADA and City standards.
35. As part of the applications for a Building Permit and Encroachment Permit, the applicant shall incorporate recommendations in the Transportation Impact Analysis done by Fehr and Peers dated September 10, 2021, as follows:
- a. Make a fair share contribution, as required, towards the implementation of the multi-modal improvements identified by the San Pablo Avenue Specific Plan (SPASP) by contributing to the City of El Cerrito Transportation Impact Fee (TIF).
 - b. Provide a study prepared by a qualified consultant investigating time-limited parking and/or passenger loading zones along San Pablo Avenue and Potrero Avenue adjacent to the restaurant and brewery entrances for review and approval of the Public Work Director and implement any of the recommendations approved by the Public Works Director.
 - c. Ensure that on-street parking and trees on the east side of the project driveway on Potrero Avenue would not restrict sight distance for exiting vehicles by providing at least 20 feet of red curb on the east side of the driveway and ensuring that the tree canopies are higher than six feet from the ground.
36. As part of the applications for a Building Permit and Encroachment Permit, the applicant shall provide all C.3 facilities and green infrastructure for sidewalk runoff created by the reconstructed sidewalks on both project frontage as shown on the plans dated May 5 and SWCP dated May, 202, by BKF (with landscape strips along the curb that can act as self-retaining areas for the new impervious areas to drain to)
37. As part of the application for a Building Permit, the applicant shall submit a draft C.3 Stormwater Facilities Operations & Maintenance Plan including requisite fee (using templates provided by the Contra Costa Clean Water Program and in accordance with the requirements here: http://www.el-cerrito.org/DocumentCenter/View/15031/El-Cerrito-Stormwater-Control-Plan-Requirements_October-2020)
38. As part of the application for a building permit, the applicant shall provide a detailed civil plan for offsite work (improvements in the PROW) and provide, dimensions and elevations.
39. As part of the application for a building permit, applicant shall provide a detailed drainage plan including rain leaders, roof slopes, down spouts, etc.
40. As part of the application for a building permit, applicant shall submit a complete grading plan with contours and elevations of existing and finish grade. This grading plan must be stamped by an engineer and also provide an estimate of grading and earthwork to be completed for the project. Any earthwork and/or

grading operations in excess of 50 cubic yards will require the applicant to also obtain a Grading & Transportation Permit with the department of Public Works and pay all associated fees.

41. Applicant shall submit a landscaping plan, showing all planting in the right-of-way. All new street trees are to be installed, they must be selected from the City Master Tree List and approved by the City Arborist before installation. Tree species, location, spacing, tree well size, and planting details, are to be approved by the City Arborist before installation. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.
42. As part of the Demolition permit, applicant must conduct an assessment to screen for PCBs in the building materials. Applicant will be required to fill in the city's PCBs Screening Assessment Form, to summarize and certify the information needed by the City to issue a demolition permit.
43. Improvements on the property frontage are to follow the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section. This also includes signage, striping and curb painting.
44. As part of the application for a building permit, applicant must provide approval and permit forms from EBMUD and Stege Sanitary District.
45. As part of the application for a building permit, applicant must submit an Erosion and Sediment Control Plan for during construction.

Fire Department:

46. Building Construction

- a. Building construction shall meet current 2019 California and El Cerrito Fire Codes, National Fire Protection Association Codes, and current California and El Cerrito Building Codes and amendments.

47. Access

- a. Provide code analysis and exhibit on plan submittals how access requirements are met within 150' of all portions of the exterior walls of the first story.
- b. Due to limited street access for aerial apparatus, provide analysis of the open parking area between the structure and gas station that confirms it will support 75,000 pounds including hydraulic outrigger pads.
- c. Stairwells shall have roof access without use of ladders.
- d. A "KNOX BOX" rapid entry system shall be installed with keys for all common areas at all primary access points utilized by the Fire Department.
- e. Final location of these boxes shall be approved by the Fire Department.

48. Fire Flow Requirements

- a. Provide code analysis of required total firefighting water.
- b. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.

- c. All fire hydrants within 500' of the exterior of the structure shall be retrofitted with a wet hydrant system with two (2) 4-1/2" nozzle and one (1) 2-1/2" nozzle. (Clow style 865 or equal).
- d. A new fire hydrant shall be installed and located on same side of the street (West side of San Pablo Avenue) as the building.
- e. One fire hydrant shall be located withing 75' of the building's FDC.
- f. If required, plans for fire service underground shall be submitted for review, approval, and permit under separate cover.

49. Gates

- a. If gates are installed across EVA roads, they shall be operable using a Knox Key.
- b. A "KNOX BOX" switch shall be installed to operate all gates or roll up doors.
- c. Final Knox Box switch locations shall be approved by the Fire Department.

50. Fire Pump

- a. A fire pump shall be provided and installed per NFPA 20.
- b. Provide an alternate source of power for the fire pump per NFPA 20, section A9.3.2, Annex A, as well as Section 9.3.1
- c. Calculations shall be submitted that determine the size of the pump but minimum size to be 500 gallons per minute (GPM).

51. Fire Sprinkler / Underground

- a. Fire riser and FDC locations shall be submitted for review and approval.
- b. Fire riser / control room shall be accessible from the outside of the building and shall be clearly labeled.
- c. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
- d. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
- e. All overhangs and balconies shall have sprinkler coverage including the 5th floor terrace.
- f. Fire sprinkler plans, and fire system underground pipe plans shall be submitted for review and approval. Deferred submittals shall and will not be accepted.

52. Standpipes

- a. Standpipes shall be wet and shall be in all stairwells.
- b. All standpipes shall extend to the roof.
- c. A minimum flow of 250 gallons per minute shall be available at the highest point of each standpipe. Flow requirement shall be demonstrated at final approval.

- d. Fire Department valve connections shall be in the intermediate landings of stairwells on each level.
- e. Standpipe locations shall provide so that interior hose pulls shall not exceed 150 feet to all portions of the interior of the building.
- f. Additional Fire Department valve connection shall be provided for the 2nd and 5th floor patios.

53. Smoke & Heat Vents

- a. Smoke & heat vents shall be installed on roof above each stairwell.
- b. Smoke & heat vents shall be equipped with fusible link.
- c. Smoke & heat vents shall be equipped with manual release for emergency operations.

54. Fire Alarm System

- a. Approved fire alarm system shall be required.
- b. Fire alarm plans shall be submitted for review and approval. Deferred submittals shall and will not be accepted.

55. Smoke Detection

- a. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level to be approved by State Inspector.
- b. Smoke detectors shall be 120-volt powered with battery backup.
- c. Smoke detectors shall be interconnected so when more than one is required per sleeping area.
- d. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.

56. Carbon Monoxide Detectors

- a. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping area in each residential unit.
- b. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
- c. Carbon Monoxide alarms shall be 120-volt powered with battery backup and shall be interconnected with the smoke detectors to be approved by State Inspector.

57. Electrical

- a. Electrical equipment rooms shall be identified on the door(s) leading to room(s).
- b. All electrical breakers shall be labeled to their function.

58. Premises Identification

- a. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
- b. Numbers shall be a minimum of 6" in height.
- c. Address shall be either internally or externally illuminated.

59. Emergency Egress

- a. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CFC 1030 to be approved by State Inspector.
- b. Escape or rescue windows shall be installed in accordance with CFC 1030 to be approved by State Inspector.
- c. Emergency electrical system to automatically illuminate means of egress.
- d. Exit signs shall be internally or externally illuminated.
- e. Braille or tactile exit route and exit signs shall be posted for ADA compliance.
- f. Emergency electrical system to automatically illuminate means of egress.
- g. Exit Plan signage required at each floor.

60. Emergency Responder Radio Communication System (ERRCS)

- a. Radio frequency signal strength analysis shall be conducted throughout the building.
- b. If radio signal strength deficiencies are identified, signal boosters shall be installed to achieve adequate signal strength and boosters shall be maintained.
- c. Boosters shall be compatible to the local emergency responders radio system for Fire and police.

61. Prior to building permit issuance, the applicant shall submit and obtain Fire Marshall approval of a site security plan addressing fire prevention practices (e.g., 24-hour site surveillance through cameras, security guards, waste dumpsters with metal lids) during construction and up to the point which sprinkler systems are operational.

Stege Sanitary District:

- 62. The contractor shall first procure a permit from Stege Sanitary District (SSD) and pay all fees prior to any work. Plumbing Contractor guidelines can be found here: <https://www.stegesand.org/publications/registered-plumbing-contractors>
- 63. If the existing connection to the sanitary sewer main line is NOT to be reused, then this existing connection must be abandoned by capping at the MAIN, not at the property line.
- 64. PVC is not allowed. Multifamily and commercial properties shall use 6" diameter pipe. If the existing lateral is 4" it must be upsized to 6". Our general (construction) guidelines can be found here: https://www.stegesand.org/documents/general_guidelines.pdf

65. The applicant shall pay all applicable sewer connection fees pursuant to Section 7.3 of the Stege Sanitary District Ordinance Code.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on November 15, 2023, upon motion of Commissioner _____, second by Commissioner _____:

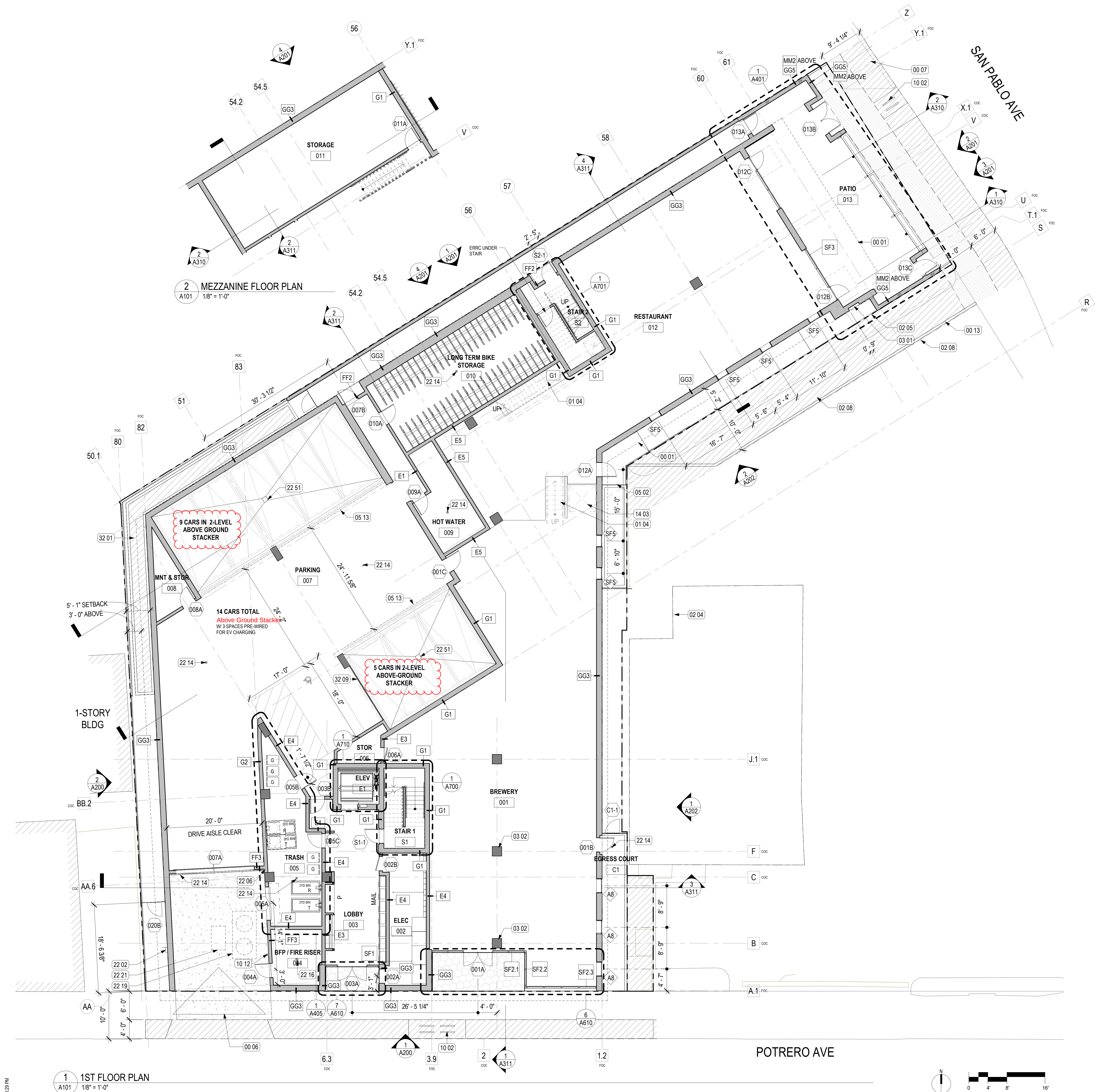
AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager



