



AGENDA

SPECIAL CITY COUNCIL MEETING

Monday, June 2, 2014 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

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

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

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. **PRESENTATION** – None

5. **ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5E**

A. Minutes for Approval

Approve the May 20, 2014 Special City Council and Regular City Council meeting minutes.

B. Oppose Assembly Bill 1245 – Electricity: Community Choice Aggregation

Authorize the Mayor to send letters to the author and other appropriate legislators and legislative bodies in opposition to Assembly Bill (AB) 2145 (Bradford) Electricity: Community Choice Aggregation reversing the opt-out provisions of the original Community Choice Aggregation law (AB 117).

C. Designate Primary and Alternate Boardmembers to the Municipal Pooling Authority of Northern California

Adopt a resolution designating the Assistant City Manager as Primary Board Member and the Finance Director as Alternate Board Member to the Municipal Pooling Authority of Northern California.

D. Proclamation Recognizing June as Lesbian, Gay, Bisexual, Transgender Pride (LGBT) Month

Approve a proclamation declaring the month of June as LGBT Pride month in the City of El Cerrito, and inviting everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognizing Pride Month by flying the rainbow flag at City Hall during the month of June.

E. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Bruce Yow to the Crime Prevention Committee, effective June 2, 2014.

6. PUBLIC HEARINGS

Project at 1715 Elm Street – Planned Development and Appeal

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

Additionally, staff recommends that, at the conclusion of the consolidated public hearing, the City Council take the following actions:

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

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

9. ADJOURN SPECIAL CITY COUNCIL MEETING

The next City Council meeting is Monday, June 9, 2014 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, May 20, 2014 – 6:15 p.m.

Hillside Conference Room

CITY COUNCIL MEETING

Tuesday, May 20, 2014 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

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

6:15 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the special City Council meeting at 6:15 p.m.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case

ORAL COMMUNICATIONS FROM THE PUBLIC – *No speakers.*

RECESSED INTO CLOSED SESSION at 6:16 p.m.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:03 p.m.

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 7:07 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Pro Tem Benassini stated that she attended West County Youth Service Bureau's (WCYSB) 30th Anniversary Dinner on May 15 at the Mira Vista Country Club. The WCYSB has offices in Richmond and Concord and provides wrap around services to at-risk youth. It was a wonderful ceremony that was also attended by Congressman George Miller and other dignitaries.

Mayor Abelson stated that the City Council met in closed session earlier in the evening and provided direction to staff regarding anticipated litigation. (*Announced after the conclusion of Item No. 4(B), Utility users tax presentation.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Ralph Boniello, El Cerrito, Friends of Five Creeks, declared that the Hillside Festival was a great success and very well attended. Friends of Five Creeks co-sponsored the festival. Mr. Boniello provides the City Council with a flyer that the organization handed out at the festival which provides information on the many native species of wildflowers that exist in the Hillside Natural Area. Friends of Five Creeks looks forward to working with the City to steward the area.

Al Miller, El Cerrito, expressed his support for West Contra Costa Unified School District Measure H.

4. PRESENTATION

A. Annual Sundar Shadi Garden Awards – *Presentation by Bonnie E. Smith, President, El Cerrito Garden Club.*

Action: Received presentation. Ms. Smith, presented awards on behalf of the the El Cerrito Garden Club to: 1) 7555 Everett Street – Nalini and Anna Heath–Delaney; 2) 2000 Carquinez Avenue – Todd Saunders and Michael Potoczniak; and 3) 509 Clayton Avenue – Peter J. Sako. Ms. Smith, stated that in past years, gardens received first through third place awards, however, this year, gardens were honored equally since each garden is unique.

B. Utility Users Tax Presentation – *Presentation by Lori Trevino, Finance Director and Sky Woodruff, City Attorney.*

Receive a presentation from the City Attorney and Finance staff regarding the City's Utility Users Tax.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5I

Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5E, 5G and 5H in one motion as indicated below. Consent Calendar Item Nos. 5F and 5I were removed from the Consent Calendar as indicated below.

A. Minutes for Approval

Approve the May 6, 2014 Special City Council and Regular City Council meeting minutes.

Action: Approved minutes.

B. Various Traffic and Parking Regulation Revisions

Adopt two separate resolutions authorizing the Public Works Director/City Engineer to:

1) Remove seventy-five feet of green curb marking on the south side of Madera Drive in front of Madera Elementary School; and 2) Remove existing four-hour parking restrictions on the west side of San Pablo Avenue between Knott Avenue and Wall Avenue. *Exempt from CEQA.*

Action: Adopted Resolution Nos. 2014–13 and 2014–14.

C. Budget Appropriation for the City Housing Trust Fund

Adopt a resolution appropriating spending authority for the Fiscal Year 2013-14 budget for the newly creating City Housing Trust Fund.

Action: Adopted Resolution No. 2014–15.

D. Support for Contra Costa College Bond Measure E

Adopt a resolution supporting the goals of Contra Costa Community College District’s Education Bond Measure E and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure E and thereafter to cast their vote on Measure E at the June 3, 2014 statewide primary election.

Action: Adopted Resolution No. 2014–16.

E. Support for West Contra Costa Unified School District Measure H

Adopt a resolution supporting the goals of Measure H and encouraging the voters of El Cerrito to review the language and arguments concerning Measure H and thereafter cast their vote on Measure H at the June 3, 2014 statewide primary election.

Action: Adopted Resolution No. 2014–17.

F. Proclamation Recognizing Officer Bailey Thepkaysone

Approve a proclamation commending Officer Bailey Thepkaysone on the occasion of his recognition by the Exchange Club of Albany–El Cerrito as the Officer of the Year on May 28, 2014 and extending sincere appreciation to Officer Thepkaysone for his devotion to the mission, vision and values of the Police Department. He truly epitomizes community based policing in the City of El Cerrito.

Action: Removed from the Consent Calendar at the request of Mayor Abelson. Moved, seconded (Friedman/Benassini) and carried to approve the proclamation. Proclamation presented to Officer Thepkaysone.

G. Jewish American Heritage Month Proclamation

Approve a proclamation declaring May 2014 as Jewish American Heritage Month in the City of El Cerrito and calling upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American history, culture and society but also the City of El Cerrito and visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month, the theme of which is healing the world, with solemn remembrance, appropriate programs, activities and ceremonies.

Action: Approved proclamation. Presented to Gabe Quinto, Chair, Human Relations Commission.

H. Asian American Pacific Islander Month Proclamation

Approve a proclamation declaring May 2014 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Action: Approved proclamation. Presented to Gabe Quinto, Chair, Human Relations Commission.

I. June 2014 City Council Meeting Schedule

The City Council will meet on Monday, June 2, 2014. Approve a recommendation confirming an additional special meeting on Monday, June 9, 2014 and rescheduling the June 17, 2014 regular City Council meeting to Monday, June 23 and reserve Tuesday, June 24 and Monday, June 30 for additional consideration of the budget and other city business as

necessary.

Action: Removed from the Consent Calendar at the request of Councilmember Bridges. Moved, seconded (Bridges/Lyman) and carried unanimously to schedule meetings on June 2, June 9 and June 17 and June 24 and June 30 as necessary.

6. PUBLIC HEARINGS

A. Confirm the Diagram and Levy the Assessment for FY 2014-15 Landscape and Lighting Assessment District No. 1988-1

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2014-15 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

Presenter: Lori Treviño, Senior Finance Analyst.

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Lyman/Friedman) and carried to adopt Resolution No. 2014-18.

B. Fiscal Year 2014-15 Storm Drain Annual Report and Method of Collecting Storm Drain Fees

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2014-15 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

Presenter: Lori Treviño, Senior Finance Analyst.

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Benassini/Bridges) and carried unanimously to adopt Resolution No. 2014-19.

7. POLICY MATTERS

A. Smoking Pollution Protection Ordinance Study Session

Receive a presentation regarding secondhand smoke and pollution associated with smoking. Discuss community outreach and engagement, options for restricting smoking in public places, commercial areas and multi-family housing, tobacco sales and possible preparation of an ordinance for the City Council's consideration.

Presenter: Karen Pinkos, Assistant City Manager.

Speakers: Ralph Boniello, Friends of Five Creeks, expressed concerns about the fire risks associated with cigarette butts, particularly in parks and open spaces as well as the associated litter, waste and toxics from cigarette butts that flows to streets, storm drains and creeks. Friends of Five Creeks recommends adopting an ordinance that results in the reduction of cigarette waste.

Tara Leigh Wagner, El Cerrito, expressed frustration with tobacco smoke that comes into her and her ten year old son's living area from the 7-8 neighbors who smoke in her multi-unit dwelling and the butts that litter the area under her windows, driveway and other areas around her unit. Ms. Wagner stated that she is concerned about her son's health and encouraged the City Council to support a smoking protection ordinance, particularly one that will address the effects of smoking by neighbors.

Edna Chamberlain, El Cerrito, expressed concern and frustration associated with smoking in her building - the Village and Town Center, and asked the City Council to support anti-

smoking regulations.

Corinne Gustafson, El Cerrito, stated that she is concerned about lower income individuals, including seniors who live in and will move to multi-unit dwellings and will be regulated. Ms. Gustafson also stated that she is concerned about overreaching government and laws and suggested building dwellers be allowed to vote on whether to allow smoking in multi-unit dwellings. Ms. Gustafson encouraged enforcing laws against litterers and looking into impacts associated with emissions from burning fireplaces and large delivery trucks.

Liz Williams, Berkeley, Americans for Nonsmokers Rights, expressed support for adoption of a smoke pollution ordinance and expanding smoke-free protections to improve and protect public health in the community. Ms. Williams also encouraged the City Council to limit the use of e-cigarettes in areas that are required to be smoke free. Bay Area cities that prevent smoking in multi-unit buildings include Albany, Alameda, Berkeley, Richmond, Union City and Walnut Creek.

Laura Purpura, El Cerrito, stated her support for a smoke pollution ordinance. Ms. Purpura reported that her two ten year old boys could not play outside due to secondhand smoke and marijuana smoke. She asked the City Council to support a no smoking ordinance to protect the public's health, protect a right to fresh air and to also act as a role model for children.

Allison Chan, Save the Bay, stated that cigarette butts pose a serious threat to Bay Area water quality and wildlife. It is estimated that 3,000,000,000 cigarette butts litter the Bay Area each year. Cigarette butts are toxic plastic trash. Ms. Chan urged the City Council to enact an ordinance enforcing smoke free commercial zones and other restrictions to address this major source of trash and encouraged making enforcement straight forward. Save the Bay encourages the City Council to include language in the ordinance that prohibits smokers from disposing cigarette butts in areas where smoking is prohibited to further strengthen litter protections and to also prohibit smoking in parks and open spaces to protect creeks. Ms. Chan reminded all that all trash in the Bay is preventable and urged the City Council to move forward with its ordinance.

Mary Jaccodine, Contra Costa Tobacco Prevention Coalition, thanked the City Council for considering second hand smoke protections, tobacco retailer licensing and density restrictions. Ms. Jaccodine described how swishers, e-hookah and e-cigarettes, which contain a carcinogen when vaporized, are colorful and are also fruit and candy flavored, are marketed to youth. Ms. Jaccodine encouraged the City Council to protect public health by adopting tobacco controls and restrictions.

Denise Dennis, Contra Costa Health Services Tobacco Prevention Project, commended staff for the work that has been done to present various policy options to the City Council. Ms. Dennis addressed enforcement and compliance issues, stating that enforcement rests on signage and education. The County does not issue citations but strives to achieve compliance through a progressive system of warning letters, signage and education. Ms. Dennis also described the results of a recent survey regarding retailers that sell tobacco and other unhealthy products and external advertising. Tobacco licensing is a proven strategy for decreasing illegal tobacco sales to minors and youth.

Tom Panas, El Cerrito, thanked staff for its work on the issue and outreach that has been done and also thanked the subject matter experts and community members in attendance. Mr. Panas expressed support for a strong smoking pollution protection ordinance, particularly prohibitions in recreation and commercial areas, addressing smoking in multi-unit dwellings, treating e-cigarettes similar to conventional tobacco products and restricting sales of both products.

Nick Arzio, El Cerrito, says he picks up between 100-200 cigarette butts in the Cerrito Theater area per week. Cigarette butt litter is ever present. Mr. Arzio expressed his support for Councilmember Friedman's idea for increasing fines for littering cigarette butts and the idea for having a non-sworn officer, perhaps in plain clothes, address enforcement.

Al Miller, El Cerrito, added support for all comments that were made before him. Mr. Miller noted that the corner of Eureka and Pomona and Lincoln and Ashbury are hotspots for cigarette butts. Mr. Miller stated that adult West Contra Costa Unified School District

employees go to these corners for their smoke breaks and are the primary contributors to these hot spots. Mr. Miller asked the City Council to also consider including the designation of an appropriate distance within a public school as a non-smoking zone.

Kirk Baughman, El Cerrito, stated that he is an apartment manager for a multi-dwelling unit in El Cerrito. There is just one smoker in the 26 unit building he manages. Mr. Baughman described how he limits smoking in the building and expressed support for a ban on smoking in apartments.

Action: The City Council, agreed by mutual consensus, that the level of restriction on smoking, including e-cigarettes and marijuana, in the City should be as high as possible. Parks, open space and commercial areas should be designated as entirely smoke free. The Council also directed staff to conduct research regarding smoking on all sidewalks and public through ways, including non-commercial areas, while also considering options for defining a non-smoking perimeter around schools. All multi-family dwelling units should be 100% smoke free with a phased in transition period of twelve months or when a lease expires, whichever is less. Additionally, staff was directed to research fines that are significant enough to fund an enforcement officer, signage and education.

The Council also directed staff to bring back an ordinance at the same time, to address regulating the sales of tobacco and e-cigarettes and raise the age for the purchase of tobacco products and e-cigarettes to 21.

B. City Council Wall of Fame Nomination Subcommittee Recommendation

Approve the City Council Wall of Fame Nomination Subcommittee's recommendation to induct Tom Panas into the El Cerrito Wall of Fame and direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction ceremony in either July or August 2014 pending the availability of all parties involved.

Presenters: Mayor Pro Tem Benassini and Councilmember Bridges.

Action: Moved, seconded (Friedman/Lyman) and carried unanimously to approve the induction of Tom Panas into the El Cerrito Wall of Fame. The formal induction ceremony will take place in July or August 2014.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports. *(Held over from the May 6, 2014 City Council meeting.)*

Councilmember Lyman stated that he is pushing issues relating to future membership and goals of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) forward. The WCCIWMA is waiting on the City of Richmond to take action on its post collection agreement and for Richmond to make a decision about whether it will remain in the Joint Powers Agreement (JPA). There was discussion at the WCCIWMA meeting that noted if Richmond did not take action and make a decision about whether to stay in the JPA that there would be some sort of public communication to the ratepayers about how much money Richmond is costing ratepayers of Richmond and the other cities of West Contra Costa County. The cost is estimated at \$50,000 to \$70,000 per month. This extra cost does not affect El Cerrito because it negotiated its agreement separately.

At the Association of Bay Area Governments (ABAG) Executive Board meeting on May 15, the Board learned that staff is focusing on what it can do better during the next update of the One Bay Area Plan process. Plan Bay Area is updated every four years, as required by law, to reflect the region's changing needs and priorities. ABAG also took positions on legislation that affects the region.

Mayor Pro Tem Benassini reported on her attendance at the last Economic Development Committee meeting. The Committee continues to brainstorm on its Action Plan and is interested in using interns on surveys and data collection efforts. The Committee is also speaking with other members of commissions and committees including the Arts and Culture Commission, the Design Review Board and other related committees to determine if there

are events or areas of inquiry that they can collaborate on.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:25 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(B) UUT Utility Users Tax Presentation

1. Powerpoint presentation – *Submitted by Lori Trevino, Senior Finance Analyst and Sky Woodruff, City Attorney.*

Item No. 7(A) Smoking Pollution Protection Ordinance Study Session

2. Letter encouraging adoption of a comprehensive smoking ordinance – *Submitted by David Lewis, Save the Bay.*
3. Letter encouraging expansion of the City’s smoke-free air protections and supporting prohibition of the use of e-cigarettes – *Submitted by Cynthia Hallett, Americans for Non-Smokers Rights.*
4. Comments in support of a tobacco ban – *Submitted by Ed and Yana Murphy, El Cerrito.*
5. Comments in support of stricter controls on smoking – *Submitted by Sandy Young, Berkeley.*
6. Comments in support of protections from neighbors who smoke and a smoking ordinance – *Submitted by R. Amernick, El Cerrito.*
7. Comments in support of a smokefree ordinance – *Submitted by Ira Sharenow, El Cerrito.*
8. Comments in support of stringent regulations for the sale and use of tobacco products – *Submitted by A. Rakley.*
9. Summary of Contra Costa County’s Comprehensive Secondhand Smoke Protections Ordinance and offer to provide technical assistance – *Submitted by Denice Dennis, Tobacco Prevention Program Manager, Contra Costa County.*
10. Contra Costa County flyer and survey highlights regarding marketing and promotion of tobacco, alcohol and sugary beverages to youth in stores – *Submitted by Den*

Other:

11. Flyer entitled, “Some wildflowers of the El Cerrito Hillside Natural Area” – *Submitted by Susan Schwartz, Friends of Five Creeks.*



AGENDA BILL

Agenda Item No. 5(B)

Date: June 2, 2014

To: El Cerrito City Council

From: Maria Sanders, Environmental Analyst
Melanie Mintz, Interim Community Development Director

Subject: Letters of opposition for Assembly Bill 2145 Electricity: Community Choice Aggregation

ACTION REQUESTED

Authorize the Mayor to send letters to the author and other appropriate legislators and legislative bodies in opposition to Assembly Bill (AB) 2145 (Bradford) Electricity: Community Choice Aggregation reversing the opt-out provisions of the original Community Choice Aggregation law (AB 117).

BACKGROUND

The City of El Cerrito's *Climate Action Plan* (CAP), adopted May 2013, contains a strategy to "Explore opportunities for instituting or joining a regional Community Choice Aggregation effort" (Strategy EW-3.2). This strategy is identified in the CAP as one of the most cost-effective ways to reduce greenhouse gas emissions in El Cerrito, yielding an estimated 4,200 - 6,700 annual tons of CO₂ reductions.

Community Choice Aggregation (CCA) is an energy procurement framework that allows local governments to procure electricity to meet the collective load of their residents and businesses. CCA jurisdictions have access to the wholesale power market to procure electricity that meets their desired electricity supply portfolio, while still having the local utility provide transmission and distribution services. In 2010, the Marin Energy Authority, dba Marin Clean Energy, launched California's first CCA for the purposes of reducing Marin's carbon footprint by procuring a high percentage of clean energy for its constituents and spurring greater development of renewable energy resources both locally and regionally.

Given the success of Marin Clean Energy, many communities throughout California are taking a fresh look at instituting CCAs. The City of Richmond successfully joined the Marin Energy Authority. Fifteen percent of eligible electricity customers in the City of Richmond opted to stay with PG&E. The cities of Albany and San Pablo and the County of Napa are currently in the process of analyzing the feasibility of joining the Marin Energy Authority.

The City of El Cerrito has taken the following steps to investigate the various CCA options potentially available to the City. On October 2, 2012, City Council heard a presentation by Marin Clean Energy regarding CCA and their program offerings. During the spring of 2014, the El

Cerrito Environmental Quality Committee (EQC) hosted several presentations from various groups involved in CCAs in the Bay Area. Community Development staff successfully applied for a small grant (\$15,000) from the World Wildlife Fund to investigate the feasibility of joining a CCA. Staff anticipated bringing acceptance of this grant to Council for consideration in summer 2014.

DISCUSSION

In 2002, passage of Community Choice Aggregation (AB 117, Migden) allowed CCAs to operate in California. That legislation changed the procedures governing aggregated energy procurement to allow, among other things, cities and counties to aggregate on an “opt-out” basis, rather than an “opt-in” basis. This provision allows customers who wish to continue with the investor-owned utility (IOU) to choose to opt out of the CCA. The goal of the opt-out provisions of AB 117 was to level the playing field for CCAs so that they could enter California’s energy market.

AB 2145 proposes to specifically change the language of AB 117 to require CCAs to enroll customers through an “opt-in” process instead of an “opt-out” process. This would recreate the prohibitive barriers for communities to enter the energy market that existed before AB 117. Proponents of CCAs agree that this change in enrollment processes will effectively stop any new communities from joining a CCA or any new CCAs from forming in California.

At its May 13, 2014 meeting, the EQC passed a unanimous motion to request that City Council consider sending a letter of opposition to AB 2145.

STRATEGIC PLAN CONSIDERATIONS

Goal F “Foster environmental sustainability citywide” of the El Cerrito Strategic Plan contains objectives to implement the City’s *Climate Action Plan* by facilitating “energy and water efficiency and greater adoption of clean energy.” CCA is identified in the CAP as one of the more powerful strategies for reducing greenhouse gas emissions in El Cerrito. If AB 2145 were to be passed, the resulting policies would create significant impediments to the City being able to pursue CCA as a clean energy strategy.

ENVIRONMENTAL CONSIDERATIONS

There is no direct environmental impact associated with opposing AB 2145. If AB 2145 were to be passed and implemented, the resulting policies would, however, make it more difficult for the City to reach its greenhouse gas emissions reduction targets.

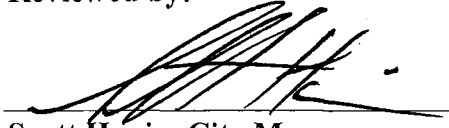
FINANCIAL CONSIDERATIONS

There is no financial obligation associated with the requested action.

LEGAL CONSIDERATIONS

There is no legal obligation associated with the requested action.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. AB 2145 Opposition Letter
2. List of Entities Opposing AB 2145 from the Stop AB 2145 Campaign



OFFICE OF THE MAYOR
Janet Abelson

June 2, 2014

Honorable Steven Bradford
Chair, Assembly Utilities and Commerce Committee
P.O. Box 942849
Sacramento, CA 94249-0062

**RE: AB 2145 (Bradford) Electricity: Community Choice Aggregation
NOTICE OF OPPOSITION**

Dear Assembly Member Bradford:

The City of El Cerrito is writing to express its opposition to AB 2145. The proposed legislation violates the original intent of AB 117, is unnecessary, and thwarts California's environmental goals.

AB 2145 violates the original intent of AB 117 and is a blatant attempt to block Community Choice Aggregation (CCA) expansion in California. AB 117, which originally authorized CCA in California, intentionally structured CCAs as an opt-out program. The goal of the opt-out provisions of AB 117 was to level the playing field for CCAs so that they could enter California's energy market. AB 2145 specifically reverses the language of AB 117 to require CCAs to enroll customers through an "opt-in" process instead of an "opt-out" process, thereby recreating the prohibitive barriers for communities to enter the energy market that existed before AB 117. Changing the law to require opt-in provision will severely limit the chances for new, successful CCA implementation and discourages competition in the energy market place.

AB 2145 is unnecessary. The opt-out process for existing CCAs is already well defined. Customers can easily make a choice when a CCA begins offering service in a new community. This provision allows customers who wish to continue with the investor-owned utility (IOU) to choose to opt out of the CCA. There is a four-month public noticing process with a state requirement of at least four opt-out notices served upon every customer. In addition, customers can easily opt out during or after the public noticing process.

AB 2145 creates significant impediments to achieving California's environmental goals: The City of El Cerrito is committed to meeting its greenhouse gas emissions (GHGs) reduction targets and to helping the state meet its AB32 goals.



OFFICE OF THE MAYOR
Janet Abelson

We believe that AB 2145 unreasonably limits our options and therefore ability to meet these goals. Our *Climate Action Plan*, adopted in 2014, has identified CCA as

one of the more powerful strategies for reducing GHGs. Existing CCAs have demonstrated that they can, at competitive rates, deliver a much higher rate of renewable power to its customers than that provided by the IOUs. Defaulting customers to a utility provider with a higher emissions rate runs counter to AB 32 goals to curb greenhouse gas emissions. A CCA opt-in program would slow California's steps towards meeting its environmental goals.

As a local government committed to reducing our City's carbon footprint, we urge you to oppose AB 2145 and leave the opt-out provisions of AB 117 in place.

Sincerely,

Janet Abelson
Mayor
City of El Cerrito

cc:

Assembly Member Nancy Skinner
Senator Loni Hancock
Members of the Senate Energy, Utilities, and Communications Committee:
Senator Alex Padilla (Chair)
Senator Jean Fuller
Senator Marty Block
Senator Anthony Cannella
Senator Ellen M. Corbett
Senator Kevin de León
Senator Mark DeSaulnier
Senator Jerry Hill
Senator Steve Knight
Senator Fran Pavley
Senator Lois Wolk



OFFICE OF THE MAYOR
Janet Abelson

Entities Opposing AB 2145 (as of 5/11/14)

Local Governments

City of Benicia
City of Berkeley
City of Cupertino
City of Hayward
City of Lancaster
City of Menlo Park
City of Mountain View
City of Richmond
City of San Carlos
City of San Pablo
City of Santa Cruz
City of Sunnyvale
County of Los Angeles
County of Marin
County of Santa Cruz
County of Sonoma
Monterey County
San Benito County
Town of Fairfax

Governmental Agencies & Associations

CA State Association of Counties (CSAC)
California Air Pollution Control officers
Association (CAPCOA)
Green Cities California
League of California Cities
Monterey Regional Waste Management District
Office of Ratepayer Advocates, California
Public Utilities Commission (CPUC)
Regional Climate Protection Authority
Salinas Valley Solid Waste Authority
Sonoma County Transportation Authority
Sonoma County Water Agency
South San Joaquin Irrigation District

Community Choice Energy Programs

Marin Clean Energy
Sonoma Clean Power Authority

Emerging Community Choice Energy Programs

Friends of San Diego Clean Energy
Monterey Bay Community Power (representing 21 communities
in Monterey, San Benito and Santa Cruz Counties)
San Diego Energy District Foundation
San Luis Obispo Clean Energy

Community Choice Advocacy Organizations

Clean Energy & Jobs Oakland Campaign of the Oakland
Climate Action Coalition
Community Choice Energy Working Group
of the Berkeley Climate Action Coalition
Local Energy Aggregation Network (LEAN Energy US)
San Francisco Clean Energy Advocates

Civic Organizations

The Action Hub, Richmond
Haight Ashbury Neighborhood Council
Joint Venture Monterey Bay
Kehilla Community Synagogue, Greening Committee
Mainstreet Moms
Our City San Francisco
People United for a Better Life in Oakland (PUEBLO)
Resilient Neighborhoods
Richmond Progressive Alliance
Sustainable Marin
Sustainable Napa County
Sustainable San Rafael and Novato
Victory Garden Foundation
West Oakland Environmental Indicators Project

Elected Officials

Councilmember Lynette McElhaney, City of Oakland
Supervisor Brad Wagenknecht, Napa County
Supervisor Scott Haggerty, Alameda County
Supervisors Dianne Jacob and David Roberts, San Diego
County

Non-profit Advocacy Organizations

350.org – Bay Area, San Francisco, San Diego, Sonoma
County, and Santa Barbara chapters Asian Pacific
Environmental Network
Bay Localize
Carbon Free Mountain View
Clean Coalition
Climate Protection Campaign
Communities for a Better Environment
Community Environmental Council
Environmental Health Coalition (EHC)
Global Exchange
Greenlining Institute
Greywater Action
Kyoto USA
Local Clean Energy Alliance
Movement Generation Justice and Ecology Project
New Voices Are Rising
Organizing for Action California
Planting Justice
Public Interest Coalition
Rose Foundation for Communities & the
Environment
Sierra Club California
The Utility Reform Network (TURN)
Transition US
World Wildlife Fund US

Energy Sector & Energy Sector Associations

Alliance for Retail Energy Markets
California Energy Storage Alliance
California Solar Energy Industries Association (CalSEIA)
Commonwealth Energy Consortium, LLC
Energy 2001, Inc.
Energy Solidarity Cooperative
Enlightenment Energy
Everybody Solar
GenPower, Inc.
OurEvolution Energy and Engineering
Pacific Energy Advisors
Panasonic Eco Solutions North America (PESNA)
Planet EcoSystems
RE-volv
Recolte Energy
REP Energy Inc.
Retail Energy Suppliers Association
School Project for Utility Rate Reduction (SPURR)
Solar Energy Industries Association (SEIA)
SolEd Benefit Corporation

Sun Light & Power
Sungevity
West Coast Solar Energy
Western Power Trading Forum (WPTF)

Political Organizations

Green Party of California
Wellstone Democratic Renewal Club

Other

Braun Blaising McLaughlin & Smith, PC
Douglass & Liddell, PC
Rifkind Law Group



AGENDA BILL

Agenda Item No. 5(C)

Date: June 2, 2014
To: City Council
From: Karen Pinkos, Assistant City Manager
Subject: Designating Primary and Alternate Board Members to the Municipal Pooling Authority of Northern California (MPA)

ACTION REQUESTED

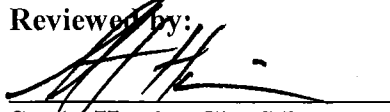
Adopt a resolution designating the Assistant City Manager as Primary Board Member and the Finance Director as Alternate Board Member to the Municipal Pooling Authority of Northern California (MPA).

BACKGROUND/ANALYSIS

The City of El Cerrito is a member of the Municipal Pooling Authority of Northern California. The Municipal Pooling Authority (MPA) is a Joint Powers Authority established in 1978 for the purpose of providing liability insurance to municipal agencies in Contra Costa County. The governing documents of the MPA require that the City Council of each member city appoint one Board member and one alternate Board member to the Board of Directors of the Authority. MPA governing documents also require the City to appoint its City Manager or the department head or staff person responsible for the City's risk management function as the primary Board member, and that the alternate Board member have the same qualifications as the primary Board member.

It has been the direct responsibility of the Human Resources Manager to perform the risk management functions for the City, including serving as the Primary Board Member to MPA. However, the incumbent in the Human Resources Manager position has resigned effective June 5, 2014 to take a position in another agency, and until further notice the Assistant City Manager will be assuming the duties of the Human Resources Manager. This resolution will allow the Assistant City Manager to serve as the Primary Board Member going forward, and further designates the Finance Director as the Alternate Board Member.

Reviewed by:


Scott Hanin, City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DESIGNATING A BOARD MEMBER AND AN ALTERNATIVE BOARD MEMBER TO THE MUNICIPAL POOLING AUTHORITY OF NORTHERN CALIFORNIA

WHEREAS, the City of El Cerrito is a member of the Municipal Pooling Authority of Northern California; and

WHEREAS, the governing documents of the Municipal Pooling Authority of Northern California require the city council of each member city to appoint one Board member and to appoint one alternative Board member to the Board of Directors of the Authority; and

WHEREAS, the governing documents of the Municipal Pooling Authority of Northern California require that the City shall appoint its City Manager or the department head or staff person responsible for the City's risk management function as the primary Board member, and that the alternative Board member shall have the same qualifications as the primary Board member.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby designates the Assistant City Manager as the City's Board member to the Municipal Pooling Authority of Northern California.

BE IT FURTHER RESOLVED, that the Finance Director is hereby appointed as the City's alternative Board member to the Municipal Pooling Authority of Northern California.

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

I CERTIFY that at an adjourned regular meeting on June 2, 2014, the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBER:
NOES: COUNCILMEMBER:
ABSENT: COUNCILMEMBER:
ABSTAINED: COUNCILMEMBER:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June XX, 2014.

Cheryl Morse, City Clerk

APPROVED

Janet Abelson, Mayor

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Recognizing June as LGBT Pride Month in the City of El Cerrito***

WHEREAS, the City of El Cerrito has a diverse Lesbian, Gay, Bisexual, Transgender (LGBT) community and is committed to supporting visibility, dignity and equity for all people in the community; and

WHEREAS, many of the residents, students, city employees, and business owners within the City of El Cerrito who contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, transgender, and questioning community; and

WHEREAS, various advancements have been made with respect to equitable treatment of lesbians, gay men, bisexual, transgendered, and questioning persons throughout the nation, but there continues to be some opposition against people from this community and around the world making it important for cities like El Cerrito to stand up and show support for our residents who are affected; and

WHEREAS, several cities across the United States recognize and celebrate June as LGBT Pride Month; and

WHEREAS, June has become a symbolic month in which lesbians, gay men, bisexual people, transgender, and supporters come together in various celebrations of pride; and

WHEREAS, the rainbow flag, also known as the LGBT pride flag or gay pride flag, has been used since the 1970s as a symbol of Lesbian, Gay, Bisexual, Transgender pride and LGBT social movements; and

WHEREAS, flying the rainbow flag at City Hall throughout the month of June further symbolizes the City's celebration of diversity and support for the Lesbian, Gay, Bisexual, Transgender community.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby declare the month of June as LGBT Pride month in the City of El Cerrito, and invites everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognizes Pride Month by flying the rainbow flag at City Hall during the month of June.

Dated: June 2, 1014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: June 2, 2014
To: El Cerrito City Council
From: R. De La Campa, Lieutenant
Subject: Crime Prevention Committee Appointment – Bruce Yow

ACTION REQUESTED

Approve a Crime Prevention Committee recommendation to appoint Bruce Yow to the Crime Prevention Committee, effective June 2, 2014.

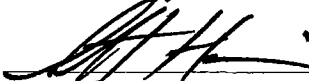
BACKGROUND

Bruce Yow recently submitted an application to join the Crime Prevention Committee. Mr. Yow regularly attends the monthly Crime Prevention Committee meetings and has attended three meetings thus far this year. The Crime Prevention Committee members voted unanimously during the regularly scheduled May 2014 meeting to recommend to the Council that Mr. Yow be appointed to the Crime Prevention Committee.

Mr. Yow works as a disabled instruction assistant for the West Contra Costa County School District. He has demonstrated his commitment to the Crime Prevention Committee through his participation in the meetings and his ideas to reduce crime in the city. He is also a graduate of the 2012 ECPD Citizens' Police Academy.

If the Council approves this recommendation, the number of Committee members will be 6 out of a possible membership total of 15, as established by Resolution 2001-105 and all resolutions amendatory.

Reviewed by:



Scott Hanin, City Manager



**June 2, 2014
City Council Meeting**

**Agenda Item 5(E)
Attachment - Application**

Hardcopies are available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA



June 2, 2014 City Council Meeting

Agenda Item No. 6 Index

Public Hearing: Project at 1715 Elm Street – Planned Development and Appeal

Staff Report 1: Appeal of the Planning Commission's Action to Approve a Planned Development Use Permit for a Development Located at 1715 Elm Street

Staff Report 2: Consideration of a General Plan Amendment, Development Agreement, and the creation of a Planned Development District including a Zoning Map Amendment to allow for the construction of 14 new dwelling units, the relocation of 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of common open space on property located at 1715 Elm Street

1. Resolution approving the Initial Study/Mitigated Negative Declaration for the Project;

Exhibit A. Initial Study and Mitigated Negative Declaration

2. Resolution approving a General Plan Amendment;
3. Ordinance to approve Planned Development District for the Project property and Amendment to the Zoning Map

Exhibit A: Site Plan

4. Resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project.
5. Ordinance to approve a Development Agreement.

Exhibit A: Development Agreement

6. General Plan Map
7. Plan Set
8. Revised Landscape Plan
9. March 19, 2014 Staff Report
10. April 16, 2104 Staff Report, Resolutions and Shadow Study
11. May 21, Staff Report and Resolution

12. Letter of Appeal

13. Vicinity Map

14. Resource Page with links to studies regarding transit oriented development

15. Correspondence



AGENDA BILL

Agenda Item No. 6 Staff Report 1

Date: June 2, 2014

To: El Cerrito City Council

From: Margaret Kavanaugh-Lynch, Development Services Manager
Melanie Mintz, Interim Community Development Director

Subject: Appeal of the Planning Commission's Action to Approve a Planned Development Use Permit for Development Located at 1715 Elm Street.

RECOMMENDATION

Staff recommends that the City Council hold a single, consolidated public hearing to consider both this appeal and other actions necessary to approve the proposed development at 1715 Elm Street (the "Project"). The other Project approvals are discussed in a separate staff report for ease of consideration by the Council.

Staff additionally recommends that, at the conclusion of the consolidated public hearing, the City Council:

1. Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
2. Adopt a resolution approving a General Plan Amendment;
3. Waive first reading and introduce an ordinance to approve Planned Development Zoning for the Project property and amend the Zoning Map accordingly;
4. Adopt a resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project; and
5. Waive first reading and introduce an ordinance to approve a Development Agreement.

BACKGROUND

The Project is proposing to construct a new three story building, 42 feet in height. Two stories of the proposed building are for dwelling units, with the required fifteen parking spaces tucked underneath. The new building would include 14 new one and two bedroom dwelling units. The Project also proposes to restore and relocate the existing, historic, single-family detached house on-site to provide a fifteenth dwelling unit. Finally, the Project is proposing to retain the creek in place, thereby protecting the 115 foot long water course which is a tributary of Baxter Creek, utilize it as an amenity for the overall site and plant native and riparian vegetation.

On November 6, 2013, the Design Review Board conducted Preliminary Conceptual Review on the Project. The Board's comments were generally favorable towards the

Project, both in terms of the architectural details and the extensive predominantly native and drought-tolerant landscaping plan. They suggested minor modifications to the front entry of the main building and front gate. These changes were incorporated by the applicant into the Project proposal.

On March 19, 2014, the Planning Commission held a study session of the Project. During the study session comments were received by staff from members of the public and the Planning Commission. The main concerns stated included the proposed density, height, traffic and parking impacts. There were also concerns listed regarding the potential construction impacts on the neighborhood, particularly on the adjacent preschool. Staff met with representatives of the preschool and a representative of the development team on April 2, 2014. Both parties made a good faith effort to identify items of concern and possible resolutions. These efforts were included as Conditions of Approval in the subsequent staff report presented at the April 16 Planning Commission meeting.

On April 16, 2014 the Planning Commission held a public hearing to consider the Planned Development Use Permit. The Planning Commission approved the Planned Development Use Permit with a vote of four to two.

The decision of the Planning Commission was appealed by a group of residents (Howdy Goudey, Robin Mitchell, Jason Hasley, Keystone Montessori School / Linda Shehabi, Dan and Henia Pines, and Julia Lucia).

This staff report lists the points of the appeal and the staff response for each issue. Staff supports the Project for the reasons expressed in the staff report to the Planning Commission and for the reasons expressed below. Staff therefore recommends denying the appeal and approving the Project, which includes taking the additional actions outlined in the separate staff report prepared for the Project. This Project has been the subject of three public hearings before the Planning Commission. Each hearing's staff report contained a detailed analysis of different aspects of the Project. These staff reports and resolutions are attached to this document to use as a reference.

CONTEXT OF THE APPEAL

Procedure for Appeals

Pursuant to Section 19.39.040.D, appeals of the Planning Commission are considered by the City Council. Pursuant to Section 19.39.040.F, the City Council may: 1) Conduct a public hearing; or 2) Remand the matter back to the Planning Commission to cure a deficiency in the record or the proceedings. In conducting a public hearing on the appeal, the City Council must use the same standards of review required for the original decision (Section 19.39.050).

In addition, appeals are "de novo" which means the City Council may consider new evidence not presented during the original public hearing and may make findings different from those made by the Planning Commission. The standard for review of these appeals is whether the City Council can make the findings required for Plan Development Use Permit pursuant to Section 19.14.040.B.2. The Council may rely on

the Planning Commission's findings, but must decide for itself if those findings are appropriate. If the Council finds that it agrees with the Planning Commission's findings or that it can make alternate findings of approval, then the Council should deny the appeal and uphold the Planning Commission's decision to approve Planned Development Use Permit for the Project. If the Council determines that they cannot make the Planned Development Use Permit findings in Section 19.14.040.B2, it should grant the appeal and overturn the Planning Commission's Planned Development Use Permit approval.

The required Planned Development Use Permit findings are found in Section 19.14.040.B.2 and are listed below in the *Planning Commission Action* section, below.

El Cerrito General Plan

All development projects are reviewed in the context of the goals of the El Cerrito General Plan. The General Plan designation for this site is High Density Residential (21 to 35 dwelling units/net acre)

This designation is described as follows:

The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.

The General Plan Map illustrates the transition in the residential land uses in this area (Attachment 2). The High Density designation runs in a band immediately adjacent to the Commercial/Mixed Use designation along San Pablo Avenue. It is flanked in most areas by thinner band of Medium Density designation. In the vicinity of the Project, from Hill on the north, to Elm on the east, Blake on the south and the BART tracks on the west, the entire section of the city is designated High Density Residential. South of Blake, the area transitions to Medium and Low Density Residential. One of the primary reasons for the higher intensity designation in the area in which the Project site is located is tied to its transit and transportation-rich surroundings. In addition to the Del Norte BART station and San Pablo Avenue where AC Transit service is frequent, staff notes the immediate adjacency of Hill Street and Richmond Avenue (Arterial Streets) as well as the Ohlone Greenway for bike and pedestrian travel.

The General Plan has several policies that provide guidance towards this discussion. Many of these policies are listed below, followed by facts of the Project. Related policies are grouped and followed by a summary of relevant facts and analysis.

Land Use 5.1 BART Station Areas. Encourage higher densities and a mix of uses near the city's two BART stations to take advantage of the transit opportunities they provide.

This Project is within a quarter mile of Del Norte BART station.

Community Design 5.2 Planned Developments. *Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities.*

The Project utilizes these planned development techniques in order to provide a higher amount of open space and preserve historic features and the existing creek.

Community Design 3.5 Creek Preservation. *Where possible, preserve and restore natural drainage ways as parts of the storm drainage system, coordinating with recreational and trail use.*

The 115 foot long tributary of the Baxter Creek is being preserved on site. All appropriate permits from the Regional Water Quality Control Board, Army Corps of Engineers and Department of Fish and Wildlife, as required, will be secured for work near the creek before the issuance of any building or grading permit. The applicant has prepared a Riparian Enhancement Plan as a part of its Joint Aquatic Resource Permit Application (JARPA) to the resource agencies.

R2.1: Historic Preservation. *Ensure that the remodeling and renovation of historic structures respects the character of the structure and its setting; and*

R2.5: Public Awareness. *Promote public awareness of significant resources through educational programs, tours, markers, and other appropriate measures.*

The Project is preserving the historical dwelling unit on site and restoring the front façade to the Department of Interior Standards. The new proposed construction is being designed in a way that it is architecturally compatible with the historic dwelling. In addition, the applicant is funding two historical plaques that will inform visitors to the site of the Rodoni home and the historic context of the neighborhood's "Little Italy". The open space, plantings and creek in front of and adjacent to the historic structure are incorporated to respect the character of the structure and its setting.

Land Use 1.2: Multifamily Neighborhoods. *Ensure that new development in multifamily neighborhoods supports, rather than detracts from the existing residential character of the area; and*

Land Use 1.5: Suitable Housing. *Promote suitably located housing and services for all age groups within the city; and*

Land Use 1.6: Variety of Housing Types. *Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments.*

The Project, along with the mitigations and conditions that staff has proposed, is found to be supportive and compatible to the residential character of its surrounding multifamily residential neighborhood. It will retain and partially restore the vacant historic building and add fourteen additional one and two bedroom condominiums to the

property. In addition to retaining the creek, the Project is adding considerable landscaping, including orchard- type trees and California native trees, shrubs and groundcover. The Project will also provide a turf area for passive recreation in the front of the site and raised planting beds for residents. Finally, due to its proximity to the many services on the San Pablo Avenue corridor, the Project provides residents with the option to rely on transit and non-motorized transportation options.

Community Design 1.3: 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, and*

Community Design 1.9: 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, and*

Community Design 4.2: 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, and*

Community Design 5.1: 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 architecture of the proposed fourteen unit structure has been designed to reflect but not mimic the existing historic single family dwelling. The roof pitch of the dormers is consistent with the roof pitch of the historic single family dwelling, and while the materials are not the same, the appearance of the materials as well as their colors appear to be 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. As noted previously, this Project received positive feedback for the Design Review Board at its conceptual review in November, 2013.

El Cerrito Zoning Ordinance

The current zoning designation for the subject property is Multi-family Residential (RM). This district is described in the Zoning Ordinance as follows:

To provide opportunities for multi-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre.

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

While it is the Planned Development Use Permit that has been appealed, the larger context of Planned Developments is helpful to understand when considering the Project. A Planned Development requires a rezoning, in terms of both text and map. It creates a new zoning designation, specifically for the subject property. The purpose is to provide for “detailed review of development that warrants special review and deviations from the existing development standards. It is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to subdivision and development under district regulations”. To that end, consideration of the Project throughout the report is completed in comparison to the underlying RM Zone. It is noted however, that this entitlement process is selected by city staff to use when a Project is found to offer the potential for overarching public benefit, and would not been considered if such potential did not exist.

Project Description

The Project is proposing to construct a new three story building, 42 feet in height. Two stories of the proposed building are for dwelling units, with the required fifteen parking spaces tucked underneath. The new building would include 14 new one and two bedroom dwelling units. The Project also proposes to restore and relocate the existing, historic, single-family detached house on-site to provide a fifteenth dwelling unit. Finally, the Project is proposing to retain the creek in place, thereby protecting the 115 foot long water course which is a tributary of Baxter Creek, utilize it as an amenity for the overall site and plant native and riparian vegetation. Attachment 3 and 4.

Site Description

The Project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a gentle 3 percent slope across the property. The Project site currently contains four buildings: the main house, garage, well house, and shed, as well as other features characteristic of rural agricultural properties. The house was constructed in 1897 by Ambrose Rodoni and, based on information from the Contra Costa County Assessor; it is the third-oldest building in El Cerrito. An open, rock-lined creek runs east-west across the site along the southern edge of the property approximately 20 feet from the house. The channel is approximately 4 feet deep and continues westerly onto the adjacent property in an open box culvert. The channel conveys stormwater runoff from upstream properties to the east.

Planning Commission Action

On April 16, 2014, the Planning Commission received the staff report, opened the public hearing and listened to the presentation by the applicant's development team. They then listened to the comments from the members of the public. The applicant offered a brief rebuttal, the Chair closed the public hearing and the Commission discussed the many aspects of the Project. The Planning Commission then found in favor of the Planned Development Use Permit, making the following findings:

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

The proposed residential Project will be a transit oriented development (TOD) with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.

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

The location and design of the Project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, daylighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.

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

The location and design of the Project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, daylighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.

The Project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned. It consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves and partially restores an important historic resource and protects an existing creek by including it within its landscaped area. The Project will implement the following General Plan policies: LU1.3: Quality of Development, LU1.5: Suitable Housing, LU1.6: Various Housing Types, LU1.7: Maximum Density, LU5.5: Pedestrians, Bicycles, and Access, LU6.4: Water Conservation, CD1.2: Design Concept, CD1.3: High-Quality Design, CD1.5: Landmarks Preservation, CD 1.9: Building

Design, CD3.3: Site Landscaping, CD4.2: Building Articulation, CD5.1: Design Review Process and R2.2: Historic Preservation.

Development within the -PD district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:

- a. Appropriateness of the use(s) at the proposed location.*

The proposed residential Project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 14 new dwelling units while preserving a historic dwelling and retain an existing creek.

- b. The mix of uses, housing types, and housing price levels.*

The proposed Project offers a range of attached and detached dwellings on site. In the new construction is includes both one bedroom and two bedroom housing unit styles. All units' prices will be set by the market. It is expected that the prices will reflect the different unit sizes.

- c. Provision of units affordable to persons and families of low and moderate income or to lower income households.*

While this is an important consideration, there was no feasible way to include a mandate to offer these units at an affordable price to persons and families of low and moderate income or lower income homes as defined by the State of California.

- d. Provision of infrastructure improvements.*

The existing infrastructure is sufficient to serve the proposed development as proposed.

- e. Provision of open space.*

While requiring relief from some development standards of the RM zone, it exceeds the zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

- f. Compatibility of uses within the development area.*

The use of the development area is exclusively residential.

- g. Quality of design, and adequacy of light and air to the interior spaces of the buildings.*

The design of the new construction has been designed to allow acceptable levels of light and air into the interior spaces of the building. As conditioned, it shall meet or exceed all requirements of the California Building Code. In addition, the distance between the relocated historic building and the adjacent preschool is approximately 13 feet.

- h. Overall contribution to the enhancement of neighborhood character and the environment of El Cerrito in the long term.*

This Project will contribute to the enhancement of the neighborhood character and the environment of El Cerrito in the long term in that it represents a balance of many of El Cerrito's core values. It incorporates transit oriented development and good urban design with successful historic preservation and stewardship of an existing creek.

- i. Creativity in design and use of land.*

The Project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the Project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site.

The motion was made by Commissioner Iswalt, second by Commissioner Hansen: It passed four votes to two. One member was absent.

Appeal

The appellant's letter of appeal dated April 28, 2014 articulated over twelve reasons for filing the appeal. Staff has summarized each of these concerns and responded to each one below. The appeal letter is included as Attachment 8 for the City Council's review. It is noted that staff did not address the last two points of the appeal letter as they did not apply to Planning Commission action, but rather to the appellants' opinion of staff and the Commission's efforts that were included for context.

1. Number of Variances.

The appellants state that the number of variances that the developer is seeking should give pause to the leadership of El Cerrito and presents a "huge red flag" that this project is not in line with the City's values and intentions for growth.

Staff Response: The applicant is not requesting variances from the Multi-family Residential Zone. He is requesting the approval of a Planned Development. These two processes are quite different. The purpose of a Planned Development is to allow the city to consider a new specialized zone designation in return for overarching public benefit.

The applicant is not requesting variances but rather defining the specific development requirements needed to construct the Project. These new development standards allow for the Project to be built on the site. In return for considering a Planned Development approach, the City can gain fourteen new units near Del Norte BART, the retention (and partial restoration) of the historic dwelling located on site as well as retention and enhancement of the creek through the extensive planting program proposed. If the Project did not offer these benefits and the applicant wanted to proceed, he would have had no choice but to apply for a series of variances.

2. Site size and density.

The appellants state that the new fourteen unit building is actually much denser than represented in the report. They define the proposed density as the number of dwelling units divided by the foot print of the new building. They conclude that the actual density is 73.6 dwelling units per acre.

Staff Response: The measurement of density (dwelling units per acre) is a standardized method of measurement in land use planning. To identify a Project's density, the proposed number of dwelling units is divided by the acreage of the entire site. The subject property is 18,465 feet or 0.42 acres. The total number of dwelling units proposed for the site is fifteen. Therefore, the proposed density is 35.7 dwelling units per acre.

3. Height and neighborhood quality.

The appellants state that the proposed 42-foot structure is too tall for the existing residential neighborhood and would severely diminish the visual quality, livability, and human scale of the street. They note that the immediate vicinity, though zoned RM, consists of only one- and two-story structures, the majority of which are single-family homes. They note that Elm Street has mostly 12-foot-high houses and duplexes, and a couple of 20- to 24-foot structures.

Staff Response: The neighborhood is more than single family dwellings and duplexes; and it encompasses more than the streetscape along Elm. It also includes three and four story multifamily buildings found along Liberty Street, many of which are also located in the same block, zoning district and General Plan designation as the subject property. The neighborhood also includes Summit K2, a 2-story public charter school, and the 2-story preschool school immediately adjacent to the Project site. The table below illustrates some of the taller existing structures in the vicinity. Attachment 9 shows the vicinity of the Project with these addresses noted.

Address	No. of Units	Lot Size (sq. ft.)	No. of Stories	Density
<i>1715 Elm Street</i> <i>(Proposed Project)</i>	<i>15</i>	<i>18,468</i>	<i>3</i>	<i>35.7 du/ac</i>
1749 Elm Street	5	9,225	2	23 du/ac
1715 Liberty St.	3	6,250	3	20 du/ac
1725 Liberty St.	10	12,500	2 (tuck under prk.)	32 du/ac
1740 - 1750 Liberty St.	16	23,136	3	30 du/ac
1751 Liberty St.	20	21,780	3	40 du/ac
1708 Lexington Ave.	13	13,000	3	33 du/ac

This is a diverse neighborhood with many different uses, densities and heights that are compatible with the proposed Project.

In terms of scale, the proposed building interacts with Elm Street by providing an interesting variation in form and mass along the Elm Street façade (as opposed to monolithic). The exterior elevations include the addition of vertical architectural elements and horizontal color bands. Balconies and trellises have been added to soften the interface with the street. One of the dwelling units on the ground floor is turned so to face the street, adding glazing and design details along the Elm Street side of the building.

Landscaping also adds to the interface between the Project site and the street. The main common open space, located directly in front of the restored historic structure features a turf oval surrounded by a permeable concrete walk. This is proposed to be a passive recreation area with places to sit along with outdoor amenities like BBQ equipment. Plantings further soften this area; which include accent trees and orchard trees as well as shrubs. North of this larger area, there is another area that is proposed to include raised planting beds, accent trees and decomposed granite walking paths. All of these amenities will encourage residents to spend time in the front yard area along the Elm Street corridor.

4. Consistency with the (RM) Multifamily Zoning District.

The appellants cite an excerpt from the Zoning Ordinance (19.06.010 Purpose): "The specific purposes of residential districts (including RM) are to: ...Preserve, protect, and enhance appropriately located areas for residential land use, consistent with the City's General Plan. Prohibit incompatible uses. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses."

They go on to state that the Project height does not "preserve or enhance the character of (the) existing residential neighborhood" and does not "limit the encroachment of new buildings and activities that are out of scale and character with the surrounding uses."

Staff Response: This excerpt is slightly misleading. The full version of the purpose of the RM zone as stated in the municipal code states:

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

It identifies that the RM district is the correct designation for areas that have higher traffic volumes and buildings. It notes that those sort of denser projects should be located outside of the lower density single family residential communities to the east and closer to services and transportation systems are adequate to serve the increased densities. Finally, it instructs that the role of the RM zone to be partially as a buffer between the commercial zones along San Pablo Avenue and the less intensive residential neighborhoods to the east. Therefore, contrary to appellants' assertions, the RM zone is the appropriate location for development with the Project's proposed density and height. The Council should remember when analyzing this issue, however, that the Project includes an application for PD zoning to create specific development criteria for the property. The proposed PD zoning regulations are based upon and compatible with the RM zoning requirements, but the application allows for some deviation from the RM zoning regulations by applying PD zoning specific to the site.

5. Zoning Transitions and Zoning Intensions of General Plan

Appellants assert that because the Project is on the border of the RD zoning district (duplex residential), which specifies 11-20 units per acre zoning, it is the neighboring

RD zone and the adjoining RS (single family) zone that set the character of the neighborhood in the area east of Elm Street. Based upon that characterization of the neighborhood, appellants believe that the density of the Project should be closer to 20 units/acre or lower when considering setbacks to protect the creek and historic structure.

Staff Response: As stated in an earlier response, this neighborhood is diverse in terms of uses, heights and densities. There is no planning policy that mandates new developments to decrease in height or density simply due to their proximity to a General Plan designation border. The Project is found to be contextually compatible with its surrounding community, especially to its west. There is also no policy in place that specifies lower density near the resources such as the creek or historic structure. The Initial Study, Mitigated Negative Declaration found that with the included mitigations, no significant adverse impacts would occur to the either of these resources. The Project has also applied for and will be required to obtain permits from agencies (Army Corp of Engineers, Department of Fish and Wildlife, Regional Water Quality Control Board) responsible for considering the impacts on the creek, creek habitat and water quality.

6. Transit Oriented Development.

Appellants state that, it is important for the Council to bear in mind that, although the Project property is close to the Del Norte BART station (0.4 miles on foot), it is not in the TOM zoning district (transit-oriented mixed use zoning) and does not qualify for special conditions associated with that zoning.

Staff Response: Appellants misunderstand the transit oriented development (TOD) references in the report. As noted previously, the Project property is currently zoned RM, not TOM. However, it is considered transit oriented due to its provision of housing in proximity to the BART station. Additionally, the Project proposes PD zoning for the property, which would modify the base RM zoning regulations in recognition of the benefits of the Project, its unique features, and the preservation and partial restoration of an historic structure and creek enhancement.

7. Creek Setback

Appellants state that the Project's proposed creek setbacks of 4-6 feet from the top of the bank, as opposed to the 30-foot setbacks required by Chapter 19.12 of the Zoning Ordinance, will diminish the potential to restore the resource and are inconsistent with "modern stewardship of creeks."

Staff Response: The City of El Cerrito does have a strong commitment to the preservation and restoration of creeks. In the case of this Project, allowing for the reduction of the creek setbacks was considered and evaluated in terms of causing potential harm for the creek. Planned Development zoning allows the City to consider alternatives to the standard thirty foot setback as long as it can be shown that the alternative provides opportunities for superior community design, environmental preservation and public benefit. As noted in the Initial Study/Mitigated Negative Declaration, this creek is not rich in riparian habitat and does not have any signs of

aquatic life. These are the sort of conditions that could require a significant setback from the creek. The Initial Study/Mitigated Negative Declaration notes that with mitigations there will be no significant adverse impact on the creek. In addition, the applicant has concurrently applied for a Joint Aquatic Resource Permit (JARPA) permit. This joint permit application is routed to the Department of Fish and Wildlife, The Army Corps of Engineers and the San Francisco Bay Area Regional Water Quality Control Board for their individual review. As of May 21, they have already received approval from the Department of Fish and Wildlife. No building or grading permits will be issued until and unless the other two agencies approve this Project.

The Project design allows for the retention and enhancement of the creek and its environs and the preservation and partial restoration of the historic dwelling while allowing for fourteen new dwelling units to be added to a site within a quarter mile of Del Norte BART. As a result, the Project balances the values of the City of El Cerrito, as noted in the General Plan, the Climate Action Plan and the Strategic Plan. In contrast, strict application of the RM district zoning regulations would result in creek setbacks that, in the view of staff and the City's professional consultants, are unnecessary to protect the creek while compromising the Project's potential to provide transit-oriented housing, which is also one of the City's values.

8. Historical Structure

Appellants assert that the size of the Project's new structure does not match the historic character of the historic building in terms of size and scale.

Staff Response: The Department of Interior Standards recommends that new buildings that are built near historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale, design, material, color, and texture. This policy is not meant to prohibit new buildings that are taller or larger than the historic buildings that they are adjacent to on a site. The applicant has designed the new construction to meet the spirit of these recommendations, including a number of architectural features that reflect the style of the historic building. For example, a mansard roof with brown asphalt shingle roofing is used on both the new and the historic building and the pitch for of each roof is also very similar. The applicant is also using horizontal siding painted in neutral tones to support this goal. Although the new building will be considerably taller than the historic dwelling, they are set on as far apart as possible on the site. The turf open space serves to frame the historic dwelling from the Elm streetscape, setting it visually apart from the new construction. The Initial Study, Mitigated Negative Declaration did note specific mitigations in response to this Project proposal, and concluded that, with the recommended mitigation measures, the new building would not have an adverse impact to the historic structure.

9. Environmental Hazards and Health Risks, Especially To Children

Appellants note that the Project property is located next to property currently used by Keystone Montessori preschool, which serves 60+ children, ages 18-months to 6 years, and is staffed by 10+ adults, from 7:00am to 6:00pm every weekday. They assert that

the Project would “present numerous unknown environmental hazards and health risks to the children who attend this preschool” because the Initial Study/Mitigated Negative Declaration did not study the immediate and long-term impacts of potential exposure to environmentally hazardous substances during construction, especially with respect to children.

Staff Response: Construction and demolition occur throughout the region. Inherent with these processes, there are a number of possible contaminants in the soil that could become airborne during grading and construction. The Bay Area Air Quality Management District (BAAQMD) is the local and regional authority regarding air quality concerns. The BAAQMD has developed project-level thresholds of significance in order to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. To meet the project-level threshold of significance for construction- and/or operational-related criteria air pollutant and precursor impacts, the proposed Project must emit no more than 54 pounds per day (lbs/day) of reactive organic gases (ROG), nitrogen oxides (NOx), and/or PM_{2.5} and no more than 82 lbs/day of PM₁₀.

Operational: In the case of this Project, the Initial Study notes that the operational components that would impact air quality relate only to the motor vehicles that are associated with the site and it is noted that air impacts generated by this Project are well under the thresholds identified by BAAQMD.

Construction-generated: These emissions are short term and of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact. The proposed Project would result in the temporary generation of emissions resulting from site grading, paving, motor vehicle exhaust associated with construction equipment and worker trips, the movement of construction equipment, and architectural coatings. Fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Off-road construction equipment is often diesel-powered and can be a substantial source of NOx emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions.

Project Construction Emissions (Maximum) Pounds per Day

Construction Phase	ROG	NOx	PM₁₀	PM_{2.5}	CO
Construction Activities	5.52	29.90	2.32	1.97	20.10
BAAQMD Significance Criteria	54	54	82	54	None
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

Source: Emissions modeled by PMC using the California Emissions Estimator Model (CalEEMod), version 2013.2.2 computer program. Notes: CO = carbon monoxide. Proposed rehabilitation of existing single-family unit assumed to be completely reconstructed for conservative analysis. Building construction, site paving, and painting activities assumed to occur concurrently.

The Initial Study notes that this Project's maximum daily emissions would total approximately 5.52 lbs/day of ROG, 29.90 lbs/day of NO_x, 2.32 lbs/day of PM₁₀, 1.97 lbs/day of PM_{2.5}, and approximately 20.10 lbs/day of CO. Of course, actual daily emissions would vary from day to day and would be dependent on the specific activities conducted. Therefore, during construction of the proposed Project, emissions generated would not exceed the BAAQMD's thresholds of significance for air pollutant emissions, which would be considered a less than significant impact.

Of additional concern, older buildings also have the potential of containing asbestos and/or lead. There are standard precautions and mitigations for these risks which will be required by the BAAQMD and the California Building Code. These issues were discussed when staff met with representatives from the preschool and the development team. As a result of that discussion, a number of additional conditions of approval were included in the April Planning Commission report. These included steps to minimize air quality impacts during the construction process and to ensure that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed. And all identified ACMs and any loose or peeling LBP shall be abated.

The appellants asked for air monitoring of the site throughout the construction process in April, as well. Staff contacted neighboring cities to see if they had any type of best practices regarding this issue. No city or county was found that had air monitoring in place during construction.

10. Parking, Traffic and Noise Impacts

The appellants state that the traffic report used for the Project's analysis was over four and one half years old. They feel that the applicant should have to demonstrate that there will be no adverse noise, parking or traffic impacts before the Project is allowed to move forward.

Staff Response: There appears to be a misunderstanding as to who is responsible for the preparation of the Initial Study. The City of El Cerrito is the lead agency under California Environmental Quality Act (CEQA), and is the party responsible for the environmental document that was prepared. The following is a brief response to each of the three issues, by topic:

Traffic: The original traffic impact study (TIS) for this Project was created in 2009. At that time the Project consisted of 14 units. Kittelson & Associates, a private transportation consultant, hired by the City, reviewed the 2009 TIS in December of 2013 to determine whether the analysis adequately reflects conditions that would occur with the Project as currently proposed (15 units). Kittelson determined the baseline results from 2009 were still valid. They also found that the Project, compared to the project studied in the 2009 TIS, would result in 40 additional total daily trips and up to 5 additional peak-hour trips (total for AM and PM peak hours). While this is a notable increase, it is not enough to cause a decrease in the overall level of service (LOS) at the three key intersections, so no significant impact would result.

As stated in the General Plan, if an intersection is functioning at LOS D or above, it is considered acceptable. Table A shows the results of the existing LOS analysis for signalized and unsignalized intersections in the area of the Project. Data from three study intersections show current operations at acceptable levels of service during weekday AM and PM peak-hour time frames. Table B presents the results of the existing plus Project intersection LOS analysis from the 2009 study, which shows the proposed Project would result in no change to the peak-hour LOS and would have a minimal effect on delays. The addition of five vehicle trips during each peak hour would not reduce the level of service to below the City's standard of LOS D (Kittelson, 2013). All of the study intersections are forecast to operate at acceptable levels of service during all peak-hour scenarios.

TABLE A

Intersection		Existing Weekday AM Peak Hour		Existing Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.2	C
AWSC	Elm Street/Richmond Street/Blake Street	11.5	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

TABLE B

Intersection		Existing Plus Project Weekday AM Peak Hour		Existing Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.3	C
AWSC	Elm Street/Richmond Street/Blake Street	11.6	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

The traffic study also looked ahead at the function of the intersections with all other known projects in operation. This includes the equivalent of the proposed Summit K2 Middle School. Cumulative plus project weekday and weekend PM peak-hour volumes were determined by adding the Project trip assignment to the cumulative volumes. The 2009 study found all of the study intersections would operate at acceptable levels of service during all peak-hour scenarios. The addition of five vehicle trips during each peak hour under cumulative conditions would not reduce the level of service to below the City's standard of LOS D (Kittelson, 2013).

To ensure a minimum amount of frustration during construction, the applicant shall be submitting a Traffic Control Plan for use during the construction phase of the Project.

The goal of this plan will be to ensure that the contractor responsible for the construction is made aware of all City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. It will also include a requirement to schedule all major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). Staff believes these also are the peak pick up and drop off hours of the preschool.

Parking: The project proposes 15 new parking spaces.

The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed building and not in a surface lot and by reducing the amount down from 21 to 15, the Project allows for much more efficient use of the site making the land available for the new housing, the creek and a considerable amount of open space, and the historic building. This style of parking tucked under the new construction is a preferred alternative with regard to urban design, which essentially hides the vehicles from public view, while accommodating them on site. In addition, staff believes that the close proximity of the Project site to the El Cerrito Del Norte BART station (located within a quarter mile), several bus lines, and commercial uses, will result in increased transit use and pedestrian activity that will reduce the demand for parking on site. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies that support a parking standard of one space per unit for Projects up to one-half mile away from a BART station. Please see link to recent studies included as Attachment 10. Visitors would be allowed to park on the public right of way if the Project's parking lot was already full. This right is shared by all other residences in the area.

Noise: The Project is proposed to be exclusively residential. No significant increase in the ambient noise of the neighborhood is expected as a result of this Project.

Construction activities on the Project site will generate noise that could disturb adjacent residences. According to City Municipal Code Section 19.21.050, the goal for maximum outdoor noise levels in residential areas is an L_{dn} (day-night level) of 60 decibels (dB). Section 16.02.080(b) of the City's Municipal Code limits the hours of work to between 7:00 AM and 6:00 PM Monday through Friday, and between 8:00 AM and 5:00 PM on Saturday. Construction work is prohibited on Sundays and holidays. These restrictions apply to any construction occurring within the city limits.

The preschool asked the applicant to refrain from using tools and machinery from noon to 2:00pm to allow for nap time. The applicant did agree to try to limit noise by setting a lunch break from noon until 1:00pm. He also stated that he would agree to meetings between the person in charge of the construction and the personnel of the preschool at least once a month to ensure that communication between the two uses remains open. Staff added that the person in charge of the construction site should also be available to

other members of the public. Conditions of approval were included in the April report to ensure compliance with these standards.

11. Shading Analysis

Appellants characterize the shading analysis performed as part of evaluating the Project as “limited and misleading,” and “too quick to dismiss the serious consequences of shading on neighboring properties.” Without any supporting evidence, they claim that the home to the north will lose several hours of direct sun on their south windows and roof every day for nearly half the year which would affect passive solar heat gain and result in diminished thermal comfort and increased heating energy use, costs and carbon emissions for the occupants. They also claim that Project shading on the roof of the house to north would make it not viable to install on-site renewable power generation with photovoltaic solar panels.

Staff Response: Shade analysis is not required by the current zoning ordinance. Shadow studies were included in the Project analysis as a way to evaluate the overall impact of the proposed Project on its neighbors. The studies illustrated that only one of the surrounding dwellings would experience shade on its roof and windows at any time of the year as a result of the Project. There is some question as to how much direct sunlight the existing duplex experiences half of the year now, but assuming that the duplex to the north will experience additional shade, it would have some impact on the passive solar heat gain in the winter. The appellant’s line of thought concludes that this additional shading should be not allowed because of its possible result in increased carbon emissions. This is one issue that could be considered when reviewing this Project. However, this single issue of additional shade is not a significant environmental impact and needs to be considered against all that the Project does for the City and the climate, which staff believes is a net positive through locating additional residences in proximity to the BART station.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) were approved by the Planning Commission at the April 16, 2014 meeting. 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.

The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

Reviewed by:


Scott Hamn, City Manager

Attachments:

1. Resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
Exhibit A. Initial Study and Mitigated Negative Declaration
2. Resolution approving a General Plan Amendment;
3. Ordinance to approve Planned Development District for the Project property and Amendment to the Zoning Map
Exhibit A: Site Plan
4. Resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project.
5. Ordinance to approve a Development Agreement.
Exhibit A: Development Agreement
6. General Plan Map
7. Plan Set
8. Revised Landscape Plan
9. March 19, 2014 Staff Report
10. April 16, 2104 Staff Report, Resolutions and Shadow Study
11. May 21, Staff Report and Resolution
12. Letter of Appeal
13. Vicinity Map
14. Resource Page with links to studies regarding transit oriented development

15. Correspondence



AGENDA BILL

Agenda Item No. 6 Staff Report 2

Date: June 2, 2014

To: El Cerrito City Council

From: Margaret Kavanaugh-Lynch, Development Services Manager
Melanie Mintz, Interim Community Development Director

Subject: City Council consideration of a General Plan Amendment, Development Agreement, and the creation of a Planned Development District including a Zoning Map Amendment to allow for the construction of 14 new dwelling units, the relocation of 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of private open space, and 2,874 square feet of common open space on property located at 1715 Elm Street.

RECOMMENDATION

Staff recommends that the City Council hold a single, consolidated public hearing to consider both the actions necessary to approve the proposed development at 1715 Elm Street (the “Project”) and the related appeal of the Planning Commission’s approval of the Planned Development Use Permit for the Project. The appeal is discussed in a separate staff report for ease of consideration by the Council.

Staff additionally recommends that, at the conclusion of the consolidated public hearing, the City Council:

1. Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
2. Adopt a resolution approving a General Plan Amendment;
3. Waive first reading and introduce an ordinance to approve Planned Development Zoning for the Project property and amend the Zoning Map accordingly;
4. Adopt a resolution denying an appeal of the Planning Commission’s approval of a Planned Development Use Permit for the Project; and
5. Waive first reading and introduce and ordinance to approve a Development Agreement.

BACKGROUND

The Project is proposing to construct a new three story building, 42 feet in height. Two stories of the proposed building are for dwelling units, with the required fifteen parking spaces tucked underneath. The new building would include 14 new one and

two bedroom dwelling units. The Project also proposes to restore and relocate the existing, historic, single-family detached house on-site to provide a fifteenth dwelling unit. Finally, the Project is proposing to retain the creek in place, thereby protecting the 115 foot long water course which is a tributary of Baxter Creek, utilize it as an amenity for the overall site and plant native and riparian vegetation. To develop the Project as proposed, the applicant has applied for a General Plan Amendment to allow for slightly more density than is currently allowed and Planned Development rezoning of the property to allow for development standards different from those that apply in the existing RM zoning district in which it is located and those that apply under the creek protection provisions of the Zoning Ordinance.

In the City of El Cerrito, Planned Developments require both a legislative and quasi-judicial approval. This staff report analyzes the legislative component of the entitlement package, including the following components: General Plan Amendment, the creation of a Planned Development District including a Zoning Map Amendment, and a Development Agreement. Pursuant to Chapter 19.14 of the El Cerrito Municipal Code, the City Council is being asked to take an action on these entitlements. The purpose of a Planned Development is to allow the city to consider a new specialized zone designation in return for overarching public benefit. The applicant is not requesting variances but rather defining the specific development requirements needed to construct the Project. These new development standards allow for the Project to be built on the site. In return for considering a Planned Development approach, the City would gain fourteen new units (fifteen units total) near Del Norte BART, the retention and partial restoration of the historic dwelling located on site as well as retention and enhancement of the creek through the extensive planting program proposed.

The other component of the Project's entitlement package, the Planned Development Use permit, was approved by the Planning Commission on April 16, 2014. That decision has been appealed to the City Council, which is analyzed in the other staff report before the City Council, tonight. At the May 21, 2014 Planning Commission meeting, a majority of members of the Planning Commission voted against recommending the General Plan Amendment, PD rezoning, and development agreement, which must be approved by the City Council. By scheduling the hearing on the appeal of the Commission's approval of the Planned Development Use Permit and the hearing on the other entitlements at the same meeting, the City Council and the community are able to analyze and consider the whole Project.

Traditionally, staff writes City Council reports from the lens of the last body of decision. In this case, staff will attempt to write to reflect both recent actions of the Planning Commission, including the approval of the Planned Development Use Permit and the recommendation for denial of the General Plan Permit, Development Agreement, and the creation of a Planned Development District including a Zoning Map Amendment.

