



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Staff Liaison

Sean Moss | 510.215.4330
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AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

September 18, 2024 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 Erin Gillett; Members Daniel Hamilton, Leslie Mendez, Abhijeet Singh, and Nathan Tincclair
- 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 June 20, 2024 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. PUBLIC HEARING: FINAL SUBDIVISION MAP, 1715 ELM STREET**
Application: PL24-0033
Applicant: Harmeet Anand
Location: 1715 Elm Street
APN: 502-112-038
Zoning: RM-PD (Multi-family Residential - Planned Development)
General Plan: High Density Residential
Request: Planning Commission consideration of a Final Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure on the parcel (Chapter 18.16, ECMC).

CEQA: An Initial Study/Mitigated Negative Declaration was prepared and adopted for the project pursuant to the California Environmental Quality Act.

**7. PUBLIC HEARING: EXTENTION OF TIER IV DESIGN REVIEW APPROVAL,
10919 SAN PABLO AVENUE**

Application: PL24-0083
Applicant: Wang Brothers Investments LLC
Location: 10919 San Pablo Avenue
APN: 509-120-001, -013, -014, -015
Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
Request: Planning Commission consideration of a request for an extension of the Planning Commission's and Design Review Board's approval of Tier IV Design Review for a new building containing 90 residential units and 2,998 square feet of commercial space (Section 19.32.100, ECMC).
CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182.

8. STAFF COMMUNICATIONS

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

9. 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.



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DEPARTMENT**

Staff Liaison

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MINUTES

**REGULAR MEETING OF THE
PLANNING COMMISSION**

June 20, 2024 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 Erin Gillett; Members Daniel Hamilton, and Leslie Mendez. Members Abhijeet Singh and Nathan Tinclear had an excused absence.
2. **COUNCIL/STAFF LIAISON ANNOUNCEMENTS AND REPORTS**
Nothing was reported.
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**
No speakers addressed the Commission.
4. **ADOPTION OF MINUTES**
Moved/Second: Commissioners Mendez/Gillett. **Action:** Passed a motion to adopt the May 29, 2024 special meeting minutes.
Ayes: Gillett, Mendez, Navarrete,
Noes: None
Abstain: Hamilton
Absent: had an excused absence
5. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**
Nothing was reported.
6. **PUBLIC HEARING: CONDITIONAL USE PERMIT – 157 ASHBURY**
Application: PL24-0037
Applicant: Jack Backus
Location: 157 Ashbury Ave.
APN: 504-224-001
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 setback for an existing single-family house (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.
The applicant, Jack Backus, presented the project.

The public hearing was opened.

No speakers addressed the Commission.

The public hearing was closed.

Moved/Second: Commissioners Navarrete/Mendez. **Action:** Passed a motion to approve a Conditional Use Permit for expanding a nonconforming side setback for an existing single-family house at 157 Ashbury Avenue.

Ayes: Gillett, Hamilton, Mendez, Navarrete

Noes: None

Abstain: None

Absent: Singh, Tinclair

7. PUBLIC HEARING: CONDITIONAL USE PERMIT – 8455 BUCKINGHAM

Application: PL24-0036

Applicant: Danica Zoran

Location: 8455 Buckingham Drive

APN: 505-181-024

Zoning: RS-10 (Single family Residential)

General Plan: Very Low Density Residential

Request: Planning Commission consideration of a Conditional Use Permit to allow the construction of a 7' high, wire mesh deer fence along the side and rear property line, and a 6' high metal fence in the front setback for an existing single-family house.

CEQA: This project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines, Class 3: New Construction or Conversion of Small Structures.

Associate Planner Diego Romero presented the staff report.

Michael McFadden, the project architect, presented the project.

The public hearing was opened.

No speakers addressed the Commission.

The public hearing was closed.

Moved/Second: Commissioners Hamilton/Mendez. **Action:** Passed a motion to approve a Conditional Use Permit to allow the construction of a 7' high, wire mesh deer fence along the side and rear property line, and a 6' high metal fence in the front setback for an existing single-family house at 8455 Buckingham Drive with modifications to the findings to note that deer intrude into the property.

Ayes: Gillett, Hamilton, Mendez, Navarrete

Noes: None

Abstain: None

Absent: Singh, Tinclair

8. STAFF COMMUNICATIONS

Senior Planner Jeff Ballantine updated the Commission on the option for youth membership on the Commission, The El Cerrito Plaza BART Station Transit Oriented Development project, the upcoming community meeting for the Safety Element update, the upcoming library community meeting, and the adoption of the City's budget.

9. ADJOURNMENT

7:58 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 June 20, 2024, as approved by the Planning Commission.

Sean Moss, Staff Liaison



Community Development Department
Planning Division
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 | planning@ci.el-cerrito.ca.us

PLANNING COMMISSION STAFF REPORT
September 18, 2024

1715 ELM STREET FINAL SUBDIVISION MAP

DETAILS

Application Number: PL24-0033

Applicant: Harmeet Anand

Location: 1715 Elm Street

APN: 502-112-038

Zoning: RM-PD (Multi-family Residential –
Planned Development)

General Plan: High Density Residential

Request: Planning Commission consideration of a Final Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure on the parcel (Chapter 18.16, ECMC).

CEQA: An Initial Study/Mitigated Negative Declaration was prepared and adopted for the project pursuant to the California Environmental Quality Act.

EXECUTIVE SUMMARY

The requested action before Planning Commission is to verify conformance of a Final Subdivision Map with the previously approved Tentative Subdivision Map to allow the creation of fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure on the parcel.

The Tentative Subdivision Map was approved by the Planning Commission on March 20, 2024.

Based on the information in this report, which supports the required findings, staff recommend approval of the project.

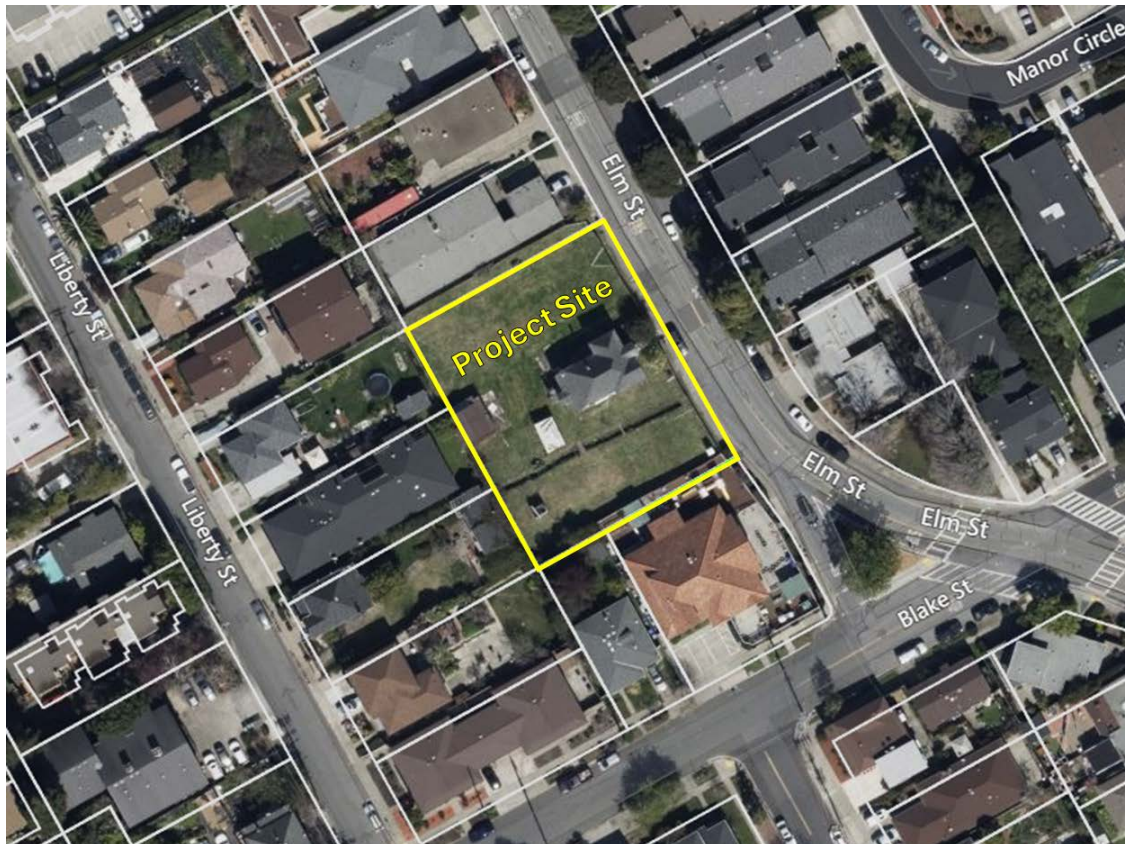
Background

Site Characteristics and Neighborhood Context

The project site is an 18,450 square foot lot that is relatively flat, slightly sloping downwards to the west from Elm Street. The site has been entitled for construction of 14 new residential units (see Previous Entitlements section, below) which are nearing completion. The project site previously contained only a single-family house, built in 1897, which has been relocated to the south side of the site as part of the approved project. A creek that is a tributary of Baxter Creek runs through the middle of the property from the northeastern side of the property down to the southwestern side in a rock-lined channel.

The project site is located within a quarter mile of the El Cerrito del Norte BART station, the AC Transit 72R Rapid Bus line, and the Ohlone Greenway. The land uses of the existing neighborhood are an eclectic mix of single-family dwellings, duplexes, a charter school campus, and multifamily dwellings all within a two-block radius of this site. The surrounding multifamily residential buildings are two to three stories and generally range from five residential units to 20 residential units each.

Vicinity Map



Adjacent Designations and Land Uses

North: Multi-Family Residential (RM) Zoning and High Density Residential General Plan designation. Single-family residential building.

East: Multi-Family Residential (RM) Zoning and High Density Residential General Plan designation. Duplexes.

South: Multi-Family Residential (RM) Zoning and High Density Residential General Plan designation. Keystone Montessori School and a single-family residential building.

West: Multi-Family Residential (RM) Zoning and High Density Residential General Plan designation. Single-family residential buildings and a duplex.

Previous Approvals

In 2005, the Edward and Loretta Biggs Revocable Trust submitted a development application to construct a multifamily residential building with 14 residential units and to relocate and renovate the existing house at 1715 Elm Street (Planning Application No. 6133). This development application included requests to rezone the property to PD (Planned Development); a Planned Development Use Permit; Design Review; and a Development Agreement.

On April 16, 2014, the Planning Commission adopted an Initial Study and Mitigated Negative Declaration (Resolution PC14-06) and approved the Planned Development Use Permit for the project (Resolution PC14-07). This Use Permit approval included relief of Zoning Ordinance requirements for setbacks from property line and creek, maximum building height, and minimum vehicle parking spaces.

On April 28, 2014, Howdy Goudey, Robin Mitchell, Jason Hasley, Keystone Montessori School, Linda Shehabi, Dan & Henia Pines and Julia Lucia filed an appeal of the Planning Commission's Planned Development Use Permit approval for the project. On August 19, 2014, the City Council adopted an Initial Study and Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project (Resolution 2014-44). On September 12, 2014, the City Council denied the appeal and upheld the Planning Commission's approval of the Planned Development Use Permit (Resolution 2014-45). On October 7, 2014, the City Council rezoned 1715 Elm Street to a Planned Development zoning district (Ordinance 2014-03) and approved a Development Agreement (Ordinance 2014-04) for the project.

On April 17, 2014, the California Department of Fish and Wildlife (CDFW) issued a Streambed Alteration Agreement for the project to install a new concrete headwall at the downstream end of the existing channel, remove two pedestrian bridges, and install a new pedestrian bridge.