KEYNOTE LEGEND	
##	NOTE
00 01	LINE OF BUILDING ABOVE
00 06	RECESSED DRIVEWAY WITH 10' X 20' VISION TRIANGLE
00 07	FUTURE PROPOSED 'TYPE-A' CURB RAMP FOR MID-BLOCK CROSS WALK
00 13	NEW CURB WITHIN EASEMENT
01 04	STAIRS CONSTRUCTED IN FUTURE T1 PHASE
02 04	ADJACENT BUILDING, N.I.C.
02 05	PROPERTY LINE
02 08	(E) EXCLUSIVE EASEMENT
03 01	SEMI-RECESSED OPENING IN CONCRETE WALL, SAME SIZE AS ADJACENT WINDOW
03 02	CONCRETE COLUMN, S.S.D.
05 02	42" METAL GUARDRAIL, CONTINUOUS WHERE MORE THAN 30" ABOVE ADJACENT GROUND (OPENINGS NOT TO ALLOW PASSAGE OF 4" DIAMETER SPHERE).
05 13	6'-0" PICKET FENCE AND GATE
10 02	SHORT-TERM COMMERCIAL BIKE PARKING.
10 12	KNOX BOX, 6' 0" AFF. CONFIRM LOCATION WITH FD.
14 03	GARAVENTA ACCESSIBLE LIFT, TO BE CONSTRUCTED IN FUTURE T1 PHASE
22 02	GAS METER, SPD
22 06	HOSE BIB, PROVIDE COLD WATER, SPD. SEE J--
22 14	FLOOR DRAIN, SPD. SLOPE TOPPING SLAB FLOOR TO DRAIN AT 1/8" PER FT MIN.
22 16	FLOOR DRAIN, SPD SLOPE TOPPING SLAB FLOOR TO DRAIN AT 1/8" PER FT MIN. TO GREASE INTERCEPTOR
22 19	GREASE INTERCEPTOR BELOW GRADE
22 21	MEDIA FILTER BELOW GRADE
22 51	12"X12"X12" CUBE SUMP PIT, NOT PLUMBED
32 01	BIORETENTION PLANTER, SCD, SLD
32 09	GALVANIZED CHAINLINK FENCE, SEE ELEVS. FOR HEIGHT

GENERAL PLAN NOTES:

- DIFFERING PARTITION TYPES ARE TO BE ALIGNED SO THAT THE FINISH SURFACES ARE FLUSH AND CONTINUE UNBROKEN IN ROOMS, U.N.O.
- SEE A010 - A014 FOR GRIDLINE DIMENSIONS.
- SEE G021 - G025 FOR FIRE RATED WALL, EMERGENCY SIGNAGE, AND FIRE EXTINGUISHER LOCATIONS.
- SEE A103 FOR TYPICAL WINDOW LOCATIONS. WINDOW AND DOOR DIMENSIONS GIVEN TO CENTER OF OPENING
- SEE UNIT BLOW UP PLANS FOR INTERIOR DIMENSIONS, SERIES A400

FLOOR PLAN LEGEND:

11	WALL TAG. SEE A500 - A501
11	STOREFRONT TAG. SEE A610
FLOOR / BASE WALL / CLG	ROOM FINISH TAG. SEE A621 & A622
####	DOOR TAG. SEE A600
BB	WINDOW TAG. SEE A610
?	KEYNOTE TAG, SEE LEGEND FOR RELATED NOTE
---	CHANGE IN CEILING OVERHEAD, SEE RCPs.

PLAN NOTES & LEGEND

1/8" = 1'-0"

PROJECT ISSUE RECORD:	
NO.	DESCRIPTION
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3	2022-05-10: ISSUED FOR PERMIT
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99	2022-05-10: ISSUED FOR PERMIT
100	2022-05-10: ISSUED FOR PERMIT

PROJECT #: AGG001

ISSUE DATE: 05/02/2023

PROJECT STATUS:

85% CD

SCALE: 1/8" = 1'-0"

1ST FLOOR PLAN



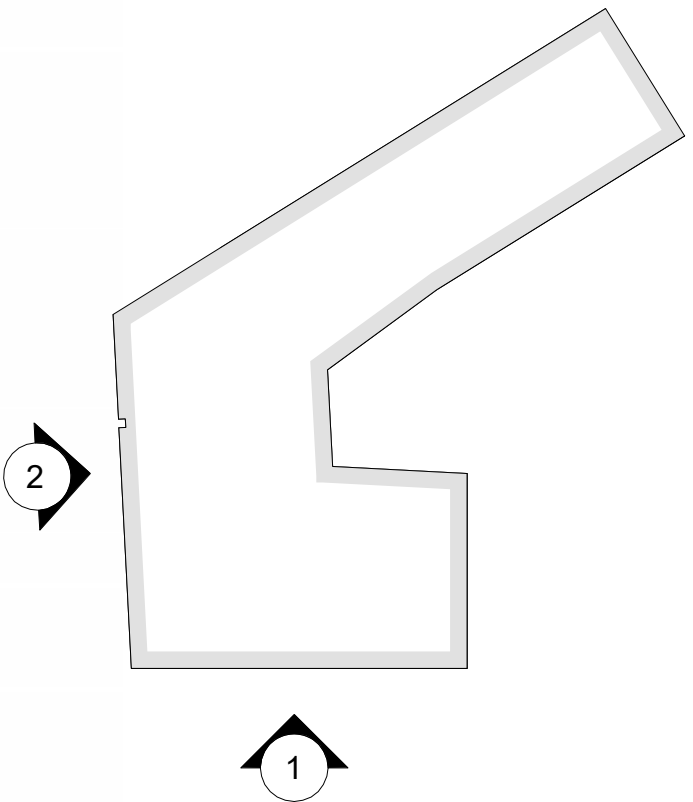
KEYNOTE LEGEND	
#	NOTE
08:01	ROLL UP GARAGE DOOR, SEE DOOR SCHEDULE
11:01	ROOF MAINTENANCE ACCESS LADDER
22:05	SCUPPER, OVERFLOW DRAIN, AND DOWNSPOUT, S.P.D.
22:07	OVERFLOW DRAIN, SPD
23:20	RWL TO RUN TIGHT TO CONCRETE WALL BELOW
23:28	PTD GSM INTAKE LOUVER, SMD, PAINT TO MATCH ADJACENT WALL FINISH
23:29	PTD GSM EXHAUST HOOD, SMD, PAINT TO MATCH ADJACENT WALL FINISH, TYP.
32:01	BIORETENTION PLANTER, SCD, SLD

GENERAL BUILDING ELEVATION & SECTION NOTES:

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS.
2. SEE A600 & A610 FOR DOOR AND WINDOW SCHEDULES.
3. SEE A620 FOR FINISH SCHEDULE.
4. SEE A531 FOR WINDOW DETAILS.

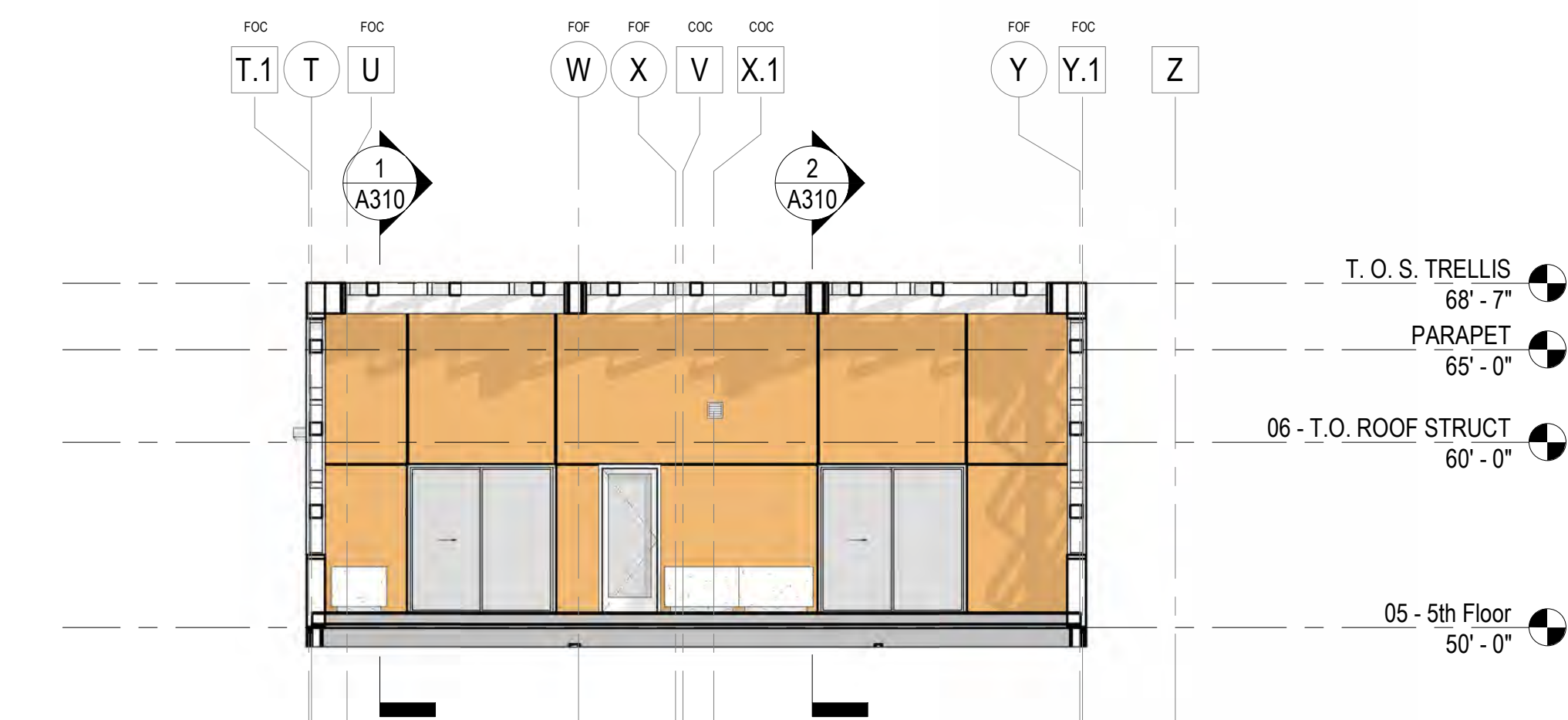
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PROJECT #:	AGG01
ISSUE DATE:	05/02/2023
PROJECT STATUS:	85% CD
SCALE:	1/8" = 1'-0"
BUILDING ELEVATIONS	