DISCUSSION

The Project is proposing to provide fourteen new one- and two-bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density, multifamily residential uses. It also proposes to partially restore and relocate the existing, historic single-family detached house on site to provide a fifteenth living unit and preserve an important historic resource. Finally, the project is proposing to keep the existing creek in place, thereby preserving the 115 foot long water course which is a tributary of Baxter Creek and utilize it as an amenity for the overall site. The proposed condominium structure would be 14,311 square feet, with eleven two-bedroom units (approximately 1,064 sq ft each) and three one bedroom units. (869 square feet each). Two of these units will be accessible without stoops from the ground floor. The Project is also adding a considerable amount of landscaping, including orchard-type trees and California native trees, shrubs and groundcover. The Project will also provide a turf area for passive recreation in the front of the site and raised planting beds for residents. Bioswales and permeable surfaces are also utilized for the treatment of stormwater on-site. (Attachment 7).

Below, staff has listed each of the entitlements for the Council members review and consideration.

- 1) General Plan Amendment: The maximum density allowed within the High Density Residential designation is 35 units per acre for market rate housing. The project has a proposed density of 35.7 dwelling units per acre. The applicant has stated that they need the additional 0.7 density (or essentially the 15th unit) in order to make the project financially viable given the amount of land needed in order to preserve and enhance the creek and historic house.

Staff evaluated the request which is manifested as the fourteenth dwelling by reviewing the General Plan designation's goals and the Zoning District's purpose, the information included in the Initial Study, and by analyzing the surrounding neighborhood.

The General Plan designation for this site is High Density Residential (21 to 35 dwelling units/net acre). This designation is described as follows:

The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.

The General Plan Map illustrates the transition in the residential land uses in this area (Attachment 6). The High Density designation runs in a band immediately adjacent to the Commercial/Mixed Use designation along San Pablo Avenue. It is flanked in most areas by thinner band of Medium Density designation. In the vicinity of the project,

from Hill on the north, to Elm on the east, Blake on the south and the BART tracks on the west, the entire section of the city is High Density Residential. South of Blake, the area transitions down to Medium and Low Density Residential. One of the primary reasons for the higher intensity designation in this area is tied to its transit-and-transportation rich surroundings. In addition to the Del Norte BART station and the buses that run along San Pablo Avenue, staff notes the immediate adjacency of Hill Street and Richmond Avenue (Arterial Streets) as well as the Ohlone Greenway for bike and pedestrian travel.

The Project is consistent with and furthers the following existing General Plan policies, as explained in the text following each policy. A minor amendment to allow for a slight increase in the currently permitted density is necessary for the Project to proceed as proposed.

Land Use 5.1 BART Station Areas.

Encourage higher densities and a mix of uses near the city's two BART stations to take advantage of the transit opportunities they provide.

This project is within a quarter mile of the Del Norte BART station.

Community Design 5.2 Planned Developments.

Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities.

The Project utilizes the planned development technique in order to preserve open space, historic features and the existing creek. It also exceeds the underlying zone's requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

Community Design 3.5 Creek Preservation.

Where possible, preserve and restore natural drainage ways as parts of the storm drainage system, coordinating with recreational and trail use.

Resource 1.9 Development near Creeks.

For development adjacent to creeks and major drainages, provide adequate building setbacks from creek banks, provision of access easements for creek maintenance purposes and for public access to creekside amenities, and creek improvements such as bank stabilization. Also protect riparian vegetation outside the setback.

The 115 foot long tributary of the Baxter Creek is being preserved on site. All appropriate permits will be secured for work near the creek before the issuance of any building or grading permit. As part of the applicant's Joint Aquatic Resource Permit Application (JARPA) to the Department of Fish and Wildlife, Army Corps of Engineers and Regional Water Quality Control Board, a Riparian Enhancement Plan has been developed.

Resource 2.1: Historic Preservation.

Ensure that the remodeling and renovation of historic structures respects the character of the structure and its setting.

Resource 2.5: Public Awareness.

Promote public awareness of significant resources through educational programs, tours, markers, and other appropriate measures.

The project is preserving the historical dwelling unit on site and restoring the front façade to the Department of Interior Standards. The new proposed construction is being designed in a way that it is architecturally compatible with the historic dwelling. In addition, the applicant is funding two historical plaques that will inform visitors to the site of the Rodoni home and the historic context of the neighborhood's "Little Italy".

Land Use 1.2: Multifamily Neighborhoods.

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

Land Use 1.3: Quality of Development.

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

Land Use 1.5: Suitable Housing.

Promote suitably located housing and services for all age groups within the city

Land Use 1.6: Variety of Housing Types.

Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments.

The Project proposes to add 14 new multi-family units and to preserve and partly restore an historic small single-family unit, which is a housing type not represented in significant numbers in the City's current housing stock. It therefore furthers the General Plan policy included immediately above. Additionally, with the mitigations and conditions that staff has proposed (and that are identified in the Initial Study/Mitigated Negative Declaration), the Project supports and is compatible with the residential character of its surrounding residential neighborhood. The Project would create a unique living environment by retaining the creek and adding considerable landscaping, including orchard- type trees and California native trees, shrubs and groundcover. The Project will also provide a turf area for passive recreation in the front of the site, raised planting beds for residents and shared facilities such as BBQ areas. Finally, due to its proximity to the many services on the San Pablo Avenue corridor, the Project provides an residents with the opportunity to rely on transit and non-motorized transportation options.

Community Design 1.3: 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.

Community Design 1.9: 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.

Community Design 4.2: 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.

Community Design 5.1: 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 architecture of the proposed fourteen unit structure has been designed to reflect but not mimic the existing historic single family dwelling. The roof pitch of the dormers is consistent with the roof pitch of the single family dwelling, and while the materials are not the same, the appearance of the materials as well as their colors appear to be 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.

2) Creation of a PD Planned Development District

The specific purpose of the PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. As stated above, this district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to development under district regulations. If approved by City Council, the Zoning map will be amended for the subject property to note a change to RM-PD.

The project proponent is requesting variation from the specific development standards of the RM zone in order to retain the site's environmental and historic community assets while accommodating a transit oriented design that is generally consistent with, and furthers the objectives of the General Plan. These four standards are described in detail, below.

Development Standards

Dev. Standards	Required	Proposed
Setbacks		
Front	10 ft	10 ft
Sides	5 ft; 10 ft for portions of building greater than 25 ft. in height	25ft on the west side, 3 ft. on the east side
Rear	15ft	15 ft
Height	35 ft	42 ft
Parking	2/unit (21)	15
Lot Coverage	60 % max	53 %
Distance Between Buildings	10 ft to 20 ft depending on location of primary rooms	10 ft to 20 ft

While requiring relief from some development standards, the Project exceeds the RM zone minimum requirements for both common area and private open space and allows for ten percent less lot coverage than could have been achieved under the current RM district regulations. Each of the proposed development standard modifications is described below.

a. **Setback from Property Line of Relocated Historic Building**

The relocated historic building is proposed to be three feet away from the east side elevation, a reduction of two feet from the typical requirement. The distance is really a function of the width of the existing building and the location of the creek bank. The applicant has located the building as close as possible to the creek bank without compromising the building's foundation or the bank of the creek. Staff determined this relief of two feet allows for an overall better design of the project, in that it allows the historic building to fit into that quadrant of the site. Staff also notes that it is only the front section of the house that requires this relief as the remaining two thirds of the structure do conform to the five foot requirement. This impact is further mitigated by the large common open space that is proposed for the front half of the lot. The preschool's main building is located over 10 feet away on its abutting lot line, offering a large buffer between the two uses. Therefore, staff

believes that this variation will not adversely affect the usability of the adjacent preschool. Members of the Planning Commission did not voice dissent on this issue.

b. Maximum Height of Proposed New Construction

Pursuant to the El Cerrito Municipal Code, height is considered the vertical distance from the highest point of any structure to the ground level directly below. The maximum height allowed in the RM zone is 35 feet. As noted in the plan set, Attachment 7, the roof plate for this project is 33 ft tall. The additional 9 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and resulting maximum height was one of the main points of conflict for the Planning Commission:

Roof Style. The Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. The mansard roof with brown asphalt shingle roofing is used on both primary buildings and the pitch of each roof is also very similar. The applicant is also using horizontal siding painted in neutral tones to support this goal. Staff believes a flat roof that could meet the maximum height would not be preferable in this case. Further, the applicant has stated that the mansard roof will screen a number of the possible roof mounted utilities that would otherwise be partially visible or require a tall parapet wall. For these reasons, the mansard roof as proposed is the preferred design.

Roof Height. At the May 21, 2014 meeting, some members of the Planning Commission were concerned about the overall height of the proposed structure, including its size in comparison to surrounding structures as well as the shade it cast. The applicant produced a series of shade studies in an attempt to quantify the impact. The studies illustrate that at 2:00 pm on December 21st (winter solstice when the period of daylight is the shortest or worst case in terms of building shade impact), the one property that will have the potential to experience shading impact is the residence directly to the north. These types of shadow studies are common ways to help to understand proposed building's impact on the surrounding neighborhood. In this case, the Planning Commission has sent conflicting guidance to the City Council. In the April meeting, the Commission approved the height of the new building, but in the May meeting, the majority of the members present felt the building was too tall. Staff notes that the impact of shading is not specifically addressed by the Municipal Code at this time and was not discussed in the Initial Study as it is not considered an impact.

c. Building Setback from the Creek and the pedestrian bridge

One of the goals of the Creek Protection Overlay district is to preserve, enhance and restore natural drainageways as part of the storm drainage system, minimizing

any alterations or structures within the natural stream channel and streambed. In support of that goal, the Creek Protection Overlay District (Chapter 19.14) prohibits placement of fill or any other obstruction and establishes a minimum 30-foot setback from the top of creek bank. The new construction is proposed to be 7 feet, 8 inches from the center line of the creek and the relocated historic building is proposed to be 5 feet, 5 inches away from the centerline. In addition, a footbridge is proposed to cross the channel to provide access to the shared common area.

The project is proposing to maintain the creek in its current location and ensure that it would not be filled or otherwise obstructed, although the project does entail constructing a new concrete headwall resulting in a slight (40 square foot) reduction in volume. The applicant has prepared a Riparian Enhancement Plan and aims for the creek channel to be part of the common open space area of the development and a site amenity.

Although the Project does not include the 30-foot setback from the channel pursuant to Municipal Code Chapter 19.14, it is noted in this case that the existing on-site surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value for wildlife that may include utilization by local birds and mammals. The Initial Study/Mitigated Negative Declaration concludes that there would be less than significant impacts to biological resources as a result of this project. It is also noted that the applicant has concurrently applied for the required Joint Aquatic Resource Permit Agency (JARPA) permits and has to date received approval from one of the permitting bodies, the Department of Fish and Wildlife and is in consultation with the other two. No grading or building permit would be issued until and unless final approval is secured from all three agencies. Some members of the Planning Commission expressed doubt regarding the possibility of the project receiving the full JARPA approval. The development team includes a qualified biologist who has prepared the JARPA application and Riparian Enhancement Plan. The issue of the JARPA permit is outside the Planning Commission's discretionary role. Reduction in the setback is required to accommodate the various project elements, and staff feels that the goals of the Creek Protection Overlay district are incorporated into the proposed Planned Development, in light of the site's constraints and other public benefits provided.

d. Required Parking for Vehicles

The project proposes fifteen new parking spaces and is requesting an exception to the City parking requirements, which requires 21 spaces. The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed construction and not in a surface lot and by reducing the number of spaces from 21 to 15, the Project allows for much more efficient use of the site and makes land available for the new housing, the creek and a considerable amount of open space, and the retained and partially restored historic building. This style of parking tucked under the new construction is a preferred alternative with regard to urban design, which essentially hides the vehicles from public view, while accommodating them on site. In addition, staff believes that the close proximity of the project site to the El Cerrito Del Norte BART station

(located within a quarter mile), several bus lines, and commercial uses, will result in increased transit use and pedestrian activity that will reduce the demand for parking on site. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies that support a parking standard of one space per unit for projects up to one-half mile away from a BART station. Please see the recent studies included as Attachment 14. For all of these reasons, the majority of the Planning Commission did not seem to have any concerns regarding the reduction in parking to one parking space per unit for residences.

3) Development Agreement

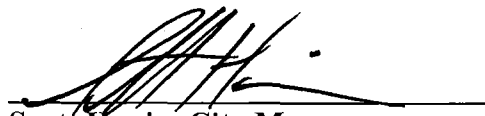
Section 19.14.020 of the El Cerrito Municipal Code states that Development Agreements are required as part of Planned Development Districts. Section 19.41.010 describe Development Agreements as follows: “Development Agreements provide a greater degree of certainty by granting assurance that an applicant may proceed with development in accordance with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved. A Development Agreement shall be a contract that is negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms or provisions agreed upon by the parties.”

The City Attorney and legal counsel representing the applicant met and developed a Development Agreement for this project. (Attachment 5) The resulting legal document would take effect only after the passage of the ordinance creating the district by City Council. This is the legal framework that encompasses the entitlement details of the Planned Development District. It codifies the project entitlements for a term of ten years. It allows the property owner to sell the entitlement package to another party. Some Planning Commissioners expressed concern over the ten year duration, but it did not appear that the majority of the Commissioners were opposed to this component of the project entitlement package.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for this project and has been incorporated into the conditions of approval. All the mitigations are included as part of Attachment 1, Exhibit A.

Reviewed by:


Scott Hanin, City Manager

Attachments:

1. Resolution approving the Initial Study/Mitigated Negative Declaration for the Project;

Exhibit A. Initial Study and Mitigated Negative Declaration
2. Resolution approving a General Plan Amendment;
3. Ordinance to approve Planned Development District for the Project property and Amendment to the Zoning Map

Exhibit A: Site Plan
4. Resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project.
5. Ordinance to approve a Development Agreement.

Exhibit A: Development Agreement
6. General Plan Map
7. Plan Set
8. Revised Landscape Plan
9. March 19, 2014 Staff Report
10. April 16, 2104 Staff Report, Resolutions and Shadow Study
11. May 21, Staff Report and Resolution
12. Letter of Appeal
13. Vicinity Map
14. Resource Page with links to studies regarding transit oriented development
15. Correspondence



June 2, 2014 City Council Meeting

Agenda Item No. 6

Public Hearing: Project at 1715 Elm Street – Planned Development and Appeal

ATTACHMENT INDEX

1. Resolution approving the Initial Study/Mitigated Negative Declaration for the Project;

Exhibit A. Initial Study and Mitigated Negative Declaration

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A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ADOPTING AN INITIAL STUDY WITH A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION OF 14 NEW DWELLING UNITS AND THE CONSERVATION OF AN EXISTING DWELLING UNIT AT 1715 ELM STREET. APPLICATION NO. 6133

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential); and

WHEREAS, the general plan land use designation of the site is High Density; and

WHEREAS, on January 13, 2014 the City circulated an Initial Study/Mitigated Negative Declarations pursuant to the CEQA Guidelines; and

WHEREAS, at its March 19, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and directed staff to bring the project back for formal action; and

WHEREAS, at their April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-06, adopting an Initial Study and Mitigated Negative Declaration; and

WHEREAS, at their April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-07, approving a Planned Development Use Permit; and

WHEREAS, on June 2, 2014, the City Council of the City of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

The City Council has considered the proposed negative declaration together with any comments received during the public review process, and finds, on the basis of the whole record before it, that:

- (1) There is no substantial evidence the project will have a significant effect on the environment, and
- (2) The negative declaration reflects the lead agency's independent judgment and analysis.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito City Council hereby adopts the Initial Study/Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Program for the construction of 14 new dwelling units and the conservation of one existing dwelling unit located at 1715 Elm Street.

I CERTIFY that at a special meeting on June 2, 2014 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June____, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Exhibit A: Initial Study and Mitigated Negative Declaration located on the City's Website at:

Initial Study <http://www.el-cerrito.org/DocumentCenter/View/3445>
Traffic Analysis 2009 <http://www.el-cerrito.org/DocumentCenter/View/3443>
Review Letter 2013 <http://www.el-cerrito.org/DocumentCenter/View/3444>
Historic Resource Evaluation <http://www.el-cerrito.org/DocumentCenter/View/3439>
Biological Resources Assessment <http://www.el-cerrito.org/DocumentCenter/View/3438>

CITY OF EL CERRITO
1715 ELM STREET CONDOMINIUMS PROJECT
DRAFT INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION



PREPARED FOR:

CITY OF EL CERRITO
10890 SAN PABLO AVENUE
EL CERRITO, CA 94530

PREPARED BY:



PACIFIC MUNICIPAL CONSULTANTS
2729 PROSPECT PARK DRIVE
RANCHO CORDOVA, CA 95670

JANUARY 2014

CITY OF EL CERRITO
1715 ELM STREET CONDOMINIUMS PROJECT
DRAFT INITIAL STUDY AND NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION

PREPARED FOR

CITY OF EL CERRITO
10890 San Pablo Avenue
El Cerrito, CA 94530

PREPARED BY

PACIFIC MUNICIPAL CONSULTANTS
2729 PROSPECT PARK DRIVE
RANCHO CORDOVA, CA 95670

JANUARY 2014

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**CITY OF EL CERRITO
1715 ELM STREET CONDOMINIUMS PROJECT**

ENVIRONMENTAL CHECKLIST FORM

Introduction: This Initial Study has been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, Section 2100 et seq.) and the State CEQA Guidelines.

Project Title: 1715 Elm Street Condominiums Project

Project Location: 1715 Elm Street, El Cerrito, California, on the west side of Elm Street, between Blake and Hill streets, approximately 1,000 feet east of San Pablo Avenue

Assessor's Parcel Number: 502-112-038

General Plan Designation: High Density Residential (up to 35 units per acre)

Zoning: RM (Multi-family Residential)

Lead Agency Name and Address: City of El Cerrito
Community Development Department
10890 San Pablo Avenue
El Cerrito, CA 94530

Contact Person: Margaret Kavanaugh-Lynch,
Development Services Manager

Phone: (510) 215-4332

Project Applicant: Edward Biggs
Biggs Property Development
820 Kains Avenue, #108
Albany, CA 94706

EXISTING SETTING

El Cerrito is located in Contra Costa County, in the northern San Francisco Bay Area, approximately 13.5 miles north of Oakland (**Figure 1**). Contra Costa County is bordered by the counties of Alameda to the south, Solano to the north, and San Joaquin to the east. El Cerrito is bordered by Richmond to the north and west, Albany to the south, and Wildcat Canyon Regional Park and Kensington to the east. El Cerrito is approximately 5 miles from the campus of the University of California, Berkeley, and is located approximately one-half mile east of San Francisco Bay.

The project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. There is currently a fence running across the front of the property to restrict access to the site. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a gentle 3 percent slope across the property. It currently includes a vacant two-story house built in 1897, a detached garage, a well house, and a shed. There are currently several persimmon trees and one miniature lemon tree on site. The site has fallen into disrepair and is now overgrown with weeds and unkempt landscaping.

An open, rock-lined stormwater channel runs east–west across the site along the southern edge of the property approximately 20 feet from the house. The channel is approximately 4 feet deep and continues westerly onto the adjacent property in an open box culvert. The channel conveys stormwater runoff from upstream properties to the east.

The project site is primarily surrounded by residential neighborhoods. Elm Street and residential properties are to the east, residential properties and Hill Street to the north, residential properties and Liberty Street to the west, and a day care and Blake Street are located to the south (**Figure 2**). Summit K2, a public charter school, is approximately 700 feet to the northeast (due to open in fall of 2014). San Pablo Avenue, which is a major commercial corridor, and a Safeway store are a few blocks to the west. The El Cerrito del Norte BART station is approximately one-quarter mile to the northwest.

This project has connections to sewer, water, electricity, gas, and cable television along the Elm Street frontage. The sanitary sewer main, which is located along the centerline of Elm Street, is at a low enough elevation that it can serve all proposed units.

PROJECT DESCRIPTION

The Elm Street condominium project proposes 14 new condominiums in a three-story structure with parking on the ground floor, as well as the renovation and relocation of the existing single-family detached house on the site to provide a fifteenth living unit (see **Figure 3**, Site Plan). The existing 1,065-square-foot house contains two bedrooms. The proposed condominium would be 14,311 square feet, with 3 one-bedroom units (approximately 869 square feet per unit) and 11 two-bedroom units (approximately 1,064 square feet per unit). The project proposes a residential density of 35.7 units per acre. Project elevations are shown in **Figure 4**.

Parking will be provided within a gated parking garage located below the units and includes one parking space designed to comply with the requirements of the Americans with Disabilities Act. The project proposes 15 new parking spaces and is requesting an exception to the City parking requirements, which require 21 spaces. The proposed parking exception is based on the proximity of the project site to the El Cerrito del Norte BART station (less than one-half mile), several bus lines, and nearby commercial uses.

T:\GIS\CONTRA_COSTA_COUNTY\MAPS\EL_CERRITO\ELM_STREET\FIG 1 REGIONAL LOCATION.MXD - 11/12/2009 @ 11:01:54 AM



Figure 1
Project Regional Location

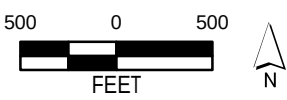
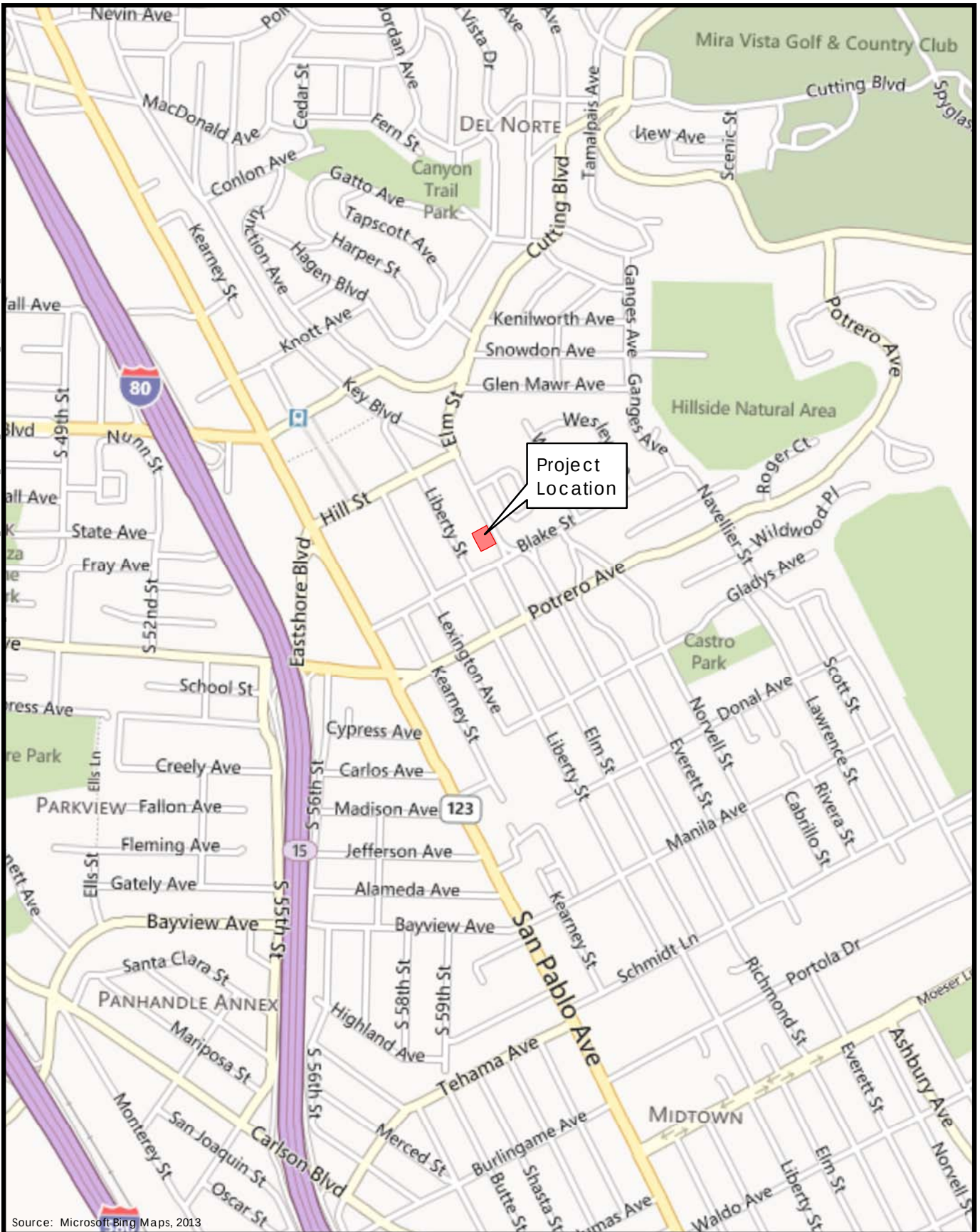
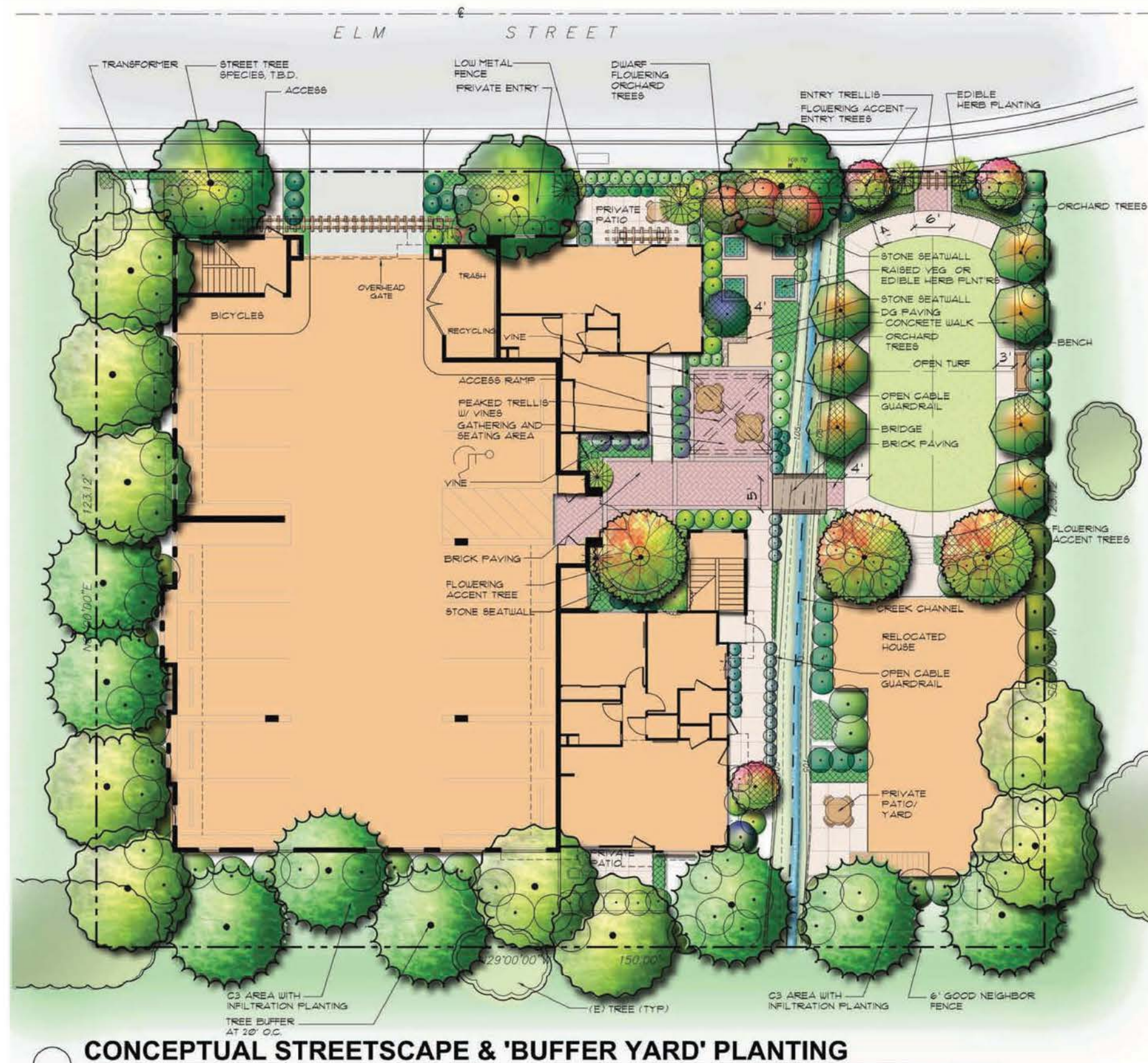


Figure 2
Project Location



Source: LCA Architects

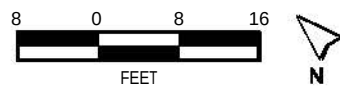


Figure 3
Site Plan with Conceptual Streetscape and Buffer Yard Planting
PMC



Figure 4
Conceptual Building Elevations
PMC

LANDSCAPING

Project landscaping includes densely planted landscape setbacks around the proposed buildings to provide a buffer between the project and adjacent residential sites. Trellises and picket fencing are featured along the street frontage to enhance the residential character of the street and separate public street space from private common open space. Both hard- and softscape outdoor areas are proposed for the use of residents and will be open to the street. Landscaping proposed in the common areas includes edible garden plantings (fruit trees and herbs), drought-tolerant plant species, and seasonal flower displays. Permeable brick pavers, crushed granite walkways, natural turf, and a stone seat-wall are features proposed at various locations to enhance the human scale of the garden. Two stormwater bioswales are proposed to mitigate storm runoff and would be vegetated with a combination of native grasses and wildflowers to provide additional natural habitat adjacent to the channel.

The existing stormwater channel will be maintained in its current location, and a small footbridge is proposed to cross the channel to provide access to the proposed common open space on either side. The channel will be planted with a combination of native trees, shrubs, and vines.

The irrigation system will specify commercial quality equipment consistent with City standards and will be selected based on water conservation, durability, and ease of maintenance. Proposed landscape areas will be irrigated with a low-volume spray/bubbler combination system designed to provide optimal coverage without overspray or runoff.

GRADING

Grading will balance the earthwork so that there is no net import or export of soils needed to accommodate construction. To comply with the Provision C.3 requirements of the Municipal Regional Permit (adopted by the San Francisco Bay Regional Water Quality Control Board in 2009) and the City of El Cerrito, the project will provide on-site treatment of stormwater runoff into bioswales and potentially permeable pavement options, subject to recommendations of the geotechnical engineer.

CONSTRUCTION

Construction would occur Monday through Friday between the hours of 7:00 AM and 5:00 PM, and on Saturdays between the hours of 9:00 AM and 4:00 PM. There would be no construction on Sundays.

REQUESTED ENTITLEMENTS

The project applicant is seeking a General Plan Amendment, Use Permit, Planned Development, Zoning Map Amendment, Development Agreement, Tentative Map, and Design Review. Pursuant to El Cerrito Municipal Code Chapter 19.14, Planned Development District, the applicant is requesting relief from the following development standards:

1. Height standards described in the Municipal Code Chapter 19.06 for residential districts.
2. Setback standards described in Municipal Code Chapter 19.06 for residential districts. The minimum side yard setback in the RM zoning district is 5 feet or 10 feet for portions of a building greater than 25 feet in height. The project proposes a 5-foot setback with a

INITIAL STUDY

building height of 35 feet. A shadow study was prepared for the project to inform the decision-makers of the effects of shadows on surrounding properties.

3. Setback standards described in Municipal Code Chapter 19.12 for the CP (Creek Protection) overlay district. Construction within a creek setback (including undergrounding the existing on-site ditch) would be subject to a Conditional Use Permit following discretionary review and public hearing by the Planning Commission.
4. Parking requirements described in Municipal Code Chapter 19.24 for off-street parking. The project is requesting an exception to the City parking requirements, which require 21 spaces, and proposes 15 new parking spaces.
5. Density standards described in Municipal Code Chapter 19.06. The code allows for one residential unit per every 1,250 square feet; the project proposes one unit per every 1,220 square feet.
6. As the proposed density exceeds 35 units per acre, a General Plan Amendment is also required.

RESPONSIBLE/TRUSTEE AGENCIES

The City of El Cerrito is the lead agency for the proposed project. Responsible and trustee agencies may include, but are not limited to:

- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- California Department of Fish and Wildlife (formerly the Department of Fish and Game)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "potentially significant impact" prior to mitigation, as indicated by the checklist on the following pages.

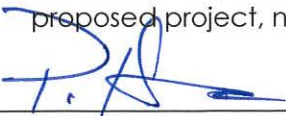
- | | | |
|--|--|---|
| ☐ Aesthetics | ☐ Agriculture Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Geology/Soils |
| ☒ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☐ Mandatory Findings of Significance |

DETERMINATION: (To be completed by the lead agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

for:


Margaret Kavanaugh-Lynch,
Development Services Manager

Date

1/10/14

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The project site is located at the base of the East Bay hills on a site that has relatively flat topography and is surrounded by existing one- and two-story residential development. Though ground slopes in the project vicinity are gentle, properties located north and east of the project site begin sloping upwards and are slightly elevated above the project site. Views of the project site are shown in **Figures 5** and **6**. Because of the existing conditions surrounding the project site, views of San Francisco Bay, Point Richmond, Mount Tamalpais, and the San Pablo Hills are limited and/or nonexistent in the project vicinity.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** Scenic vistas include natural features such as topography, watercourses, rock outcrops, natural vegetation, and man-made alterations to the landscape. The project site is located in an area surrounded by relatively flat topography to the west and south and by gradually upward-sloping properties to the north and east. The project site does not contain unique visual features that would distinguish the site from surrounding areas, nor is it located within a designated scenic vista. The proposed project would have a less than significant impact on scenic vistas, as there would be no change to existing conditions regarding scenic vistas or scenic resources. The proposed project does not include any components that would change the overall character of the project site, block significant views from or in the vicinity of the project site, or change the nature of scenic resources.
- b) **No Impact.** There are two state-designated scenic highways and one eligible scenic highway in Contra Costa County (Caltrans 2012). The designated scenic highways are State Route (SR) 24 from the east side of the Caldecott Tunnel to Interstate 680 (I-680) near Walnut Creek and I-680 from the Alameda County line to near Walnut Creek. The eligible scenic highway is SR 4 between SR 160 near Antioch and SR 84 near Brentwood.

FIGURE 5
VIEW LOOKING ONTO THE PROPERTY FROM ELM STREET



FIGURE 6
VIEW LOOKING SOUTHWEST ONTO THE PROPERTY FROM ELM STREET



There are no state scenic highways in the project area from which the project is visible. There would be no impact.

- c) **Less Than Significant Impact.** The project site and surrounding vicinity are developed and consist of the adjacent school and residences. The houses to the east of the project site are two-story units set back approximately 20 feet from the street. The visibility of the site relative to scenic vistas was addressed under the discussion of Impact a above. The existing house on the site would be moved but would be renovated and would still be prominent on the site. The project has been designed to blend with the residential character of the surrounding neighborhood and existing house.

The proposed development would place structures closer to side and rear property lines than the existing residence. While this would change the site characteristics, the change would be consistent and compatible with the predominant residential development patterns in the project vicinity. In addition, densely planted landscape setbacks would be provided around the proposed buildings to provide a buffer between the site and adjacent properties.

Because the proposed project would be consistent with the residential nature of the area, it would not cause substantial degradation to the existing residential character or visual quality of the project site and its surroundings. Overall, there would be a less than significant impact on the existing visual character or quality of the site.

- d) **Less Than Significant Impact.** Existing nighttime light sources are predominantly from interior and exterior building lighting, vehicle headlights, and street lighting. Daytime sources of glare in the project vicinity include reflections off of light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. Under the proposed project conditions, these existing sources of light and glare would remain.

The project would include exterior lighting. Section 19.21.050.A of the El Cerrito Municipal Code requires all exterior lights to be designed, located, installed, directed, and shielded in such a manner as to prevent glare across property lines. Lights must be directed downward and away from adjacent properties and the public right-of-way. "Shielded" is defined in the code to mean that the light rays are directed onto the project site and any objectionable glare is not visible from an adjacent property or rights-of-way. Compliance with these regulations would ensure a less than significant impact related to light and glare.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forestland or conversion of forestland to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The project site is surrounded by existing development within El Cerrito. There are no agricultural resources in the vicinity of the project site or in the surrounding area.

DISCUSSION OF IMPACTS

- a) **No Impact.** The project site is not designated as Prime or Unique Farmland or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, the proposed project would not result in conversion of these agricultural resources to nonagricultural use.
- b) **No Impact.** The project site is not zoned for agricultural use, nor is it under a Williamson Act contract. The project site is zoned RM, PD (Multi-family Residential, Planned Development Overlay). Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

- c, d) **No Impact.** The project site is in an urban area and is not located in the vicinity of existing forestland. Therefore, the proposed project would not involve changes in the existing environment which, due to their location or nature, would result in conversion of forestland.
- e) **No Impact.** The project site is in an urban area and is not located in the vicinity of existing forestland or active or fallow agricultural land uses. Therefore, the proposed project would not involve changes in the existing environment that, due to their location or nature, would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The project site is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB comprises a single district, the Bay Area Air Quality Management District (BAAQMD), which encompasses Napa, Marin, San Francisco, Contra Costa, Alameda, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the western portion of Solano County. The project site is located in the Contra Costa County portion of the air basin.

Within the SFBAAB, there are eleven major climatological subregions. In Contra Costa County, marine air traveling through the Golden Gate, as well as across San Francisco and through the San Bruno Gap, is a dominant weather factor. The Oakland-Berkeley Hills cause the westerly flow of air to split off to the north and south of Oakland, which causes diminished wind speeds. The prevailing winds for most of this climatological subregion are from the west. At the northern end, prevailing winds are from the south-southwest.

Temperatures in the El Cerrito area have a narrow range due to the proximity of the moderating marine air. The maximum temperatures during summer average in the mid-70s, with minimums in the mid-50s. Winter highs are in the mid- to high 50s, with lows in the low to mid-40s.

The air pollution potential is lowest for the parts of the climatological subregion that are closest to the bay, due largely to good ventilation and less influx of pollutants from upwind sources. The occurrence of light winds in the evenings and early mornings occasionally causes elevated pollutant levels. The air pollution potential in Contra Costa County is marginally higher than communities directly east of the Golden Gate because of the lower frequency of strong winds.

The county contains a variety of industrial air pollution sources. Some industries are quite close to residential areas. Contra Costa County is also traversed by frequently congested major freeways. Traffic and congestion, and the motor vehicle emissions they generate, are increasing.

Both the US Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants representing safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas. The SFBAAB is currently designated as nonattainment for the state and federal ambient air quality standards for ground-level ozone and PM_{2.5} as well as the state standards for PM₁₀.

CEQA Appendix G states the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make significance determinations. On June 2, 2010, the BAAQMD's Board of Directors unanimously adopted thresholds of significance to assist local jurisdictions during the review of projects that are subject to CEQA. These thresholds of significance were designed to establish the level at which the BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The BAAQMD's justification for the adopted thresholds of significance was incorporated into Appendix D of the BAAQMD's updated California Environmental Quality Act Air Quality Guidelines (2011a).

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** As previously stated, the project site is located within the SFBAAB, which comprises a single air district, the Bay Area Air Quality Management District. The project site is located in the Contra Costa County portion of the air basin. The BAAQMD prepares plans to attain ambient air quality standards in the air basin. The BAAQMD also prepares ozone attainment plans for the national ozone standard and clean air plans for the California standard, both in coordination with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The BAAQMD prepared the *Bay Area 2010 Clean Air Plan* to address the air basin's nonattainment status with the national 1-hour ozone standard and the California ambient air quality standards (CAAQS). The purpose of the Clean Air Plan is to:

1. Update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement all feasible measures to reduce ozone;
2. Consider the impacts of ozone control measures on particulate matter (PM), air toxics, and greenhouse gases in a single, integrated plan;
3. Review progress in improving air quality in recent years; and
4. Establish emission control measures to be adopted or implemented in the 2009–2012 time frame.

The emissions inventories contained in the ozone attainment plan and Clean Air Plan are based on projected population growth and vehicle miles traveled (VMT) for the region. These inventories are largely based on the predicted growth identified in regional and

community general plans, including associated development projects. Projects that result in an increase in population or employment growth beyond that identified in regional or community plans could result in increases in VMT and subsequently increase mobile source emissions, which would not have been accounted for in the BAAQMD's air quality plans, making the projects inconsistent with the plans.

The proposed project is consistent with the land use designation of the City's General Plan; therefore, the proposed project would not result in an increase in population or employment growth, and thus VMT, beyond that anticipated in the ozone attainment plan and Clean Air Plan. Therefore, the proposed project would not conflict with or obstruct implementation of the ozone attainment plan or Clean Air Plan.

A project is also determined to be consistent with these air quality plans if the project includes applicable control measures in the plans and does not disrupt or hinder implementation of any control measures. As discussed in more detail under Impact b, the proposed project would not result in construction-generated or operational-related criteria air pollutants and/or precursor emissions that would exceed the BAAQMD thresholds of significance. Furthermore, although not required for consistency with these plans, adherence to mitigation measure **AQ-1** would further reduce project emissions and ensure project consistency with the air quality plans.

The proposed project would support the goals of the ozone attainment plan and Clean Air Plan, would include feasible control measures, would not disrupt or hinder implementation of any control measures, and would not result in vehicle trips greater than the projected population increase for the project site. Therefore, the project would be considered consistent with BAAQMD air quality plans, resulting in a less than significant impact.

- b) **Less Than Significant Impact.** The BAAQMD has developed project-level thresholds of significance in order to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. To meet the project-level threshold of significance for construction- and/or operational-related criteria air pollutant and precursor impacts, the proposed project must emit no more than 54 pounds per day (lbs/day) of reactive organic gases (ROG), nitrogen oxides (NOx), and/or PM_{2.5} and no more than 82 lbs/day of PM₁₀.

Construction Emissions

Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact. The proposed project would result in the temporary generation of emissions resulting from site grading, paving, motor vehicle exhaust associated with construction equipment and worker trips, the movement of construction equipment, and architectural coatings.

Fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Off-road construction equipment is often diesel-powered and can be a substantial source of NOx emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions.

The predicted maximum daily construction-generated emissions of ROG, NO_x, coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}) associated with project construction are compared with the BAAQMD significance criteria in **Table 1**.

TABLE 1
PROJECT CONSTRUCTION EMISSIONS (MAXIMUM) POUNDS PER DAY

Construction Phase	ROG	NO _x	PM ₁₀	PM _{2.5}	CO
Construction Activities	5.52	29.90	2.32	1.97	20.10
BAAQMD Significance Criteria	54	54	82	54	None
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

*Source: Emissions modeled by PMC using the California Emissions Estimator Model (CalEEMod), version 2013.2.2 computer program. Notes: CO = carbon monoxide. Proposed rehabilitation of existing single-family unit assumed to be completely reconstructed for conservative analysis. Building construction, site paving, and painting activities assumed to occur concurrently. Refer to **Appendix A** for model data outputs.*

As shown in **Table 1**, maximum daily emissions would total approximately 5.52 lbs/day of ROG, 29.90 lbs/day of NO_x, 2.32 lbs/day of PM₁₀, 1.97 lbs/day of PM_{2.5}, and approximately 20.10 lbs/day of CO. Actual daily emissions would vary from day to day and would be dependent on the specific activities conducted. Therefore, during construction of the proposed project, emissions generated would not exceed the BAAQMD's thresholds of significance for air pollutant emissions, which would be considered a less than significant impact.

Operational Impacts

Increases in operational air impacts with implementation of the proposed project would generally consist of stationary and mobile sources. Implementation of the proposed project would result in regional emissions of PM₁₀ and PM_{2.5}, as well as ROG, NO_x, and carbon monoxide (CO), due to increased use of motor vehicles, thereby increasing potential operational air quality impacts. Ozone is not emitted directly into the air but is formed through a complex series of chemical reactions between ROG and NO_x, while the principal sources of PM₁₀ and PM_{2.5} include fuel burned in cars and trucks, power plants, factories, fireplaces, agricultural activities, and woodstoves.

PMC estimated criteria pollutant emissions generated during a typical year of project operation. In addition to projected stationary emissions, mobile emissions have also been quantified and compared to BAAQMD significance thresholds in **Table 2**.

TABLE 2
ESTIMATED OPERATIONAL EMISSIONS (MAXIMUM) POUNDS PER DAY

Total Emissions					
Emission Source	Pounds per Day				
	ROG	NO _x	PM ₁₀	PM _{2.5}	CO
Summer					
Operational Emissions	7.61	1.05	1.72	1.33	13.86
Winter					
Operational Emissions	7.62	1.15	1.72	1.33	14.34
BAAQMD Significance Thresholds (lbs/day)	54	54	82	54	–
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

Source: CalEEMod version 2013.2.2. Refer to **Appendix A** for model data outputs. Refer to subsection 7, Greenhouse Gas Emissions, for discussion of carbon dioxide emissions.

As shown in **Table 2**, the proposed project would not exceed BAAQMD thresholds for air pollutant emissions. Therefore, the long-term operational air quality impacts of the proposed project would be considered less than significant.

The proposed project would not exceed project-level thresholds of significance for construction- and/or operational-related criteria air pollutants, resulting in a less than significant impact.

- c) **Less Than Significant Impact.** The SFBAAB is currently designated as a nonattainment area for state and national ozone standards and national particulate matter ambient air quality standards. The SFBAAB's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. According to the BAAQMD, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. According to the BAAQMD, if a project exceeds its identified significance thresholds, the project would be cumulatively considerable. As demonstrated under Impact b, the proposed project would not exceed BAAQMD thresholds for air pollutant emissions during construction or operations (see **Tables 1** and **2**). Therefore, since the project does not exceed BAAQMD significance thresholds, it would result in less than significant cumulative impacts.
- d) **Less Than Significant Impact With Mitigation Incorporated.** Sensitive receptors are generally defined as uses that house or attract groups of children, the elderly, people with illnesses, and others who are especially sensitive to the effects of air pollutants. Schools, hospitals, residential areas, and convalescent facilities are examples of sensitive receptors. The project site is considered a sensitive receptor (following construction of residential uses) and is adjacent to other residential areas.

Short-Term Construction Toxics

Construction activities would involve the use of a variety of gasoline- or diesel-powered equipment that emits exhaust fumes and generates dust during soil disturbance. These temporary air quality impacts could negatively affect sensitive receptors in the project area. With implementation of mitigation measure **AQ-1**, these temporary impacts will be reduced to a less than significant level.

Localized Carbon Monoxide

Localized carbon monoxide (CO) concentrations near roadway intersections are a function of traffic volume, speed, and delay. Transport of CO is extremely limited because carbon monoxide disperses rapidly with distance from the source.

Based on BAAQMD guidance, projects meeting all of the following screening criteria would be considered to have a less than significant impact to localized carbon monoxide concentrations:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The project would not increase traffic volumes at any intersection to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited as determined by the Institute of Traffic Engineers *Trip Generation Rates*, 8th Edition (2008), which estimates an average of 85 trips per day generated as a result of the project. As such, the proposed project would not exceed the BAAQMD's significance thresholds for carbon monoxide.

Toxic Air Contaminants

There are many different types of toxic air contaminants (TACs), with varying degrees of toxicity. Sources of TACs potentially affecting the project site include commercial operations, such as gasoline stations and dry cleaners. Mobile sources of air toxics include freeways and major roadways. These roadways are sources of diesel particulate matter (DPM), which CARB has listed as a toxic air contaminant.

The proposed project would not be a source of TACs. However, there is a potential that the project site could be exposed to TAC emissions from stationary and/or mobile sources.

According to the BAAQMD's Stationary Source Screening Analysis Tool (2011b), there is one fueling station and one hardware store in the vicinity of the project site. Gas

refueling facilities and hardware stores are regulated by BAAQMD Regulation 2, Rule 5, which provides for the review of TAC emissions in order to evaluate potential public exposure and health risk, to mitigate potentially significant health risks resulting from these exposures, and to provide net health risk benefits by improving the level of control when existing sources are modified or replaced.

Pursuant to BAAQMD Regulation 2, Rule 5, stationary sources having the potential to emit TACs, including gas stations and dry cleaners, are required to obtain permits from the BAAQMD. Permits may be granted to these operations provided they are operated in accordance with applicable BAAQMD rules and regulations. Given that compliance with applicable standards and regulations is required as part of the normal permit procedure, TAC emissions from the one fueling station and one hardware store in the project vicinity would not be anticipated to result in a risk to future sensitive receptors of the proposed project.

In April 2005, CARB released the *Air Quality and Land Use Handbook: A Community Health Perspective*, which offers guidance on siting sensitive land uses in proximity to sources of air toxics. The handbook recommends that sensitive land uses be sited no closer than 500 feet from a freeway or major roadway with 100,000 vehicles per day, in order to avoid excessive exposure to diesel exhaust particulates. The project is located more than 1,063 feet from San Pablo Avenue and 662 feet from Potrero Avenue and is therefore consistent with the CARB siting guidance.

For the reasons noted, future residents of the project would not be negatively affected by toxic air contaminants generated at any of the potential stationary sources or major transportation facilities in the vicinity. Impacts to sensitive receptors are considered to be less than significant.

- e) **No Impact.** The BAAQMD CEQA Guidelines do not classify residential uses as a project that could create objectionable odors. In addition, the proposed project is not located downwind from any significant odor sources (e.g., landfills, sewage treatment plants) that could affect persons on the project site. Therefore, implementation of the proposed project would not create objectionable odors affecting a substantial number of people or subject people to objectionable odors, and no impact would occur.

MITIGATION MEASURES

AQ-1 To adequately control dust, the project applicant shall ensure construction contracts contain requirements for implementing the BAAQMD's basic construction mitigation measures from Table 8-1 of the BAAQMD's CEQA Guidelines. Construction contracts shall also contain the following measures in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel-powered equipment during construction.

1. Keep all construction equipment in proper tune in accordance with manufacturers' specifications.
2. Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.

3. Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area.
4. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This requirement does not apply to diesel-powered trucks traveling to and from the site.)
5. Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.
6. Limit truck and equipment idling time to 5 minutes or less.
7. Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.

Timing/Implementation: *Prior to construction*

Enforcement/Monitoring: *City of El Cerrito Planning Division*

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Note to the reader: As of January 1, 2013, the agency formerly known as the California Department of Fish and Game (CDFG) changed its name to the California Department of Fish and Wildlife (CDFW). For purposes of this discussion, the agency names and abbreviations are interchangeable.

ENVIRONMENTAL SETTING

Two steps were taken to characterize the environmental setting on and adjacent to the proposed project. First, preliminary database searches were performed to identify special-status species with the potential to occur in the area. Second, a site survey was conducted to collect site-specific data regarding habitat suitability for special-status species and to identify potentially jurisdictional waters.

Database searches were performed on the following websites:

- US Fish and Wildlife Service's (USFWS) Sacramento Office Species Lists (2012)
- California Natural Diversity Database (CNDDDB) (CDFG 2012)
- California Native Plant Society's (CNPS) Inventory of Rare, Threatened, and Endangered Plants of California (2012)

A search of the USFWS's database was performed for the Richmond, California, US Geological Survey (USGS) 7.5-minute quadrangle to identify special-status species within their jurisdiction that may be affected by the proposed project. In addition, a query of the CNDDDB provided a list of known occurrences for special-status species within a 1- and 5-mile radius of the proposed project. Lastly, the CNPS database was queried to identify special-status plant species with the potential to occur within the Richmond, California, USGS 7.5-minute quadrangle. Please see the discussion below for a summary of the database search results and potential impacts to protected species as a result of the proposed project.

The site survey on September 21, 2012, revealed that urban residential land uses dominate the proposed project site and adjacent lands. (**Table 3**) The site contains a residential structure along with a garage, well house, and shed. The vegetation on-site is characterized by ruderal herbaceous species, with scattered orchard trees. In addition, a U-shaped surface water feature traverses the property from east to west. This feature is characterized by cobble-reinforced sidewalls and bed, and is dominated by watercress (*Nasturtium officinale*).

TABLE 3
EXISTING LAND USE CLASSIFICATIONS

Land Use	Acreage
Urban	0.41
Surface Water	0.01
Total	0.42

SPECIAL-STATUS SPECIES

Candidate, sensitive, or special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat. These species have been identified and assigned a status ranking by governmental agencies such as the California Department of Fish and Wildlife (CDFW), the USFWS, and private organizations such as the CNPS. The degree to which a species is at risk of extinction is the determining factor in the assignment of a status ranking. Some common threats to a species' or a population's persistence include habitat loss, degradation, and fragmentation, as well as human conflict and intrusion. For the purposes of this biological review, special-status species are defined by the following codes:

1. Listed, proposed, or candidates for listing under the federal Endangered Species Act (ESA) (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register [FR] 7591, February 28, 1996, candidates);

2. Listed or proposed for listing under the California Endangered Species Act (CESA) (Fish and Game Code [FGC] 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.);
3. Designated as Species of Special Concern by the CDFW;
4. Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, 5515); and
5. Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380) including CNPS List Rank 1b and 2.

The result of the USFWS, CNDDDB, and CNPS database queries identified several special-status species with the potential to be impacted by the proposed project. **Table 4** provides a summary of all species identified in the search results, a description of the habitat requirements for each species, and conclusions regarding the potential for each species to be impacted by the proposed project.

TABLE 4
SENSITIVE HABITAT AND PLANT AND WILDLIFE SPECIES POTENTIALLY OCCURRING IN THE STUDY AREA

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Plants						
Pallid manzanita	<i>Arctostaphylos pallida</i>	T	E	1B.1	Siliceous shale, sandy or gravelly soil. Broadleaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub (CNPS 2012).	None. No habitat on-site.
Santa Cruz tarplant	<i>Holocarpha macradenia</i>	T	E	1B.1	Clay, sandy soil. Coastal prairie, coastal scrub, valley and foothill grassland (CNPS 2012).	None. No habitat on-site.
Critical habitat, Santa Cruz tarplant		X	–	–	–	No critical habitat on or near the project site.
California seablite	<i>Suaeda californica</i>	E	–	1B.1	Marshes and swamps (coastal salt) (CNPS 2012).	None. No habitat on-site.
Alkali milk-vetch	<i>Astragalus tener</i> var. <i>tener</i>	–	–	1B.2	Alkaline soils. Playas, valley and foothill grassland (adobe clay), vernal pools (CNPS 2012).	None. No habitat on-site.
Bent-flowered fiddleneck	<i>Amsinckia lunaris</i>	–	–	1B.2	Coastal bluff scrub, cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on-site.
Coastal bluff morning-glory	<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	–	–	1B.2	Coastal dunes, coastal scrub, north coast coniferous forest (CNPS 2012).	None. No habitat on-site.
Diablo helianthella	<i>Helianthella castanea</i>	–	–	1B.2	Broadleaf upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on-site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fragrant fritillary	<i>Fritillaria liliacea</i>	–	–	1B.2	Serpentine soils. Cismontane woodland, coastal prairie, coastal scrub, valley and foothill grassland (CNPS 2012).	None. No habitat on-site.
Franciscan thistle	<i>Cirsium andrewsii</i>	–	–	1B.2	Mesic, sometimes serpentine soils. Broadleaved upland forest, coastal bluff scrub, coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on-site.
Loma Prieta hoita	<i>Hoita strobilina</i>	–	–	1B.2	Usually serpentine, mesic soils. Chaparral, cismontane woodland, riparian woodland (CNPS 2012).	None. No habitat on-site.
Oregon meconella	<i>Meconella oregana</i>	–	–	1B.1	Coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on-site.
Point Reyes bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	–	–	1B.2	Marshes & swamps (coastal salt) (CNPS 2012).	None. No habitat on-site.
Round-leaved filaree	<i>California macrophylla</i>	–	–	1B.1	Clay soils. Cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on-site.
Saline clover	<i>Trifolium hydrophilum</i>	–	–	1B.2	Marshes and swamps, valley and foothill grassland (mesic, alkaline), vernal pools (CNPS 2012).	None. No habitat on-site.
Western leatherwood	<i>Dirca occidentalis</i>	–	–	1B.2	Mesic soils. Broadleaved upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland (CNPS 2012).	None. No habitat on-site.
Invertebrates						
Callippe silverspot butterfly	<i>Speyeria callippe callippe</i>	E			Host plant: violet (<i>Viola pedunculata</i>) (Essig 2012).	None. Host plant does not occur on-site.

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Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fish						
Green sturgeon	<i>Acipenser medirostris</i>	T (NMFS)	T		Oceanic waters, bays, and estuaries during non-spawning season. Spawning habitat = deep pools in large, turbulent, freshwater mainstems (NMFS 2005).	None. No habitat on-site.
Tidewater goby	<i>Eucyclogobius newberryi</i>	E	E		Brackish water, shallow lagoons and lower stream reaches, still water (USFWS 2005).	None. No habitat on-site.
Delta smelt	<i>Hypomesus transpacificus</i>	T	E		Brackish water below 25°C non-spawning season. Spawning habitat = shallow, fresh, or slightly brackish backwater sloughs with good water quality and substrate (USFWS 1995).	None. No habitat on-site.
Coho salmon – central CA coast	<i>Oncorhynchus kisutch</i>	T	T		Spawning habitat = small streams, stable gravel substrates. Non-spawning = estuarine, marine waters (Weitkamp et al. 1995).	None. No habitat on-site.
Central California coastal steelhead	<i>Oncorhynchus mykiss</i>	T (NMFS)	T		Spawning habitat = gravel-bottomed, fast-flowing, well-oxygenated rivers and streams. Non-spawning = estuarine, marine waters (Busby et al. 1996).	None. No habitat on-site.
Central Valley steelhead		T (NMFS)	T			None. No habitat on-site.
Central Valley spring-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	T (NMFS)	E		Spawning habitat = fast moving, freshwater streams and rivers. Juvenile habitat = brackish estuaries. Non-spawning = marine waters (Myers et al. 1998).	None. No habitat on-site.
Critical habitat, winter-run Chinook salmon		X	–			No critical habitat on or near the project site.
Winter-run Chinook Salmon, Sacramento River		E (NMFS)	SSC			None. No habitat on-site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Amphibians						
California red-legged frog	Rana draytonii	T	–		Ponds/streams in humid forests, woodlands, grasslands, coastal scrub, and streamsid es with plant cover in lowlands or foothills. Breeding habitat = permanent or ephemeral water sources; lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps. Ephemeral wetland habitats require animal burrows or other moist refuges for estivation when the wetlands are dry. From sea level to 5,000 feet (1,525 meters) (Nafis 2012).	None. No habitat on-site.
Critical habitat, California red-legged frog		X	–			No critical habitat on or near the project site.
Reptiles						
Alameda whipsnake [= striped racer]	Masticophis lateralis euryxanthus	T	T		Canyons, rocky hillsides, chaparral scrublands, open woodlands, pond edges and stream courses (Nafis 2012).	None. No habitat on-site.
Critical habitat, Alameda whipsnake		X				No critical habitat on or near the project site.
Birds						
Western snowy plover	Charadrius alexandrinus nivosus	T			Barren to sparsely vegetated sand beaches, dry salt flats in lagoons, dredge spoils deposited on beach or dune habitat, levees and flats at salt-evaporation ponds, river bars, along alkaline or saline lakes, reservoirs, and ponds (Cornell Lab of Ornithology 2012).	None. No habitat on-site.
California brown pelican	Pelecanus occidentalis californicus	E			Warm coastal marine and estuarine environments. Rare inland. Breeds primarily on islands (Cornell Lab of Ornithology 2012).	None. No habitat on-site.

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Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
California clapper rail	<i>Rallus longirostris obsoletus</i>	E	E		Salt marshes and mangrove swamps (Cornell Lab of Ornithology 2012).	None. No habitat on-site.
California least tern	<i>Sternula antillarum</i> (= <i>Sterna</i> , = <i>albifrons</i>) <i>browni</i>	E			Seacoasts, beaches, bays, estuaries, lagoons, lakes and rivers, breeding on sandy or gravelly beaches and banks of rivers or lakes, rarely on flat rooftops of buildings (Cornell Lab of Ornithology 2012).	None. No habitat on-site.
Bald eagle	<i>Haliaeetus leucocephalus</i>	D	E		Typically nest in forested areas adjacent to large bodies of water, staying away from heavily developed areas when possible. Tolerant of human activity when feeding, and may congregate around fish processing plants, dumps, and below dams where fish concentrate. For perching, prefer tall, mature coniferous or deciduous trees that afford a wide view of the surroundings. In winter, bald eagles can also be seen in dry, open uplands if there is access to open water for fishing (Cornell Lab of Ornithology 2012).	None. No habitat on-site.
Cackling (= Aleutian Canada) goose	<i>Branta hutchinsii leucopareia</i>	D	–		Breeds in coastal marshes, along tundra ponds and streams, and steep turf slopes above rocky shores (Cornell Lab of Ornithology 2012).	None. No habitat on-site.
California black rail	<i>Laterallus jamaicensis coturniculus</i>	–	T		Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation (Cornell Lab of Ornithology 2012).	None. No habitat on-site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Mammals						
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	E	E		Salt marshes with dense stands of pickleweed; adjacent to upland, salt-tolerant vegetation (USFWS 1984).	None. No habitat on-site.

Key
Federal & State Status
(E) Endangered – Listed as being in danger of extinction.
(T) Threatened – Listed as likely to become endangered within the foreseeable future.
(NMFS) Species under the jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
Critical Habitat – Area essential to the conservation of a species.
(X) Critical habitat designated for this species.
(D) Delisted
CNPS Rare Plant Rank
<i>Rareness Ranks</i>
(1A) Presumed Extinct in California
(1B) Rare, Threatened, or Endangered in California and Elsewhere
(2) Rare, Threatened, or Endangered in California, but More Common Elsewhere
(3) More Species Information Needed
(4) Limited Distribution
<i>Threat Ranks</i>
(0.1) Seriously threatened in California
(0.2) Fairly threatened in California
(0.3) Not very threatened in California

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact With Mitigation Incorporated.** Several special-status species were identified in the area by the database queries; however, the urban land uses on and adjacent to the proposed project site do not provide suitable habitat for any of the special-status plant species listed as occurring in the area. Several wildlife species were also identified. The majority of the species with the potential to occur in the project vicinity are associated with coastal habitats (e.g., salt marshes, mangroves, brackish/estuarine waters). These habitats do not occur on-site; therefore, no impacts to special-status species associated with coastal habitats will occur.

The on-site surface water feature was historically a natural creek that was subsequently channelized for stormwater conveyance and is a tributary of Baxter Creek. A geographic information system (GIS) data layer was obtained from Contra Costa County that depicts the location and extent of creeks within El Cerrito (Contra Costa County 2007). An analysis conducted using the creek GIS layer and aerial photo-interpretation of existing land uses, to determine the extent of the Baxter Creek tributary that has been undergrounded, determined that the Baxter Creek tributary crossing the project site is approximately 9,550 feet in length, approximately 7,750 linear feet have been undergrounded, and 1,800 linear feet remain daylighted (**Figure 7**). The on-site surface water on the project site represents approximately 115 linear feet of the daylighted segments.

A few species associated with streams and creeks were identified as having the potential to occur in the project vicinity. The special-status fish species associated with streams and creeks that have the potential to occur in the project vicinity are anadromous. Although Baxter Creek eventually drains into San Francisco Bay, approximately 1.25 miles of the creek is undergrounded between the project site and the bay. The extent of creek that is underground before reaching the property precludes the migration of any special-status fish species into the on-site surface water. In addition, the lack of natural connections to suitable habitat for the special-status amphibian and reptile species associated with streams and creeks in the project vicinity and the unsuitable habitat conditions within the on-site surface water eliminate the potential for these species to occur on-site. Therefore, no impact to special-status species would occur as a result of the proposed project.

The proposed project does, however, have the potential to impact migratory birds, raptors, and bats. Trees on and adjacent to the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA), as well as Sections 3503.5 and 3800–3806 of the FGC. In addition, the abandoned structures on-site have the potential to provide suitable nesting habitat for protected birds and roosting habitat for bats. Demolition of structures and removal of trees during construction activities could result in noise, dust, human disturbance, and other direct or indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site.

Potential nest abandonment and mortality to eggs and chicks would be considered a potentially significant impact to protected bird species; however, implementation of mitigation measures **BIO-1** through **BIO-3** will reduce those impacts to a less than significant level. In addition, mortality of roosting bat species during construction would be considered a potentially significant impact; however, implementation of mitigation measure **BIO-4** will reduce potential impacts to a less than significant level.

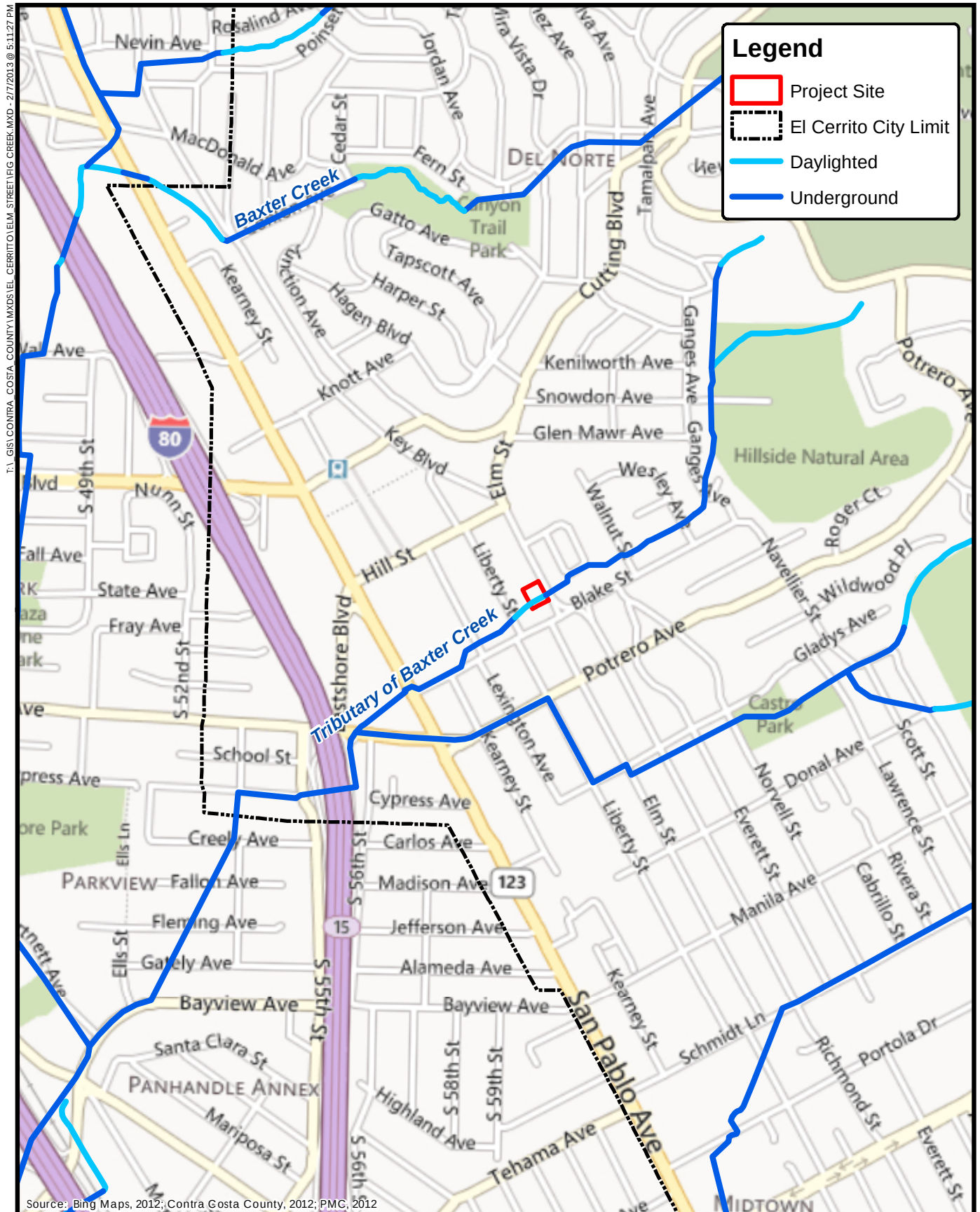


Figure 7
Creek Map
PMC

- b) **Less Than Significant Impact.** Sensitive habitats include those that are of special concern to resource agencies and those that are protected under CEQA, Section 1600 of the FGC, and Section 404 of the Clean Water Act (CWA).

The on-site stormwater channel is currently characterized by cobble-reinforced sidewalks and bed. The predominant vegetation is watercress. There is no riparian habitat associated with this feature. Therefore, this impact would be less than significant.

- c) **Less Than Significant Impact.** To date, a jurisdictional determination for the project has not been verified by any state or federal agencies. However, the on-site water feature (stormwater channel) is presumed to be jurisdictional to the US Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the CDFW. The project proposes to maintain the stormwater channel in its current location. The channel would be preserved in its current state and would not be filled or otherwise altered. Therefore, this impact would be less than significant. Although the project does not propose alterations or fill in the channel, Mitigation BIO-5 is included to ensure waters of the United States would not be negatively affected by project activities.

- d) **No Impact.** Implementation of the proposed project would not interfere substantially with the movement of native resident or migratory fish or wildlife species. No established migratory routes are identified on or adjacent to the project site. Additionally, the on-site drainage feature has no natural connections to perennial features utilized by anadromous fish species. Due to the highly urbanized land uses in the project vicinity, it is unlikely that any significant aquatic or wildlife corridors exist in the project vicinity. Therefore, no impact will occur.

- e) **Less Than Significant Impact.** Chapter 19.12 of the El Cerrito Municipal Code affords protective measures to natural watercourses identified in the CP (Creek Protection) overlay zone. Specifically, El Cerrito Municipal Code Section 19.12.010 states:

The City Council finds that public health and safety require creek and watershed management and planning in order to control flood and erosion damages and to preserve natural watercourses as an important public asset that provides environmental, recreational and aesthetic value within the city. A dependence on structural solutions such as creek channelization, culverting and channel riprapping has often been found to result in the loss of property from unanticipated problems associated with their design and can result in serious bank erosion and flooding. Streams managed as close to a natural system as possible without interference from structures, maintain a geomorphic equilibrium or watercourse best suited for carrying stream flows, and carrying and depositing suspended sediment loads. Natural streams have significant benefits in that they filter pollutants and provide wildlife habitat and wildlife corridors. Accordingly, the purposes of the -CP Creek Protection overlay district is to delineate creeks and major drainages and ensure that development or other activities in these sensitive areas achieves the following goals:

- A. *Preserves, enhances and restores natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed.*
- B. *Preserves riparian vegetation and protects wildlife habitat and wildlife corridors along natural drainage ways.*

- C. *Protect lands adjacent to riparian areas as public or private permanent open space through dedication or easements.*
- D. *Protects property owners and the public from erosion and flooding.*
- E. *Increases access to creeks for maintenance purposes and for potential public access to creek-side amenities.*
- F. *Ensures that projects are consistent with City Council adopted guidelines and resolutions for creek restoration and improvement, including designated creeks as natural corridors with habitat enhancement.*
- G. *Furtheres the Joint Watershed Goals Statement of restoring creeks by removing culverts, underground pipes, and obstructions to fish and animal migration, and daylighting creeks where they can be enjoyed by people and wildlife.*

Municipal Code Chapter 19.14 establishes PD (Planned Development) overlay zones to allow deviations from development standards where superior community design or public benefit will be achieved. The project site is incorporated in the PD overlay, and the on-site surface water has been incorporated into the CP overlay and is therefore afforded protection measures under the Municipal Code unless waived as part of the planned development review. The CP overlay prohibits placement of fill or any other obstruction and establishes a minimum 30-foot setback from the top of creek bank or upland edge of riparian vegetation, whichever is greater, for all features in the CP overlay.

As described previously, the stormwater channel would be maintained in its current location and would not be filled or otherwise obstructed. However, as shown on the proposed site plan (see **Figure 3**), the minimum 30-foot setback would not be provided, as structures, walkways, hardscape features, and landscaping are proposed within approximately 5 feet of the channel. In addition, a footbridge is proposed to cross the channel to provide access to the shared common area.

Although the project does not include the 30-foot setback from the channel pursuant to Municipal Code Chapter 19.14, because the on-site surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value for wildlife that may include utilization by local birds and mammals, as well as by feral and domesticated pets, there would be less than significant impacts to biological resources. Therefore, the project would be consistent with the City's Municipal Code, which is intended to protect natural riparian areas.

- f) **No Impact.** There are currently no adopted or proposed habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that affect the proposed project. Therefore, no impact would occur.