On January 7, 2015, the Design Review Board granted design review approval of the project. On January 20, 2015, Howdy Goudey and Robin Mitchell filed an appeal of the Design Review Board approval of the design review application. On March 18, 2015, the Planning Commission denied the appeal and upheld the Design Review Board's design review approval of this project (Resolution PC15-02). On March 26, 2015, Howdy Goudey and Robin Mitchell filed an appeal of the Planning Commission decision. On May 19, 2015, the City Council denied the appeal and upheld the Planning Commission's design review approval of the project (Resolution 2015-40).

On April 21, 2022, a building permit (BD18-0782) was issued for the new multi-family building, and construction is now nearing completion. On September 8, 2021, a building permit (BD21-0172) was also issued for the relocation and restoration of the existing house on the property, and that effort is also nearing completion.

On March 20, 2024, the Planning Commission approved a Tentative Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure on the parcel.

Analysis

Final Map

The California Government Code and the El Cerrito Municipal Code include relevant sections regarding the requirements of Tentative and Final Subdivision Maps and the role of the Planning Commission regarding purview of the Final Subdivision Map, respectively.

California Government Code Sections 66444 – 66450 contain requirements for the preparation and filing of tentative and final subdivision maps.

Section 18.16.140 of the El Cerrito Municipal Code requires the Planning Commission to verify conformance of the Final Map with the Tentative Map along with all changes permitted and all requirements imposed as a condition to its acceptance. If the Planning Commission finds the Final Map is in compliance with the Tentative Map and all changes and conditions have been met, then “it shall certify its approval thereon and shall transmit said map to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council” (Section 18.16.140, ECMC). If it cannot, it shall advise the subdivider of the changes or additions that must be made for such purposes and shall allow the applicant time to make the necessary changes.

The proposed project consists of a new multifamily residential building with 14 residential units and the relocation, restoration, and conversion of an existing house into a museum, art studio, offices, or similar community-center type use. As stated above, the project has already received approvals for a rezone of the property to PD (Planned Development), a Planned Development Use Permit, a Development Agreement, and Design Review. The Tentative Subdivision Map was previously approved by Planning Commission to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure on the parcel

No substantial changes are proposed and as such City staff, including the City surveyor, have reviewed the proposed Final Map (Attachment 2) and have found that the Final Map is in conformance with the Tentative Map.

Compliance with the General Plan

The proposed project is consistent with the following goals and policies of the El Cerrito General Plan:

LU1.2 Multifamily Neighborhoods. Ensure that new development in multifamily neighborhoods supports, rather than detracts from the existing residential character of the area.

The proposed project is consistent with the multi-family and single-family residential character of the surrounding neighborhood. The project will feature 14 residential units that will face the street add to surveillance of the street and integrate well into the surrounding community.

LU1.3 Quality of Development. Ensure that all multifamily or mixed-use development in residential areas addresses compatibility and quality of life issues.

The proposed project is consistent and compatible with the surrounding multi-family and single family residential neighborhood. The project has been reviewed thoroughly to ensure that it will not negatively impact the surrounding neighborhood.

LU1.5 Suitable Housing. Promote suitably located housing and services for all age groups within the city.

The project proposes 14 new residential units. This housing type will provide new multi-family housing opportunities nearby the Del Norte BART Station.

LU1.7 Maximum Density. Maintain the maximum multifamily density at 35 dwelling units per acre, except as otherwise provided in this Plan.

The density of the proposed project is 33 units/acre.

CD1.3 High-Quality Design. Encourage higher-quality design through the use of well-crafted and maintained buildings and landscaping, use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

The architecture of the proposed multifamily residential building has been designed to reflect but not mimic the existing single-family house on the project site. The roof pitch of the dormers is consistent with the roof pitch of the existing house, and while the materials are not the same, the appearance of the materials as well as their colors are consistent with the existing main building. The proposed building interacts with Elm Street by providing an interesting variation in form and mass (as opposed to monolithic). The elevations include vertical architectural elements and horizontal color bands. Balconies and trellises have been added to soften the interface with the street. The proposed project will largely maintain the aesthetics of the existing building, while providing additional landscaping, common open space, doors, and windows that will enhance the aesthetics of the building and the site. The project design was considered and approved by the City Council on May 9, 2015, to ensure high-quality materials and design.

CD1.9 Building Design. A variety of attractive images will be achieved by encouraging a variety of building styles and designs, within a unifying context of consistent “pedestrian” scale along streets and compatibility among neighboring land uses.

The project will add new multi-family housing next to surrounding residential uses. As described above for General Plan Policy CD1.3 (High-Quality Design), the proposed multifamily residential building provides an interesting variation in form and mass with a variety of building projections and recesses. The elevations include vertical architectural elements and horizontal color bands. Balconies and trellises have been added to soften the interface with the street.

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.

The residential units will include doors, windows, and private open spaces that face Elm Street which will allow for surveillance of the street.

CD3.2 Usable Open Spaces. Require the provision of usable open space in the form of ground-floor patios, upper-floor decks, and balconies, as well as common recreational facilities.

The residential units will feature private open spaces (ground level yards or an upper-level balcony). The project also features landscaped public open space.

CD3.3 Site Landscaping. Improve the appearance of the community by requiring aesthetically designed screening and landscaping on public and private sites. Ensure that public landscaping includes entry areas, street medians, parks, and schools. Require landscaping for all private sites, yard spaces, parking lots, plazas, courtyards, and recreational areas.

The project proposes substantial new landscaping throughout the site, including new trees and plants along all four edges of the property, and new plants and trees along both sides of the creek. Many of the plants are native or drought tolerant. The proposed landscaping will aesthetically enhance the project site.

CD4.2 Building Articulation. Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes.

Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

The proposed building facades are well-articulated. The project design was considered and approved by the City Council on May 9, 2015, to ensure high-quality materials and design.

CD5.1 Design Review Process. Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single-family homes on existing lots).

The City Council conducted design review of the project and granted approval as required.

H1.6 Retain existing residential zoning and discourage non-residential uses in these zones. The City will strictly enforce the Zoning Code which states that non-residential uses in residential areas are limited to churches, daycares, and schools.

The use of the site as multi-family residential and community center type use for the existing house are permitted and conditionally permitted uses, respectively, under the underlying RM zoning district and the Planned Development (PD) zoning district approved for the site.

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 September 8, 2024. No public comments were received prior to the publication of this report.

Environmental Review

Approval of final subdivision maps is a ministerial action and is statutorily exempt from review under the California Environmental Quality Act pursuant to Section 15268(b)(3).

In addition, an Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) was approved by the Planning Commission on April 16, 2014, and by the City Council on August 19, 2014 for the development project associated with the Final Subdivision Map. Impacts identified in the Initial Study and Mitigated Negative Declaration as “Environmental Factors Potentially Affected” included: hazard and hazardous materials, utilities/service systems, cultural resources, hydrology/water quality, noise, air quality and geology. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures.

Required Findings

Section 18.16.140 of the El Cerrito Municipal Code requires the Planning Commission to verify conformance of the Final Map with the Tentative Map along with any requirements imposed as a condition to its acceptance. Staff proposes the following findings for approval:

1. The Final Subdivision Map and its attachments are found to be in conformance with the Tentative Subdivision Map.
2. The project is consistent with the El Cerrito General Plan and will implement the following policies of the General Plan: LU1.2, LU1.3, LU1.5, LU1.7, CD1.3, CD1.9, CD2.1, CD3.2, CD3.3, CD4.2, CD5.1, and H1.6.

3. Approval of the Final Subdivision Map would allow the creation of fourteen condominium residential units within a multifamily residential building and one commercial condominium unit within a separate structure, and the proposal is consistent with the purposes of the RM district where it is located and conforms in all significant respects with the El Cerrito General Plan.

Staff Recommendation

Based on the information contained in this report, staff recommends that the Planning Commission find that the Final Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure at 1715 Elm Street conforms with the approved Tentative Subdivision Map as conditioned; and therefore, recommend approval of the Final Subdivision Map to City Council.

Proposed Motion

1. Move adoption of Planning Commission Resolution PC2024-12 verifying conformance with an approved tentative subdivision and recommending City Council approval of a Final Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure at 1715 Elm Street.

Attachments

1. Draft Resolution
2. Final Subdivision Map

Planning Commission Resolution PC2024-12

APPLICATION NO. PL24-0033

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION VERIFYING CONFORMANCE WITH AN APPROVED TENTATIVE SUBDIVISION AND RECOMMENDING CITY COUNCIL APPROVAL OF A FINAL SUBDIVISION MAP TO CREATE FOURTEEN CONDOMINIUM RESIDENTIAL UNITS WITHIN A MULTIFAMILY RESIDENTIAL BUILDING AND TO CREATE ONE COMMERCIAL CONDOMINIUM UNIT WITHIN A SEPARATE STRUCTURE AT 1715 ELM STREET

WHEREAS, the site is located at 1715 Elm Street; and

WHEREAS, the existing Assessor's Parcel Number of the site is 502-112-038; and

WHEREAS, the General Plan land use classification of the site is High Density Residential; and

WHEREAS, the zoning district of the site is RM-PD (Multi-family Residential – Planned Development); and

WHEREAS, in 2005, the Edward and Loretta Biggs Revocable Trust submitted a development application to construct a multifamily residential building with 14 residential units and to relocate and renovate the existing house at 1715 Elm Street (Planning Application No. 6133) that included requests to rezone the property to PD (Planned Development); a Planned Development Use Permit; Design Review; and a Development Agreement; and

WHEREAS, on April 16, 2014, the Planning Commission adopted an Initial Study and Mitigated Negative Declaration (Resolution PC14-06) and approved the Planned Development Use Permit for the project (Resolution PC14-07) including relief of Zoning Ordinance requirements for setbacks from property line and creek, maximum building height, and minimum vehicle parking spaces; and

WHEREAS, on April 17, 2014, the California Department of Fish and Wildlife (CDFW) issued a Streambed Alteration Agreement for the project to install a new concrete headwall at the downstream end of the existing channel, remove two pedestrian bridges, and install a new pedestrian bridge; and

WHEREAS, on April 28, 2014, Howdy Goudey, Robin Mitchell, Jason Hasley, Keystone Montessori School, Linda Shehabi, Dan & Henia Pines and Julia Lucia filed an appeal of the Planning Commission's Planned Development Use Permit approval for the project; and

WHEREAS, on September 12, 2014, the City Council denied the appeal and upheld the Planning Commission's approval of the Planned Development Use Permit (Resolution 2014-45); and

WHEREAS, an Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) was approved by the Planning Commission on April 16, 2014, and by the City Council on August 19, 2014; and

WHEREAS, on October 7, 2014, the City Council rezoned 1715 Elm Street to a Planned Development zoning district (Ordinance 2014-03) and approved a Development Agreement (Ordinance 2014-04) for the project; and

WHEREAS, on January 7, 2015, the Design Review Board granted design review approval of the project; and

WHEREAS, on January 20, 2015, Howdy Goudey and Robin Mitchell filed an appeal of the Design Review Board approval of the design review application; and

WHEREAS, on March 18, 2015, the Planning Commission denied the appeal and upheld the Design Review Board's design review approval of this project (Resolution PC15-02); and

WHEREAS, on March 26, 2015, Howdy Goudey and Robin Mitchell filed an appeal of the Planning Commission approval of the design review application; and

WHEREAS, on May 19, 2015, the City Council denied the appeal and upheld the Planning Commission's design review approval of the project (Resolution 2015-40); and

WHEREAS, on September 17, 2019, the City Council adopted Ordinance 2019-08 approving an amendment to the Development Agreement that extended the Development Agreement for 5 years, to November 1, 2024, and required the project to comply with El Cerrito Municipal Code Chapter 19.30 (Inclusionary Zoning); and

WHEREAS, on March 11, 2021, Thompson Development submitted an application for a Tentative Subdivision Map to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure; and