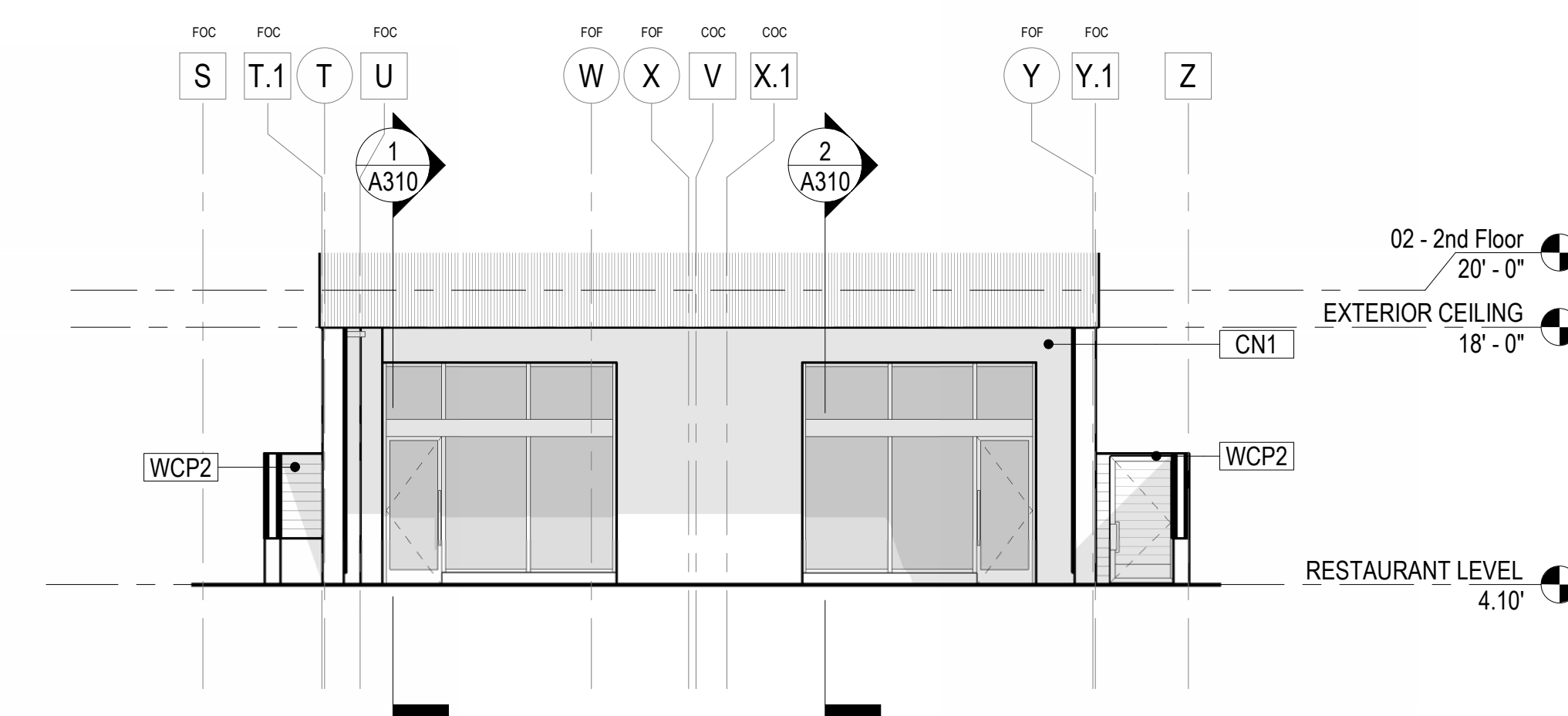




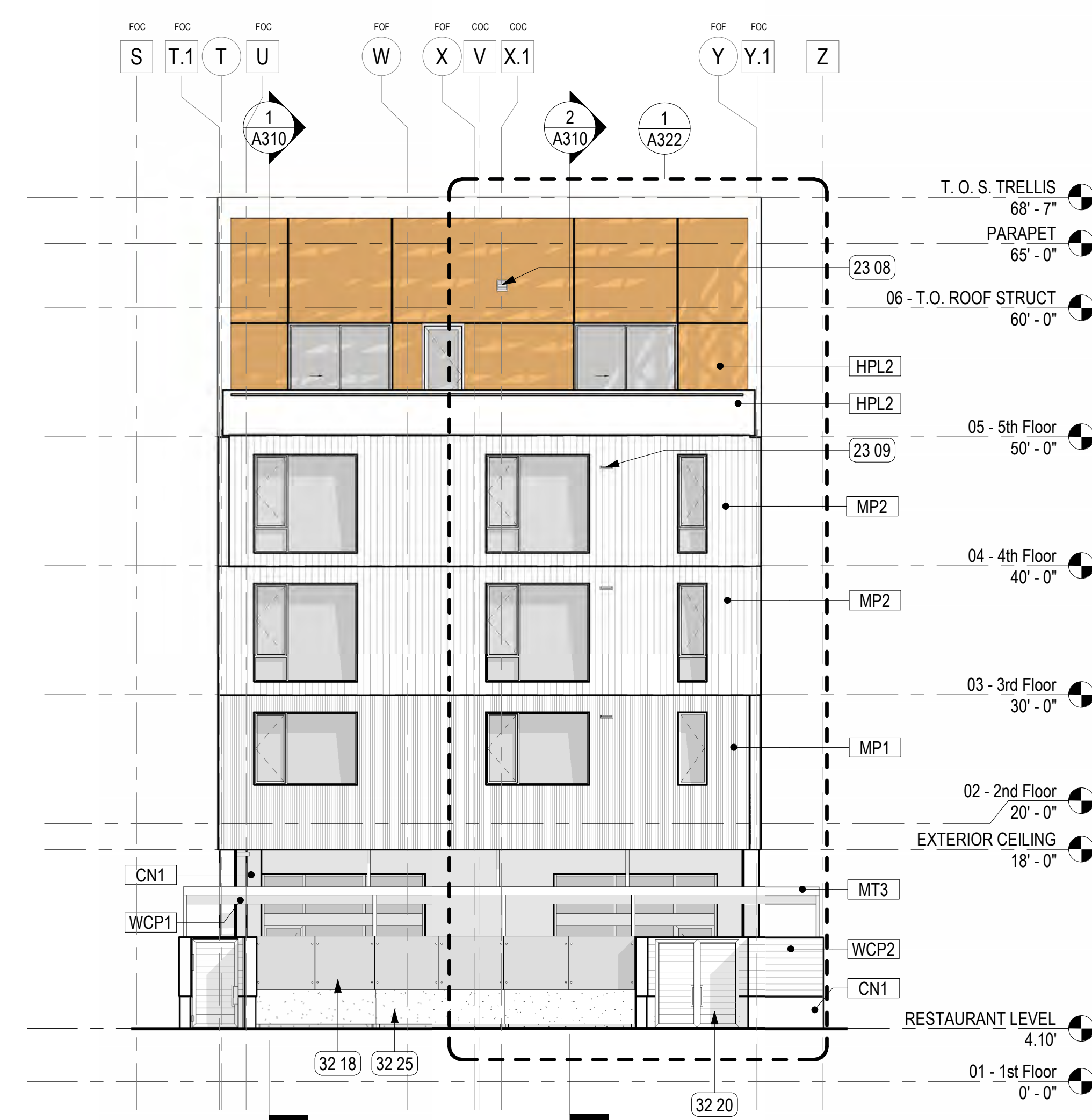
85% CD



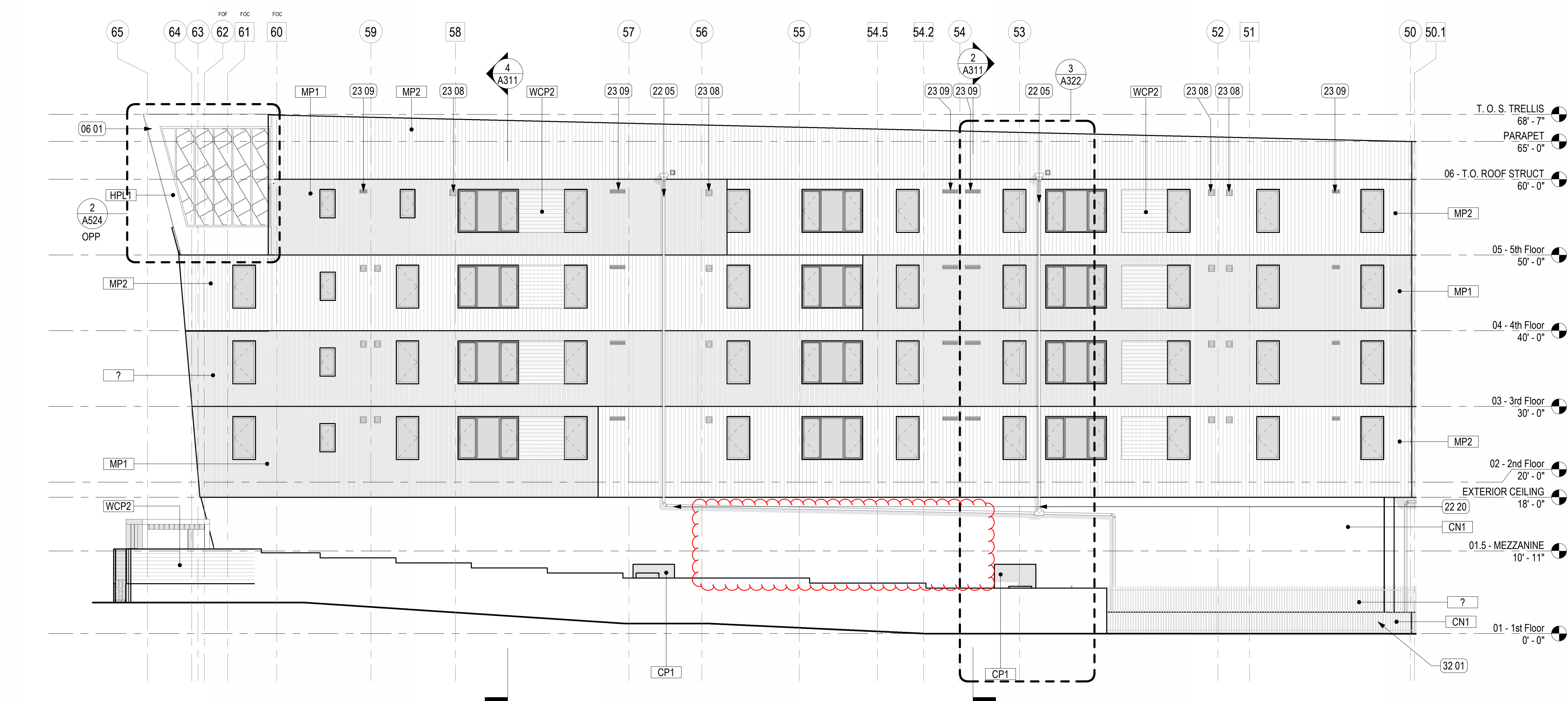
5 BUILDING ELEVATION - NORTHEAST



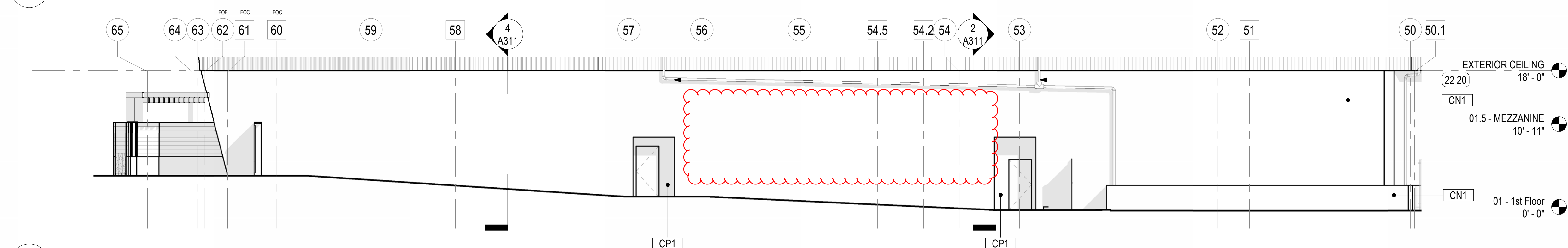
3 BUILDING ELEVATION - NORTHEAST



BUILDING ELEVATION - NORTHEAST



1 BUILDING ELEVATION - NORTHWEST
A201 1/8" = 1'-0"



4 BUILDING ELEVATION - NORTHWEST
A201 1/8" = 1'-0"

FINISH MATERIALS - EXTERIOR				
#	DESCRIPTION	LOCATION	MFR / MODEL	NOTES

CP3	PAINTED CEMENT PLASTER			
V9	HIGH PRESSURE LAMINATED		FUNDERMAX, COLOR: GREY	

01 - CONCRETE			
CN1	CAST-IN PLACE CONCRETE	GROUND FLOOR / PODIUM & WALLS	VERTICAL BOARD FORM CONCRETE

02 - METALS				
MP1	METAL PANEL	GENERAL EXTERIOR, SEE ELEVATIONS	TAYLOR METAL PRODUCTS, CONTOUR SERIES, C5	

MP2	METAL PANEL	GENERAL EXTERIOR, SEE ELEVATIONS	TAYLOR METAL PRODUCTS, CONTOUR SERIES, C7	
-----	-------------	----------------------------------	---	--

MT1	METAL PANEL (BRAKE MTL)	SOUTH FACADE	GALV. PTD. MTL, COLOR: ORANGE
-----	-------------------------	--------------	----------------------------------

MT2	STEEL RAILING	SEE ELEVATIONS	
MT3	STEEL TRELLIS	GROUND FLOOR	GALV. BTD. MT1. COLOR:

		NORTHEAST FACADE	BLACK	

MT4	CHAIN LINK	GROUND FLOOR, SEE ELEVATIONS		
-----	------------	------------------------------	--	--

WCP1	WOOD EFFECT TRELLIS	GROUND FLOOR	ALUMINIUM	
------	---------------------	--------------	-----------	--

(ALUMINUM)	NORTHEAST FACADE	NON-COMBUSTIBLE 2X TRELLIS MEMBERS
------------	------------------	---------------------------------------

WCP2	WOOD EFFECT PANEL (CEMENT)	SEE ELEVATIONS	CERACLAD, URBAN CERAD, LIGHTEN WOOD	
------	----------------------------	----------------	-------------------------------------	--

	(CEMENT)		CEMENT, MONEY (WOOD EFFECT)	
--	----------	--	-----------------------------	--

CP1	PAINTED CEMENT PLASTER	GENERAL EXTERIOR SEE	COLOR: WHITE	
-----	------------------------	----------------------	--------------	--

		ELEVATIONS		
CR2	PAINTED CEMENT PLASTER	EAST COURTYARD FACADE	COLOR: GREEN	

CP3	PAINTED CEMENT PLASTER	SOUTH FACADE	COLOR: GREY
-----	------------------------	--------------	-------------

FCPT	FIBER CEMENT PANEL	SEE ELEVATIONS	COLOR: ORANGE	
HPI 1	HIGH PRESSURE	SEE ELEVATIONS	FINDERMAX COLOR:	

	LAMINATED		GREY	
UP12	HIGH PRESSURE	SEE ELEVATIONS	FINDERMAX COLOR:	

THREE	THICK RESSORCE LAMINATED	SEE ELEVATIONS	100000000, 0000000 ORANGE
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KEYNOTE LEGEND

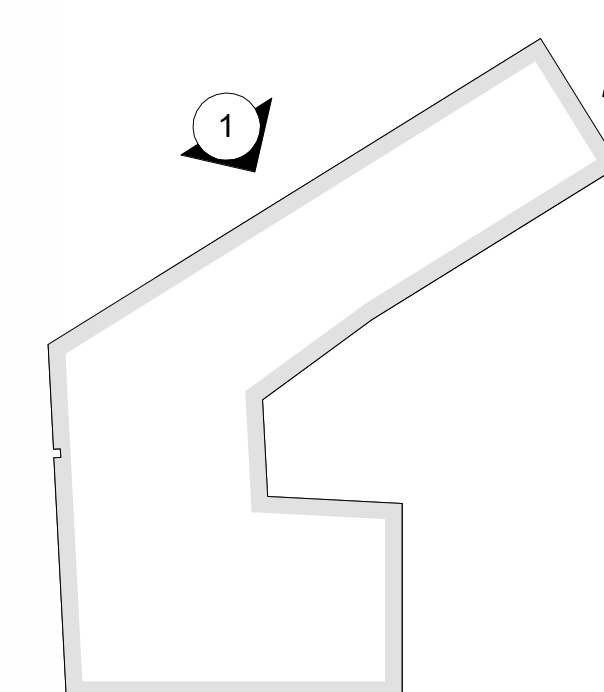
##	NOTE
06 01	ALUMINUM AND RESIN DECORATIVE PANELS
22 05	SCUPPER, OVERFLOW DRAIN, AND DOWNSPOUT, S.P.D.
22 20	R/WL TO RUN TIGHT TO CONCRETE WALL BELOW
23 08	PTD GSM INTAKE LOUVER, SMD. PAINT TO MATCH ADJACENT WALL FINISH
23 09	PTD GSM EXHAUST HOOD, SMD. PAINT TO MATCH ADJACENT WALL FINISH, TYP.
32 01	BIORETENTION PLANTER, SCD, SLD
32 18	TEMPERED GLASS PANELS WITH SPIDER FITTINGS, TYP.
32 20	MTL. AND WOOD GATE, SEE DOOR SCHEDULE
32 25	PLANTER BOXES, SLD

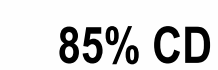
GENERAL BUILDING ELEVATION & SECTION LEGEND:

	FINISH TAG. SEE A620
	KEYNOTE TAG, SEE LEGEND.