MITIGATION MEASURES

- BIO-1** Survey for Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall

survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-2 Survey for Active Raptor Nests. If construction activities will occur during the nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer shall be erected around the nest while the nest is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line of sight of the construction activity.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-3 Conduct Surveys for Bird Nests in Structures. If demolition of on-site structures is proposed to take place during the migratory bird nesting season (April 15–August 15), a survey for nesting migratory birds (e.g., swallows, phoebes) shall be conducted by a qualified biologist prior to demolition. If bird nests are discovered in the structure, the structure shall not be removed until the nest(s) become inactive.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-4 Conduct Surveys for Potential Bat Roosts. Demolition of on-site structures shall be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-5 Mitigate for Loss of Waters of the United States. If the US Army Corps of Engineers identifies that the feature is jurisdictional, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing

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mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement.

Timing/Implementation: *Prior to construction*

Enforcement/Monitoring: *City of El Cerrito Planning Division*

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

ENVIRONMENTAL SETTING

The following is based on the *Historic Resource Evaluation for 1715 Elm Street, El Cerrito, California*, prepared by VerPlanck Historic Preservation Consulting.

The area immediately surrounding the property, historically a semirural area of small ranches and single-family dwellings, was built out during the post–World War II era as suburban development overtook the once semirural enclave of Little Italy. Ambrose and Virginia Rodoni eventually purchased three adjoining lots, creating a larger landholding measuring 150 feet along Elm Street (originally Union Street) and 130 feet deep. This property, comprising nearly a half acre, was more than sufficient to create a compact “weekend ranch” capable of supporting their large family with homegrown produce, fruit, wine, and possibly livestock. A well and water pulled from the creek were used to irrigate the property and to provide drinking water, until the property was hooked up to municipal water in the 1940s.

The project site currently contains four buildings: the main house, garage, well house, and shed, as well as other features characteristic of rural agricultural properties. The house was constructed in 1897 by Ambrose Rodoni and, based on information from the Contra Costa County Assessor, it is the third-oldest building in El Cerrito. The Rodoni house is a two-story, wood-frame, T-plan, Queen Anne–style dwelling with a compound hip and gable roof. Permit applications from the 1940s indicate that the Rodoni family completed an interior remodel, which included a new kitchen, carpeting, and other unspecified changes on the first floor level of the house. In 1949, the rear portion of the basement was converted into living quarters, and after 1968, the original wood windows were replaced with aluminum sliders, and the tank house and a windmill were demolished.

The garage was built before 1930 by the Rodoni family to provide shelter for their vehicles and possibly farm equipment. The shed is mainly clad in corrugated metal and fiberglass panels and is supported by metal pipe railings and wood studs and ceiling joists. The shed is of unknown origin, but it appears to have been built within the last 25 to 30 years. The well house was possibly built after 1968, when the original windmill and tank house were demolished.

The channel that runs through the southern third of the property appears on nineteenth-century USGS maps, and the Contra Costa County Assessor shows the unnamed channel on its GIS maps, indicating that it is not simply a ditch. The channel is straight-sided and bounded by dry-laid stone walls. The stone is of various types and is not uniformly dressed. The purpose of the walls appears to contain flows, stabilize the banks, and prevent erosion. The channel exits the property to the southwest, where it passes under a fence and enters a culvert beneath the adjoining property. It is bridged at several places by nonhistoric wood bridges, metal pipes, and scrap lumber. The channel appears to have been an aesthetic and functional feature of the property and was probably used for irrigation long after the house was hooked up to municipal water in the 1940s.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact With Mitigation Incorporated.** The historic resource evaluation (VerPlanck 2013) found that 1715 Elm Street appears eligible for listing in the California Register under Criterion 1 (Events) and Criterion 3 (Design/Construction), as a very early residential property in the city and as a property closely associated with El Cerrito's Little Italy. The property is clearly a rare remnant of El Cerrito's pioneer period, which ended in 1906. The house on the property is the third-oldest building in El Cerrito, and assessor's parcel data indicates that there are only seven more extant buildings in El Cerrito built between 1900 and 1906, meaning that there are only 11 known properties in El Cerrito dating from the city's pioneer period. The evaluation also found that the property is significant for its association with El Cerrito's Little Italy, a once-thriving immigrant enclave centered at the intersection of San Pablo and Potrero avenues.

The proposed project would relocate and rehabilitate the Rodoni house. Though it would be moved, it would remain on the same property, and the California Register allows for buildings to be moved if it will result in their being saved.

According to Section 15126.4(b)(1) of the Public Resources Code (CEQA Guidelines): "Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, the project's impact on the historical resource will generally be considered mitigated below a level of significance and thus is not significant." Because the proposed project would likely have a substantial adverse effect on a potential historic resource, mitigation is required. Implementation of mitigation measure **CULT-1** would reduce this impact to a less than significant level.

- b) **Less Than Significant Impact With Mitigation Incorporated.** While the project site has previously been disturbed, construction activities, such as construction of the subgrade components of the project, may uncover archeological resources. This would be a potentially significant impact. Implementation of mitigation measure **CULT-2** would reduce this impact to a less than significant level.
- c) **Less Than Significant Impact With Mitigation Incorporated.** No fossils or evidence of exposed geomorphological features that typically contain fossils were evident on the project site, but that does not preclude the possibility of their existence below the ground surface. Because the proposed project could directly or indirectly destroy a unique paleontological resource, this is considered a potentially significant impact.

Implementation of the mitigation measure **CULT-3** would reduce this impact to a less than significant level.

- d) **Less Than Significant Impact With Mitigation Incorporated.** It is not anticipated that any human remains would be encountered during construction at the project site. However, there is a possibility that previously unknown human remains could be disturbed or destroyed by project-related ground-disturbing activities. Adverse impacts to these unknown human remains would be a potentially significant impact. Implementation of mitigation measure **CULT-4** would ensure that potential impacts to such resources are minimized.

MITIGATION MEASURES

CULT-1 Prior to any alterations of structures on the project site, the project applicant shall complete Historic American Building Survey (HABS) level documentation. Prior to occupancy of any structure on the project site, the applicant shall complete façade restoration, and salvage and reuse building materials and landscape features, as discussed below.

- a) The project applicant shall document the affected historical resource and its setting, in accordance with HABS. The intent is to preserve an accurate record of historic property that can be used in research and other preservation activities. To serve these purposes, the documentation must include information that permits assessment of its reliability. Generally, this includes:
- Drawings: Select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on Mylar.
 - Photographs: Photographs with large-format negatives of exterior and interior views, or historic views, where available.
 - Written data: History and description in narrative or outline format. HABS material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories that are invested in archiving the history of El Cerrito.
- b) Restore the building façade, including windows, the historic wood trim around the doors and windows on the primary façade, and the door in the main entrance, as determined by documentation by either physical and/or documentary evidence to the extent documentation is available. If physical evidence is inconclusive or historic photographs are not available, comparable, intact properties built during the same period as the Rodoni house may be used to inform the appearance of the façade.

Timing/Implementation: Prior to construction or demolition activities

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-2 In the event any archeological resources are encountered during construction, work within 100 feet of the find shall cease and a qualified paleontologist shall be

contacted by the project applicant to determine whether the resource is significant. If the find is determined to be of significance, an excavation plan shall be created and resources shall be donated to an appropriate cultural center. All work products and plans shall be reviewed and approved by the City prior to execution.

Timing/Implementation: *During construction*

Enforcement/Monitoring: *City of El Cerrito Planning Division*

CULT-3

In the event paleontological resources are encountered during construction, the construction manager shall cease operation at the site of the discovery and immediately notify the City of El Cerrito Environmental & Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of El Cerrito Environmental & Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Timing/Implementation: *During construction*

Enforcement/Monitoring: *City of El Cerrito Planning Division*

CULT-4

If human remains are encountered during project construction, work within 100 feet of the remains shall be suspended immediately, and the City of El Cerrito Environmental & Development Services Department and the Contra Costa County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours. A professional archaeologist with Native American burial experience shall conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of El Cerrito Environmental & Development Services Department will be responsible for the approval of recommended mitigation, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The project applicant shall implement the approved mitigation, to be verified by the City of El Cerrito Environmental & Development Services Department, before the resumption of activities at the site where the remains were discovered.

Timing/Implementation: *During construction*

Enforcement/Monitoring: *City of El Cerrito Planning Division*

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

REGIONAL GEOLOGY, FAULTING, AND SEISMICITY

The project site is in the northern portion of the Coast Range geomorphic province of California, which is characterized by northwest-trending mountain ranges and valleys that generally parallel the major geologic structures, such as the San Andreas and Hayward faults.

The Hayward fault is the active fault nearest to the project site, located approximately 1 mile east of the project site. The Hayward fault is a northwest-trending zone about 51 miles long, which extends from southeastern San Jose through the East Bay communities into San Pablo Bay. During historic times, well-documented surface creep has occurred along the Hayward fault at

average rates ranging from about 0.14 to 0.35 inches per year. Beneath San Pablo Bay, the faulting probably steps right (east) to the Rodgers Creek fault.

The geotechnical characteristics of a project site determine its potential for structural and safety hazards that could occur during construction and/or operation of a proposed project. The following discussion illustrates that the design-controllable aspects of building foundation support, protection from seismic ground motion, and soil or slope instability are governed by existing regulations of the State of California or the City of El Cerrito. These regulations require that project designs reduce potential adverse soils, geology, and seismicity effects to less than significant levels. Compliance with these regulations is required, not optional. Compliance must be demonstrated by the project applicant to have been incorporated in the project's design before permits for project construction would be issued.

Several large earthquakes have occurred in the region during historic times. These included several earthquakes on the Hayward fault as well as earthquakes on the San Andreas and Calaveras faults. These earthquakes ranged in Richter magnitude from 6.0 to 8.3.

DISCUSSION OF IMPACTS

a)

- i) **Less Than Significant Impact.** According to the Alquist-Priolo Earthquake Fault Zone Maps published by the California Department of Conservation, Division of Mines and Geology (1982), the project site is not located within the Alquist-Priolo Earthquake Fault Zone for the Hayward fault. No mapped active fault traces traverse the project site. The project would have a less than significant impact.
- ii) **Less Than Significant Impact.** The entire San Francisco Bay Area is subject to periodic earthquake ground shaking. The potential for strong seismic shaking at the project site is high. Due to their close proximity and historical seismic activity, the Hayward/Rodgers Creek, San Andreas, and Concord/Green Valley faults present the highest potential for severe ground shaking. For example, the Working Group on California Earthquake Probabilities in conjunction with the United States Geological Survey found that there was a 31 percent probability that a magnitude 6.7 or greater earthquake will occur on the Hayward-Rodgers Creek fault system in the next 30 years, a 21 percent probability that a magnitude 6.7 or greater earthquake will occur on the San Andreas fault, and a cumulative 63 percent probability that a magnitude 6.7 or greater earthquake will occur in the San Francisco Bay Region in the next 30 years (USGS 2008).

The State of California provides minimum standards for structural design and site development through the California Building Code (CBC; California Code of Regulations [CCR], Title 24, Part 2). Each jurisdiction in the state may adopt its own building code based on the CBC. Local codes are permitted to be more stringent than Title 24, but, at a minimum, are required to meet all state standards and to enforce the regulations of the CBC. The City of El Cerrito has adopted the 2010 CBC as the basis for the City Building Code (see El Cerrito Municipal Code Section 16.02.010). The City's enforcement of its Building Code ensures the project would be consistent with the CBC.

State and local regulations require design-level geotechnical investigations for the foundations of any structure for human occupancy proposed at the project site, including specific recommendations to reduce or eliminate post-construction settlement. The design-level geotechnical investigation for the project would be reviewed by the

City Department of Public Works for compliance with existing building codes and ordinances. The City would inspect the recommended site preparation activities.

Before construction of the proposed project, the City Building Code requires a site-specific soils report that identifies any potentially unsuitable soil conditions (such as expansive, liquefiable, or compressive soils) that could be affected by ground shaking, and CBC Chapter 16 provides certain earthquake design standards that must be incorporated into project structures. The design for soil support of foundations must conform to the analysis and implementation criteria described in the Building Code. Compliance with the Building Code would ensure that the effects of seismic ground shaking would be less than significant.

- iii) **Less Than Significant Impact.** Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid when shaken by a seismic event, potentially resulting in a loss of soil strength and settling or subsidence. In some instances, lateral movements of the ground surface can also occur as a result of liquefaction through a phenomenon known as lateral spreading. Liquefaction and lateral spreading can constitute a significant geologic hazard, causing damage to buildings and other site improvements. As noted above, the project would be required to incorporate recommendations made in the soils report to eliminate inappropriate soil conditions. Compliance with the design criteria described in the City's Building Code for soil support of foundations would ensure that impacts related to ground failure would be less than significant.
- iv) **Less Than Significant Impact.** The topography of the project site is fairly level, and areas surrounding the project site do not have the potential for landslides. The likelihood of a landslide is low, and the impact is considered less than significant.
- b) **Less Than Significant Impact.** The proposed project is not expected to create substantial erosion or contribute to loss of topsoil because the project site is nearly level, so the water erosion hazard is considered low. However, construction activities would disturb soils, which could lead to erosion. A stormwater pollution prevention plan (SWPPP) will be prepared for the project, as SWPPPs are required by El Cerrito Municipal Code Chapter 8.40, Stormwater Management and Discharge Control, for projects requiring grading permits. The erosion control plan would detail erosion control measures for the site, and the SWPPP would include best management practices (BMPs) to protect water quality due to stormwater runoff. Implementation of a SWPPP would ensure a less than significant impact related to erosion.
- c) **Less Than Significant Impact.** As discussed under Impact a, compliance with existing regulations in the CBC would ensure that impacts related to unstable soils would be less than significant.
- d) **Less Than Significant Impact.** Expansive soils typically contain clay minerals that can cause the soil to shrink and swell in response to changes in moisture and have the potential to damage improvements that are supported by them. As noted above, before construction of the proposed project, the City Building Code requires a site-specific soils report that identifies any potentially unsuitable soil conditions (such as expansive, liquefiable, or compressive soils) that could be affected by ground shaking. In addition, CBC Chapter 16 provides certain earthquake design standards that must be incorporated into project structures. The design for soil support of foundations must conform to the analysis and implementation criteria described in the Building Code.

Compliance with the Building Code would ensure that the effects of expansive soils would be less than significant.

- e) **No Impact.** Public utilities, including sewer service, are provided to the project site by the City of El Cerrito. No septic tanks or alternative wastewater disposal systems would be utilized.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

Since the early 1990s, scientific consensus holds that the world's population is releasing greenhouse gases (GHG) faster than the earth's natural systems can absorb them. These gases are released as byproducts of fossil fuel combustion, waste disposal, energy use, land-use changes, and other human activities. This release of gases, such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and chlorofluorocarbons, creates a blanket around the earth that allows light to pass through but traps heat at the surface preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

While often used interchangeably, there is a difference between the terms "climate change" and "global warming." According to the National Academy of Sciences, climate change refers to any significant, measurable change of climate lasting for an extended period of time that can be caused by both natural factors and human activities. Global warming, on the other hand, is an average increase in the temperature of the atmosphere caused by increased GHG emissions. The use of the term climate change is becoming more prevalent because it encompasses all changes to the climate, not just temperature.

To fully understand global climate change, it is important to recognize the naturally occurring greenhouse effect and to define the GHGs that contribute to this phenomenon. Solar radiation enters the earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect.

For most nonindustrial development projects, motor vehicles make up the bulk of GHG emissions produced on an operational basis. The primary GHGs emitted by motor vehicles include carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons (CARB 2004). **Table 5** provides descriptions of the primary GHGs attributed to global climate change, including a description of their physical properties, primary sources, and contribution to the greenhouse effect. Because the project site is currently unoccupied, it does not generate GHGs.

TABLE 5
GREENHOUSE GASES

Greenhouse Gas	Description
Carbon dioxide (CO ₂)	CO ₂ is a colorless, odorless gas and is emitted in a number of ways, both naturally and through human activities. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, industrial facilities, and other sources. A number of industrial production processes and product uses such as mineral production, metal production, and the use of petroleum-based products can also lead to CO ₂ emissions. The atmospheric lifetime of CO ₂ is variable because it is so readily exchanged in the atmosphere. ¹
Methane (CH ₄)	CH ₄ is a colorless, odorless gas that is not flammable under most circumstances. CH ₄ is the major component of natural gas, about 87 percent by volume. It is also formed and released to the atmosphere by biological processes occurring in anaerobic environments. CH ₄ is emitted from both human-related and natural sources. Human-related sources include fossil fuel production, animal husbandry (livestock intestinal fermentation and manure management), biomass burning, and waste management. These activities release significant quantities of CH ₄ to the atmosphere. Natural sources of CH ₄ include wetlands, gas hydrates, permafrost, termites, oceans, freshwater bodies, non-wetland soils, and other sources such as wildfires. Methane's atmospheric lifetime is about 12 years. ²
Nitrous oxide (N ₂ O)	N ₂ O is a clear, colorless gas with a slightly sweet odor. N ₂ O is produced by natural and human-related sources. Primary human-related sources are agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. N ₂ O is also produced naturally from a wide variety of biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. ³
Hydrofluorocarbons (HFCs)	HFCs are man-made chemicals, many of which have been developed as alternatives to ozone-depleting substances for industrial, commercial, and consumer products. The atmospheric lifetime for HFCs varies from just over a year for HFC-152a to 260 years for HFC-23. Most of the commercially used HFCs have atmospheric lifetimes less than 15 years (e.g., HFC-134a, which is used in automobile air conditioning and refrigeration). ⁴
Perfluorocarbons (PFCs)	PFCs are colorless, highly dense, chemically inert, and nontoxic. There are seven PFC gases: perfluoromethane (CF ₄), perfluoroethane (C ₂ F ₆), perfluoropropane (C ₃ F ₈), perfluorobutane (C ₄ F ₁₀), perfluorocyclobutane (C ₄ F ₈), perfluoropentane (C ₅ F ₁₂), and perfluorohexane (C ₆ F ₁₄). The largest current source is aluminum production, which releases CF ₄ and C ₂ F ₆ as byproducts. The estimated atmospheric lifetimes for CF ₄ and C ₂ F ₆ are 50,000 and 10,000 years, respectively. ^{4,5}
Sulfur hexafluoride (SF ₆)	SF ₆ is an inorganic compound that is colorless, odorless, nontoxic, generally nonflammable, and is primarily used as an electrical insulator in high voltage equipment. The electric power industry uses roughly 80 percent of all SF ₆ produced worldwide. Significant leaks occur from aging equipment and during equipment maintenance and servicing. SF ₆ has an atmospheric life of 3,200 years. ⁴

Sources: ¹EPA 2011a, ²EPA 2011b, ³EPA 2010a, ⁴EPA 2010b, ⁵EFCTC 2003

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. Gases with high global warming potential (GWP), such as HFCs, PFCs, and SF₆, are the most heat-absorbent. Methane (CH₄) traps over 21 times more heat per molecule than CO₂, and N₂O absorbs 310 times more heat per molecule than CO₂. Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO₂e), which weight each gas by its GWP. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts

them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted. **Table 6** shows the GWP for different GHGs for a 100-year time horizon.

TABLE 6
GLOBAL WARMING POTENTIAL FOR GREENHOUSE GASES

Greenhouse Gas	Global Warming Potential
Carbon dioxide (CO ₂)	1
Methane (CH ₄)	21
Nitrous oxide (N ₂ O)	310
Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs)	6,500
Sulfur hexafluoride (SF ₆)	23,900

Source: California Climate Action Registry 2009

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact With Mitigation Incorporated.** GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects contributes substantially to the phenomenon of global climate change and its associated environmental impacts and as such is addressed only as a cumulative impact.

GHG emissions associated with the project would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with project-related new vehicular trips and indirect source emissions, such as electricity usage for lighting.

Construction Emissions

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of GHG emissions that would occur during construction, in addition to making a determination on the significance of these construction-generated GHG emissions impacts in relation to meeting Assembly Bill (AB) 32 GHG reduction goals. AB 32 is the California Global Warming Solutions Act, enacted by the State Legislature in September 2006. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020.

As shown in **Table 7**, the construction of the proposed project would result in a maximum of 135 metric tons per year of construction-generated CO₂e over an estimated one-year construction period.

TABLE 7
CONSTRUCTION-RELATED GREENHOUSE GAS EMISSIONS – METRIC TONS PER YEAR

Construction	Carbon Dioxide (CO ₂)	Methane (CH ₄)	Nitrous Oxide (N ₂ O)	CO ₂ e
Construction	134	0.03	0.00	135

Source: Emissions modeled by PMC using the California Emissions Estimator Model (CalEEMod), version 2013.2.2 computer program.

Notes: Proposed rehabilitation of existing single-family unit assumed to be completely reconstructed for conservative analysis. Refer to **Appendix B** for model data outputs.

In addition to quantifying construction-generated GHG emissions, the BAAQMD recommends that all construction projects incorporate best management practices minimizing GHG emissions. To ensure that best management practices are incorporated into the project, the proposed project will be required to implement mitigation measure **GHG-1**.

Implementation of mitigation measure **GHG-1** would reduce the incremental emissions from project construction. Additionally, mitigation measure **AQ-1**, included in subsection 3, Air Quality, would further reduce the emissions of heavy-duty diesel-powered equipment during construction. Implementation of these measures would minimize construction-related GHG emissions to the extent feasible, consistent with AB 32 greenhouse gas reduction goals, and would therefore result in a less than significant impact.

Operational Emissions

For GHG emissions resulting from project operations after construction, the BAAQMD threshold of significance applicable to the project is whether the project would exceed 1,100 metric tons per year of CO₂e. The projected annual GHG emissions resulting from operation of the proposed project are summarized in **Table 8**.

TABLE 8
OPERATIONAL GHG EMISSIONS – METRIC TONS PER YEAR

Source	CO ₂	CH ₄	N ₂ O	CO ₂ e
Area	1	0.00	0.00	1
Energy	40	0.00	0.00	40
Mobile	98	0.00	0.00	98
Solid Waste	2	0.09	0.00	4
Water	2	0.03	0.00	3
Total	143	0.13	0.00	146
BAAQMD Threshold				1,100

Source: CalEEMod version 2013.2.2. Refer to **Appendix B** for model data outputs.

As shown in the table, the proposed project would be far below BAAQMD significance thresholds for operational GHG emissions and would result in less than significant GHG impacts.

- b) **Less Than Significant Impact.** California has adopted several policies and regulations for the purpose of reducing GHG emissions. On December 11, 2008, the California Air Resources Board adopted the AB 32 Scoping Plan to achieve the goals of AB 32, mentioned above. The Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. The proposed project is subject to compliance with AB 32, which is designed to reduce statewide GHG emissions to 1990 levels by 2020. As identified above, the project-generated GHG emissions would not surpass the BAAQMD greenhouse gas significance thresholds, which were prepared with the purpose of complying with the requirements of and achieving the goals of AB 32. Therefore, the project would not conflict with the state goals listed in AB 32 or in any preceding state policies adopted to reduce GHG emissions.

In addition, on May 21, 2013, the El Cerrito City Council adopted the El Cerrito Climate Action Plan and associated targets to reduce GHG emissions by 15 percent below 2005 levels by 2020 and 30 percent below 2005 levels by 2035 (City of El Cerrito 2013). Some of the primary provisions of the Climate Action Plan are to promote greater density and infill development, water conservation, energy efficiency, and waste reduction strategies. No aspects of the proposed project would inhibit these goals.

The proposed project would not be considered to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG emissions and therefore represents a **less than significant** impact.

MITIGATION MEASURES

GHG-1 Prior to issuance of grading or building permits, the project applicant shall specify on the final project plans implementation of BAAQMD-recommended construction-related measures to reduce GHG emissions during construction activities. These measures include, as feasible:

1. Use alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment to the maximum extent possible.
2. Use local construction materials (within 100 miles) to the maximum extent possible.
3. Recycle construction waste and demolition materials to the maximum extent possible.

Timing/Implementation: Prior to grading permits

Enforcement/Monitoring: City of El Cerrito Planning Division

INITIAL STUDY

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

Under Title 22 of the California Code of Regulations (CCR), the term “hazardous substance” refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (CCR Title 22, Chapter 11, Article 3). A hazardous material is defined as a substance or combination of substances that

may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness, or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can be disposed of properly (CCR Title 22, Chapter 11, Article 2, Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. While hazardous substances are regulated by multiple agencies, cleanup requirements of hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over the project.

Public health is potentially at risk whenever hazardous materials are or would be used. It is necessary to differentiate between the "hazard" of these materials and the acceptability of the "risk" they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure, in addition to the inherent toxicity of a material.

Factors that can influence the health effects when human beings are exposed to hazardous materials include the dose the person is exposed to, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

The project site is not on a parcel included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC 2012). The project site is not located within an airport land use plan area or within 2 miles of a public use airport or airstrip.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** The proposed project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials. Construction of the proposed project would be required to comply with applicable building, health, fire, and safety codes. Hazardous materials would be used in varying amounts during construction and occupancy of the project. Construction and maintenance activities would use hazardous materials such as fuels (gasoline and diesel), oils, and lubricants; paints and paint thinners; glues; cleaners (which could include solvents and corrosives in addition to soaps and detergents); and possibly pesticides and herbicides. The amount of materials used would be small, so the project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials, assuming such use complies with applicable federal, state, and local regulations, including but not limited to Titles 8 and 22 of the CCR, the Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code.

With respect to operation of the project, residential uses do not generate significant amounts of hazardous materials, and only a minimal amount of routine household chemicals would be stored on-site. These materials would not create a significant hazard to the public or to the environment.

- b) **Less Than Significant Impact.** As discussed in Impacts a and c, the proposed project would not result in the routine transport, use, disposal, handling, or emission of any hazardous materials that would create a significant hazard to the public or to the

environment. Implementation of Title 49, Parts 171–180, of the Code of Federal Regulations would reduce any impacts associated with the potential for accidental release during construction or occupancy of the proposed project or by transporters picking up or delivering hazardous materials to the project site. These regulations establish standards by which hazardous materials would be transported, within and adjacent to the proposed project. Where transport of these materials occurs on roads, the California Highway Patrol is the responsible agency for enforcement of regulations.

The project also includes renovations to the existing house, which, given the age of the structure, could contain asbestos and lead. Asbestos, a naturally occurring fibrous material, was used as a fireproofing and insulating agent in building construction before being banned by the US Environmental Protection Agency (EPA) in the 1970s. Because it was widely used prior to discovery of its negative health effects, asbestos can be found in a variety of building materials and components including sprayed-on acoustic ceiling materials, thermal insulation, wall and ceiling texture, floor tiles, and pipe insulation. Asbestos is classified into two main categories: friable and non-friable. Friable asbestos can release asbestos fibers easily when disturbed and is considered Regulated Asbestos-Containing Material (RACM). Friable (easily crumbled) materials are particularly hazardous because inhalation of airborne fibers is the primary mode of asbestos entry into the body, which potentially causes lung cancer and asbestosis. Non-friable asbestos will release fibers less readily than RACM and is referred to as Category I or Category II, non-friable. Non-friable asbestos and encapsulated friable asbestos do not pose substantial health risks. The California Occupational Safety and Health Administration (Cal/OSHA) considers asbestos-containing building materials (ACBM) to be hazardous when a sample contains more than 0.1 percent asbestos by weight; Cal/OSHA requires it to be handled by a licensed, qualified contractor.

Lead can be found in paint, water pipes, plumbing solder, and in soils around buildings and structures with lead-based paint. In 1978, the federal government required the reduction of lead in house paint to less than 0.06 percent (600 parts per million [ppm]). However, some paints manufactured after 1978 for industrial uses or marine uses legally contain more than 0.06 percent lead. Exposure to lead can result in bioaccumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because lead is easily absorbed into developing systems and organs.

Prior to any building demolition, CCR Title 8 Section 5208 requires that a state-certified risk assessor conduct a risk assessment and/or paint inspection of all structures constructed prior to 1978 for the presence of asbestos. If such hazards are determined to exist on site, the risk assessor would prepare a site-specific hazard control plan detailing ACBM removal methods and specific instructions for providing protective clothing and gear for abatement personnel. If necessary, the project sponsor would be required to retain a state-certified ACBM removal contractor (independent of the risk assessor) to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities would be disposed of at a landfill(s) licensed to accept such waste. Once all abatement measures have been implemented, the risk assessor would conduct a clearance examination and provide written documentation to the City that testing and abatement have been completed in accordance with all federal, state, and local laws and regulations.

Several regulations and guidelines pertain to abatement of and protection from exposure to lead-based paint. These include Construction Safety Order 1532.1 from Title 8

of the CCR and lead-based paint exposure guidelines provided by the US Department of Housing and Urban Development (HUD). In California, lead-based paint abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services. Compliance with existing regulation would ensure impacts related to hazardous materials exposure would be less than significant.

- c) **Less Than Significant Impact.** The project site is a residential lot and is adjacent to two existing schools. As discussed in Impacts a and b, the proposed project is a residential use that would not result in the routine transport, use, disposal, handling, or emission of any hazardous materials that would create a significant hazard to the public or to the environment, including at an existing or proposed school.
- d) **No Impact.** The project site is not on a parcel included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC 2012). The closest listed site is located at 11450 San Pablo Avenue, approximately one-quarter mile west of the project site. That site is listed on the HAZNET database for the transfer of relatively small amounts of laboratory waste chemicals, as well as waste oil, oil-containing waste, oil/separator sludge, and organic and inorganic mixture. These materials were disposed of through a deposit at a recycler, transfer station, or incinerator. Additionally, that site was listed in the Contra Costa County Sites List, Cortese, and LUST databases due to a past leaking underground storage tank (LUST) event. Soils were reportedly impacted by gasoline, and the LUST cleanup case for the project was closed as of June 1998 (City of El Cerrito 2010). Therefore, the proposed project would not create a significant hazard to the public or to the environment related to an existing hazardous materials site.
- e) **No Impact.** The project site is not located within an airport land use plan area or within 2 miles of a public use airport or airstrip. There are no private airstrips in the vicinity of the project site that would result in a safety hazard for people residing or working in the project area.
- f) **No Impact.** See discussion under Impact e above.
- g) **Less Than Significant Impact.** The project would be subject to the requirements contained in the City's emergency response and evacuation plans. Therefore, impacts related to impaired implementation or physical interference with an adopted emergency response or evacuation plan are considered less than significant.
- h) **No Impact.** The project site is located in El Cerrito and is not located within a wildland hazard area. The surrounding land is developed with urban and residential uses; the project site is not intermixed with wildlands. The proposed project will have no impact on the placement of people or structures next to wildland areas that could result in loss, injury, or death involving wildland fires.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The project site is surrounded by existing development within El Cerrito. Surface runoff from the project site enters existing storm drains and is carried to San Francisco Bay through the storm drain system.

The City of El Cerrito is a participant in the Contra Costa Clean Water Program (CCCWP), which administers the County's National Pollutant Discharge Elimination System (NPDES) permit. The CCCWP, which includes representatives of Contra Costa County, 19 incorporated cities in the county, and the Contra Costa County Flood Control and Water Conservation District, maintains compliance with the NPDES Storm Water Discharge Permit. The project would be subject to the County's NPDES permit and would be required to implement certain measures to protect water quality and prevent erosion by minimizing sediment and other pollutants in site runoff and so that post-project runoff will not exceed pre-project rates and durations. The goal of Provision C.3 is to include appropriate source control, site design, and stormwater treatment measures in new development and adaptive reuse projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and adaptive reuse projects. Provision C.3 would reduce potential water quality impacts associated with the proposed project.

The City of El Cerrito has adopted management guidelines to comply with the NPDES requirements, contained in Section 8.40.010 of the El Cerrito Municipal Code. As required by the Municipal Code, all construction must conform to the requirements of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Association of Bay Area Governments (ABAG) Manual of Standards for Erosion & Sediment Control Measures, the City's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Public Works Director when undertaking construction activities. In addition, El Cerrito Municipal Code Section 8.40.050 states that every application for a development project is required to submit a stormwater control plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3 Guidebook.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** Project construction activities would disturb project soils that could result in sedimentation that reaches the storm sewer. However, as noted above, project construction activities would be required to comply with the County's NPDES permit and El Cerrito Municipal Code Chapter 8.40, Stormwater Management and Discharge Control, which require projects to conform with the requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's grading and erosion control ordinance and other generally accepted engineering practices for erosion control. Consequently, project construction would not be considered to contribute to a violation of water quality standards, and project operations would have a less than significant impact regarding the generation of substantial additional sources of polluted runoff that would contribute to a water quality violation.
- b) **Less Than Significant Impact.** The proposed project would not use local groundwater supplies, but would be connected to existing water infrastructure on-site, which is supplied by the East Bay Municipal Utility District (EBMUD). EBMUD's primary water supply is surface water from the Mokelumne River. Therefore, operation of the proposed project

would not increase demand for groundwater supplies. Implementation of the proposed project would have a less than significant impact on groundwater supplies and groundwater recharge.

- c) **Less Than Significant Impact.** The proposed project would increase the amount of impervious surface on the project site. However, as noted above, the proposed project would be required to comply with Provision C.3 of the County's NPDES permit, which requires projects to implement certain measures to protect water quality and prevent erosion by minimizing sediment and other pollutants in site runoff. Compliance with existing regulations and the NPDES permit would ensure that the project would not result in substantial erosion or siltation.
- d) **Less Than Significant Impact.** Prior to issuance of a building permit, El Cerrito Municipal Code Section 13.40.045 requires the project applicant to provide plans and specifications that consider factors such as slope, soil conditions, and amount of vegetation in the drainage basin, and the impact on anticipated percolation or infiltration rates, including the effect of successive storms on soil saturation and the resultant ability of the drain, as modified, to accommodate anticipated surface runoff flows. In issuing the permit, the City Manager may impose such conditions as are appropriate to eliminate any diminution in the capacity of the existing drain to carry off the volume of water reasonably anticipated. This would ensure that the proposed project would not exceed the capacity of existing or planned stormwater drainage systems. Therefore, the proposed project would not cause on- or off-site flooding.
- e) **Less Than Significant Impact.** As discussed in Impact d, with implementation of El Cerrito Municipal Code Section 13.40.045, the project would not negatively affect the capacity of the existing drain to carry off the volume of water reasonably anticipated for the project. Consequently, compliance with existing regulations would ensure that the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or generate substantial additional sources of polluted runoff.
- f) **Less Than Significant Impact.** See discussion under Impacts a and c above. The proposed project would have a less than significant impact with regard to substantial degradation of water quality.
- g) **No Impact.** The project site is not within a 100-year flood hazard zone. Therefore, implementation of the proposed project would not place any housing within a flood hazard area.
- h) **No Impact.** The project site is not within 100-year flood hazard zone. Therefore, the proposed project would not place any structures within a flood hazard area in a manner that would impede or redirect flood flows.
- i) **No Impact.** The project site is not in the vicinity of a levee and is not within the areas indicated by the Association of Bay Area Governments as a potential inundation area resulting from dam failure (ABAG 1995).
- j) **Less Than Significant Impact.** A seiche is a periodic oscillation of a body of water such as a reservoir resulting from seismic shaking or other causes such as landslides. A tsunami is a series of waves caused by earthquakes that occur on the seafloor or in coastal areas. A mudflow is a flow of dirt and debris that occurs after intense rainfall or snowmelt, volcanic eruption, earthquake, or severe wildfire. The project site is not located near any

reservoirs or other enclosed bodies of water capable of seiche and is located inland of the zones such as the margins of San Francisco Bay that could be inundated by a tsunami. The topography of the site is fairly level, and the likelihood of mudflow or landslide is low. Impacts related to potential inundation by seiche, tsunami, or mudflow are considered less than significant.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The project site is surrounded by existing development in El Cerrito. The project site is designated in the El Cerrito General Plan for High Density Residential and is zoned RM, Multi-family Residential. The purpose of the High Density Residential land use designation and Multi-family Residential zoning is to provide opportunities for multi-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre. This project will require the approval of General Plan Amendment to construct to its proposed density of 35.7 dwelling units per acre. Although slightly denser than typically allowed in it's General Plan designation, through the use of the Planned Unit overlay, the project proposes to exceed the minimum required amount of open space, preserve the existing creek, and retain the historic main structure all currently on site. As discussed throughout this Initial Study, the slight increase in density beyond that allowed in the High Density Residential land use designation would not result in any significant physical environmental effects.

DISCUSSION OF IMPACTS

- a) **No Impact.** The project site is an existing residential parcel surrounded by existing development in El Cerrito. Development of the project site would not result in the physical division of an established community.
- b) **Less Than Significant Impact.** The proposed project is consistent with many goals of the General Plan as well as Climate Action Plan. If the proposed entitlements, including the Planned Development District and General Plan Amendment, are approved, the project will also be consistent with the Municipal Code. The applicant is requesting relief from the following development standards:
 - 1. Height standards described in the Municipal Code Chapter 19.06 for residential districts.
 - 2. Setback standards described in Municipal Code Chapter 19.06 for residential districts.

3. Setback standards described in Municipal Code Chapter 19.12 for the CP (Creek Protection) overlay district.
4. Parking requirements described in Municipal Code Chapter 19.24 for off-street parking.
5. Density standards described in Municipal Code Chapter 19.06. The code allows for one residential unit per every 1,250 square feet; the project proposes one unit per every 1,220 square feet.
6. General Plan Amendment to exceed the maximum high density designation for market priced housing.

As noted above, the project proponent is requesting a PD district designation. The City Council may approve a Planned Development district that deviates from the minimum lot area, yard requirements, building heights, other physical development standards, and land use and density requirements of other zoning districts. The specific purpose of a Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to subdivision and development under district regulations. The requested changes to the development standards, if approved, would be consistent with Chapter 19.14 of the Municipal Code and, as discussed throughout this Initial Study, would not result in any significant physical impacts.

- c) **No Impact.** As discussed in subsection 4, Biological Resources, the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan or natural community conservation plan.

INITIAL STUDY

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The project site is surrounded by existing development in El Cerrito. The project site has not been historically used for mining operations.

DISCUSSION OF IMPACTS

- a, b) **No Impact.** No known mineral resources are present at the project site. Implementation of the proposed project would not result in the loss of availability of a known mineral resource. The project site is not designated by the general plan, specific plan, or other land use plans as a locally important mineral recovery site.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, exposure of people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The project is located in a residential area of El Cerrito. Noise is generally restricted to traffic on local streets.

Construction activities on the project site will generate noise that could disturb adjacent residences. According to City Municipal Code Section 19.21.050, the goal for maximum outdoor noise levels in residential areas is an L_{dn} (day-night level) of 60 decibels (dB). Section 16.02.080(b) of the City's Municipal Code limits the hours of work to between 7:00 AM and 6:00 PM Monday through Friday, and between 8:00 AM and 5:00 PM on Saturday. Construction work is prohibited on Sundays and holidays.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** Noise generated by the project would occur during short-term construction of the proposed units. Operation of the project would be consistent with the existing uses in the vicinity of the project site and would not result in substantial changes to the existing noise environment. Noise levels during construction would be higher than existing noise levels, but only for the duration of construction. Noise levels from construction activities could average from 76 to 90 dBA within 50 feet of the noisiest

source and would be audible to residents in proximity to the proposed project. However, as noted above, construction activities are regulated by the El Cerrito Municipal Code, which restricts construction work hours to 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 5:00 PM on Saturday, prohibiting construction work on Sundays and holidays. While there would be intermittent construction noise in the project area during the construction period, because the construction would be short term and restricted to the hours allowed by the City's ordinance, noise impacts would be less than significant.

- b) **Less Than Significant Impact.** Long-term operational activities associated with the proposed project would be residential, which would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration. Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Construction activities would likely require the use of various types of equipment, such as forklifts, concrete mixers, and haul trucks. The use of major groundborne vibration-generating construction equipment, such as pile drivers, would not be required for this project.

Groundborne vibration levels associated with representative construction equipment are summarized in **Table 9**. Based on the vibration levels presented in **Table 9**, ground vibration generated by construction equipment would not be anticipated to exceed approximately 0.076 inches per second peak particle velocity (ppv) at 25 feet. Predicted vibration levels at the nearest on- and off-site structures would not be anticipated to exceed the minimum recommended criteria for structural damage and human annoyance (0.2 and 0.1 inches per second ppv, respectively). As a result, this potential impact would be considered less than significant.

TABLE 9
REPRESENTATIVE VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Peak Particle Velocity at 25 Feet (in/sec)
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers/Tractors	0.003

Source: FTA 2006, Table 12-2.

- c) **Less Than Significant Impact.** As discussed above, long-term operation of the project involves residential use, which is consistent with existing uses in the project vicinity. Residential uses would not result in substantial changes to the existing noise environment.
- d) **Less Than Significant Impact.** As discussed in Impact a, short-term construction-related activities could result in a temporary increase in ambient noise levels at nearby receptors. However, compliance with Section 16.02.080(b) of the City's Municipal Code, which limits the hours of construction to daytime hours outside normal sleep hours, would ensure that potential impacts would be less than significant.
- e, f) **No Impact.** The project site is not located within an airport land use plan area or within 2 miles of a public use airport or private airstrip. Implementation of the proposed project would not expose individuals to excessive noise levels associated with aircraft operations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

ENVIRONMENTAL SETTING

The estimated population of El Cerrito in 2010 was 23,549 with 10,716 housing units, 10,142 of which are occupied (MTC 2012). This yields an average household size of 2.3 persons. Assuming the city's average household size, the proposed project would result in the addition of approximately 35 residents to the area.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** The proposed project includes construction of residential units that would directly add to the population of the city. The 35 residents added by the project would not be considered substantial, when considering the project area is currently developed and the project would utilize existing infrastructure at the project site. No upgrades to the existing infrastructure would be required to serve the project. The proposed project would not involve any other components that would induce further growth.
- b) **No Impact.** There is an existing, unoccupied house on the project site that would be retained as part of the project. The proposed project would not displace housing units at the project site or necessitate the construction of replacement housing elsewhere.
- c) **No Impact.** There is an existing house on the project site, which as noted above, is unoccupied. Therefore, the proposed project would not displace substantial numbers of people or necessitate the construction of replacement housing elsewhere.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The project site is surrounded by existing development within El Cerrito. The project site is served by the El Cerrito Fire Department, El Cerrito Police Department, and West Contra Costa Unified School District (WCCUSD).

FIRE PROTECTION

The project site is located in an urban area of El Cerrito in an area currently served by the El Cerrito Fire Department. The department would continue to serve the project site. The department operates three fire stations: Station 71, located at 10900 San Pablo Avenue; Station 72, located at 1520 Arlington Boulevard; and Station 65, located at 217 Arlington Avenue in Kensington. Station 71 is the closest station to the project site, approximately 1 mile to the southwest. The City also has a mutual aid agreement with the Richmond, Kensington, and West County fire departments to provide service across jurisdictional boundaries.

POLICE PROTECTION

The project site is currently served by the El Cerrito Police Department and would continue to be served by the department. The El Cerrito Police headquarters building is located at 10900 San Pablo Avenue, approximately 1 mile from the project site.

SCHOOLS

The WCCUSD operates 57 schools serving the communities of El Cerrito, San Pablo, Richmond, Pinole, Kensington, Hercules, and El Sobrante. The district comprises 38 elementary (K–5) and six middle schools (6–8), seven high schools, and six alternative schools and continuing education facilities. The project site is within the attendance boundary of Madera Elementary School, Portola Middle School, and El Cerrito High School (WCCUSD 2012).

Senate Bill (SB) 50, which revised the limitation on developer fees for school facilities, established a base amount of allowable developer fees (Level One fee) for residential construction (subject to adjustment) and prohibits school districts, cities, and counties from imposing school impact

mitigation fees or other requirements in excess or in addition to those provided in the statute. Satisfaction of the Proposition SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." The proposed project would be required to pay the statutory fees.

PARKS

The El Cerrito General Plan identifies the city as having a total of 182 acres of parks and open space, including 32 acres of publicly owned parks, 100 acres of public open space, 23 acres of recreation facilities, and 27 acres of school district-owned recreation areas. The General Plan identifies a level of service standard of 5 acres of publicly owned parkland per 1,000 residents. Based on an estimated city population of 23,549, the City of El Cerrito has approximately 7.7 acres of parkland per 1,000 residents. All residential projects would be required to provide on-site open space and recreational facilities for residents or a combination of in-lieu fees and on-site facilities.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** The proposed project site is served by the El Cerrito Fire Department. Implementation of the proposed project would increase the intensity of use of the site and would marginally increase the demand for fire protection services over existing conditions. However, the project would be similar to the land use on surrounding properties, and the site is already served by the City for fire protection. The project would not substantially alter the number of housing units or population in the city and would not result in the need for new fire protection facilities to serve the site. There would be no physical impacts related to the construction of new fire protection facilities and impacts related to fire protection would be less than significant.
- b) **Less Than Significant Impact.** The project site is served by the El Cerrito Police Department for police protection services. The redevelopment of the site would not result in the need for increased patrols or additional units such that new police facilities would need to be constructed. There would be no physical impacts related to the construction of new police facilities, and impacts related to police protection would be less than significant.
- c) **Less Than Significant Impact.** Consistent with SB 50, the proposed project will be required to pay developer fees to the WCCUSD. These fees would be directed toward maintaining adequate service levels, which include incremental increases in school capacities. Implementation of this state fee system would ensure that any significant impacts to schools which could result from the proposed project would be offset by development fees, and in effect, reduce potential impacts to a less than significant level.

Assuming student generation rates per multi-family unit of 0.105 for grades K–5, 0.026 for grades 6–8, and 0.013 for grades 9–12, the project would generate approximately two students total. The additional two students generated by the project would not result in substantial physical impacts at any schools serving the project.

- d) **Less Than Significant Impact.** As noted above, the proposed project would generate a population of approximately 35 residents who would use existing parks. Because the proposed project would result in a very minor increase in population relative to the city's existing population, significant deterioration or accelerated deterioration at parks and recreation-oriented public facilities from possible increased usage is not expected. The proposed project would have a less than significant impact on parks.

- e) **Less Than Significant Impact.** As noted above, because the proposed project would result in a very minor increase in population relative to the city's existing population, significant deterioration or accelerated deterioration of public facilities from possible increased usage is not expected. The proposed project would have a less than significant impact on public facilities.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

The El Cerrito General Plan identifies the city as having a total of 182 acres of parks and open space including 32 acres of publicly owned parks, 100 acres of public open space, 23 acres of recreation facilities, and 27 acres of school district-owned recreation areas. The General Plan identifies a level of service standard of 5 acres of publicly owned parkland per 1,000 residents. Based on an estimated city population of 23,549, the City of El Cerrito has approximately 7.7 acres of parkland per 1,000 residents. All residential projects would be required to provide on-site open space and recreational facilities for residents or a combination of in-lieu fees and on-site facilities.

DISCUSSION OF IMPACTS

- a, b) **Less Than Significant Impact.** See discussion of Impact e in subsection 14, Public Services. Implementation of the proposed project would result in a less than significant impact on recreational facilities.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads of highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

ROADWAY SYSTEM

Regional access to the project site is provided by Interstate 80 (I-80) and Interstate 580 (I-580), located west of the project site. Local access to the project site is provided by Elm Street, Richmond Street, Hill Street, Key Boulevard, Blake Street, and Potrero Avenue. All roadways in the immediate project vicinity serve primarily residential neighborhoods and have curbs, gutters, sidewalks, on-street parking, and maximum posted speed limits of 25 miles per hour. On-street parking is limited to four hours (except by residential permit) between 7:00 AM and 6:00 PM due to the close proximity of the El Cerrito del Norte BART station. The following describes the local roadways that would serve the project.

- **Elm Street.** Within the study area, Elm Street is a two-lane, north–south discontinuous roadway extending from Cutting Boulevard on the north to Blake Street on the south. South of Blake Street, Elm Street restarts from a T-intersection with Blake Street one block west of the Elm Street/Richmond Street/Blake Street intersection and continues to Schmidt Lane on the south. Elm Street has a minimum width of 40 feet curb to curb. Parking along Elm Street is limited to four hours (except by residential permit) between 7:00 AM and 6:00 PM, with parking prohibited near driveways, fire hydrants, and intersections. The posted speed limit is 25 miles per hour, with a posted speed limit of 20 miles per hour near the project site as Elm Street curves to meet Richmond Street at Blake Street.
- **Richmond Street.** Richmond Street is a two-lane, north–south roadway extending from Blake Street on the north to Fairmont Avenue on the south. On the northbound approach to the Elm Street/Richmond Street/Blake Street intersection, the posted speed limit on Richmond Street is reduced from 25 to 20 miles per hour as it curves to meet Elm Street at Blake Street.
- **Hill Street.** Hill Street is a two-lane, east–west roadway extending from San Pablo Avenue on the west to Elm Street on the east. Hill Street fronts the south side of the El Cerrito del Norte BART station.
- **Key Boulevard.** Key Boulevard is a two-lane, primarily north–south roadway extending from McLaughlin Street on the north to Elm Street on the south. Key Boulevard fronts the east side of the El Cerrito del Norte BART station.
- **Blake Street.** Blake Street is a two-lane, east–west roadway extending from San Pablo Avenue on the west to Navellier Street on the east.
- **Potrero Avenue.** Potrero Avenue is a two-lane, east–west roadway extending from Carlson Boulevard in Richmond on the west to Arlington Boulevard on the east. Potrero Avenue provides access to I-80.

INTERSECTION LEVELS OF SERVICE

A traffic impact study (TIS), which assumed development of 13 new units and rehabilitation of the existing house on the site (14 total units), was prepared for the project site in 2009. Kittelson & Associates reviewed the existing TIS to determine whether the analysis adequately reflects conditions that would occur with the project as proposed. Kittelson also conducted a trip generation analysis based on the latest data from the Institute of Transportation Engineers to verify assumptions made in the traffic impact analysis. Kittelson determined the project would result in 40 additional total daily trips and up to 5 additional peak-hour trips (total for AM and PM peak hours), which does not substantially differ from the 2009 analysis. Therefore, the key level of service (LOS) findings in the 2009 study are applicable to the current project despite changes in project land use, trip generation reference updates, analysis methodologies, and economic conditions (Kittelson 2013).

Weekday AM and PM peak-period volumes in the study area were collected in October 2009 following submittal of the project application to the City. The study also incorporates an increase in students and teachers at the Windrush School, based on the 2007 approval by the City of El Cerrito Planning Commission of an amendment to the Windrush School's use permit to increase their student body and for their 20-year master plan. The counts are considered by the City to accurately depict existing conditions in the project vicinity, given the lack of growth due to the

economic downturn (Kittelson 2013). This is borne out in the cumulative analysis, which shows that even under buildout conditions, the counts do not change substantially from the counts collected in 2009.

Table 10 presents the results of the existing LOS analysis for signalized and unsignalized intersections. Data from three study intersections show current operations at acceptable levels of service during weekday AM and PM peak-hour time frames. **Table 11** presents the results of the existing plus project intersection LOS analysis from the 2009 study, which shows the proposed project would result in no change to the peak-hour LOS and would have a minimal effect on delays. The addition of five vehicle trips during each peak hour would not likely reduce the level of service to below the City's standard of LOS D (Kittelson 2013). All of the study intersections are forecast to operate at acceptable levels of service during all peak-hour scenarios.

TABLE 10
EXISTING INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Existing Weekday AM Peak Hour		Existing Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.2	C
AWSC	Elm Street/Richmond Street/Blake Street	11.5	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

Source: PMC 2009

TABLE 11
EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Existing Plus Project Weekday AM Peak Hour		Existing Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.3	C
AWSC	Elm Street/Richmond Street/Blake Street	11.6	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

Source: PMC 2009

CUMULATIVE CONDITIONS

Cumulative conditions represent the year 2025 conditions at study intersections. Cumulative conditions traffic volumes were derived by adding 0.5 percent per year growth to existing volumes and incorporating traffic from proposed and approved development projects in the vicinity of the project site. The expansion of the Windrush School from 250 to 330 students and the redevelopment of the former Target store (11450 San Pablo Avenue) to a Safeway and other

on-site retail stores were also considered in the cumulative conditions for the project traffic study.¹

CUMULATIVE PEAK-HOUR INTERSECTION LEVEL OF SERVICE

Table 12 presents the results of the 2009 cumulative (i.e., surrounding projects plus ambient traffic growth) intersection LOS analysis. All of the study intersections are forecast to operate at acceptable levels of service during all peak-hour scenarios under the cumulative without project condition. It should be noted that for future scenarios (i.e., cumulative, cumulative plus project), all intersection geometrics are the same as under existing conditions.

Cumulative plus project weekday and weekend PM peak-hour volumes were determined by adding the project trip assignment to the cumulative volumes. No changes in intersection geometrics were assumed. **Table 13** presents the results of the cumulative plus project intersection LOS analysis. The 2009 study found all of the study intersections would operate at acceptable levels of service during all peak-hour scenarios. The addition of five vehicle trips during each peak hour under cumulative conditions would not likely reduce the level of service to below the City's standard of LOS D (Kittelson 2013).

TABLE 12
CUMULATIVE INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Cumulative Weekday AM Peak Hour		Cumulative Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	27.6	C	25.7	C
AWSC	Elm Street/Richmond Street/Blake Street	13.4	B	14.0	B
Signalized	Richmond Avenue/Potrero Avenue	14.1	B	13.9	B

Source: PMC 2009

TABLE 13
CUMULATIVE PLUS PROJECT INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Cumulative Plus Project Weekday AM Peak Hour		Cumulative Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	27.6	C	25.7	C
AWSC	Elm Street/Richmond Street/Blake Street	13.4	B	14.1	B
Signalized	Richmond Avenue/Potrero Avenue	14.1	B	13.9	B

Source: PMC 2009

¹ The two projects are forecast to generate approximately 7,607 weekday daily trips, with 302 AM peak-hour trips (180 inbound and 122 outbound) and 795 PM peak-hour trips (402 inbound and 393 outbound). Trip generation estimates for the related projects were developed using trip rates provided in the ITE *Trip Generation Rates*, 7th Edition.

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** The project would generate 12 weekday AM peak-hour trips and 13 weekday PM peak-hour trips. When compared to existing and cumulative conditions, the project would not substantially increase traffic volumes or congestion in the study area. The close proximity of the project site to the El Cerrito del Norte BART station, several bus lines, and commercial uses will likely result in transit use and pedestrian activity that will reduce the number of automobile trips associated with the project and the related demand for parking on site. The project proposes to provide 15 parking spaces where standard municipal requirements would require 21 spaces. City parking standards do not constitute a measure of parking effectiveness, but attempt to address parking demand throughout the city. Pursuant to the Planned Development Overlay provisions, these standards may be modified to reflect site-specific conditions. The proposed on-site parking, available pedestrian and transit facilities, and on-street parking support project needs for transportation without creating physical conditions that result in potentially significant impacts. The City will consider these factors when considering the merit of granting a parking reduction for the project.

As reflected in **Table 11** and **Table 13**, the project would not create any project-related significant impacts by degrading LOS at study intersections to unacceptable levels during the existing plus project condition or the cumulative plus project condition. The project would not alter the existing travel flow of vehicles, bicyclists, or pedestrians and as previously noted, the project would add approximately 35 residents, so it would not negatively affect the performance of the circulation system, including mass transit and non-motorized travel.

- b) **Less Than Significant Impact.** The project would generate 12 weekday AM peak-hour trips and 13 weekday PM peak-hour trips (Kittelson 2013). According to Contra Costa Transportation Authority (2006) guidelines for traffic studies, projects generating less than 100 peak-hour trips are considered to have a less than significant impact on the Congestion Management Program roadway network.
- c) **No Impact.** The project is a residential development and is not located in the vicinity of any public or private airports.
- d) **Less Than Significant Impact.** The project would not modify existing intersections or roadways, including Elm Street. The project would improve the sidewalk fronting the project along Elm Street, but would not alter the existing travel flow of vehicles, bicyclists, or pedestrians. The project driveway would be consistent with City code requirements at 18 feet in width. Because the project is a residential project in a residential neighborhood, the project would not introduce any incompatible uses.
- e) **Less Than Significant Impact.** The proposed project would not alter the existing travel flow of vehicles, bicyclists, or pedestrians or substantially increase traffic on local streets. Therefore, the proposed project would not have a negative effect on emergency access.
- f) **Less Than Significant Impact.** The project would not conflict with any adopted policies, plans, or programs supporting alternative transportation. The project would be required to provide a location for on-site bicycle storage (four long-term and two short-term bicycle parking spaces). The proposed project includes a bicycle storage area on the ground floor that meets code requirements.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

ENVIRONMENTAL SETTING

WASTEWATER SERVICE

Existing utility infrastructure, including sanitary sewer lines, serves the project site. The Stege Sanitary District provides wastewater collection services in the city; wastewater generated in El Cerrito is treated at the East Bay Municipal Utility District Water Treatment Plant in Oakland. EBMUD's Main Wastewater Treatment Plant treats domestic, commercial, and industrial wastewater for an 83-square-mile area that includes the Stege Sanitary District. EBMUD provides primary treatment for up to 320 million gallons per day (mgd) and secondary treatment for a maximum flow of 168 mgd. Current average daily flow is 73 mgd.

WATER SUPPLY

Water service to the project site is provided by the East Bay Municipal Utility District. EBMUD is a public agency that provides drinking water to 1.3 million people and wastewater systems for 640,000 people in portions of Contra Costa and Alameda counties. The district boundaries for the EBMUD drinking water system extend from Crockett on the north southward to San Lorenzo and encompass approximately 325 square miles.

The Urban Water Management Plan (UWMP), adopted on June 28, 2011, by the EBMUD Board of Directors, is a long-range planning document that reports on EBMUD's current and projected water usage, water supply programs, and conservation and recycling programs. Urban water management plans are required by the California Urban Water Management Planning Act. Section 10610.4 of the act specifies that "urban water suppliers shall be required to develop water management plans to actively pursue efficient use of available supplies." The UWMP tracks EBMUD's progress toward implementing conservation and water recycling programs and ensuring that supplemental water supply sources are identified. Additionally, the UWMP identifies the security, shortage, and health problems associated with its water supply.

EBMUD indicates that the average household demand in 2009 was approximately 179 gallons per day. Therefore, the proposed project would generate a water demand of approximately 2,685 gallons per day.

SOLID WASTE

The East Bay Sanitary Company provides garbage collection services in El Cerrito. The West Contra Costa Integrated Waste Management Authority (WCCIWMA), a joint powers agency created by the Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, serves El Cerrito. The WCCIWMA provides waste processing services (landfilling, recyclables processing, composting, etc.) of the franchised waste stream in western Contra Costa County.

The WCCIWMA uses a number of landfills in the Bay Area, including, but not limited to, Pacheco Pass Landfill and Hays Road Landfill. The Hays Road Landfill is not expected to reach capacity until 2077, and the Pacheco Pass Landfill is not expected to reach capacity until 2066. These landfills have an estimated remaining capacity of 21,814,578 cubic yards and 40,600,000 cubic yards, respectively (CalRecycle 2012).

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact.** As noted above, wastewater generated by the proposed project would be collected by the Stege Sanitary District and treated at EBMUD's Main Wastewater Treatment Plant. The Stege Sanitary District (2006) assumes the design sanitary flow to be 100 gallons per person per day, so with approximately 35 residents at the project, it would generate approximately 3,500 gallons of wastewater per day. The current average daily flow to the Main Wastewater Treatment Plant is 73 million gallons per day. The proposed project flows represent approximately 0.005 percent of the average daily flows to the treatment plant. Because the proposed project represents such a minor amount of the treatment plant's capacity, no new infrastructure is needed to service the proposed project, and project flows would not cause an exceedance of wastewater treatment requirements established by the Regional Water Quality Control Board.

- b) **Less Than Significant Impact.** As discussed under Impact a, the proposed project would not result in the need for expanded wastewater treatment facilities. The project's water demand would be approximately 2,685 gallons per day. The UWMP projects a water demand of 229 million gallons per day in 2030. The proposed project's demand would be an insignificant fraction of this estimated demand and would not result in the need for new or expanded water supply facilities.
- c) **Less Than Significant Impact.** The proposed project would tie into existing stormwater facilities adjacent to the site. The proposed project would not alter flows such that new or expanded stormwater drainage facilities would be required. See also subsection 9, Hydrology and Water Quality.
- d) **Less Than Significant Impact.** As discussed above, the proposed project's water demand would be approximately 2,685 gallons per day, which represents an insignificant portion of EBMUD's supply. New or expanded water sources or entitlements would not be required to serve the project.
- e) **Less Than Significant Impact.** As discussed previously, the proposed project would not result in the need for expanded wastewater treatment facilities.
- f) **Less Than Significant Impact.** Assuming approximately 10 pounds of solid waste generated per residential unit per day, the project would generate 150 pounds per day or approximately 27.4 tons per year, which represents a small fraction of any landfill used by the WCCIWMA. While solid waste generated by the proposed project could shorten the life span of the landfill by up to one year, it would not itself require any landfill expansion. Existing landfills in the area have sufficient permitted capacity to accommodate the project's solid waste generation.
- g) **Less Than Significant Impact.** The City must divert at least 50 percent of its solid waste through reduction, recycling, composting, and other activities. In order to achieve this aim, the City offers recycling services and requires new development projects to comply with Zoning Ordinance provisions regarding recycling. The project would comply with all statutes and regulations related to solid waste.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

DISCUSSION OF IMPACTS

- a) **Less Than Significant Impact With Mitigation Incorporated.** See subsection 4, Biological Resources, and subsection 5, Cultural Resources. Implementation of the proposed project, as mitigated, would have a less than significant impact on the quality of the environment, habitat of a fish or wildlife species, fish or wildlife populations, plant or animal communities, rare or endangered plants or animals, or examples of the major periods of California history or prehistory.
- b) **Less Than Significant Impact.** The impacts of the proposed project are individually limited and not considered "cumulatively considerable." Although incremental changes in certain issue areas can be expected as a result of the proposed project, all environmental impacts that could occur as a result of the proposed project would be reduced to a less than significant level through compliance with existing regulations discussed in this Initial Study and/or implementation of the mitigation measures recommended in this Initial Study for the following resource areas: air quality (AQ-1), biological resources (BIO-1 through BIO-5), cultural resources (CULT-1 through CULT-4), and greenhouse gas emissions (GHG-1).
- c) **Less Than Significant Impact With Mitigation Incorporated.** Implementation of the proposed project would result in no environmental effects that would cause substantial

direct or indirect adverse effects on human beings with incorporation of the mitigation measures recommended in this Initial Study.

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**BIGGS PROPERTY DEVELOPMENT
1715 ELM STREET CONDOMINIUMS
BIOLOGICAL RESOURCES ASSESSMENT**



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OCTOBER 2012

BIGGS PROPERTY DEVELOPMENT
1715 ELM STREET CONDOMINIUMS
BIOLOGICAL RESOURCES ASSESSMENT

Date report prepared: October 2012

Project site location: 1715 Elm Street, El Cerrito, California, on the west side of Elm Street, between Blake and Hill streets, approximately 1,000 feet east of San Pablo Avenue.
APN: 502-112-038
USGS Quad: Richmond, CA

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The purpose of this Biological Resources Assessment (BRA) is to describe the existing biological environment and to review the proposed 1715 Elm Street Condominiums development project in sufficient detail to determine to what extent the proposed action may affect threatened, endangered, proposed, or candidate species and/or their habitats. This BRA summarizes the effects on biological resources within the project study area (PSA) for use in the environmental document, and presents technical information upon which later decisions regarding project design may be developed.

1.1 PROJECT LOCATION

El Cerrito is located in Contra Costa County, in the northern San Francisco Bay Area, approximately 13.5 miles north of Oakland (**Figures 1 and 2**). Contra Costa County is bordered by the counties of Alameda to the south, Solano to the north, and San Joaquin to the east. El Cerrito is bordered by Richmond to the north and west, Albany to the south, and Wildcat Canyon Regional Park and Kensington to the east. El Cerrito is approximately 5 miles from the campus of the University of California, Berkeley, and is located approximately one-half mile east of San Francisco Bay.

1.2 PROJECT DESCRIPTION

The Elm Street condominium project proposes 13 new condominiums and the rehabilitation and relocation of the existing single-family detached house on the site (**Figure 3**). The existing 1,116-square-foot house contains two bedrooms. The proposed condominium units will contain a combination of one- and three-bedroom units totaling 14,147 square feet, with 3 one-bedroom units (approximately 869 square feet per unit) and 10 three-bedroom units (approximately 1,154 square feet per unit). The project proposes a residential density of 33 units per acre.

Parking will be provided in a gated parking garage located below the units and includes one parking space designed to comply with the requirements of the Americans with Disabilities Act. The project proposes 14 new parking spaces and is requesting an exception to the City parking requirements, which requires 19 spaces. The proposed parking exception is based on the proximity of the project site to the El Cerrito del Norte BART station, several bus lines, and nearby commercial uses.

1.3 PROJECT SETTING

The project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. There is currently a fence running across the front of the property to restrict access to the site. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a 3 percent slope across the property. It currently includes a vacant two-story house built in 1897, a detached garage, a well house, and a shed. There are several persimmon trees and one miniature lemon tree on-site. The site has fallen into disrepair and is now overgrown with weeds and unkempt landscaping.

An open, rock-lined drainage ditch runs east–west across the site along the southern edge of the property approximately 20 feet from the house. The ditch is approximately 4 feet deep and continues westerly onto the adjacent property in an open box culvert. The ditch conveys stormwater runoff from upstream properties to the east.

The project site is primarily surrounded by residential neighborhoods. Elm Street and residential properties are to the east, residential properties and Hill Street to the north, residential

properties and Liberty Street to the west, and a day care and Blake Street are located to the south (**Figure 2**). Windrush School, a private K–8 school, is approximately 700 feet to the northeast, while San Pablo Avenue, which is a major commercial corridor, and a Safeway store are a few blocks to the west. The El Cerrito del Norte BART station is approximately one-quarter mile to the northwest.

T:\GIS\CONTRA_COSTA_COUNTY\MAPS\EL_CERRITO\ELM_STREET\FIG 1 REGIONAL LOCATION.MXD - 11/12/2009 @ 11:01:54 AM



Figure 1
Project Regional Location

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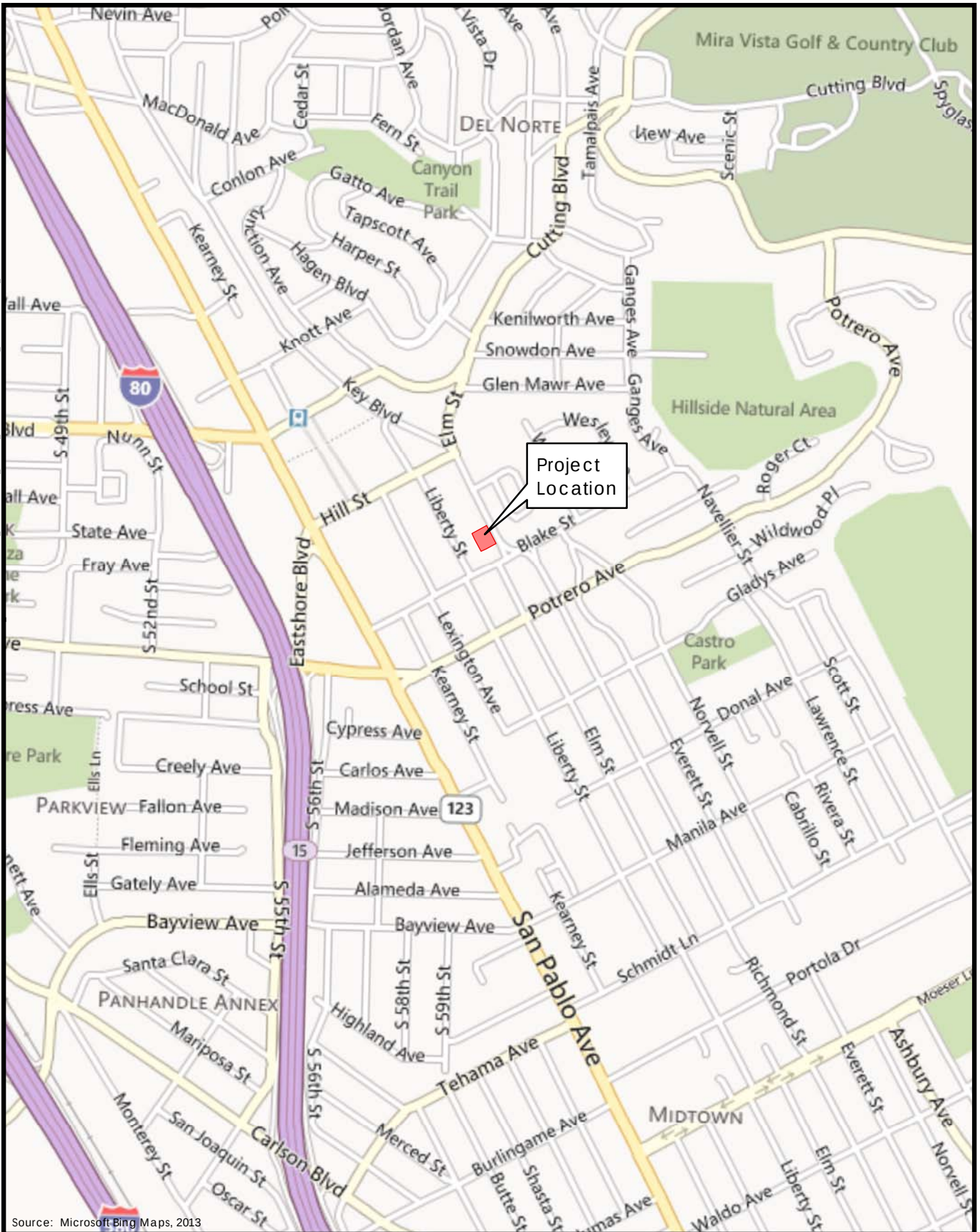
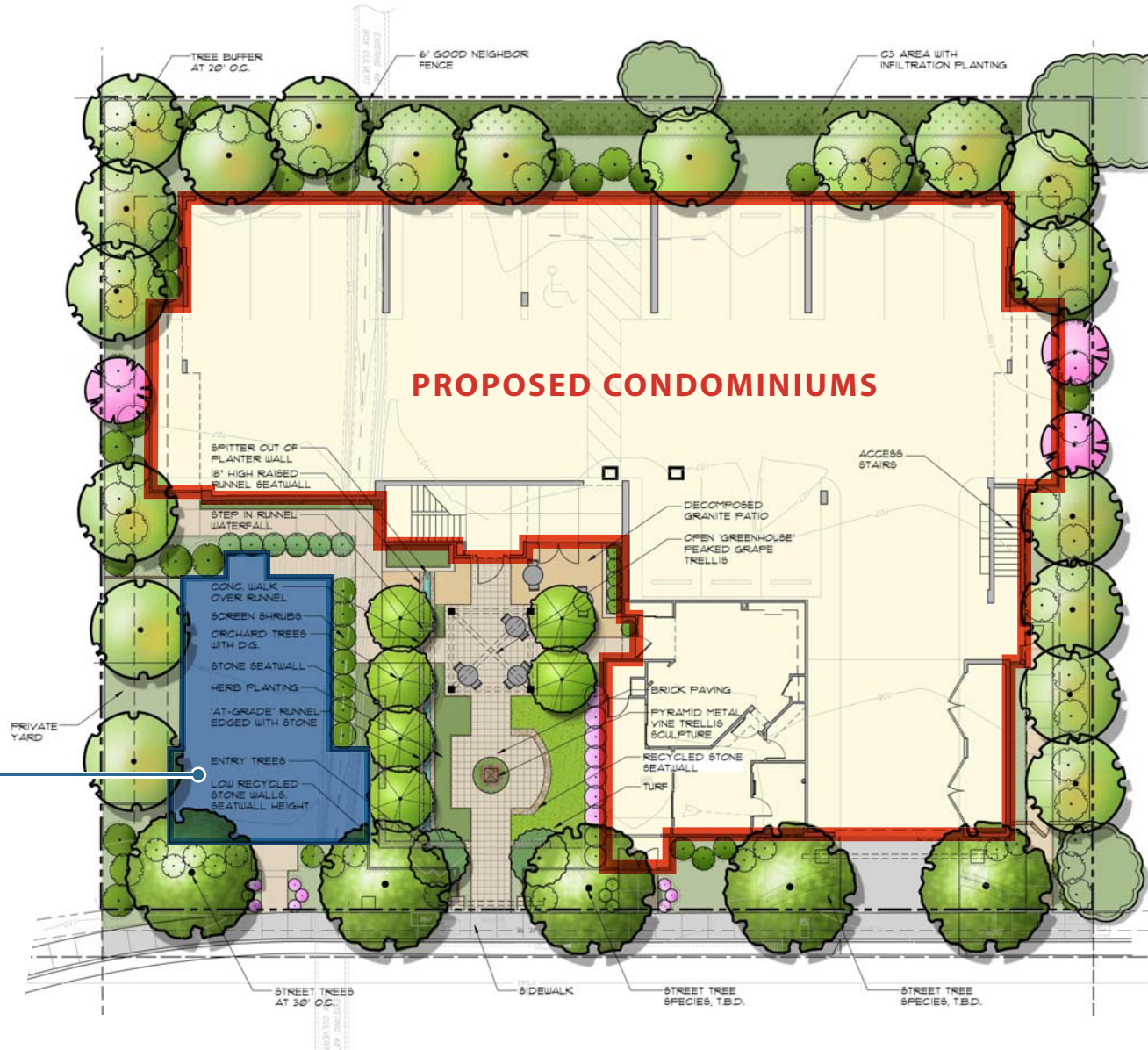


Figure 2
Project Location

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EXISTING
HOUSE



Sources: City of El Cerrito, LCA Architects

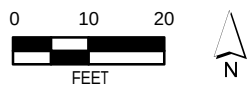


Figure 3
Site Plan with Conceptual Streetscape and Buffer Yard Planting

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This section identifies the environmental review and consultation requirements as well as permits and approvals that must be obtained from local, state, and federal agencies before implementation of the proposed project.