WHEREAS, on March 30, 2023, Thompson Development submitted a letter authorizing Harmeet Anand and S&H Incorporated to assume ownership of this Tentative Subdivision Map application as the new property owner of the project site; and

WHEREAS, on March 20, 2024, the Planning Commission approved the Tentative Subdivision Map; and

WHEREAS, the project is statutorily exempt from review under the California Environmental Quality Act pursuant to Section 15268(b)(3) an Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) was approved by the Planning Commission on April 16, 2014, and by the City Council on August 19, 2014 for the development project associated with the Final Subdivision Map; and

WHEREAS, approval of the Final Subdivision Map is governed by Sections 66444 – 66450 of the State of California Government Code (Subdivision Map Act) and Title 18, Divisions of Land, of the El Cerrito Municipal Code; and

WHEREAS, the staff report includes facts determining that the Final Map is in conformity with the requirements of Title 18 of the El Cerrito Municipal Code; further, it conforms with the Tentative Subdivision Map, including all changes permitted and all requirements imposed as a condition to its acceptance; and

WHEREAS, the Final Subdivision Map is consistent with the Zoning Ordinance, General Plan, and San Pablo Avenue Specific Plan of the City of El Cerrito; and

WHEREAS, on September 18, 2024, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The Final Subdivision Map and its attachments are found to be in conformance with the Tentative Subdivision Map.
2. The project is consistent with the El Cerrito General Plan and will implement the following policies of the General Plan: LU1.2, LU1.3, LU1.5, LU1.7, CD1.3, CD1.9, CD2.1, CD3.2, CD3.3, CD4.2, CD5.1, and H1.6.
3. Approval of the Final Subdivision Map would allow the creation to create fourteen condominium residential units within a multifamily residential building and to create one commercial condominium unit within a separate structure and the proposal is consistent with the purposes of the RM district where it is located and conforms in all significant respects with the El Cerrito General Plan.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby finds the Final Subdivision Map is in conformity with the requirements of Title 18 of the El Cerrito Municipal Code in that it conforms with the Tentative Subdivision Map including all changes permitted and all requirements imposed as a condition to its acceptance and hereby recommends approval of the Final Subdivision Map to the City Council.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on September 18, 2024, upon motion of Commissioner _____, second by Commissioner _____:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Moss, AICP
Planning Manager

OWNERS’ STATEMENT

THE UNDERSIGNED DOES HEREBY STATE THAT IT IS THE OWNER OF ALL THE LAND DELINEATED AND EMBRACED WITHIN THE DISTINCTIVE BOUNDARY LINES ON THE HEREIN EMBODIED MAP, THAT IT IS THE OWNER BY VIRTUE OF THE GRANT DEED RECORDED DECEMBER 8, 2021, AS DOCUMENT NUMBER 2021-0334274, CONTRA COSTA COUNTY OFFICIAL RECORDS, AND DOES HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP.

THE THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: ON AND OVER THOSE STRIPS OF LAND DESIGNATED HEREON AS "SIDEWALK EASEMENT".

OWNER: S AND H ELM STREET LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____ BY: _____
NAME: _____ NAME: _____
TITLE: _____ TITLE: _____

OWNERS ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULLNESS, ACCURACY, OR VALIDITY OF THE THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,

SIGNATURE: _____

PRINTED NAME: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

MY PRINCIPAL PLACE OF BUSINESS: _____ COUNTY

OWNERS ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULLNESS, ACCURACY, OR VALIDITY OF THE THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,

SIGNATURE: _____

PRINTED NAME: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

MY PRINCIPAL PLACE OF BUSINESS: _____ COUNTY

TRUSTEE’S STATEMENT

THE UNDERSIGNED, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED DECEMBER 8, 2021, UNDER RECORDER’S SERIAL NUMBER. 2021-0334275, CONTRA COSTA COUNTY RECORDS, DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNER’S STATEMENT AND TO ALL DEDICATIONS THEREIN.

FREMONT BANK, A CALIFORNIA CORPORATION

BY: _____ BY: _____
NAME: _____ NAME: _____
TITLE: _____ TITLE: _____

TRUSTEE’S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULLNESS, ACCURACY, OR VALIDITY OF THE THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,

SIGNATURE: _____

PRINTED NAME: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

MY PRINCIPAL PLACE OF BUSINESS: _____ COUNTY

TRUSTEE’S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULLNESS, ACCURACY, OR VALIDITY OF THE THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,

SIGNATURE: _____

PRINTED NAME: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

MY PRINCIPAL PLACE OF BUSINESS: _____ COUNTY

SUBDIVISION 9675
A ONE LOT SUBDIVISION FOR
FOR CONDOMINIUM PUPOSES

PORTION OF LOTS 12, 13 AND 14, BLOCK B,
MAP OF SCHMIDT VILLAGE (C M 70)
CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

KISTER, SAVO & REI, INC. LAND SURVEYORS
PINOLE, CALIFORNIA
JULY 2024

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I CERTIFY AS CHECKED BELOW THAT:

☐ A TAX BOND ASSURING THE PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT NOT PAYABLE, HAS BEEN RECEIVED AND FILED WITH BOARD OF SUPERVISORS, CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

☐ ALL TAXES DUE HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF CONTRA COSTA.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY

OF _____, 20____.

MONICA NINO
CLERK OF THE BOARD OF SUPERVISORS AND
COUNTY ADMINISTRATOR, CONTRA COSTA
COUNTY, STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

COUNTY RECORDER’S STATEMENT

FILED THIS _____ DAY OF _____, 20____, AT _____ M.

IN BOOK _____ OF MAPS AT PAGES _____, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

KRISTEN B. CONNELLY
COUNTY RECORDER, COUNTY OF CONTRA
COSTA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

P:\projects\20267\DWGS\SURVEY\R-2060 240717.DWG 8/05/24

SUBDIVISION 9675

A ONE LOT SUBDIVISION FOR FOR CONDOMINIUM PUPOSES

PORTION OF LOTS 12, 13 AND 14, BLOCK B,
MAP OF SCHMIDT VILLAGE (C M 70)
CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

KISTER, SAVO & REI, INC. LAND SURVEYORS
PINOLE, CALIFORNIA
JULY 2024

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF S AND H ELM STREET LLC, IN AUGUST 2023. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL SET IN THOSE POSITIONS BEFORE DECEMBER 2024, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DATE: _____

BY: **DRAFT FOR REVIEW ONLY**

PATRICK M. REI
L.S. NO. 8178



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT SAID MAP CONFORMS TO CHAPTER 2 OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF TENTATIVE MAP APPROVAL.

DATE: _____

BY: _____

YVETTEH ORTIZ, R.C.E. 62368 (CA)
CITY ENGINEER,
CITY OF EL CERRITO, CALIFORNIA

CITY CLERK'S STATEMENT

I, HOLLY M. CHARLEY, CITY CLERK OF THE CITY OF EL CERRITO, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP CONSISTING OF TWO (2) SHEETS AND ENTITLED "SUBDIVISION 9675 WAS PRESENTED TO THE CITY COUNCIL OF THE CITY OF EL CERRITO AT A REGULAR MEETING HELD ON THE _____ OF _____, 20____, DID DULY APPROVE SAID MAP AND DID ACCEPT ON BEHALF OF THE PUBLIC THE SIDEWALK EASEMENT OFFERED FOR DEDICATION TO THE PUBLIC, WHICH IS SPECIFIED IN THE OWNER'S STATEMENT"

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY

OF _____, 20____.

BY: _____

HOLLY M. CHARLEY
CITY CLERK
CITY OF EL CERRITO, CALIFORNIA

CONSULTANT CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I BENJAMIN H. SANTOS, CONSULTING CITY SURVEYOR OF THE CITY OF EL CERRITO, STATE OF CALIFORNIA, HAVE EXAMINED THE MAP OF SUBDIVISION 9675, AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: _____

BY: _____

BENJAMIN H. SANTOS, P.L.S. 9251
CONSULTING CITY SURVEYOR,
CITY OF EL CERRITO, CALIFORNIA

CITY PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT THE PLANNING COMMISSION OF THE CITY OF EL CERRITO, STATE OF CALIFORNIA, APPROVED THE TENTATIVE MAP ON _____, UPON WHICH THIS FINAL MAP IS BASED.

DATE: _____

BY: _____

SEAN MOSS
PLANNING MANAGER
CITY OF EL CERRITO, CALIFORNIA

GEOTECHNICAL REPORT

A GEOTECHNICAL INVESTIGATION REPORT HAS BEEN PREPARED BY GEC CONSULTING CORPORATOPN, DATED NOVEMBER 7, 2013, PROJECT 125-001, AND IS ON FILE AT THE CITY OF EL CERRITO.

SUBDIVISION 9675
A ONE LOT SUBDIVISION FOR
FOR CONDOMINIUM PUPOSES

PORTION OF LOTS 12, 13 AND 14, BLOCK B,
MAP OF SCHMIDT VILLAGE (C M 70)
CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

KISTER, SAVO & REI, INC. LAND SURVEYORS
PINOLE,
SCALE: 1" = 20'
CALIFORNIA
JULY 2024

NOTES:

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. ALL TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
3. SUBJECT TO THE FOLLOWING:
 - A. DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE EDWARD AND LORETTA BIGGS REVOCABLE TRUST DATED MARCH 22, 2011, FOR 1715 ELM STREET RECORDED SEPTEMBER 30, 2016, AS DOCUMENT NUMBER 2016-0202282 AND THE FIRST AMENDMENT THERETO RECORDED NOVEMBER 21, 2019, AS DOCUMENT NUMBER 2019-0209606, CONTRA COSTA COUNTY RECORDS.
 - B. CITY OF EL CERRITO RESOLUTION 2021-40 INCLUDING EXHIBIT A RECORDED JULY 14, 2022, AS DOCUMENT NUMBER 2022-0112997, CONTRA COSTA COUNTY RECORDS.

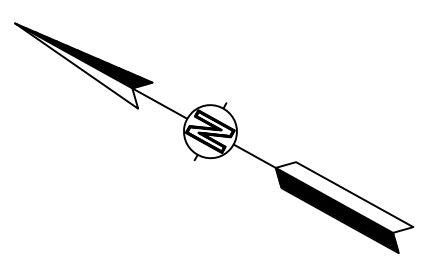
BASIS OF BEARINGS

THE BEARING S 29° 00' 00" E BETWEEN TWO STANDARD STREET MONUMENTS ON ELM STREET AS SHOWN ON THE PARCEL MAP FILED DECEMBER 9, 1971, IN BOOK 19 OF PARCEL MAPS AT PAGE 44, CONTRA COSTA COUNTY RECORDS.