GENERAL BUILDING ELEVATION & SECTION NOTES:

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS
2. SEE A600 & A610 FOR DOOR AND WINDOW SCHEDULES.
3. SEE A620 FOR FINISH SCHEDULE.
4. SEE A531 FOR WINDOW DETAILS.





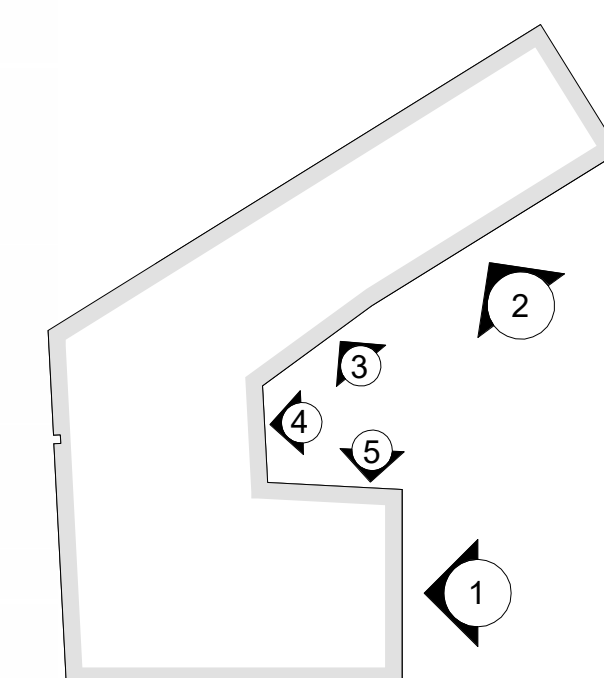
KEYNOTE LEGEND	
##	NOTE
03 01	SEMI-RECESSED OPENING IN CONCRETE WALL, SAME SIZE AS ADJACENT WINDOW
06 01	ALUMINUM AND RESIN DECORATIVE PANELS
22 05	SCUPPER, OVERFLOW DRAIN, AND DOWNSPOUT, S.P.D.
23 08	PTD GSM INTAKE LOUVER, SMD. PAINT TO MATCH ADJACENT WALL FINISH
23 09	PTD GSM EXHAUST HOOD, SMD. PAINT TO MATCH ADJACENT WALL FINISH, TYP.
32 01	BIORETENTION PLANTER, SCD, SLD
32 03	LANDSCAPE PLANTER, SLD

GENERAL BUILDING ELEVATION & SECTION LEGEND:

	FINISH TAG. SEE A620
	KEYNOTE TAG, SEE LEGEND.

GENERAL BUILDING ELEVATION & SECTION NOTES:

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS.
2. SEE A600 & A610 FOR DOOR AND WINDOW SCHEDULES.
3. SEE A620 FOR FINISH SCHEDULE.
4. SEE A531 FOR WINDOW DETAILS.





QUESTIONS?

22

Rendering from design review board - approved design

May 22, 2023

**POTRERO & SAN
PABLO**

6111, 6115 POTRERO AVE / 11335
SAN PABLO AVE
EL CERRITO, CA 94530



Rendering of Ceraclad material vs Ribbed Metal material

POTRERO & SAN
PABLO

6111, 6115 POTRERO AVE / 11335
SAN PABLO AVE
EL CERRITO, CA 94530

studioKDA

510.841.3555 | studiokda.com



Rendering of Ceraclad material vs Ribbed Metal material

POTRERO & SAN
PABLO

6111, 6115 POTRERO AVE / 11335
SAN PABLO AVE
EL CERRITO, CA 94530

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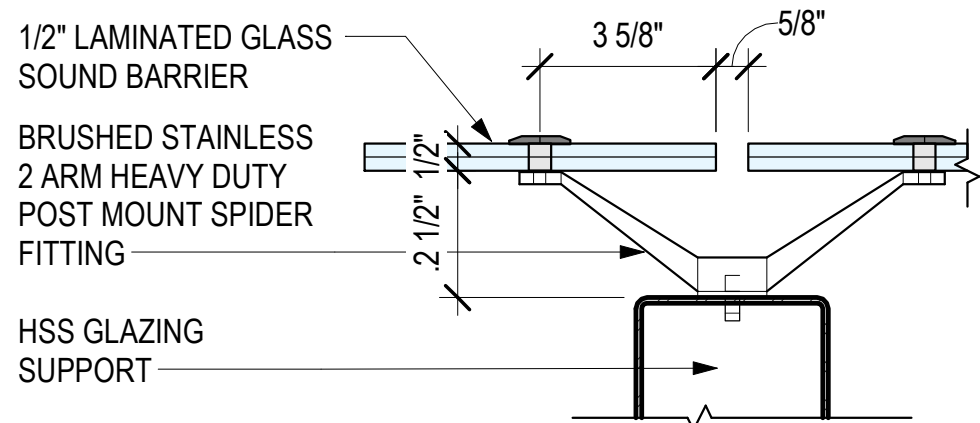


Rendering of Ceraclad material vs Ribbed Metal material

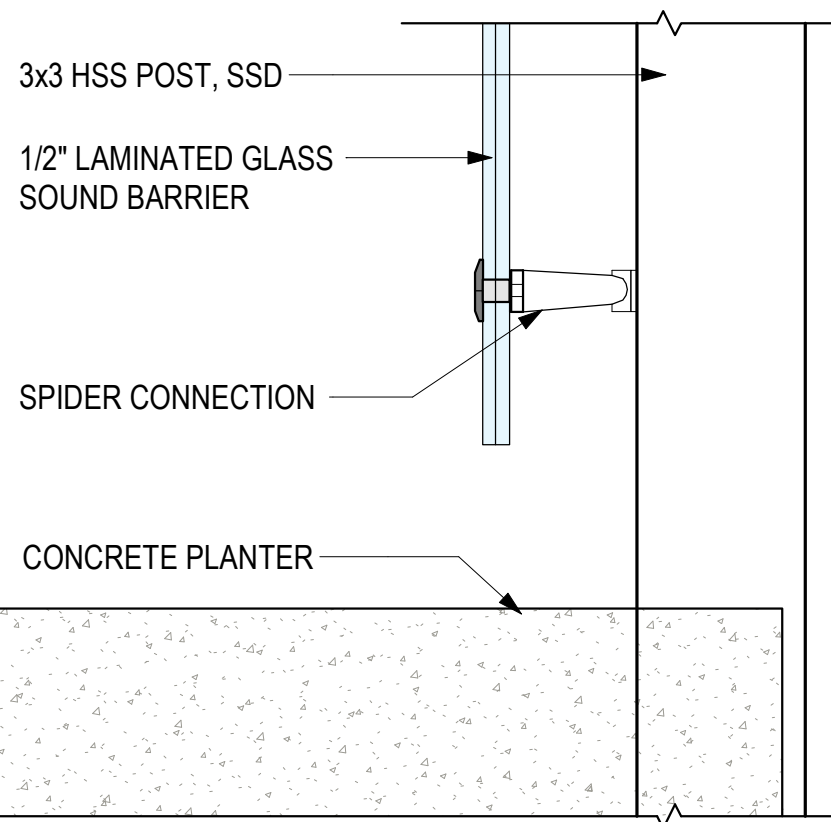
POTRERO & SAN PABLO

6111, 6115 POTRERO AVE / 11335
SAN PABLO AVE
EL CERRITO, CA 94530

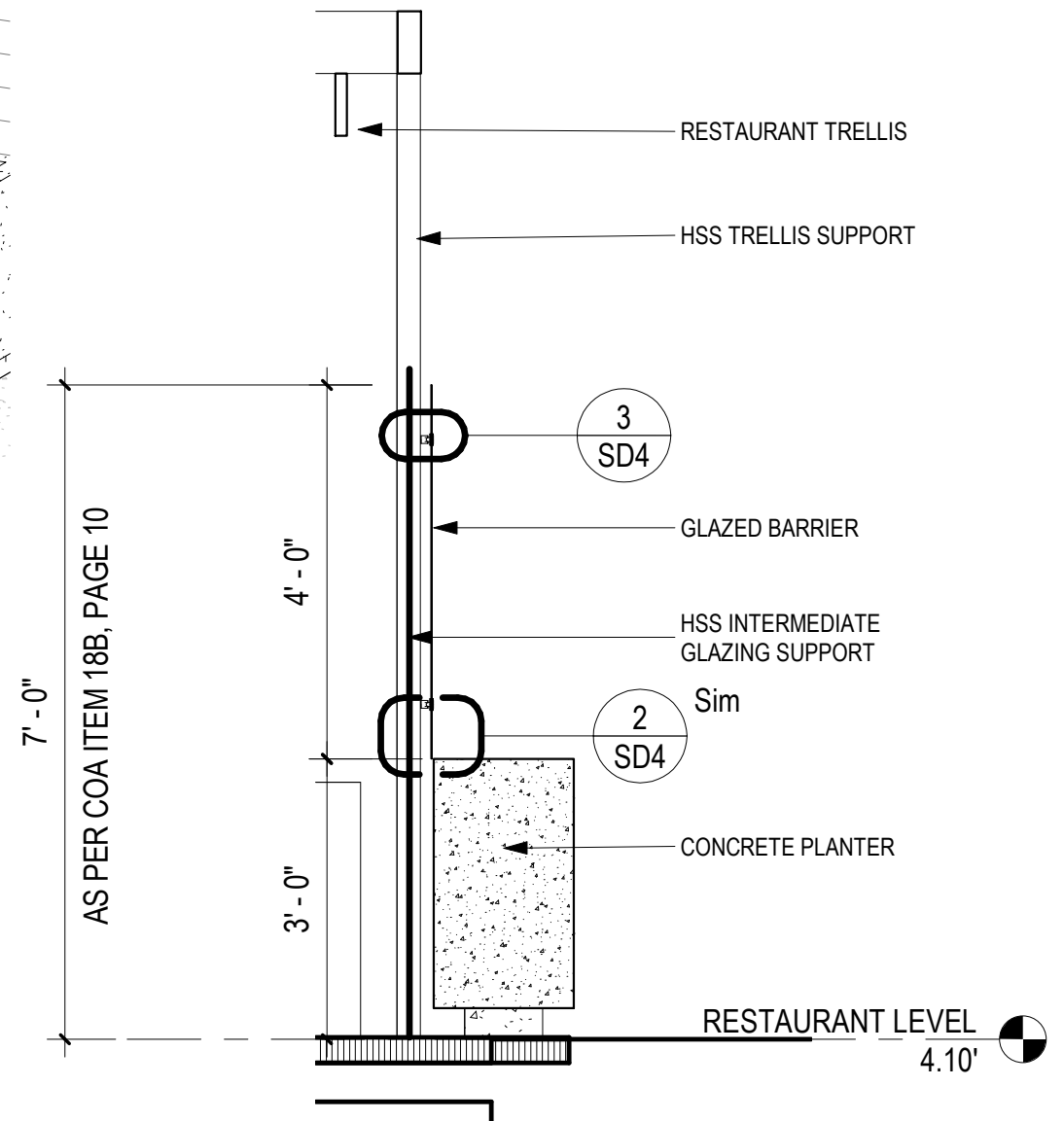
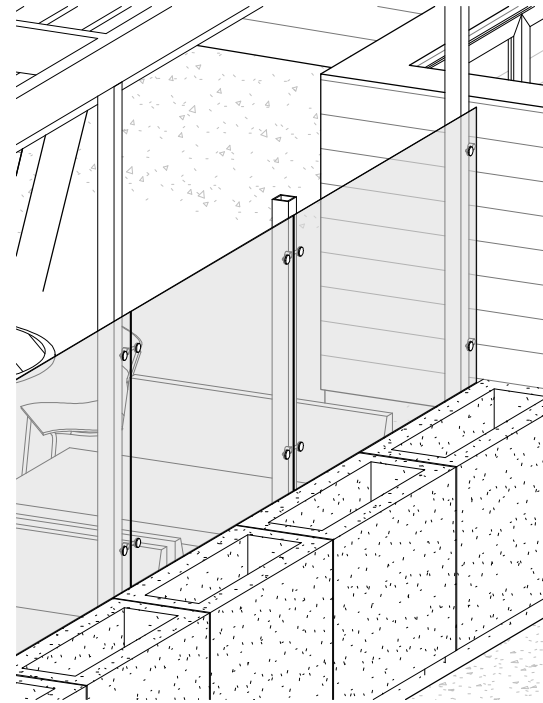
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3
SD4 **SOUND BARRIER SPIDER ATTACHMENT**
3" = 1'-0"



2
SD4 **RESTAURANT TERRACE SPIDER SECTION DETAIL**
3" = 1'-0"



1
SD4 **RESTAURANT TERRACE SOUND BARRIER SECTION**
1/2" = 1'-0"

OWNERSHIP'S PREFERRED ASSEMBLY METHOD

SD4

RESTAURANT TERRACE SOUND BARRIER

SCALE: As indicated
ISSUE DATE: 10/04/23

POTRERO & SAN PABLO

6111, 6115 POTRERO AVE / 11335 SAN PABLO AVE
EL CERRITO, CA 94530



**6111, 6115 POTRERO AVENUE/11335 SAN PABLO AVENUE
EL CERRITO, CA
ENVIRONMENTAL NOISE STUDY**



PREPARED FOR: Studio KDA

Sent via email:

November 22, 2022

Prepared by: CSDA Design Group

Randy Waldeck, PE

Cameron Sullivan

364 Bush Street, 2nd Floor

San Francisco, CA 94104

CSDA Project No. 22102.01

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1.0 Executive Summary

This report summarizes our analysis of the existing environmental noise levels and provides building facade acoustical recommendations for the new multi-family residential project at 6111, 6115 Potrero Avenue/11335 San Pablo Avenue in El Cerrito, CA. Our findings are as follows:

- Analysis and recommendations are based on the 50% Design Development drawing set dated October 24, 2022.
- Environmental noise measurements were conducted between November 30 to December 2, 2021 by Illingworth & Rodkin Inc. These measurements show the project building will be exposed to environmental noise levels of up to L_{DN} 71 dBA.
- To meet the interior residential criterion of L_{DN} 45 dBA (CBC), STC 28 to STC 34 windows are necessary at the residential spaces.
- To meet the interior commercial criterion of max L_{EQ-1hr} 45 dBA (El Cerrito General Plan), STC 28 windows are necessary at the ground-floor lobby/office spaces.