2.1 FEDERAL

2.1.1 ENDANGERED SPECIES ACT

The Endangered Species Act of 1973 (ESA), as amended, provides protective measures for federally listed threatened and endangered species, including their habitats, from unlawful take (16 United States Code (USC) Sections 1531–1544). The ESA defines “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Title 50, Part 222, of the Code of Federal Regulations (50 CFR Section 222) further defines “harm” to include “an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns including feeding, spawning, rearing, migrating, feeding, or sheltering.”

ESA Section 7(a)(1) requires federal agencies to utilize their authority to further the conservation of listed species. ESA Section 7(a)(2) requires consultation with the US Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) if a federal agency undertakes, funds, permits, or authorizes (termed the federal nexus) any action that may affect endangered or threatened species, or designated critical habitat. For projects that may result in the incidental “take” of threatened or endangered species, or critical habitat, and that lack a federal nexus, a Section 10(a)(1)(b) incidental take permit can be obtained from the USFWS and/or the NMFS.

2.1.2 CLEAN WATER ACT

The basis of the Clean Water Act (CWA) was established in 1948; however, it was referred to as the Federal Water Pollution Control Act. The act was reorganized and expanded in 1972 (33 USC Section 1251), and at this time the Clean Water Act became the act’s commonly used name. The basis of the CWA is the regulation of pollutant discharges into waters of the United States (WoUS), as well as the establishment of surface water quality standards.

2.1.2.1 Section 404

CWA Section 404 (33 USC Section 1344) established the program to regulate the discharge of dredged or fill material into WoUS, including wetlands. Under this regulation, certain activities proposed within WoUS require the obtainment of a permit prior to initiation. These activities include, but are not limited to, placement of fill for the purposes of development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and bridges), and mining operations.

The primary objective of this program is to ensure that the discharge of dredge or fill material is not permitted if a practicable alternative to the proposed activities exists that results in less impact to WoUS, or the proposed activity would result in significant adverse impacts to WoUS. To comply with these objectives, a permittee must document the measures taken to avoid and minimize impacts to WoUS, and provide compensatory mitigation for any unavoidable impacts.

The US Environmental Protection Agency (EPA) and the USFWS are assigned roles and responsibilities in the administration of this program; however, the US Army Corps of Engineers (USACE) is the lead agency in the administration of day-to-day activities, including issuance of permits. The agencies will typically assert jurisdiction over the following waters: (1) traditional navigable waters (TNW); (2) wetlands adjacent to TNWs; (3) relatively permanent waters (RPW) that are non-navigable tributaries to TNWs, and have relatively permanent flow or seasonally continuous flow (typically three months); and (4) wetlands that directly abut RPWs. Case-by-case investigations are usually conducted by the agencies to ascertain their jurisdiction over waters that are non-navigable tributaries and do not contain relatively permanent or seasonal flow, wetlands adjacent to the aforementioned features, and wetlands adjacent to but not directly abutting RPWs (USACE 2007). Jurisdiction is not generally asserted over swales or erosional features (e.g., gullies or small washes characterized by low volume/short duration flow events), or ditches constructed wholly within and draining only uplands that do not have relatively permanent flows.

The extent of jurisdiction within WoUS, which lack adjacent wetlands, is determined by the ordinary high water mark (OHWM). The OHWM is defined in 33 CFR Section 328.3(e) as the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." Wetlands are further defined under 33 CFR Section 328.3 and 40 CFR Section 230.3 as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" and typically include "swamps, marshes, bogs, and similar areas." The USACE (1987) *Corps of Engineers Wetland Delineation Manual* (1987 Manual) sets forth a standardized methodology for delineating the extent of wetlands under federal jurisdiction.

The 1987 Manual outlines three parameters that all wetlands, under normal circumstances, must contain positive indicators for to be considered jurisdictional. These parameters include (1) wetland hydrology, (2) hydrophytic vegetation, and (3) hydric soils (USACE 1987). In 2006, the USACE issued a series of Regional Supplements to address regional differences that are important to the functioning and identification of wetlands. The supplements present "wetland indicators, delineation guidance, and other information" that is specific to the region. The USACE requires that wetland delineations submitted after June 5, 2007, be conducted in accordance with both the 1987 Manual and the applicable supplement.

2.1.2.2 Section 401

Under CWA Section 401 (33 USC Section 1341), federal agencies are not authorized to issue a permit and/or license for any activity that may result in discharges to WoUS, unless a state or tribe where the discharge originates either grants or waives CWA Section 401 certification. CWA Section 401 provides states or tribes with the ability to grant, grant with conditions, deny, or waive certification. Granting certification, with or without conditions, allows the federal permit/license to be issued and remain consistent with any conditions set forth in the CWA Section 401 certification. Denial of the certification prohibits the issuance of the federal license or permit, and waiver allows the permit/license to be issued without state or tribal comment. Decisions made by states or tribes are based on the proposed project's compliance with EPA water quality standards as well as applicable effluent limitation guidelines, new source performance standards, toxic pollutant restrictions, and any other appropriate requirements of

state or tribal law. In California, the State Water Resources Control Board (SWRCB) is the primary regulatory authority for CWA Section 401 requirements (additional details below).

2.1.3 MIGRATORY BIRD TREATY ACT

Migratory birds are protected under the Migratory Bird Treaty Act of 1918 (16 USC Sections 703–711). The Migratory Bird Treaty Act makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Section 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR Section 21). The majority of birds found in the project vicinity would be protected under the act.

2.1.3.1 Bald and Golden Eagle Protection Act

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are federally protected under the Bald and Golden Eagle Protection Act (16 USC Sections 668–668c). Under the act, it is illegal to take, possess, sell, purchase, barter, offer to sell or purchase or barter, transport, export, or import at any time or in any manner a bald or golden eagle, alive or dead; or any part, nest, or egg of these eagles unless authorized by the Secretary of the Interior. Violations are subject to fines and/or imprisonment for up to one year. Active nest sites are also protected from disturbance during the breeding season.

2.2 STATE

2.2.1 CALIFORNIA ENDANGERED SPECIES ACT

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of endangered and threatened species (California Fish and Game Code [FGC] Section 2070). The CDFW also maintains a list of “candidate species,” which are species formally noticed as being under review for potential addition to the list of endangered or threatened species, and a list of “species of special concern,” which serve as a species “watch lists.”

Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present, and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of the CESA. “Take” of protected species incidental to otherwise lawful management activities may be authorized under FGC Section 206.591. Authorization from the CDFW would be in the form of an incidental take permit.

2.2.2 CALIFORNIA FISH AND GAME CODE

2.2.2.1 Streambed Alteration Agreement

State and local public agencies are subject to FGC Section 1602, which governs construction activities that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated as waters of the state by the CDFW. Under FGC Section 1602, a discretionary Streambed Alteration Agreement must be

issued by the CDFW to the project proponent prior to the initiation of construction activities within lands under CDFW jurisdiction. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

2.2.2.2 Native Plant Protection Act

The Native Plant Protection Act (FGC Sections 1900–1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception in the act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give that state agency at least 10 days to retrieve the plants before they are plowed under or otherwise destroyed (FGC Section 1913). Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

2.2.2.3 Birds of Prey

Under FGC Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey), or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

2.2.2.4 Fully Protected Species

California statutes also afford “fully protected” status to a number of specifically identified birds, mammals, reptiles, and amphibians. These species cannot be “taken,” even with an incidental take permit. FGC Section 3505 makes it unlawful to “take” “any egret or egret, osprey, bird of paradise, goura, numidi, or any part of such a bird.”

FGC Section 3511 protects from “take” the following fully protected birds: (a) American peregrine falcon (*Falco peregrinus anatum*); (b) brown pelican (*Pelecanus occidentalis*); (c) California black rail (*Laterallus jamaicensis coturniculus*); (d) California clapper rail (*Rallus longirostris obsoletus*); (e) California condor (*Gymnogyps californianus*); (f) California least tern (*Sterna albifrons browni*); (g) golden eagle; (h) greater sandhill crane (*Grus canadensis tabida*); (i) light-footed clapper rail (*Rallus longirostris levipes*); (j) southern bald eagle (*Haliaeetus leucocephalus leucocephalus*); (k) trumpeter swan (*Cygnus buccinator*); (l) white-tailed kite (*Elanus leucurus*); and (m) Yuma clapper rail (*Rallus longirostris yumanensis*).

FGC Section 4700 identifies the following fully protected mammals that cannot be “taken”: (a) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*); (b) bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*); (c) Guadalupe fur seal (*Arctocephalus townsendi*); (d) ring-tailed cat (genus *Bassariscus*); (e) Pacific right whale (*Eubalaena sieboldi*); (f) salt-marsh harvest mouse (*Reithrodontomys raviventris*); (g) southern sea otter (*Enhydra lutris nereis*); and (h) wolverine (*Gulo gulo*).

FGC Section 5050 protects from “take” the following fully protected reptiles and amphibians: (a) blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*); (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*); (c) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*); (d) limestone salamander (*Hydromantes brunus*); and (e) black toad (*Bufo boreas exsul*).

FGC Section 5515 also identifies certain fully protected fish that cannot lawfully be “taken” even with an incidental take permit: (a) Colorado River squawfish (*Ptychocheilus lucius*); (b) thicktail chub (*Gila crassicauda*); (c) Mohave chub (*Gila mohavensis*); (d) Lost River sucker (*Catostomus luxatus*); (e) Modoc sucker (*Catostomus microps*); (f) shortnose sucker (*Chasmistes brevirostris*); (g) humpback sucker (*Xyrauchen texanus*); (h) Owens River pupfish (*Cyprinodon radiosus*); (i) unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*); and (j) rough sculpin (*Cottus asperimus*).

2.2.3 CALIFORNIA WETLANDS AND OTHER WATER POLICIES

The State Water Resources Control Board and its various departments do not authorize or approve projects that fill or otherwise harm or destroy coastal, estuarine, or inland wetlands. Exceptions may be granted if all of the following conditions are met:

- The project is water-dependent.
- No other feasible alternative is available.
- The public trust is not adversely affected.
- Adequate compensation is proposed as part of the project.

2.2.3.1 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1966 (California Water Code Section 13000 et seq.; CCR Title 23, Chapter 3, Subchapter 15) is the primary state regulation that addresses water quality. The requirements of the act are implemented by the SWRCB at the state level and by the Regional Water Quality Control Board (RWQCB) at the local level. The RWQCB carries out planning, permitting, and enforcement activities related to water quality in California. The act provides for waste discharge requirements and a permitting system for discharges to land or water. Certification is required by the RWQCB for activities that can affect water quality.

2.2.3.2 Clean Water Act, Section 401 Water Quality Certification

CWA Section 401 (33 USC Section 1341) requires that any applicant for a federal license or permit, which may result in a pollutant discharge to WoUS, obtain a certification that the discharge will comply with EPA water quality standards. The state or tribal agency responsible for issuance of the Section 401 certification may also require compliance with additional effluent limitations and water quality standards set forth in state/tribal laws. In California, the SWRCB is the primary regulatory authority for CWA Section 401 requirements.

The San Francisco Bay RWQCB is responsible for enforcing water quality criteria and protecting water resources in the project area. In addition, the RWQCB is responsible for controlling discharges to surface waters of the state by issuing waste discharge requirements (WDR), or commonly by issuing conditional waivers to WDRs. The RWQCB requires that a project proponent obtain a CWA Section 401 water quality certification for CWA Section 404 permits issued by the USACE. A request for water quality certification (including WDRs) by the RWQCB and an application for a General Permit for Storm Water Discharges Associated with Construction Activities are prepared and submitted following completion of the California Environmental Quality Act (CEQA) environmental document and submittal of the wetland delineation to the USACE.

2.2.3.3 Delegated Permit Authority

California has been delegated permit authority for the National Pollutant Discharge Elimination System permit program including stormwater permits for all areas except tribal lands. Issuance of CWA Section 404 dredge and fill permits remains the responsibility of the USACE; however, the state actively uses its CWA Section 401 certification authority to ensure CWA Section 404 permits are in compliance with state water quality standards.

2.2.3.4 State Definition of Covered Waters

Under California state law, “waters of the state” means “any surface water or groundwater, including saline waters, within the boundaries of the state.” Therefore, water quality laws apply to both surface water and groundwater. After the US Supreme Court decision in *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers*, the Office of Chief Counsel of the SWRCB released a legal memorandum confirming the state’s jurisdiction over isolated wetlands. The memorandum stated that under the California Porter-Cologne Water Quality Control Act (Porter-Cologne), discharges to wetlands and other waters of the state are subject to state regulation, and this includes isolated wetlands. In general, the State Water Resources Control Board regulates discharges to isolated waters in much the same way as it does for WoUS, using Porter-Cologne rather than Clean Water Act authority.

2.3 NONGOVERNMENTAL AGENCY

2.3.1 CALIFORNIA NATIVE PLANT SOCIETY

The California Native Plant Society (CNPS) is a nongovernmental agency that classifies native plant species according to current population distribution and threat level, in regard to extinction. These data are utilized by the CNPS to create and maintain a list of native California plants that have low numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the *Inventory of Rare and Endangered Plants of California* (CNPS 2012). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

The following identifies the definitions of the CNPS listings:

- List 1A: Plants believed to be extinct
- List 1B: Plants that are rare, threatened, or endangered in California and elsewhere
- List 2: Plants that are rare, threatened, or endangered in California, but are more numerous elsewhere

All of the plant species on Lists 1 and 2 meet the requirements of the Native Plant Protection Act Section 1901, Chapter 10, or FGC Section 2062 and Section 2067 and are eligible for state listing. Plants appearing on List 1 or 2 are considered to meet the criteria of CEQA Section 15380, and effects on these species are considered “significant.” Plants on List 3 (plants about which we need more information) and/or List 4 (plants of limited distribution), as defined by the CNPS, are not currently protected under state or federal law. Therefore, no detailed descriptions or impact analysis was performed on species with these classifications.

2.4 LOCAL

2.4.1 EL CERRITO MUNICIPAL CODE

2.4.1.1 Chapter 19.12 – Creek Protection Overlay District

Chapter 19.12 of the El Cerrito Municipal Code affords protective measures to natural watercourses identified in the –CP Creek Protection (CP) overlay district. The purpose of the CP overlay district is to delineate creeks and major drainages and ensure that development or other activities in these sensitive areas achieves the following goals:

- Preserves, enhances, and restores natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed.
- Preserves riparian vegetation and protects wildlife habitat and wildlife corridors along natural drainage ways.
- Protect lands adjacent to riparian areas as public or private permanent open space through dedication or easements.
- Protects property owners and the public from erosion and flooding.
- Increases access to creeks for maintenance purposes and for potential public access to creek-side amenities.
- Ensures that projects are consistent with City Council adopted guidelines and resolutions for creek restoration and improvement, including designated creeks as natural corridors with habitat enhancement.
- Furthers the Joint Watershed Goals Statement of restoring creeks by removing culverts, underground pipes, and obstructions to fish and animal migration, and daylighting creeks where they can be enjoyed by people and wildlife.

This section describes the survey methods used to collect data on biological resources on and in the vicinity of the project site.

3.1 STUDIES REQUIRED

Pedestrian surveys were conducted within the PSA to assess the biological resources that may be impacted as part of the proposed project. A habitat assessment was performed to identify the habitat present within the PSA and in the vicinity, along with an informal evaluation of potentially jurisdictional waters. A biologist reviewed the proposed project description, performed literature reviews and database searches, and conducted biological surveys to obtain information regarding habitat quality and the presence of sensitive plant and wildlife species within the PSA.

3.1.1 LITERATURE REVIEW

A list of special-status species and habitats that have the potential to occur within the PSA or in the vicinity was prepared using information provided by the USFWS Sacramento office's Species Lists (2012a), the USFWS Critical Habitat Portal (2012b), the CDFW's California Natural Diversity Database (CNDDDB, 2012a), and the CNPS's Inventory of Rare and Endangered Plants of California (2012).

A search of the USFWS Sacramento office Species List database was performed for the Richmond, California, USGS 7.5-minute quadrangle to identify special-status species under their jurisdiction that may be affected by the proposed project. In addition, a query of the USFWS Critical Habitat Portal was conducted to identify any designated critical habitat on or in the vicinity of the PSA. No critical habitat was identified. The CNDDDB provided a list of known occurrences for special-status species within a 1-mile and 5-mile radius of the PSA. Lastly, the CNPS database was queried to identify special-status plant species with the potential to occur within the Richmond, California, USGS quadrangle. Please see **Appendix A** for the raw data returned from the database queries.

3.1.2 HABITAT ASSESSMENT

A reconnaissance-level survey was conducted by PMC biologists Summer Pardo on September 21, 2012. The purpose of this survey was to identify habitat types within the PSA, including potentially jurisdictional waters and sensitive natural communities. The field investigation included a general inspection of the PSA. Data collected during the survey was used to generate a habitat layer for the PSA using ESRI's ArcGIS mapping program. Habitat classifications were assigned using the CDFW's *California Wildlife Habitat Relationships System* (2012b).

3.1.3 IMPACT ASSESSMENT

The impact assessment is based on information provided in the project description; the biological and regional setting; and on federal, state, and local regulatory requirements regarding impacts to biological resources. In addition, the impact analysis utilized data collected from the literature review, reconnaissance-level survey, and habitat mapping. Impacts to specific biological resources are identified, and appropriate avoidance, minimization, compensation, and/or mitigation measures are discussed further in **Chapter 5**.

This chapter describes the region in which the project will occur, including a description of the existing biological conditions.

4.1 EXISTING LAND USES

The site survey on September 21, 2012, revealed that urban residential land uses dominate the proposed project site and adjacent lands. The site is dominated by residential uses, with one surface water feature on the southern portion of the parcel (**Table 1, Figure 4**). The site contains one residential structure, along with a storage shed, carport, and pump house. The vegetation on-site is characterized by ruderal herbaceous species, with scattered orchard trees. In addition, one U-shaped surface water feature traverses the property from east to west. This feature is characterized by cobble reinforced sidewalls and bed, and is dominated by watercress (*Nasturtium officinale*).

TABLE 1: EXISTING LAND USE CLASSIFICATIONS

Land Use	Acreage
Urban	0.41
Surface Water	0.01
Total	0.42

4.2 REGIONAL SPECIES AND HABITATS OF CONCERN

4.2.1 WETLANDS AND OTHER WATERS OF THE US

Jurisdictional WoUS and isolated wetlands provide a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, migration, and movement corridors for both special-status and common species. In addition to habitat functions, these features provide physical conveyance of surface water flows capable of handling large stormwater events. Large storms can produce extreme flows that cause bank cutting and sedimentation of open waters and streams. Jurisdictional waters can slow these flows and lessen the effects of these large storm events, protecting habitat and other resources. The informal evaluation of potentially jurisdictional waters identified one surface water feature within the PSA, which is a daylighted portion of Baxter Creek. A formal delineation has not been conducted or verified to date.

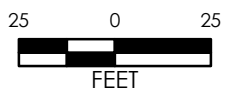


Figure 4
Existing Land Use Map

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4.2.2 SPECIAL-STATUS SPECIES

Candidate, sensitive, or special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat. These species have been identified and assigned a status ranking by governmental agencies such as the CDFW, the USFWS, and private organizations such as the CNPS. The degree to which a species is at risk of extinction is the determining factor in the assignment of a status ranking. Some common threats to a species' or a population's persistence include habitat loss, degradation, and fragmentation, as well as human conflict and intrusion. For the purposes of this BRA, special-status species are defined by the following codes:

- Listed, proposed, or candidates for listing under the ESA (50 CFR Section 17.11 – listed; 61 Federal Register Section 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the CESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations (CCR) Section 670.1 et seq.)
- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380), including CNPS List 1 and 2

Several special-status species were identified by the database queries (**Table 2**); however, the urban land uses on and adjacent to the proposed project site do not provide suitable habitat for any of the special-status plant species listed as occurring in the area. In addition, several wildlife species were identified. The majority of the species with the potential to occur in the project vicinity are associated with coastal habitats (e.g., salt marshes, mangroves, brackish/estuarine waters). These habitats do not occur on-site; therefore, no impacts to special-status species associated with coastal habitats will occur. Further discussions regarding potential impacts to special-status species are provided in Subsection 5.2.

TABLE 2: SPECIAL-STATUS SPECIES IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Plants						
Pallid manzanita	Arctostaphylos pallida	T	E	1B.1	Siliceous shale, sandy or gravelly soil. Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub (CNPS 2012).	None. No habitat on site.
Santa Cruz tarplant	Holocarpha macradenia	T	E	1B.1	Clay, sandy soil. Coastal prairie, coastal scrub, valley & foothill grassland (CNPS 2012).	None. No habitat on site.
Critical habitat, Santa Cruz tarplant		X	–	–	–	No critical habitat on or near the project site.
California aeablite	Suaeda californica	E	–	1B.1	Marshes & swamps (coastal salt) (CNPS 2012).	None. No habitat on site.
Alkali milk-vetch	Astragalus tener var. tener	–	–	1B.2	Alkaline soils. Playas, valley and foothill grassland (adobe clay), vernal pools (CNPS 2012).	None. No habitat on site.
Bent-flowered fiddleneck	Amsinckia lunaris	–	–	1B.2	Coastal bluff scrub, cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.
Coastal bluff morning-glory	Calystegia purpurata ssp. saxicola	–	–	1B.2	Coastal dunes, coastal scrub, north coast coniferous forest (CNPS 2012).	None. No habitat on site.
Diablo helianthella	Helianthella castanea	–	–	1B.2	Broadleaf upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.

CHAPTER 4 BIOLOGICAL SETTING

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fragrant fritillary	<i>Fritillaria liliacea</i>	–	–	1B.2	Serpentinite soils. Cismontane woodland, coastal prairie, coastal scrub, valley & foothill grassland (CNPS 2012).	None. No habitat on site.
Franciscan thistle	<i>Cirsium andrewsii</i>	–	–	1B.2	Mesic, sometimes serpentinite soils. Broadleafed upland forest, coastal bluff scrub, coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on site.
Loma Prieta hoita	<i>Hoita strobilina</i>	–	–	1B.2	Usually serpentinite, mesic soils. Chaparral, cismontane woodland, riparian woodland (CNPS 2012).	None. No habitat on site.
Oregon meconella	<i>Meconella oregana</i>	–	–	1B.1	Coastal prairie, coastal scrub (CNPS 2012).	None. No habitat on site.
Point Reyes bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	–	–	1B.2	Marshes & swamps (coastal salt) (CNPS 2012).	None. No habitat on site.
Round-leaved filaree	<i>California macrophylla</i>	–	–	1B.1	Clay soils. Cismontane woodland, valley and foothill grassland (CNPS 2012).	None. No habitat on site.
Saline clover	<i>Trifolium hydrophilum</i>	–	–	1B.2	Marshes & swamps, valley and foothill grassland (mesic, alkaline), vernal pools (CNPS 2012).	None. No habitat on site.
Western leatherwood	<i>Dirca occidentalis</i>	–	–	1B.2	Mesic soils. Broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland (CNPS 2012).	None. No habitat on site.
Invertebrates						
Callippe silverspot butterfly	<i>Speyeria callippe</i>	E			Host plant: violet (<i>Viola pedunculata</i>) (Essig Museum of Entomology 2012).	None. Host plant does not occur on the site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Fish						
Green sturgeon	Acipenser medirostris	T (NMFS)	T		Oceanic waters, bays, and estuaries during non-spawning season. Spawning habitat = deep pools in large, turbulent, freshwater mainstems (NMFS 2005).	None. No habitat on site.
Tidewater goby	Eucyclogobius newberryi	E	E		Brackish water, shallow lagoons & lower stream reaches, still water (USFWS 2005).	None. No habitat on site.
Delta smelt	Hypomesus transpacificus	T	E		Brackish water below 25°C non-spawning season. Spawning habitat = shallow, fresh or slightly brackish backwater sloughs with good water quality and substrate (USFWS 1995).	None. No habitat on site.
Coho salmon – central CA coast	Oncorhynchus kisutch	T	T		Spawning habitat = small streams, stable gravel substrates. Non-spawning = estuarine, marine waters (Weitkamp et al. 1995).	None. No habitat on site.
Central California coastal steelhead	Oncorhynchus mykiss	T (NMFS)	T		Spawning habitat = gravel-bottomed, fast-flowing, well-oxygenated rivers and streams. Non-spawning = estuarine, marine waters (Busby et al. 1996).	None. No habitat on site.
Central Valley steelhead		T (NMFS)	T			None. No habitat on site.
Central Valley spring-run Chinook Salmon	Oncorhynchus tshawytscha	T (NMFS)	E		Spawning habitat = fast moving, freshwater streams and rivers. Juvenile habitat = brackish estuaries. Non-spawning = marine waters (Myers et al. 1998).	None. No habitat on site.
Critical habitat, winter-run Chinook salmon		X	–			No critical habitat on or near the project site.

CHAPTER 4 BIOLOGICAL SETTING

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
Winter-run Chinook salmon, Sacramento River		E (NMFS)	SSC			None. No habitat on site.
Amphibians						
California red-legged frog	Rana draytonii	T	–		Ponds/streams in humid forests, woodlands, grasslands, coastal scrub, and streamsid es with plant cover in lowlands or foothills. Breeding habitat = permanent or ephemeral water sources; lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps. Ephemeral wetland habitats require animal burrows or other moist refuges for estivation when the wetlands are dry. From sea level to 5,000 feet. (1,525 meters) (Nafis 2012).	None. No habitat on site.
Critical habitat, California red-legged frog		X	–			No critical habitat on or near the project site.
Reptiles						
Alameda whipsnake [=striped racer]	Masticophis lateralis euryxanthus	T	T		Canyons, rocky hillsides, chaparral scrublands, open woodlands, pond edges and stream courses (Nafis 2012).	None. No habitat on site.
Critical habitat, Alameda whipsnake		X				No critical habitat on or near the project site.
Birds						
Western snowy plover	Charadrius alexandrinus nivosus	T			Barren to sparsely vegetated sand beaches, dry salt flats in lagoons, dredge spoils deposited on beach or dune habitat, levees and flats at salt-evaporation ponds, river bars, along alkaline or saline lakes, reservoirs, and ponds (Cornell Lab of Ornithology 2012).	None. No habitat on site.

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
California brown pelican	<i>Pelecanus occidentalis californicus</i>	E			Warm coastal marine and estuarine environments. Rare inland. Breeds primarily on islands (Cornell Lab of Ornithology 2012).	None. No habitat on site.
California clapper rail	<i>Rallus obsoletus longirostris</i>	E	E		Saltmarshes and mangrove swamps (Cornell Lab of Ornithology 2012).	None. No habitat on site.
California least tern	<i>Sternula antillarum</i> (= <i>Sterna browni</i> = <i>albifrons</i>)	E			Seacoasts, beaches, bays, estuaries, lagoons, lakes and rivers, breeding on sandy or gravelly beaches and banks of rivers or lakes, rarely on flat rooftops of buildings (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Bald eagle	<i>Haliaeetus leucocephalus</i>	D	E		Typically nest in forested areas adjacent to large bodies of water, staying away from heavily developed areas when possible. Tolerant of human activity when feeding, and may congregate around fish processing plants, dumps, and below dams where fish concentrate. For perching, bald eagles prefer tall, mature coniferous or deciduous trees that afford a wide view of the surroundings. In winter, they can also be seen in dry, open uplands if there is access to open water for fishing (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Cackling (= Aleutian Canada) goose	<i>Branta hutchinsii leucopareia</i>	D	–		Breeds in coastal marshes, along tundra ponds and streams, and steep turf slopes above rocky shores (Cornell Lab of Ornithology 2012).	None. No habitat on site.

CHAPTER 4 BIOLOGICAL SETTING

Common Name	Scientific Name	Federal Status	State Status	CNPS Rare Plant Rank	General Habitat Characteristics	Potential to Be Affected by the Project
California black rail	<i>Laterallus jamaicensis coturniculus</i>	–	T		Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation (Cornell Lab of Ornithology 2012).	None. No habitat on site.
Mammals						
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	E	E		Salt marshes with dense stands of pickleweed; adjacent to upland, salt-tolerant vegetation (USFWS 1984).	None. No habitat on site.

Key
Federal & State Status
(E) Endangered - Listed as being in danger of extinction.
(T) Threatened - Listed as likely to become endangered within the foreseeable future.
(NMFs) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
Critical Habitat - Area essential to the conservation of a species.
(X) Critical habitat designated for this species.
(D) Delisted
CNPS Rare Plant Rank
Rareness Ranks
(1A) Presumed Extinct in California
(1B) Rare, Threatened, or Endangered in California and Elsewhere
(2) Rare, Threatened, or Endangered in California, But More Common Elsewhere
(3) More Species Information Needed

Key
(4) Limited Distribution
Threat Ranks
(0.1) Seriously threatened in California
(0.2) Fairly threatened in California
(0.3) Not very threatened in California

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This chapter of the BRA discusses impacts to special-status natural communities and species with the potential to occur in the project study area. Potential effects to species are based on the pre-application subdivision exhibit; current project description; likelihood of each species to occur within the PSA; and each species' biological growth, reproduction, feeding, resting, and cover requirements as appropriate. Each species is discussed, including results of surveys for the species, designated critical habitat for the species within the PSA (if applicable), avoidance and minimization measures proposed to avoid or reduce project-related impacts to the species, expected or potential project-related effects to the species, and cumulative effects to the species when considered with other proposed, completed, or reasonably foreseeable projects in the project vicinity. Project-related effects to plant and wildlife species can be direct, indirect, permanent, temporary, and cumulative. Direct impacts are those caused by the proposed project and occur at the time of project construction or implementation. Indirect effects are those that are caused by the proposed project and are reasonably certain to occur, but occur later in time.

5.1 STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance:

- 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the CDFW or USFWS.
- 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS.
- 3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- 6) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

- 7) Reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels.

5.2 METHODOLOGY

The impact assessment below discusses impacts from implementation of project activities. The impact assessment was based on the project description, information described in the project and biological setting, and the standards of significance described above. In addition, the impact analysis is organized by the significance criteria noted above: special-status plant and wildlife species, sensitive vegetation communities, federally protected wetlands, wildlife movement corridors, and compliance with local plans and policies, or existing habitat conservation plans. Each impact category includes a description of the specific potential impacts as well as avoidance, minimization, and mitigation measures that can potentially reduce and mitigate potentially significant impacts.

5.3 IMPACTS TO CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES (STANDARD OF SIGNIFICANCE 1)

Impact BIO-1 Implementation of project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to special-status species, which would be considered a **potentially significant** impact.

Several special-status species were identified by the database queries; however, the urban land uses on and adjacent to the proposed project site do not provide suitable habitat for any of the special-status plant species listed as occurring in the area. In addition, several wildlife species were identified. The majority of the species with the potential to occur in the project vicinity are associated with coastal habitats (e.g., salt marshes, mangroves, brackish/estuarine waters). These habitats do not occur on-site; therefore, no impacts to special-status species associated with coastal habitats will occur.

A few species associated with streams/creeks were identified as having the potential to occur in the project vicinity. The on-site surface water was historically a natural creek that was channelized for stormwater conveyance. A geographic information system (GIS) data layer was obtained from Contra Costa County (2007) that depicts the location and extent of creeks in El Cerrito. An analysis was conducted using the creek GIS layer and aerial photointerpretation of existing land uses to determine the extent of Baxter Creek that has been undergrounded. This analysis determined that Baxter Creek is approximately 9,550 feet in length, approximately 7,750 linear feet have been undergrounded, and 1,800 linear feet remain daylighted (**Figure 5**). The on-site surface water represents approximately 115 linear feet of the daylighted segments.

The special-status fish species associated with streams/creeks, which have the potential to occur in the project vicinity, are anadromous. Although Baxter Creek eventually drains into San Francisco Bay, approximately 1.25 miles of the creek is undergrounded between the project site and the bay. The extent of creek that is underground before reaching the property precludes the migration of any special-status fish species into the on-site surface water. In addition, the lack of natural connections to suitable habitat for the special-status amphibian

and reptile species associated with streams/creeks in the project vicinity, and the unsuitable habitat conditions within the on-site surface water, eliminate the potential for these species to occur on-site. Therefore, **no impact** to special-status species will occur as a result of the proposed project.

The proposed project does, however, have the potential to impact migratory birds, raptors, and bats. Trees on and adjacent to the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act, as well Sections 3503.5 and 3800–3806 of the Fish and Game Code. In addition, the abandoned structures on-site have the potential to provide suitable nesting habitat for protected birds, as well as roosting habitat for bats. The demolition of the abandoned structures and removal of trees during construction activities could result in noise, dust, human disturbance, and other direct/indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site.

Potential nest abandonment and mortality to eggs and chicks would be considered a **potentially significant** impact to protected bird species; however, implementation of mitigation measures **MM-BIO-1** through **MM-BIO-3** will reduce those impacts to a **less than significant** level. In addition, mortality of roosting bat species during construction would be considered a **potentially significant** impact; however, implementation of mitigation measure **MM-BIO-4** will reduce those impacts to a **less than significant** level.

5.3.1 AVOIDANCE AND MINIMIZATION MEASURES

MM-BIO-1

Survey for Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, will be submitted to the City Planning Department until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and the Migratory Bird Treaty Act shall be included in the construction specifications.

MM-BIO-2

Survey for Active Raptor Nests. If construction activities will occur during nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area will be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer will be erected around the nest while it is active to protect the nesting raptors. This buffer distance may be

amended to account for nests that are not within the line of sight of the construction activity.

MM-BIO-3

Conduct Surveys for Bird Nests in Structures. If demolition of abandoned structures will take place during of the migratory bird nesting season (April 15–August 15), then, a survey for nesting migratory birds (e.g., swallows, phoebes) will precede demolition. If bird nests are discovered in the structure, the building will not be removed until the nest(s) become inactive.

MM-BIO-4

Conduct Surveys of Potential Bat Roosts. Demolition of abandoned structures will be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

5.4 IMPACTS TO RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITIES (STANDARD OF SIGNIFICANCE 2)

Sensitive habitats include those that are of special concern to resource agencies and those that are protected under CEQA, Section 1600 of the Fish and Game Code, and Section 404 of the Clean Water Act (CWA).

The project proponent is proposing to underground the on-site surface water for the purposes of constructing new condominiums. This U-shaped feature is characterized by cobble reinforced sidewalls and bed, and is dominated by watercress (*Nasturtium officinale*). No riparian habitat is associated with this feature; therefore, this impact would be **less than significant**.

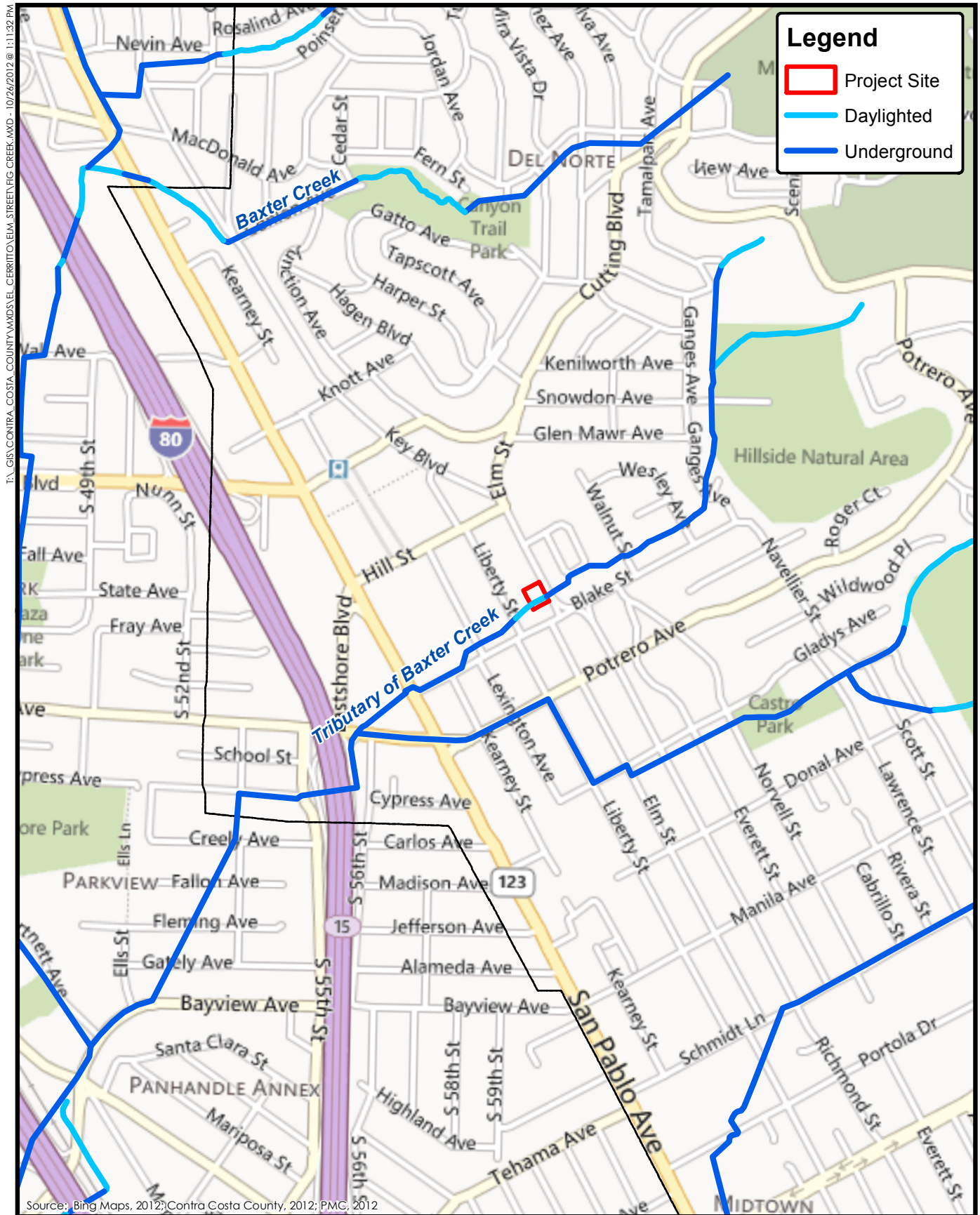


Figure 5
Creek Map
PMC

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5.5 IMPACTS TO FEDERALLY PROTECTED WETLANDS (STANDARD OF SIGNIFICANCE 3)

Impact BIO-2 Implementation of project-related activities could result in the disturbance, degradation, and/or removal of federally protected wetlands, which would be considered a **potentially significant** impact.

To date, a jurisdictional determination for the project has not been verified by any state or federal agencies. However, the on-site surface water is presumed to be jurisdictional to the USACE, Regional Water Quality Control Board, and CDFW.

Authorization to place fill within the on-site jurisdictional feature may be required by the USACE, through the CWA Section 404 permitting process prior to project implementation. If a CWA Section 404 permit were to be required, a CWA Section 401 permit would be also required from the RWQCB. If it is determined that the on-site jurisdictional feature qualifies as waters of the state, and would be affected by the proposed project, the applicant would be required to obtain authorizations from the RWQCB and the CDFW to fill/disturb these features prior to project implementation. Furthermore, construction-related impacts to water quality would be mitigated through the implementation of best management practices (BMPs).

Implementation of mitigation measure **MM-BIO-5** would reduce impacts to waters of the state and waters of the United States to a **less than significant** level.

5.5.1 AVOIDANCE AND MINIMIZATION MEASURES

MM-BIO-5 **Mitigate for Loss of Waters of the United States.** If the US Army Corps of Engineers identifies that the feature is jurisdictional, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; or (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities.

Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

If the USACE verifies that the feature is not jurisdictional, no mitigation will be required.

5.6 IMPACTS TO THE MOVEMENT OF NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITHIN ESTABLISHED MIGRATORY CORRIDORS (STANDARD OF SIGNIFICANCE 4)

Implementation of the proposed project would not interfere substantially with the movement of native resident or migratory fish or wildlife species. No established migratory routes are identified on or adjacent to the project site. Additionally, the on-site drainage feature has no natural connections to perennial features utilized by anadromous fish species. Due to the highly urbanized land uses in the project vicinity, it is unlikely that any significant aquatic or

wildlife corridors exist in the project vicinity. Therefore, **no impact** will occur, and no mitigation is proposed.

5.7 CONFLICT WITH LOCAL POLICIES AND ORDINANCES (STANDARD OF SIGNIFICANCE 5)

Impact BIO-8 Implementation of project-related activities may conflict with El Cerrito Municipal Code Chapter 19.12, which would be considered a **potentially significant** impact.

The proposed project will result in the bridging/undergrounding of the on-site surface water for the purposes of constructing new condominiums. Therefore, the proposed activities would conflict with local policies or ordinances protecting biological resources. The on-site surface water provides marginal habitat value for wildlife that may include utilization by local birds and mammals, as well as by feral/domesticated pets. As a result, bridging/undergrounding the on-site surface water would result in **less than significant** impacts to biological resources, and no mitigation is proposed.

5.8 CONFLICT WITH CONSERVATION PLANS (STANDARD OF SIGNIFICANCE 6)

The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. There are no adopted habitat conservation plans that overlap the PSA; therefore, the proposed project would not conflict with such plans, and **no impact** is anticipated. No avoidance and minimization measures are proposed.

5.9 SPECIAL-STATUS SPECIES POPULATION IMPACTS (STANDARD OF SIGNIFICANCE 7)

Implementation of project-related activities would not reduce the number or restrict the range of an endangered, rare, or threatened plant or animal species or biotic community, thereby causing the species or community to drop below self-sustaining levels. As such, there would be **no impact**.

Mitigation measures **MM-BIO-1** through **MM-BIO-9** will ensure that the proposed project does not reduce sensitive plant, wildlife, habitat, and/or other biological resources below self-sustaining levels. As such, there would be a **less than significant** impact, and no additional avoidance and minimization measures are proposed.

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APPENDIX A - DATABASE RESULTS

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the
RICHMOND (466A)
U.S.G.S. 7 1/2 Minute Quad

Database last updated: September 18, 2011

Report Date: October 17, 2012

Listed Species

Invertebrates

Speyeria callippe callippe
callippe silverspot butterfly (E)

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

Eucyclogobius newberryi
tidewater goby (E)

Hypomesus transpacificus
delta smelt (T)

Oncorhynchus kisutch
coho salmon - central CA coast (E) (NMFS)

Oncorhynchus mykiss
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Rana draytonii
California red-legged frog (T)
Critical habitat, California red-legged frog (X)

Reptiles

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)
Critical habitat, Alameda whipsnake (X)

Birds

Charadrius alexandrinus nivosus
western snowy plover (T)

Pelecanus occidentalis californicus
California brown pelican (E)

Rallus longirostris obsoletus
California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)

Mammals

Reithrodontomys raviventris
salt marsh harvest mouse (E)

Plants

Arctostaphylos pallida
pallid manzanita (=Alameda or Oakland Hills manzanita) (T)

Holocarpha macradenia
Critical habitat, Santa Cruz tarplant (X)
Santa Cruz tarplant (T)

Suaeda californica
California sea blite (E)

Key:

- (E) Endangered - Listed as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- (P) Proposed - Officially proposed in the Federal Register for listing as

endangered or threatened.

- (NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.
- Critical Habitat - Area essential to the conservation of a species.
- (PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.
- (C) Candidate - Candidate to become a proposed species.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) Critical Habitat designated for this species

CNDDB OUTPUT				
1 Mile Count				
Occurrence Count	Scientific Name	Common Name	Federal Listing	State Listing
1	<i>Antrozous pallidus</i>	pallid bat	None	None
1	<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	None	None
2	<i>Danaus plexippus</i>	monarch butterfly	None	None
2	<i>Fritillaria liliacea</i>	fragrant fritillary	None	None
1	<i>Helminthoglypta nickliniana bridgesi</i>	Bridges' coast range shoulderband	None	None
1	<i>Lasiurus cinereus</i>	hoary bat	None	None
3	<i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake	Threatened	Threatened
1	<i>Melospiza melodia pusillula</i>	Alameda song sparrow	None	None
1	<i>Suaeda californica</i>	California seablite	Endangered	None
1	<i>Trifolium hydrophilum</i>	saline clover	None	None
5 Mile Count				
Occurrence Count	Scientific Name	Common Name	Federal Listing	State Listing
3	<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	None	None
5	<i>Antrozous pallidus</i>	pallid bat	None	None
2	<i>Archoplites interruptus</i>	Sacramento perch	None	None
3	<i>Arctostaphylos pallida</i>	pallid manzanita	Threatened	Endangered
1	<i>Asio flammeus</i>	short-eared owl	None	None
1	<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	None	None
1	<i>Athene cunicularia</i>	burrowing owl	None	None
1	<i>Branta hutchinsii leucopareia</i>	cackling (=Aleutian Canada) goose	Delisted	None
1	<i>California macrophylla</i>	round-leaved filaree	None	None
1	<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	coastal bluff morning-glory	None	None
1	<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	Point Reyes bird's-beak	None	None
2	<i>Circus cyaneus</i>	northern harrier	None	None
1	<i>Cirsium andrewsii</i>	Franciscan thistle	None	None
4	<i>Danaus plexippus</i>	monarch butterfly	None	None
1	<i>Dipodomys heermanni berkeleyensis</i>	Berkeley kangaroo rat	None	None
5	<i>Dirca occidentalis</i>	western leatherwood	None	None
1	<i>Egretta thula</i>	snowy egret	None	None
3	<i>Elanus leucurus</i>	white-tailed kite	None	None
3	<i>Emys marmorata</i>	western pond turtle	None	None
1	<i>Eucyclogobius newberryi</i>	tidewater goby	Endangered	None
4	<i>Fritillaria liliacea</i>	fragrant fritillary	None	None

5 Mile Count				
Occurrence Count	Scientific Name	Common Name	Federal Listing	State Listing
1	<i>Haliaeetus leucocephalus</i>	bald eagle	Delisted	Endangered
6	<i>Helianthella castanea</i>	Diablo helianthella	None	None
4	<i>Helminthoglypta nickliniana bridgesi</i>	Bridges' coast range shoulderband	None	None
1	<i>Hoita strobilina</i>	Loma Prieta hoita	None	None
14	<i>Holocarpha macradenia</i>	Santa Cruz tarplant	Threatened	Endangered
1	<i>Hydroprogne caspia</i>	Caspian tern	None	None
1	<i>Lasionycteris noctivagans</i>	silver-haired bat	None	None
2	<i>Lasiurus cinereus</i>	hoary bat	None	None
4	<i>Laterallus jamaicensis coturniculus</i>	California black rail	None	Threatened
30	<i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake	Threatened	Threatened
1	<i>Meconella oregana</i>	Oregon meconella	None	None
4	<i>Melospiza melodia pusillula</i>	Alameda song sparrow	None	None
5	<i>Melospiza melodia samuelis</i>	San Pablo song sparrow	None	None
1	<i>Microcina leei</i>	Lee's micro-blind harvestman	None	None
6	<i>Microtus californicus sanpabloensis</i>	San Pablo vole	None	None
3	Northern Coastal Salt Marsh	Northern Coastal Salt Marsh	None	None
1	Northern Maritime Chaparral	Northern Maritime Chaparral	None	None
1	<i>Nycticorax nycticorax</i>	black-crowned night heron	None	None
1	<i>Nyctinomops macrotis</i>	big free-tailed bat	None	None
4	<i>Rallus longirostris obsoletus</i>	California clapper rail	Endangered	Endangered
3	<i>Rana draytonii</i>	California red-legged frog	Threatened	None
2	<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	Endangered	Endangered
1	<i>Sorex vagrans halicoetes</i>	salt-marsh wandering shrew	None	None
1	<i>Suaeda californica</i>	California seablite	Endangered	None
3	<i>Trifolium hydrophilum</i>	saline clover	None	None
1	Valley Needlegrass Grassland	Valley Needlegrass Grassland	None	None
1	<i>Xanthocephalus xanthocephalus</i>	yellow-headed blackbird	None	None

Rare Plant Rank
1B.2
1B.2
1B.1
1B.2
Rare Plant Rank
1B.2
1B.1
1B.2
1B.1
1B.2
1B.2
1B.2
1B.2
1B.2

Rare Plant Rank
1B.2
1B.1
1B.1
1B.1
1B.1
1B.2

CNPS RARE PLANT INVENTORY OUTPUT		
Scientific Name	Common Name	Rare Plant Rank
<i>Arctostaphylos pallida</i>	pallid manzanita	1B.1
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	1B.2
<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	coastal bluff morning-glory	1B.2
<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	Point Reyes bird's-beak	1B.2
<i>Dirca occidentalis</i>	western leatherwood	1B.2
<i>Fritillaria liliacea</i>	fragrant fritillary	1B.2
<i>Helianthella castanea</i>	Diablo helianthella	1B.2
<i>Hoita strobilina</i>	Loma Prieta hoita	1B.1
<i>Holocarpha macradenia</i>	Santa Cruz tarplant	1B.1
<i>Meconella oregana</i>	Oregon meconella	1B.1
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	1B.2
<i>Suaeda californica</i>	California seablite	1B.1
<i>Trifolium hydrophilum</i>	saline clover	1B.2

HISTORIC RESOURCE EVALUATION

1715 Elm Street
El Cerrito, California



December 2013

Prepared by

Ver **Planck**
HISTORIC PRESERVATION CONSULTING

San Francisco, California

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I. Introduction

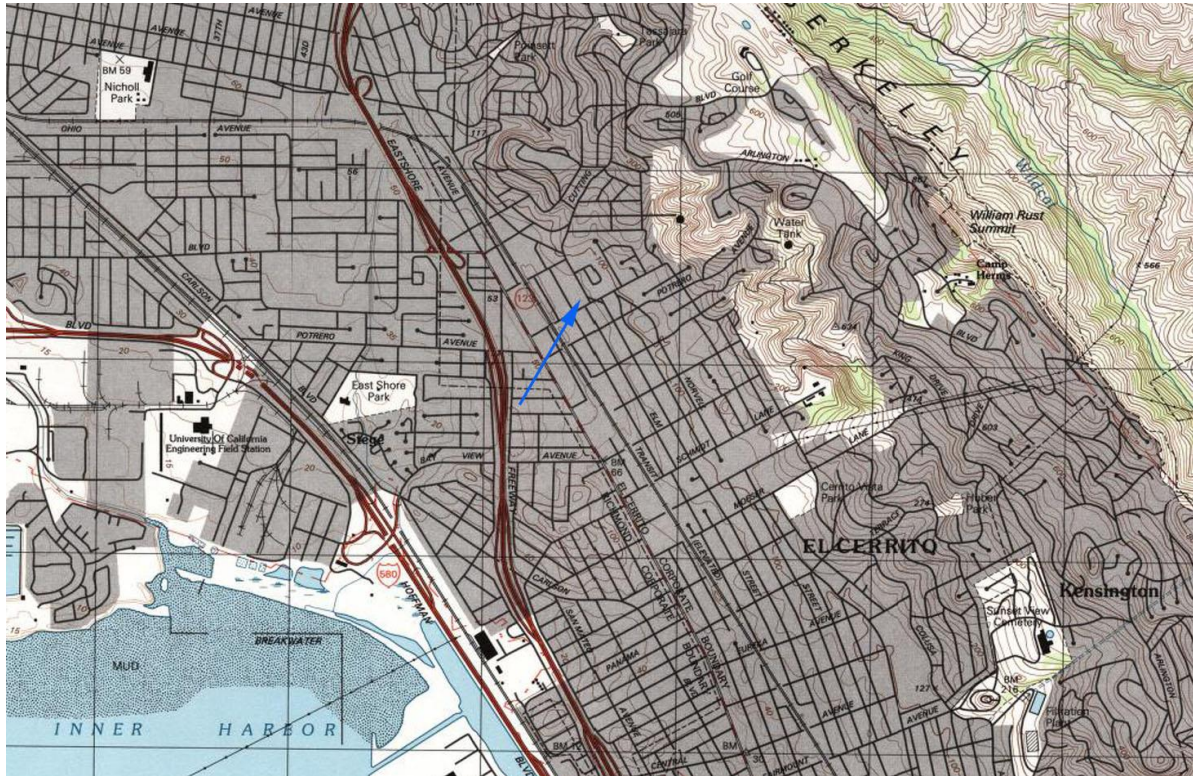


Figure 1. 1995 USGS Map showing location of 1715 Elm Street

Source: University of California, Berkeley, Map Library

VerPlanck Historic Preservation Consulting prepared this Historic Resource Evaluation (HRE) for a property located at 1715 Elm Street in El Cerrito, California. The subject property, which is presently unoccupied, is located on the west side of Elm Street, between Hill and Blake streets (Assessor's Parcel No. 502-112-038) in north-central El Cerrito (**Figure 1**).¹ The subject property is rectangular and comprises roughly 18,450 square feet. Historically utilized as a "weekend ranch," the property is now surrounded by single-family dwellings dating from the immediate post-World War II era and more recent multi-family residential buildings from the 1970s and 1980s. Originally purchased by Ambrose Rodoni in 1897, the subject property contains a Queen Anne-style, single-family dwelling constructed in 1897; a ca. 1930 garage; and several other outbuildings and site features, including a well house and shed constructed after 1969; and a stone-lined creek channel that transects the property from east to west.

The property was the subject of a report prepared by architectural historian Michael Corbett in 2006. This HRE, which builds upon Corbett's research, independently concludes that 1715 Elm Street appears eligible for listing in the California Register of Historical Resources (California Register) under Criterion 1 (Events) for its associations with the pioneer development of El Cerrito and the formation of the city's Little Italy district. This HRE also finds the property eligible under Criterion 3 (Design/Construction) as an intact and very rare example of a rural vernacular cultural landscape in El Cerrito. As such, the property appears to be a historical resource under Section 15064.5 (a) of the California Environmental Quality Act

¹ The streets in this part of El Cerrito are not aligned with the points of the compass, meaning that Elm Street actually runs from northwest to southeast. To remain consistent with the proposed project and other project documents, this HRE will treat the site as if its boundaries are aligned with the compass.

(CEQA). This HRE concludes with an assessment of the potential impacts of the proposed project, which entails the relocation of the Rodoni house to the southwest corner of the property, and the construction of a new 14-unit condominium building on the balance of the site; as well as suggested mitigation measures that may reduce the project impacts to a less-than-significant level.

II. Methods

Michael Corbett, the author of the 2006 report mentioned above, is one of the Bay Area's most well-respected architectural historians. His research is typically reliable; hence this HRE relies in large part on the historic contexts outlined in his 2006 study. VerPlanck Historical Preservation Consulting conducted additional primary and secondary research to answer specific questions unanswered in Corbett's report, including information on the unnamed creek that transects the property, as well as additional information on the Rodoni family and El Cerrito's Little Italy neighborhood. We consulted the following repositories to complete this additional work, including the El Cerrito Planning Division, the El Cerrito Historical Society, and historic newspaper databases available through the Library of Congress, the San Francisco Public Library, and the Historic Newspaper Archive. We also consulted historic and contemporary maps, including late nineteenth and early twentieth-century United States Geological Society (USGS) maps and Sanborn Fire Insurance maps, several of which are reproduced in this HRE. Christopher VerPlanck visited the property on September 25, 2012 to survey the site with Scott Davidson of PMC and photographed every building, structure, and landscape feature, as well as the surrounding context.

III. Regulatory Framework

VerPlanck Historic Preservation Consulting searched federal, state, and local records to determine if 1715 Elm Street had been identified in any survey or official register of historical resources. We submitted a request to the Northwest Information Center (NWIC) at Sonoma State University to determine whether the property is listed in the state's Historic Property Database and we also consulted with the El Cerrito Historical Society to determine whether the property is listed on any local register of historical resources. According to the NWIC, 1715 Elm Street is not listed in the state's Historic Property Database. It is also not listed in the Contra Costa County Historic Resources Inventory. Furthermore, the City of El Cerrito has never been comprehensively surveyed and it maintains no official inventory of historical, architectural, or cultural resources. In summary, 1715 Elm Street has no formal historical status.

IV. Project Area

1715 Elm Street is located in north-central El Cerrito, two blocks north and east of BART's Richmond Line right-of-way (**Figure 2**). The subject property is located about equidistant between Interstate 80 and the Berkeley Hills, which begin about two blocks north and east of the subject property. Historically a semi-rural area of small ranches and isolated single-family dwellings, the area immediately surrounding the property was built out during the post-World War II era as suburban development overtook the once semi-rural enclave of Little Italy. The project area is generally level, though the terrain slopes gently downhill toward the south and west in the direction of San Francisco Bay. The terrain slopes more steadily uphill toward the north and east in the direction of the Berkeley Hills. The street network is laid out in a conventional gridiron plan, though streets running in the same direction do not always align because of the different private subdivisions that subdivided the area during the late 1890s. Natural features like hills and ravines have resulted in some variations in the gridiron plan, and more recent planned unit developments have resulted in cul-de-sacs and other pockets of non-orthogonal street plans. Commercial property uses are clustered along San Pablo Avenue, three blocks south and west of the subject proper-

ty. The El Cerrito del Norte BART station is located one block north and west of 1715 Elm Street. Another local landmark is the Windrush School, which is located a little more than a block distant.

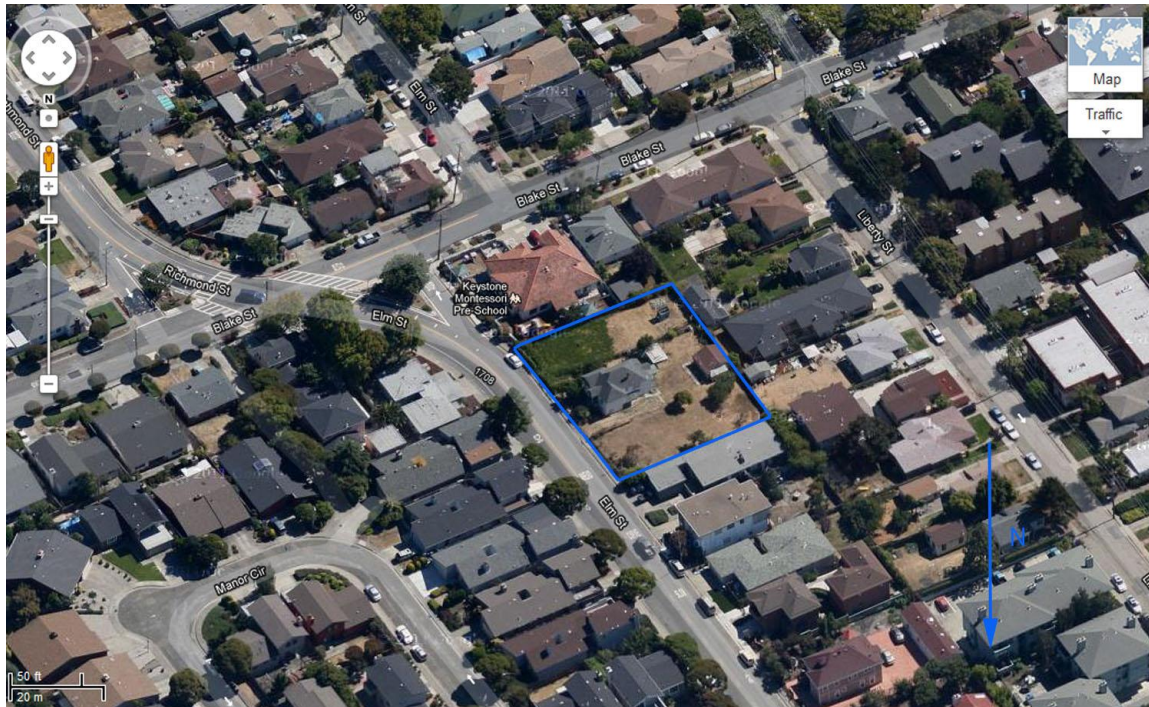


Figure 2. Aerial photograph showing the subject property and its vicinity
Source: Google Maps; annotated by Christopher VerPlanck

V. Property Description

A. General Description

1715 Elm Street occupies what were historically three parcels (Lots 12, 13, 14) of Block B of the Schmidt Village subdivision. The subdivision was laid out in 1896 in a conventional gridiron pattern with each lot measuring 50' wide by 130' deep. Many of the older suburban areas of the East Bay were also laid out in this way, yielding generous house lots with enough room left over for a garage or stable, gardens, and tank house, windmill, or other outbuildings. Over time, Ambrose and Virginia Rodoni purchased the three adjoining lots, creating a landholding measuring 150' along Elm Street (originally Union Street) and 130' into the block. This property, comprising nearly half an acre, was sufficient to create a compact "weekend ranch" capable of supporting their growing family with homegrown produce, fruit, wine, and possibly livestock. Water from a well and the unnamed creek that transects the property was used to irrigate the crops and to provide drinking water, until the property was hooked up to municipal water in the 1940s. Until World War II, 1715 Elm Street was surrounded by similar semi-rural properties. Though the surrounding neighborhood suburbanized after the war, 1715 Elm Street remained a rural enclave – mainly because it stayed in the same family, whose members continued to cultivate the land until 2002. Although the property has been untended for a decade, it continues to embody the characteristics of a compact "ranch" dating to the pioneer era of El Cerrito's settlement (**Figure 3**).



Figure 3. Overall view of 1715 Elm Street; view toward west
Source: Christopher VerPlanck

Presently 1715 Elm Street contains four buildings: the main house, garage, well house, and shed; as well as several cultural landscape features, including a stone-lined creek channel, several footbridges over the creek, fencing, fruit trees, trellises for grape cultivation, and other features characteristic of rural agricultural properties. The 1897 house is located near the front of what was originally the central lot (Lot 13). To the rear of the house, near the west lot line, is a severely dilapidated wood-frame garage built before 1930. It is accessed by an unpaved driveway that enters the property north of the house. Between the house and the garage is a crude shed made of steel, wood, and fiberglass panels. The shed appears to be of relatively recent origin. A small, wood-frame well house is located at the southwest corner of the property, on the south bank of the creek.

The unnamed creek, which roughly follows the former property line between Lots 13 and 14, appears on the 1895 and 1897 USGS maps. Though subsequently “undergrounded” throughout the rest of the neighborhood, the Rodoni family left the creek exposed on their land, though they straightened its



Figure 4. General site conditions; view toward east
Source: Christopher VerPlanck

channel by constructing stone retaining walls on either bank. Fruit trees – primarily apples, persimmons, and citrus – are located throughout the site. Portions of the south (Lot 14) and the north parcel (Lot 12) have irrigation equipment (pipes, spigots, and “rain bird” sprinklers) installed, suggesting that these portions of the property were once planted with row crops. Wood fencing encloses the north, west, and south property lines, and older wire fencing encloses the east (Elm Street) side of the property. Elm Street was widened ca. 1960, and the City took a strip of the Rodoni property to build a sidewalk. At this time the family re-landscaped the front yard with concrete parterres, footpaths, and planting beds. Untended for a decade, much of the

property is overgrown with weeds, volunteer trees and shrubs, and untended but still-productive fruit trees (Figure 4).

B. Rodoni House

According to the 2006 Corbett report, the Rodoni house was constructed in 1897 by Ambrose Rodoni. Based on information from the Contra Costa County Assessor, it is the third-oldest building in El Cerrito. The Rodoni house is a two-story, wood-frame, T-plan, Queen-Anne style dwelling with a compound hip and gable roof. The house is of standard platform-frame construction and it is framed with 2 x 4 redwood studs and 2 x 8 joists spaced 16" on center. The exterior walls are clad in V-groove redwood rustic siding and decorative shingles and the roof is clad in non-historic asphalt shingles. The dwelling consists of a main living floor over a raised and partially finished basement, with an unfinished attic above. In terms of its styling, the Rodoni house can be described as a vernacular dwelling with Queen Anne detailing. It is representative of a type of vernacular housing once common in the rural East Bay, and that is still found in some older parts of Oakland, Berkeley, and Alameda.

East Façade

The east (primary) façade of the Rodoni house is three bays wide and faces Elm Street (**Figure 5**). The left bay has an angled bay window containing three, non-historic aluminum slider windows encased within plain wood moldings. This bay is capped by a pedimented gable defined by a molded raking cornice (**Figure 6**). The flat area within the gable (the tympanum) is clad in alternating courses of diamond and fish-scale-pattern shingles. The center bay is flush with the main body of the house, though it is sheltered beneath a projecting, gable-roofed porch supported by turned wood posts (**Figure 7**). The porch is accessed by a flight of six wood steps bounded within plain wood balusters. It is capped by semi-circular arched openings and a pedimented gable whose tympanum is also clad in alternating courses of diamond and fish-scale pattern shingles. The main entrance contains a solid-panel wood door, dating from the 1940s, which has wrought-iron hardware. The door is flanked to the left by a metal mailbox and an outdoor light fixture. The right bay is very simple, consisting of a single aluminum slider window with plain wood trim (**Figure 8**). The basement level of the primary façade is punctuated by an assortment of rectangular vents, water spigots, and utility meters.



Figure 5. Primary façade; view toward west
Source: Christopher VerPlanck

North Façade

Similar to the other three non-street-facing façades, the north façade of the Rodoni house is utilitarian and devoid of ornament (**Figure 9**). Aside from a boarded-up window at the basement level, the left bay is a windowless expanse of rustic redwood siding capped by a subsidiary hipped roof. At the basement level, the north façade steps back several feet to provide access to the utility rooms in this part of the house. In this recessed area, the second bay in from the street features a boarded-up entrance and an aluminum slider window. The third bay in from the street features a boarded-up window at the basement level and a large aluminum slider window at the first floor level. The basement level fenestration is sheltered beneath a shed-roofed porch supported by a single wood post. The fourth (right) bay in from the street is part of the later shed-roofed kitchen addition. It is windowless and clad in rustic redwood siding.

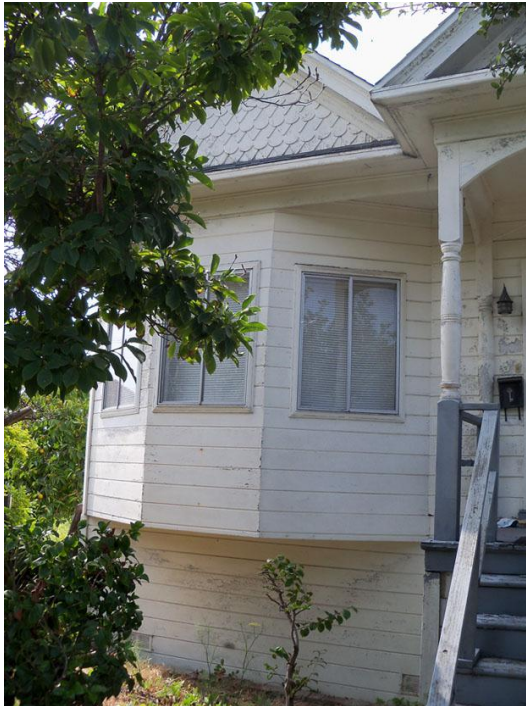


Figure 6. Left bay of primary façade
Source: Christopher VerPlanck



Figure 7. Center bay of primary façade
Source: Christopher VerPlanck



Figure 8. Right bay of primary façade
Source: Christopher VerPlanck



Figure 9. North façade
Source: Christopher VerPlanck

West Façade

The west (rear) façade of the Rodoni house is characterized by an assemblage of older ad hoc additions added onto the back of the original dwelling. Entirely clad in redwood rustic siding, the rear façade has two shed-roofed additions (one housing part of the kitchen – the other a utility room) that span the width of the house (**Figure 10**). According to the permit record, these additions were added in 1907 and 1912, respectively. Attached to the rear of these additions is a later, gable-roofed mud room addition and wood stair supported by metal pipe columns.



Figure 10. Rear (west) façade
Source: Christopher VerPlanck

South Façade

The south façade of the Rodoni house is similar to the corresponding north façade (Figure 11). It is three bays wide, with the left bay corresponding to the rear kitchen addition. Clad in redwood rustic siding, this section of the south façade features a double-hung aluminum window at the first floor level. The center bay contains a pair of windows at the basement level (both are boarded-up) and a large aluminum slider window at the first floor level. The right bay is a largely blank expanse of redwood rustic siding, though there is a boarded-up window at the basement level.



Figure 11. South façade
Source: Christopher VerPlanck

VerPlanck Historic Preservation Consulting did not survey the interior of the Rodoni house. The following description is extracted from Corbett's 2006 report.

The Rodoni house was built in 1897. It is a two-story structure with a high, open attic space. Although its lower floor is almost entirely above ground, this floor is generally referred to as a basement. Thus, this building with enough space for rooms on three floors was built with finished interiors only on the raised main floor; the basement was long utilized as a work space, including making wine and canning fruit and vegetables, and the attic space was never finished or utilized unless, perhaps, for storage. When this

house was built, it was common to provide unfinished space that might later be occupied to accommodate a growing family or when money was available to do the work. In the 1940s the rear of the basement was finished to provide rooms and a bath for a divorced relative.

The main floor plan is somewhat symmetrical in the overall form of a "T," with the cross bar presenting a wide front to the street and the narrower stem projecting toward the rear. It consists of a generally central corridor with a room on either side at the front of the house and a narrow bathroom behind the front room at the corner. Partitions have been removed behind the front rooms so that what was once two rooms in the stem of the "T" is now a single irregular space. At the rear of the house are two small shed additions that now house the kitchen and a utility room. These may have been added in unspecified remodelings in 1907 and 1912 noted on the Residential Building Record. The central hall plan was typical of houses of its era. The maximum dimensions of the house are approximately 31 1/2 feet across the front and 48 feet from the front to back.

Downstairs, there is a bedroom, a living room, and a bathroom in the stem, created in 1954. Under the front of the house is an unfinished work space.

The attic is high enough to accommodate a room, if a dormer were added for light and stairs for access. The structure of the room, without columns or low trusses that obstruct the space, indicates that such a possibility was initially contemplated.

The house was long provided with water from a well on the property; city water was hooked up in the 1940s. It appears that there was no electricity available in the area until 1911-13, after which knob and tube wiring was installed. Heat originally came only from a stove on the north side behind the front room and bath, where a brick chimney is still visible. Building Department records show that a forced air furnace was installed in 1965.

Original interior finishes included painted tongue-and-groove paneling on walls and ceiling. This was all replaced in 1968. Today there are no original interior features.²

C. Garage

Located behind the house, the garage was built before 1930 by the Rodoni family to provide shelter for their vehicles and possibly farm equipment (**Figure 12**). It is a one-story, wood-frame, rectangular-plan building measuring 19' by 21' in plan. It has a concrete perimeter foundation and a concrete slab floor. The building is of post-and-beam construction and it is clad in vertical wood planks with thin battens concealing the gaps between the boards. The north façade, which has a small lean-to addition, is clad in non-historic corrugated metal siding. The roof is covered in rolled asphalt. The exterior has one boarded up window on the south façade. The interior, which has space for two vehicles, is accessed via a pair of hinged wood doors on the east façade. A metal electrical pole is mounted to the primary façade. Next to it is a metal gooseneck light fixture.

² Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 3.



Figure 12. Garage; view toward north
Source: Christopher VerPlanck

D. Shed

Located between the Rodoni house and the garage is an open-ended steel and wood-frame shed clad in wood and fiberglass panels (**Figure 13**). It encloses an 11' x 17' interior that is open to the elements at the north side of the structure. This structure was built after 1969 to shelter farm equipment or a vehicle. The structure is supported by metal pipe columns and wood studs. The walls are clad in corrugated metal and fiberglass panels and the ceiling, which is supported by wood rafters, is clad in corrugated steel. There is a wood pedestrian door on the west façade. The floor is packed earth.

E. Well House

The well house is located near the southwest corner of the property (**Figure 14**). Possibly built after 1968, when the original windmill and tank house were demolished, the small building encloses an interior space measuring 5' x 7'-6". The building is of wood-frame construction and is clad in redwood rustic siding. The building has a concrete slab floor with a hole that sits directly above the well. At one point it probably contained an electric pump. The building appears to have been built of salvaged materials, perhaps from the old tank house that stood near here. The building's interior is accessed by a salvaged wood-panel door and the interior contains remnants of old knob-and-tube wiring. At one point the building had a corrugated fiberglass roof, which is now missing.