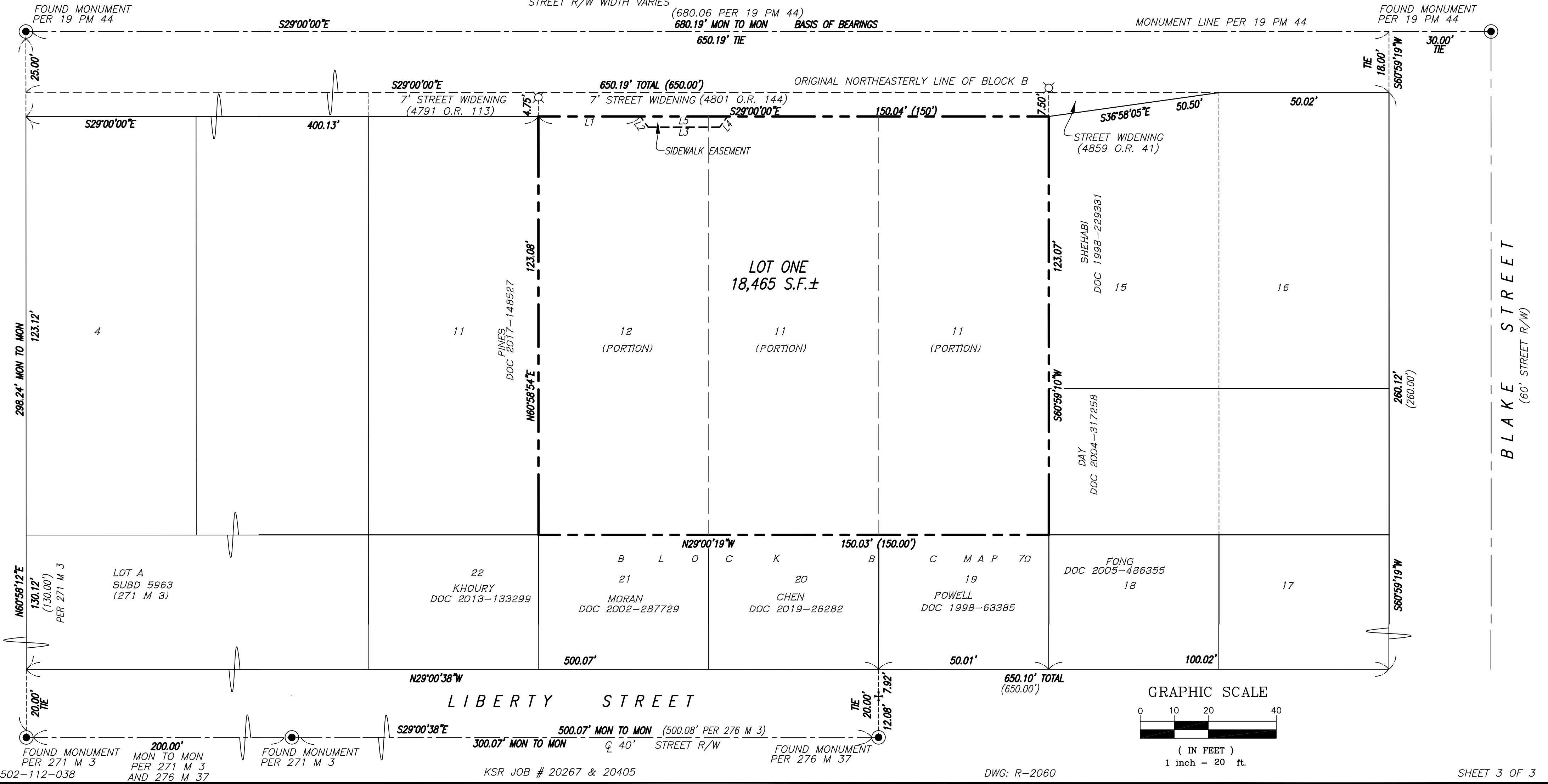
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S29°00'00"E	29.95
L2	S24°29'55"W	3.90
L3	S29°00'00"E	21.02
L4	S82°29'55"E	3.90
L5	N29°00'00"W	25.66

LEGEND

- = FOUND 2" BRASS DISC SURVEY MONUMENT PER MAP NOTED
- ⊗ = SET NAIL & TAG, L.S. No. 8178
- () = RECORD PER C M 70
- ⊕ = FOUND CUT CROSS NOT OF RECORD
- = DISTINCTIVE BOUNDARY LINE
- - - - - = CENTER LINE
- = LOT OR RIGHT OF WAY LINE
- - - - - = LOT LINE TO BE REMOVED BY THIS SUBDIVISION
- - - - - = TIE LINE
- CL = CENTER LINE
- DOC = DOCUMENT
- M = TIE LINE
- MON = MONUMENT
- O.R. = OFFICIAL RECORD
- PM = PARCEL MAP
- R/W = RIGHT OF WAY
- S.F. = SQUARE FEET



ELM STREET
STREET R/W WIDTH VARIES



P:\projects\20267\DWGS\SURVEY\R-2060 240717.DWG 8/05/24
APN: 502-112-038
KSR JOB # 20267 & 20405
DWG: R-2060
SHEET 3 OF 3



Community Development Department
Planning and Building Division
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 | planning@ci.el-cerrito.ca.us

PLANNING COMMISSION STAFF REPORT

September 18, 2024

10919 SAN PABLO AVE EXTENSION

DETAILS

Application Number: PL24-0083

Applicant: Wang Brothers Investments LLC

Location: 10919 San Pablo Avenue

APN: 509-120-001, -013, -014, -015

Zoning: Transit-Oriented Mid-Intensity
Mixed Use (TOMIMU)

General Plan: Transit-Oriented Mid-
Intensity Mixed Use (TOMIMU)

Request: Planning Commission
consideration of a request for an extension
of the Planning Commission's and Design
Review Board's approval of Tier IV Design
Review for a new building containing 90
residential units and 2,998 square feet of
commercial space (Section 19.32.100, ECMC).

CEQA: This project has been found to be
consistent with the Program Environmental
Impact Report prepared for the San Pablo
Avenue Specific Plan, pursuant to CEQA
Guidelines Sections 15168(c) and 15182.

EXECUTIVE SUMMARY

The Tier IV Design Review (PL17-0112) for the project at 10919 San Pablo Avenue was originally approved by the Planning Commission and the Design Review Board in 2019. On October 20, 2021, the Planning Commission approved revisions (PL21-0226) to this Tier IV Design Review approval including a revision to the first-floor plan to accommodate a reduction of parking from 68 to 45 spaces, and changes to the Conditions of Approval to implement additional and modified Transportation Demand Management (TDM) measures.

On December 5, 2022, the Zoning Administrator approved a two-year extension of the Tier IV Design Review approval, extending it to November 29, 2024. Since that time, escalating construction and labor costs and reduced demand for rental units have altered the economics of developing projects in El Cerrito.

Based on the information in this report, which supports the required findings, staff recommends approval of the requested extension.

Background

Site Location and Layout

The project site is located on the northwest corner of San Pablo Avenue and Alameda Avenue. The site is comprised of four parcels (APNs 509-120-001, -013, -014, -015). The site is 22,804 square feet (0.52 acres) in size. The site previously contained a former auto repair shop (Marty's Motors), garage door supplier shop (Connor's Overhead Door), two single-family homes, and a vacant single-story commercial structure. These former structures have now been demolished pursuant to a demolition permit.

Vicinity Map



Existing Public Right-of-Way

The site has approximately 96 feet of street frontage along San Pablo Avenue and 189 feet along Alameda Avenue. The existing sidewalk on San Pablo Avenue is approximately 17 feet wide and the existing right-of-way improvements feature a wayfinding sign that was installed as part of the San Pablo Avenue streetscape project. The existing sidewalk on Alameda Avenue is approximately 12 feet wide.

Existing/Previous Land Use

The site is currently vacant, and previously housed a garage door supplier shop (Connor's Overhead Door), two single-family homes, and a vacant single-story commercial structure, and an auto repair shop (Marty's Motors).

Adjacent Land Uses

North: El Cerrito Village Apartments (TOMIMU)

East: San Pablo Avenue (Assemblies of God Church and El Cerrito Police Department is located across San Pablo Avenue) (TOMIMU)

South: Auto Repair Shop (Midas) (CM-3 Commercial Mixed-Use, City of Richmond)

West: Single and multi-family residential (RL2 Single-Family Low Density Residential and RM1 Multifamily Residential, City of Richmond)

Previous Entitlements

The Tier IV Design Review for the project (PL17-0112) was approved by the Planning Commission on May 29, 2019 (Resolution PC2019-08) and approved by the Design Review Board (Resolution DRB2019-08) on July 3, 2019. On October 20, 2021, the Planning Commission approved revisions (application PL21-0226 and Resolution PC2021-15) to this Tier IV Design Review approval including a revision to the first-floor plan to accommodate a reduction of parking from 68 to 45 spaces, and changes to the Conditions of Approval to implement additional and modified Transportation Demand Management (TDM) measures.

Previous Extensions

The original Planning Commission approval of PL17-0112 (Resolution PC2019-08) was made on May 29, 2019 and was set to expire on May 29, 2021. On September 28, 2020, the California Governor signed AB 1561 extending by 18 months the period for expiration for housing entitlements in effect by March 4, 2020 that would expire before December 31, 2021; thus extending this Tier IV Design Review approval to November 29, 2022. On December 5, 2022, the Zoning Administrator adopted Resolution ZA2022-03 approving a two-year extension of the Tier IV Design Review approval of the project, extending the approval to November 29, 2024.

Analysis

Overall Project Description

The entitled project consists of 90 residential units in one 5-story building totaling approximately 65,795 square feet. The building will front onto the corner of San Pablo Avenue and Alameda Avenue with a ground-level parking garage that includes mechanically stacked parking spaces. The building will face San Pablo Avenue, and the building lobby and bike storage will be accessible from Alameda Avenue. The ground floor will feature two commercial spaces facing San Pablo Avenue. Vehicular access to the parking garage with 45 parking spaces will be provided from Alameda Avenue. The rooftop would feature a central firepit with seating, as well as additional outdoor furniture on the roof deck. In addition, the roof deck would be programmed with amenities, such as a grilling area, table tennis, pool table, television area with shade trellis, and low planters along the outer edges of the roof.

Project Rendering



Application Request

The project applicant requests a two-year extension of Tier IV Design Review approval (PL17-0112). Due to the market conditions with increased construction cost, labor cost and lower demand for rental units since the project was approved in 2019, it has been challenging for the applicant to develop the project. The applicant is optimistic that these market conditions will improve within the next two years, such that they are able to develop the project.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times, mailed to owners of property within 300 feet of the project site on September 7, 2024. No public comments were received prior to the publication of this report.

Environmental Review

A Program Environmental Impact Report (program EIR) was certified for the San Pablo Avenue Specific Plan in 2014. This type of environmental documentation is authorized by section 15168 of the California Environmental Quality Act (CEQA) Guidelines for use in documenting the environmental impacts of specific plans, and other planning "programs." As explained in the CEQA Guidelines, a program EIR is useful in evaluating the potential environmental impacts of a project that involves a series of interrelated actions that can reasonably be characterized as a single project. Subsequent activities that fall within the scope of the program may not be subject to further environmental review if the environmental effects of the subsequent activity have been adequately addressed in the program EIR. CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR.

An Initial Study Checklist was prepared for this project. The responses contained in the checklist confirm that the project is considered within the scope of the evaluation completed for the program EIR. No new impacts were identified. The proposed revisions do not modify the analysis contained in the previously prepared checklist.

Compliance with the General Plan

The project is consistent with and will implement the El Cerrito General Plan. Upon approval of the original project, it was determined to be consistent with the General Plan policies listed below. The proposed revisions to the project do not alter this analysis.

LU1.5: Suitable Housing. Promote suitably located housing and services for all age groups within the city. Within the San Pablo Avenue Specific Plan area, allow ground floor residential development and increased land use intensity close to existing transit infrastructure to promote residential infill development and catalyze mode shift.

The project will provide 90 new housing units on San Pablo Avenue, with close proximity to public transportation and commercial uses. The infill project is in a location in close proximity to existing transit lines on San Pablo Avenue and the El Cerrito del Norte BART station.

LU2.1: 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.

In accordance with the goals of the San Pablo Avenue Specific Plan, the proposed project will add housing units and ground floor commercial space to San Pablo Avenue which will promote a balanced mixture of land uses in the corridor. The new residents of the project will support new and existing businesses along San Pablo Avenue.

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 proposed project will enhance the mixture of uses along San Pablo Avenue. The location of the project will provide the residents with convenient access to businesses, parks, schools, public transit and the Ohlone Greenway. The design of the project will allow for surveillance of San Pablo Avenue, enhancing public safety. The project will also provide public open space.