2.0 Project Description

The proposed five-story mixed-use building is currently planned at a lot just east of Interstate 80. The project will include 63 units, with a mix of 2-bed, 1-bed, and studio units. The project building will also include lobby and commercial/restaurant space on the ground floor.

The following report presents a summary of the environmental noise measurements, land-use compatibility analysis, and recommendations for facade elements (e.g., windows and exterior doors). For definitions of acoustical terms used in this report, please refer to Appendix A.

3.0 Acoustical Criteria

3.1 City of El Cerrito General Plan Policies

The City of El Cerrito 1999 General Plan includes guidance for noise and land use compatibility. The Land Use Compatibility standards from the General Plan document are reprinted below, as well as the policies applicable to this project:

- H3.1 Noise Levels in New Residential Projects: “New residential development projects shall meet acceptable exterior noise level standards. The ‘normally acceptable’ noise standards for new land uses are established in Table 7-1, Land Use Compatibility for Community Exterior Noise Environments, which shall be modified by Policies H3.2 through H3.12” (applicable sections listed below). See Figure 1.
- H3.3 Indoor Noise Levels: “The Indoor noise level as required by the State of California Noise Insulation Standards must not exceed an L_{DN} of 45 dB in new housing units.”
- H3.4 Indoor Instantaneous Noise Levels: “Interior noise levels in new single-family and multi-family residential units exposed to an L_{DN} of 60 dB or greater should be limited to a maximum instantaneous noise level in the bedrooms of 50 dBA. Maximum instantaneous noise levels in other rooms should not exceed 55 dBA. The typical repetitive maximum instantaneous noise level at each site would be determined by monitor. Examples would include truck passbys on busy streets, BART passbys and train warning whistles.”

- H3.5 Impacts of BART Noise: “If the noise source is BART, then the outdoor noise exposure criterion should be 70 L_{DN} for future development, recognizing that BART noise is characterized by relatively few loud events.”
- H3.6 New Commercial, Industrial and Office Noise Standards: “Appropriate interior noise levels in commercial, industrial, and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 45 L_{EQ} (hourly average) or less.” This standard shall be applied to the ground floor commercial spaces.

Figure 7-1 Land Use Compatibility for Community Noise Environments

Land Use Compatibility for Community Noise Environments

Land Use Type	Exterior Noise Exposure (Ldn or CNEL, dB)					
	55	60	65	70	75	80
Residential, Hotels and Motels	Normally Acceptable		Conditionally Acceptable			
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	Normally Acceptable		Conditionally Acceptable			
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches	Normally Acceptable		Conditionally Acceptable			
Office Buildings, Business Commercial, and Professional	Normally Acceptable		Conditionally Acceptable			
Auditoriums, Concert Halls, Amphitheaters	Normally Acceptable		Conditionally Acceptable			
Industrial, Manufacturing, Utilities and Agriculture	Normally Acceptable		Conditionally Acceptable			

-  **Normally Acceptable**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
-  **Conditionally Acceptable**
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.
-  **Unacceptable**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with Noise Element policies.

Figure 1: Noise Land-Use Compatibility Table

3.2 El Cerrito Municipal Code

El Cerrito Municipal Code provides standards to control adverse noise-related impacts on the community. Applicable portions of the municipal code noise ordinance are as follows:

- Municipal Code Section 19.21.050.B.2, Performance Standards – Outdoor Noise Levels, states that all new development shall comply with the outdoor noise standards established in Table 19.21-A (reprinted in Table 1).

Table 1: El Cerrito Municipal Code, Outdoor Noise Level Standards (dBA)

Land Use Type	Exterior Noise Exposure (L _{DN})		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Residential	Less than 60 dBA	60 – 75 dBA	Greater than 75 dBA
Business Commercial, Professional	Less than 60 dBA	60 – 80 dBA	Greater than 80 dBA
From Municipal Code Section 19.21.050.B.1: ▪ “Normally acceptable” noise exposure means that the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. ▪ “Conditionally acceptable” noise exposure means that the specified land use may be permitted with the preparation of a noise study and only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design. ▪ “Unacceptable” noise exposure means that new construction or development should generally not be undertaken because mitigation is usually not feasible to comply with Noise Element policies.			

- Municipal Code Section 19.21.050.B.2.a, Outdoor Noise Levels for Residential Areas, states that noise levels in exterior residential areas (e.g., open space areas in multi-family housing projects) should not exceed a noise level of L_{DN} 60 dBA. According to this standard, the outdoor standard will not normally be applied to the small decks associated with apartments and condominiums but these will be evaluated on a case-by- case basis. Where the Zoning Administrator determines that providing an L_{DN} of 60 dBA or lower outdoors is not feasible, the outdoor goal may be increased to an L_{DN} of 65 dB at the discretion of the Planning Commission.
- Municipal Code Section 19.21.050.B.3, Interior Noise Levels, states that all new development shall comply with the indoor noise standards established in Table 19.21-B (reprinted in Table 2).

Table 2: El Cerrito Municipal Code, Indoor Noise Level Standards (dBA)

Land Use Type	Maximum Indoor Noise Levels
Residential	45 dBA
Commercial, Industrial, and Office	Evaluated on a case-by-case basis; generally 45 L _{EQ} (hourly average or less)

Additionally, as required by the State of California Noise Insulation Standards, Interior noise levels in new residential units exposed to an L_{DN} of 60 dBA or greater should be limited to a maximum instantaneous noise level of 50 dBA in the bedrooms. Maximum instantaneous noise levels in other rooms should not exceed 55 dBA. The typical repetitive maximum instantaneous noise level at each site would be determined by a noise meter. Examples would include trucks passing by on busy streets, BART trains passing by, and train warning whistles.

- Municipal Code Section 19.21.050.B.5, Noise Study Required, states that the Zoning Administrator may require a noise study to be prepared for all new uses with outdoor noise levels within the conditionally acceptable range in Table 19.21-A (reprinted in Table 1) above, or uses that, in the Zoning Administrator's opinion, may not meet the standards of the Noise Section of the Resources

and Hazards General Plan Element. The noise study shall, at a minimum, conform to the following standards:

- The analysis shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.
- Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.
- Existing and projected noise levels shall be estimated in terms of L_{EQ} and L_{DN} or CNEL. Levels shall be compared to the existing ambient noise levels.
- Mitigation shall be recommended, giving preference to site planning and design rather than noise barriers, where feasible.
- Noise exposure after the prescribed mitigation measures have been implemented shall be estimated

3.3 California Building Code/CALGreen

The 2019 California Building Code (CBC), California Code of Regulations, Title 24, Part 2, Section 1206.4, stipulates that an interior noise level attributed to exterior sources shall not exceed L_{DN} 45 dBA for any habitable room in a multi-family residential building.

CALGreen stipulates noise criteria for the retail portion of the ground floor. For sites with hourly noise levels above 65 dBA, interior noise levels must be no greater than L_{EQ} ¹ 50 dBA during the noisiest hour of operation (Performance Method).²

3.4 Acoustical Criteria Summary

In summary, the following criteria are applicable for this project:

- Per guidelines provided by the City of El Cerrito General Plan and Municipal Code Section 19.21.050.B.2, exterior noise levels at the project site between L_{DN} 60 and 75 dBA are “Conditionally Acceptable” for Multi-family Residential uses.
- Per the California Building Code and Municipal Code Section 19.21.050.B.3, interior noise levels due to existing environmental noise sources should not exceed L_{DN} of 45 dBA inside residential units.
- Per guidelines provided by the City of El Cerrito General Plan and Municipal Code Section 19.21.050.B.3, interior noise levels due to existing environmental noise sources should not exceed L_{EQ-1hr} of 45 dBA inside commercial, industrial and office spaces (i.e., non-residential spaces). Note: this standard is more stringent than the standard provided by CALGreen, and is therefore used in this analysis
- Per Municipal Code Section 19.21.050.B.3, maximum interior instantaneous noise levels should not exceed 50 dBA in residential bedrooms, and 55 dBA in other occupied residential spaces.
- Per Municipal Code Section 19.21.050.B.2.a, noise levels in occupied outdoor residential spaces should not exceed L_{DN} 60 dBA. When the Zoning administration determines this is not feasible, the outdoor goal may be raised to an L_{DN} of 65 dBA at the discretion of the Planning Commission.

¹ L_{EQ} : The equivalent continuous sound level which would contain the same sound energy as the time varying sound level.

² 2022 California Green Building Standards Code, Section 5.507.

4.0 Existing Noise Environment

4.1 Measurements

This analysis is based on environmental noise measurements conducted by Illingworth & Rodkin, Inc., which are detailed in a report titled "Potrero Project Noise and Vibration Assessment" prepared by Steve J. Deines dated January 25, 2022 (the I&R report). Per this study, two long-term (LT) measurements were conducted at the project site from November 30 to December 2, 2021. The long-term (approximately 48-hours) noise monitors were secured in lock boxes attached to a streetlight poles along Potrero Avenue (LT-1) and San Pablo Avenue (LT-2), see Figure 2 below.



Figure 2: Location of Long Term (LT) Measurement

4.2 Weather

Based on a review of online weather data, the average wind speed from November 30 to December 2, 2021, was 0.5 miles per hour (mph), with a maximum speed of 7 mph. The temperature ranged from a 43°F to 78°F, with an average temperature of 58°F. The relative humidity ranged from 34% to 98%, with no precipitation. Based on a review of the noise levels during this timeframe, wind noise did not affect the measurements.

4.3 General Noise Conditions

Per the I&R report, the noise environment consists of noise from vehicular traffic along San Pablo Avenue, Potrero Avenue, Interstate 80, and BART passbys controlled the noise environment at both measurement locations. General pedestrian noise contributed to the total noise level to a lesser extent.

4.4 Noise Measurement Results

The long-term measurement results from the I&R report are presented in Table 3; daily continuous noise level for each location are represented in Figure 3 through Figure 8.

Per El Cerrito's Municipal code (Chapter 19.21.050), an analysis evaluating instantaneous noise levels of 50 dBA in bedrooms and 55 dBA in other rooms was conducted. Consistent with the Illingworth & Rodkin Inc. report, this study is using L_{MAX30} metric to quantify instantaneous exterior noise levels.

Table 3: Summary of Long-Term Noise Measurement (dBA)

Measurement Location	November 30-December 1, 2021	December 1-2, 2021	L_{MAX30} (dBA)	Average L_{DN} (dBA)
	Max 1-hour L_{EQ} (dBA)	Max 1-hour L_{EQ} (dBA)		
6109 Potrero Ave (LT-1)	62	64	--*	68
Northeastern Property Line (LT-2)	73	73	81	71
*The I&R report did not provide an L_{MAX30} level for LT-1 – this analysis uses the worst-case instantaneous noise level measured at LT-2				