Figure 13. Shed; view toward south

Source: Christopher VerPlanck



Figure 14. Well House; view toward southwest

Source: Christopher VerPlanck

F. Creek

The unnamed creek that runs through the southern third of the property is arguably the most distinctive feature of 1715 Elm Street (**Figures 15 and 16**). In addition to appearing on nineteenth-century USGS maps, the Contra Costa County Assessor shows the unnamed creek on its GIS maps, indicating that it is not simply a ditch but an actual creek. The creek is about 10' wide at the top of the stone-banked channel and between 4' and 5' deep. The creek, which was flowing when the author visited the site, enters the property from the east, exiting a culvert that passes beneath Elm Street. The creek "daylights" on the Elm Street side of the property, where it is contained within a manmade channel bounded by dry-laid stone walls. The stone is not uniformly dressed and appears to have been installed to keep the creek within its bed and prevent erosion. The creek exits the property to the west, where it passes beneath a fence and enters a culvert beneath the adjoining property. The creek does not appear to daylight anywhere else between the subject property and the creek's presumed outlet at San Francisco Bay.³ The creek is bridged at several places by non-historic wood bridges, metal pipes, and scrap lumber. Sanborn maps from 1930 and 1951 show a wood-frame enclosure covering the western third of the creek. The purpose of this structure is unknown and it either fell down or was demolished after 1960. The creek was a functional feature of the property and was evidently used for irrigation long after the Rodoni house was hooked up to municipal water in the 1940s.



Figure 15. Creek and bridge, looking southwest
Source: Christopher VerPlanck

³ The 1895 and 1898 USGS maps show the unnamed creek (as well as several others in the area) running down from the Berkeley Hills, branching into several subsidiary creeks, and then dissipating in the level coastal plain. This part of El Cerrito is known for its high water tables, and it is possible that these creeks were either seasonal or that they just died out in the high water table, not reaching San Francisco Bay.



Figure 16. Detail of stone retaining wall
Source: Christopher VerPlanck

VI. Historical Context

A. Historical Background of El Cerrito

El Cerrito is a city of 23,549 people in western Contra Costa County. The suburban city is bordered by Richmond to the north, east, and west and Albany and Kensington to the south. Long a semi-rural stronghold, due in part to uncertainty over land titles dating back to the Gold Rush, El Cerrito only began to grow in earnest after the 1906 Earthquake. Still, rural and semi-rural conditions persisted in parts of the city until World War II, when a massive influx of war workers employed in the shipyards of nearby Richmond caused the population of El Cerrito to explode. Today the city is almost entirely built-out, with very few opportunities to construct new housing on open land.

Early History

Prior to the arrival of Spanish colonists in the last quarter of the eighteenth century, what is now El Cerrito was inhabited by the Huchuin tribelet of the Ohlone people, who hunted, fished, and practiced proto-agriculture along the banks of Cerrito and Wildcat Creeks, and San Francisco Bay. After the Spanish arrived in the Bay Area in 1769, what is now El Cerrito became part of the lands of Mission Dolores, in San Francisco. In 1823, following Mexico's successful War of Independence from Spain, the Mexican Governor of California, Luís Antonio Argüello, granted 17,939 acres of land in present-day Contra Costa County to Francisco María Castro, a Spanish soldier and one-time *alcalde* of the Pueblo of San José. Following his death in 1831, the grant was reconfirmed by Governor José Figueroa to Castro's heirs, includ-

ing his son Victor Castro. In 1839, Victor Castro built an adobe dwelling on what is now the site of the El Cerrito Plaza shopping center.⁴

The United States conquered northern Mexico and annexed it to the United States in 1848 – the same year that gold was discovered at Sutter’s Mill in the Sierra foothills. The population of San Francisco and the Bay region in general began to grow very quickly due to the Gold Rush. Statehood followed two years later, in 1850, and that same year Contra Costa County became one of California’s original 27 counties. During this time what is today’s San Pablo Avenue became a popular road between Oakland, in neighboring Alameda County (formed in 1853 from parts of Contra Costa and Santa Clara counties), and Martinez, the county seat of Contra Costa County.

Still, coastal Contra Costa County remained mostly uninhabited until the opening of the California & Nevada Railroad in 1883, which paralleled San Pablo Avenue from its terminus in Emeryville to Richmond. This route, which closely followed what is now BART’s Richmond line, opened western Contra Costa County to settlement and industrial development. In 1902, the Santa Fe Railroad purchased the line and upgraded it from narrow to standard gauge, linking what is now El Cerrito to the world via the Santa Fe’s transcontinental network.⁵

After the opening of the California & Nevada Railroad, settlers began to lease land from Victor Castro, still one of the biggest landowners in what is now El Cerrito. One of these settlers was a man named William F. Rust, a German immigrant, who in 1883 leased land from Castro on San Pablo Road, near the Alameda County line (El Cerrito Creek). Eventually a village, named Rust, began to grow up around the intersection of San Pablo and Central avenues. Rust was one of several villages to grow up in what is now El Cerrito, which at various times also included the settlements of Gallagher, Stege, Stege Junction, Gills, McAvoy, Schmidville, and others. Many of these settlements were nothing more than a railroad stop and a handful of houses and most of these names have long since fallen out of use. The subject property was part of Schmidville because it was closest to a flag stop on the Santa Fe line called Schmidt.

Even with the opening of the California & Nevada Railroad, it took another decade for large-scale subdivision activity to get underway in El Cerrito. The lag stemmed in part from ongoing confusion over who owned the land that comprised Rancho San Pablo. When Francisco Castro died in 1831, he left his property to his widow, Gabriella (50 percent), and his 11 children (50 percent). Each of his children received an undivided interest in the property, meaning that each of his children owned a 1/22nd interest in every square inch of Rancho San Pablo. Though his children were required to consult with each other before selling any land, several made unauthorized sales. Some tracts were sold more than once to different people and three of Castro’s children died intestate, meaning that their shares reverted to Gabriella, further complicating matters. The Gordian knot of twisted land titles was not resolved until 1894, when Judge J.C.B. Hebbard issued a Final Decree of Partition on March 3. The Final Decree provided a list of every landowner within the boundaries of Rancho San Pablo as well as a map depicting each holding and its boundaries. The map indicates that with the exception of several small-scale holdings around Rust, most of El Cerrito remained in several large landholdings. Most of these parcels were evidently leased to tenant farmers who used the land for grazing cattle or growing crops.⁶

⁴ Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 9.

⁵ Tom Panas, *Draft Historic Context Statement: City of El Cerrito* (unpublished manuscript located at the El Cerrito Historical Society, 2011), 38-9.

⁶ *Ibid.*, 25.

With the question of land ownership finally resolved in 1894, individual speculators began buying large tracts and subdividing them into smaller parcels ranging in size from 25' x 100' house lots to larger "villa" lots of up to five acres. The earliest subdivision in El Cerrito was the Schmidt & Fink Tract of 1893. Encompassing most of the land on the east side of San Pablo Avenue between Moeser and Schmidt lanes, the Schmidt & Fink Tract was laid out in one-acre parcels suitable for residential development or small-scale ranching or farming. This tract was soon followed by the Beauty Tract in 1894, Schmidt Village in 1896, and Schmidt Village Tracts 2 and 3 in 1900.⁷

The population of the East Bay spiked after the 1906 Earthquake and Fire destroyed much of San Francisco. Relatively undamaged, the cities of Oakland, Alameda, and Berkeley – as well as unincorporated parts of Alameda and Contra Costa Counties – absorbed thousands of earthquake refugees. Some of these newcomers came to what is now El Cerrito. Still, as late as 1908, local city directories indicate that there were only around 100 households in El Cerrito. Nonetheless, census schedules from 1910 indicate a small but steadily growing community of quarry workers, railroad employees, ranch hands, and nurse-rymen, including a diverse assortment of Italian, French, Portuguese, Irish, Russian, German, English, Canadian, Swedish, and Japanese immigrants, as well as several dozen native-born Americans. Several of the city's oldest houses were constructed during this pioneer period of El Cerrito's history – the 12 year period from the Partition Decree of 1894 to the 1906 Earthquake.⁸

El Cerrito Incorporates

In 1916, the residents of Rust, the only remaining urbanized part of what is now El Cerrito since Stege was annexed by Richmond in 1912, decided to rename their unincorporated community "El Cerrito," in honor of Cerrito Creek and nearby El Cerrito Hill (now called Albany Hill).⁹ In 1917, the residents of unincorporated El Cerrito began lobbying Contra Costa County for services, including paved streets, utilities, schools, and other infrastructure. Unsuccessful in these efforts, local residents realized that the community would either have to incorporate or join an existing city. Although some residents were in favor of annexation by Richmond, others thought that El Cerrito should be its own city. As momentum grew in favor of incorporation, advocates drew up maps of the new city that encompassed all of southwestern Contra Costa County, including the Richmond Annex and Kensington communities. Large property owners in Kensington opposed incorporation on the grounds that agricultural ventures would be disrupted. Richmond, which had long viewed the Richmond Annex as being within its own sphere of influence, successfully beat back El Cerrito's attempts to include the area within the new city (**Figure 17**). With Kensington and the Richmond Annex excluded, the remaining residents voted in favor of incorporation on August 16, 1917. Four days later, El Cerrito formally became the tenth city in Contra Costa County.¹⁰

El Cerrito grew slowly, increasing to only 1,505 in 1920 – an uptick of only 73 people since incorporation. Despite the availability of transit, a salubrious climate, and inexpensive real estate, there was simply too much land available in the more established cities of Richmond, Berkeley, and Albany to inspire people to move to El Cerrito. In contrast to the rest of the East Bay, El Cerrito remained a preserve of the small agriculturalist and the "weekend rancher." Growth picked up during the nationwide real estate boom of the 1920s, with El Cerrito's population doubling to 3,808 in 1930. Despite the onset of the Depression in 1929, El Cerrito continued to grow – mostly because of an influx of defense workers employed in the

⁷ Ibid., 28.

⁸ Contra Costa County Assessor's Office, "Contra Costa County and El Cerrito Building Dates" (unpublished database at the El Cerrito Historical Society).

⁹ Tom Panas, *Draft Historic Context Statement: City of El Cerrito* (unpublished manuscript located at the El Cerrito Historical Society, 2011), 18.

¹⁰ Ibid., 21.

shipyards of nearby Richmond. Because of this influx, the population doubled again in 1940, reaching 6,514. The influx continued unabated until the end of World War II, with new residents taking up residence in trailer camps, hastily converted in-law apartments, and temporary war workers' housing. By the 1950s, El Cerrito had been completely transformed from a semi-rural enclave into a modern, mid-century suburb.

B. Project Site History

The Rodoni property is part of the Schmidt Village subdivision, a 600-acre tract of former rangeland and wheat fields subdivided in 1896 by Berkeley postmaster and capitalist, George Schmidt.¹¹ When combined with the earlier Schmidt & Fink Tract of 1893, Schmidt's holdings formed a large U-shaped tract extending north and east from San Pablo Avenue along Hill Street, and then southeast – following an imaginary line along the base of the Berkeley Hills (paralleling Navellier Lane) – and then back to San Pablo Avenue along Schmidt Lane (excepting the “donut hole” bounded by San Pablo Avenue, Blake Street, Navellier Street, and Donal Avenue) (**Figure 18**). As previously mentioned, the subject property comprises Lots 12, 13, and 14 of Block “B” of the Schmidt Village subdivision, an area of smaller house lots measuring 50' x 130' near the California & Nevada Railroad tracks. Much of the rest of the Schmidt Village subdivision consisted of larger “villa” lots of between two and six acres. In addition to the lot lines, streets, and railroads, the subdivision map shows the Schmidt Village School on San Pablo Avenue, as well as several unnamed creeks – labeled as “ravines” on the map.

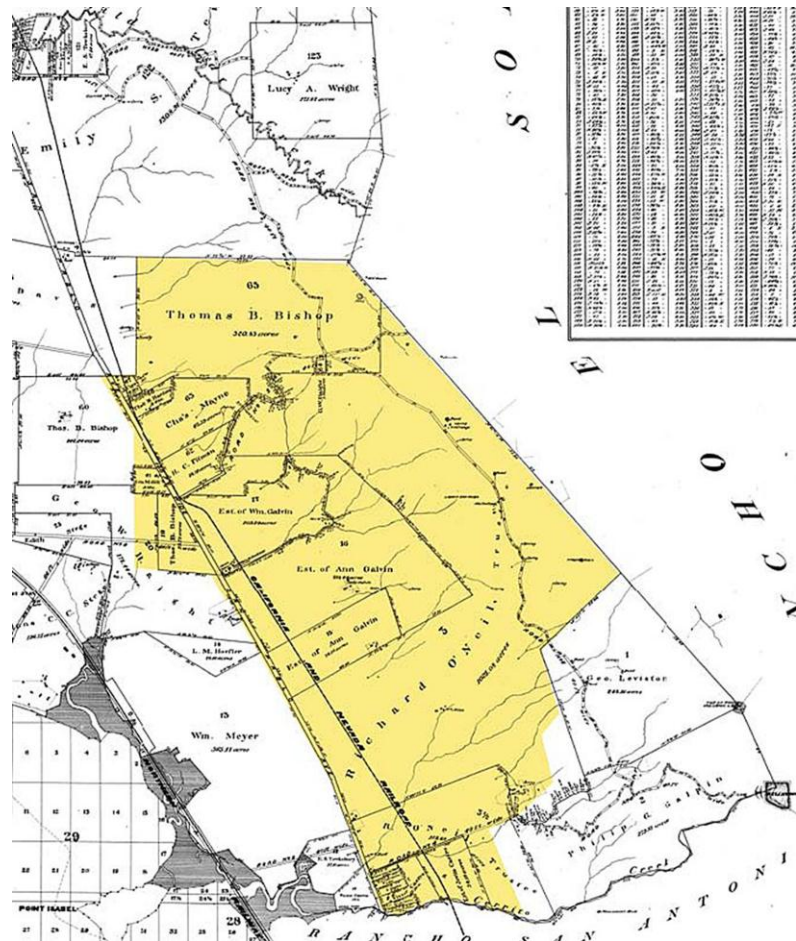


Figure 17. 1894 Partition Map showing original boundaries of El Cerrito
Source: El Cerrito Historical Society

In June 1897, an Italian immigrant from Milan named Ambrose Rodoni (originally spelled Rodone) purchased Lot 13 of Block B of the Schmidt Village subdivision from George Schmidt. Not long after, he began building a house on the 50' x 130' lot. In December 1897, he transferred the property and improve-

¹¹ “Postmaster George Schmidt, Now Considered Leading Capitalist,” *Oakland Tribune* (May 5, 1907).

ments to his wife, Virginia Bonnini Rodoni.¹² It is not known who designed or built the house, though Michael Corbett speculates in his 2006 study that because Rodoni had once worked as a carpenter, that he may have participated in its design and/or construction.¹³ An extensive search for building contracts bearing Rodoni's name in the *Oakland Tribune* failed to yield any evidence that he hired anyone to build the house, buttressing Corbett's claim that it was probably designed and built by Rodoni himself.

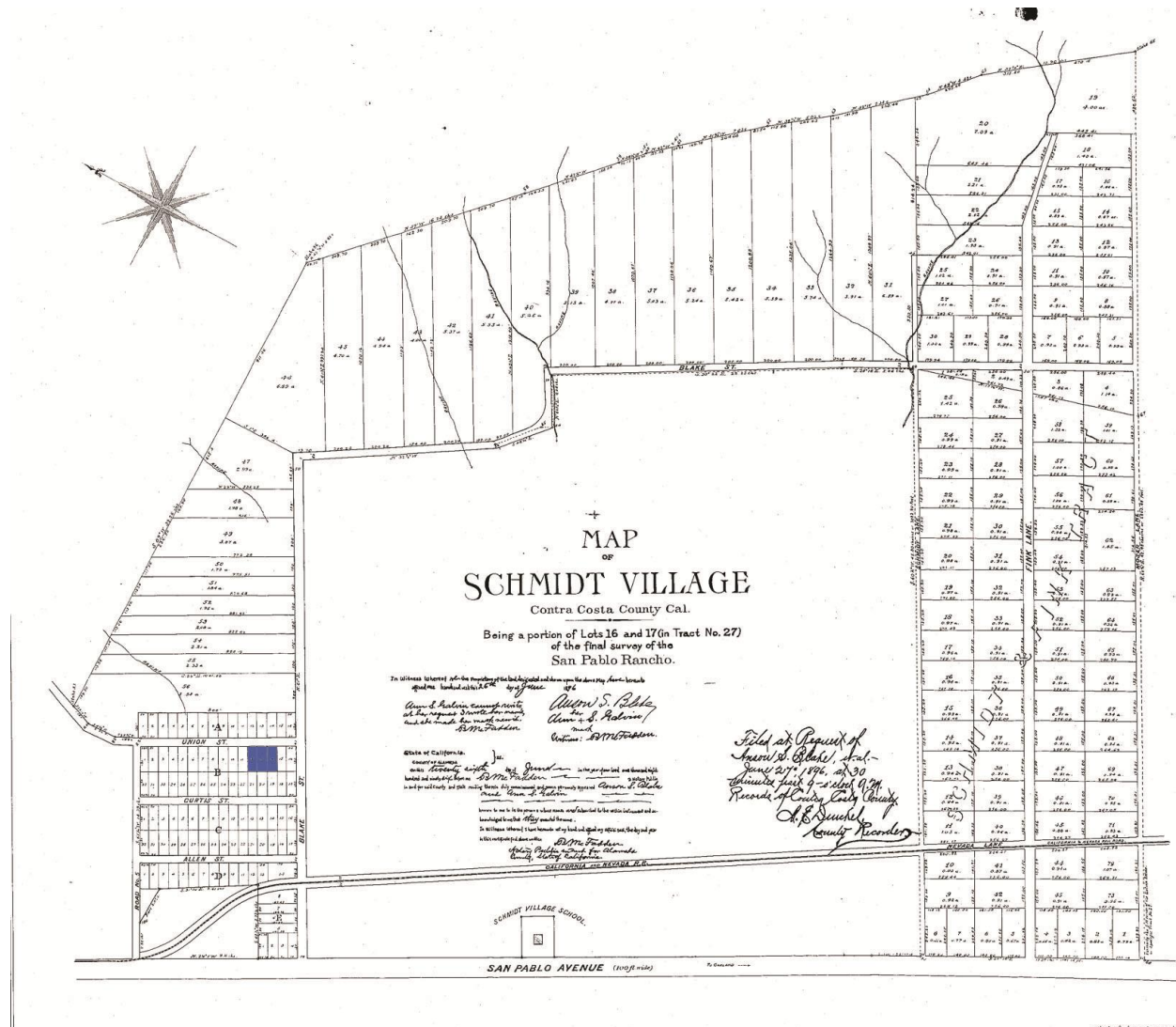


Figure 18. Map of Schmidt Village subdivision, 1896; subject property in blue
Source: Contra Costa County Assessor's Office and the El Cerrito Historical Society

Ambrose and Virginia Rodoni

Based on U.S. Census records, newspapers, and passenger lists, it can be established that Ambrose Rodoni was born in 1866 in Lombardy and that he immigrated to the United States in 1887 when he was 21 years old. The spelling of his name varied widely; according to the 1900 Census records his name was

¹² Contra Costa County Assessor's Office, as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 6.

¹³ Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 3.

spelled “Ambus Rodone.” In city directories and newspaper articles his surname was also commonly spelled “Rodini” and his first name “Ambrogio.” By 1920 he seems to have settled on “Ambrose Rodoni,” which is the spelling used in this HRE.

After immigrating to the United States, Rodoni made his way to California, where he worked at a lumber camp near Cazadero, in Sonoma County. There he met other Italian immigrants, including the three Bonnini brothers. The brothers apparently sent to Italy for their sister Virginia to travel to California to marry their friend Ambrose. Their first child, Mary, was born in November 1894 and the couple married shortly thereafter in 1895.¹⁴

The 1900 Census records Ambrose Rodoni as being 33 years old and employed as a farm laborer in Contra Costa County’s Township 7 (El Cerrito). According to the 1900 Census, Ambrose and Virginia had three children: an 18-year old son named Joseph, a 5-year-old daughter named Mary, and a 2-year-old daughter named Josie. Joseph, who had just arrived from Italy and was employed locally as a quarry worker, did not speak English. Mary and Josie were both born in California. If Joseph was actually Ambrose’s son, he must have been the offspring of an earlier marriage or relationship because he was only four years younger than his “mother,” Virginia and if his age is correctly noted on the Census schedules his father would have only been 15 when Joseph was born!¹⁵ More likely, Joseph was a relative who was sponsored by the Rodoni family and the Census enumerator did not understand the relationship.

According to the 1910 Census, Ambrose and Virginia had four more children – all sons: John (born 1902), Joseph (born 1903), Louis (born 1904), and Ernest (born 1907). In 1910, Ambrose, now 44 years old, worked at a nearby rock quarry. The Census schedules indicate that the family lived on Union Street, though no house number was given, indicating the still-rural character of El Cerrito.¹⁶

Aside from the house, not much is known about the earliest physical characteristics of the Rodoni property, primarily because there are no Sanborn maps dating back this far for this part of Contra Costa County. However, it is known that the Rodoni family purchased the adjoining lot to the south (Lot 14) in 1902.¹⁷ This purchase would have given them control over the unnamed creek and it was probably around this time that they built the stone walls to better-define its channel. Because this part of El Cerrito did not have municipal water until the 1940s, it is certain that the Rodoni family had a well and probably also a tank house by this time. A tank house, a typical feature of rural California during the late nineteenth and early twentieth centuries, was a two or three-story, wood-frame structure with a room below and a water tank made of wood staves above. Elevating the tank as high as possible above ground allowed stored water to be distributed with adequate water pressure.

The earliest graphic depiction of 1715 Elm Street can be found on the 1915 USGS map (**Figure 19**). The map plainly shows the Rodoni family’s house located just north of the unnamed creek that passes through their property. The map indicates that the surrounding area had been laid out in a semi-regular

¹⁴ Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 6.

¹⁵ U.S. Department of Commerce, Bureau of the Census, *Twelfth Census of the United States: Contra Costa County Supervisor’s District No. 1, Enumeration District 407, Sheet 2*.

¹⁶ U.S. Department of Commerce, Bureau of the Census, *Thirteenth Census of the United States: Contra Costa County Seventh Township, Enumeration District 172, Sheet 8*.

¹⁷ Contra Costa County Assessor’s Office, as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 6.

gridiron pattern of streets. Most of the surrounding area –identified as “Schmidt” on the map – remained rural, with very few other houses.

According to the 1915-16 *Richmond and Martinez City Directory*, the Rodoni family (spelled “Rodini”) lived on Union Street in Schmidville. Ambrose’s occupation was listed as “laborer” and Virginia kept house. Three children still lived at home, including John, a student; Josie, a box maker; and Mary, an inspector at the Pacific Cartridge Company. Subsequent city directories listed a revolving cast of family members living on and off at the property. Occupations of family members changed almost yearly.¹⁸ The 1920 Census lists Ambrose and Virginia in residence at Union Street, along with four of their sons: John (age 19), a wire painter at a cap works (explosives) factory; Joseph (age 17), a laborer at the same cap works factory; Louis (age 15); and Ernest (age 13). The Census schedules indicate that the property was mortgaged, suggesting that the family had borrowed against it to make improvements or to purchase additional property. In contrast to earlier Census schedules, the 1920 Census recorded that neither Ambrose nor Virginia could speak English.¹⁹

The 1922 City Directory was the earliest to list the Rodoni property by address (1509 Union Street). Throughout the early 1920s, John, Joseph, Louis, and Ernest continued to live at home with their parents, which at the time was customary for unmarried adult children. Like their father, they were all employed as laborers. By 1923, John, Joseph, and Louis were all employed by the Santa Fe Railroad as car builders in the company’s Richmond car shop. By 1926, John and Joseph had married and moved out of their parents’ house. Between 1926 and 1929, Ernest and Louis remained the only children living at home. According to City Directories, Ernest was employed as an upholsterer (probably in the Santa Fe Railroad’s car shop), and Louis as a carpenter. Ambrose continued to be listed as a laborer.²⁰ Because no employer was listed, he was likely a day laborer, meaning he worked informally on individual jobs for a variety of indi-



Figure 19. Section of 1915 USGS San Francisco North Quad showing the Rodoni house (indicated by small blue arrow)
Source: University of California Berkeley

¹⁸ R.L. Polk and Company, *Richmond and Contra Costa County Directory* (Oakland: various years).

¹⁹ U.S. Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: Contra Costa County Seventh Township – El Cerrito City, Enumeration District 17, Sheet 11*.

²⁰ R.L. Polk and Company, *Richmond and Contra Costa County Directory* (Oakland: various years).

viduals and not as an employee of a company.

Little Italy

The 1920 Census schedules reveal an increasing concentration of Italian immigrants in north-central El Cerrito, the area then known as “Schmidt” or “Schmidtville.” Whereas the 1900 and 1910 Census schedules revealed an astonishing amount of ethnic diversity in the area, by 1920 of 50 individuals, only six residents in the local area were not Italian or of Italian descent. Most were recent arrivals, many having immigrated to the United States within the previous decade. Nearly all heads-of-household and adult male children were employed as laborers in nearby factories or quarries, or as railroad workers employed by the Santa Fe Railroad. Contemporary newspapers began commenting on the large number of Italians in Schmidtville, and by the 1920s the area was known as “Little Italy.” The Italian community’s business district was centered at the intersection of San Pablo and Potrero avenues. Like Ambrose Rodoni, many came from Lombardy and nearly all were low or unskilled laborers employed by local industries in El Cerrito and nearby Richmond. Employers included several different quarries, Technical Porcelain and China Company (TEPCO), California Cap Works, Metropolitan Match Company, Stauffer Chemical Company, Vulcan Powder Works, the Santa Fe Railroad’s car shop, Standard Oil, and many other firms in the growing industrial belt of western Contra Costa County.²¹

Though most Italians were employed in industry, many apparently held on to aspects of their rural upbringing on weekends and evenings. Some local Italians, including the Rodoni family, pieced together plots of land where they could farm, raise animals, make wine, and can or pickle vegetables and fruit. In addition to preserving Italian folkways, such activities supplemented the resources available to people with meagre incomes.

Many members of El Cerrito’s Italian community were related. Indeed, many came from the same region of Lombardy, near Milan. El Cerrito’s Italians were famously close-knit and many immigrants never learned to speak English – they didn’t need to – most were employed in unskilled or low-skilled jobs where anything beyond rudimentary English was unnecessary. Furthermore, El Cerrito’s immigrant Italians were numerous enough that they could form their own self-contained society, where they could patronize their own businesses, attend their own churches (St. John the Baptist), and socialize at their own clubs (Italian Catholic Federation and the Galileo Club). Winemaking was a major hobby of El Cerrito’s Italian population, so much that streetcar conductors referred to the intersection of San Pablo and Potrero avenues as “Grappa Junction.”²² The name “Little Italy” seems to have adhered to this part of El Cerrito from the 1920s until the 1950s, when widespread suburbanization (which brought in hundreds of non-Italian residents), assimilation of the American-born offspring of Italian immigrants, and intermarriage between members of different ethnic groups, began to dissolve immigrant enclaves like El Cerrito’s Little Italy, and others like it across the United States.

Aside from a strip on either side of San Pablo Avenue, most of the Schmidtville area was still too sparsely developed to be included on the 1926 Sanborn maps for El Cerrito. According to the Contra Costa County Assessor’s records, Virginia and Ambrose Rodoni purchased a third lot – the adjoining lot to the north (Lot 12) – which enlarged the subject property to its present dimensions of 150’ x 130’.²³ As mentioned

²¹ Tom Panas, *Draft Historic Context Statement: City of El Cerrito* (unpublished manuscript located at the El Cerrito Historical Society, 2011), 53.

²² *Ibid.*, 55.

²³ Contra Costa County Assessor’s Office, as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 7.

previously, larger rural lots were still plentiful on the fringes of the urbanized core of the Bay Area during the early twentieth century. Even in subdivisions where lots measured only 25' wide, people would purchase multiple adjoining lots to provide space for a house, a small orchard or vineyard, pasture, and/or space for row crops (along with associated outbuildings). This trend, coupled with El Cerrito's late start toward development, perpetuated El Cerrito's semi-rural character well into the middle of the twentieth century. And in the years before widespread automobile ownership, these "weekend ranchers" could still easily commute to jobs in nearby cities via transit, including the East Shore & Suburban Railway, which ran from the Alameda/Contra Costa County line, along San Pablo Avenue, and then down MacDonald Avenue into downtown Richmond.

1930 Sanborn Map

The 1930 Sanborn Fire Insurance Company's 1930 map series for Richmond includes much of adjoining El Cerrito, including the subject property (**Figure 20**). This earliest known detailed depiction of the subject property shows conditions similar to what exist today. The map shows the Rodoni house at the center of the property, with the bulk of the other structures directly behind the house, suggesting that the outbuildings were constructed before the Rodoni family acquired the adjoining lots. Visible behind the house are a one-story garage, a tank house, a windmill, a well, and a one-story shed that appears to enclose a portion of the creek. The map indicates that the surrounding Schmidville/Little Italy district remained semi-rural, with only six houses on the west side of Union Street (now Elm Street) – only one more than had been shown on the 1915 USGS map. Nearly every residential property had a tank house, indicating that municipal water service had not yet arrived in this part of El Cerrito. Further away from San Pablo Avenue, the area was even more rural, with dairies, chicken ranches, and nurseries appearing on the 1930 Sanborn maps.

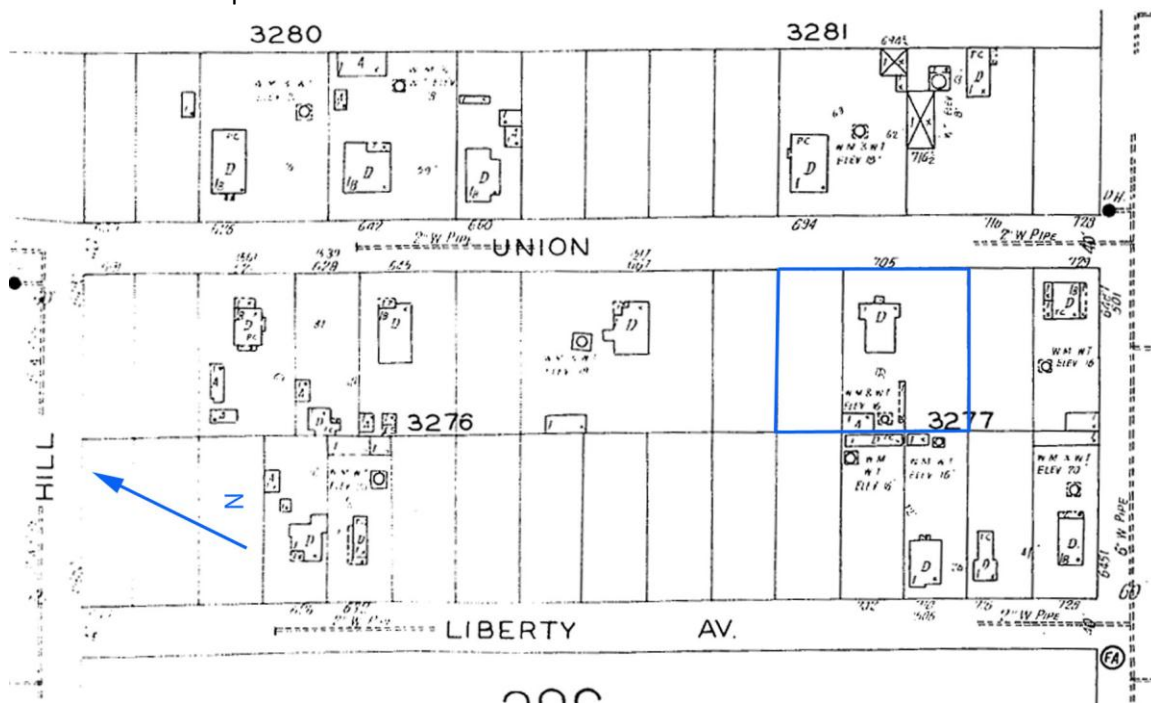


Figure 20. Section of Map 319, Sanborn Fire Insurance Maps, Richmond, California, 1930
Source: San Francisco Public Library; annotated by Christopher VerPlanck

Published the same year, the 1930 Census schedules reveal that all of the Rodoni children had moved out of the house, with the exception of Ernest (age 23), who was employed in construction. By this time both Virginia (age 54) and Ambrose (age 64) were retired. They owned their property free and clear, which at that time was valued at \$800. The 1930 Census schedules indicate that the Schmidtvile/Little Italy area remained largely Italian and Italian-American in origin. Of 50 individuals listed on Sheet 6B, only 13 did not have Italian surnames.²⁴

In 1940, City Directories indicate that the address of the property had changed to 1715 Union Street. The 1940 Census schedules indicate that Ambrose (age 73) continued to live at 1715 Union Street. Virginia Rodoni had died in 1938 at the age of 62.²⁵ Living with Ambrose was his son Louis (age 35), a railroad worker. The property was valued at \$1,000, about average for the neighborhood. The 1940 Census schedules indicated that only four out of the total 15 heads of household had non-Italian surnames, indicating that the ethnic character of Little Italy continued to persist despite the influx of war workers from across the nation during the late 1930s.²⁶

Building records indicate that there were very few, if any, changes made to the Rodoni property between 1897 and 1940, except for the construction of two small additions at the rear of the house and possibly the garage, ca. 1930. Ca. 1944, Louis Rodoni married a woman with two daughters from a previous marriage. To house his new family, Louis remodeled the interior of the house, installing a new kitchen, a new front door, and carpeting throughout the main floor level. The property was also hooked up to municipal water for the first time.²⁷ In 1949, Ernest Rodoni, recently divorced from his wife, moved back to the family home. To house Ernest and his new wife Yolanda, a portion of the basement was remodeled into living quarters.²⁸

1951 Sanborn Map

The 1951 Sanborn maps show few changes to the Rodoni property since the 1930 Sanborn maps had been published (**Figure 21**). The maps of the surrounding area do indicate that suburbanization had begun to overtake El Cerrito, including most of the Schmidtvile/Little Italy area. For the most part, the remaining ranches and nurseries were confined to foothills of the Berkeley Hills. In contrast, most of the level land near San Pablo Avenue had sprouted hundreds of single-family homes. Indeed, the 1951 Sanborn maps indicate that the majority of the small ranches shown on the 1930s maps had been replaced with post-war tract houses. Of the older houses that remained, most sat on smaller lots, indicating that their lots had been subdivided. In addition, most of the tank houses, windmills, stables and other typical rural outbuildings had been demolished. In contrast to its neighbors, 1715 Elm Street remained a rural holdout, with its large lot, tank house, and agricultural activities all in place.

²⁴ U.S. Department of Commerce, Bureau of the Census, *Fifteenth Census of the United States: Contra Costa County Seventh Township – El Cerrito City, Enumeration District 7-22, Sheet 6B*.

²⁵ Virginia Perata as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 7.

²⁶ U.S. Department of Commerce, Bureau of the Census, *Sixteenth Census of the United States: Contra Costa County El Cerrito, Enumeration District 232, Sheet 9A*.

²⁷ Contra Costa County Assessor's Office, as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 8.

²⁸ Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 8.

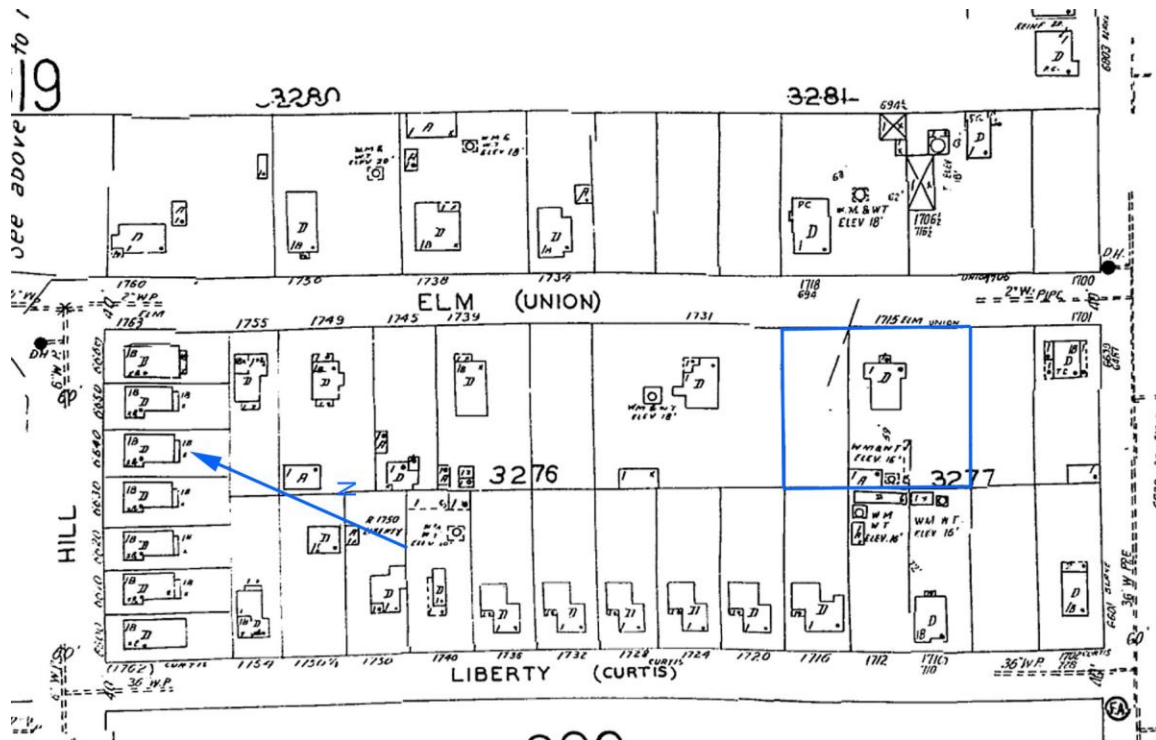


Figure 21. Section of Map 319, Sanborn Fire Insurance Maps, Richmond, California, 1951

Source: San Francisco Public Library; annotated by Christopher VerPlanck

In 1956, Ambrose Rodoni conveyed 1715 Elm Street to his son, Louis Rodoni. That following year, in the summer of 1957, he died at the age of 90. According to his children, Ambrose lived most of his life in El Cerrito's Little Italy without ever learning English. Instead, he communicated with his friends and family in his own Lombard dialect or with non-Italians in broken English.²⁹ The fact that Rodoni never had to learn English attests both to the high concentration of Italians in this part of El Cerrito, as well as the strength and resilience of the Italian culture.

Until he retired in 1969 at the age of 65, Louis Rodoni worked at the Santa Fe Railroad's car shop in Richmond. Prior to his retirement, Louis does not seem to have made any significant changes to the Rodoni property, though the house's windows were replaced with aluminum sliders probably sometime in the late 1960s. When the Contra Costa County Assessor visited the property in 1968, the tank house and windmill were both still standing. They were probably demolished not long after and the well house constructed from materials salvaged from the tank house. At some point in the 1970s or 1980s, Louis built the existing metal-frame and fiberglass shed. Between his retirement in 1969 and his death in 2002, Louis grew vegetables and fruit on the property – selling some from a roadside stand on Elm Street. He also grew grapes for winemaking.³⁰ Louis Rodoni died in 2002 at the age of 98. The property was inherited by his two step-daughters, who conveyed it to Lincoln Trust Company of Fairfield, California. Lincoln Trust planned to clear the site and construct condominiums on the property. In 2003, Eddie Biggs Development acquired the property to build condominiums.

²⁹ Arline Rodini, as cited in Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 8.

³⁰ Ibid.

C. Summary of Alterations for 1715 Elm Street

Building records are scarce for 1715 Elm Street. There is no original building permit for the house or any of the other structures on the site. The earliest permits on file for the property, which date to 1907 and 1912, probably record the construction of the two small shed-roofed additions at the rear of the house. Permit applications from the 1940s indicate that the Rodoni family completed an interior remodel, which included a new kitchen, carpeting, and other unspecified changes to the first floor level of the house. In 1949, the Rodonis converted the rear portion of the basement into living quarters for Ernest Rodoni. The most substantial alterations took place after 1968, when the original wood windows were replaced with aluminum sliders and the tank house and windmill demolished. During the 1970s a new well house was built above the well; it appears to have been built out of materials salvaged from the tank house. Louis Rodoni built a fiberglass-clad shed at an unknown date between the house and the garage.

D. Chain of Title for 1715 Elm Street

Document Reference	Date	Grantor	Grantee
Contra Costa County Assessor: Grant	1897	George Schmidt	Ambrose Rodoni (Rodone) Lot 13, Block B, Schmidt Village Tract
Contra Costa County Assessor: Inter-spousal Transfer	September 1897	Ambrose Rodoni	Virginia Rodoni Lot 13, Block B, Schmidt Village Tract
Contra Costa County Assessor: Grant	1902	George Schmidt	Ambrose and Virginia Rodoni Lot 14, Block B, Schmidt Village Tract
Contra Costa County Assessor: Grant	1924	Unknown	Ambrose and Virginia Rodoni Lot 12, Block B, Schmidt Village Tract
Contra Costa County Assessor: Inter-spousal Transfer	1926	Virginia Rodoni	Ambrose Rodoni Lots 12 and 14, Block B, Schmidt Village Tract
Contra Costa County Assessor: Final Distribution	1938	Virginia Rodoni	Ambrose Rodoni Lot 13, Block B, Schmidt Village Tract
Contra Costa County Assessor: Gift	1956	Ambrose Rodoni	Louis Rodoni Lots 12, 13, & 14, Block B, Schmidt Village Tract
Contra Costa County Assessor: Final Distribution	2002	Louis Rodoni	Heirs of Louis Rodoni
Contra Costa County Assessor: Grant	2002	Heirs of Louis Rodoni	Lincoln Trust
Contra Costa County Assessor: Deed	2003	Lincoln Trust	Eddie Biggs Development

VII. Evaluation of Historical Status

VerPlanck Historic Preservation Consulting evaluated 1715 Elm Street to determine if it is individually eligible for listing in the California Register of Historical Resources (California Register), which is the threshold for determining whether a property is a historical resource under Section 21084.1 of the California Environmental Quality Act (CEQA). As mentioned in the Introduction, Michael Corbett evaluated the property for eligibility in 2006. He concluded that the property was eligible for listing under California Register Criterion 1 (Events) for its association with the history of early El Cerrito, as the third-oldest dwelling in the city, as well as a property associated with the now-vanished community of “Little Italy.” The period of significance is 1897 (the date of construction of the Rodoni house) until 1956, “when Little Italy began to be merged into the larger community.”³¹ Corbett did not find the property eligible under Criterion 2 (Persons). He did not evaluate it for significance under Criterion 3 (Design/Construction) or Criterion 4 (Information Potential). The following evaluation is our own independent analysis based on our own research and conclusions informed by the primary research in Corbett’s report.

A. California Register of Historical Resources

The California Register is an authoritative guide to significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. These include properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The eligibility criteria used by the California Register are closely based on those developed by the National Park Service for the National Register of Historic Places (National Register). In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources that are associated with the lives of persons important to local, California, or national history.

Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

Michael Corbett’s evaluation was prepared at the request of Douglas Herring & Associates and not the City of El Cerrito, the property owner, or other local body. It has not been submitted to the Northwest Information Center at Sonoma State University, the local repository of the California Historical Resources Information System. As such the property has not been assigned a California Register Status

³¹ Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 1.

Code. In the following sections VerPlanck Historic Preservation Consulting examines the property under each of the four criteria and then assesses its integrity under the seven aspects utilized by the California Register.

Criterion 1 (Events)

As mentioned above, Michael Corbett concluded in his 2006 report that 1715 Elm Street appears eligible for listing in the California Register under Criterion 1. The following section is extracted from Corbett's report:

Under criterion 1, the Rodoni property "is associated with events that have made a significant contribution to the broad patterns of local...history." The property is one of the few surviving elements of the pioneer period of El Cerrito before 1907. As such, it represents an important era in the development of the city. The property represents the formative stage in the development of El Cerrito, when the land was surveyed but few people lived on it. As El Cerrito grew, the old landscape represented by this property almost completely disappeared. The Rodoni property, with its large parcel of three lots and its large garden/small farm character is an exemplary representative of this era.

The property also represents the ethnic history of El Cerrito. The Rodoni family, which began developing the property in 1897, and occupied it until Louis Rodoni died in 2002, were Italian. The first generation, Ambrose and Virginia came from Italy in 1887 and about 1893, respectively. Their six children grew up in the house. Most moved out as they married; Louis, who married late, stayed in the house his whole life. Ambrose and Virginia only spoke Lombard, an Italian dialect from the region around Milan. The children spoke a form of their parent's (sic) language and English, having attended local schools.

As many attempted, the family recreated a piece of Italy in El Cerrito with its gardens and fruit trees and running water. For decades, the children and grandchildren returned weekly for meals largely made from the garden. The family made its own wine and canned fruit in the basement.

In the place they created and in the lives they lived, the family belonged to the El Cerrito community of Little Italy, an area more or less between Hill and Potrero streets and from San Pablo Avenue eastward for a few blocks. Located within this area, the family had friends in the neighborhood, including Virginia's family, the Boninni's through their back fence at 1710 Liberty Street. They shopped on San Pablo and socialized in the neighborhood.

As part of the Little Italy community, the Rodoni's were typical Italians in their work. Like many, Ambrose and one of his sons worked in local quarries. Ambrose also described himself in census records and directories as, variously, a farm laborer, a carpenter, and a laborer. His jobs and many of the jobs of his sons were described by the census as "working on own account" – they were not employees but self-employed day laborers. In this way, their working lives represented their status as immigrants at the bottom of the social and economic hierarchy. In the second generation, like other Italians,

Louis and his brothers sought and generally achieved employment positions in big companies with more security and better pay.

A distinctive aspect of this property is the link that can be made between the people who lived there and the work they did as Italian immigrants. While written records are rarely if ever available to prove such things, it is highly probable that Ambrose himself, as a quarry worker, built the stone walls that line the creek. He and his sons previously also made most of the improvements to the property. Altogether, the property represents the community of Little Italy in El Cerrito.

The property is significant from 1897 when Ambrose and Virginia Rodoni bought the property and built the house. It ends in the 1950s when Little Italy declined as a distinctive cultural entity and merged into the larger community. For simplicity in a situation where any particular year would be arbitrary, we will say that the period of significance ends in 1956, fifty years ago.³²

We concur with Corbett's argument that 1715 Elm Street appears eligible for listing in the California Register under Criterion 1, as a very early residential property in the city and as a property closely associated with El Cerrito's Little Italy. 1715 Elm Street is clearly a rare remnant of El Cerrito's pioneer period, which ends in 1906. As a community that got such a late start because of uncertainty over Rancho San Pablo land titles, El Cerrito has very few nineteenth-century buildings. According to the Contra Costa County Assessor, there are only four buildings in the city with construction dates preceding 1900, including: 6606 Schmidt Lane (1895), 7127 Blake Street (1896), 1715 Elm Street (1897), and 1332 Navellier Lane (1898). If these construction dates are accurate, 1715 Elm Street is the third-oldest building in El Cerrito. Furthermore, Assessor parcel data indicates that there are only seven more extant buildings in El Cerrito built between 1900 and 1906, meaning that there are only 11 known properties in El Cerrito dating from the city's pioneer period.

We also agree that 1715 Elm Street is significant for its association with El Cerrito's Little Italy, a once-thriving immigrant enclave centered at the intersection of San Pablo and Potrero avenues. Prior to the Second World War, Little Italy consisted of around 100 houses east of San Pablo Avenue, between Hill Street to the north and Schmidt Lane to the south. Its commercial district was centered on San Pablo Avenue, with several other businesses located along Potrero Avenue. A tight-knit community of mostly Lombard-speaking immigrants, many of whom worked at low-skilled jobs in local quarries and other industries, Little Italy had its own shops, churches, and social organizations. El Cerrito's Italian immigrants did not need to learn English – though some did – and most continued to live according to their own cultural norms and traditions, including growing much of their own fruit and vegetables, as well as winemaking. Little Italy thrived from around 1920 until the early-to-mid-1950s, when accelerating suburban development essentially crowded out and absorbed the remnants of the formerly semi-rural community. Today there are few physical remnants of El Cerrito's Little Italy.

³² Michael Corbett, *Historic and Architectural Assessment of the Rodoni Family Property, 1715 Elm Street, El Cerrito* (Berkeley, CA: 2006), 12-13.

Criterion 2 (Persons)

We also concur with Michael Corbett's findings that 1715 Elm Street does not appear eligible for listing in the California Register under Criterion 2. Corbett writes: "Although the Rodonis were long-time residents of El Cerrito and its Little Italy community, none meet the guidelines for individually significant persons, as discussed in *National Register Bulletin 15*."

VerPlanck Historic Preservation Consulting researched local newspapers and census records to confirm that no members of the Rodoni family were important to local, California, or national history. Though active members of their community – and Louis Rodoni was well-known locally for his lush gardens and farm stand – the Rodonis did not appear to have played an important role in local, regional, or state culture, politics, or any other area that would qualify the property under Criterion 2.

Criterion 3 (Design/Construction)

Michel Corbett did not evaluate 1715 Elm Street for eligibility for listing in the California Register under Criterion 3. VerPlanck Historic Preservation Consulting evaluated the property as a cultural landscape, as well as the Rodoni house for eligibility under this criterion. In the sections below we have separated our analysis into two categories: the property as a whole and the Rodoni House itself.

Rodoni Property

As a rare remnant of El Cerrito's rural past, 1715 Elm Street is best understood as a vernacular cultural landscape. According to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, a historic vernacular cultural landscape is:

A landscape that evolved through use by the people whose activities or occupancy shaped it. Through social or cultural attitudes of an individual, a family, or a community, the landscape reflects the physical, biological, and cultural character of everyday lives. Function plays a significant role in vernacular landscapes. This can be a farm complex or a district of historic farmsteads along a river valley. Examples include rural historic districts and agricultural landscapes.³³

Though many manmade sites may fall within the category of a vernacular cultural landscape, in order to be eligible for listing in the California Register under Criterion 3, it "must embody the distinctive characteristics" of a type or a period. Approaching the property from either side, the Rodoni property clearly stands out from its postwar suburban context. The unexpected break in the street wall announces that there is something different about 1715 Elm Street. Upon closer examination, the property bears the distinctive hallmarks of a small ranch or farm, with its once carefully tilled ground and irrigation system, its well house and other outbuildings, its untended fruit trees and grape arbors, and its stone-bound creek. The only elements missing from the property that would enhance its value as a historic cultural landscape are the tank house and windmill (both demolished after 1968). Consultation with the El Cerrito Historical Society has failed to reveal any properties comparable to 1715 Elm Street in El Cerrito with the exception of 1332 Navellier Lane, another pioneer-era dwelling surrounded by agricultural land and open space at the base of the Berkeley Hills, less than a mile away from the subject property.

³³ U.S. Department of Interior, National Park Service, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (Washington, D.C.: 1996), 5.

Rodoni House

In terms of its design, the Rodoni house is a hybrid of two different common vernacular housing types commonly built in the East Bay between 1890 and 1910 – the Queen Anne Cottage and the Neoclassic Rowhouse. Mostly it is a basic Queen Anne Cottage, with its angled bay window, shingled gables, and turned porch posts. The Oakland Planning Department's 1978 publication *Rehab Right* describes this type, which is illustrated in **Figure 22**:

The Queen Anne Cottage is a one-story building practically consumed by an oversized gable. A veritable billboard for textural effect, the ornate gable may be clothed in decorative shingles, framed with intricate bargeboard, pierced by flashed glass windows, stamped with a sunburst, and topped with a proud finial. A less elaborate gable might only have scalloped shingles, a perimeter of dentils, and a modest topknot.³⁴

In regard to its façade organization and its ornament, the Rodoni house is a modest example of a Queen Anne Cottage, though it is not nearly as ornate as its typical urban counterparts.

With its hipped roof and modest detailing, the Rodoni house also displays some characteristics of the Neoclassic Rowhouse style, another common vernacular housing type in the East Bay. It is described in *Rehab Right* as “a one-story house on a raised foundation, with a hipped roof and dormer window”³⁵ (**Figure 23**). 1715 Elm Street does share some superficial characteristics with the prototypical Neoclassic Rowhouse, especially its pronounced hipped roof, chamfered bay window, and lack of extraneous ornament. This type only began to become popular around 1895 and its form may have only tangentially influenced the builder of 1715 Elm Street. There are many examples of this later building type in El Cerrito, though if they have any ornament at all it is either Classical or Craftsman in origin and not Queen Anne.

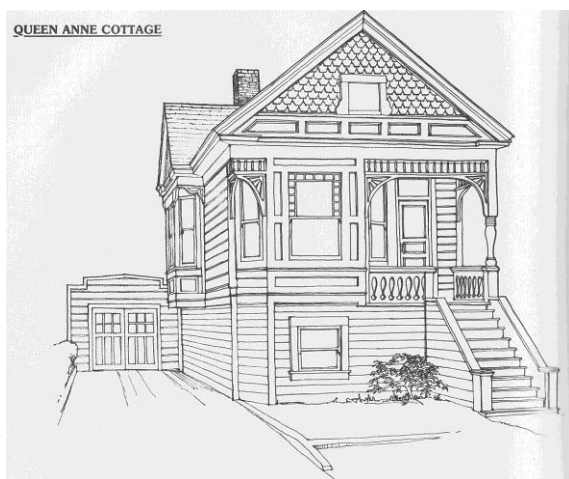


Figure 22. “Queen Anne Cottage,” from *Rehab Right*
Source: Oakland Planning Department



Figure 23. “Neoclassic Rowhouse,” from *Rehab Right*
Source: Oakland Planning Department

³⁴ City of Oakland Planning Department, *Rehab Right* (Oakland: City of Oakland, 1978), 12.

³⁵ *Ibid.*, 19.

In summary, the Rodoni house does not appear to be a particularly *distinctive* example of a recognizable building type. To qualify for listing in the California Register, it should be a *distinctive* example, or other words, different from other comparable examples. In our opinion, the Rodoni house is a hybrid type that does not embody the distinctive characteristics of a particular type, period, or method of construction. Similarly, as a house that was built cheaply, practically, and probably by its owner, the Rodoni house does not appear eligible under Criterion 3 either as the “work of a master” or as a resource that “possesses high artistic value.”

Criterion 4 (Information Potential)

Criterion 4 typically refers to archaeological resources. Though archaeological investigation is beyond the scope of this report, the California Historic Resources Information System does not report any archaeological resources on the subject property or within its immediate vicinity. However, as a former agricultural property it is to be expected that historic-period features and materials may be present. In addition, prehistoric Ohlone settlements were often located near creeks in the San Francisco Bay Area. It is possible that Native American artifacts could be present on the site.

B. Integrity

To be eligible for listing in the California Register a property must not only be demonstrated to be significant under the eligibility criteria, it must also retain integrity. Similar to the National Register, the California Register recognizes seven aspects, or qualities, that, in various combinations, define integrity. To retain integrity, a property must possess several, and usually most, of the aspects, which are described below:

Location: The place where the historic property was constructed or the place where the historic event occurred.

The Rodoni property remains in the same location that it was developed. Therefore it retains integrity of “location.”

Design: The combination of elements that create the form, plan, space, structure, and style of a property.

Rodoni Property

The Rodoni property retains its historic layout, with the house at the center, the creek separating the house from the southern third of the property, fruit trees along the south side of the house and along the western fence line, and most of the rest of the property set aside for row crops and viticulture. The relationship of the house to the creek, the garage, and to the areas formerly cultivated is reflective of the essential spatial characteristics associated with this property type – a small California ranch dating to the late nineteenth/early twentieth centuries. Several structures have been demolished and others built since the period of significance, including the tank house and windmill, which were both demolished after 1968. The well house appears to have been built from materials salvaged from the demolished tank house. It was built after the period of significance and is therefore a non-contributing feature. The fiberglass shed, which probably dates to the 1970s or 1980s, is also a non-contributing feature, but as Michael Corbett points out: “Although technically non-contributing....they (the well house and the shed) maintain the general character of the yard as a place with small, secondary buildings.”

Rodoni House

The Rodoni house has undergone several incompatible alterations, chief among them the replacement of the original wood windows with aluminum sliders ca. 1969. As part of this work the window openings appear to have been changed to match the standardized window sizes and, possibly, the historic Victorian window trim removed. It is not certain that it had decorative window trim but even a simple rural Queen Anne dwelling such as this would likely have had decorative millwork surrounding the doors and windows, at least on the primary façade. The insertion of the off-the-shelf aluminum windows likely required resizing the original window openings, and this may have resulted in the window trim being removed and replaced with the plain wood moldings that exist today. The changes to the interior and the replacement of the front door occurred within the period of significance and therefore do not reflect a diminishment of integrity.

In summary, the Rodoni house and property have undergone alterations that diminish their integrity. Nonetheless, both still retain the majority of their original form, plan, space, structure, and the property is quite recognizable as a rural property type from its period of significance. Therefore, the property and house retain integrity of “design.”

Setting: The physical environment of a historic property.

The area surrounding the Rodoni property has undergone tremendous change between 1897, when the house was first built, and 1956, the end of the period of significance. However, the majority of those changes occurred during the period of significance, including the transformation of the surrounding blocks from small ranches and older homes into postwar suburban tracts. Since 1956, some remaining semi-rural holdouts were redeveloped with multi-family housing (particularly across the street), but though the surrounding properties are much denser than the subject property, most are similarly low-scale and do not radically impair the property’s setting. The property therefore retains integrity of “setting.”

Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Similar to the aspect of design, the primary impacts to materials including the demolition of the tank house and windmill after 1968 and the replacement of the Rodoni house’s wood windows with aluminum around the same time. Otherwise, the historic materials of the property and the house are all still present. On balance the Rodoni property retains integrity of “materials.”

Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

The Rodoni house and the other outbuildings are all built of simple “off-the-shelf” materials assembled by hand on-site. Examples of skilled workmanship include the exterior finishes of the house (including the decorative shingle patterns). The stone walls of the creek bed, though very simple are dry-laid without any mortar; they form another example of workmanship on the Rodoni property. The Rodoni property retains integrity of “workmanship.”

Feeling: The expression of the aesthetic or historic sense of a particular period of time.

Though the Rodoni property is missing its historic tank house and windmill, and has been untended for a decade, the property still clearly conveys its historic purpose and use. Family members and visitors from the period of significance would have no trouble recognizing the property – a standard test of the aspect of feeling. The Rodoni property retains integrity of “feeling.”

Association: The direct line between an important historic event or person and a historic property.

The Rodoni property is possibly the best remaining example of a residential property in El Cerrito that represents the history of the city’s once-thriving Little Italy neighborhood and as a rural, agricultural property from the Pioneer Period of El Cerrito. The property retains integrity of “association.”

Summary

Based on the analysis in this HRE, 1715 Elm Street appears eligible for listing in the California Register under Criterion 1 (Events) and Criterion 3 (Design/Construction). It does not appear eligible for listing under Criterion 2 (Persons). Evaluation under Criterion 4 (Information Potential) is beyond the scope of this report.

VIII. Evaluation of Project-specific Impacts

This section analyzes the historic status of the subject property and the impacts of the proposed project on the historic resource. The project description is derived from architectural and landscape plans prepared by LCA Architects titled “Elm Street Condominiums,” dated August 23, 2013.

A. Project Description

The proposed project would create a total of 15 residential units on the 18,465 square-foot property. The Rodoni house would be relocated to the southwest corner of the property and rehabilitated as a two-bedroom residential unit. The remaining 14 units, comprising three one-bedroom units and 11 two-bedroom units, would be located within a new three-story, concrete-podium, wood-frame building that would occupy the northern two-thirds of the site. The new structure would have a 15-space parking garage, bicycle parking, trash and recycling, one one-bedroom unit, and one two-bedroom unit on the first floor level; and one one-bedroom unit, and five two-bedroom units on both the second and third floor levels. Vehicular access to the garage would be provided by a new driveway off Elm Street. The new building would be set back 10’ from the adjoining property to the north, 15’ from the properties to the west, and 13’-7” from the relocated Rodoni house. In terms of its design, the new building would be designed in a contemporary version of the Craftsman style, with a false gable roof and extruded gable-roofed pavilions, cement fiberboard siding designed to imitate wood siding, double-hung vinyl windows with fiber cement trim designed to imitate wood windows and trim, and Craftsman-style wood trellises to shelter the garage entrance, the main pedestrian entrance, and the terrace.

The Rodoni House would be rehabilitated in compliance with the Secretary of the Interior’s Standards. The existing wood siding, shingles, and trim would be retained and preserved prior to repainting. A new wood door would replace the existing 1940s-era door. In addition, the non-historic aluminum sliders would be replaced with double-hung wood windows in keeping with what was used originally. The existing porch and other decorative trim on the primary façade would be retained and preserved prior to

repainting. The non-historic porch on the rear elevation would be demolished and replaced with a new porch and stair. The existing asphalt shingle roofing would be retained. The interior of the dwelling, which retains little historic integrity, would be reconfigured and refinished.

Landscaping, consisting of turf, trees, and shrubs, and hardscape features, would be used to enhance the unbuilt portions of the site. Street trees, including pear and southern magnolia, would line the eastern property line in front of the new building. Screen trees, including bay laurel and fruiting olive, would line the north, west, and a portion of the south property lines. A turf lawn surrounded by a concrete walkway would occupy the southeast corner of the site, in front of the Rodoni House. The area surrounding the lawn would feature edible herb planting beds and fruit trees, including lemon, kumquat, persimmon, dwarf apple, apricot, and plum. A pair of flowering accent trees would flank the entrance to the restored Rodoni house. Various native and exotic shrubs, including manzanita, camellia, California lilac, coffeeberry, Mexican sage, and others would be used throughout the site. Hardscape features would include several outdoor patios, walkways, and the restored creek. A decomposed granite patio with raised herb beds would be built along the east side of the property, just north of the creek channel. A brick-paved walkway would be located between the patio/herb garden and the new building. A wood-plank bridge would connect the brick walkway with the turf lawn and concrete walkway in front of the Rodoni House. The stone-lined creek channel that runs through the site today would be retained and preserved as part of the project's landscape.

B. Status of Existing Property as a Historical Resource

According to Section 15064.5 (a) of CEQA, a "historical resource" is defined as belonging to at least one of the following three categories:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.);
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).

As mentioned previously, the 1715 Elm Street property does not have any formal historic status according to the California Historical Resource Information System. In addition, the City of El Cerrito does not maintain an official register of historical resources. This HRE finds the Rodoni property eligible for listing

in the California Register under Criterion 1 and 3. If the lead agency (the City of El Cerrito) concurs with the findings of this report, the property would be a historical resource under Section 15064.5 (a) of CEQA.

C. Determination of Significant Adverse Effect under CEQA

According to CEQA, a “project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.”³⁶ Substantial adverse change is defined as: “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.”³⁷ The significance of an historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register...as determined by a lead agency for purposes of CEQA.”³⁸

D. Analysis of the Project for Compliance with the Secretary of the Interior’s Standards

The *Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (the Rehabilitation Standards and the Guidelines, respectively) provide guidance for reviewing work to historic properties.³⁹ Developed by the National Park Service for reviewing certified rehabilitation tax credit projects, the Standards have been adopted by local government bodies across the country for reviewing proposed work on historic properties under local preservation ordinances. The Rehabilitation Standards are a useful analytic tool for understanding and describing the potential impacts of changes to historical resources.

Conformance with the Rehabilitation Standards does not determine whether a project would cause a substantial adverse change in the significance of a historical resource under CEQA. Rather, projects that comply with the Standards benefit from a regulatory presumption that they would have a less-than-significant adverse impact on a historical resource.⁴⁰ Projects that do not comply with the Rehabilitation Standards may or may not cause a substantial adverse change in the significance of an historical resource and would require further analysis to determine whether the historical resource would be “materially impaired” by the project under *CEQA Guidelines* 15064.5(b).

Rehabilitation is the *only* one of the four treatments outlined in the Standards (the others are Preservation, Restoration, and Reconstruction) that allows for the construction of an addition or other alteration to accommodate a change in use or program.⁴¹ The first step in analyzing a project’s compliance with the Rehabilitation Standards is to identify the resource’s character-defining features, including charac-

³⁶ CEQA Guidelines subsection 15064.5(b).

³⁷ CEQA Guidelines subsection 15064.5(b)(1).

³⁸ CEQA Guidelines subsection 15064.5(b)(2).

³⁹ U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, 1992. The *Standards*, revised in 1992, were codified as 36 CFR Part 68.3 in the July 12, 1995 Federal Register (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled *The Secretary of the Interior’s Standards for Historic Preservation Projects*. The 36 CFR 68.3 *Standards* are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of *Standards*, 36 CFR 67.7, focuses on “certified historic structures” as defined by the IRS Code of 1986. *The Standards* in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two sets of *Standards* vary slightly, but the differences are primarily technical and non-substantive in nature. The *Guidelines*, however, are *not* codified in the Federal Register.

⁴⁰ CEQA Guidelines subsection 15064.5(b) (3).

⁴¹ *Ibid.*, 63.

teristics such as design, materials, detailing, and spatial relationships. Once the property's character-defining features have been identified, it is essential to devise a project approach that protects and maintains these important materials and features – meaning that the work involves the “least degree of intervention” and that important features and materials are safeguarded throughout the duration of construction.⁴² It is critical to ensure that new work does not result in the permanent removal, destruction, or radical alteration of any significant character-defining features.

It is important to note that the Rehabilitation Standards do not prevent modifications or limited alteration of historic structures or landscape features. The Rehabilitation Standards do allow for the modification of historic structures and landscapes where necessary, so long as the material integrity of the property is not permanently impaired.

The following paragraphs evaluate the proposed project for compliance with each of the ten Rehabilitation Standards. For aspects of the project that may impact landscape features, we apply the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. Where the proposed project complies with the Standard in question, we summarize the beneficial or neutral impacts for the project as a whole. Where the proposed project does not comply, we have broken down the analysis into subsections corresponding to each component of the project (relocation and rehabilitation of the Rodoni House and new construction on the balance of the site) because in many cases only one of the components of the proposed project may fail to comply with a given Rehabilitation Standard.

Rehabilitation Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The proposed project would convert a single-family residential property with agricultural ancillary uses into a multiple family residential property. Although residential use is not by itself incompatible with the subject property, the introduction of a new multi-family residential building would result in the destruction of the former vernacular cultural landscape, resulting in substantial changes to its distinctive materials, features, spaces, and spatial relationships.

In summary, the proposed project does not comply with Rehabilitation Standard 1.

Rehabilitation Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.

The proposed project, which would relocate the Rodoni house and replace the existing vernacular cultural landscape on the northern two-thirds of the property with a new residential building, would unquestionably alter the existing spatial relationships of the Rodoni property. However, the two most important historic features of the property, the Rodoni house and the stone-lined creek channel, would be retained and restored, significantly reducing the project's effects on historic materials or features.

⁴² Ibid.

Rodoni House

The relocated Rodoni House would be rehabilitated as part of the proposed project. Its exterior would be restored to its appearance during the period of significance. No distinctive materials or features would be removed from the building.

Rodoni Property

The proposed project would relocate the Rodoni house from its original location at the center of the property to its southwest corner. The Rehabilitation Guidelines discourage “Removing or relocating historic buildings on a site or in a complex of related historic structures – such as a mill complex or a farm – thus diminishing the historic character of the site or complex.”⁴³ On the other hand, the California Register Guidelines do not discourage relocating a California Register-eligible property if it will prevent its demolition.⁴⁴ Though relocating the house would alter the property’s spatial relationships, the Rodoni house would remain on the property, maintaining an important historical nexus. Furthermore, its already compromised setting would be enhanced by compatible landscaping consisting of flowering fruit trees and other species characteristic of the property during the period of significance. The Rodoni house would be the only structure on the southern third of the property and it would be separated from the new building by the restored historic creek channel, giving it a natural buffer. Though it would be set back farther from the street than it is now, this configuration is not uncommon for properties of this type. In rural and once-rural parts of Contra Costa County like El Cerrito, older farm houses like the Rodoni house were sometimes placed at the rear of the property in order to free up space for a garden or barn at the front of the property.

In summary, the proposed project substantially complies with Rehabilitation Standard 2.

Rehabilitation Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The proposed project would not add any elements that would create a false sense of historical development. Nor would it add any conjectural features or elements from other historic properties. The project drawings indicate that the non-historic aluminum slider windows and wood door would be replaced with compatible counterparts. Though what is depicted on the drawings appear compatible, best practice should entail both a) examining physical evidence inside the walls of the Rodoni house to determine the original extent of the windows, and b) searching local archives for a historic photograph to determine exactly what type of windows and doors were originally used. If physical evidence is inconclusive or historic photographs are not available, it would be acceptable to examine comparable, intact properties built during the same period as the Rodoni house to inform the appearance of the replacement windows.

Provided that these steps are taken, the proposed project would comply with Rehabilitation Standard 3.

⁴³ U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (Washington, D.C.: 1995), 102.

⁴⁴ California Department of Parks and Recreation, Office of Historic Preservation, *California Office of Historic Preservation Technical Assistance Series #6: “California Register and National Register: A Comparison* (Sacramento: 2001), 3.

Rehabilitation Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

None of the changes that occurred after the end of the period of significance – the well house, shed, and addition of aluminum windows to the Rodoni house – have gained significance in their own right. Their demolition would not adversely affect the property.

In summary, the proposed project complies with Rehabilitation Standard 4.

Rehabilitation Standard 5: Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

According to the project drawings, the exterior of the Rodoni house would be restored to its historic appearance. All historic siding, shingles, and porch and cornice trim – mostly concentrated on the primary façade – would be retained and preserved. The interior of the dwelling would be remodeled but it has already been significantly altered and no longer retains integrity.

In summary, the proposed project complies with Rehabilitation Standard 5.

Rehabilitation Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project drawings indicate that the existing non-historic aluminum windows and wood door would be replaced with counterparts more in keeping with the building's historic character. As mentioned previously, the windows and door shown in the drawings appear compatible with the historic structure. In order to ensure that the replacements are historically accurate, additional physical investigation and research should be completed. Physical investigation should include removing the interior finishes from around the windows and examining the building's framing. Ideally remnants of the original window framing survive inside the walls. If enough physical evidence survives it would be possible to either purchase or have custom wood or wood-clad, double-hung windows made that fit these dimensions. Even better would be to obtain historic photographs of the house to determine the exact appearance of the original door and windows, as well as the missing door and window trim. The El Cerrito Historical Society does not have any historic photographs of the Rodoni house, so the best chance to obtain one would be to contact the family.

Provided these steps are taken, the proposed project would comply with Rehabilitation Standard 6.

Rehabilitation Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

In preparation for painting the exterior, chemical and/or physical treatments would likely be used in the rehabilitation of the Rodoni house. When removing loose paint harsh treatments like sandblasting should not be used. Instead, power washing and hand sanding and scraping are appropriate physical treatments. When cleaning the exterior, gentle agents like trisodium phosphate (TSP) should be used.

Provided that these recommendations are followed, the proposed project would comply with Rehabilitation Standard 7.

Rehabilitation Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The proposed project would result in the excavation of much of the Rodoni property to construct foundations for the new condominium building and the relocated Rodoni house. Though there is no record of any archaeological resources in this part of El Cerrito at the Northwest Information Center, it is possible, that with the presence of the stream on the property, there could be prehistoric archaeological deposits. In addition, as a working ranch for over a century, there are likely historic-period resources on the property. In compliance with City regulations, the project sponsor would follow standard monitoring and data recovery procedures.

In summary, the proposed project complies with Rehabilitation Standard 8.

Rehabilitation Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

As discussed above, the proposed project would construct a 14-unit, multi-family building on the northernmost two-thirds of the Rodoni property. This structure and its attendant landscaping would result in the removal of the remaining historic vernacular cultural landscape that presently exists on the site.

Rodoni House

The Rodoni house would be moved from where it is now to the southwestern corner of the property and rehabilitated. The exterior of the house would be restored to its historic appearance, and aside from the construction of a new rear stair, which would not be visible from Elm Street, the project would not result in any other additions being added to the house. Though the spatial relationships that characterize the property would change, placing the house by itself on the southern bank of the stone-lined creek channel, which would also be retained and restored as part of the project, would retain some sense of the property's historic agricultural use.