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. On San Pablo Avenue, in many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority.

The location of the project provides convenient access to frequent public transit along San Pablo Avenue as well as the El Cerrito del Norte BART station. The location also provides convenient access to the Ohlone Greenway and local businesses. The project also provides 136 long-term and 22 short-term bicycle parking spaces and contributes its fair share to the San Pablo Avenue Complete Streets program.

CD1.9: Building Design. A variety of attractive images will be achieved by encouraging a variety of building styles and designs, within a unifying context of consistent “pedestrian” scale along streets and compatibility among neighboring land uses.

The proposed project is designed at a pedestrian scale and addresses San Pablo Avenue with building entries and windows along the street.

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 the San Pablo Avenue Specific Plan area to be directly abutting sidewalks, with window openings, entries and high levels of transparency along the pedestrian frontage.

The building will abut the sidewalk or a public plaza on San Pablo Avenue and features ample window openings, decks, and doors along the street. These windows and decks will allow surveillance of streets from the units within the project. The project meets or exceeds the transparency standards of the San Pablo Avenue Specific Plan.

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 San Pablo Avenue Specific Plan implemented standards and requirements for public right-of-way improvements. The project is consistent with the standards and will enhance the adjacent public rights of way in compliance with the San Pablo Avenue Specific Plan.

CD3.2: Usable Open Space. Require the provision of usable open space in the form of ground-floor patios, upper-floor decks, and balconies, as well as common recreational facilities and amenities.

The project features decks on upper floor units. The project also provides common open spaces in the form of a roof deck and provides public open space with a public plaza on San Pablo Avenue.

CD3.12: Landscape Species. Indigenous and drought-tolerant species that reduce water usage and are compatible with El Cerrito's climate are encouraged.

The proposed plant palette includes native, drought-tolerant plants such as Western Redbud, Berkeley Sedge, Morning Light silver grass, and Winter daphne.

CD4.2: Building Articulation. Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

The proposed building is articulated in compliance with the San Pablo Avenue Specific Plan. The building includes a varied façade and interesting building form. The building is designed at a human scale with building entries along San Pablo Avenue and Alameda Avenue.

CD5.1: Design Review Process. Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single-family homes on existing lots).

The proposed project requires Tier IV Design Review. Pursuant to the San Pablo Avenue Specific Plan, both the Planning Commission and the Design Review Board have authority over elements of the Tier IV Design Review Process.

T2.1: Land Use Patterns. Recognize the link between land use and transportation. Promote land use and development patterns that encourage walking, bicycling, and transit use. Emphasize high-density and mixed land use patterns that promote transit and pedestrian travel. Where feasible, emphasize the following land use measures:

1. Promote conveniently located neighborhood complexes that provide housing and commercial services near employment centers and within transit corridors.
2. Promote land use patterns that maximize trip-linking opportunities by assembling uses that allow people to take care of a variety of daily needs.
3. Encourage pedestrian-oriented land use and urban design that can have a demonstrable effect on transportation choices.
4. Direct growth to occur along transit corridors.
5. Encourage retail, commercial, and office uses in ground floor space in combination with upper-floor housing along San Pablo Avenue.

The project will provide 90 new residential units above ground floor commercial space in close proximity to public transportation and local businesses. In accordance with the goals of the San Pablo Avenue Specific Plan, the project will add housing units along San Pablo Avenue, a major transit corridor.

T2.2: Project Design. Projects should be designed to include features that encourage walking, bicycling, and transit use.

The project will provide 136 long-term bicycle parking spaces and 22 short-term bicycle parking spaces. The project will have building entries directly onto San Pablo Avenue that provide convenient access to the adjacent bus stop on San Pablo Avenue and Bayview Avenue.

H2.2: 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 provides high-density housing and commercial space along a transit corridor consistent with the Transit-Oriented Mid-Intensity Mixed Use Transect Zone in the San Pablo Avenue Specific Plan.

H2.3: 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 with the standards of the San Pablo Avenue Specific Plan.

Required Findings

No changes have been made to the project and the findings made by the Design Review Board and Planning Commission in Resolutions DRB2019-08 and PC2021-15, respectively, remain accurate and valid.

Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application No. PL24-0083, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

Move adoption of Planning Commission Resolution PC 2024-13, approving an extension of the Planning Commission's and Design Review Board's approval of Tier IV Design Review (PL17-0112) for a new building containing 90 residential units and 2,998 square feet of commercial space at 10919 San Pablo Avenue until November 29, 2026.

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. Draft resolution
2. Resolution PC2019-08
3. Resolution DRB2019-08

Resolution PC2021-15

Planning Commission Resolution PC2024-13

APPLICATION NO. PL24-0083

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING AN EXTENSION OF THE PLANNING COMMISSION'S AND DESIGN REVIEW BOARD'S APPROVAL OF TIER IV DESIGN REVIEW (PL17-0112) FOR A NEW BUILDING CONTAINING 90 RESIDENTAL UNITS AND 2,998 SQUARE FEET OF COMMERCIAL SPACE AT 10919 SAN PABLO AVENUE UNTIL NOVEMBER 29, 2026.

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

WHEREAS, the zoning district of the site is Transit-Oriented Mid-Intensity Mixed Use; and

WHEREAS, the site is located at 10919 San Pablo Avenue; and

WHEREAS, the existing Assessor's Parcel Number of the site is 509-120-015; and

WHEREAS, on August 7, 2017, submitted an application (PL17-0112) Tier IV Design Review for a new building containing 90 residential units and 2,998 square feet of commercial space at 10919 San Pablo Avenue; and

WHEREAS, on May 29, 2019, the Planning Commission adopted resolution PC 2019-08, granting Tier IV Design Review approval to the project; and

WHEREAS, on July 3, 2019, the El Cerrito Design Review Board adopted Resolution DRB 2019-08, approving the Tier IV Design Review for the project; and

WHEREAS, on September 28, 2020, the California Governor signed AB 1561 extending by 18 months the period for expiration for housing entitlements in effect by March 4, 2020 that would expire before December 31, 2021; thus extending this Tier IV Design Review approval to November 29, 2022; and

WHEREAS, on September 17, 2021, the applicant submitted an application (PL21-0226) for revisions to the previously approved project; and

WHEREAS, on October 20, 2021, the El Cerrito Planning Commission adopted Resolution PC2021-15, approving revisions to the previously approved project; and

WHEREAS, on December 5, 2022, the Zoning Administrator adopted Resolution ZA2022-03 approving a two-year extension of the Tier IV Design Review approval of the project, extending the approval to November 29, 2024; and

WHEREAS, pursuant to Section 2.02.07.06 of the San Pablo Avenue Specific Plan, the El Cerrito Planning Commission, after due consideration of all evidence and reports offered for review, hereby finds and determines that no changes have been made to the project and the findings made by the Design Review Board and Planning Commission in Resolutions DRB2019-08 and PC2021-15, respectively, remain accurate and valid.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby approves Application No. PL24-0083, granting an extension of Tier IV Design Review approval (PL 17-0112) until November 29, 2026, at 10919 San Pablo Avenue, subject to the following conditions of approval:

1. All conditions of approval of Resolutions PC2019-08, DRB2019-08, and PC2021-15 remain in effect.
2. The applicant shall record lot merger PL20-0053 with the Contra Costa County Recorder within 6 months of this Planning Commission approval of PL24-0083. The applicant may request a 6-month extension of this deadline for consideration by the Zoning Administrator.
3. Prior to November 29, 2025, the applicant shall provide an updated development plan to the Zoning Administrator for review and approval.
4. The Planning Commission's and Design Review Board's approval of Tier IV Design Review Application PL17-0112 shall expire on November 29, 2026 unless further extension is granted pursuant to the procedures proscribed by the San Pablo Avenue Specific Plan.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on September 18, 2024, upon motion of Commissioner _____, second by Commissioner _____:

AYES:
NOES:

ABSTAIN:
ABSENT:

Sean Moss, AICP
Planning Manager

Planning Commission Resolution PC 2019-08

APPLICATION NO. PL17-0112

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION GRANTING TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 90 RESIDENTIAL UNITS AND 2,998 SQUARE FEET OF COMMERCIAL SPACE AT 10919 SAN PABLO AVENUE.

WHEREAS, the site is located at 10919 San Pablo Avenue;

WHEREAS, the existing Assessor's Parcel Number of the site is 509-120-015;

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 Mid-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Mid-Intensity Mixed Use and the project is located on a Community Street and a Neighborhood Street;

WHEREAS, on August 7, 2017, the applicant submitted an application for Tier IV Design Review;

WHEREAS, on April 17, 2019, the Planning Commission continued the project to a future meeting; and

WHEREAS, on May 29, 2019, the Planning Commission, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project is consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182 and is subject to the Program Environmental Impact Report mitigation measures listed below.
2. The project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:

Goal A: Strengthen Sense of Place

Strategy 3: Optimize placemaking in all projects; Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of interest

Goal B: Ensure Return on Investment

Strategy 1: Maximize TOD potential; Strategy 3: Leverage all investments to catalyze new investments

Goal C: Encourage Practical and Market Friendly Development

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

Goal D: Enhance and Humanize Public Realm

Strategy 3: Create new gathering places to serve the needs of existing and new users

Goal E: Catalyze Mode Shift

Strategy 1: Promote infill development through increased land use intensity close to existing transit infrastructure.

3. The project will provide a \$50,000 contribution for Ohlone Greenway enhancements consistent with Ohlone Greenway Master Plan (and pending review by the Parks & Recreation Commission).
4. Except for the building height and shadow standard, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Mid-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Mid-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.
5. The proposed project will add 90 new residential units and 2,998 square feet of commercial space to San Pablo Avenue, enhancing the mix of uses. The project will provide 39 studio units, 27 junior one-bedroom units, 8 one-bedroom units, and 16 two-bedroom units to meet the needs of residents.
6. The project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue, LU4.1: Mixture of Uses, LU6.2: Circulation Alternatives, CD1.9: Building Design, CD2.1: Street Frontages, CD2.3: Streetscape Improvements, CD3.2: Usable Open Space, CD3.12: Landscape Species, CD4.2: Building Articulation, CD5.1: Design Review Process, T2.1: Land Use Patterns, T2.2: Project Design, and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

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. PL17-0112, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated May 23, 2019. 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 these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this design review 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 Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.
7. Prior to the Certificate of Occupancy, the Applicant/Developer shall record an easement on the part of the property that is designated as privately-owned public open space to identify that area for that use in perpetuity, to the satisfaction of the Zoning Administrator. The Applicant/Developer shall also affix permanent, durable signage, to the satisfaction of the Zoning Administrator, in this open space area notifying the community that this area is available for public use from dawn to dusk.
8. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to issuance of building permit.
9. The cost of all automobile parking shall be separate from the sale or rental price of all residential units. All renters and/or buyers of market rate residential units shall be free to not rent and/or purchase parking.
10. 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.
11. The applicant shall ensure the two *Cercis occidentalis* trees in the public plaza on San Pablo Avenue are positioned at planting so that the lower branches do not obstruct the sidewalk.

Conditions based on applicable mitigation measures from the San Pablo Avenue Specific Plan Program EIR:

12. 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.

13. 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 *PM*₁₀ 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 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.
14. Air Quality (Mitigation Measure 5.2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed 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.
15. 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.

16. Historic and Cultural Resources (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.
17. Paleontological Resources (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.

18. 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.

19. Noise (Mitigation Measure 13.1): Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond General Plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA Ldn, the local established land use compatibility threshold. In areas where residential developments would be exposed to an Ldn of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (Ldn) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.
 - a. Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA Ldn from roadway traffic and 70 dBA Ldn from BART noise.
 - b. The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA Ldn should not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower and meet instantaneous noise limits.
 - c. Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn, in order to meet adopted noise standards.
 - d. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.
20. Noise (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 Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the respective City's noise standards.
 - 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.