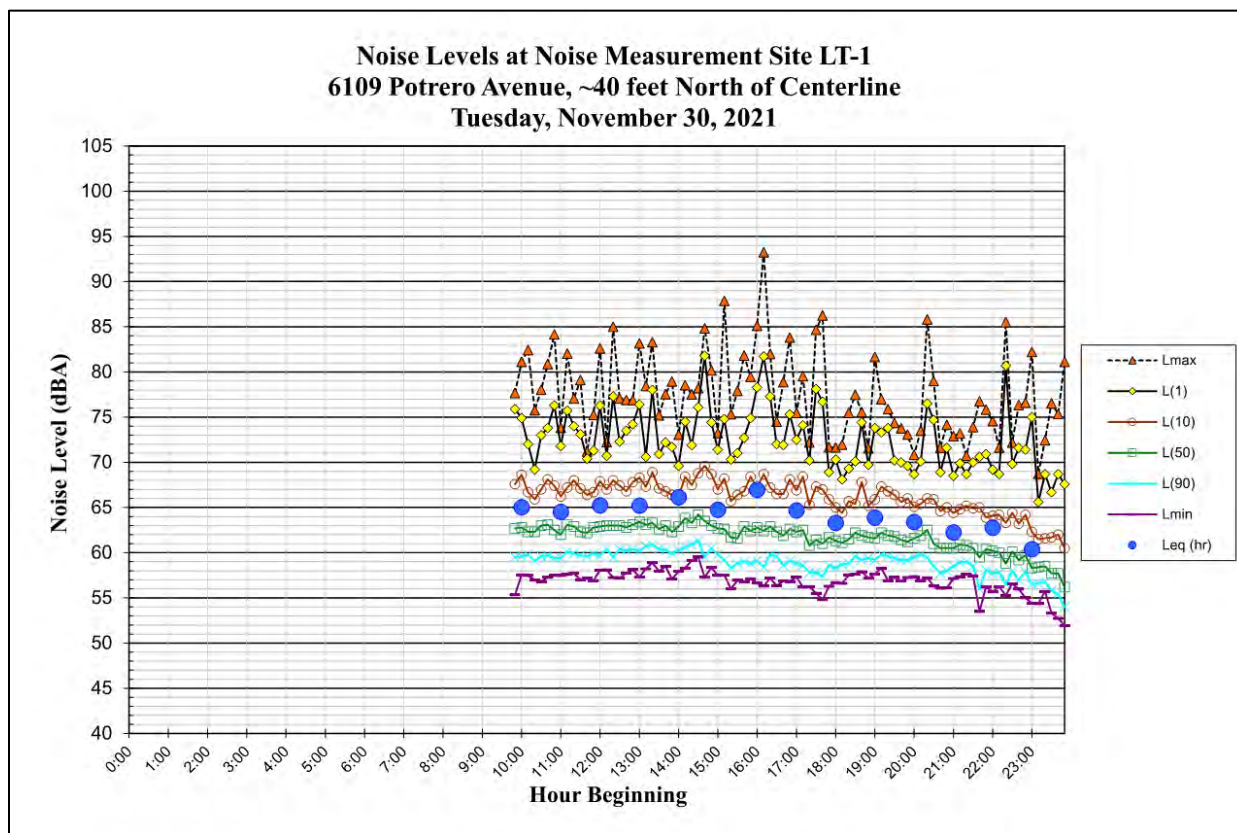


Figure 3: Noise Levels at Measurement Location LT-1 on Tuesday, November 30, 2021

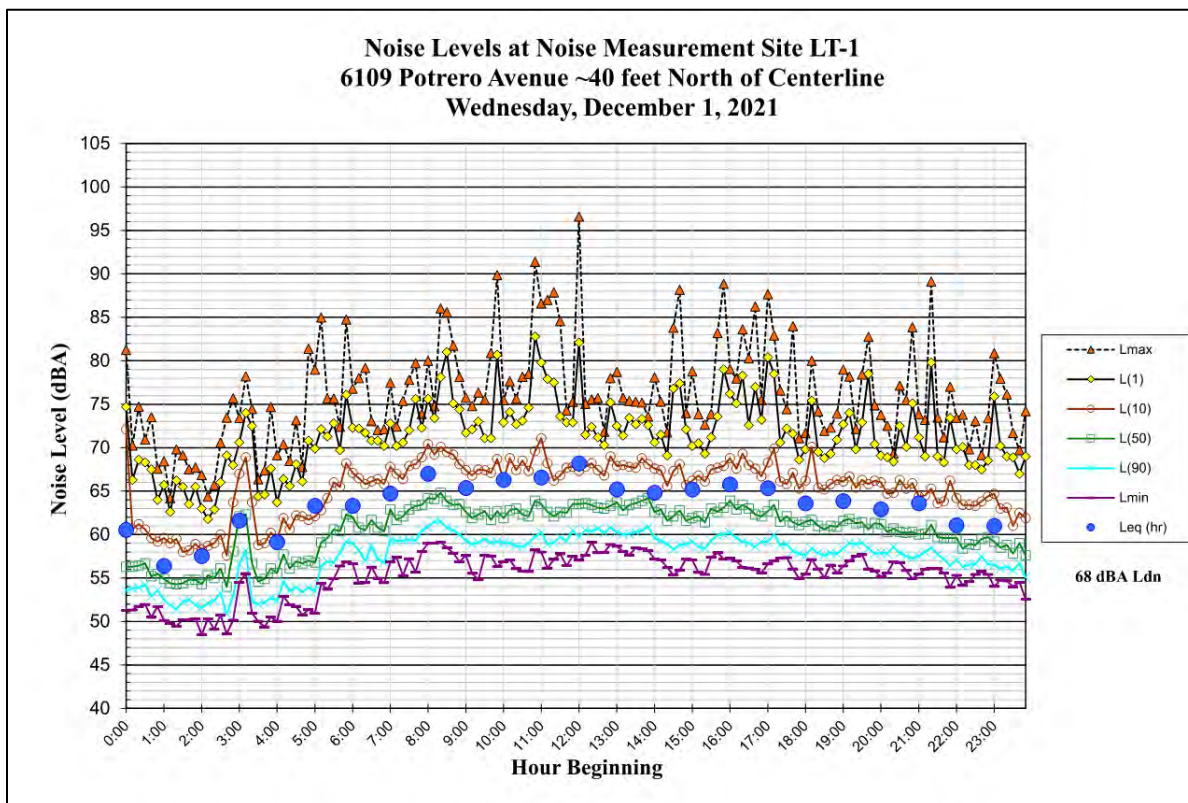


Figure 4: Noise Levels at Measurement Location LT-1 on Wednesday, December 1, 2021

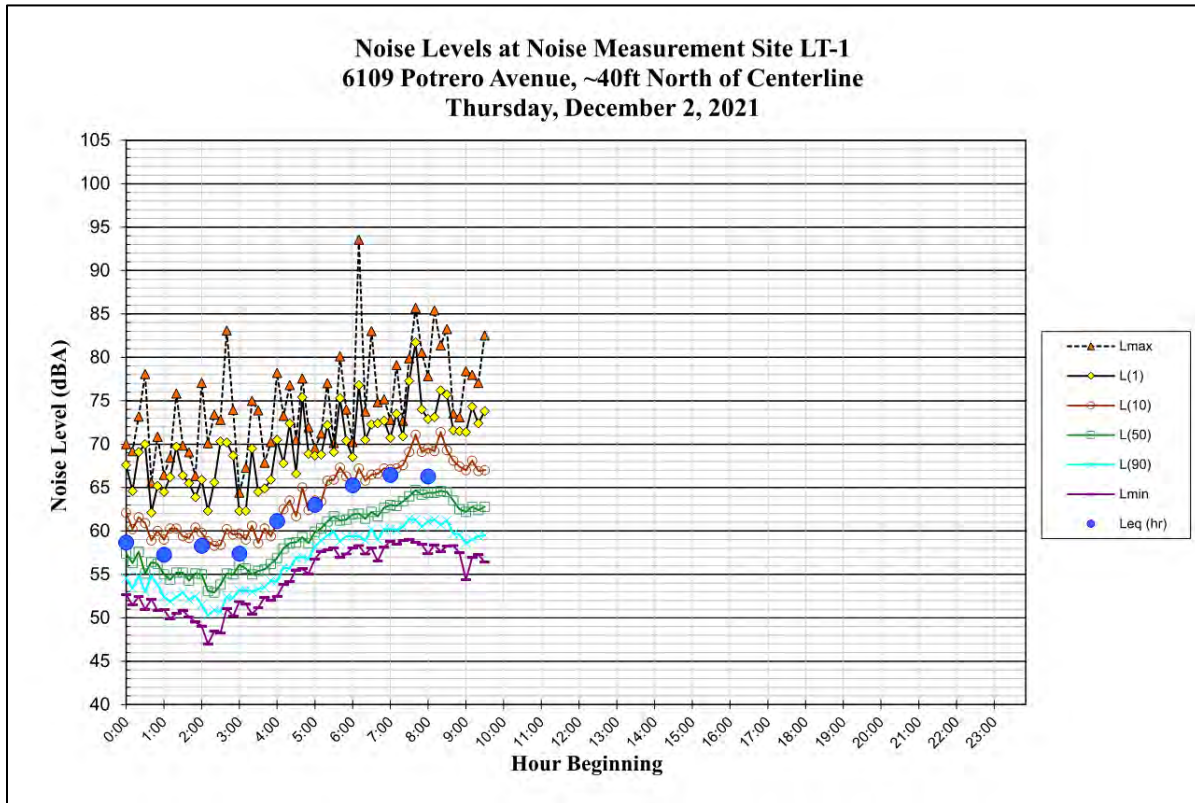


Figure 5: Noise Levels at Measurement Location LT-1 on Thursday, December 2, 2021

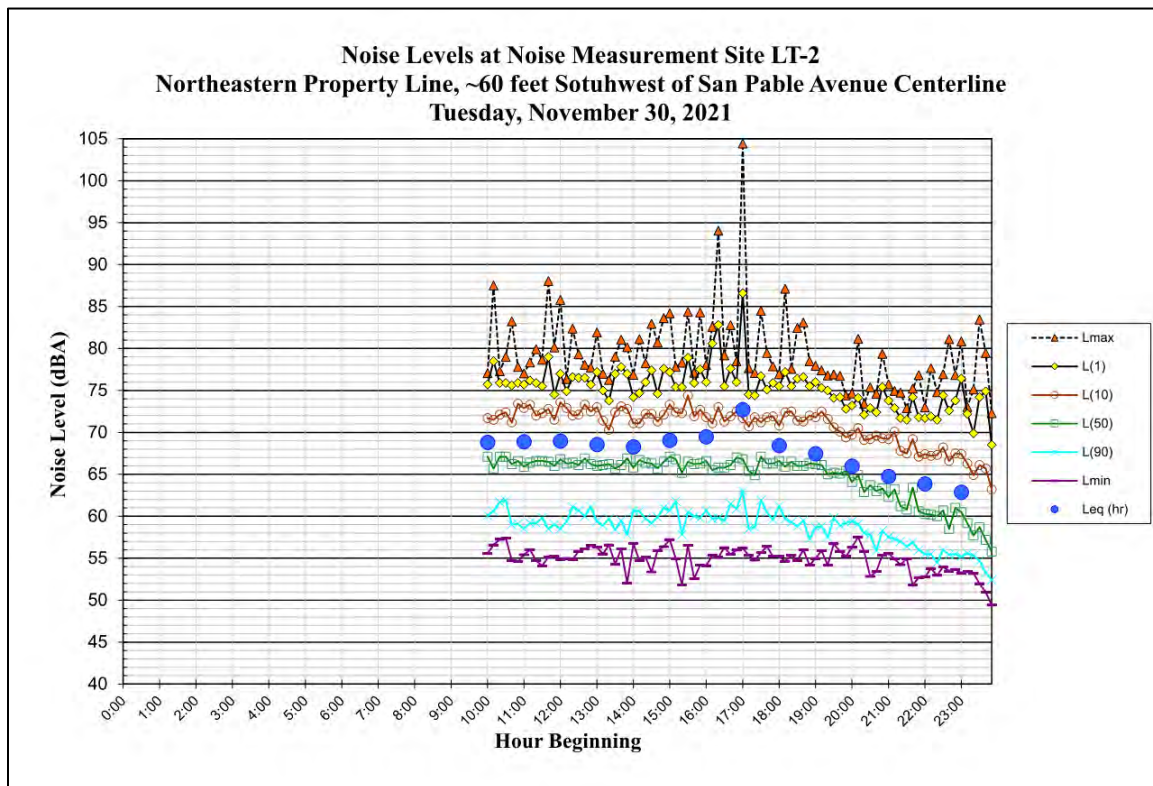


Figure 6: Noise Levels at Measurement Location LT-2 on Tuesday, November 30, 2021

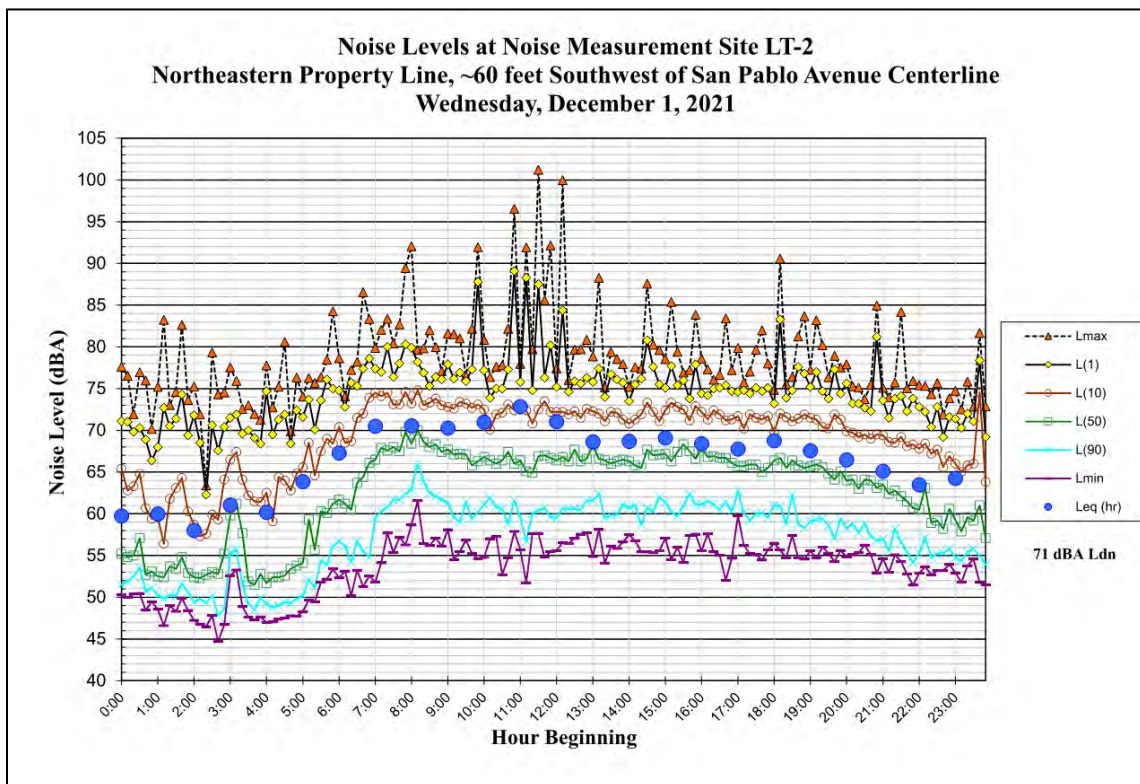


Figure 7: Noise Levels at Measurement Location LT-2 on Wednesday, December 1, 2021