Rodoni Property

Though the ground has not been cultivated for over a decade now, the Rodoni property remains a rare example of a vernacular agricultural landscape from the Pioneer Era in El Cerrito's history. The only other comparable property in El Cerrito is the Navellier property, at 1332 Navellier Lane. The existing vernacular cultural landscape, which consists of fruit trees, grape arbors, and several deteriorated outbuildings, would all be removed. The historic stone creek bed would be retained and restored as part of the landscaping. Furthermore, the new landscaping planned for the southern third of the property, where the Rodoni house would be located, would consist of fruit trees now found elsewhere on the property, including pear, apple, and persimmon. Herb gardens near Elm Street would provide additional clues to the property's agricultural past. Finally, the new construction would be set back at least 13'-7" from the Rodoni house, and separated from it by the creek bed. It would not wrap around the rear of the historic

house, allowing the Rodoni house to continue to read as a freestanding structure. The design of the new building would recall but not mimic the architecture of the Rodoni house, ensuring that the Rodoni house continues to “read” as the only historic resource on the property. Though the siting and landscaping of the proposed project would go a long way toward reducing the effects of the project, the construction of a much larger residential building on the site of the former cultural landscape would destroy existing spatial relationships and remove existing materials and features.

In summary, the proposed project does not comply with Rehabilitation Standard 9.

Rehabilitation Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

As mentioned above, the construction of the proposed residential building would result in the removal of the majority of the Rodoni property’s vernacular cultural landscape. Nonetheless, if the proposed building was removed in the future, and the land re-cultivated, it would not be difficult to imagine the restored Rodoni house as part of a historic vernacular cultural landscape.

In summary, the proposed project complies with Rehabilitation Standard 10.

E. Analysis of Project-specific Impacts under CEQA

The proposed project complies with all ten Rehabilitation Standards except for Standards 1 and 9. Nonetheless, as a project that fails to comply with all ten Standards, it cannot benefit from a regulatory presumption that it would not have a significant adverse effect on the environment. Based on the analysis in this report, without formal mitigation, the project would likely have a significant impact on the historical resource, which is not just the Rodoni house but the entire Rodoni property.⁴⁵

IX. Suggested Mitigation

According to Section 15126.4(b)(1) of the Public Resources Code (CEQA Guidelines): “Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, the project’s impact on the historical resource will generally be considered mitigated below a level of significance and thus is not significant.” Because the proposed project would likely have a substantial adverse effect on a potential historic resource, mitigation measures may be required.

Historic resource mitigations are typically developed on a case-by-case basis, providing the opportunity to tailor them to the characteristics and the significance of the resource and the impacts to it. The more commonly adopted mitigation measures consist of 1) documentation of the affected resource – typically to Historic American Buildings Survey (HABS) standards; 2) preparation of a salvage plan for significant features and materials; or 3) making a commemorative plaque or interpretive display. While in some instances these mitigation measures, taken individually, are judged to reduce the adverse effects to a less-than-significant level, they often do not alter the loss to community character and collective history.

⁴⁵ CEQA Guidelines subsection 15064.5(b).

Section 15126.4(b)(2) of the Public Resources Code is clear in this regard: “In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” In the section below we outline several possible mitigation measures that may, in combination, mitigate the proposed project’s impacts to a less-than-significant level.

A. HABS-level Documentation

As mentioned above, documentation of a historical resource, by way of historical narrative, large-format black-and-white photography, and/or architectural drawings according to HABS archival standards as mitigation for the effects of the demolition or alteration of a resource will typically not mitigate the effects to a less-than-significant impact on its own. Part of the problem with HABS-level documentation as mitigation under CEQA is that the resource is lost to the community, and the recordation documents are not readily accessible to the public. However, HABS Level I or Level II documentation, in concert with other mitigation measures, may be sufficient to reduce the impacts of the project to a less-than-significant level, as determined by the City of El Cerrito. The following potential mitigation measures could be applied individually or together with HABS-level documentation to create an ideal mitigation package. The definitions of HABS-level documentation can be found on the National Park website: http://www.nps.gov/history/local-law/arch_stnds_6.htm

B. Façade Restoration

After 1968 the Rodoni house was remodeled. As part of this project the original wood windows were removed and historic wood trim removed from around the doors and windows. We suggest making a rigorous and well-documented façade restoration be made a possible mitigation measure and/or condition of approval. As mentioned above under the analysis of the project for compliance with the Secretary of the Interior’s Standards, the façade would need to be documented by either physical and/or documentary evidence to establish what the façade looked like during the period of significance. As described above, removing interior finishes from around the windows would likely provide information on the original size of the windows. The original windows were almost certainly wood and double-hung with a light pattern of one-over-one, or possibly two-over-one. For determining the type of wood windows (and trim) originally used, a historic photograph would be most helpful. Though the door in the main entrance was changed in the 1940s, during the period of significance, it is not compatible with the Queen Anne façade. Again, a historic photograph would be helpful in revealing what type of door the house originally had. It may be possible to procure a similar door at a salvage company such as Urban Ore or Omega Salvage in Berkeley, or a compatible door could be custom-fabricated.

X. Conclusion

Originally developed in 1897 by Ambrose and Virginia Rodoni as a single-family residence and small weekend ranch, the property now known as 1715 Elm Street was expanded with additional lot purchases until reaching its present size in 1924. As the property expanded the Rodoni family was able to expand the range of activities possible, which eventually included the cultivation of fruit trees, wine grapes, and row crops. For its first half-century of existence, the Rodoni property used well water, likely augmented by the water from the unnamed creek that cuts across the property. The property remained in the Rodoni family from 1897 until 2002 and it was evidently cultivated until the end. Today it remains one of a very small number of historic agricultural properties left in El Cerrito, a community once known for its dairies, nurseries, and ranches. The Rodoni house is a good example of a vernacular Victorian-era dwelling built for an immigrant family of modest means. Designed in a vernacular version of the Queen Anne style, the dwelling also incorporates some characteristics of the contemporary Neoclassic Row-house style. Though the dwelling has been altered, it is still recognizable, retaining its historic massing, scale, cladding, fenestration pattern, and most of its original spare ornamentation. According to the analysis in this report, 1715 Elm Street appears eligible for listing in the California Register under Criterion 1 (Events) as one of the oldest houses in El Cerrito and for its association with the city's Italian community. It also appears eligible under Criterion 3 (Design/Construction) as a vernacular cultural landscape embodying the increasingly rare characteristics of a rural ranch property in El Cerrito. Based on this evaluation, 1715 Elm Street appears to be a historical resource under CEQA. As such, the proposed project – which would entail moving the house to the southwest corner of the property and redeveloping the balance with a three-story, 14-unit condominium building – would likely have a significant adverse effect on the environment. This report concludes with potential mitigation measures that would likely reduce the project impacts to a less-than-significant effect.

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December 3, 2013

Project #: 17305

Patrick Hindmarsh
PMC
2729 Prospect Park Drive, Suite 22
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RE: El Cerrito 1715 Elm Street TIA Review

Dear Patrick:

KAI completed the review of the 1715 Elm Street Traffic Impact Analysis dated November 2009. While a number of changes have taken place since the preparation of the 2009 study that may affect the analysis findings, we have determined that the key findings from the 2009 study would be applicable to the current project with the exception of off-street parking. These changes and the basis of our determination are described in this letter report. A discussion on off-street parking requirement is also provided.

Project Description

The current project consists of 15 residential units including 3 one-bedroom and 11 two-bedroom condominium units and 1 two-bedroom single-family detached house with 15 on-site parking spaces. The 2009 study assumed 14 residential units including 13 townhouses and 1 single-family house with 21 on-site parking spaces. Vehicular access is provided through a single driveway off Elm Street under both the previous and current projects. The difference in trip generation between the two projects is discussed in the following section.

Trip Generation

The trip generation calculation in the 2009 study was based on industry-accepted data published in the *Trip Generation Manual* by the Institute of Transportation Engineers (ITE). Specifically, the weighted average rates from the 7th edition (2003) were used.

An updated trip generation calculation based on the current project description and the 9th edition (2012) was developed to provide a comparison of the projected number of trips that would be generated by the current and previous projects. Although the updated trip generation also used the same average rate for the single-family house, the trip generation for the condominium units was calculated based on the published regression equations in keeping with guidance of the Trip Generation Handbook (ITE 2004). The trip generation as reported in the 2009 study, the updated trip generation based on the current project description, and the resulting difference in the number of

daily and peak hour trips are presented in Table 1. The current project would generate 40 additional daily trips, and five additional trips in each of the AM and PM peak hours.

Table 1 Trip Generation Comparison

Trip Generation Land Use Category	Amount		Source	Trips Generated						
				Weekday	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
2013 Project (ITE 9th edition)										
Condo/Townhouse	14	du	ITE (230)	116	2	9	11	8	4	12
Single Family Detached	1	du	ITE (210)	10	0	1	1	1	0	1
Total Project Trips				126	2	10	12	9	4	13
2009 Project (from 2009 study)										
Condo/Townhouse	13	du	ITE (230)	76	1	5	6	5	2	7
Single Family Detached	1	du	ITE (210)	10	0	1	1	1	0	1
Total Project Trips				86	1	6	7	6	2	8
Difference				40	1	4	5	3	2	5

Analysis Methodology

Level of service (LOS) analysis by jurisdictions in Contra Costa County has traditionally been performed based on CCTALOS method as required by the Contra Costa Transportation Authority (CCTA). Following the adoption of the latest *Technical Procedures* dated January 16, 2013, CCTA is requiring the use of 2010 update of the Highway Capacity Manual (2010 HCM) operational method for LOS analysis unless the calculation is being compared to standard that was established using the methodology previously adopted by CCTA, in which case CCTALOS method may be used.

The level of service analysis in the 2009 study was performed based on methodology outlined in the 2000 update of Highway Capacity Manual (2000 HCM). While both the 2000 HCM and the 2010 HCM are delay-based methodologies, as opposed to capacity-based methodology of CCTALOS, and the LOS thresholds are the same, differences in the two HCM methodologies may potentially result in different analysis findings. Nonetheless, CCTA recognizes the challenges in implementing the relatively new 2010 HCM methodology and allows flexibility in the use of both CCTALOS and 2000 HCM methodologies during this transition period. In fact, CCTA is currently using 2000 HCM in its own studies. Therefore, the 2000 HCM methodology used in the 2009 study is acceptable.

Economic Conditions

It has been shown that economic conditions have a parallel effect on traffic volumes on the roadway network. Traffic volumes tend to be higher during economic upturn and lower during economic downturn. However, this effect tends to be more pronounced along freeways and arterial roads which serve regional traffic and are thus more susceptible to conditions driven by commerce. Traffic volumes for the 2009 study were collected in October 2009 during the recent financial crisis.

However, because the counts were collected on local residential streets, which are less sensitive to regional growth or decline, and the economy in October 2009 was already on the uptick towards recovery, the effects of the economic condition on traffic volumes are expected to be relatively minor. Therefore, the 2009 study performed using October 2009 counts are applicable to the current project.

Level of Service Results

The 2009 study has found that the analysis intersections would operate at LOS C or better under both Existing plus Project scenario and Cumulative plus Project scenario during the AM and PM peak hours. The addition of five vehicle trips during each peak hour would not likely reduce the level of service to below the City's standard of LOS D. Therefore, the current project would not result in a significance impact.

Off-Street Parking

The City's Municipal Code (19.24.040) requires 2 spaces per single-family and multi-family dwelling units for each unit of two or more bedrooms for development located in the RM zoning district. It also allows a 25 percent parking reduction for uses, except single-family dwellings, second units, and two-family dwellings, located within one-quarter mile of a Bay Area Rapid Transit (BART) station.

As the project site is within one-quarter mile of El Cerrito del Norte station, the project is required to provide 19 off-street parking spaces. This was calculated based on 1.5 space per unit for the 11 two-bedroom condo units plus 2 spaces for the single-family house. The three 1-bedroom units are not required to provide any off-street parking. By providing only 15 parking spaces, the project would have a deficit of 4 spaces.

Conclusion

Our review has found that the key LOS findings in the 2009 study are applicable to the current project despite changes in project land use, trip generation reference updates, analysis methodologies and economic conditions. Because the vehicular access point remains the same on Elm Street, access and circulation patterns would be similar. The only potential issue is related to off-street parking in that the current project proposes 15 off-street parking spaces while a total of 19 spaces would be required per city code. A Use Permit would be required to further reduce the required on-site parking.

Sincerely,
KITTELSON & ASSOCIATES, INC.

Alice Chen
Principal Planner

Debbie Yueh
Associate

CITY OF EL CERRITO

1715 ELM STREET

TRAFFIC IMPACT ANALYSIS

Prepared for:

CITY OF EL CERRITO

Prepared by:



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NOVEMBER 2009

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APPENDICES

Appendix A – Traffic Counts

Appendix B – LOS Calculation Worksheets

INTRODUCTION

This report summarizes the traffic analysis performed for the proposed **1715 Elm Street** townhouse (project). This report includes information on analysis methodology, existing conditions at the project site, and potential project impacts on traffic volumes, intersection operation, site circulation, parking demands, and non-motorized forms of transportation. This report also uses the January 2006 Mitigation Negative Declaration for the previous proposal for this project site as a reference (DHA, 2006).

PROJECT LOCATION

The project site is located at 1715 Elm Street in the City of El Cerrito in Contra Costa County in the northern San Francisco Bay Area (**Figure 1**). The project site is located on the west side of Elm Street between Hill Street and Blake Street (**Figure 2**). The site is primarily surrounded by residential neighborhoods and by the Keystone Montessori abutting the south side of the project site (**Figure 3**). Windrush School is across Elm Street to the north. The El Cerrito del Norte BART Station is west of the project site.

PROJECT DESCRIPTION

The project would involve an on-site relocation and restoration of the original house, construction of 13 townhouses, and provision of a small pocket park along the Elm Street frontage (**Figure 4**). Project parking would be provided in ground floor garages at a ratio of 1.5 spaces per unit, or 21 spaces. The project would include a car share program on-site and a location for community bike storage. Project construction activities would commence in 2010 and conclude in 2011.

METHODOLOGY AND ASSUMPTIONS

The scope and methodologies used for this traffic study are based on the 2005 traffic analysis performed by Crane Transportation Group as documented in the January 2006 Mitigation Negative Declaration for the previous proposal for this project site. It is important to note that the Crane Transportation Group traffic study was not available for review.

In addition, this study incorporates an increase in students and teachers at the Windrush School based on the 2007 approval by the City of El Cerrito Planning Commission of an amendment to the Windrush School's use permit to increase their student body and for their 20-year master plan. This study also considers the installation of a stop sign at the Elm Street / Richmond Street / Blake Street intersection (City of El Cerrito, 2009).

PROJECT STUDY AREA

The project study area, as defined through consultation with City staff, encompasses three intersections (**Figure 5**):

- Elm Street / Hill Street / Key Boulevard (signalized)
- Elm Street / Richmond Street / Blake Street (unsignalized, all-way stop controlled)
- Richmond Avenue / Potrero Avenue (signalized)

LEVEL OF SERVICE (LOS) METHODOLOGY

Level of service (LOS) is the term used to denote the different operating conditions that occur on a given roadway segment or intersection under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as roadway geometries, signal phasing, travel speed, travel delay, freedom to maneuver, and safety. LOS provides an index to the operational qualities of an intersection. LOS designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions. A complete description of the meaning of level of service can be found in the *2000 Highway Capacity Manual* (HCM) and a brief description is shown in **Table 1**.

TABLE 1
LEVEL OF SERVICE (LOS) DESCRIPTIONS

LOS	Description
A	No approach phase is fully utilized by traffic, and no vehicle waits longer than one red indication. Typically, the approach appears quite open, turns are made easily, and nearly all drivers find freedom of operation.
B	This service level represents stable operation, where an occasional approach phase is fully utilized and a substantial number are nearing full use. Many drivers begin to feel restricted within platoons of vehicles.
C	This level still represents stable operating conditions. Occasionally drivers may have to wait through more than one red signal indication, and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.
D	This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.
E	Capacity occurs at the upper end of this service level. It represents the most vehicles that any particular intersection approach can accommodate. Full utilization of every signal cycle is seldom attained no matter how great the demand.
F	This level describes forced flow operations at low speeds, where volumes exceed capacity. These conditions usually result from queues of vehicles backing up from a restriction downstream. Speeds are reduced substantially, and stoppages may occur for short or long periods of time due to the congestion. In the extreme case, both speed and volume can drop to zero.

Source: *Highway Capacity Manual, 2000*

LOS designation is reported differently for signalized intersections and unsignalized intersections, as described below.

SIGNALIZED INTERSECTIONS

The two signalized intersections were analyzed for the weekday AM and PM peak hour conditions. Average vehicle delay was determined using the methodology found in Chapter 16 of the *2000 Highway Capacity Manual* (HCM), using the *Traffix* (version 8.0) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection level of service. **Table 2** summarizes the delay thresholds for signalized intersections.

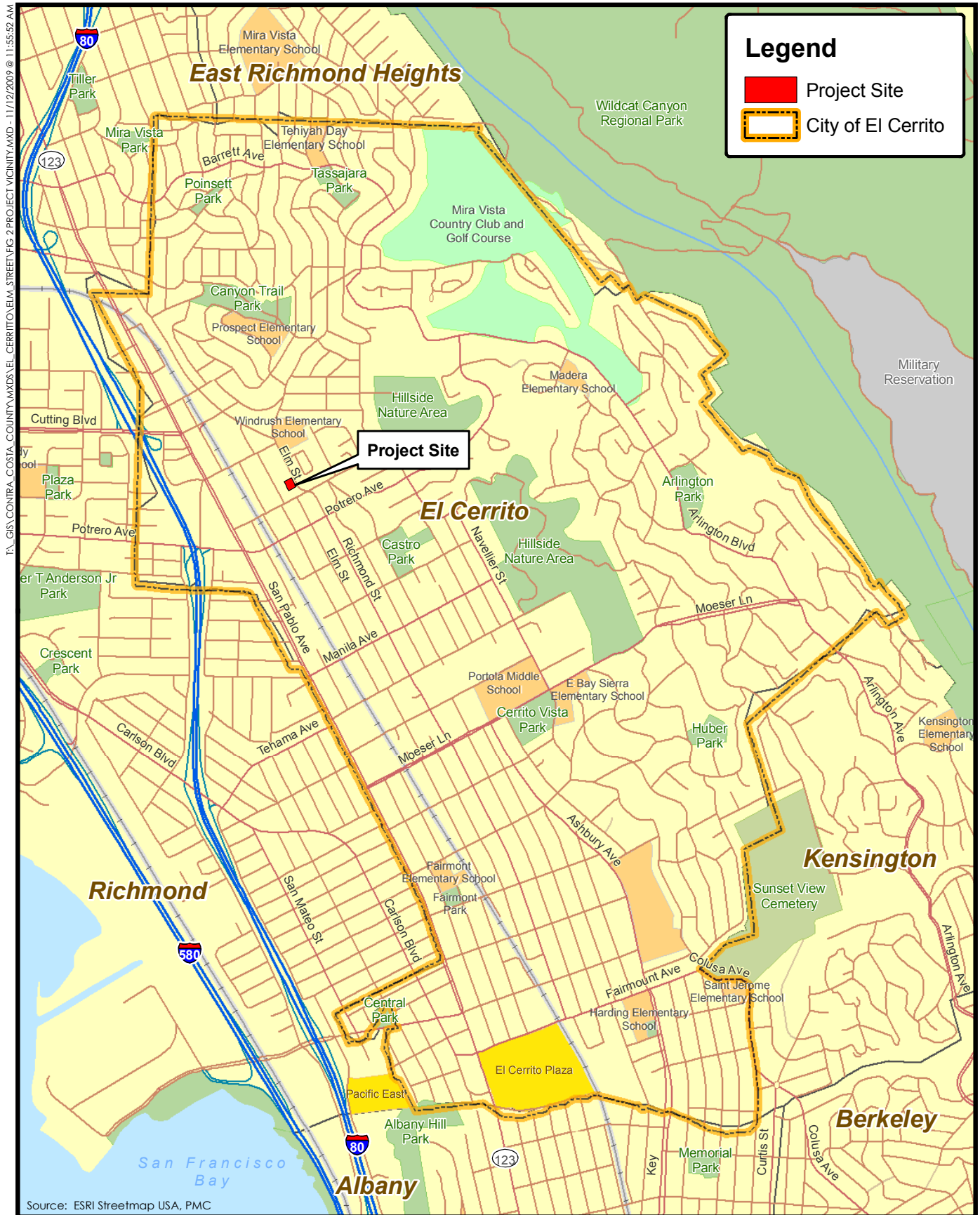


Figure 2
Project Vicinity Map

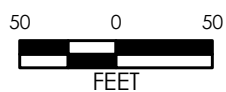
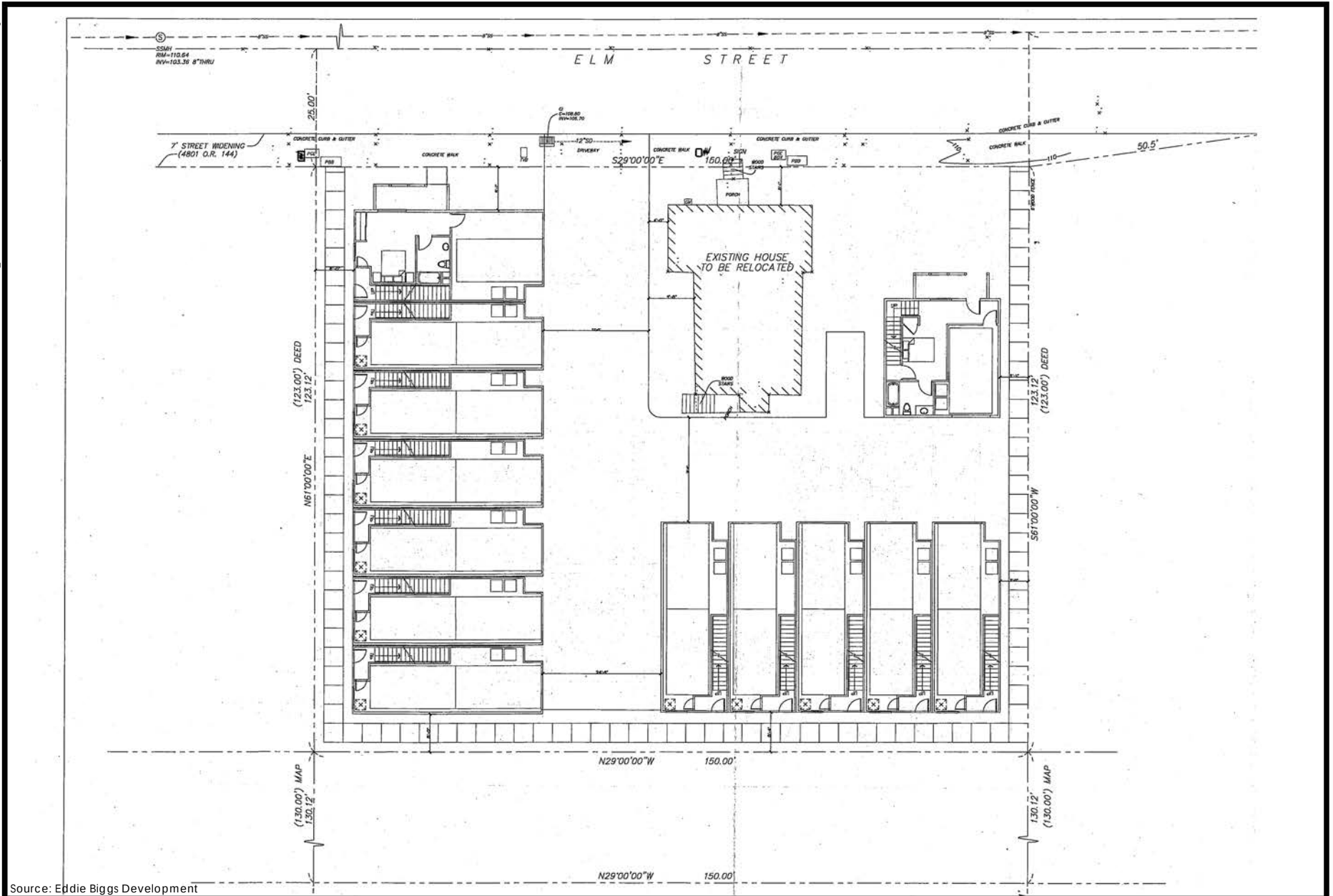


Figure 3
Aerial
PMC



Not to Scale



Figure 4
Project Site Plan

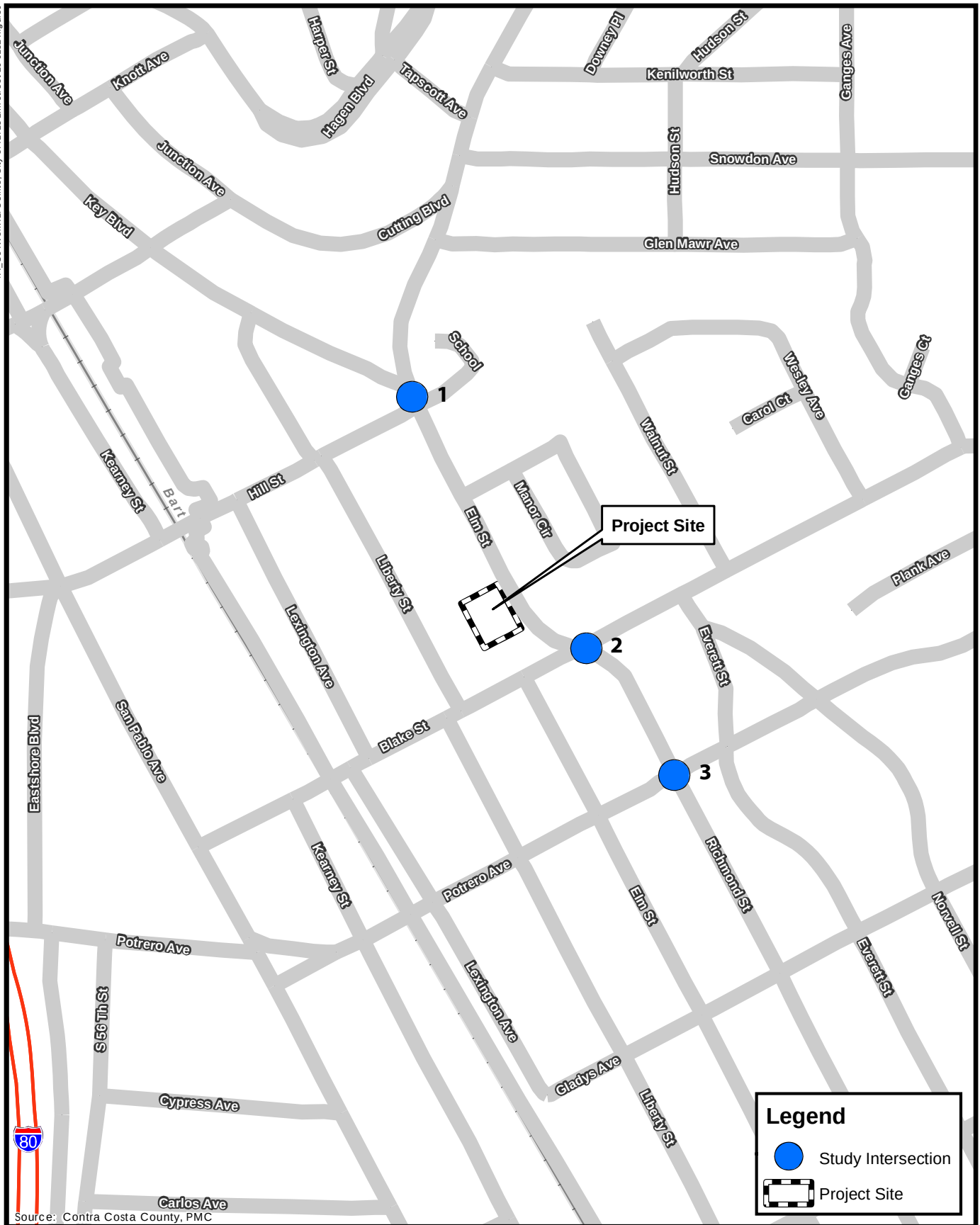


Figure 5
Study Intersections

TABLE 2
LEVEL OF SERVICE (LOS) THRESHOLDS FOR SIGNALIZED INTERSECTIONS

Average Control Delay per Vehicle (Seconds/Vehicle)			Level of Service
0.0	≤	10.0	A
10.1	to	20.0	B
21.1	to	35.0	C
35.1	to	55.0	D
55.1	to	80.0	E
	≥	80.0	F

Source: Highway Capacity Manual, 2000

UNSIGNALIZED INTERSECTIONS

The one unsignalized intersection was analyzed for the weekday AM and PM peak hour conditions. The vehicle delay and levels of service were determined based upon the procedures found in Chapter 17 of the 2000 Highway Capacity Manual (HCM), using the *Traffix* (version 8.0) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection LOS. **Table 3** summarizes the delay thresholds for unsignalized intersections.

TABLE 3
LEVEL OF SERVICE (LOS) THRESHOLDS FOR UNSIGNALIZED INTERSECTIONS

Average Control Delay per Vehicle (Seconds/Vehicle)			Level of Service
0.0	≤	10.0	A
10.1	to	15.0	B
15.1	to	25.0	C
25.1	to	35.0	D
35.1	to	50.0	E
	≥	50.1	F

Source: Highway Capacity Manual, 2000

LEVEL OF SERVICE (LOS) THRESHOLDS OF SIGNIFICANCE

Study area intersections were analyzed during the weekday AM and PM peak period to assess potential traffic impacts with the implementation of the project. The City of El Cerrito consider LOS D as the lowest acceptable operating condition at study intersections. For this study, the addition of the project's traffic to an intersection was considered significant if it degraded intersection LOS from acceptable (LOS D or better) to unacceptable (LOS E or F). If an intersection is operating at an unacceptable LOS in the cumulative baseline condition, the project is considered to have a significant impact if it would add any delay to an intersection.

STUDY SCENARIOS

This traffic study analyzed the following four traffic scenarios:

- **Existing Conditions.** Existing conditions are represented by existing AM and PM peak hour traffic volumes at study intersection based on traffic counts collected in October 2009 by National Data Services, a qualified data collection firm.
- **Existing Plus Project Conditions.** Estimated project traffic volumes were added to the existing AM and PM peak hour traffic volumes at study intersections. Existing Plus Project Conditions were evaluated relative to Existing Conditions in order to determine potential project impacts on study intersection operating conditions.
- **Cumulative Conditions.** Cumulative Conditions represent the year 2025 conditions at study intersections. Cumulative Conditions traffic volumes were derived by adding 0.5 percent per year growth to existing volumes. Cumulative Conditions also incorporate traffic from proposed and approved development projects in the vicinity of the project site. For this study, two related development projects were added to the Cumulative Conditions. The first project is the previously mentioned expansion of the Windrush School from 250 to 330 students. The second project is the redevelopment of the former Target store (11450 San Pablo Avenue) to a Safeway and other on-site retail stores.
- **Cumulative Plus Project Conditions.** Estimated project traffic volumes were added to Cumulative Conditions in order to evaluate the project's potential impacts on study intersection operating conditions.

All study scenarios analyzed potential impacts of the project on traffic operations at selected study area intersections for the weekday AM peak hour (7:00-9:00 AM) and PM peak hour (4:00-6:00 PM) time periods. These time periods were used to represent a worst-case scenario at study intersections resulting from implementation of the project.

EXISTING CONDITIONS

This section documents the existing conditions in the study area. **Figure 6** displays the intersection configurations and traffic control at study intersections while the following describes the study areas roadway characteristics.

ROADWAY SYSTEM

Regional access to the project site is provided by Interstate 80 (I-80) and Interstate 580 (I-580) freeways located west of the project site. Local access to the project site is provided by Elm Street, Richmond Street, Hill Street, Key Boulevard, Blake Street, and Potrero Avenue. All roadways in the immediate project vicinity serve primarily residential neighborhoods, and have curbs, gutters, sidewalks, on-street parking, and maximum posted speed limits of 25 miles per hour. On-street parking is limited to four hours (except by residential permit) between 7:00 AM and 6:00 PM due to the close proximity of the El Cerrito del Norte BART station. The following describes the local roadways that would serve the project.

- **Elm Street.** Within the study area, Elm Street is a two-lane, north-south discontinuous roadway extending from Cutting Boulevard on the north to Blake Street on the south. South of Blake Street, Elm Street restarts from a T-intersection with Blake Street one block west of the Elm Street / Richmond Street / Blake Street intersection and continues to Schmidt Lane on the

south. Elm Street has a minimum width of 40 feet curb-to-curb. Parking along Elm Street is limited to four hours (except by residential permit) between 7:00 AM and 6:00 PM with parking prohibited near driveways, fire hydrants, and intersections. The posted speed limit is 25 miles per hour, with a posted speed limit of 20 miles per hour near the project site as Elm Street curves to meet Richmond Street at Blake Street.

- **Richmond Street.** Richmond Street is a two-lane, north-south roadway extending from Blake Street on the north to Fairmont Avenue on the south. On the northbound approach to the Elm Street / Richmond Street / Blake Street intersection, the posted speed limit on Richmond Street is reduced from 25 to 20 miles per hour as it curves to meet Elm Street at Blake Street.
- **Hill Street.** Hill Street is a two-lane, east-west roadway extending from San Pablo Avenue on the west to Elm Street on the east. Hill Street fronts the south side of the El Cerrito del Norte BART station.
- **Key Boulevard.** Key Boulevard is a two-lane, primarily north-south roadway extending from McLaughlin Street on the north to Elm Street on the south. Key Boulevard fronts the east side of the El Cerrito del Norte BART station.
- **Blake Street.** Blake Street is a two-lane, east-west roadway extending from San Pablo Avenue on the west to Navellier Street on the east.
- **Potrero Avenue.** Potrero Avenue is a two-lane, east-west roadway extending from Carlson Boulevard in the City of Richmond on the west Arlington Boulevard on the east. Potrero Avenue provides access to I-80.

PARKING

PMC conducted two days of 12 hours of hourly surveys of on-street parking along Elm Street between Hill Street and Blake Street on a Tuesday and Thursday in October 2009. As indicated in **Table 4**, less than a third of the 40 on-street parking spaces within the surveyed Elm Street segment were occupied at any given time. It is worth noting that the observed on-street parking utilization in October 2009 was markedly lower than what was observed in September 2005. The average number of occupied parking spaces was seven in 2009 and was 17 in 2005 for all observed time periods.

TABLE 4
EXISTING ON-STREET PARKING

Time	Occupied Spaces	Unoccupied Spaces
Morning (AM)		
6:00	9	31
7:00	9	31
8:00	10	30
9:00	10	30
10:00	9	31

1715 ELM STREET

Time	Occupied Spaces	Unoccupied Spaces
Afternoon / Evening (PM)		
3:00	9	31
4:00	9	31
5:00	12	28
6:00	10	30
7:00	8	32
8:00	8	32
9:00	6	34
10:00	7	33
11:00	7	33

BICYCLE AND PEDESTRIAN FACILITIES

Shared roadway bicycle markings were observed on Elm Street, Richmond Street, Hill Street, Key Boulevard, and Potrero Avenue from the BART overcrossing / Ohlone Greenway westward into the City of Richmond. About 2 blocks west of the project site, the Ohlone Greenway is a pedestrian and bicycle path that spans from the City of Berkeley to the City of Richmond and runs adjacent to the BART elevated tracks. Pedestrian access to the project site is via paved sidewalks. Pedestrian crosswalks were observed at all legs of the study intersections with the exception of the north leg of the Elm Street / Hill Street / Key Boulevard intersection due to the unique intersection configuration.

TRANSIT SERVICE

The El Cerrito del Norte BART station is located about two blocks from the project site. BART trains operate in nine- to 16-minute intervals between 4:00 AM and 1:00 AM Monday through Friday; 6:00 AM to 1:00 AM on Saturdays; and 8:00 AM to 1:00 AM on Sundays and major holidays. The El Cerrito del Norte BART station is also served by AC Transit Routes 7, 71, 72, 72M, 72R, 76, and 376; Golden Gate Transit Routes 40 and 42; Fairfield-Suisun Transit Route 90; Vallejo Transit Route 80; WestCAT Routes 30Z, J, JL, JPX, JR, and JX; and the regional All Nighter (BART, 2009).

North of the project site, AC Transit operates Lines 683 and 684 along Hill Street providing supplementary bus service to area schools including, El Cerrito High School, Portola Middle School, Windrush School, and John F. Kennedy High School. South of the project site, AC Transit operates Line G along Richmond Street from Potrero Avenue to Fairmont Avenue and provides weekday peak hour service to the San Francisco Transbay Terminal (AC Transit, 2009).

CONGESTION MANAGEMENT PROGRAM

The Contra Costa Transportation Authority's regional Congestion Management Program (CMP) monitors the performance of key regional arterials over time by working with local governments to gather regular updates on the LOS. The goal is to maintain acceptable LOS throughout the CMP network. The nearest monitoring station on the CMP network to the project site is the San Pablo Avenue / Cutting Boulevard intersection, where the CCTA endeavors to maintain an LOS E or better (CCTA, 2007).

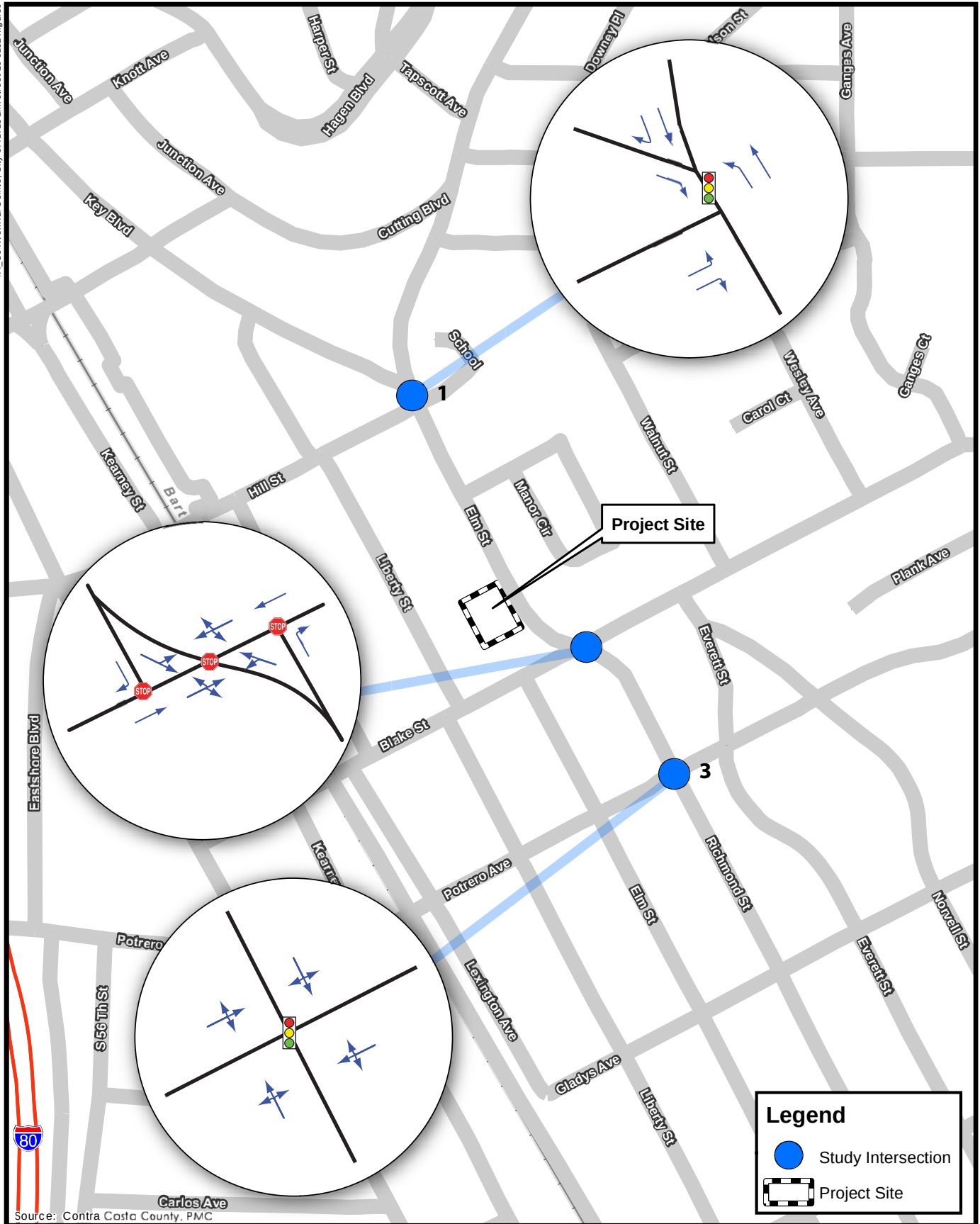


Figure 6
Existing Conditions

INTERSECTION LEVELS OF SERVICE

Existing weekday AM and PM peak period volumes in the study area (**Figure 7**) were collected in October 2009. **Appendix A** provides the existing traffic counts in the study area.

The existing peak hour traffic volumes were input into the *Traffix* (Version 8.0) software to determine the existing LOS in the study area. **Table 5** presents the results of the existing LOS analysis for signalized and unsignalized intersections, while the LOS calculation worksheets are provided in **Appendix B**. Data from three study intersections show current operations at acceptable levels of service during weekday AM and PM peak hour timeframes.

TABLE 5
EXISTING INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Existing Weekday AM Peak Hour		Existing Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street / Hill Street / Key Boulevard	24.8	C	22.2	C
AWSC	Elm Street / Richmond Street / Blake Street	11.5	B	11.4	B
Signalized	Richmond Avenue / Potrero Avenue	13.9	B	13.6	B

EXISTING PLUS PROJECT CONDITIONS

PROJECT TRIP GENERATION, DISTRIBUTION, AND ASSIGNMENT

The *ITE Trip Generation Manual* (7th Edition, 2003) was used to determine the traffic generated by the proposed project. As shown in **Table 6**, the proposed project is estimated to generate 86 daily trips, with one inbound and five outbound trips during the AM peak hour, and five inbound and three outbound trips during the PM peak hour.

TABLE 6
PROJECT TRIP GENERATION

Land Use	Size		Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Single-Family Detached Housing (ITE Code 210)	per	dwelling unit	9.57	25%	75%	0.75	63%	37%	1.01
	1	dwelling unit	10	0	1	1	1	0	1
Residential Condominium / Townhouse (ITE Code 230)	per	dwelling unit	5.86	17%	83%	0.44	67%	33%	0.52
	13	dwelling units	76	1	5	6	5	2	7
Total			86	1	5	6	5	3	8

Source: ITE, 2003

Project trip distribution patterns were based on current traffic patterns. The project trip assignments at each study intersection are shown in **Figure 8** (weekday and weekend PM peak hour volumes)

TRAFFIC VOLUMES

Existing plus project weekday and weekend PM peak hour volumes were determined by adding the project trip assignment to the existing traffic volumes. **Figure 9** illustrates the resulting existing plus project weekday and weekend PM peak hour traffic volumes.

PEAK HOUR INTERSECTION LEVEL OF SERVICE

Table 7 presents the results of the existing plus project intersection LOS analysis. Existing plus project LOS calculation sheets are provided in **Appendix B**. All of the study's intersections are forecast to operate at acceptable levels of service during all peak hour scenarios.

TABLE 7
EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Existing Plus Project Weekday AM Peak Hour		Existing Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street / Hill Street Key Boulevard	24.8	C	22.3	C
AWSC	Elm Street / Richmond Street / Blake Street	11.6	B	11.4	B
Signalized	Richmond Avenue / Potrero Avenue	13.9	B	13.6	B

CUMULATIVE CONDITIONS

Cumulative Conditions represent the year 2025 conditions at study intersections. Cumulative Conditions traffic volumes were derived by adding 0.5 percent per year growth to existing volumes. Cumulative Conditions also incorporate traffic from proposed and approved development projects in the vicinity of the project site. For this study, two related development projects were added to the Cumulative Conditions. The first project is the expansion of the Windrush School from 250 to 330 students. The second project is the redevelopment of the former Target store (11450 San Pablo Avenue) to a Safeway and other on-site retail stores.

Trip generation estimates for the related projects were developed using trip rates provided in the *ITE Trip Generation*, 7th Edition. As illustrated in **Table 8**, the two approved/pending projects are forecast to generate approximately 7,607 weekday daily trips, with 302 AM peak hour trips (180 inbound and 122 outbound) and 795 PM peak hour trips (402 inbound and 393 outbound).

TRAFFIC VOLUMES

Figure 10 illustrates Cumulative Conditions traffic volumes at the study intersections.

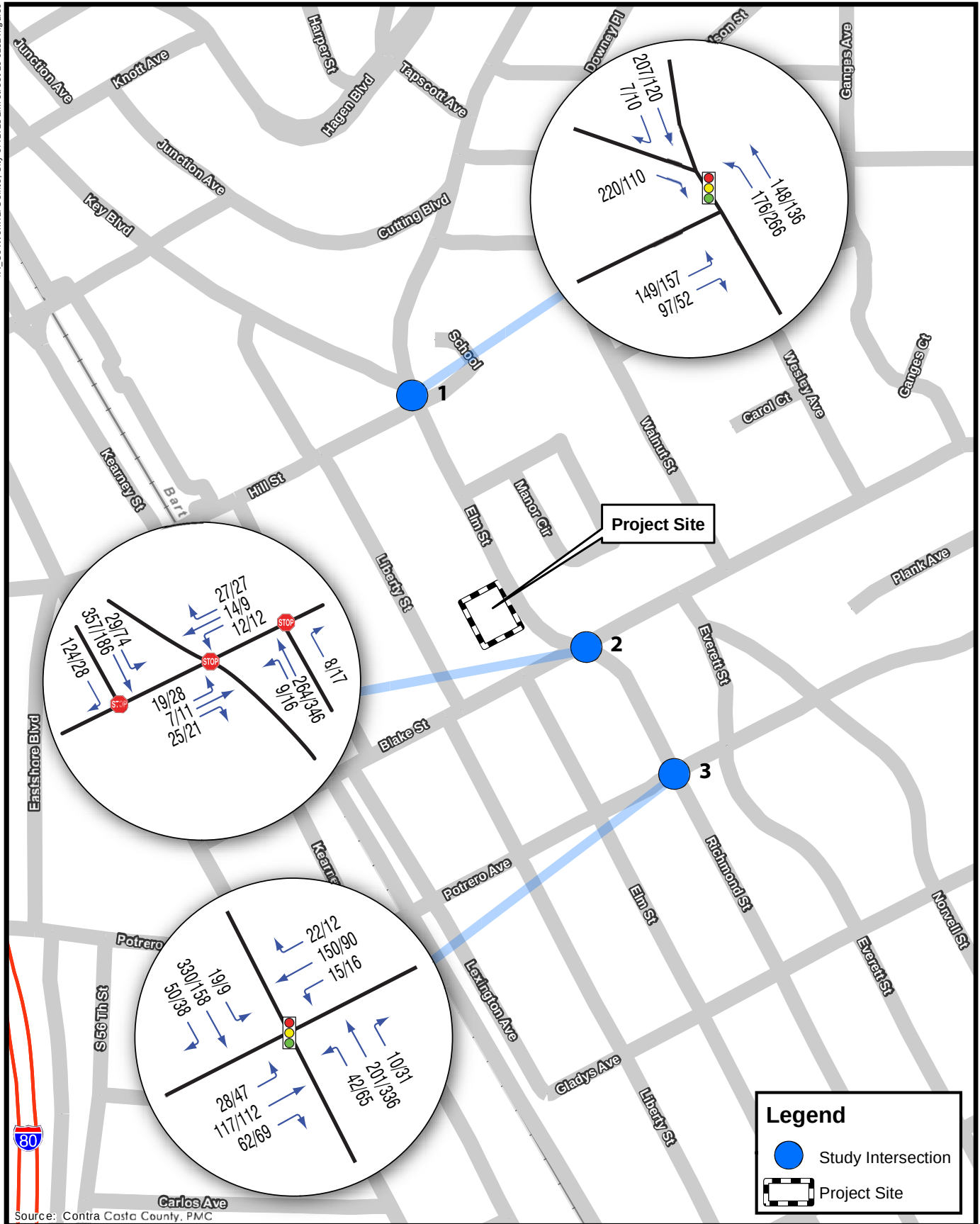


Figure 7
Existing Weekday AM / PM Traffic Volumes

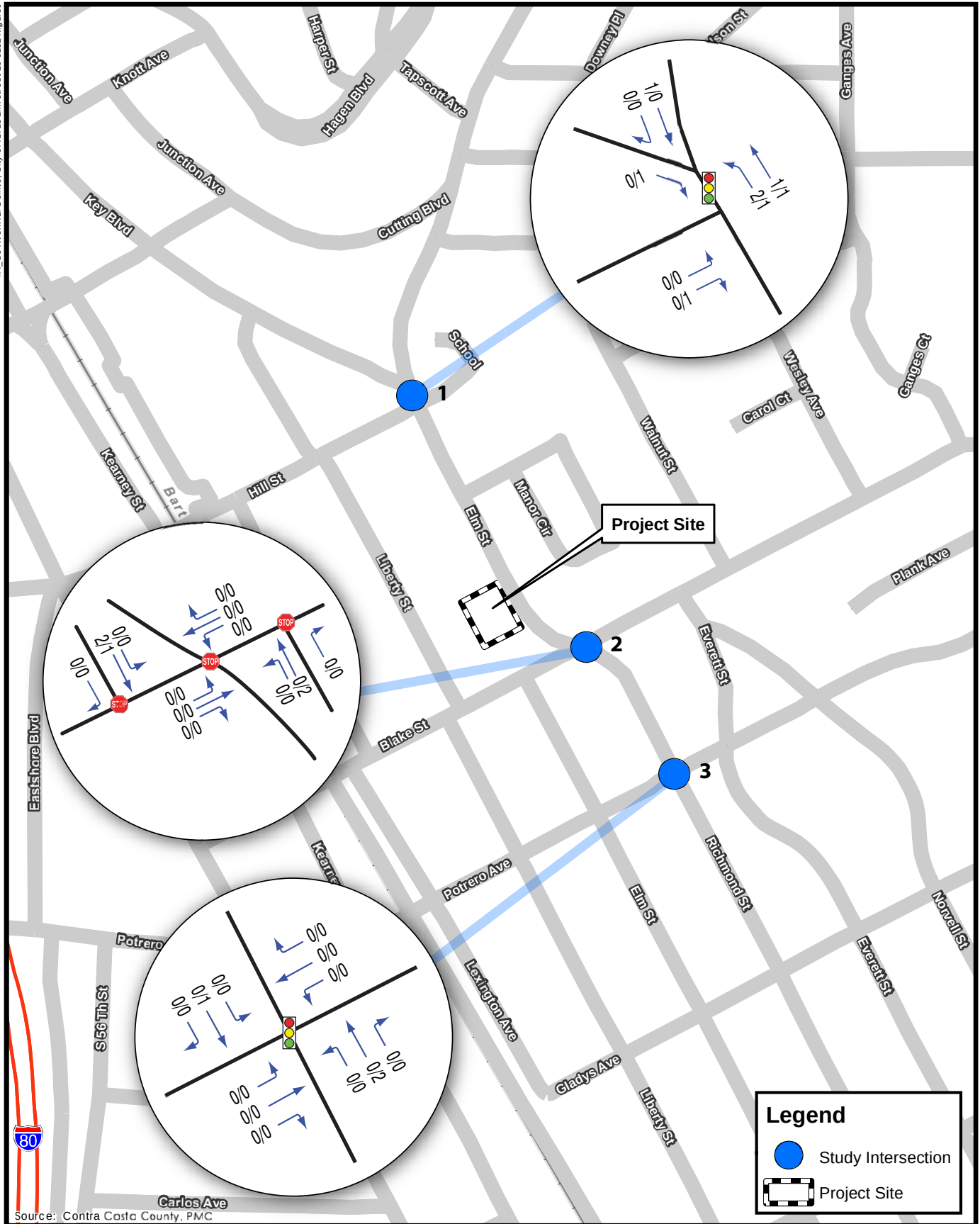


Figure 8
Project Weekday AM / PM Traffic Volumes

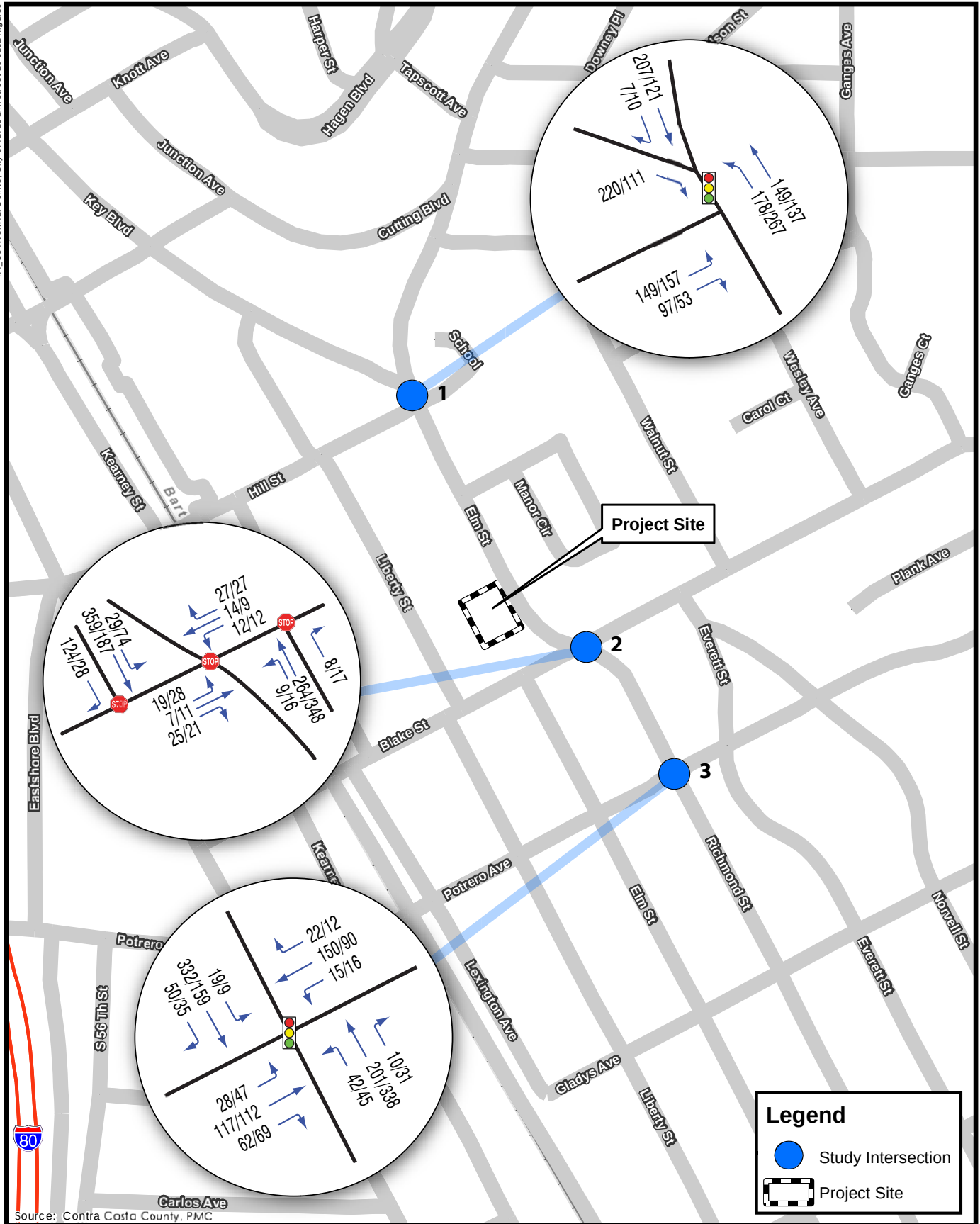


Figure 9
Existing Plus Project Weekday AM / PM Traffic Volumes

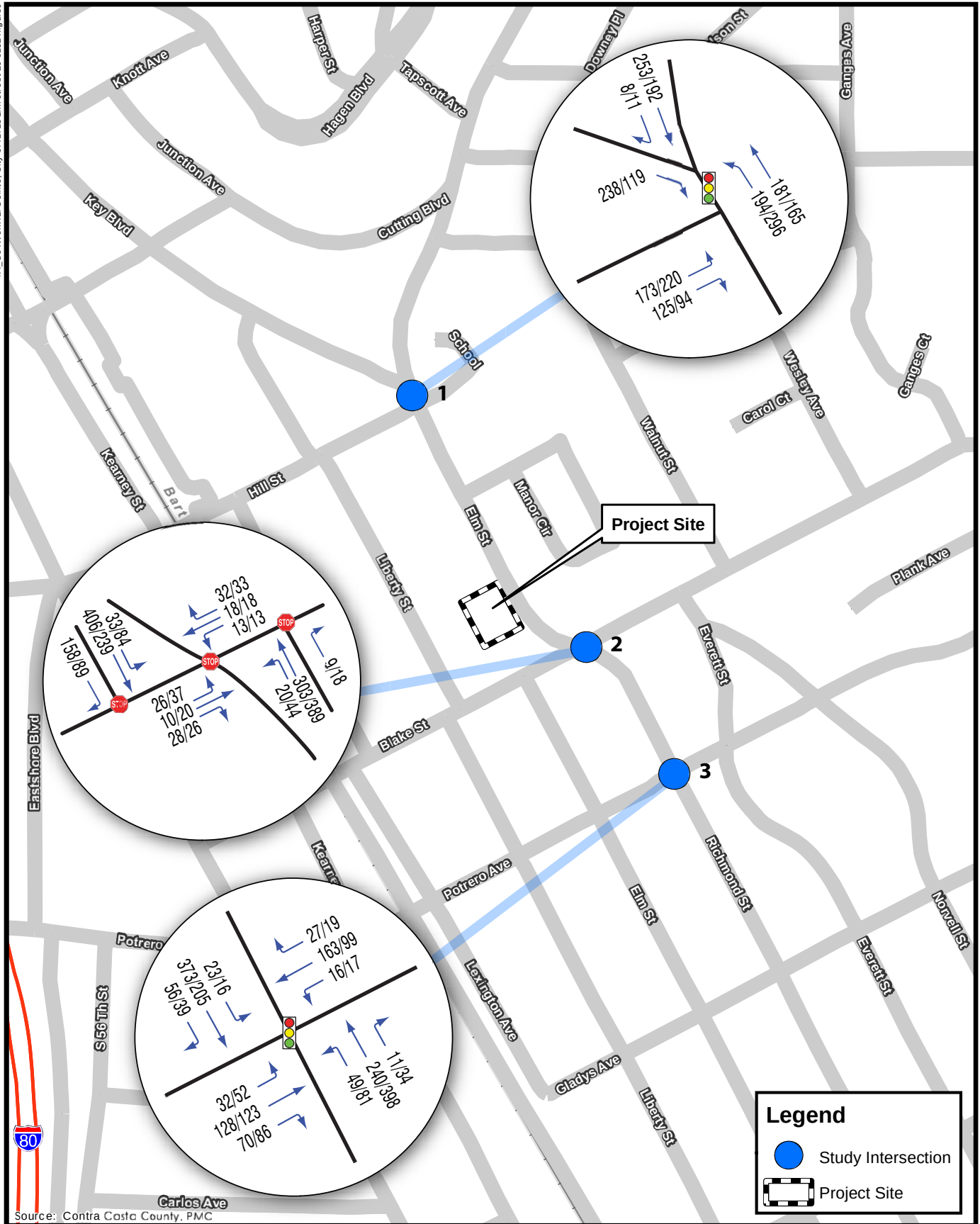


Figure 10
Cumulative Weekday AM / PM Traffic Volumes

TABLE 8
CUMULATIVE PROPOSED AND APPROVED PROJECTS TRIP GENERATION

Land Use	Size		Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
				In	Out	Total	In	Out	Total
Windrush School									
Private School (K-8) (ITE Code 534)	per	student	2.78	55%	45%	0.90	47%	53%	0.61
	80	student	222	40	32	72	23	26	49
Safeway and Retail Stores									
Supermarket (ITE Code 850)	per	KSF	102.24	61%	39%	3.25	51%	49%	10.45
	66.511	KSF	6,800	132	84	216	354	341	695
Shopping Center (ITE Code 820)	per	KSF	42.94	61%	39%	1.03	48%	52%	3.75
	13.602	KSF	584	9	5	14	24	27	51
Total			7,607	180	122	302	402	393	795

Source: ITE, 2003; Safeway, 2009; City of El Cerrito, 2009

PEAK HOUR INTERSECTION LEVEL OF SERVICE

Table 9 presents the results of the cumulative (i.e. surrounding projects plus ambient traffic growth) intersection LOS analysis. Cumulative LOS calculation sheets are provided in **Appendix B**. All of the study's intersections are forecast to operate at acceptable levels of service during all peak hour scenarios. It should be noted that for future scenarios (i.e., cumulative, cumulative plus project), all intersection geometrics are the same as under existing conditions.

TABLE 9
CUMULATIVE INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Cumulative Weekday AM Peak Hour		Cumulative Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street / Hill Street Key Boulevard	27.6	C	25.7	C
AWSC	Elm Street / Richmond Street / Blake Street	13.4	B	14.0	B
Signalized	Richmond Avenue / Potrero Avenue	14.1	B	13.9	B

CUMULATIVE PLUS PROJECT CONDITIONS

TRAFFIC VOLUMES

Cumulative plus project weekday and weekend PM peak hour volumes were determined by adding the project trip assignment to the cumulative volumes. **Figure 11** illustrates the resulting cumulative plus project weekday and weekend PM levels of service. No changes in intersection geometrics were assumed.

PEAK HOUR INTERSECTION LEVEL OF SERVICE

Table 10 presents the results of the cumulative plus project intersection LOS analysis. Cumulative plus project LOS calculation sheets are provided in **Appendix B**. All of the study's signalized intersections are forecast to operate at acceptable levels of service during all peak hour scenarios.

TABLE 10
CUMULATIVE PLUS PROJECT INTERSECTION LEVEL OF SERVICE (LOS) SUMMARY

Intersection		Cumulative Plus Project Weekday AM Peak Hour		Cumulative Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street / Hill Street Key Boulevard	27.6	C	25.7	C
AWSC	Elm Street / Richmond Street / Blake Street	13.4	B	14.1	B
Signalized	Richmond Avenue / Potrero Avenue	14.1	B	13.9	B

IMPACTS AND MITIGATION MEASURES

Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

Less than significant impact. The project would generate six weekday AM peak hour trips and eight weekday PM peak hour trips. When compared to existing and cumulative conditions, the project would not substantially increase traffic volumes or congestion in the study area. As reflected in **Table 7** and **Table 10**, the project would not create any project-related significant impacts by degrading LOS at study intersections to unacceptable levels during the existing plus project condition or the cumulative plus project condition.

Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Less than significant impact. The project would generate six weekday AM peak hour trips and eight weekday PM peak hour trips. According to CCTA guidelines for traffic studies, projects generating less than 100 peak hour trips are considered to have a less than significant impact on the CMP roadway network.

Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project is a residential development and is not located in the vicinity of any public or private airports.

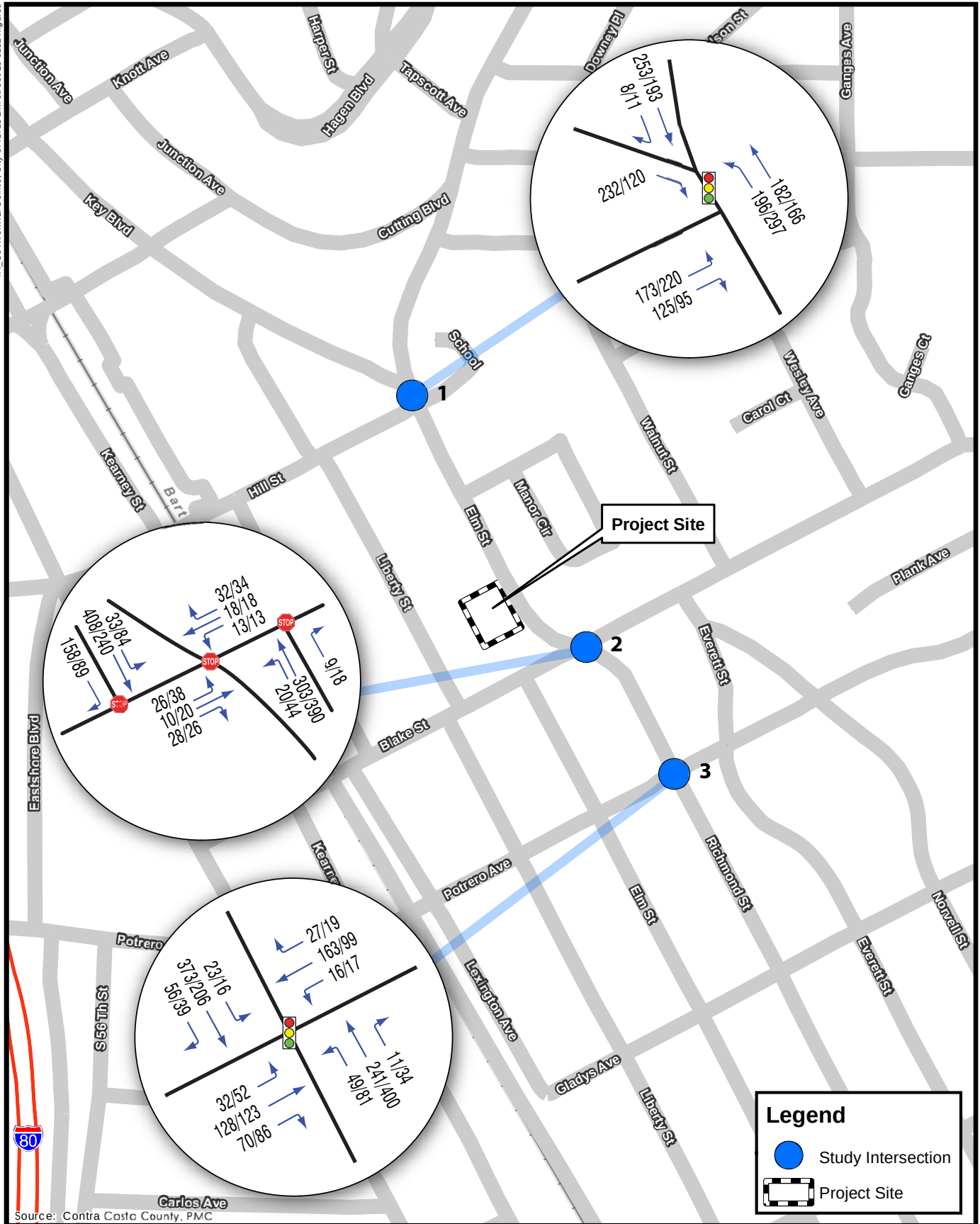


Figure 11
Cumulative Plus Project Weekday AM / PM Traffic Volumes

Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. The project would not modify existing intersections or roadways, including Elm Street. Other than improving the sidewalk fronting the project along Elm Street, the project would not alter the existing travel flow of vehicles, bicyclists or pedestrians. The project driveway is consistent with City code requirements at 20 feet in width. Because the project is a residential project in a predominately residential neighborhood, the project would not introduce any incompatible uses.

Previous speed measurements of through traffic along Elm Street and Richmond Street suggested a possible hazardous condition due to the combination of vehicle speeds and limited sight distance (DHA, 2006). However, since those observations were conducted, the intersection of Elm Street / Richmond Street / Blake Street has been modified to include stops for the northbound and southbound through movements. This has effectively reduced the speed along Elm Street and Richmond Street such that the limited sight distance would not result in a hazardous condition.

Would the project result in inadequate parking capacity?

Less than significant impact. The project would meet City code requirements for multi-family residential off-street parking (i.e., two spaces per dwelling unit or 28 parking spaces) when considering the project's proximity to the El Cerrito del Norte BART station, which reduces the parking requirement by 25 percent for a total off-street parking supply of 21 spaces. In addition, the project would include ground floor garages and an on-site car sharing program (El Cerrito, 2009).

As indicated in **Table 4**, there is a sufficient supply of on-street parking along Elm Street throughout the day. Although the project may result in some additional on-street parking demand, the available capacity is considered ample to meet that demand as less than a third of the existing on-street parking supply is currently utilized throughout the day.

Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less than significant impact. The project would not conflict with any adopted policies, plans, or programs supporting alternative transportation. Although the project would provide a location for on-site bicycle storage, it is unclear whether the project would meet City code requirements for bicycle parking (i.e., four long-term and two short-term bicycle parking spaces). Because the provision of the bicycle parking is a code requirement and the applicant is not seeking a bicycle parking variance, it can be assumed for purposes of this analysis that the on-site bicycle storage will meet code requirements.