21. Noise and Land Use Compatibility/Construction Noise (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. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.
 - h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
 - i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.
 - j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.
 - k. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
22. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:
- a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
 - b. Avoid using vibratory rollers and tampers near sensitive areas.
 - c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
 1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
 2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
 3. Design construction contingencies that would be implemented when vibration levels approached the limits.

4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:

23. The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.
24. Prior to the issuance of any construction-related permits, the project sponsor shall enter into a treatment plan with the Wilton Rancheria Tribe to the satisfaction of the Zoning Administrator. The treatment plan shall detail protocols and procedures to be implemented in the event of an inadvertent discovery of any potential tribal resource. The project sponsor shall also retain a construction monitor from the Wilton Rancheria Tribe to be present during all ground disturbing activities.
25. Prior to issuance of a building permit, the following noise reduction features shall be included for the residential facades facing and perpendicular to San Pablo Avenue:
 - Living room and bedroom windows shall have a sound transmission class (STC) rating of 34.
 - Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
 - Interior gypsum at exterior walls shall be 5/8" Type X or Type C hung on resilient channel (RC);
 - Ceiling gypsum shall be 5/8" type X or Type C;
 - Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.
26. Prior to issuance of a certificate of occupancy, the applicant shall submit an application to the Public Works Department for red curb parking restrictions within at least 10 feet of the project driveway to ensure safe sight distance for vehicles exiting the parking garage onto Alameda Avenue.
27. Existing and proposed street trees adjacent to the project driveway shall be trimmed to provide at least six feet of clearance between the lowest branch and the ground at all times.
28. Prior to the issuance of a building permit, the City and Applicant/Developer shall enter into a Memorandum of Understanding (MOU) to implement: 1) Distribution of transit passes (Clipper Cards) to the future tenants of the development with a value of \$3.00 per day per residential unit for the first year of building occupancy; 2) designation of a TDM Coordinator for the building; 3) the creation of the TDM marketing materials and the details of providing tenant education on transportation options. These options include providing user focused maps, additional information about transit fare discounts, car and ride sharing options, carpool opportunities, and events that are focused on walking and bicycling; 4) provision of real-time transit information on an electronic screen or terminal within the project building's entry lobby; 5) provision of an on-site bicycle repair station where maintenance tools and supplies are readily available for use by project building residents and employees; 6) subsidized membership for Zipcar or other comparable carshare services in the amount of \$7.00 per month per residential unit for the first year of building occupancy, with monthly or annual deposit; and 7) in the event that the preceding TDM measures do not achieve the TDM parking reduction estimate of 21

spaces, the building operator would set monthly price per onsite parking space at a rate 10 percent above the average cost of a monthly transit pass.

The Applicant/Developer shall deposit the funds for the Clipper cards and carshare membership into an escrow account that is controlled by the City. Yearly compliance and reporting shall be made by the building manager to the City regarding the implementation and effectiveness of the TDM Plan.

29. If an on-street parking permit program is implemented in the vicinity of the project at a future time, residents of the project shall not be eligible for on-street parking permits.
30. The project applicant shall participate in the Stege Sanitary District's San Pablo Avenue Sewer Capacity Improvement Fee Program.

Public Works Department:

31. The applicant shall not utilize existing raingarden facilities on San Pablo Avenue as a storm water control method.
32. Prior to issuance of a building permit, applicant shall provide a detailed civil plan for off-site work (improvements in the public right-of-way).
33. Applicant shall install mirrors on both sides of the project driveways to aid drivers' and pedestrians' visibility and buzzing system to alert pedestrians when a vehicle is exiting the driveway. Applicant shall also provide truncated domes and proper striping and signs for the protection of pedestrians crossing the proposed driveways.
34. Applicant shall remove any abandoned driveway curb cuts around the property and replace with standard curb, gutter and sidewalk.
35. Storm water control plan and all C.3 measures shall be re-submitted with the building permit set to confirm that the plans comply with most recently adopted Municipal Regional Permit.
36. For any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees. Any sidewalk, curb ramp and driveway work shall meet current ADA and City of El Cerrito Standards.
37. If any new street trees are to be installed, they must be 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.
38. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.
39. Applicant shall provide ADA compliant path of travel along property frontages. Replacement of sidewalk flags along the property frontage is required to meet current City and ADA standards. Some replacement locations may be at the discretion of the Public Works Engineering Manager.
40. Improvements on the property frontage shall comply with the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section, including signage, striping and curb painting.

41. Applicant shall remove and replace sidewalk, curb, gutter and curb ramps along the frontage of the property to current Caltrans ADA Standards and City's standards.
42. Prior to the issuance of a building permit, applicant shall submit 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 submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.
43. Prior the start of ANY work in the public right-of-way, including any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees.
44. Prior to the issuance of a building permit, the 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.
45. Prior to the issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan for construction for review and approval of the Public Works Department.
46. Prior to the issuance of a building permit, the applicant shall submit a complete Stormwater O&M Agreement for the Public Works Department to review and approve.
47. Prior to issuance of a building permit, the applicant shall remove the planters currently blocking the roll-up doors on Alameda Avenue (as shown on Sheet C3) and adjust the Stormwater Control Plan and required C.3 reports where necessary.

Building Division:

48. Compliance with the Building Code and associated codes in effect whenever the building plans are submitted is required.

Fire Department:

49. Compliance with the Fire Code and associated codes in effect whenever the building plans are submitted is required. The following list is provided to assist the Applicant/Development Team with the preparation of the building plans:
 - a. Emergency Vehicle Access
 1. Emergency Vehicle Access (EVA) roads shall be a minimum of 24 feet in width and 13 feet 6 inches of unobstructed vertical clearance with an all-weather driving surface that can support a minimum of 75,000 pounds except in proximity to East Building where the minimum EVA road width shall be 26 feet for aerial apparatus access.
 2. Turf block or similar material may be used to create EVA providing it meets weight requirements.
 3. If gates are installed across EVA roads, gates shall be operable by the use of a Knox Key.
 4. A "KNOX BOX" shall be installed with keys for all common areas.
 - b. Fire Flow Requirements
 1. Provide code analysis of required total firefighting water.

2. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
 3. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
 4. Based on proposed project a minimum of two fire hydrants shall be required and installed in proposed locations.
- c. Fire Sprinkler/Underground
1. Fire riser and FDC locations shall be submitted for review and approval.
 2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
 3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
 4. Fire Sprinkler Plans shall be submitted for review and approval.
 5. Fire system underground pipe plans shall be submitted for review and approval.
- d. Standpipes
1. Standpipes shall be wet.
 2. Standpipes shall extend to the roof where required.
 3. Fire Department valve connections shall be in the intermediate landings of stairwells.
 4. Standpipes shall be located in the stairwells noted on plans with (SP).
- e. Premises Identification
1. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 2. Address shall be either internally or externally illuminated.
- f. Automatic Fire Sprinklers
1. Automatic Fire Sprinklers shall be installed throughout the Complex.
 2. Fire sprinkler plans shall be submitted for review, approval and permit.
- g. Emergency Egress
1. Exit signs shall be internally or externally illuminated.
 2. Emergency electrical system to automatically illuminate means of egress.
- h. Fire Sprinkler / Underground
1. Fire riser and FDC locations shall be submitted for review and approval.
 2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
 3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
 4. Fire Sprinkler Plans shall be submitted for review and approval.
 5. Fire system underground pipe plans shall be submitted for review and approval.
- i. Standpipes
1. Standpipes shall be wet.
 2. Standpipes shall extend to the roof where required.
 3. Fire Department valve connections shall be in the intermediate landings of stairwells.
- j. Smoke & Heat Vents
1. Smoke & heat vents shall be installed on roof above each stairwell.
 2. Smoke & heat vents shall be equipped with fusible link.
 3. Smoke & heat vents shall be equipped with manual release for emergency operations.
- k. Fire alarm System
1. Fire alarm plans shall be submitted for review and approval.
- l. Smoke Detection
1. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 2. Smoke detectors shall be 120v powered with battery backup.
 3. Smoke detectors shall be interconnected when more than one is required per sleeping area.
 4. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.
- m. Carbon Monoxide Detectors

1. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
2. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
3. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.

n. Electrical

1. All electrical breakers shall be labeled.

o. Radio Communications

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

Police Department

50. Prior to issuance of building permit, the Applicant/Developer shall submit a plan for construction site security to the satisfaction of the Police Chief.

Stege Sanitary District:

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

Planning Commission:

52. Prior to issuance of a building permit, the applicant shall revise the plans to replace the two compact parking spaces with secure bicycle parking.
53. Prior to issuance of a building permit, the applicant shall revise the plans to replace the two mechanical rooms on the ground level with scooter or motorcycle parking, as feasible.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on May 29, 2019, upon motion of Commissioner Bloom, second by Commissioner Lucas:

AYES: Bloom, Crump, Gillett, Lucas, Mendez, Navarette

NOES: Hanson

ABSTAIN: None

ABSENT: None



Sean Moss, AICP
Planning Manager

Design Review Board Resolution DRB 2019-08

APPLICATION NO. PL17-0112

A RESOLUTION OF THE CITY OF EL CERRITO DESIGN REVIEW BOARD GRANTING TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 90 RESIDENTIAL UNITS AND 2,998 SQUARE FEET OF COMMERCIAL SPACE AT 10919 SAN PABLO AVENUE.

WHEREAS, the site is located at 10919 San Pablo Avenue;

WHEREAS, the existing Assessor's Parcel Number of the site is 509-120-015;

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 Mid-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Mid-Intensity Mixed Use and the project is located on a Community Street and a Neighborhood Street;

WHEREAS, on August 7, 2017, the applicant submitted an application for Tier IV Design Review;

WHEREAS, on May 29, 2019, the El Cerrito Planning Commission, granted Tier IV Site Plan and Design Review approval to the project; and

WHEREAS, on July 3, 2019, the Design Review Board, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project is consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182 and is subject to the Program Environmental Impact Report mitigation measures listed below.
2. As discussed in the staff report, the project complies with all standards of the San Pablo Avenue Specific Plan, as approved by the Planning Commission.
3. The project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue, LU4.1: Mixture of Uses, LU6.2: Circulation Alternatives, CD1.9: Building Design, CD2.1: Street Frontages, CD2.3: Streetscape Improvements, CD3.2: Usable Open Space, CD3.12: Landscape Species, CD4.2: Building Articulation, CD5.1: Design Review Process, T2.1: Land Use Patterns, T2.2: Project Design, and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

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 Design Review Board hereby approves Application No. PL17-0112, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated June 26, 2019. 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 these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this design review 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 Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.
7. Prior to the Certificate of Occupancy, the Applicant/Developer shall record an easement on the part of the property that is designated as privately-owned public open space to identify that area for that use in perpetuity, to the satisfaction of the Zoning Administrator. The Applicant/Developer shall also affix permanent, durable signage, to the satisfaction of the Zoning Administrator, in this open space area notifying the community that this area is available for public use from dawn to dusk.
8. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to issuance of building permit.
9. The cost of all automobile parking shall be separate from the sale or rental price of all residential units. All renters and/or buyers of market rate residential units shall be free to not rent and/or purchase parking.
10. 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.
11. The applicant shall ensure the two *Cercis occidentalis* trees in the public plaza on San Pablo Avenue are positioned at planting so that the lower branches do not obstruct the sidewalk.

12. Prior to issuance of a building permit, the applicant shall pay the required fee (\$6,102) in-lieu of providing public open space on the project site.

Conditions based on applicable mitigation measures from the San Pablo Avenue Specific Plan Program EIR:

13. 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.

14. 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.
15. Air Quality (Mitigation Measure 5.2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed 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.
16. 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.