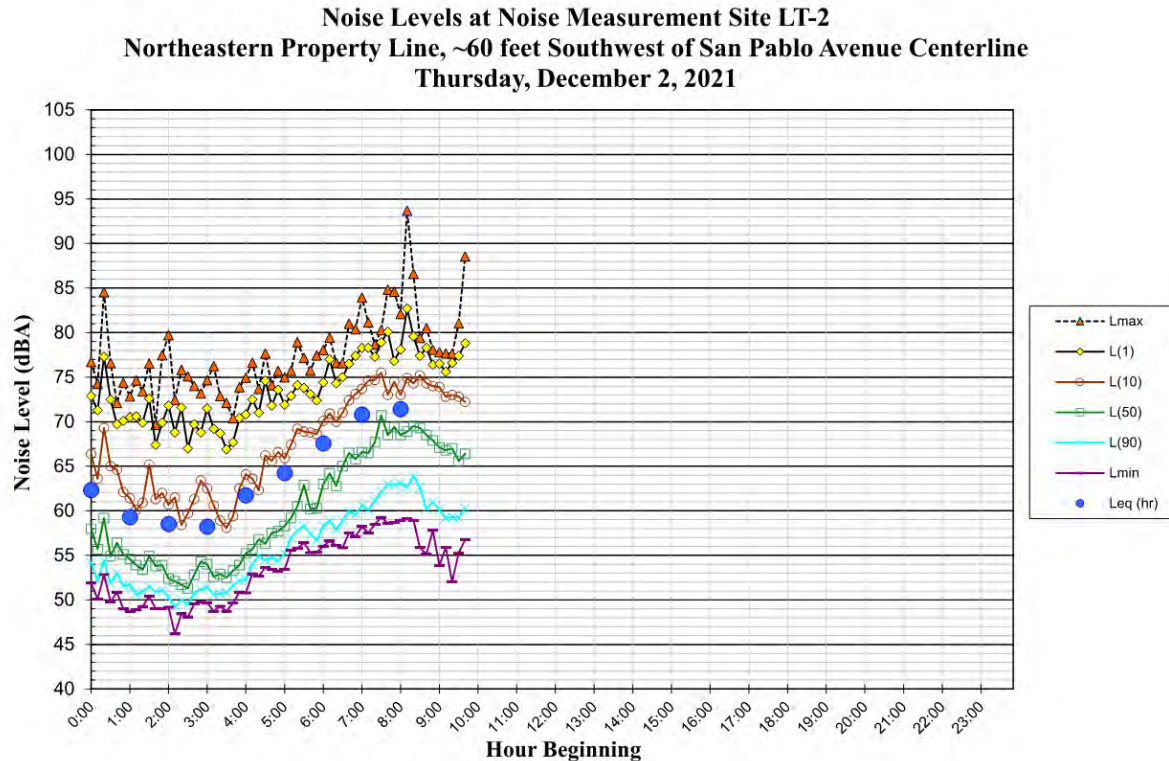


Figure 8: Noise Levels at Measurement Location LT-2 on Thursday, December 2, 2021

5.0 Analysis and Recommendations

5.1 Exterior Noise Environment

5.1.1 Noise and Land Use Compatibility

As shown in Section 4.0, the project site boundary along San Pablo Avenue is exposed to exterior noise levels of up to L_{DN} 71 dBA. Based on the El Cerrito General Plan Noise and Land Use Compatibility Guidelines presented in Figure 1, the noise environment at the project site is “Conditionally Acceptable” for residential uses. The design features outlined in Section 0 are intended to reduce the interior noise environment attributable to environmental noise sources consistent with the California Building Code criteria presented in Section 3.0.

5.1.2 Exterior Amenity Space Noise

Per Municipal Code Section 19.21.050.B.2.a, noise levels in occupied outdoor residential spaces should not exceed L_{DN} 60 dBA.

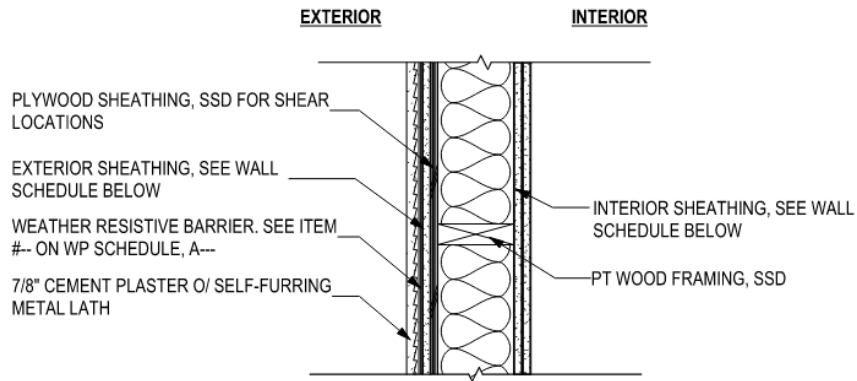
The project includes two exterior residential areas including the second-floor elevated courtyard and the fifth-floor shared balcony (which faces northeast). This analysis is based on the assumption that balconies at these areas are solid and do not include any gaps or openings.

CSDA estimates that future noise levels in the project’s exterior amenity spaces may exceed L_{DN} 60 dBA but are not expected to exceed L_{DN} 65 dBA. Per Municipal Code Section 19.21.050.B.2.a, we recommend requesting the El Cerrito Planning Commission to admit an allowance for exterior residential areas of L_{DN} 65 dBA. (In our experience L_{DN} 65 dBA is very typical for exterior residential spaces in urban areas).

Environmental noise levels in the ground-floor outdoor patio area are estimated to be up to L_{DN} 60 dBA, which is conditionally acceptable for this use. Noise insulation features required for interior spaces to comply with the applicable standards presented in Section 3.0 are provided below in Section 0. Interior Noise Levels from Exterior Noise

To meet the California Building Code standards of L_{DN} 45 dBA for residential interiors and El Cerrito’s General Plan standard of L_{EQ-1hr} 45 dBA for commercial spaces, sound-rated windows are required at building facades. Additionally, El Cerrito’s Municipal Code states the maximum instantaneous noise levels in bedrooms be 50 dBA and 55 dBA for other spaces. In our analysis, we found the STC rating calculated with the L_{DN} noise levels will suffice to meet El Cerrito’s maximum instantaneous noise level code. The recommended STC ratings for the north, east, west, and south-facing facades are shown in Figure 10 through Figure 18. Please note the following:

- Calculations are based on the floor plans and elevations from the 50% Design Development set drawings dated October 24, 2022.
- In our calculations, we assumed a STC 45 exterior wall construction based on Detail AA/A500, see Figure 9 below.
- Typical construction grade windows achieve STC 28.
- Typical exterior entry doors with gasketing and a door bottom/shoe (swing doors) achieve STC 28.
- The STC rating of operable fenestration corresponds to performance in the closed position, which halts natural ventilation; therefore, fresh air must be provided using an active mechanical (e.g., HVAC) or passive (e.g., stack-effect) system. The mechanical engineer should review this recommendation.
- The recommended STC ratings need to be refined if the design changes.



WALL TYPE	FIRE RATING	STC RATING	DESIGN #	STUD DEPTH	INSUL.	EXTERIOR SHEATHING	INTERIOR SHEATHING	NOTES
AA1	2 HR	N/A	WP8105	6x,SSD	R-21	(1) LAYER 5/8" TYPE X GWB	(2) LAYER 5/8" TYPE-X GWB	-

AA WALL TYPE AA - W/ CEMENT PLASTER

Figure 9: Exterior wall (Detail AA/A500)