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APPENDICES

APPENDIX A – TRAFFIC COUNTS

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-002 KEY-HILL-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 1

Groups Printed- Unshifted

	KEY BLVD. Southeastbound				ELM ST. Southbound				ELM ST. Northbound				HILL ST. Eastbound				
Start Time	Hard Left	Bear Right	Hard Right	App. Total	Thru	Right	Hard Right	App. Total	Left	Bear Left	Thru	App. Total	Hard Left	Left	Right	App. Total	Int. Total
07:00	0	16	0	16	26	0	1	27	9	7	7	23	7	2	6	15	81
07:15	0	17	0	17	36	0	0	36	0	17	6	23	4	5	9	18	94
07:30	0	26	0	26	37	0	1	38	0	23	13	36	2	15	14	31	131
07:45	0	68	0	68	40	0	1	41	0	30	32	62	2	22	14	38	209
Total	0	127	0	127	139	0	3	142	9	77	58	144	15	44	43	102	515
08:00	0	55	0	55	49	0	2	51	0	41	39	80	5	23	17	45	231
08:15	0	53	0	53	53	0	2	55	0	63	47	110	6	51	43	100	318
08:30	0	44	0	44	65	0	2	67	0	42	30	72	7	33	23	63	246
08:45	0	37	0	37	47	0	1	48	0	40	14	54	1	26	10	37	176
Total	0	189	0	189	214	0	7	221	0	186	130	316	19	133	93	245	971

*** BREAK ***

16:00	1	34	0	35	22	0	0	22	0	44	28	72	6	38	14	58	187
16:15	1	22	0	23	32	0	0	32	0	50	27	77	3	26	9	38	170
16:30	0	31	0	31	21	0	1	22	0	56	36	92	3	22	14	39	184
16:45	1	19	0	20	25	0	0	25	0	60	30	90	5	31	12	48	183
Total	3	106	0	109	100	0	1	101	0	210	121	331	17	117	49	183	724
17:00	0	28	0	28	30	0	4	34	0	76	32	108	2	33	14	49	219
17:15	0	28	0	28	28	0	2	30	0	69	39	108	2	32	13	47	213
17:30	0	23	0	23	29	0	2	31	0	75	31	106	4	38	11	53	213
17:45	0	31	0	31	33	0	2	35	0	46	34	80	5	41	14	60	206
Total	0	110	0	110	120	0	10	130	0	266	136	402	13	144	52	209	851
Grand Total	3	532	0	535	573	0	21	594	9	739	445	1193	64	438	237	739	3061
Apprch %	0.6	99.4	0		96.5	0	3.5		0.8	61.9	37.3		8.7	59.3	32.1		
Total %	0.1	17.4	0	17.5	18.7	0	0.7	19.4	0.3	24.1	14.5	39	2.1	14.3	7.7	24.1	

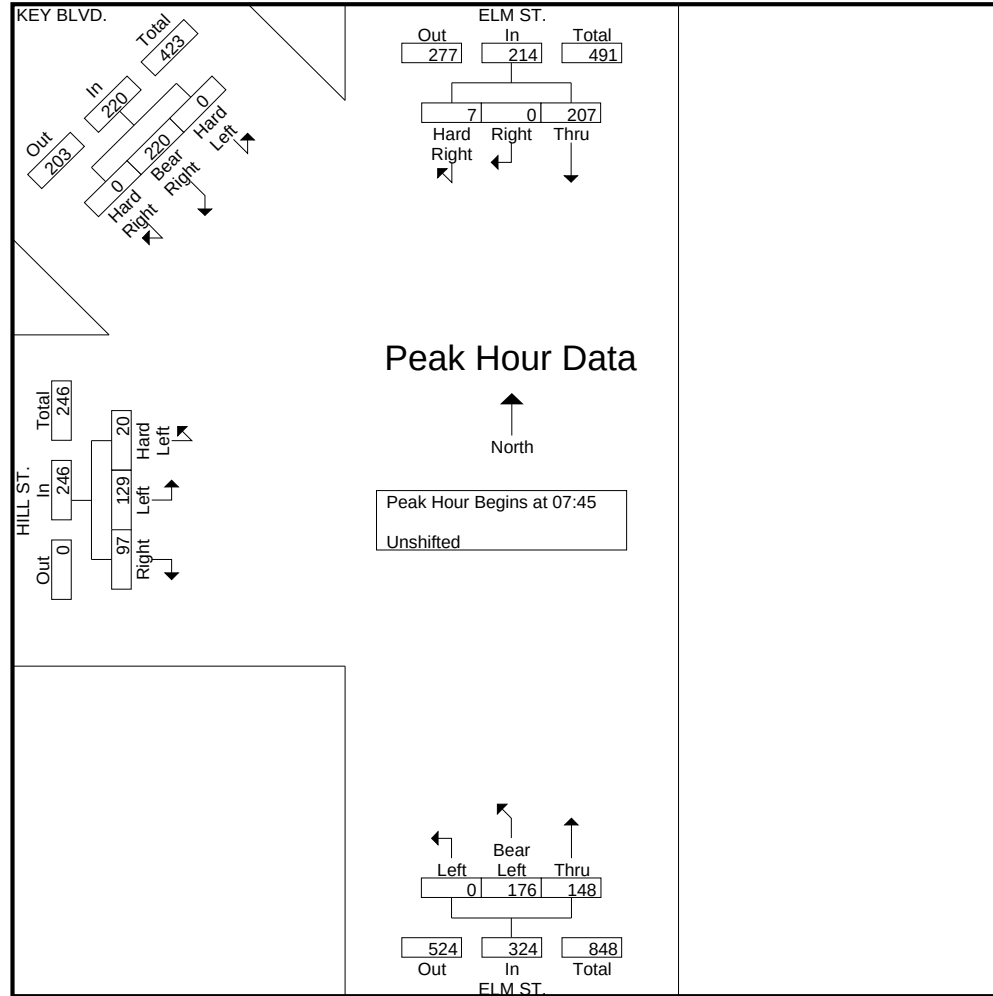
	KEY BLVD. Southeastbound				ELM ST. Southbound				ELM ST. Northbound				HILL ST. Eastbound				
Start Time	Hard Left	Bear Right	Hard Right	App. Total	Thru	Right	Hard Right	App. Total	Left	Bear Left	Thru	App. Total	Hard Left	Left	Right	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45																	
07:45	0	68	0	68	40	0	1	41	0	30	32	62	2	22	14	38	209
08:00	0	55	0	55	49	0	2	51	0	41	39	80	5	23	17	45	231
08:15	0	53	0	53	53	0	2	55	0	63	47	110	6	51	43	100	318
08:30	0	44	0	44	65	0	2	67	0	42	30	72	7	33	23	63	246
Total Volume	0	220	0	220	207	0	7	214	0	176	148	324	20	129	97	246	1004
% App. Total	0	100	0		96.7	0	3.3		0	54.3	45.7		8.1	52.4	39.4		
PHF	.000	.809	.000	.809	.796	.000	.875	.799	.000	.698	.787	.736	.714	.632	.564	.615	.789

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-002 KEY-HILL-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 2



Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1
Peak Hour for Entire Intersection Begins at 17:00

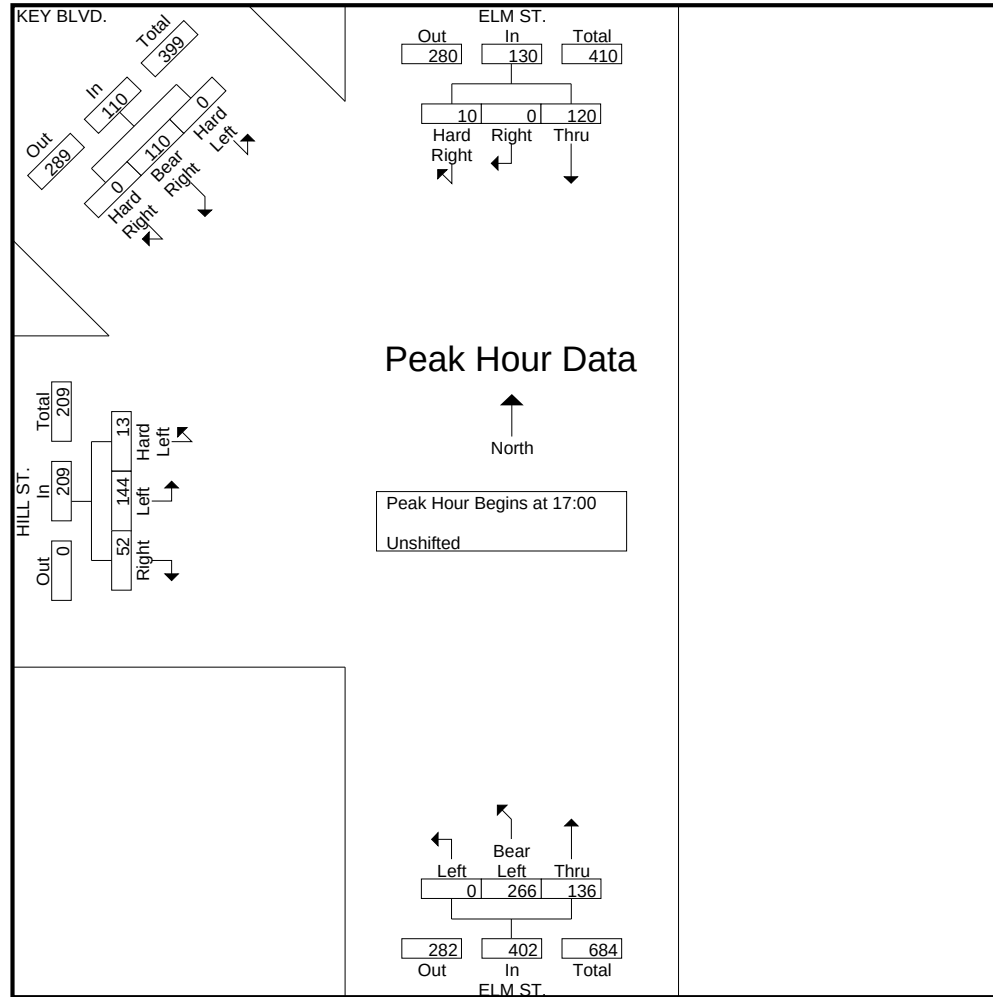
17:00	0	28	0	28	30	0	4	34	0	76	32	108	2	33	14	49	219
17:15	0	28	0	28	28	0	2	30	0	69	39	108	2	32	13	47	213
17:30	0	23	0	23	29	0	2	31	0	75	31	106	4	38	11	53	213
17:45	0	31	0	31	33	0	2	35	0	46	34	80	5	41	14	60	206
Total Volume	0	110	0	110	120	0	10	130	0	266	136	402	13	144	52	209	851
% App. Total	0	100	0		92.3	0	7.7		0	66.2	33.8		6.2	68.9	24.9		
PHF	.000	.887	.000	.887	.909	.000	.625	.929	.000	.875	.872	.931	.650	.878	.929	.871	.971

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-002 KEY-HILL-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 3



All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-003 ELM-BLAKE-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 1

Groups Printed- Unshifted

	ELM ST. Southbound				BLAKE ST. Westbound				RICHMOND ST. Northbound				BLAKE ST. Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
07:00	1	20	6	27	1	4	2	7	1	12	1	14	1	1	1	3	51
07:15	2	44	18	64	4	4	3	11	3	17	1	21	1	1	2	4	100
07:30	4	43	18	65	0	0	6	6	2	29	1	32	1	0	0	1	104
07:45	5	78	36	119	2	1	7	10	1	49	2	52	3	0	7	10	191
Total	12	185	78	275	7	9	18	34	7	107	5	119	6	2	10	18	446
08:00	14	100	28	142	3	7	8	18	3	64	5	72	7	2	7	16	248
08:15	7	91	24	122	4	3	9	16	2	88	1	91	6	3	8	17	246
08:30	3	88	36	127	3	3	3	9	3	63	0	66	3	2	3	8	210
08:45	6	70	17	93	4	5	10	19	2	33	0	35	7	1	6	14	161
Total	30	349	105	484	14	18	30	62	10	248	6	264	23	8	24	55	865

*** BREAK ***

16:00	12	47	13	72	1	3	6	10	2	60	4	66	5	4	2	11	159
16:15	2	48	9	59	3	2	3	8	4	66	6	76	5	2	7	14	157
16:30	12	40	14	66	1	4	8	13	3	82	4	89	5	3	4	12	180
16:45	4	42	7	53	3	2	3	8	2	81	2	85	7	5	6	18	164
Total	30	177	43	250	8	11	20	39	11	289	16	316	22	14	19	55	660
17:00	3	49	19	71	5	1	5	11	6	89	6	101	10	4	5	19	202
17:15	10	41	19	70	3	3	11	17	6	95	1	102	7	5	4	16	205
17:30	7	40	19	66	2	3	4	9	3	94	4	101	7	2	4	13	189
17:45	8	56	17	81	2	2	7	11	1	68	6	75	4	0	8	12	179
Total	28	186	74	288	12	9	27	48	16	346	17	379	28	11	21	60	775
Grand Total	100	897	300	1297	41	47	95	183	44	990	44	1078	79	35	74	188	2746
Apprch %	7.7	69.2	23.1		22.4	25.7	51.9		4.1	91.8	4.1		42	18.6	39.4		
Total %	3.6	32.7	10.9	47.2	1.5	1.7	3.5	6.7	1.6	36.1	1.6	39.3	2.9	1.3	2.7	6.8	

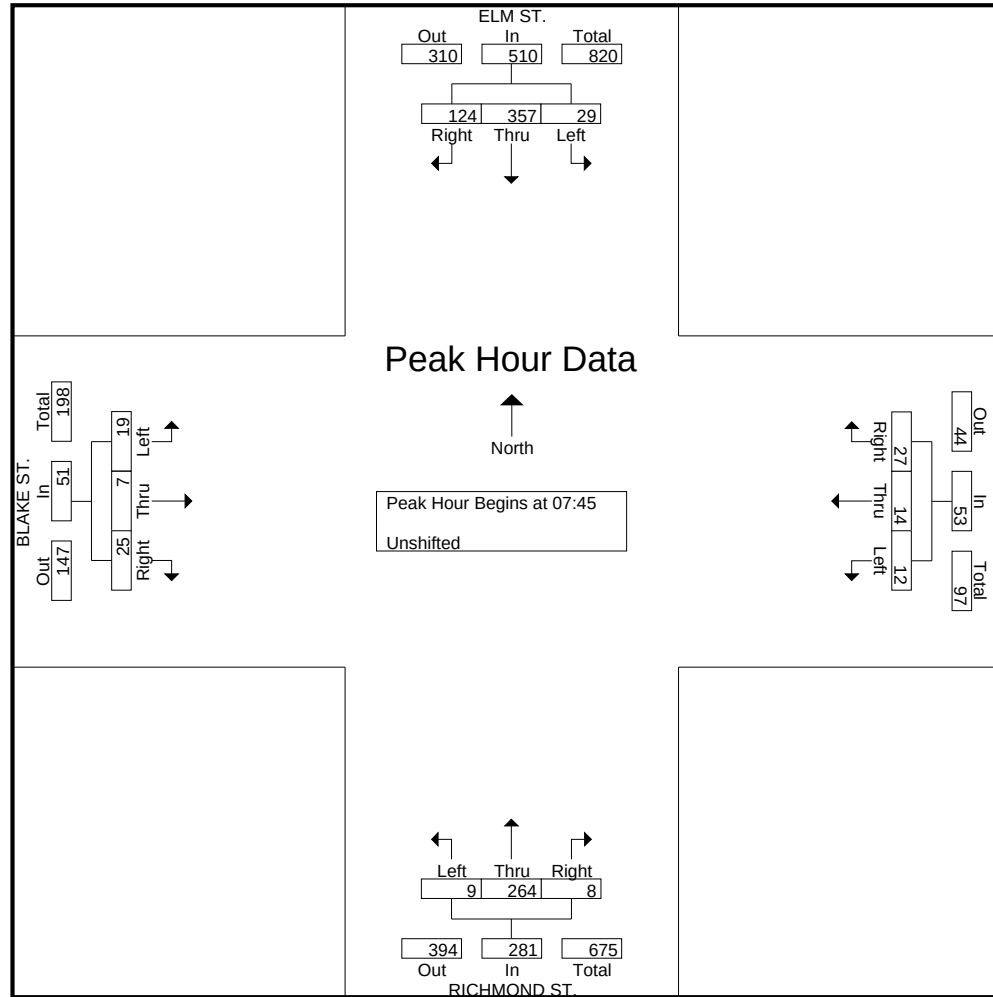
	ELM ST. Southbound				BLAKE ST. Westbound				RICHMOND ST. Northbound				BLAKE ST. Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45																	
07:45	5	78	36	119	2	1	7	10	1	49	2	52	3	0	7	10	191
08:00	14	100	28	142	3	7	8	18	3	64	5	72	7	2	7	16	248
08:15	7	91	24	122	4	3	9	16	2	88	1	91	6	3	8	17	246
08:30	3	88	36	127	3	3	3	9	3	63	0	66	3	2	3	8	210
Total Volume	29	357	124	510	12	14	27	53	9	264	8	281	19	7	25	51	895
% App. Total	5.7	70	24.3		22.6	26.4	50.9		3.2	94	2.8		37.3	13.7	49		
PHF	.518	.893	.861	.898	.750	.500	.750	.736	.750	.750	.400	.772	.679	.583	.781	.750	.902

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-003 ELM-BLAKE-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 2



Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1
Peak Hour for Entire Intersection Begins at 17:00

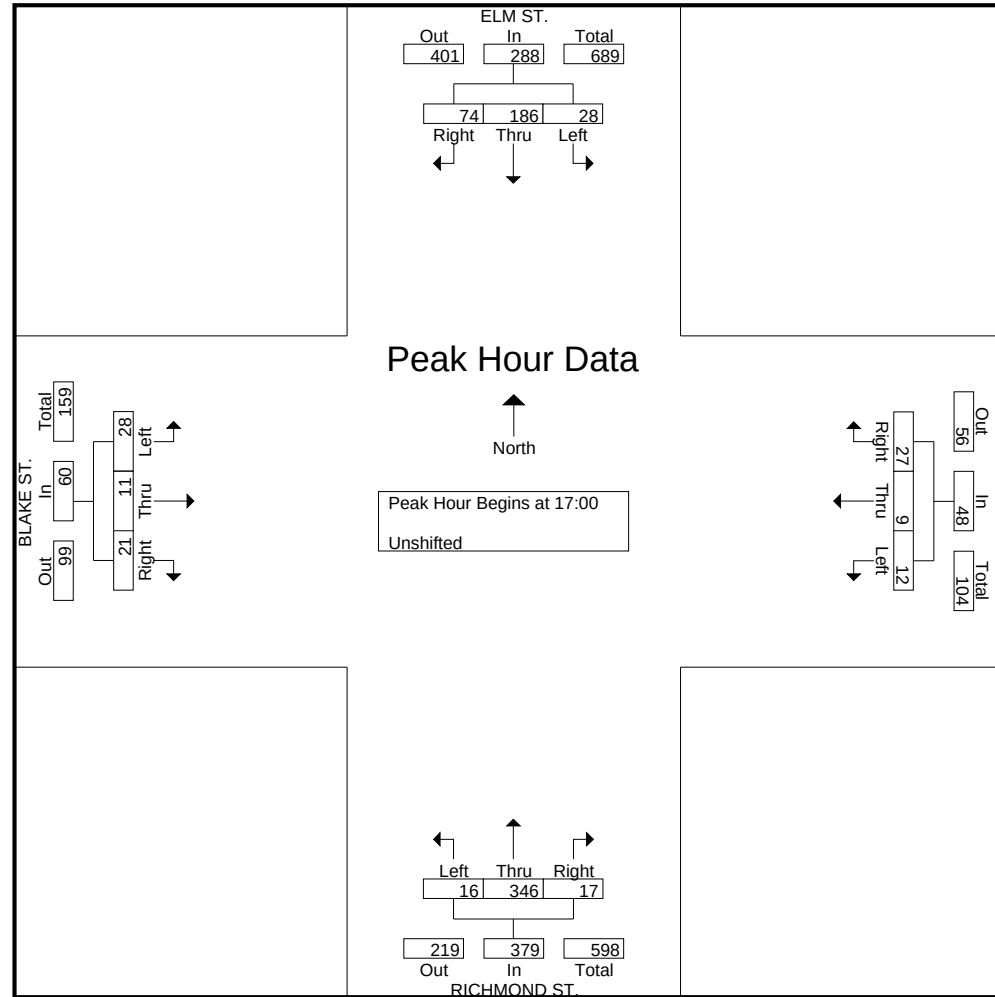
17:00	3	49	19	71	5	1	5	11	6	89	6	101	10	4	5	19	202
17:15	10	41	19	70	3	3	11	17	6	95	1	102	7	5	4	16	205
17:30	7	40	19	66	2	3	4	9	3	94	4	101	7	2	4	13	189
17:45	8	56	17	81	2	2	7	11	1	68	6	75	4	0	8	12	179
Total Volume	28	186	74	288	12	9	27	48	16	346	17	379	28	11	21	60	775
% App. Total	9.7	64.6	25.7		25	18.8	56.2		4.2	91.3	4.5		46.7	18.3	35		
PHF	.700	.830	.974	.889	.600	.750	.614	.706	.667	.911	.708	.929	.700	.550	.656	.789	.945

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-003 ELM-BLAKE-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 3



All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-001 RICHMOND-POTRERO-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 1

Groups Printed- Unshifted

	RICHMOND ST. Southbound				POTRERO AVE. Westbound				RICHMOND ST. Northbound				POTRERO AVE. Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
07:00	0	15	7	22	3	22	0	25	6	12	0	18	1	3	4	8	73
07:15	0	43	6	49	7	16	4	27	5	15	4	24	2	10	4	16	116
07:30	0	39	4	43	3	28	3	34	11	25	2	38	4	8	15	27	142
07:45	2	77	8	87	3	24	10	37	9	34	1	44	8	24	12	44	212
Total	2	174	25	201	16	90	17	123	31	86	7	124	15	45	35	95	543
08:00	9	93	9	111	4	43	2	49	11	55	6	72	7	39	25	71	303
08:15	5	79	21	105	3	39	6	48	12	77	2	91	8	33	13	54	298
08:30	3	81	12	96	5	44	4	53	10	35	1	46	5	21	12	38	233
08:45	5	68	11	84	5	26	2	33	10	31	3	44	3	24	15	42	203
Total	22	321	53	396	17	152	14	183	43	198	12	253	23	117	65	205	1037

*** BREAK ***

16:00	3	39	5	47	2	16	2	20	11	55	5	71	10	31	11	52	190
16:15	3	52	5	60	5	15	2	22	14	62	8	84	11	24	12	47	213
16:30	2	34	11	47	5	24	0	29	12	81	2	95	10	30	11	51	222
16:45	2	40	7	49	6	26	3	35	10	70	7	87	12	27	20	59	230
Total	10	165	28	203	18	81	7	106	47	268	22	337	43	112	54	209	855
17:00	4	43	14	61	3	26	3	32	21	83	6	110	16	33	18	67	270
17:15	1	41	6	48	5	19	4	28	12	92	10	114	8	28	12	48	238
17:30	2	34	8	44	2	19	2	23	22	91	8	121	11	24	19	54	242
17:45	6	53	6	65	2	21	3	26	15	54	2	71	15	28	15	58	220
Total	13	171	34	218	12	85	12	109	70	320	26	416	50	113	64	227	970
Grand Total	47	831	140	1018	63	408	50	521	191	872	67	1130	131	387	218	736	3405
Apprch %	4.6	81.6	13.8		12.1	78.3	9.6		16.9	77.2	5.9		17.8	52.6	29.6		
Total %	1.4	24.4	4.1	29.9	1.9	12	1.5	15.3	5.6	25.6	2	33.2	3.8	11.4	6.4	21.6	

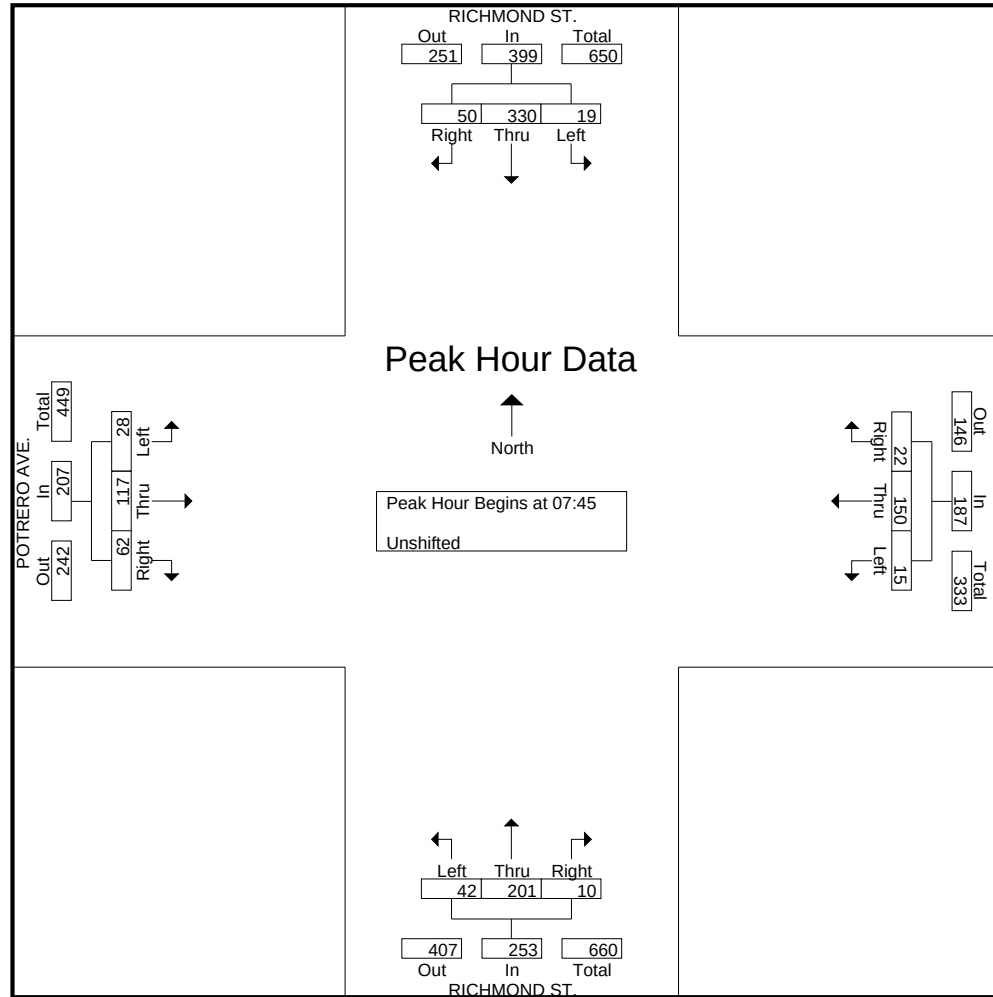
	RICHMOND ST. Southbound				POTRERO AVE. Westbound				RICHMOND ST. Northbound				POTRERO AVE. Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45																	
07:45	2	77	8	87	3	24	10	37	9	34	1	44	8	24	12	44	212
08:00	9	93	9	111	4	43	2	49	11	55	6	72	7	39	25	71	303
08:15	5	79	21	105	3	39	6	48	12	77	2	91	8	33	13	54	298
08:30	3	81	12	96	5	44	4	53	10	35	1	46	5	21	12	38	233
Total Volume	19	330	50	399	15	150	22	187	42	201	10	253	28	117	62	207	1046
% App. Total	4.8	82.7	12.5		8	80.2	11.8		16.6	79.4	4		13.5	56.5	30		
PHF	.528	.887	.595	.899	.750	.852	.550	.882	.875	.653	.417	.695	.875	.750	.620	.729	.863

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-001 RICHMOND-POTRERO-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 2



Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1
Peak Hour for Entire Intersection Begins at 16:45

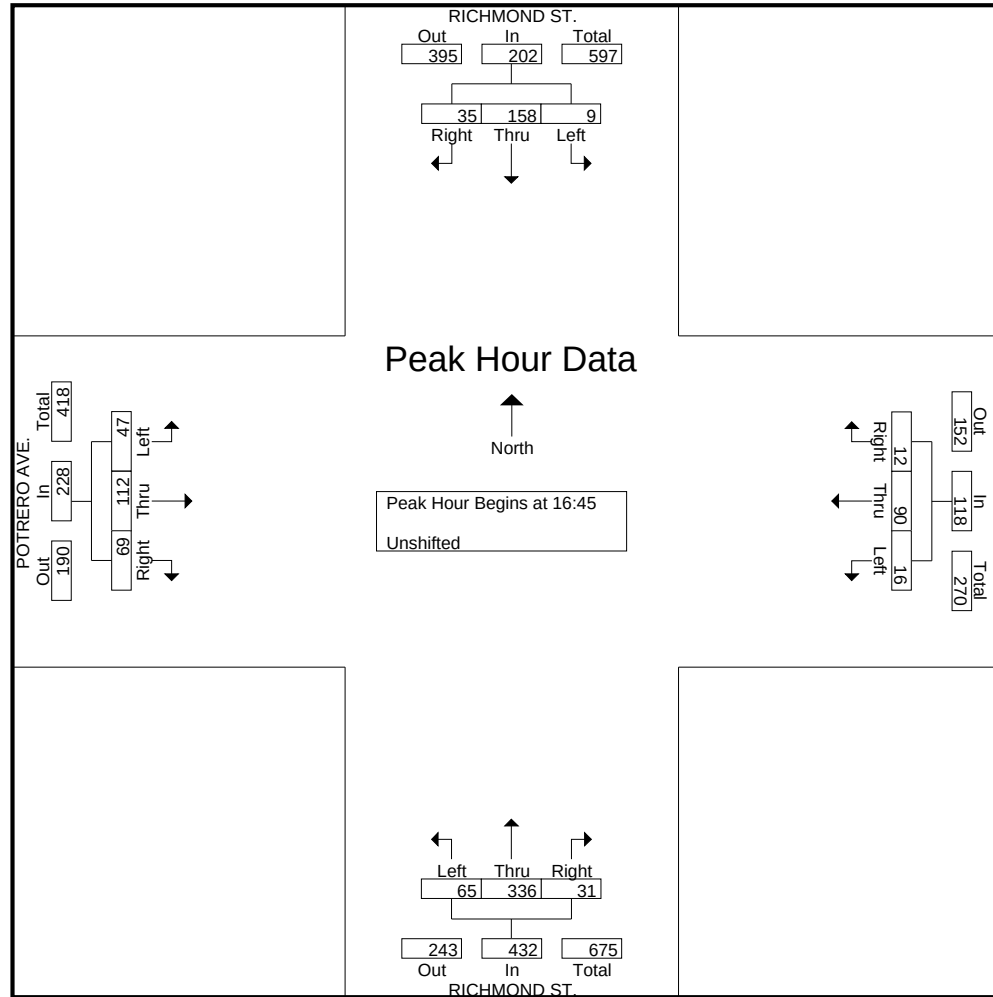
16:45	2	40	7	49	6	26	3	35	10	70	7	87	12	27	20	59	230
17:00	4	43	14	61	3	26	3	32	21	83	6	110	16	33	18	67	270
17:15	1	41	6	48	5	19	4	28	12	92	10	114	8	28	12	48	238
17:30	2	34	8	44	2	19	2	23	22	91	8	121	11	24	19	54	242
Total Volume	9	158	35	202	16	90	12	118	65	336	31	432	47	112	69	228	980
% App. Total	4.5	78.2	17.3		13.6	76.3	10.2		15	77.8	7.2		20.6	49.1	30.3		
PHF	.563	.919	.625	.828	.667	.865	.750	.843	.739	.913	.775	.893	.734	.848	.863	.851	.907

All Traffic Data

(916) 771-8700
F (916) 786-2879

EL CERRITO

File Name : 09-7421-001 RICHMOND-POTRERO-F
Site Code : 00000000
Start Date : 10/21/2009
Page No : 3



APPENDIX B – LOS CALCULATION WORKSHEETS

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Base Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.318
Loss Time (sec): 0 Average Delay (sec/veh): 24.8
Optimal Cycle: 33 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	1	0	0	1	1	0	0	0	0	0

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	176	148	0	0	207	7	149	0	317	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	176	148	0	0	207	7	149	0	317	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	176	148	0	0	207	7	149	0	317	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	176	148	0	0	207	7	149	0	317	0	0	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	176	148	0	0	207	7	149	0	317	0	0	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	1.00	1.00	1.00	1.00	0.85	0.95	1.00	0.75	1.00	1.00	1.00
Lanes:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	2.00	0.00	0.00	0.00
Final Sat.:	1805	1900	0	0	1900	1615	1805	0	2842	0	0	0

Capacity Analysis Module:

Vol/Sat:	0.10	0.08	0.00	0.00	0.11	0.00	0.08	0.00	0.11	0.00	0.00	0.00
Crit Moves:	****			****			****					
Green/Cycle:	0.31	0.31	0.00	0.00	0.34	0.34	0.35	0.00	0.35	0.00	0.00	0.00
Volume/Cap:	0.32	0.25	0.00	0.00	0.32	0.01	0.24	0.00	0.32	0.00	0.00	0.00
Delay/Veh:	27.0	26.3	0.0	0.0	24.5	21.7	23.2	0.0	23.9	0.0	0.0	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	27.0	26.3	0.0	0.0	24.5	21.7	23.2	0.0	23.9	0.0	0.0	0.0
LOS by Move:	C	C	A	A	C	C	C	A	C	A	A	A
HCM2kAvgQ:	4	3	0	0	5	0	3	0	4	0	0	0

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Base Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap. (X): 0.549
Loss Time (sec): 0 Average Delay (sec/veh): 11.5
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	9	264	8	29	357	124	19	7	25	12	14	27
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	9	264	8	29	357	124	19	7	25	12	14	27
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	9	264	8	29	357	124	19	7	25	12	14	27
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	9	264	8	29	357	124	19	7	25	12	14	27
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	9	264	8	29	357	124	19	7	25	12	14	27

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.03	0.97	1.00	0.08	0.92	1.00	0.37	0.14	0.49	0.23	0.26	0.51
Final Sat.:	22	651	770	53	650	818	220	81	290	135	157	303

Capacity Analysis Module:

Vol/Sat:	0.41	0.41	0.01	0.55	0.55	0.15	0.09	0.09	0.09	0.09	0.09	0.09
Crit Moves:	****			****			****			****		
Delay/Veh:	11.4	11.4	7.3	13.6	13.6	7.8	8.9	8.9	8.9	8.9	8.9	8.9
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.4	11.4	7.3	13.6	13.6	7.8	8.9	8.9	8.9	8.9	8.9	8.9
LOS by Move:	B	B	A	B	B	A	A	A	A	A	A	A
ApproachDel:	11.3			12.2			8.9			8.9		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	11.3			12.2			8.9			8.9		
LOS by Appr:	B			B			A			A		
AllWayAvgQ:	0.6	0.6	0.0	1.1	1.1	0.2	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Base Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap.(X): 0.337
Loss Time (sec): 0 Average Delay (sec/veh): 13.9
Optimal Cycle: 22 Level Of Service: B

Richmond St						Potrero Av						
North Bound			South Bound			East Bound			West Bound			
Approach:	L	T	R	L	T	R	L	T	R	L	T	R
Movement:												
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	0	0	1! 0	0	0	1! 0	0	0	1! 0	0	0	1! 0

Volume Module: >> Count Date: 21 Oct 2009 <<
 Base Vol: 42 201 10 19 330 50 28 117 62 15 150 22
 Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Initial Bse: 42 201 10 19 330 50 28 117 62 15 150 22
 User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Volume: 42 201 10 19 330 50 28 117 62 15 150 22
 Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
 Reduced Vol: 42 201 10 19 330 50 28 117 62 15 150 22
 PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 FinalVolume: 42 201 10 19 330 50 28 117 62 15 150 22

Saturation Flow Module:
 Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
 Adjustment: 0.90 0.90 0.90 0.97 0.97 0.97 0.91 0.91 0.91 0.96 0.96 0.96
 Lanes: 0.17 0.79 0.04 0.05 0.83 0.12 0.14 0.56 0.30 0.08 0.80 0.12
 Final Sat.: 283 1355 67 87 1517 230 235 981 520 146 1462 214

Capacity Analysis Module:
 Vol/Sat: 0.15 0.15 0.15 0.22 0.22 0.22 0.12 0.12 0.12 0.10 0.10 0.10
 Crit Moves: ****
 Green/Cycle: 0.65 0.65 0.65 0.65 0.65 0.65 0.35 0.35 0.35 0.35 0.35 0.35
 Volume/Cap: 0.23 0.23 0.23 0.34 0.34 0.34 0.34 0.34 0.34 0.29 0.29 0.29
 Delay/Veh: 7.5 7.5 7.5 8.2 8.2 8.2 24.0 24.0 24.0 23.5 23.5 23.5
 User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 AdjDel/Veh: 7.5 7.5 7.5 8.2 8.2 8.2 24.0 24.0 24.0 23.5 23.5 23.5
 LOS by Move: A A A A A A C C C C C C
 HCM2kAvgQ: 3 3 3 6 6 6 5 5 5 4 4 4

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Base Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.298
Loss Time (sec): 0 Average Delay (sec/veh): 22.2
Optimal Cycle: 32 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	1	0	0	1	1	0	0	0	0	0

Volume Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Base Vol:	266	136	0	0	120	10	157	0	162	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	266	136	0	0	120	10	157	0	162	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	266	136	0	0	120	10	157	0	162	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	266	136	0	0	120	10	157	0	162	0	0	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	266	136	0	0	120	10	157	0	162	0	0	0

Saturation Flow Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	1.00	1.00	1.00	1.00	0.85	0.95	1.00	0.75	1.00	1.00	1.00
Lanes:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	2.00	0.00	0.00	0.00
Final Sat.:	1805	1900	0	0	1900	1615	1805	0	2842	0	0	0

Capacity Analysis Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Vol/Sat:	0.15	0.07	0.00	0.00	0.06	0.01	0.09	0.00	0.06	0.00	0.00	0.00
Crit Moves:	***			***			***					
Green/Cycle:	0.50	0.50	0.00	0.00	0.21	0.21	0.29	0.00	0.29	0.00	0.00	0.00
Volume/Cap:	0.30	0.14	0.00	0.00	0.30	0.03	0.30	0.00	0.19	0.00	0.00	0.00
Uniform Del:	14.9	13.7	0.0	0.0	33.1	31.2	27.4	0.0	26.6	0.0	0.0	0.0
IncrementDel:	0.2	0.1	0.0	0.0	0.4	0.0	0.3	0.0	0.1	0.0	0.0	0.0
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00
Delay/Veh:	15.1	13.8	0.0	0.0	33.5	31.3	27.7	0.0	26.7	0.0	0.0	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	15.1	13.8	0.0	0.0	33.5	31.3	27.7	0.0	26.7	0.0	0.0	0.0
LOS by Move:	B	B	A	A	C	C	C	A	C	A	A	A
HCM2kAvgQ:	5	2	0	0	3	0	4	0	2	0	0	0

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Base Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.516
Loss Time (sec): 0 Average Delay (sec/veh): 11.4
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<
 Base Vol: 16 346 17 74 186 28 28 11 21 12 9 27
 Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Initial Bse: 16 346 17 74 186 28 28 11 21 12 9 27
 User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Volume: 16 346 17 74 186 28 28 11 21 12 9 27
 Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
 Reduced Vol: 16 346 17 74 186 28 28 11 21 12 9 27
 PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 FinalVolume: 16 346 17 74 186 28 28 11 21 12 9 27

Saturation Flow Module:
 Adjustment: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Lanes: 0.04 0.96 1.00 0.28 0.72 1.00 0.47 0.18 0.35 0.25 0.19 0.56
 Final Sat.: 31 670 812 192 482 795 280 110 210 153 115 344

Capacity Analysis Module:
 Vol/Sat: 0.52 0.52 0.02 0.39 0.39 0.04 0.10 0.10 0.10 0.08 0.08 0.08
 Crit Moves: ****
 Delay/Veh: 12.9 12.9 7.1 11.1 11.1 7.3 9.0 9.0 9.0 8.7 8.7 8.7
 Delay Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 AdjDel/Veh: 12.9 12.9 7.1 11.1 11.1 7.3 9.0 9.0 9.0 8.7 8.7 8.7
 LOS by Move: B B A B B A A A A A A A
 ApproachDel: 12.6 10.7 9.0 8.7
 Delay Adj: 1.00 1.00 1.00
 ApprAdjDel: 12.6 10.7 9.0 8.7
 LOS by Appr: B B A A
 AllWayAvgQ: 1.0 1.0 0.0 0.6 0.6 0.0 0.1 0.1 0.1 0.1 0.1 0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Base Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap.(X): 0.382
Loss Time (sec): 0 Average Delay (sec/veh): 13.6
Optimal Cycle: 23 Level Of Service: B

Street Name:	Richmond St						Potrero Av					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	0	0	1! 0	0	0	1! 0	0	0	1! 0	0	0	1! 0

Volume Module:	Richmond St			Richmond St			Potrero Av			Potrero Av		
Base Vol:	65	336	31	9	158	35	47	112	69	16	90	12
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	65	336	31	9	158	35	47	112	69	16	90	12
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	65	336	31	9	158	35	47	112	69	16	90	12
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	65	336	31	9	158	35	47	112	69	16	90	12
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	65	336	31	9	158	35	47	112	69	16	90	12

Saturation Flow Module:	Richmond St			Richmond St			Potrero Av			Potrero Av		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	0.92	0.92	0.96	0.96	0.96	0.89	0.89	0.89	0.94	0.94	0.94
Lanes:	0.15	0.78	0.07	0.04	0.79	0.17	0.21	0.49	0.30	0.14	0.76	0.10
Final Sat.:	263	1361	126	81	1427	316	349	831	512	243	1366	182

Capacity Analysis Module:	Richmond St			Richmond St			Potrero Av			Potrero Av		
Vol/Sat:	0.25	0.25	0.25	0.11	0.11	0.11	0.13	0.13	0.13	0.07	0.07	0.07
Crit Moves:	****			****			****			****		
Green/Cycle:	0.65	0.65	0.65	0.65	0.65	0.65	0.35	0.35	0.35	0.35	0.35	0.35
Volume/Cap:	0.38	0.38	0.38	0.17	0.17	0.17	0.38	0.38	0.38	0.19	0.19	0.19
Uniform Del:	8.3	8.3	8.3	7.0	7.0	7.0	24.2	24.2	24.2	22.4	22.4	22.4
IncrementDel:	0.2	0.2	0.2	0.1	0.1	0.1	0.4	0.4	0.4	0.1	0.1	0.1
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	8.5	8.5	8.5	7.1	7.1	7.1	24.6	24.6	24.6	22.5	22.5	22.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	8.5	8.5	8.5	7.1	7.1	7.1	24.6	24.6	24.6	22.5	22.5	22.5
LOS by Move:	A	A	A	A	A	A	C	C	C	C	C	C
HCM2kAvgQ:	6	6	6	2	2	2	5	5	5	2	2	2

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.319
Loss Time (sec): 0 Average Delay (sec/veh): 24.8
Optimal Cycle: 33 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl						
Approach:	North Bound			South Bound			East Bound			West Bound			
Movement:	L	T	R	L	T	R	L	T	R	L	T	R	
Control:	Split Phase			Split Phase			Split Phase			Split Phase			
Rights:	Include			Include			Include			Include			
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0	
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Lanes:	1	0	1	0	0	1	0	0	0	2	0	0	0

Volume Module: >> Count Date: 21 Oct 2009 <<	Elm St North Bound			Elm St South Bound			Hill St East Bound			Hill St West Bound		
Base Vol:	176	148	0	0	207	7	149	0	317	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	176	148	0	0	207	7	149	0	317	0	0	0
Added Vol:	2	1	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	178	149	0	0	207	7	149	0	317	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	178	149	0	0	207	7	149	0	317	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	178	149	0	0	207	7	149	0	317	0	0	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	178	149	0	0	207	7	149	0	317	0	0	0

Saturation Flow Module:	Elm St North Bound			Elm St South Bound			Hill St East Bound			Hill St West Bound		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	1.00	1.00	1.00	1.00	0.85	0.95	1.00	0.75	1.00	1.00	1.00
Lanes:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	2.00	0.00	0.00	0.00
Final Sat.:	1805	1900	0	0	1900	1615	1805	0	2842	0	0	0

Capacity Analysis Module:	Elm St North Bound			Elm St South Bound			Hill St East Bound			Hill St West Bound		
Vol/Sat:	0.10	0.08	0.00	0.00	0.11	0.00	0.08	0.00	0.11	0.00	0.00	0.00
Crit Moves:	****				****				****			
Green/Cycle:	0.31	0.31	0.00	0.00	0.34	0.34	0.35	0.00	0.35	0.00	0.00	0.00
Volume/Cap:	0.32	0.25	0.00	0.00	0.32	0.01	0.24	0.00	0.32	0.00	0.00	0.00
Uniform Del:	26.5	25.9	0.0	0.0	24.3	21.8	23.1	0.0	23.8	0.0	0.0	0.0
IncrementDel:	0.3	0.2	0.0	0.0	0.3	0.0	0.2	0.0	0.2	0.0	0.0	0.0
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00
Delay/Veh:	26.8	26.1	0.0	0.0	24.6	21.8	23.3	0.0	24.0	0.0	0.0	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	26.8	26.1	0.0	0.0	24.6	21.8	23.3	0.0	24.0	0.0	0.0	0.0
LOS by Move:	C	C	A	A	C	C	C	A	C	A	A	A
HCM2kAvgQ:	4	3	0	0	5	0	3	0	4	0	0	0

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.552
Loss Time (sec): 0 Average Delay (sec/veh): 11.6
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module:	>> Count	Date:	21 Oct 2009	<<								
Base Vol:	9	264	8	29	357	124	19	7	25	12	14	27
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	9	264	8	29	357	124	19	7	25	12	14	27
Added Vol:	0	0	0	0	2	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	9	264	8	29	359	124	19	7	25	12	14	27
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	9	264	8	29	359	124	19	7	25	12	14	27
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	9	264	8	29	359	124	19	7	25	12	14	27
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	9	264	8	29	359	124	19	7	25	12	14	27

Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.03	0.97	1.00	0.07	0.93	1.00	0.37	0.14	0.49	0.23	0.26	0.51
Final Sat.:	22	651	770	53	650	818	220	81	289	135	157	303

Capacity Analysis Module:												
Vol/Sat:	0.41	0.41	0.01	0.55	0.55	0.15	0.09	0.09	0.09	0.09	0.09	0.09
Crit Moves:	****			****			****			****		
Delay/Veh:	11.4	11.4	7.3	13.7	13.7	7.8	8.9	8.9	8.9	8.9	8.9	8.9
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.4	11.4	7.3	13.7	13.7	7.8	8.9	8.9	8.9	8.9	8.9	8.9
LOS by Move:	B	B	A	B	B	A	A	A	A	A	A	A
ApproachDel:	11.3			12.3			8.9			8.9		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	11.3			12.3			8.9			8.9		
LOS by Appr:	B			B			A			A		
AllWayAvgQ:	0.6	0.6	0.0	1.2	1.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap. (X): 0.338

Loss Time (sec): 0 Average Delay (sec/veh): 13.9

Optimal Cycle: 22 Level Of Service: B

Street Name: Richmond St Potrero Av

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

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Control: Permitted Permitted Permitted Permitted

Rights: Include Include Include Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Y+R: 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0

Lanes: 0 0 1! 0 0 0 0 1! 0 0 0 0 1! 0 0

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Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol: 42 201 10 19 330 50 28 117 62 15 150 22

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 42 201 10 19 330 50 28 117 62 15 150 22

Added Vol: 0 0 0 0 2 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 42 201 10 19 332 50 28 117 62 15 150 22

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 42 201 10 19 332 50 28 117 62 15 150 22

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Reduced Vol: 42 201 10 19 332 50 28 117 62 15 150 22

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

FinalVolume: 42 201 10 19 332 50 28 117 62 15 150 22

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Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 0.90 0.90 0.90 0.97 0.97 0.97 0.91 0.91 0.91 0.96 0.96 0.96

Lanes: 0.17 0.79 0.04 0.05 0.83 0.12 0.14 0.56 0.30 0.08 0.80 0.12

Final Sat.: 283 1355 67 87 1520 229 235 981 520 146 1462 214

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Capacity Analysis Module:

Vol/Sat: 0.15 0.15 0.15 0.22 0.22 0.22 0.12 0.12 0.12 0.10 0.10 0.10

Crit Moves: ****

Green/Cycle: 0.65 0.65 0.65 0.65 0.65 0.65 0.35 0.35 0.35 0.35 0.35 0.35

Volume/Cap: 0.23 0.23 0.23 0.34 0.34 0.34 0.34 0.34 0.34 0.29 0.29 0.29

Uniform Del: 7.3 7.3 7.3 8.0 8.0 8.0 23.8 23.8 23.8 23.3 23.3 23.3

IncrementDel: 0.1 0.1 0.1 0.2 0.2 0.2 0.3 0.3 0.3 0.3 0.3 0.3

InitQueueDel: 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

Delay Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Delay/Veh: 7.4 7.4 7.4 8.1 8.1 8.1 24.1 24.1 24.1 23.6 23.6 23.6

User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

AdjDel/Veh: 7.4 7.4 7.4 8.1 8.1 8.1 24.1 24.1 24.1 23.6 23.6 23.6

LOS by Move: A A A A A A C C C C C C

HCM2kAvgQ: 3 3 3 6 6 6 5 5 5 4 4 4

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.299
Loss Time (sec): 0 Average Delay (sec/veh): 22.3
Optimal Cycle: 33 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	1	0	0	1	1	0	0	0	0	0

Volume Module:	Elm St			Elm St			Hill St / Key Bl			Hill St / Key Bl		
Base Vol:	266	136	0	0	120	10	157	0	162	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	266	136	0	0	120	10	157	0	162	0	0	0
Added Vol:	1	1	0	0	1	0	0	0	2	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	267	137	0	0	121	10	157	0	164	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	267	137	0	0	121	10	157	0	164	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	267	137	0	0	121	10	157	0	164	0	0	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	267	137	0	0	121	10	157	0	164	0	0	0

Saturation Flow Module:	Elm St			Elm St			Hill St / Key Bl			Hill St / Key Bl		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	1.00	1.00	1.00	1.00	0.85	0.95	1.00	0.75	1.00	1.00	1.00
Lanes:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	2.00	0.00	0.00	0.00
Final Sat.:	1805	1900	0	0	1900	1615	1805	0	2842	0	0	0

Capacity Analysis Module:	Elm St			Elm St			Hill St / Key Bl			Hill St / Key Bl		
Vol/Sat:	0.15	0.07	0.00	0.00	0.06	0.01	0.09	0.00	0.06	0.00	0.00	0.00
Crit Moves:	***			***			***					
Green/Cycle:	0.50	0.50	0.00	0.00	0.21	0.21	0.29	0.00	0.29	0.00	0.00	0.00
Volume/Cap:	0.30	0.15	0.00	0.00	0.30	0.03	0.30	0.00	0.20	0.00	0.00	0.00
Uniform Del:	14.9	13.7	0.0	0.0	33.1	31.1	27.5	0.0	26.6	0.0	0.0	0.0
IncrementDel:	0.2	0.1	0.0	0.0	0.4	0.0	0.3	0.0	0.1	0.0	0.0	0.0
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	0.00	0.00	1.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00
Delay/Veh:	15.1	13.8	0.0	0.0	33.5	31.2	27.8	0.0	26.8	0.0	0.0	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	15.1	13.8	0.0	0.0	33.5	31.2	27.8	0.0	26.8	0.0	0.0	0.0
LOS by Move:	B	B	A	A	C	C	C	A	C	A	A	A
HCM2kAvgQ:	5	2	0	0	3	0	4	0	2	0	0	0

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap. (X): 0.519
Loss Time (sec): 0 Average Delay (sec/veh): 11.4
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	16	346	17	74	186	28	28	11	21	12	9	27
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	16	346	17	74	186	28	28	11	21	12	9	27
Added Vol:	0	2	0	0	1	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	16	348	17	74	187	28	28	11	21	12	9	27
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	16	348	17	74	187	28	28	11	21	12	9	27
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	16	348	17	74	187	28	28	11	21	12	9	27
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	16	348	17	74	187	28	28	11	21	12	9	27

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.04	0.96	1.00	0.28	0.72	1.00	0.47	0.18	0.35	0.25	0.19	0.56
Final Sat.:	31	670	811	191	483	795	279	110	209	153	114	343

Capacity Analysis Module:

Vol/Sat:	0.52	0.52	0.02	0.39	0.39	0.04	0.10	0.10	0.10	0.08	0.08	0.08
Crit Moves:	****			****			****			****		
Delay/Veh:	13.0	13.0	7.1	11.1	11.1	7.3	9.0	9.0	9.0	8.7	8.7	8.7
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	13.0	13.0	7.1	11.1	11.1	7.3	9.0	9.0	9.0	8.7	8.7	8.7
LOS by Move:	B	B	A	B	B	A	A	A	A	A	A	A
ApproachDel:	12.7			10.8			9.0			8.7		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	12.7			10.8			9.0			8.7		
LOS by Appr:	B			B			A			A		
AllWayAvgQ:	1.0	1.0	0.0	0.6	0.6	0.0	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap. (X): 0.383
Loss Time (sec): 0 Average Delay (sec/veh): 13.6
Optimal Cycle: 23 Level Of Service: B

Richmond St						Potrero Av						
North Bound			South Bound			East Bound			West Bound			
Approach:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	0	0	1! 0	0	0	1! 0	0	0	1! 0	0	0	1! 0

Volume Module:												
Base Vol:	65	336	31	9	158	35	47	112	69	16	90	12
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	65	336	31	9	158	35	47	112	69	16	90	12
Added Vol:	0	2	0	0	1	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	65	338	31	9	159	35	47	112	69	16	90	12
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	65	338	31	9	159	35	47	112	69	16	90	12
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	65	338	31	9	159	35	47	112	69	16	90	12
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	65	338	31	9	159	35	47	112	69	16	90	12

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	0.92	0.92	0.96	0.96	0.96	0.89	0.89	0.89	0.94	0.94	0.94
Lanes:	0.15	0.78	0.07	0.04	0.79	0.17	0.21	0.49	0.30	0.14	0.76	0.10
Final Sat.:	262	1362	125	81	1429	315	349	831	512	243	1366	182

Capacity Analysis Module:												
Vol/Sat:	0.25	0.25	0.25	0.11	0.11	0.11	0.13	0.13	0.13	0.07	0.07	0.07
Crit Moves:	****						****					
Green/Cycle:	0.65	0.65	0.65	0.65	0.65	0.65	0.35	0.35	0.35	0.35	0.35	0.35
Volume/Cap:	0.38	0.38	0.38	0.17	0.17	0.17	0.38	0.38	0.38	0.19	0.19	0.19
Uniform Del:	8.2	8.2	8.2	7.0	7.0	7.0	24.3	24.3	24.3	22.5	22.5	22.5
IncrementDel:	0.2	0.2	0.2	0.1	0.1	0.1	0.4	0.4	0.4	0.1	0.1	0.1
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	8.5	8.5	8.5	7.0	7.0	7.0	24.7	24.7	24.7	22.6	22.6	22.6
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	8.5	8.5	8.5	7.0	7.0	7.0	24.7	24.7	24.7	22.6	22.6	22.6
LOS by Move:	A	A	A	A	A	A	C	C	C	C	C	C
HCM2kAvgQ:	6	6	6	2	2	2	5	5	5	3	3	3

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.370
Loss Time (sec): 0 Average Delay (sec/veh): 27.6
Optimal Cycle: 36 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	0	1	0	0	1	0	1	1	0	0

Volume Module: >> Count Date: 21 Oct 2009 <<												
Base Vol:	176	148	0	0	207	7	149	0	317	0	0	0
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	191	160	0	0	224	8	161	0	343	0	0	0
Added Vol:	3	1	20	8	21	0	12	12	8	16	10	6
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	194	161	20	8	245	8	173	12	351	16	10	6
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	194	161	20	8	245	8	173	12	351	16	10	6
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	194	161	20	8	245	8	173	12	351	16	10	6
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	194	161	20	8	245	8	173	12	351	16	10	6

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	0.98	0.98	1.00	1.00	0.85	0.84	0.84	0.84	0.95	0.95	0.95
Lanes:	1.00	0.89	0.11	0.03	0.97	1.00	0.97	0.07	1.96	0.50	0.31	0.19
Final Sat.:	1805	1663	206	60	1836	1615	1553	107	3146	904	565	339

Capacity Analysis Module:												
Vol/Sat:	0.11	0.10	0.10	0.13	0.13	0.00	0.11	0.11	0.11	0.02	0.02	0.02
Crit Moves:	****			****			****		****			
Green/Cycle:	0.29	0.29	0.29	0.36	0.36	0.36	0.30	0.30	0.30	0.05	0.05	0.05
Volume/Cap:	0.37	0.33	0.33	0.37	0.37	0.01	0.37	0.37	0.37	0.37	0.37	0.37
Uniform Del:	28.3	27.9	27.9	23.6	23.6	20.5	27.4	27.4	27.4	46.1	46.1	46.1
IncrementDel:	0.4	0.4	0.4	0.3	0.3	0.0	0.2	0.2	0.2	2.7	2.7	2.7
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	28.7	28.3	28.3	23.9	23.9	20.5	27.6	27.6	27.6	48.8	48.8	48.8
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	28.7	28.3	28.3	23.9	23.9	20.5	27.6	27.6	27.6	48.8	48.8	48.8
LOS by Move:	C	C	C	C	C	C	C	C	C	D	D	D
HCM2kAvgQ:	5	4	4	6	6	0	5	5	5	1	1	1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.643
Loss Time (sec): 0 Average Delay (sec/veh): 13.4
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	9	264	8	29	357	124	19	7	25	12	14	27
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	10	286	9	31	387	134	21	8	27	13	15	29
Added Vol:	10	17	0	2	19	24	5	2	1	0	3	3
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	20	303	9	33	406	158	26	10	28	13	18	32
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	20	303	9	33	406	158	26	10	28	13	18	32
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	20	303	9	33	406	158	26	10	28	13	18	32
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	20	303	9	33	406	158	26	10	28	13	18	32

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.06	0.94	1.00	0.08	0.92	1.00	0.40	0.15	0.45	0.20	0.29	0.51
Final Sat.:	40	607	735	52	631	789	224	84	246	115	161	286

Capacity Analysis Module:

Vol/Sat:	0.50	0.50	0.01	0.64	0.64	0.20	0.11	0.11	0.11	0.11	0.11	0.11
Crit Moves:	****			****			****			****		
Delay/Veh:	13.3	13.3	7.5	16.6	16.6	8.3	9.5	9.5	9.5	9.4	9.4	9.4
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	13.3	13.3	7.5	16.6	16.6	8.3	9.5	9.5	9.5	9.4	9.4	9.4
LOS by Move:	B	B	A	C	C	A	A	A	A	A	A	A
ApproachDel:	13.1			14.4			9.5			9.4		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	13.1			14.4			9.5			9.4		
LOS by Appr:	B			B			A			A		
AllWayAvgQ:	0.9	0.9	0.0	1.6	1.6	0.2	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap. (X): 0.381
Loss Time (sec): 0 Average Delay (sec/veh): 14.1
Optimal Cycle: 23 Level Of Service: B

Richmond St						Potrero Av						
North Bound			South Bound			East Bound			West Bound			
Approach:	L	T	R	L	T	R	L	T	R	L	T	R
Movement:												
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	0	0	1! 0	0	0	1! 0	0	0	1! 0	0	0	1! 0

Volume Module:	>>	Count	Date:	21 Oct 2009	<<
Base Vol:	42	201	10	19	330
Growth Adj:	1.08	1.08	1.08	1.08	1.08
Initial Bse:	45	218	11	21	357
Added Vol:	4	22	0	2	16
PasserByVol:	0	0	0	0	0
Initial Fut:	49	240	11	23	373
User Adj:	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00
PHF Volume:	49	240	11	23	373
Reduct Vol:	0	0	0	0	0
Reduced Vol:	49	240	11	23	373
PCE Adj:	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00
FinalVolume:	49	240	11	23	373

Saturation Flow Module:											
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.88	0.88	0.88	0.96	0.96	0.96	0.91	0.91	0.91	0.96	0.96
Lanes:	0.16	0.80	0.04	0.05	0.83	0.12	0.14	0.56	0.30	0.08	0.79
Final Sat.:	277	1343	61	91	1509	227	242	955	525	143	1437

Capacity Analysis Module:											
Vol/Sat:	0.18	0.18	0.18	0.25	0.25	0.25	0.13	0.13	0.13	0.11	0.11
Crit Moves:				****			****				
Green/Cycle:	0.65	0.65	0.65	0.65	0.65	0.65	0.35	0.35	0.35	0.35	0.35
Volume/Cap:	0.27	0.27	0.27	0.38	0.38	0.38	0.38	0.38	0.38	0.32	0.32
Uniform Del:	7.5	7.5	7.5	8.2	8.2	8.2	24.3	24.3	24.3	23.8	23.8
IncrementDel:	0.1	0.1	0.1	0.2	0.2	0.2	0.4	0.4	0.4	0.3	0.3
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	7.6	7.6	7.6	8.4	8.4	8.4	24.7	24.7	24.7	24.1	24.1
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	7.6	7.6	7.6	8.4	8.4	8.4	24.7	24.7	24.7	24.1	24.1
LOS by Move:	A	A	A	A	A	A	C	C	C	C	C
HCM2kAvgQ:	4	4	4	6	6	6	5	5	5	5	5

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.414
Loss Time (sec): 0 Average Delay (sec/veh): 25.7
Optimal Cycle: 39 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	0	1	0	0	0	1	0	1	0	0

Volume Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Base Vol:	266	136	0	0	120	10	157	0	162	0	0	0
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	288	147	0	0	130	11	170	0	175	0	0	0
Added Vol:	8	6	12	5	57	0	50	7	31	13	8	5
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	296	153	12	5	187	11	220	7	206	13	8	5
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	296	153	12	5	187	11	220	7	206	13	8	5
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	296	153	12	5	187	11	220	7	206	13	8	5
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	296	153	12	5	187	11	220	7	206	13	8	5

Saturation Flow Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	0.99	0.99	1.00	1.00	0.85	0.86	0.86	0.86	0.95	0.95	0.95
Lanes:	1.00	0.93	0.07	0.03	0.97	1.00	1.00	0.07	1.93	0.50	0.31	0.19
Final Sat.:	1805	1743	136	49	1849	1615	1635	107	3163	903	556	347

Capacity Analysis Module:	Elm St NB			Elm St SB			Hill St EB			Hill St WB		
Vol/Sat:	0.16	0.09	0.09	0.10	0.10	0.01	0.13	0.07	0.07	0.01	0.01	0.01
Crit Moves:	***			***			***			***		
Green/Cycle:	0.40	0.40	0.40	0.24	0.24	0.24	0.32	0.32	0.32	0.03	0.03	0.03
Volume/Cap:	0.41	0.22	0.22	0.41	0.41	0.03	0.41	0.20	0.20	0.41	0.41	0.41
Uniform Del:	21.8	20.0	20.0	31.8	31.8	28.8	26.3	24.4	24.4	47.3	47.3	47.3
IncrementDel:	0.4	0.2	0.2	0.6	0.6	0.0	0.3	0.0	0.0	4.4	4.4	4.4
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	22.2	20.1	20.1	32.4	32.4	28.8	26.6	24.4	24.4	51.7	51.7	51.7
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	22.2	20.1	20.1	32.4	32.4	28.8	26.6	24.4	24.4	51.7	51.7	51.7
LOS by Move:	C	C	C	C	C	C	C	C	C	D	D	D
HCM2kAvgQ:	7	3	3	5	5	0	6	3	3	1	1	1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.658
Loss Time (sec): 0 Average Delay (sec/veh): 14.0
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	16	346	17	74	186	28	28	11	21	12	9	27
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	17	375	18	80	201	30	30	12	23	13	10	29
Added Vol:	27	14	0	4	38	59	7	8	3	0	8	4
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	44	389	18	84	239	89	37	20	26	13	18	33
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	44	389	18	84	239	89	37	20	26	13	18	33
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	44	389	18	84	239	89	37	20	26	13	18	33
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	44	389	18	84	239	89	37	20	26	13	18	33

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.10	0.90	1.00	0.26	0.74	1.00	0.45	0.24	0.31	0.20	0.28	0.52
Final Sat.:	67	591	755	167	476	750	245	131	169	111	152	285

Capacity Analysis Module:

Vol/Sat:	0.66	0.66	0.02	0.50	0.50	0.12	0.15	0.15	0.15	0.12	0.12	0.12
Crit Moves:	****			****			****			****		
Delay/Veh:	17.5	17.5	7.5	13.4	13.4	8.0	9.9	9.9	9.9	9.5	9.5	9.5
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	17.5	17.5	7.5	13.4	13.4	8.0	9.9	9.9	9.9	9.5	9.5	9.5
LOS by Move:	C	C	A	B	B	A	A	A	A	A	A	A
ApproachDel:	17.1			12.3			9.9			9.5		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	17.1			12.3			9.9			9.5		
LOS by Appr:	C			B			A			A		
AllWayAvgQ:	1.7	1.7	0.0	0.9	0.9	0.1	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap.(X): 0.455

Loss Time (sec): 0 Average Delay (sec/veh): 13.9

Optimal Cycle: 26 Level Of Service: B

Street Name: Richmond St Potrero Av

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

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Control: Permitted Permitted Permitted Permitted

Rights: Include Include Include Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Y+R: 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0

Lanes: 0 0 1! 0 0 0 0 1! 0 0 0 0 1! 0 0

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Volume Module:

Base Vol: 65 336 31 9 158 35 47 112 69 16 90 12

Growth Adj: 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08

Initial Bse: 70 364 34 10 171 38 51 121 75 17 97 13

Added Vol: 11 34 0 6 34 1 1 2 11 0 2 6

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 81 398 34 16 205 39 52 123 86 17 99 19

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 81 398 34 16 205 39 52 123 86 17 99 19

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Reduced Vol: 81 398 34 16 205 39 52 123 86 17 99 19

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

FinalVolume: 81 398 34 16 205 39 52 123 86 17 99 19

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Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 0.90 0.90 0.90 0.95 0.95 0.95 0.88 0.88 0.88 0.94 0.94 0.94

Lanes: 0.16 0.78 0.06 0.06 0.79 0.15 0.20 0.47 0.33 0.13 0.73 0.14

Final Sat.: 272 1329 112 109 1422 270 334 794 552 227 1303 249

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Capacity Analysis Module:

Vol/Sat: 0.30 0.30 0.30 0.14 0.14 0.14 0.16 0.16 0.16 0.08 0.08 0.08

Crit Moves: ****

Green/Cycle: 0.66 0.66 0.66 0.66 0.66 0.66 0.34 0.34 0.34 0.34 0.34 0.34

Volume/Cap: 0.45 0.45 0.45 0.22 0.22 0.22 0.45 0.45 0.45 0.22 0.22 0.22

Uniform Del: 8.3 8.3 8.3 6.8 6.8 6.8 25.7 25.7 25.7 23.5 23.5 23.5

IncrementDel: 0.3 0.3 0.3 0.1 0.1 0.1 0.6 0.6 0.6 0.2 0.2 0.2

InitQueueDel: 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

Delay Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Delay/Veh: 8.6 8.6 8.6 6.9 6.9 6.9 26.2 26.2 26.2 23.7 23.7 23.7

User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

AdjDel/Veh: 8.6 8.6 8.6 6.9 6.9 6.9 26.2 26.2 26.2 23.7 23.7 23.7

LOS by Move: A A A A A A C C C C C C

HCM2kAvgQ: 8 8 8 3 3 3 6 6 6 3 3 3

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.371
Loss Time (sec): 0 Average Delay (sec/veh): 27.6
Optimal Cycle: 36 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	0	1	0	0	1	0	1	1	0	0

Volume Module: >> Count Date: 21 Oct 2009 <<												
Base Vol:	176	148	0	0	207	7	149	0	317	0	0	0
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	191	160	0	0	224	8	161	0	343	0	0	0
Added Vol:	5	2	20	8	21	0	12	12	8	16	10	6
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	196	162	20	8	245	8	173	12	351	16	10	6
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	196	162	20	8	245	8	173	12	351	16	10	6
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	196	162	20	8	245	8	173	12	351	16	10	6
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	196	162	20	8	245	8	173	12	351	16	10	6

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	0.98	0.98	1.00	1.00	0.85	0.84	0.84	0.84	0.95	0.95	0.95
Lanes:	1.00	0.89	0.11	0.03	0.97	1.00	0.97	0.07	1.96	0.50	0.31	0.19
Final Sat.:	1805	1664	205	60	1836	1615	1553	107	3146	904	565	339

Capacity Analysis Module:												
Vol/Sat:	0.11	0.10	0.10	0.13	0.13	0.00	0.11	0.11	0.11	0.02	0.02	0.02
Crit Moves:	***			***			***		***	***		
Green/Cycle:	0.29	0.29	0.29	0.36	0.36	0.36	0.30	0.30	0.30	0.05	0.05	0.05
Volume/Cap:	0.37	0.33	0.33	0.37	0.37	0.01	0.37	0.37	0.37	0.37	0.37	0.37
Uniform Del:	28.1	27.8	27.8	23.7	23.7	20.6	27.5	27.5	27.5	46.2	46.2	46.2
IncrementDel:	0.4	0.4	0.4	0.3	0.3	0.0	0.2	0.2	0.2	2.7	2.7	2.7
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	28.6	28.1	28.1	24.0	24.0	20.6	27.7	27.7	27.7	48.9	48.9	48.9
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	28.6	28.1	28.1	24.0	24.0	20.6	27.7	27.7	27.7	48.9	48.9	48.9
LOS by Move:	C	C	C	C	C	C	C	C	C	D	D	D
HCM2kAvgQ:	5	4	4	6	6	0	5	5	5	1	1	1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.646
Loss Time (sec): 0 Average Delay (sec/veh): 13.4
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	9	264	8	29	357	124	19	7	25	12	14	27
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	10	286	9	31	387	134	21	8	27	13	15	29
Added Vol:	10	17	0	2	21	24	5	2	1	0	3	3
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	20	303	9	33	408	158	26	10	28	13	18	32
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	20	303	9	33	408	158	26	10	28	13	18	32
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	20	303	9	33	408	158	26	10	28	13	18	32
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	20	303	9	33	408	158	26	10	28	13	18	32

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.06	0.94	1.00	0.08	0.92	1.00	0.40	0.15	0.45	0.20	0.29	0.51
Final Sat.:	40	606	734	52	631	789	224	84	246	115	161	285

Capacity Analysis Module:

Vol/Sat:	0.50	0.50	0.01	0.65	0.65	0.20	0.11	0.11	0.11	0.11	0.11	0.11
Crit Moves:	****			****			****			****		
Delay/Veh:	13.3	13.3	7.5	16.7	16.7	8.3	9.5	9.5	9.5	9.4	9.4	9.4
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	13.3	13.3	7.5	16.7	16.7	8.3	9.5	9.5	9.5	9.4	9.4	9.4
LOS by Move:	B	B	A	C	C	A	A	A	A	A	A	A
ApproachDel:	13.1			14.5			9.5			9.4		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	13.1			14.5			9.5			9.4		
LOS by Appr:	B			B			A			A		
AllWayAvgQ:	0.9	0.9	0.0	1.7	1.7	0.2	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap. (X): 0.382
Loss Time (sec): 0 Average Delay (sec/veh): 14.1
Optimal Cycle: 23 Level Of Service: B

Street Name:	Richmond St						Potrero Av					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	0	0	1! 0	0	0	1! 0	0	0	1! 0	0	0	1! 0

Volume Module: >> Count Date: 21 Oct 2009 <<	Richmond St North Bound			Richmond St South Bound			Potrero Av East Bound			Potrero Av West Bound		
Base Vol:	42	201	10	19	330	50	28	117	62	15	150	22
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	45	218	11	21	357	54	30	127	67	16	162	24
Added Vol:	4	23	0	2	18	2	2	1	3	0	1	3
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	49	241	11	23	375	56	32	128	70	16	163	27
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	49	241	11	23	375	56	32	128	70	16	163	27
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	49	241	11	23	375	56	32	128	70	16	163	27
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	49	241	11	23	375	56	32	128	70	16	163	27

Saturation Flow Module:	Richmond St North Bound			Richmond St South Bound			Potrero Av East Bound			Potrero Av West Bound		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.88	0.88	0.88	0.96	0.96	0.96	0.91	0.91	0.91	0.96	0.96	0.96
Lanes:	0.16	0.80	0.04	0.05	0.83	0.12	0.14	0.56	0.30	0.08	0.79	0.13
Final Sat.:	276	1344	60	91	1510	226	242	955	525	143	1437	236

Capacity Analysis Module:	Richmond St North Bound			Richmond St South Bound			Potrero Av East Bound			Potrero Av West Bound		
Vol/Sat:	0.18	0.18	0.18	0.25	0.25	0.25	0.13	0.13	0.13	0.11	0.11	0.11
Crit Moves:				****			****					
Green/Cycle:	0.65	0.65	0.65	0.65	0.65	0.65	0.35	0.35	0.35	0.35	0.35	0.35
Volume/Cap:	0.28	0.28	0.28	0.38	0.38	0.38	0.38	0.38	0.38	0.33	0.33	0.33
Uniform Del:	7.4	7.4	7.4	8.1	8.1	8.1	24.4	24.4	24.4	23.9	23.9	23.9
IncrementDel:	0.1	0.1	0.1	0.2	0.2	0.2	0.4	0.4	0.4	0.3	0.3	0.3
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	7.6	7.6	7.6	8.3	8.3	8.3	24.8	24.8	24.8	24.2	24.2	24.2
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	7.6	7.6	7.6	8.3	8.3	8.3	24.8	24.8	24.8	24.2	24.2	24.2
LOS by Move:	A	A	A	A	A	A	C	C	C	C	C	C
HCM2kAvgQ:	4	4	4	6	6	6	5	5	5	5	5	5

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Elm St / Hill St / Key Bl

Cycle (sec): 100 Critical Vol./Cap.(X): 0.415
Loss Time (sec): 0 Average Delay (sec/veh): 25.7
Optimal Cycle: 39 Level Of Service: C

Street Name:	Elm St						Hill St / Key Bl					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lanes:	1	0	0	1	0	0	1	0	0	1	0	0

Volume Module:

Base Vol:	266	136	0	0	120	10	157	0	162	0	0	0
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	288	147	0	0	130	11	170	0	175	0	0	0
Added Vol:	9	6	12	5	58	0	50	7	33	13	8	5
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	297	153	12	5	188	11	220	7	208	13	8	5
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	297	153	12	5	188	11	220	7	208	13	8	5
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	297	153	12	5	188	11	220	7	208	13	8	5
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	297	153	12	5	188	11	220	7	208	13	8	5

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.95	0.99	0.99	1.00	1.00	0.85	0.86	0.86	0.86	0.95	0.95	0.95
Lanes:	1.00	0.93	0.07	0.03	0.97	1.00	1.00	0.06	1.94	0.50	0.31	0.19
Final Sat.:	1805	1743	136	49	1849	1615	1633	106	3160	903	556	347

Capacity Analysis Module:

Vol/Sat:	0.16	0.09	0.09	0.10	0.10	0.01	0.13	0.07	0.07	0.01	0.01	0.01
Crit Moves:	****			****			****					****
Green/Cycle:	0.40	0.40	0.40	0.24	0.24	0.24	0.32	0.32	0.32	0.03	0.03	0.03
Volume/Cap:	0.42	0.22	0.22	0.42	0.42	0.03	0.42	0.20	0.20	0.42	0.42	0.42
Uniform Del:	21.8	20.0	20.0	31.7	31.7	28.7	26.4	24.4	24.4	47.3	47.3	47.3
IncrementDel:	0.4	0.2	0.2	0.6	0.6	0.0	0.3	0.0	0.0	4.4	4.4	4.4
InitQueueDel:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Delay/Veh:	22.2	20.1	20.1	32.4	32.4	28.7	26.6	24.5	24.5	51.7	51.7	51.7
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	22.2	20.1	20.1	32.4	32.4	28.7	26.6	24.5	24.5	51.7	51.7	51.7
LOS by Move:	C	C	C	C	C	C	C	C	C	D	D	D
HCM2kAvgQ:	7	3	3	5	5	0	6	3	3	1	1	1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM 4-Way Stop Method (Future Volume Alternative)

Intersection #2 Elm St / Richmond St / Blake St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.660
Loss Time (sec): 0 Average Delay (sec/veh): 14.1
Optimal Cycle: 0 Level Of Service: B

Street Name:	Elm St / Richmond St						Blake St					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	1	0	0	1	0	0	0	1	0	0	1

Volume Module: >> Count Date: 21 Oct 2009 <<

Base Vol:	16	346	17	74	186	28	28	11	21	12	9	27
Growth Adj:	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Initial Bse:	17	375	18	80	201	30	30	12	23	13	10	29
Added Vol:	27	15	0	4	39	59	8	8	3	0	8	5
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	44	390	18	84	240	89	38	20	26	13	18	34
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	44	390	18	84	240	89	38	20	26	13	18	34
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	44	390	18	84	240	89	38	20	26	13	18	34
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	44	390	18	84	240	89	38	20	26	13	18	34

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.10	0.90	1.00	0.26	0.74	1.00	0.45	0.24	0.31	0.20	0.27	0.53
Final Sat.:	67	590	754	167	476	747	248	129	166	110	150	289

Capacity Analysis Module:

Vol/Sat:	0.66	0.66	0.02	0.51	0.51	0.12	0.15	0.15	0.15	0.12	0.12	0.12
Crit Moves:	****			****			****			****		
Delay/Veh:	17.6	17.6	7.5	13.5	13.5	8.0	9.9	9.9	9.9	9.5	9.5	9.5
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	17.6	17.6	7.5	13.5	13.5	8.0	9.9	9.9	9.9	9.5	9.5	9.5
LOS by Move:	C	C	A	B	B	A	A	A	A	A	A	A
ApproachDel:	17.2			12.3			9.9			9.5		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	17.2			12.3			9.9			9.5		
LOS by Appr:	C			B			A			A		
AllWayAvgQ:	1.7	1.7	0.0	0.9	0.9	0.1	0.1	0.1	0.1	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

City of El Cerrito
1715 Elm Street

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 Richmond St / Potrero Av

Cycle (sec): 100 Critical Vol./Cap.(X): 0.455

Loss Time (sec): 0 Average Delay (sec/veh): 13.9

Optimal Cycle: 26 Level Of Service: B

Street Name: Richmond St Potrero Av

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

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Control: Permitted Permitted Permitted Permitted

Rights: Include Include Include Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Y+R: 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0 4.0

Lanes: 0 0 1! 0 0 0 0 1! 0 0 0 0 1! 0 0

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Volume Module:

Base Vol: 65 336 31 9 158 35 47 112 69 16 90 12

Growth Adj: 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08 1.08

Initial Bse: 70 364 34 10 171 38 51 121 75 17 97 13

Added Vol: 11 36 0 6 35 1 1 2 11 0 2 6

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 81 400 34 16 206 39 52 123 86 17 99 19

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 81 400 34 16 206 39 52 123 86 17 99 19

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Reduced Vol: 81 400 34 16 206 39 52 123 86 17 99 19

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

FinalVolume: 81 400 34 16 206 39 52 123 86 17 99 19

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Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 0.90 0.90 0.90 0.95 0.95 0.95 0.88 0.88 0.88 0.94 0.94 0.94

Lanes: 0.16 0.78 0.06 0.06 0.79 0.15 0.20 0.47 0.33 0.13 0.73 0.14

Final Sat.: 271 1332 112 109 1425 269 334 794 552 227 1303 249

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Capacity Analysis Module:

Vol/Sat: 0.30 0.30 0.30 0.14 0.14 0.14 0.16 0.16 0.16 0.08 0.08 0.08

Crit Moves: ****

Green/Cycle: 0.66 0.66 0.66 0.66 0.66 0.66 0.34 0.34 0.34 0.34 0.34 0.34

Volume/Cap: 0.46 0.46 0.46 0.22 0.22 0.22 0.46 0.46 0.46 0.22 0.22 0.22

Uniform Del: 8.3 8.3 8.3 6.8 6.8 6.8 25.7 25.7 25.7 23.5 23.5 23.5

IncrementDel: 0.3 0.3 0.3 0.1 0.1 0.1 0.6 0.6 0.6 0.2 0.2 0.2

InitQueueDel: 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

Delay Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Delay/Veh: 8.6 8.6 8.6 6.9 6.9 6.9 26.3 26.3 26.3 23.7 23.7 23.7

User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

AdjDel/Veh: 8.6 8.6 8.6 6.9 6.9 6.9 26.3 26.3 26.3 23.7 23.7 23.7

LOS by Move: A A A A A A C C C C C C

HCM2kAvgQ: 8 8 8 3 3 3 6 6 6 3 3 3

Note: Queue reported is the number of cars per lane.