17. Historic and Cultural Resources (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.

18. Paleontological Resources (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.

19. 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.
20. Noise (Mitigation Measure 13.1): Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond General Plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA Ldn, the local established land use compatibility threshold. In areas where residential developments would be exposed to an Ldn of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (Ldn) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.
- a. Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA Ldn from roadway traffic and 70 dBA Ldn from BART noise.
 - b. The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA Ldn should not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not

limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower and meet instantaneous noise limits.

- c. Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn, in order to meet adopted noise standards.
- d. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.

21. Noise (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 Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the respective City's noise standards.
- 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.

22. Noise and Land Use Compatibility/Construction Noise (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. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.
- h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.
- j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.
- k. Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g.,

starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

23. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:

- a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
- b. Avoid using vibratory rollers and tampers near sensitive areas.
- c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
 1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
 2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
 3. Design construction contingencies that would be implemented when vibration levels approached the limits.
 4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
 5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
 6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:

24. The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.
25. Prior to the issuance of any construction-related permits, the project sponsor shall enter into a treatment plan with the Wilton Rancheria Tribe to the satisfaction of the Zoning Administrator. The treatment plan shall detail protocols and procedures to be implemented in the event of an inadvertent discovery of any potential tribal resource. The project sponsor shall also retain a construction monitor from the Wilton Rancheria Tribe to be present during all ground disturbing activities.
26. Prior to issuance of a building permit, the following noise reduction features shall be included for the residential facades facing and perpendicular to San Pablo Avenue:
 - Living room and bedroom windows shall have a sound transmission class (STC) rating of 34.
 - Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
 - Interior gypsum at exterior walls shall be 5/8" Type X or Type C hung on resilient channel (RC);
 - Ceiling gypsum shall be 5/8" type X or Type C;

- Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.
27. Prior to issuance of a certificate of occupancy, the applicant shall submit an application to the Public Works Department for red curb parking restrictions within at least 10 feet of the project driveway to ensure safe sight distance for vehicles exiting the parking garage onto Alameda Avenue.
 28. Existing and proposed street trees adjacent to the project driveway shall be trimmed to provide at least six feet of clearance between the lowest branch and the ground at all times.
 29. Prior to the issuance of a building permit, the City and Applicant/Developer shall enter into a Memorandum of Understanding (MOU) to implement: 1) Distribution of transit passes (Clipper Cards) to the future tenants of the development with a value of \$3.00 per day per residential unit for the first year of building occupancy; 2) designation of a TDM Coordinator for the building; 3) the creation of the TDM marketing materials and the details of providing tenant education on transportation options. These options include providing user focused maps, additional information about transit fare discounts, car and ride sharing options, carpool opportunities, and events that are focused on walking and bicycling; 4) provision of real-time transit information on an electronic screen or terminal within the project building's entry lobby; 5) provision of an on-site bicycle repair station where maintenance tools and supplies are readily available for use by project building residents and employees; 6) subsidized membership for Zipcar or other comparable carshare services in the amount of \$7.00 per month per residential unit for the first year of building occupancy, with monthly or annual deposit; and 7) in the event that the preceding TDM measures do not achieve the TDM parking reduction estimate of 21 spaces, the building operator would set monthly price per onsite parking space at a rate 10 percent above the average cost of a monthly transit pass.
- The Applicant/Developer shall deposit the funds for the Clipper cards and carshare membership into an escrow account that is controlled by the City. Yearly compliance and reporting shall be made by the building manager to the City regarding the implementation and effectiveness of the TDM Plan.
30. If an on-street parking permit program is implemented in the vicinity of the project at a future time, residents of the project shall not be eligible for on-street parking permits.
 31. The project applicant shall participate in the Stege Sanitary District's San Pablo Avenue Sewer Capacity Improvement Fee Program.

Public Works Department:

32. The applicant shall not utilize existing raingarden facilities on San Pablo Avenue as a storm water control method.
33. Prior to issuance of a building permit, applicant shall provide a detailed civil plan for off-site work (improvements in the public right-of-way).
34. Applicant shall install mirrors on both sides of the project driveways to aid drivers' and pedestrians' visibility and buzzing system to alert pedestrians when a vehicle is exiting the driveway. Applicant shall also provide truncated domes and proper striping and signs for the protection of pedestrians crossing the proposed driveways.
35. Applicant shall remove any abandoned driveway curb cuts around the property and replace with standard curb, gutter and sidewalk.

36. Storm water control plan and all C.3 measures shall be re-submitted with the building permit set to confirm that the plans comply with most recently adopted Municipal Regional Permit.
37. For any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees. Any sidewalk, curb ramp and driveway work shall meet current ADA and City of El Cerrito Standards.
38. If any new street trees are to be installed, they must be 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.
39. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.
40. Applicant shall provide ADA compliant path of travel along property frontages. Replacement of sidewalk flags along the property frontage is required to meet current City and ADA standards. Some replacement locations may be at the discretion of the Public Works Engineering Manager.
41. Improvements on the property frontage shall comply with the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section, including signage, striping and curb painting.
42. Applicant shall remove and replace sidewalk, curb, gutter and curb ramps along the frontage of the property to current Caltrans ADA Standards and City's standards.
43. Prior to the issuance of a building permit, applicant shall submit 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 submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.
44. Prior the start of ANY work in the public right-of-way, including any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees.
45. Prior to the issuance of a building permit, the 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.
46. Prior to the issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan for construction for review and approval of the Public Works Department.
47. Prior to the issuance of a building permit, the applicant shall submit a complete Stormwater O&M Agreement for the Public Works Department to review and approve.

Building Division:

48. Compliance with the Building Code and associated codes in effect whenever the building plans are submitted is required.

Fire Department:

49. Compliance with the Fire Code and associated codes in effect whenever the building plans are submitted is required. The following list is provided to assist the Applicant/Development Team with the preparation of the building plans:

a. Emergency Vehicle Access

1. Emergency Vehicle Access (EVA) roads shall be a minimum of 24 feet in width and 13 feet 6 inches of unobstructed vertical clearance with an all-weather driving surface that can support a minimum of 75,000 pounds except in proximity to East Building where the minimum EVA road width shall be 26 feet for aerial apparatus access.
2. Turf block or similar material may be used to create EVA providing it meets weight requirements.
3. If gates are installed across EVA roads, gates shall be operable by the use of a Knox Key.
4. A "KNOX BOX" shall be installed with keys for all common areas.

b. Fire Flow Requirements

1. Provide code analysis of required total firefighting water.
2. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
3. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
4. Based on proposed project a minimum of two fire hydrants shall be required and installed in proposed locations.

c. Fire Sprinkler/Underground

1. Fire riser and FDC locations shall be submitted for review and approval.
2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
4. Fire Sprinkler Plans shall be submitted for review and approval.
5. Fire system underground pipe plans shall be submitted for review and approval.

d. Standpipes

1. Standpipes shall be wet.
2. Standpipes shall extend to the roof where required.
3. Fire Department valve connections shall be in the intermediate landings of stairwells.
4. Standpipes shall be located in the stairwells noted on plans with (SP).

e. Premises Identification

1. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
2. Address shall be either internally or externally illuminated.

f. Automatic Fire Sprinklers

1. Automatic Fire Sprinklers shall be installed throughout the Complex.
2. Fire sprinkler plans shall be submitted for review, approval and permit.

g. Emergency Egress

1. Exit signs shall be internally or externally illuminated.
2. Emergency electrical system to automatically illuminate means of egress.

h. Fire Sprinkler / Underground

1. Fire riser and FDC locations shall be submitted for review and approval.
2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
4. Fire Sprinkler Plans shall be submitted for review and approval.
5. Fire system underground pipe plans shall be submitted for review and approval.

i. Standpipes

1. Standpipes shall be wet.
2. Standpipes shall extend to the roof where required.
3. Fire Department valve connections shall be in the intermediate landings of stairwells.
- j. Smoke & Heat Vents
 1. Smoke & heat vents shall be installed on roof above each stairwell.
 2. Smoke & heat vents shall be equipped with fusible link.
 3. Smoke & heat vents shall be equipped with manual release for emergency operations.
- k. Fire alarm System
 1. Fire alarm plans shall be submitted for review and approval.
- l. Smoke Detection
 1. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 2. Smoke detectors shall be 120v powered with battery backup.
 3. Smoke detectors shall be interconnected when more than one is required per sleeping area.
 4. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.
- m. Carbon Monoxide Detectors
 1. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
 2. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
 3. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
- n. Electrical
 1. All electrical breakers shall be labeled.
- o. Radio Communications
 1. Radio frequency signal strength analysis shall be conducted throughout the building.
 2. If radio signal strength deficiencies are identified, signal boosters shall be installed to achieve adequate signal strength and boosters shall be maintained.

Police Department

50. Prior to issuance of building permit, the Applicant/Developer shall submit a plan for construction site security to the satisfaction of the Police Chief.

Steger Sanitary District:

51. This applicant shall pay all applicable sewer connection fees pursuant to Section 7.3 of the Steger Sanitary District Ordinance Code.

Design Review Board:

52. Prior to issuance of a building permit, the north elevation on Sheet A4.0 shall be revised so that the wood screen at the entrance lobby on the north elevation is extended to the ground and is aligned with the edge of the entrance door, consistent with the project renderings.
53. Prior to issuance of a building permit, the east elevation on Sheet A4.0 shall be revised so that the surface identified as the location of a mural is aligned with the vertical elements on the upper floors.
54. Prior to issuance of a building permit, the door to Commercial Space 1b shall be revised to be a double door and the position of the door shall be modified to be consistent with the project renderings.
55. Prior to issuance of a building permit, the renderings shall be revised to show three-pane wide window assemblies consistent with the elevations on Sheet A4.0.

56. Prior to issuance of a building permit, a canopy and clerestory window system shall be added to the north elevation on Sheet A4.0 near the garage entry.
57. Sand-finished cement plaster shall be permitted as an alternative to the fiber cement panels shown on the exterior elevations.

CERTIFICATION

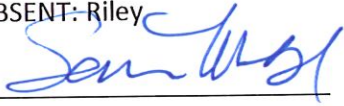
I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on July 3, 2019, upon motion of Boardmember Groch, second by Boardmember Li:

AYES: Chuaqui, Groch, Li, Thompson

NOES: None

ABSTAIN: None

ABSENT: Riley



Sean Moss, AICP
Planning Manager

Planning Commission Resolution PC 2021-15

APPLICATION NO. PL21-0226

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION AMENDING A TIER IV DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 90 RESIDENTIAL UNITS AND 2,998 SQUARE FEET OF COMMERCIAL SPACE AT 10919 SAN PABLO AVENUE.

WHEREAS, the site is located at 10919 San Pablo Avenue;

WHEREAS, the existing Assessor's Parcel Number of the site is 509-120-015;

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 Mid-Intensity Mixed Use;

WHEREAS, the zoning district of the site is Transit-Oriented Mid-Intensity Mixed Use and the project is located on a Community Street and a Neighborhood Street;

WHEREAS, on May 29, 2019, the Planning Commission adopted resolution PC19-08, granting Tier IV Design Review approval to the project;

WHEREAS, on July 3, 2019, the Design Review Board granted Tier IV Design Review approval to the project;

WHEREAS, on September 17, 2021, the applicant submitted an application to revise the previously approved project;

WHEREAS, on October 20, 2021, the Planning Commission, conducted a duly noticed public hearing and after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The project is consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182 and is subject to the Program Environmental Impact Report mitigation measures listed below.
2. The project will implement the following goals and strategies of the San Pablo Avenue Specific Plan:

Goal A: Strengthen Sense of Place

Strategy 3: Optimize placemaking in all projects; Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of interest

Goal B: Ensure Return on Investment

Strategy 1: Maximize TOD potential; Strategy 3: Leverage all investments to catalyze new investments

Goal C: Encourage Practical and Market Friendly Development

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

Goal D: Enhance and Humanize Public Realm

Strategy 3: Create new gathering places to serve the needs of existing and new users

Goal E: Catalyze Mode Shift

Strategy 1: Promote infill development through increased land use intensity close to existing transit infrastructure.