Figure 10: Recommended STC Ratings – South Facade

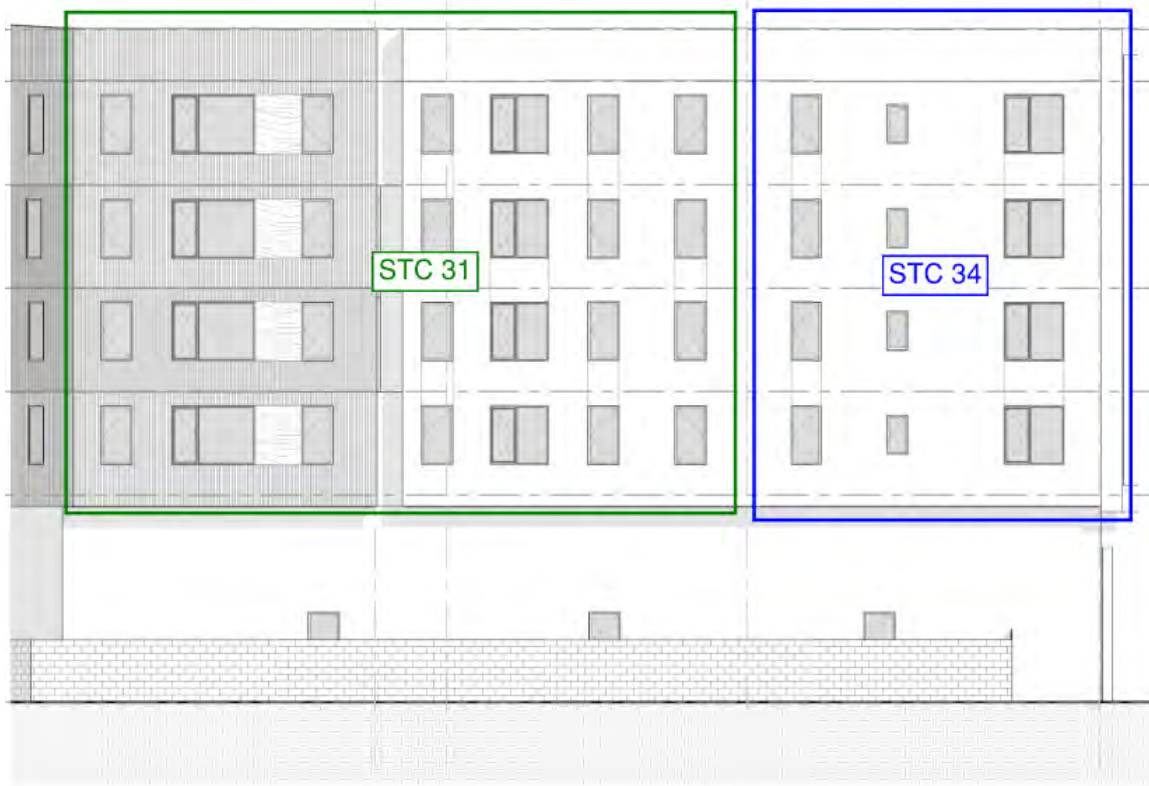


Figure 11: Recommended STC Ratings – West Facade

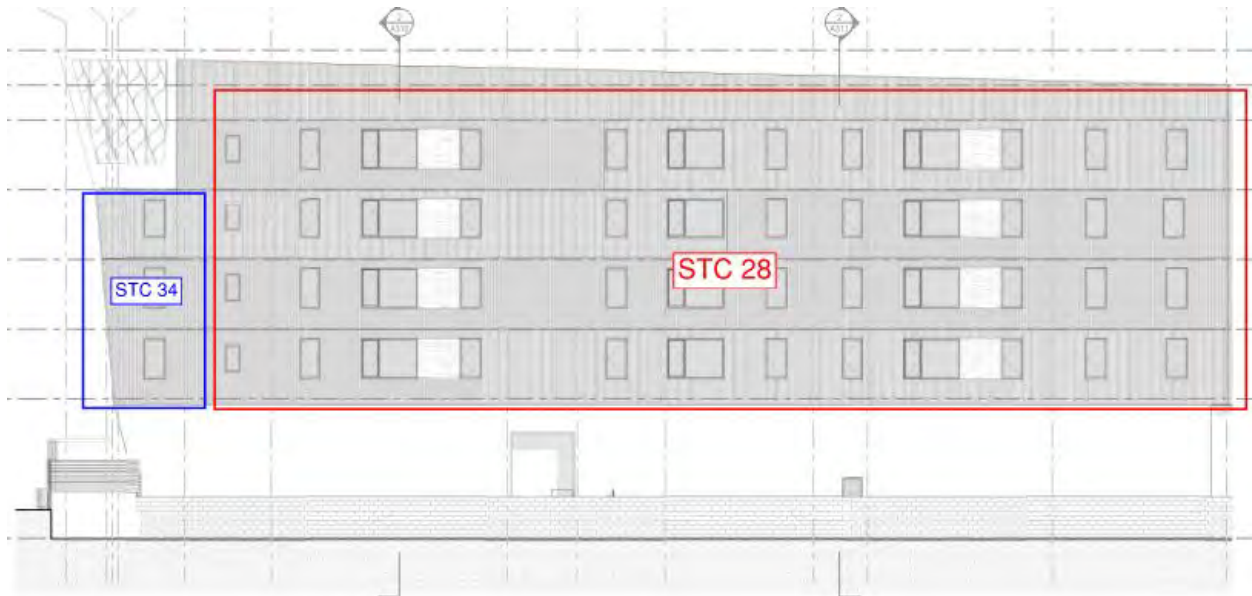


Figure 12: Recommended STC Ratings –North- West Facade

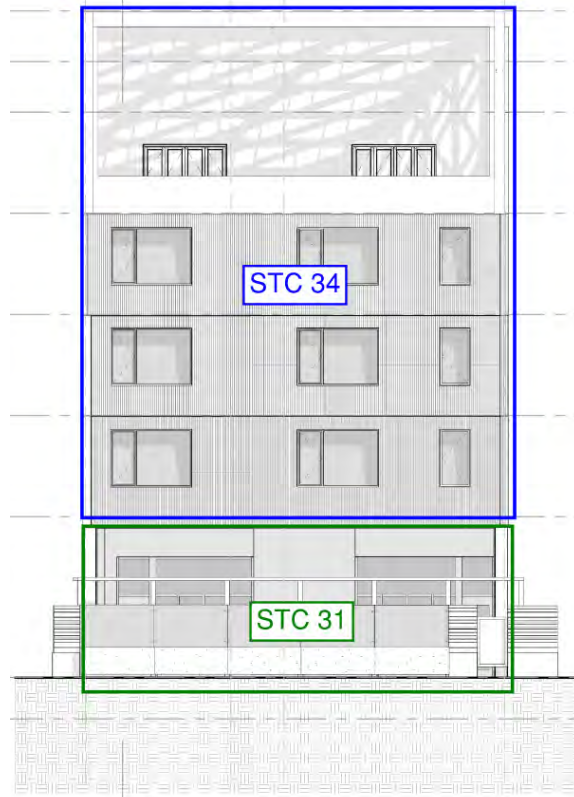


Figure 13: Recommended STC Ratings – North-East Facade

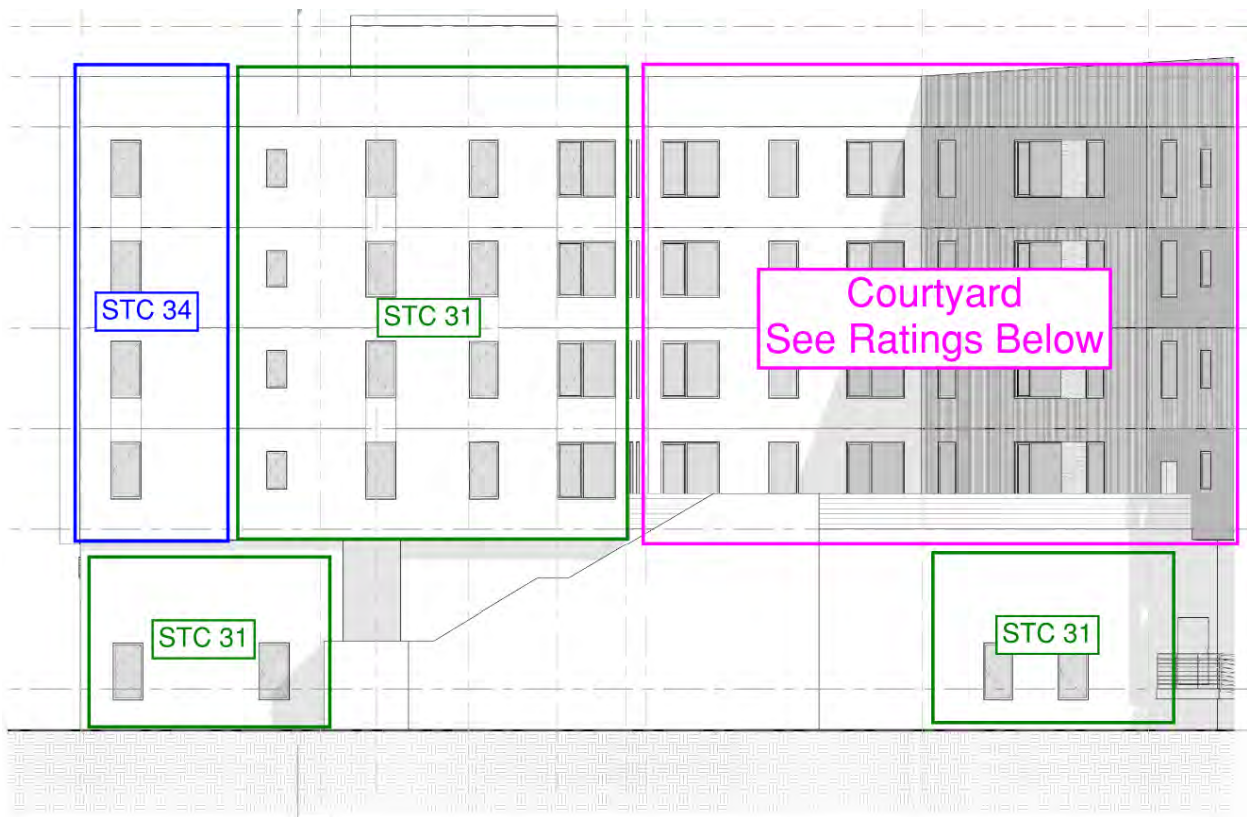


Figure 14: Recommended STC Ratings – East Facade

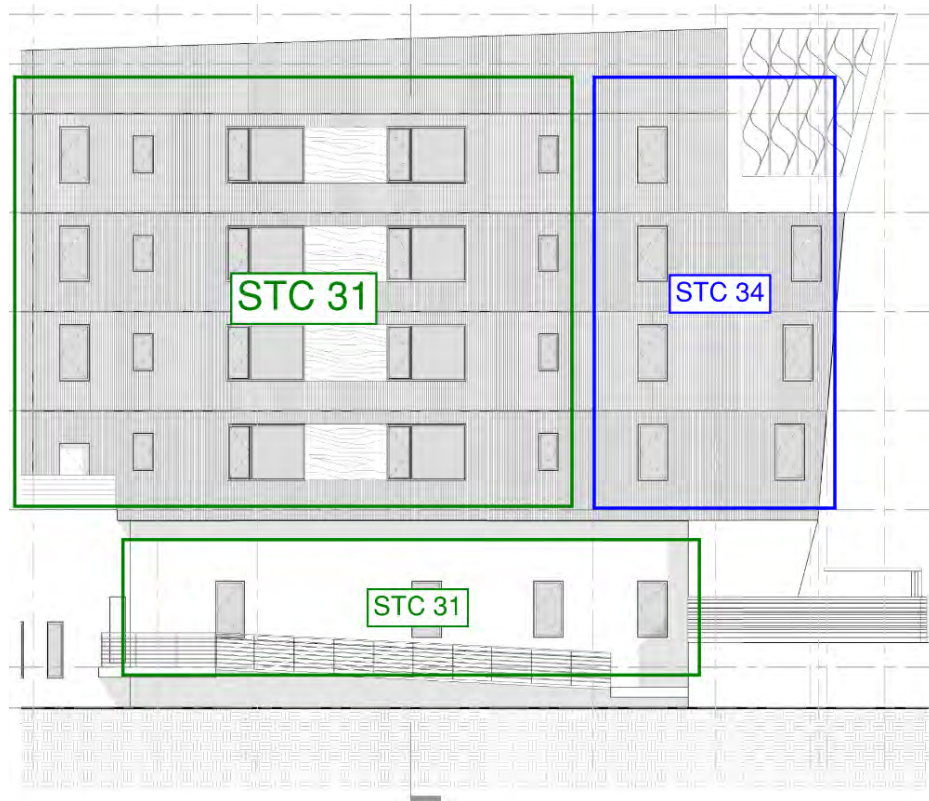


Figure 15: Recommended STC Ratings – East 2 Facade

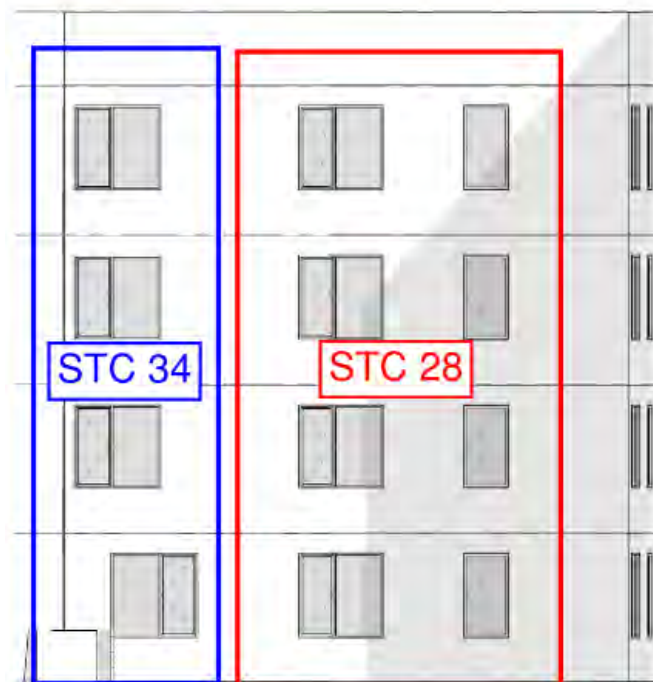


Figure 16: Recommended STC Ratings – North Courtyard Facade

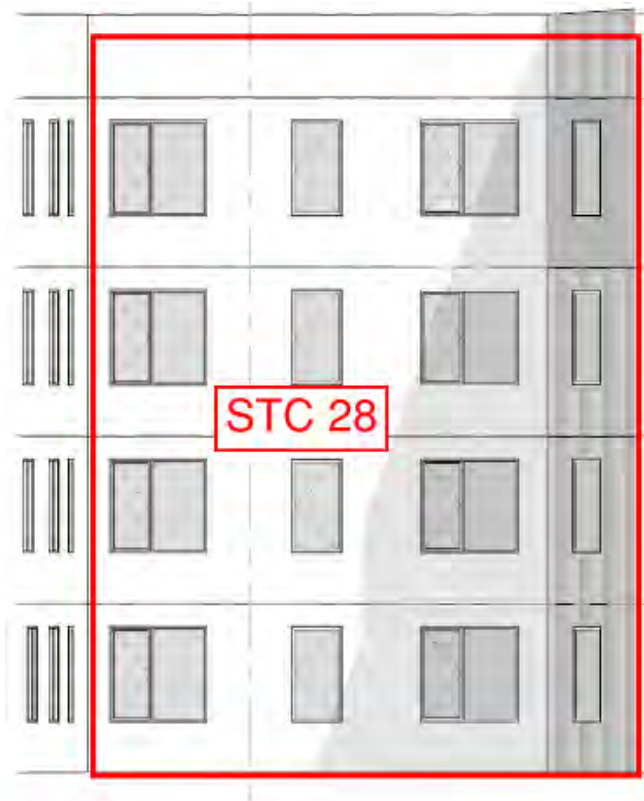


Figure 17: Recommended STC Ratings – East Courtyard Façade

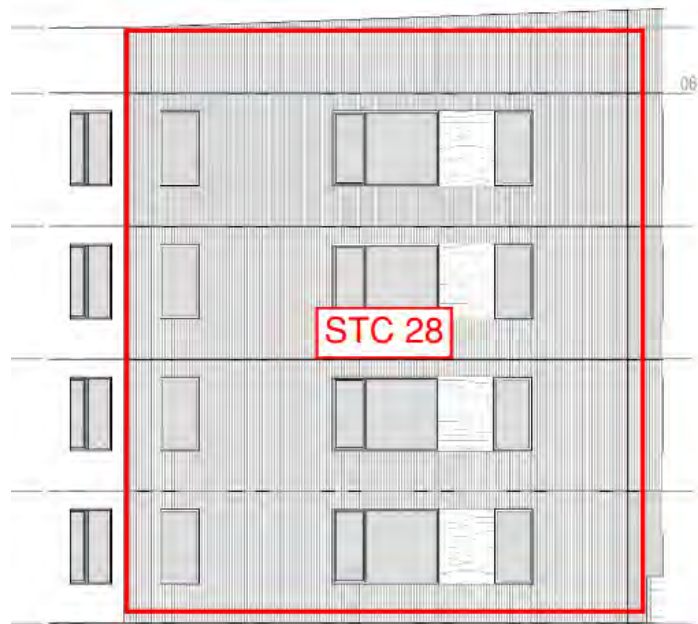


Figure 18: Recommended STC Ratings – South-East Courtyard Façade

This concludes our environmental noise study for at 6111,6115 Potrero Avenue/11335 San Pablo Avenue in El Cerrito; please contact us with any questions.

6.0 Appendix A: Acoustical Definitions, References, and Terminology

A-Weighted Sound Level (dBA): A standard frequency weighting that filters the microphone signal in a manner which compares relative loudness of various sounds. A-weighting is standardized by the American National Standards Institute (ANSI). A 10-dB increase in sound level is generally perceived to be approximately twice as loud. All noise data in this report are A-weighted.

Decibel (dB): The most generally used logarithmic scale for describing sound levels. A decibel value denotes the ratio between two quantities that are proportional to power; the decibel value is ten times the logarithm (to the base 10) of this ratio. The term "Sound Level," "Noise Level" and "Sound Pressure Level" (SPL) all imply a standardized reference level near the threshold of human hearing (0 decibels).

Day/Night Average Sound Level (L_{dn} or DNL): A descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a 10 dB penalty applied to noise occurring during the nighttime hours (10 pm to 7 am) to account for the increased sensitivity of people during sleeping hours. A 10 dB increase in sound level is perceived by people to be twice as loud.

Sound Transmission Class (STC): A single number used to rate how well a building partition (wall, floor/ceiling assembly, door) attenuates airborne sound.

L_{Eq} : Equivalent continuous sound level that would contain the same sound energy as the time varying sound level.