3. The project will provide a \$50,000 contribution for Ohlone Greenway enhancements consistent with Ohlone Greenway Master Plan (and pending review by the Parks & Recreation Commission).
4. Except for the building height, shadow, and upper-floor ceiling height standards, the project is consistent with the standards of the San Pablo Avenue Specific Plan and the standards of the Transit Oriented Mid-Intensity Mixed Use Transect Zone. The proposed land uses are permitted in the Transit Oriented Mid-Intensity Mixed Use Transect Zone and the project is compatible with the land uses permitted throughout the San Pablo Avenue Specific Plan.
5. The proposed project will add 90 new residential units and 2,998 square feet of commercial space to San Pablo Avenue, enhancing the mix of uses. The project will provide 39 studio units, 27 junior one-bedroom units, 8 one-bedroom units, and 16 two-bedroom units to meet the needs of residents.
6. The project will implement the following policies of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue, LU4.1: Mixture of Uses, LU6.2: Circulation Alternatives, CD1.9: Building Design, CD2.1: Street Frontages, CD2.3: Streetscape Improvements, CD3.2: Usable Open Space, CD3.12: Landscape Species, CD4.2: Building Articulation, CD5.1: Design Review Process, T2.1: Land Use Patterns, T2.2: Project Design, and Policies H2.2, and H2.3 of Housing Element Goal H2: New Housing Development.

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 Design Review Board hereby approves Application No. PL21-0226, modifying the conditions of approval of Resolution PC19-08 as follows:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated May 23, 2019, as amended by the plans received on September 17, 2019. 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 these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this design review 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 Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.
7. Prior to the Certificate of Occupancy, the Applicant/Developer shall record an easement on the part of the property that is designated as privately-owned public open space to identify that area for that use in perpetuity, to the satisfaction of the Zoning Administrator. The Applicant/Developer shall also affix permanent, durable signage, to the satisfaction of the Zoning Administrator, in this open space area notifying the community that this area is available for public use from dawn to dusk.
8. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to issuance of building permit.
9. The cost of all automobile parking shall be separate from the sale or rental price of all residential units. All renters and/or buyers of market rate residential units shall be free to not rent and/or purchase parking.
10. 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.
11. The applicant shall ensure the two *Cercis occidentalis* trees in the public plaza on San Pablo Avenue are positioned at planting so that the lower branches do not obstruct the sidewalk.

Conditions based on applicable mitigation measures from the San Pablo Avenue Specific Plan Program EIR:

12. 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.

13. 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 *PM*₁₀ 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.
14. Air Quality (Mitigation Measure 5.2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed 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.
15. 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.

16. Historic and Cultural Resources (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.
17. Paleontological Resources (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.

18. 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.
19. Noise (Mitigation Measure 13.1): Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond General Plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA Ldn, the local established land use compatibility threshold. In areas where residential developments would be exposed to an Ldn of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (Ldn) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.
 - a. Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA Ldn from roadway traffic and 70 dBA Ldn from BART noise.
 - b. The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA Ldn should not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower and meet instantaneous noise limits.
 - c. Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn, in order to meet adopted noise standards.
 - d. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.
20. Noise (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 Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business—including loading docks, refuse areas, and ventilation systems—would meet these requirements and would be consistent with the respective City's noise standards.

- 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.
21. Noise and Land Use Compatibility/Construction Noise (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. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.
 - h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
 - i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.
 - j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.
 - k. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
22. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:
- a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
 - b. Avoid using vibratory rollers and tampers near sensitive areas.
 - c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
 - 1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
 - 2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.

3. Design construction contingencies that would be implemented when vibration levels approached the limits.
4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:

23. The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.
24. Prior to the issuance of any construction-related permits, the project sponsor shall enter into a treatment plan with the Wilton Rancheria Tribe to the satisfaction of the Zoning Administrator. The treatment plan shall detail protocols and procedures to be implemented in the event of an inadvertent discovery of any potential tribal resource. The project sponsor shall also retain a construction monitor from the Wilton Rancheria Tribe to be present during all ground disturbing activities.
25. Prior to issuance of a building permit, the following noise reduction features shall be included for the residential facades facing and perpendicular to San Pablo Avenue:
 - Living room and bedroom windows shall have a sound transmission class (STC) rating of 34.
 - Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
 - Interior gypsum at exterior walls shall be 5/8" Type X or Type C hung on resilient channel (RC);
 - Ceiling gypsum shall be 5/8" type X or Type C;
 - Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.
26. Prior to issuance of a certificate of occupancy, the applicant shall submit an application to the Public Works Department for red curb parking restrictions within at least 10 feet of the project driveway to ensure safe sight distance for vehicles exiting the parking garage onto Alameda Avenue.
27. Existing and proposed street trees adjacent to the project driveway shall be trimmed to provide at least six feet of clearance between the lowest branch and the ground at all times.
28. This approval documents and affirms the Zoning Administrator's approval of a Transportation Demand Management Plan (TDM) Plan, dated August 31 2021, pursuant to San Pablo Avenue Specific Plan Section 2.05.08.05(B). The TDM measures identified in the Plan shall be carried out for the duration of the project. The applicant shall work with City staff to evaluate the performance of TDM measures after 3 to 5 years of full building lease-up and the Zoning Administrator may approve modifications to TDM measures as needed to accomplish the TDM Plan's overall performance objectives.
29. If an on-street parking permit program is implemented in the vicinity of the project at a future time, residents of the project shall not be eligible for on-street parking permits.

30. The project applicant shall participate in the Stege Sanitary District's San Pablo Avenue Sewer Capacity Improvement Fee Program.

Public Works Department:

31. The applicant shall not utilize existing raingarden facilities on San Pablo Avenue as a storm water control method.
32. Prior to issuance of a building permit, applicant shall provide a detailed civil plan for off-site work (improvements in the public right-of-way).
33. Applicant shall install mirrors on both sides of the project driveways to aid drivers' and pedestrians' visibility and buzzing system to alert pedestrians when a vehicle is exiting the driveway. Applicant shall also provide truncated domes and proper striping and signs for the protection of pedestrians crossing the proposed driveways.
34. Applicant shall remove any abandoned driveway curb cuts around the property and replace with standard curb, gutter and sidewalk.
35. Storm water control plan and all C.3 measures shall be re-submitted with the building permit set to confirm that the plans comply with most recently adopted Municipal Regional Permit.
36. For any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees. Any sidewalk, curb ramp and driveway work shall meet current ADA and City of El Cerrito Standards.
37. If any new street trees are to be installed, they must be 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.
38. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.
39. Applicant shall provide ADA compliant path of travel along property frontages. Replacement of sidewalk flags along the property frontage is required to meet current City and ADA standards. Some replacement locations may be at the discretion of the Public Works Engineering Manager.
40. Improvements on the property frontage shall comply with the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section, including signage, striping and curb painting.
41. Applicant shall remove and replace sidewalk, curb, gutter and curb ramps along the frontage of the property to current Caltrans ADA Standards and City's standards.
42. Prior to the issuance of a building permit, applicant shall submit 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 submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.
43. Prior the start of ANY work in the public right-of-way, including any street tree, sidewalk and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees.

44. Prior to the issuance of a building permit, the 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.
45. Prior to the issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan for construction for review and approval of the Public Works Department.
46. Prior to the issuance of a building permit, the applicant shall submit a complete Stormwater O&M Agreement for the Public Works Department to review and approve.
47. Prior to issuance of a building permit, the applicant shall remove the planters currently blocking the roll-up doors on Alameda Avenue (as shown on Sheet C3) and adjust the Stormwater Control Plan and required C.3 reports where necessary.

Building Division:

48. Compliance with the Building Code and associated codes in effect whenever the building plans are submitted is required.

Fire Department:

49. Compliance with the Fire Code and associated codes in effect whenever the building plans are submitted is required. The following list is provided to assist the Applicant/Development Team with the preparation of the building plans:
 - a. Emergency Vehicle Access
 1. Emergency Vehicle Access (EVA) roads shall be a minimum of 24 feet in width and 13 feet 6 inches of unobstructed vertical clearance with an all-weather driving surface that can support a minimum of 75,000 pounds except in proximity to East Building where the minimum EVA road width shall be 26 feet for aerial apparatus access.
 2. Turf block or similar material may be used to create EVA providing it meets weight requirements.
 3. If gates are installed across EVA roads, gates shall be operable by the use of a Knox Key.
 4. A "KNOX BOX" shall be installed with keys for all common areas.
 - b. Fire Flow Requirements
 1. Provide code analysis of required total firefighting water.
 2. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
 3. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
 4. Based on proposed project a minimum of two fire hydrants shall be required and installed in proposed locations.
 - c. Fire Sprinkler/Underground
 1. Fire riser and FDC locations shall be submitted for review and approval.
 2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
 3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
 4. Fire Sprinkler Plans shall be submitted for review and approval.

5. Fire system underground pipe plans shall be submitted for review and approval.
- d. Standpipes
 1. Standpipes shall be wet.
 2. Standpipes shall extend to the roof where required.
 3. Fire Department valve connections shall be in the intermediate landings of stairwells.
 4. Standpipes shall be located in the stairwells noted on plans with (SP).
- e. Premises Identification
 1. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 2. Address shall be either internally or externally illuminated.
- f. Automatic Fire Sprinklers
 1. Automatic Fire Sprinklers shall be installed throughout the Complex.
 2. Fire sprinkler plans shall be submitted for review, approval and permit.
- g. Emergency Egress
 1. Exit signs shall be internally or externally illuminated.
 2. Emergency electrical system to automatically illuminate means of egress.
- h. Fire Sprinkler / Underground
 1. Fire riser and FDC locations shall be submitted for review and approval.
 2. Fire FDC's shall be in locations acceptable for fire department for emergency operations.
 3. Fire FDC's shall be interconnected with fire sprinklers and standpipes.
 4. Fire Sprinkler Plans shall be submitted for review and approval.
 5. Fire system underground pipe plans shall be submitted for review and approval.
- i. Standpipes
 1. Standpipes shall be wet.
 2. Standpipes shall extend to the roof where required.
 3. Fire Department valve connections shall be in the intermediate landings of stairwells.
- j. Smoke & Heat Vents
 1. Smoke & heat vents shall be installed on roof above each stairwell.
 2. Smoke & heat vents shall be equipped with fusible link.
 3. Smoke & heat vents shall be equipped with manual release for emergency operations.
- k. Fire alarm System
 1. Fire alarm plans shall be submitted for review and approval.
- l. Smoke Detection
 1. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 2. Smoke detectors shall be 120v powered with battery backup.
 3. Smoke detectors shall be interconnected when more than one is required per sleeping area.
 4. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.
- m. Carbon Monoxide Detectors
 1. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
 2. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
 3. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
- n. Electrical
 1. All electrical breakers shall be labeled.
- o. Radio Communications
 1. Radio frequency signal strength analysis shall be conducted throughout the building.

2. If radio signal strength deficiencies are identified, signal boosters shall be installed to achieve adequate signal strength and boosters shall be maintained.

Police Department

50. Prior to issuance of building permit, the Applicant/Developer shall submit a plan for construction site security to the satisfaction of the Police Chief.

Steger Sanitary District:

51. This applicant shall pay all applicable sewer connection fees pursuant to Section 7.3 of the Steger Sanitary District Ordinance Code.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 20, 2021, upon motion of Commissioner Hamilton, second by Commissioner Mendez:

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

NOES: None

ABSTAIN: None

ABSENT: None



Sean Moss, AICP
Planning Manager