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of El Cerrito in its implementation and monitoring of measures included in the Initial Study prepared for the proposed project located at 1715 Elm Street.

MITIGATION MEASURES

The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the 1715 Elm Street Initial Study are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. Within the City of El Cerrito, the responsibility for implementation of the measures would lie with the Planning and Building Division.

Enforcement/Monitoring Party: The City of El Cerrito is responsible for ensuring that mitigation measures are successfully implemented.

Air Quality Mitigations

AQ-1 To adequately control dust, the project applicant shall ensure construction contracts contain requirements for implementing the BAAQMD's basic construction mitigation measures from Table 8-1 of the BAAQMD's CEQA Guidelines. Construction contracts shall also contain the following measures in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel powered equipment during construction.

1. Keep all construction equipment in proper tune in accordance with manufacturers' specifications.
2. Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.
3. Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the

San Francisco Bay Area.

4. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This requirement does not apply to diesel-powered trucks traveling to and from the site.)
5. Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.
6. Limit truck and equipment idling time to 5 minutes or less.
7. Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

Biological Mitigations

BIO-1 Survey for Migratory Birds.

If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-2 Survey for Active Raptor Nests.

If construction activities will occur during the nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer shall be erected around the nest while the nest is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line of sight of the construction activity.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-3 Conduct Surveys for Bird Nests in Structures.

If demolition of on-site structures is proposed to take place during the migratory bird nesting season (April 15–August 15), a survey for nesting migratory birds (e.g., swallows, phoebes) shall be conducted by a qualified biologist prior to demolition. If bird nests are discovered in the structure, the structure shall not be removed until the nest(s) become inactive.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-4 Conduct Surveys for Potential Bat Roosts.

Demolition of on-site structures shall be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-5 Mitigate for Loss of Waters of the United States. If the US Army Corps of Engineers identifies that the feature is jurisdictional, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

Cultural Resource Mitigations

CULT-1 Prior to any alterations of structures on the project site, the project applicant shall complete Historic American Building Survey (HABS) level documentation. Prior to occupancy of any structure on the project site, the applicant shall complete façade restoration, and salvage and reuse building materials and landscape features, as discussed below.

a) The project applicant shall document the affected historical resource and its setting, in accordance with HABS. The intent is to preserve an accurate record of historic property that can be used in research and other preservation activities. To serve these purposes, the documentation must include information that permits assessment of its reliability.

Generally, this includes:

- Drawings: Select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on Mylar.
- Photographs: Photographs with large-format negatives of exterior and interior views, or historic views, where available.
- Written data: History and description in narrative or outline format.

HABS material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories that are invested in archiving the history of El Cerrito.

b) Restore the building façade, including windows, the historic wood trim around the doors and windows on the primary façade, and the door in the main entrance, as determined by documentation by either physical and/or documentary evidence to the extent documentation is available. If physical evidence is inconclusive or historic photographs are not available, comparable, intact properties built during the same period as the Rodoni house may be used to inform the appearance of the façade.

Timing/Implementation: Prior to construction or demolition activities

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-2 In the event any archeological resources are encountered during construction, work within 100 feet of the find shall cease and a qualified paleontologist shall be contacted by the project applicant to determine whether the resource is significant. If the find is determined to be of significance, an excavation plan shall be created and resources shall be donated to an appropriate cultural center. All work products and plans shall be reviewed and approved by the City prior to execution.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-3 In the event paleontological resources are encountered during construction, the construction manager shall cease operation at the site of the discovery and immediately notify the City of El Cerrito Environmental & Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of El Cerrito Environmental & Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-4 If human remains are encountered during project construction, work within 100 feet of the remains shall be suspended immediately, and the City of El Cerrito Environmental & Development Services Department and the Contra Costa County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours. A professional archaeologist with Native American burial experience shall conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of El Cerrito Environmental & Development Services Department will be responsible for the approval of recommended mitigation, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The project applicant shall implement the approved mitigation, to be verified by the City of El Cerrito Environmental & Development Services Department, before the resumption of activities at the site where the remains were discovered.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

GHG-1 Prior to issuance of grading or building permits, the project applicant shall specify on the final project plans implementation of BAAQMD-recommended construction-related measures to reduce GHG emissions during construction activities. These measures include, as feasible:

1. Use alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment to the maximum extent possible.
2. Use local construction materials (within 100 miles) to the maximum extent possible.
3. Recycle construction waste and demolition materials to the maximum extent possible.

Timing/Implementation: Prior to grading permits

Enforcement/Monitoring: City of El Cerrito Planning Division

RESOLUTION 2014-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING
A GENERAL PLAN AMENDMENT AT 1715 ELM STREET.**

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential); and

WHEREAS, the general plan land use designation of the site is High Density; and

WHEREAS, on January 13, 2014 the City circulated an Initial Study/Mitigated Negative Declarations pursuant to the CEQA Guidelines; and

WHEREAS, at its March 19, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and directed staff to bring the project back for formal action; and

WHEREAS, at its April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-06, adopting an Initial Study and Mitigated Negative Declaration; and

WHEREAS, at its April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-07, approving a Planned Development Use Permit; and

WHEREAS, at its May 21, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-10, recommending denial of Planned Development District, General Plan Amendment and Development Agreement; and

WHEREAS, on June 2, 2014, the City Council held a duly noticed public hearing to consider a General Plan Amendment; and

WHEREAS, based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony and the proceedings before the Planning Commission, the Council has considered General Plan Amendment.

NOW THEREFORE, BE IT RESOLVED:

The City Council of the City of El Cerrito finds that:

1. The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek. The balance of all these core values on the site is considered to be in the public interest.

2. The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness.
3. The proposed residential project will be a transit oriented development with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the abutting properties or neighborhood.
4. An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

After careful consideration of facts, correspondence, and testimony, and other evidence submitted in this matter, the El Cerrito City Council hereby approves the General Plan Amendment at 1715 Elm Street.

I CERTIFY that at a regular meeting on June 2, 2014, the El Cerrito City Council passed this Resolution by the following vote:

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

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IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June 2, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

ORDINANCE 2014–XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO REZONING
1715 ELM STREET TO A PLANNED DEVELOPMENT ZONING DISTRICT –
APPLICATION 6133

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. RECITALS

A. The Applicant, the Edward and Loretta Biggs Revocable Trust, proposes a development project that includes the relocation and renovation of an existing historical single-family detached house on the Property, the construction of 14 new one- and two-bedroom dwelling units, and the preservation of an existing creek on 0.42 acre site. The project proposes a General Plan Amendment to change the allowable density to 35.7 units per acre; Planned Development District; a Planned Development Use Permit; Design Review; a subdivision map and condominium plan; and this Development Agreement. The proposed development and applications are collectively known as the “Project”; related approvals of the applications are collectively known as the “Project Approvals.”

B. The Project site is located at 1715 Elm Street in El Cerrito, California (the “Property”).

C. The Applicant has applied to change the zoning of the Property to a Planned Development District subject to certain terms, attached to this ordinance, and to amend the City’s Zoning Map accordingly.

D. The California Environmental Quality Act (CEQA), together with the state guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared.

E. An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this Project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures.

F. On April 16, 2014, the Planning Commission held a properly noticed public hearing on the Project, and adopted Resolution 14-07 recommending that the City Council adopt the Planned Development Use Permit, which Resolution is incorporated herein by reference and available for review at City Hall during normal business hours.

G. On May 21, 2014, the Planning Commission held a properly noticed public hearing on the Project, including the proposed General Plan Amendment, Planned Development District and Development Agreement, and adopted Resolution 14-10 recommending that the City Council

deny the General Plan Amendment, Planned Development District and Development Agreement, which Resolution is incorporated herein by reference and available for review at City Hall during normal business hours.

H. A Staff Report, dated June 2, 2014 and incorporated herein by reference, described and analyzed the Project, including the Planned Development rezoning for the City Council.

I. On June 2, 2014, the City Council held a properly noticed public hearing on the Project, including the proposed Planned Development rezoning at which time all interested parties had the opportunity to be heard.

J. On June 2, 2014, the City Council adopted Resolution xx-xx adopting an Initial Study and Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Project.

K. The City Council considered the adopted Initial Study and Mitigated Negative Declaration and all above-referenced reports, recommendations, and testimony prior to taking action on the Project.

SECTION 2. FINDINGS

A. Pursuant to Sections 19.14.040.A and 19.40.040.D of the El Cerrito Municipal Code, the City Council finds as follows.

1. The proposed residential Project will be a transit oriented development located within 800 feet of a BART station (1,400 feet by foot). It will add thirteen new dwelling units while preserving a historic dwelling and retain an existing creek. The balance of all these core values on the site is considered to be in the public interest.
2. The project is consistent with the purposes of the district and conforms in all significant respects with the amended General Plan, as conditioned. in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness.
3. The proposed residential project will be a transit oriented development with good urban design. It will add fourteen new dwelling units to the neighborhood while

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- preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the abutting properties or neighborhood.
4. An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.
 5. The proposed residential project will be a transit oriented development with good urban design. It will add fourteen new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the public interest, health, safety, convenience or welfare of the City
 6. The proposed amendment is a planned development district. It is consistent with applicable provisions of the zoning code including the purpose and intent of the Residential Mixed Use zone.
 7. It will add fourteen new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. The site is 0.42 acres in size with a relatively level grade. It has direct access onto Elm Street and will be served by existing utilities in the area. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.
 8. This project is demonstratively superior to the development that could occur under the standards applicable to the underlying base district in that it represents a balance of many of El Cerrito's core values. It is a transit oriented development; thereby reducing Vehicle Miles Traveled with good urban design; successful historic preservation and preservation of an existing creek. Had the project had been governed by the base district standards and strict interpretation of the creek protection ordinance, much of the open space would have been lost to surface parking spaces, the number of units would have to have been decreased due to the reduced building footprint, the building would two stories with a mansard roof, which would have greatly reduce the number of dwelling units.
 9. The project is consistent with the purposes of the district and conforms in all significant respects with the amended General Plan, as conditioned, in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types.

10. It is a transit oriented development, thereby reducing Vehicle Miles Traveled with good urban design, successful historic preservation and preservation of an existing creek. All of these goals are public benefits to the City of El Cerrito.

SECTION 3. ZONING MAP AMENDMENT

Pursuant to Chapter 19.14 of the City of El Cerrito Municipal Code the City of El Cerrito Zoning Map is amended to rezone the property described below to a Planned Development Zoning District:

0.42 acres at 1715 Elm Street ("Project site").

A map of the rezoning area is shown in Exhibit A.

11. Compliance with adopted Mitigation Measures. The Applicant/Developer shall comply with all adopted mitigation measures of the Initial Study and Mitigate Negative Declaration prepared for 1715 Elm Street.

12. Confirmation of ownership. The Applicant/Developer shall provide the City with a recorded copy of the deed vesting title to the property in its name.

SECTION 4. NOTICING, POSTING AND PUBLICATION

This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

SECTION 5. EFFECTIVE DATE

This ordinance shall not take effect until the Development Agreement for the Project takes effect and is recorded on the property.

THE FOREGOING ORDINANCE was introduced at a special meeting of the City Council on June 2, 2014 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSTAIN:	Councilmembers
ABSENT:	Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on the June 17, 2014 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers

APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June XX, 2014.

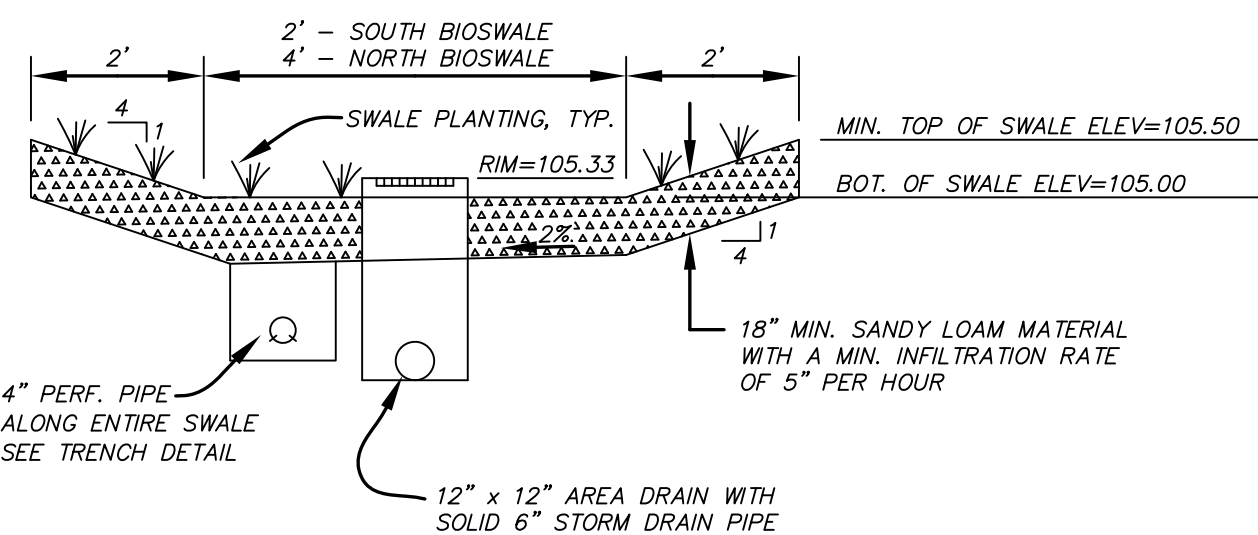
Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

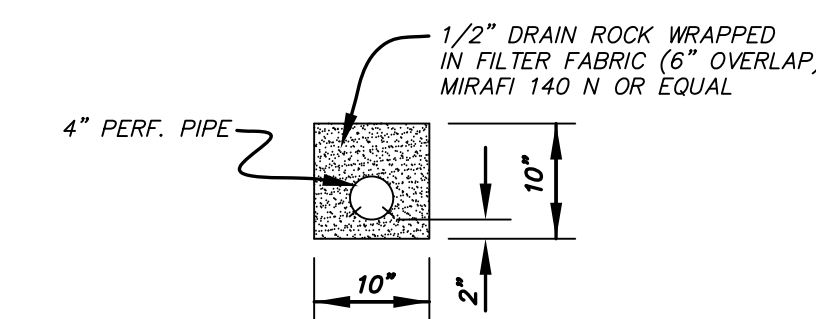
I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2014-XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___th day of June, 2014; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ___th day of June, 2014.

Cheryl Morse, City Clerk



VEGETATED BIOSWALE CROSS SECTION
NTS



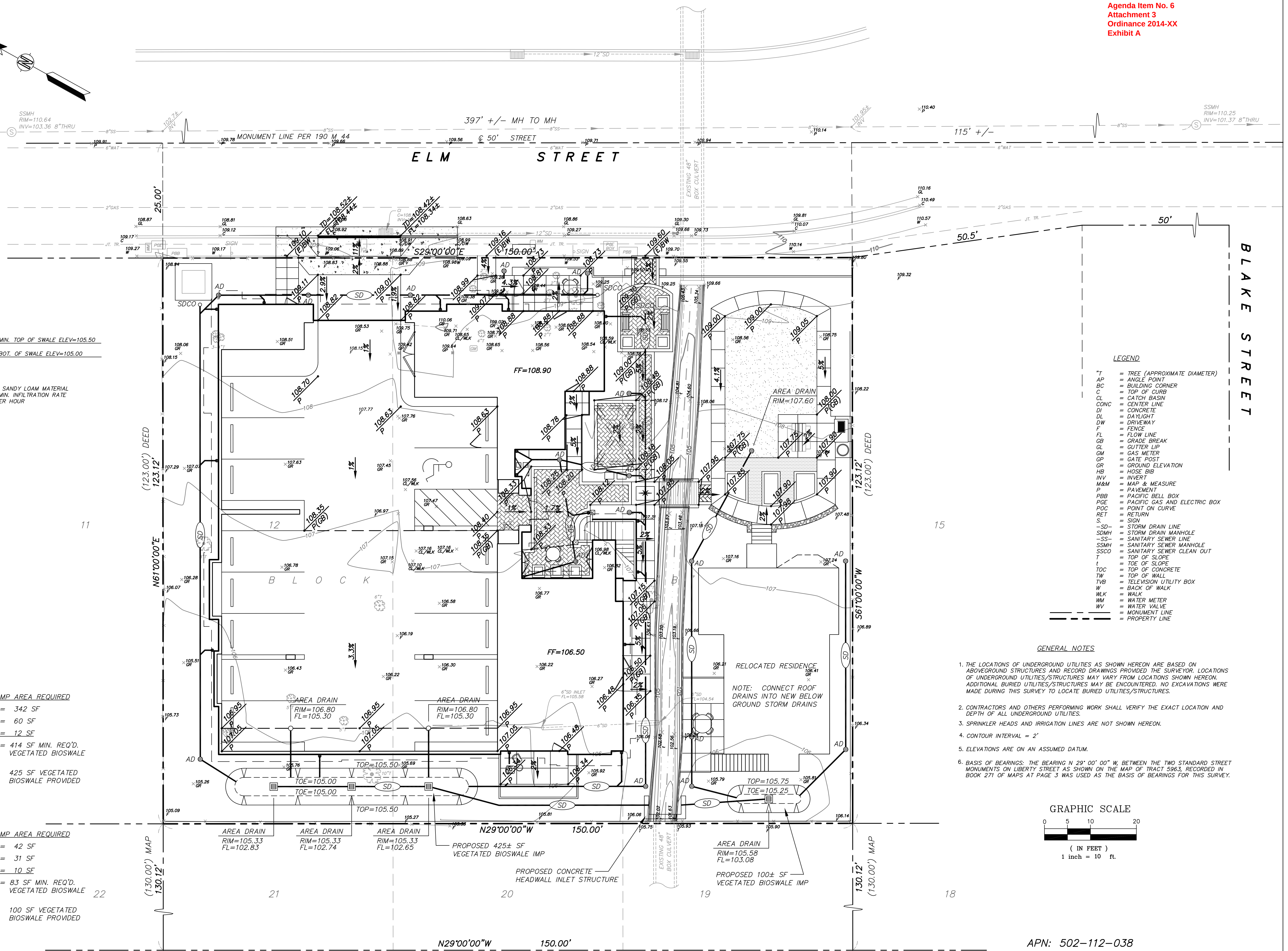
TRENCH DETAIL
NTS

NORTH SIDE VEGETATED BIOSWALE

DMA NAME	AREA	DMA & IMP SIZING FACTOR	BMP AREA REQUIRED
CONDOMINIUM ROOF	8,538 SF	(1.00 x .04)	= 342 SF
PAVED WALKWAY	1,508 SF	(1.00 x .04)	= 60 SF
LANDSCAPING	2,920 SF	(0.10 x .04)	= 12 SF
= 414 SF MIN. REQ'D. VEGETATED BIOSWALE			
425 SF VEGETATED BIOSWALE PROVIDED			

SOUTH SIDE VEGETATED SWALE

DMA NAME	AREA	DMA & IMP SIZING FACTOR	BMP AREA REQUIRED
RESIDENTIAL ROOF	1,065 SF	(1.00 x .04)	= 42 SF
PAVED WALKWAY	768 SF	(1.00 x .04)	= 31 SF
LANDSCAPING	2,442 SF	(0.10 x .04)	= 10 SF
= 83 SF MIN. REQ'D. VEGETATED BIOSWALE			
100 SF VEGETATED BIOSWALE PROVIDED			

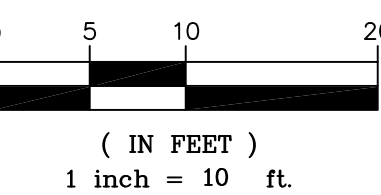


- LEGEND
- T = TREE (APPROXIMATE DIAMETER)
 - AP = ANGLE POINT
 - BC = BUILDING CORNER
 - C = TOP OF CURB
 - CL = CATCH BASIN
 - CONC = CENTER LINE
 - DI = CONCRETE
 - DL = DAYLIGHT
 - DW = DRIVEWAY
 - F = FENCE
 - FL = FLOW LINE
 - GB = GRADE BREAK
 - GL = GUTTER LIP
 - GM = GAS METER
 - GP = GATE POST
 - GR = GROUND ELEVATION
 - HB = HOSE BIB
 - INV = INVERT
 - M&M = MAP & MEASURE
 - P = PAVEMENT
 - PBB = PACIFIC BELL BOX
 - POC = PACIFIC GAS AND ELECTRIC BOX
 - POC = POINT ON CURVE
 - RET = RETURN
 - SIGN = SIGN
 - SD = STORM DRAIN LINE
 - SDMH = STORM DRAIN MANHOLE
 - SS = SANITARY SEWER LINE
 - SSMH = SANITARY SEWER MANHOLE
 - SSCO = SANITARY SEWER CLEAN OUT
 - T = TOP OF SLOPE
 - TOC = TOP OF CONCRETE
 - TW = TOP OF WALL
 - TWB = TELEVISION UTILITY BOX
 - W = BACK OF WALK
 - WLK = WALK
 - WM = WATER METER
 - WV = WATER VALVE
 - = MONUMENT LINE
 - - - = PROPERTY LINE

GENERAL NOTES

- THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
- CONTRACTORS AND OTHERS PERFORMING WORK SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES.
- SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
- CONTOUR INTERVAL = 2'
- ELEVATIONS ARE ON AN ASSUMED DATUM.
- BASIS OF BEARINGS: THE BEARING N 29° 00' 00" W, BETWEEN THE TWO STANDARD STREET MONUMENTS ON LIBERTY STREET AS SHOWN ON THE MAP OF TRACT 5963, RECORDED IN BOOK 271 OF MAPS AT PAGE 3 WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

GRAPHIC SCALE



APN: 502-112-038

LEGEND

NOTE: CONTOURS BY INTERPOLATION.
APPROXIMATE ONLY.

REFERENCES

FIELD BOOK No.
FILE MAP: G-2
TITLE CO:
POLICY No:
DATUM: ASSUMED
MISC. REF: B-8846
R-803, R-1124

REVISIONS

KISTER, SAVIO & REI, INC.
LAND SURVEYORS - CIVIL ENGINEERS

3095 RICHMOND PARKWAY, SUITE 214
RICHMOND, CALIFORNIA 94806
PHONE: (510) 222-4020 FAX: (510) 222-3718
E-MAIL: info@ksrinc.net

FOR: ED BIGGS

SCALE: 1"=10'

DATE: DECEMBER 20, 2013

JOB No. 18233

DWG No. X-3509-1

DESCRIPTION

PRELIMINARY CIVIL SITE PLAN
STORMWATER CONTROL PLAN
ELM STREET CONDOMINIUMS

EL CERRITO

CALIFORNIA

RESOLUTION 2014-XX

A RESOLUTION OF THE EL CERRITO CITY COUNCIL DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A PLANNED DEVELOPMENT USE PERMIT AT 1715 ELM STREET.

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential); and

WHEREAS, the general plan land use designation of the site is High Density; and

WHEREAS, on January 13, 2014 the City circulated an Initial Study/Mitigated Negative Declarations pursuant to the CEQA Guidelines; and

WHEREAS, at their March 19, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and directed staff to bring the project back for formal action; and

WHEREAS, at their April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-06, adopting an Initial Study and Mitigated Negative Declaration; and

WHEREAS, at their April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-07, approving a Planned Development Use Permit; and

WHEREAS on April 28, 2014, Howdy Goudey Robin Mitchell Jason Hasley, Keystone Montessori School I Linda Shehabi, Dan & Henia Pines and Julia Lucia filed an appeal of the Planning Commission's Planned Development Use Permit approval at 1715 Elm Street; and

WHEREAS, on June 2, 2014, the City Council held a duly noticed public hearing to consider the appeal; and

WHEREAS, based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony and the proceedings before the Planning Commission, the Council has considered the appeal.

NOW THEREFORE, BE IT RESOLVED:

The City Council of the City of El Cerrito finds that:

1. The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding

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dwelling or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.

2. The location and design of the project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, day-lighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.
3. The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan policies: LU1.3: Quality of Development, LU1.5: Suitable Housing, LU1.6: Various Housing Types, LU1.7: Maximum Density, LU5.5: Pedestrians, Bicycles, and Access, LU6.4: Water Conservation, CD1.2: Design Concept, CD1.3: High-Quality Design, CD1.5: Landmarks Preservation, CD 1.9: Building Design, CD3.3: Site Landscaping, CD4.2: Building Articulation, CD5.1: Design Review Process and R2.2: Historic Preservation.
4. The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek.
5. The proposed project offers a range of attached and detached dwellings on site. In the new construction is includes both one bedroom and two bedroom housing unit styles. All units' prices will be set by the market. It is expected that the prices will reflect the different unit sizes.
6. While this is an important consideration, there was no feasible way to include a mandate to offer these units at an affordable price to persons and families of low and moderate income or lower income homes as defined by the State of California.
7. The existing infrastructure is sufficient to serve the proposed development as proposed.
8. While requiring relief from some development standards of the RM zone, it exceeds the zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.
9. The use of the development area is exclusively residential.
10. The design of the new construction has been designed to allow acceptable levels of light and air into the interior spaces of the building. As conditioned, it shall meet or exceed all requirements of the California Building Code. In addition, the distance between the re-located historic building and the adjacent pre-school is approximately 13 feet.

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11. This project will contribute to the enhancement of the neighborhood character and the environment of El Cerrito in the long term in that it represents a balance of many of El Cerrito's core values. It incorporates transit oriented development and good urban design with successful historic preservation and stewardship of an existing creek.
12. The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site.

After careful consideration of facts, correspondence, and testimony, and other evidence submitted in this matter, the El Cerrito City Council hereby denies the subject appeal and upholds the Planning Commission's approval of Planned Development Use Permit at 1715 Elm Street. Application No. 6133, subject to the following conditions:

1. The project will be constructed substantially in conformance with the plans dated January 20, 2014. 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. Minor changes may be approved by the Zoning Administrator.
2. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. All new residential developments of five or more units are required to comply with the Art in Public Places ordinance pursuant to El Cerrito Municipal Code Section 13.50. This is a requirement of any project with development costs of two hundred fifty thousand dollars or more. The applicant shall devote an amount not less than one percent of such costs for acquisition and installation of public art on the development site, subject to a maximum of one hundred fifty thousand dollars. Compliance with the provisions of this chapter shall be demonstrated by the applicant at the time of filing a building permit application in one of the following ways:
 - a) Payment of the full amount of the public art in-lieu contribution; or
 - b) Written proof to the community development department of a contractual agreement to commission or purchase and install the required public art on the subject

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development site and a written acknowledgement by the visual art professional and the owner or developer, in a form approved by the city, that the proposed public art complies with the following criteria:

- 1) The public art shall be designed and constructed by any person experienced in the production of such art and recognized by critics and by his or her peers as one who produces works of art,
- 2) The public art shall require a low level of maintenance and that the proposed maintenance provisions are adequate for the long-term integrity and enjoyment of the work,
- 3) The public art shall be related in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other setting so as to complement the site and its surroundings and shall be consistent with any corresponding action of the planning commission, design review board or city council as it may relate to any development entitlements,
- 4) Permanent public art shall be a fixed asset to the property,
- 5) The public art shall be maintained by the property owner in a manner acceptable to the city,
- 6) The public art meets all applicable building code requirements.

The applicant shall provide the city with proof of installation of the required public art project on the development site prior to the issuance of a certificate of occupancy. If installation prior to the date of occupancy is impracticable, as determined by the city manager or his or her designee, a certificate of occupancy may be approved for the building or portion thereof if the application submitted pursuant to this section has been approved, the applicant has executed a written agreement with the city to install the public art, and the applicant has filed security in an amount and form acceptable to the city attorney to guarantee installation of the public art.

Community Development Department
Building and Planning Division:

1. The mitigation measures identified in the mitigation monitoring plan (MMRP) shall be considered conditions of approval of the project. They are included as Attachment A to the resolution.
2. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements.
3. Prior to the issuance of a building permit, Applicant shall submit to the Building Official proof of compliance with all other permits necessary from the applicable regulatory

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agencies, including but not limited to the Stege Sanitary District, West Contra Costa Unified School District, Pacific Gas and Electric and East Bay Municipal Utility District.

4. A demolition permit for all proposed demolition shall be submitted to and approved by the City of El Cerrito prior to issuance of a building permit.
5. Prior to the issuance of a demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulations, Section 1532.1).
6. Prior to the issuance of a building permit the applicant and/or construction company shall submit the location of construction staging areas for materials, equipment, and vehicles to the Zoning Administrator for review and approval.
7. Prior to the issuance of a building permit the applicant and/or construction company shall submit a parking management plan for all construction workers and their equipment to ensure that construction workers or construction equipment and vehicles do not occupy on-street spaces.
8. In the City of El Cerrito, the hours of construction work are limited to:
 - a) 7:00 a.m. to 6:00 p.m. Monday through Friday
 - b) 8:00 a.m. to 5:00 p.m. on Saturdays
 - c) Work is prohibited on Sundays and holidays.
 - d) Work may be prohibited during inclement weather by order of the City Building Official.
9. No construction shall take place on June 27, 2014 at the request of the preschool.
10. To ensure that the construction of the project is completed with minimal impact to the existing neighborhood, the following requirements shall be met before the issuance of a building permit:
 - a) Applicant shall submit a construction sign for approval by the Development Services Manager. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 2 feet by 3 feet with a minimum letter size of 2 inches. The sign shall include the following information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The sign shall be posted at the time of placing temporary fencing and start of construction activity. The sign shall be placed on the Elm Street frontage of the site in a location facing the street where the information can be easily read.

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- b) Prior to issuance of a building permit, the applicant shall submit a site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours. This will include the temporary construction fence required in the Public Works Department condition listed below. The height of the construction fence on the south side of the property shall be twelve feet in height.
11. The applicant shall stipulate in the construction bid information for the project that construction company shall be required to do the following:
- a) A notification procedure stating their plan to notify adjacent property owners as to when major deliveries, detours and lane closures may occur. At a minimum, this notification plan will include a written notice sent electronically as soon as possible to all neighbors that request such notification. The list of interested parties will be kept by the Community Development Department.
 - b) A monthly meeting in person with the operators of the preschool to go over any issues or concerns.
 - c) Make every possible effort shall be made to have the construction site turn off all unnecessary heavy equipment, generators and power tools from noon until 1:00 p.m.
12. Prior to issuance of a certificate of occupancy, the Zoning Administrator shall confirm that:
- a) All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
 - b) All visible vents, gutters, down spouts, flashings, and the like shall match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.
13. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Zoning Administrator.
14. The applicant has volunteered to donate four thousand dollars to the City of El Cerrito towards the creation and installation of up to two historical plaques. (This money will be held in a draw down account and any unused funds will be refunded.) The purpose of commemorative plaques would be to explain the history of the Rodini house as well as the history of the surrounding Little Italy neighborhood. The Zoning Administrator shall work with the El Cerrito Historical Society to create these plaques. The plaques will be installed on the front fence of the new project.
15. If for some reason, the City Council denies the Development Agreement, the General Plan Amendment or the Planned Development District, this entitlement is null and void.

Public Works Department:

16. A complete Stormwater Control Plan (Narrative Report and Exhibit) prepared in accordance with the latest version of Contra Costa Stormwater C.3 Guidebook, must be submitted as soon as possible to ensure the stormwater design, site plan, and landscaping plan are congruent.
17. Any changes to existing storm drain channel will require a Public Works Encroachment Permit and may require that storm drain easement be recorded. The applicant must furnish plans, specifications and hydrology/hydraulics studies, as appropriate, prior to consideration of the permit application. The City may impose conditions as are appropriate to eliminate any diminution in the capacity of the existing drain to carry off the volume of water reasonably anticipated. If conflict exists between the Encroachment Permit and the JARPA permit, the JARPA permit shall prevail.
18. Remove and replace all sidewalk and driveway approaches to comply with Americans with Disability Act and all other applicable City standards. Sidewalk and driveway improvements shall require a Public Works Encroachment Permit.
19. All site grading shall be done per Chapters 8 and 13 of the El Cerrito Municipal Code and all other relevant laws, rules and regulations. Prior to commencing any grading in excess of 50 cubic yards, the applicant shall obtain a Grading & Transportation Permit and approval from the Public Works Department.
20. New street tree types and locations shall be approved by the City Arborist prior to issuance of building permit.
21. Prior to issuance of a building, demolition or grading permit for any portion of the project, applicant shall submit a Traffic and Parking Management Plan for review and approval by the Public Works Director and the Zoning Administrator. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas.
22. Prior to the issuance of a building permit, applicant shall install temporary construction fence around the perimeter of the site that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director and the Zoning Administrator. On the southern property line, the fence shall be 12 feet high to provide an additional visual and safety screen for the adjacent school. The applicant shall submit the materials for the fence to the Zoning Administrator for review and approval before the fence is installed.
23. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).

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24. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
25. Dust control measures to minimize air quality impacts shall be implemented including:
- a) Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b) Cover all trucks hauling soil, sand, and other loose materials.
 - c) Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d) Limit traffic speeds on unpaved roads to 5 mph.
 - e) Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f) Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g) No grading between October 1st and April 15th unless the City Engineer has approved an erosion and sedimentation control plan.
26. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage at its expense and to the satisfaction of the City Engineer, including but not limited to sidewalk repair, street slurry seal or street reconstruction.
27. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that all off-site and on-site public improvements (including sidewalk and driveway approaches) are completed in accordance with the final building permit and improvement plans or that other arrangements acceptable to the Public Works Director have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit.

Operations and Environmental Services Division

28. Prior to issuance of a building permit, the applicant shall provide provision for pickup and hauling of solid waste and recycling to the satisfaction of the City of El Cerrito Operations & Environmental Services Division. This includes a written description of the plan for the removal of solid waste and recycling items; the plans clearly showing the location of the solid waste and recycling area and the proposed access for both users and waste haulers. The solid waste and recycling area must include:
- a) Access doors that are at least 8 feet wide.
 - b) The solid waste and recycling storage areas/room shall be lined with metal bands 2 feet wide at a height starting 3 feet from the ground.
 - c) There shall be sloping curbs in front of the access door to the solid waste and recycling storage areas/rooms.
29. Prior to the issuance of a building permit, the applicant shall submit a Construction/Demolition Waste Management Plan to the satisfaction of the City of El Cerrito Operations and Environmental Services Division. This plan must comply with the California Building Code requirement that at least 50% by weight of jobsite debris generated by new construction be recycled, reused or otherwise diverted from landfill disposal.

30. Upon completion of construction and demolition activities, but before the Certificate of Occupancy, the applicant shall submit the CWM Report to demonstrate achievement of the diversion requirement to the satisfaction of the City of El Cerrito Operations and Environmental Services Division.

Fire Department:

31. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 - a) The address numbers shall be of contrasting color of the back ground
 - b) Shall be internally or externally illuminated.
 - c) If address cannot be placed as stated above a monument shall be placed where the address is plainly visible from the street.
32. An Automatic Fire Sprinkler System is required for this project.
33. A fire hydrant is required within 50' of the Fire Department Connection (FDC) and shall be on the same side of the street as the FDC unless approved by the Fire Marshal.
34. Building shall have a "Wet Fire Standpipe in rear stairwell.
35. Standpipes shall be interconnected with the fire sprinkler system.
36. The fire alarm system shall be installed in accordance with NFPA 72.
37. Fire alarm System shall have the FACP located in an approved location and shall be easily accessible and access doors clearly labeled.
38. If the FACP cannot be located for easy access a remote enunciator shall be placed in an approved location.
39. Knox box shall be placed adjacent to entry doors, doors inclosing the fire sprinkler riser and or fire alarms control panel and any remote annunciating locations, and locking gates.
40. Electronic gate shall have a Knox Key Entry System installed for emergency operations.
41. All Knox Box Entry Systems used in this building shall be approved by the Fire Marshall before installation.
42. Fire Extinguishers shall be placed on each level and throughout the building.
 - a) Spacing shall have a maximum travel distance of 75'.
 - b) Travel distance to an extinguisher shall not exceed 75' of travel distance.
 - c) The location of each extinguisher shall be conspicuously posted with an approved sign.
 - d) Mount Fire extinguishers on wall with the top no higher than 5 feet from the ground.
43. All electrical breakers shall be labeled. Major equipment shall have corresponding labels.

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44. The Fire Department shall review building plans for compliance of these before a building permit is issued. The applicant shall provide Fire Prevention Division with 24-hour notice prior to any inspections. Implementation of these conditions shall be verified prior to the issuance of the Certificate of Occupancy.

Police Department:

45. The building plans shall note that exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lot and pedestrian accessways while limiting off-site spillover of light through shielding. This condition shall be reviewed for compliance prior to the Certificate of Occupancy.

I CERTIFY that at a regular meeting on June 2, 2014, the El Cerrito City Council passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

CEQA Mitigation Monitoring Plan

1715 Elm Street

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of El Cerrito in its implementation and monitoring of measures included in the Initial Study prepared for the proposed project located at 1715 Elm Street.

MITIGATION MEASURES

The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the 1715 Elm Street Initial Study are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. Within the City of El Cerrito, the responsibility for implementation of the measures would lie with the Planning and Building Division.

Enforcement/Monitoring Party: The City of El Cerrito is responsible for ensuring that mitigation measures are successfully implemented.

Air Quality Mitigations

AQ-1 To adequately control dust, the project applicant shall ensure construction contracts contain requirements for implementing the BAAQMD's basic construction mitigation measures from Table 8-1 of the BAAQMD's CEQA Guidelines. Construction contracts shall also contain the following measures in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel powered equipment during construction.

1. Keep all construction equipment in proper tune in accordance with manufacturers' specifications.
2. Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.
3. Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the

San Francisco Bay Area.

4. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This requirement does not apply to diesel-powered trucks traveling to and from the site.)
5. Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.
6. Limit truck and equipment idling time to 5 minutes or less.
7. Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

Biological Mitigations

BIO-1 Survey for Migratory Birds.

If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-2 Survey for Active Raptor Nests.

If construction activities will occur during the nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer shall be erected around the nest while the nest is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line of sight of the construction activity.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-3 Conduct Surveys for Bird Nests in Structures.

If demolition of on-site structures is proposed to take place during the migratory bird nesting season (April 15–August 15), a survey for nesting migratory birds (e.g., swallows, phoebes) shall be conducted by a qualified biologist prior to demolition. If bird nests are discovered in the structure, the structure shall not be removed until the nest(s) become inactive.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-4 Conduct Surveys for Potential Bat Roosts.

Demolition of on-site structures shall be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

Timing/Implementation: Prior to demolition

Enforcement/Monitoring: City of El Cerrito Planning Division

BIO-5 Mitigate for Loss of Waters of the United States. If the US Army Corps of Engineers identifies that the feature is jurisdictional, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: City of El Cerrito Planning Division

Cultural Resource Mitigations

CULT-1 Prior to any alterations of structures on the project site, the project applicant shall complete Historic American Building Survey (HABS) level documentation. Prior to occupancy of any structure on the project site, the applicant shall complete façade restoration, and salvage and reuse building materials and landscape features, as discussed below.

a) The project applicant shall document the affected historical resource and its setting, in accordance with HABS. The intent is to preserve an accurate record of historic property that can be used in research and other preservation activities. To serve these purposes, the documentation must include information that permits assessment of its reliability.

Generally, this includes:

- Drawings: Select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on Mylar.
- Photographs: Photographs with large-format negatives of exterior and interior views, or historic views, where available.
- Written data: History and description in narrative or outline format.

HABS material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories that are invested in archiving the history of El Cerrito.

b) Restore the building façade, including windows, the historic wood trim around the doors and windows on the primary façade, and the door in the main entrance, as determined by documentation by either physical and/or documentary evidence to the extent documentation is available. If physical evidence is inconclusive or historic photographs are not available, comparable, intact properties built during the same period as the Rodoni house may be used to inform the appearance of the façade.

Timing/Implementation: Prior to construction or demolition activities

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-2 In the event any archeological resources are encountered during construction, work within 100 feet of the find shall cease and a qualified paleontologist shall be contacted by the project applicant to determine whether the resource is significant. If the find is determined to be of significance, an excavation plan shall be created and resources shall be donated to an appropriate cultural center. All work products and plans shall be reviewed and approved by the City prior to execution.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-3 In the event paleontological resources are encountered during construction, the construction manager shall cease operation at the site of the discovery and immediately notify the City of El Cerrito Environmental & Development Services Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of El Cerrito Environmental & Development Services Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

CULT-4 If human remains are encountered during project construction, work within 100 feet of the remains shall be suspended immediately, and the City of El Cerrito Environmental & Development Services Department and the Contra Costa County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours. A professional archaeologist with Native American burial experience shall conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of El Cerrito Environmental & Development Services Department will be responsible for the approval of recommended mitigation, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The project applicant shall implement the approved mitigation, to be verified by the City of El Cerrito Environmental & Development Services Department, before the resumption of activities at the site where the remains were discovered.

Timing/Implementation: During construction

Enforcement/Monitoring: City of El Cerrito Planning Division

GHG-1 Prior to issuance of grading or building permits, the project applicant shall specify on the final project plans implementation of BAAQMD-recommended construction-related measures to reduce GHG emissions during construction activities. These measures include, as feasible:

1. Use alternative-fueled (i.e., biodiesel, electric) construction vehicles and equipment to the maximum extent possible.
2. Use local construction materials (within 100 miles) to the maximum extent possible.
3. Recycle construction waste and demolition materials to the maximum extent possible.

Timing/Implementation: Prior to grading permits

Enforcement/Monitoring: City of El Cerrito Planning Division

ORDINANCE 2014–XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING
A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE
EDWARD AND LORETTA BIGGS REVOCABLE TRUST FOR 1715 ELM STREET –
APPLICATION 6133

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. RECITALS

A. The Applicant, the Edward and Loretta Biggs Revocable Trust, proposes a development project that includes the relocation and renovation of an existing historical single-family detached house on the Property, the construction of 14 new one- and two-bedroom dwelling units, and the preservation of an existing creek on 0.42 acre site. The project proposes a General Plan Amendment to change the allowable density to 35.7 units per acre; Planned Development District; a Planned Development Use Permit; Design Review; a subdivision map and condominium plan; and this Development Agreement. The proposed development and applications are collectively known as the “Project”; related approvals of the applications are collectively known as the “Project Approvals”.

B. The Project site is located at 1715 Elm Street in El Cerrito, California (the “Property”).

C. The Applicant and City desire to enter into a Development Agreement subject to certain terms, attached to this ordinance, and the vesting of the Project Approvals for ten years.

D. The California Environmental Quality Act (CEQA), together with the state guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared.

E. An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this Project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures.

F. On April 16, 2014, the Planning Commission held a properly noticed public hearing on the Project, and adopted Resolution 14-07 recommending that the City Council adopt the Planned Development Use Permit, which Resolution is incorporated herein by reference and available for review at City Hall during normal business hours.

G. On May 21, 2014, the Planning Commission held a properly noticed public hearing on the Project, including the proposed General Plan Amendment, Planned Development District and Development Agreement, and adopted Resolution 14-10 recommending that the City Council not adopt the General Plan Amendment, Planned Development District and

Development Agreement, which Resolution is incorporated herein by reference and available for review at City Hall during normal business hours.

H. The City Council held a properly noticed public hearing on the Project, including the proposed Development Agreement, on June 2, 2014 at which time all interested parties had the opportunity to be heard.

I. A staff report dated June 2, 2014 and incorporated herein by reference, described and analyzed the Project, including the Development Agreement, for the City Council.

J. The City Council used their independent judgment and considered the staff report, the Initial Study and Mitigated Negative Declaration, and all reports, recommendations and testimony referenced above and adopted Resolution No. 14-XX adopting the Initial Study and Mitigated Negative Declaration prior to approving the Development Agreement.

K. The City Council has considered the recommendation of the Planning Commission on the Development Agreement, including the Planning Commission's reasons for its recommendation, the staff report, all comments received in writing, and all testimony received at the public hearing.

SECTION 2. FINDINGS AND DETERMINATIONS

On the basis of: (a) the foregoing Recitals which are incorporated herein, (b) the City of El Cerrito General Plan; (c) Initial Study and Mitigated Negative Declaration, (e) the staff report; (f) information in the entire record of proceedings for the Project, and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

1. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan in that: (a) the General Plan land use designations, policies, programs and objectives are incorporated into the Development Agreement and not altered by the Development Agreement; and (b) the Project is consistent with the fiscal policies of the General Plan with respect to the provision of infrastructure and public services.

2. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is located.

3. The Development Agreement is in conformity with public convenience, general welfare, and good land use policies in that the Project will implement land use guidelines set forth in the General Plan.

4. The Development Agreement will not be detrimental to the health, safety, and general welfare in that the Developer's proposed Project will proceed in accordance with all the programs and policies of the General Plan and Project Approvals.

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Attachment 5

5. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that the Project will be consistent with the General Plan and Project Approvals.

6. The Development Agreement complies with the requirements of §§ 65864 et seq. of the California Government Code and El Cerrito Municipal Code Chapter 19.14 and specifies the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation of open space. The Development Agreement contains an indemnity and insurance clause requiring the developer to indemnify and hold the City harmless against claims arising out of the development process, including all legal fees and costs.

SECTION 3. APPROVAL

The City Council hereby approves the Development Agreement (Exhibit A to the Ordinance) and authorizes the City Manager to execute it.

SECTION 4. NOTICING, POSTING, PUBLICATION AND RECORDATION

This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted. Within ten days after the Development Agreement is fully executed by all parties, the Development Services Manager shall submit the Agreement to the County Recorder for recordation.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of its adoption, and prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a special meeting of the City Council on June 2, 2014 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSTAIN:	Councilmembers
ABSENT:	Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on the June 17, 2014 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers

ABSTAIN: Councilmembers
ABSENT: Councilmembers

APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June XX, 2014.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2014-XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___th day of June, 2014; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ___th day of June, 2014.

Cheryl Morse, City Clerk

RECORDING REQUESTED BY:

CITY OF EL CERRITO

When Recorded Mail To:

City Clerk
City of El Cerrito
10890 San Pablo Ave.
El Cerrito, CA 94530

*Exempt from Recorder's Fees
Pursuant to Government Code §§ 27383, 6103*

Space above this line for Recorder's use

DRAFT DEVELOPMENT AGREEMENT

BETWEEN THE

CITY OF EL CERRITO

AND

**THE EDWARD AND LORETTA BIGGS REVOCABLE TRUST
DATED MARCH 22, 2011**

FOR 1715 ELM STREET

THIS DEVELOPMENT AGREEMENT ("**Agreement**" or "**Development Agreement**") is made and entered into in the City of El Cerrito on _____ 2014, by and between the City of El Cerrito, a municipal corporation ("**City**") and The Edward and Loretta Biggs Revocable Trust dated March 22, 2011 ("**Developer**") pursuant to the authority of §§ 65864 *et seq.* of the California Government Code and El Cerrito Municipal Code, Chapters 19.14 and 19.41. City and Developer are, from time-to-time, individually referred to in this Agreement as a "party," and collectively as "parties."

RECITALS

A. California Government Code §§ 65864 *et seq.* ("Development Agreement Law") and Chapter 19.41 of the El Cerrito Municipal Code ("**Chapter 19.41**") authorize the City to enter into a development agreement for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property. Chapter 19.14 of the El Cerrito Municipal Code ("**Chapter 19.14**") requires a development agreement for all projects for which Planned Development District zoning is approved.

B. Developer owns the real property located at 1715 El Street in the City (APN 502-112-038) and that is more particularly described in Exhibit A attached hereto and is incorporated herein by reference (the "**Property**").

C. The proposed development of the Property includes the relocation and renovation of an existing historical single-family detached house on the Property, the construction of 14 new one- and two-bedroom dwelling units, and the preservation of an existing creek on 0.42 acre site (the "**Project**").

D. Developer has applied for and City has approved or is processing, various land use approvals in connection with the Project, including, without limitation, a General Plan Amendment; Planned Development District zoning; a Planned Development Use Permit; Design Review; a subdivision map and condominium plan; and this Development Agreement. All such approvals, collectively, together with any approvals or permits now or hereafter issued with respect to the Project, are referred to as the "**Project Approvals**." None of the Project Approvals take effect until the Development Agreement takes effect.

E. City desires the timely, efficient, orderly and proper development of the Project.

F. The City Council has found that, among other things, this Development Agreement is consistent with its General Plan, as amended, and has been reviewed and evaluated in accordance with the Development Agreement Law and Chapters 19.14 and 19.41.

G. City and Developer have reached agreement and desire to express herein a Development Agreement that will facilitate development of the Project, subject to conditions set forth herein.

H. The El Cerrito Planning Commission approved a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project on April 16, 2014 by the adoption of Planning Commission Resolution No. PC14-XX. The Mitigated Negative Declaration analyzed the environmental impacts of this Agreement. No significant unavoidable impacts were identified in the Mitigated Negative Declaration.

I. On _____, 2014, the City Council adopted Ordinance No. _____ approving this Development Agreement (the “**Approving Ordinance**”). The Approving Ordinance states that it will take effect on _____ (the “**Ordinance Effective Date**”).

NOW, THEREFORE, with reference to the foregoing recitals and in consideration of the mutual promises, obligations and covenants herein contained, City and Developer agree as follows:

AGREEMENT

1. Description of Property.

The Property that is the subject of this Agreement is described in Exhibit A attached hereto.

2. Interest of Developer.

The Developer owns the Property.

3. Relationship of City and Developer.

It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by the City and Developer and that the Developer is not an agent of the City. The City and Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and Developer joint venturers or partners.

4. Effective Date, Term, and Termination.

4.1. Effective Date. The effective date of this Agreement shall be the Ordinance Effective Date (“**Effective Date**”).

4.2. Term. The term of this Agreement shall commence on the Effective Date and extend 10 years thereafter, unless said term is otherwise terminated or

modified pursuant to the provisions of this Agreement. As authorized by California Government Code Sections 65863.9 and 66452.6(a)(1), the terms of the Project Approvals shall be the longer of: (a) the term of this Agreement; or (b) the term normally given each approval under controlling law.

4.3. Termination.

4.3.1. Termination on Sale of Individual Lots. Notwithstanding the foregoing Section 4.2, the provisions of this Agreement shall terminate with respect to any individual lot and such lot shall be released from and shall no longer be subject to this Agreement (without the execution or recordation of any further document or the taking of any further action) upon the lot being finally subdivided and sold or leased to a member of the public or any other ultimate user. City shall cooperate with Developer, at no cost to City, in executing in recordable form any document that Developer (including any successor to the title of the Developer in and to any of the aforescribed lots) may submit to confirm the termination of this Agreement as to any such lot. For purposes of this Section 4.3.1, each reference to a "lot" shall be deemed to include an individual dwelling unit that is a standalone structure or constructed within a multi-unit building, whether leased as an apartment or single-family home or sold as a condominium or similar interest in the Property.

4.3.2. Termination Upon Completion of Project. Notwithstanding the foregoing Sections 4.2 and 4.3.1, upon completing construction of the Project and satisfying all terms and conditions of this Agreement and the Project Approvals, Developer may send City written notice terminating this Agreement. City shall cooperate with Developer, at no cost to City, in executing in recordable form any document that Developer (including any successor to the title of Developer in and to any portion of the Property) may submit to confirm the termination of this Agreement.

5. Use of the Property.

5.1. Right to Develop. Developer shall have the vested right to develop the Project on the Property in accordance with the terms and conditions of this Agreement, the Project Approvals (as and when issued), and any amendments to any of them as shall, from time to time, be approved pursuant to this Agreement. (Such amendments, once effective, shall become part of the law Developer is vested into without an additional amendment of this Agreement.) Notwithstanding the foregoing or anything to the contrary herein, any amendment to the General Plan not in effect on the Effective Date shall not become part of the law Developer is vested into under this Agreement unless an additional amendment of this Agreement is entered into between Developer and City in accordance with state and City laws.

5.2. Permitted Uses. The permitted uses of the Property, the density and intensity of use, the maximum height, bulk, and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, the location and maintenance of on-site and off-site improvements, the location of public utilities, and other terms and conditions of development applicable to the Property, shall be those set forth in this Agreement, the Project Approvals and any amendments to this Agreement or the Project Approvals, subject to the provisions of Section 5.1.

5.3. Rules Regarding Permitted Uses. For the term of this Agreement, the City's ordinances, resolutions, rules, regulations and official policies governing the permitted uses of the Property and governing density and intensity of use of the Property and the maximum height, bulk and size of proposed buildings shall be those in force and effect on the Effective Date of this Agreement.

5.4. Rules Regarding Design and Construction. Unless otherwise expressly provided in Section 5 of this Agreement, the ordinances, resolutions, rules, regulations and official policies governing design, improvement and construction standards and specifications applicable to the Project shall be those in force and effect at the time of the applicable discretionary approval, whether the date of that approval is prior to or after the date of this Agreement. Ordinances, resolutions, rules, regulations and official policies governing design, improvement and construction standards, and specifications applicable to public improvements to be constructed by Developer shall be those in force and effect at the time of the applicable discretionary approval, whether the date of that approval is prior to or after the date of this Agreement.

5.5. Building and Other Codes Applicable. The Project shall be constructed in accordance with the provisions of the Building, Mechanical, Plumbing, Electrical, and Fire Codes and Title 24 of the California Code of Regulations, relating to Building Standards, in effect at the time of approval of the appropriate building, grading, encroachment or other construction permits for the Project.

6. Subsequently Enacted Rules and Regulations.

6.1. New Rules and Regulations. Consistent with Government Code section 65866, during the term of this Agreement, the City may apply new or modified ordinances, resolutions, rules, regulations and official policies of the City, whether adopted by the City or through the referendum or initiative process ("**New City Laws**") to the Property, which were not in force and effect on the Effective Date of this Agreement and which are not in conflict with those applicable to the Property as set forth in this Agreement and are not in conflict with the Project Approvals. Without limiting the generality of the foregoing, or any other provision of this Agreement, a New City Law shall be deemed to conflict

with this Agreement to the extent it limits or controls the timing of construction or occupancy of the Project.

6.2. Approval of Application. Nothing in this Agreement shall prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the Project on the basis of such New City Laws except that such subsequent actions shall be subject to any conditions, terms, restrictions, and requirements expressly set forth herein.

7. Subsequently Enacted or Revised Fees, Assessments and Taxes.

Notwithstanding anything to the contrary contained herein, the Project shall be subject to subsequently enacted or revised fees, assessments and taxes adopted by the City after the Effective Date of this Agreement. Nothing in this Agreement creates a vested right for the Project in the amount or type of fees, assessments and taxes in effect on the Effective Date of this Agreement.

8. Amendment or Cancellation.

8.1. Modification Because of Conflict with State or Federal Laws. The Project and Property shall be subject to state and federal laws and regulations and this Agreement does not create any vested right in state and federal laws and regulations in effect on the Effective Date. In the event that state or federal laws or regulations enacted after the Effective Date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps, or permits approved by the City, the parties shall meet and confer in good faith in a reasonable attempt to modify this Agreement to comply with such federal or state law or regulation. Any such amendment or suspension of the Agreement shall be subject to approval by the City Council in accordance with Chapter 8.56 of the Municipal Code.

8.2. Amendment by Mutual Consent. This Agreement may be amended in writing from time to time by mutual consent of the parties hereto and in accordance with the procedures of state law and Chapter 19.41.

8.3. Insubstantial Amendments. Notwithstanding the provisions of the preceding Paragraph 8.2, any amendments to this Agreement that do not relate to (a) the term of the Agreement as provided in Paragraph 4.2; (b) the permitted uses of the Property as provided in Paragraph 5.2; (c) the density or intensity of use of the Project; (d) the maximum height or size of proposed buildings; or (e) monetary contributions by Developer as provided in this Agreement, shall not, except to the extent otherwise required by law, require notice or public hearing before either the Planning Commission or the City Council before the parties may execute an amendment hereto.

8.4. Cancellation By Mutual Consent. Except as otherwise permitted herein, this Agreement may be canceled in whole or in part only by the mutual consent of the parties or their successors in interest, in accordance with the provisions of Chapter 19.41.

9. Annual Review.

9.1. Review Date. The annual review date for this Agreement shall be between June 1 and July 1, 2015 and thereafter between each June 1 and July 1 during the Term.

9.2. Initiation of Review. Developer shall initiate annual review of this Agreement by submitting an annual application. Developer shall submit with such application a report to the City's Community Development Director describing the Developer's good faith substantial compliance with the terms of this Agreement during the preceding year and include supporting evidence. Such report shall include a statement that the report is submitted to the City pursuant to the requirements of Government Code Section 65865.1 and of this Agreement. The report shall comply with Section 19.41.050 of Chapter 19.41. The burden of proof by substantial evidence of compliance is upon the Developer.

9.3. Finding of Compliance. Within thirty (30) days after Developer submits its report hereunder, the City's Community Development Director shall review Developer's submission to ascertain whether Developer has demonstrated good faith substantial compliance with the material terms of this Agreement. If the Community Development Director finds and determines, in consultation with the City Manager and the City's Public Works Director, that Developer has in good faith substantially complied with the material terms of this Agreement, or does not determine otherwise within 30 days after delivery of Developer's report, then the annual review shall be concluded. If the Community Development Director initially determines that such report is inadequate in any respect, then he or she shall provide written notice to that effect to Developer, and Developer may supply such additional information or evidence as may be necessary to demonstrate good faith substantial compliance with the material terms of this Agreement. Following consultation with the City Manager and the City's Public Works Director, if the Community Development Director concludes that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement, then he or she shall so notify Developer within 30 days after delivery of the additional information and prepare a report to the City Council with respect to the conclusions of the Community Development Director and the contentions of Developer with respect thereto.

9.4. City Council Hearing Regarding Non-Compliance. After submission of the staff report of the City's Community Development Director, the City Council shall conduct a noticed public hearing to consider the determination that Developer has not demonstrated good faith substantial compliance with the

material terms of this Agreement. At least ten (10) days prior to hearing, the Community Development Director shall provide to the City Council, Developer and to all interested persons requesting the same, copies of all staff reports and other information concerning Developer's good faith substantial compliance with the material terms of this Agreement and the conclusions and recommendations of the Community Development Director. At such hearing, Developer and any other interested person shall be entitled to submit evidence, orally or in writing, and address all the issues raised in the staff report on, or with respect or germane to, the issue of Developer's good faith substantial compliance with the material terms of this Agreement. If, after receipt of any written or oral response of Developer, and after considering all of the evidence at such public hearing, the City Council finds and determines, on the basis of substantial evidence, that Developer has not substantially complied in good faith with the material terms of this Agreement, then the City Council shall specify to Developer the respects in which Developer has failed to comply, and shall also specify a reasonable time for Developer to meet the terms of compliance, which time shall be not less than thirty (30) days after the date of the City Council's determination, and shall be reasonably related to the time necessary to adequately bring Developer's performance into good faith substantial compliance with the material terms of this Agreement.

If the areas of noncompliance specified by the City Council are not corrected within the time limits prescribed by the City Council hereunder, then the City Council may by subsequent noticed hearing extend the time for compliance for such period as the City Council may determine (with conditions, if the City Council deems appropriate), terminate, or modify this Agreement, or take such other actions as permitted under applicable law. Any notice to Developer of a determination of noncompliance by Developer hereunder, or of a failure by Developer to remedy the areas of noncompliance hereunder, shall specify in reasonable detail the grounds therefore and all facts demonstrating such noncompliance or failure, so that Developer may address the issues raised in the notice of noncompliance or failure on point-by-point basis in any hearing held by the City Council hereunder.

9.5. Meet and Confer Process. If either the City's Community Services Director or the City Council makes a determination that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement, then the City Manager and/or designated City Council representatives may initiate a meet and confer process with Developer pursuant to which the Parties shall meet and confer to determine a resolution acceptable to both Parties of the bases upon which the Community Services Director or City Council has determined that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement. The results and recommendations of the meet and confer process shall be presented to the City Council for review and consideration at its next regularly scheduled public meeting, including consideration of such amendments to this Agreement as may

be necessary or appropriate to effectuate the resolution through such meet and confer process, Developer shall be deemed to be in good faith substantial compliance with the material terms of this Agreement, only upon the City Council's acceptance of the results and recommendation of the meet and confer process.

9.6. Staff Reports. To the extent practical, the City shall deposit in the mail and fax or email to Developer a copy of all staff reports, and related exhibits concerning contract performance at least five (5) days prior to any annual review.

9.7. Costs. Costs reasonably incurred by the City in connection with the annual review shall be paid by Developer in accordance with the City's schedule of fees in effect at the time of review.

10. Default.

10.1. Other Remedies Available. Upon the occurrence of an event of default, the parties may pursue all other remedies at law or in equity that are not otherwise provided for in this Agreement or in the City's regulations governing development agreements, expressly including the remedy of specific performance of this Agreement.

10.2. Notice and Cure. Upon the occurrence of an event of default by either party, the nondefaulting party shall serve written notice of such default upon the defaulting party. If the default is not cured by the defaulting party within thirty (30) days after service of such notice of default, the nondefaulting party may then commence any legal or equitable action to enforce its rights under this Agreement; provided, however, that, if the default cannot be cured within such thirty (30) day period, the nondefaulting party shall refrain from any such legal or equitable action so long as the defaulting party begins to cure such default within such thirty (30) day period and diligently pursues such cure to completion. Failure to give notice shall not constitute a waiver of any default.

10.3. No Damages Against City. Notwithstanding anything to the contrary contained herein, in no event shall damages be awarded against the City upon an event of default or upon termination of this Agreement.

11. Estoppel Certificate.

Either party may, at any time, and from time to time, send written notice to the other party requesting such party to certify in writing that (a) this Agreement is in full force and effect and a binding obligation of the parties, (b) this Agreement has not been amended or modified either orally or in writing, or, if so amended, identifying the amendments, and (c) to the knowledge of the certifying party, the requesting party is not in default in the performance of its obligations under this Agreement, or, if in default, to describe therein the nature and amount

of any such defaults. A party receiving a request hereunder shall execute and return such certificate within thirty (30) days following the receipt thereof, or such longer period as may reasonably be agreed to by the parties. City Manager of the City shall be authorized to execute any certificate requested by Developer. Should the party receiving the request not execute and return such certificate within the applicable period, this shall not be deemed to be a default, provided that such party shall be deemed to have certified that the statements in clauses (a) through (c) of this Section are true, and any party may rely on such deemed certification.

12. Mortgagee Protection; Certain Rights of Cure.

12.1. Mortgagee Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof after the date of recording this Agreement, including the lien for any deed of trust or mortgage ("**Mortgage**"). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish, or impair the lien of any Mortgage made in good faith and for value, but all the terms and conditions contained in this Agreement shall be binding upon and effective against any person or entity, including any deed of trust beneficiary or mortgagee ("**Mortgagee**") who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

12.2. Mortgagee Not Obligated. Notwithstanding the provisions of Section 12.1 above, no Mortgagee shall have any obligation or duty under this Agreement, before or after foreclosure or a deed in lieu of foreclosure, to construct or complete the construction of improvements, or to guarantee such construction of improvements, or to guarantee such construction or completion, or to pay, perform or provide any fee, dedication, improvements or other exaction or imposition; provided, however, that the Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements thereon other than those uses or improvements provided for or authorized by the Project Approvals or by this Agreement without new approvals by the City as may be required for such other uses or improvements.

12.3. Notice of Default to Mortgagee and Extension of Right to Cure. If the City receives notice from a Mortgagee requesting a copy of any notice of default given Developer hereunder and specifying the address for service thereof, then the City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by the City that Developer has committed an event of default. Each Mortgagee shall have the right during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the event of default claimed set forth in the City's notice. The City, through its City Manager, may extend the thirty-day cure period provided in Paragraph 10.2 for not more than an additional sixty (60) days upon request of Developer or a Mortgagee.

13. Severability.

The unenforceability, invalidity, or illegality of any provision, covenant, condition, or term of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

14. Attorneys' Fees and Costs.

If the City or Developer initiates any action at law or in equity to enforce or interpret the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs in addition to any other relief to which it may otherwise be entitled. If any person or entity not a party to this Agreement initiates an action at law or in equity to challenge the validity of any provision of this Agreement or the Project Approvals, the parties shall cooperate in defending such action. Developer shall bear its own costs of defense as a real party in interest in any such action, and shall reimburse the City for all reasonable court costs and attorneys' fees expended by the City in defense of any such action or other proceeding.

15. Transfers and Assignments.

15.1. Right to Assign. Developer may wish to sell, transfer, or assign all or portions of its Property to another entity (each such other entity is referred to as a "Transferee"). In connection with any such sale, transfer, or assignment to a Transferee, Developer may sell, transfer, or assign to such Transferee any or all rights, interests, and obligations of Developer arising hereunder and that pertain to the portion of the Property being sold or transferred to such Transferee, provided, however, that no such transfer, sale, or assignment of Developer's rights, interests, and obligations hereunder shall occur without prior written notice to City and approval by the City Manager, which approval shall not be unreasonably withheld, conditioned or delayed.

15.2. Approval and Notice of Sale, Transfer or Assignment. The City Manager shall consider and decide on any transfer, sale, or assignment within ten (10) days after Developer's notice, provided all necessary documents, certifications, and other information are provided to the City Manager to enable the City Manager to determine whether the proposed Transferee can perform the Developer's obligations hereunder. Notice of any such approved sale, transfer, or assignment (which includes a description of all rights, interests and obligations that have been transferred and those which have been retained by Developer) shall be recorded in the official records of Contra Costa County, in a form acceptable to the City Manager, concurrently with such sale, transfer, or assignment.

15.3. Release Upon Transfer. Upon the transfer, sale, or assignment of all of Developer's rights, interests, and obligations hereunder pursuant to Paragraph 15.1 of this Agreement, Developer shall be released from the obligations under this Agreement, with respect to the Property transferred, sold, or assigned, arising subsequent to the date of City Manager approval of such transfer, sale, or assignment; provided, however, that if any Transferee approved by the City Manager expressly assumes all of the rights, interests, and obligations of Developer under this Agreement, Developer shall be released with respect to all such rights, interests, and assumed obligations. In any event, the transferee, purchaser, or assignee shall be subject to all the provisions hereof and shall provide all necessary documents, certifications, and other necessary information prior to City Manager approval.

15.4. Developer's Right to Retain Specified Rights or Obligations. Notwithstanding Paragraphs 15.1 and 15.2 and Paragraph 16, Developer may withhold from a sale, transfer, or assignment of this Agreement certain rights, interests, and/or obligations, which Developer shall retain, provided that Developer specifies such rights, interests, and/or obligations in a written document to be appended to this Agreement and recorded with the Contra Costa County Recorder prior to the sale, transfer, or assignment of the Property. Developer's Transferee shall then have no interest or obligations for such rights, interests and obligations, and this Agreement shall remain applicable to Developer with respect to such retained rights, interests, and/or obligations.

16. Agreements Run With the Land

All of the provisions, rights, terms, covenants, and obligations contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions of this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to applicable laws, including, but not limited to, Section 1468 of the Civil Code of the State of California. Each covenant to do, or refrain from doing, some act on the Property hereunder, or with respect to any owned property (a) is for the benefit of such properties and is a burden upon such properties, (b) runs with such properties, and (c) is binding upon each party and each successive owner during its ownership of such properties or any portion thereof, and shall be a benefit to and a burden upon each party and its property hereunder and each other person succeeding to an interest in such properties.

17. Bankruptcy.

The obligations of this Agreement shall not be dischargeable in bankruptcy.

18. Indemnification.

Developer agrees to indemnify, defend and hold harmless the City, and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives from any and all claims, costs (including legal fees and costs) and liability for any personal injury or property damage which may arise directly or indirectly as a result of any actions or inactions by the Developer, or any actions or inactions of Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, operation, or maintenance of the Project, provided that Developer shall have no indemnification obligation with respect to negligence or wrongful conduct of the City, its contractors, subcontractors, agents or employees or with respect to the maintenance, use or condition of any improvement after the time it has been dedicated to and accepted by the City or another public entity (except as provided in an improvement agreement or maintenance bond). If City is named as a party to any legal action, City shall cooperate with Developer, shall appear in such action and shall not unreasonably withhold approval of a settlement otherwise acceptable to Developer.

19. Insurance.

19.1. Public Liability and Property Damage Insurance. During the term of this Agreement, whenever Developer is conducting work on the Property pursuant to the Project Approvals, Developer shall maintain in effect a policy of comprehensive general liability insurance with a per-occurrence combined single limit of not less than One Million Dollars (\$1,000,000.00) with a One Hundred Thousand Dollar (\$100,000) self-insurance retention per claim. The policy so maintained by Developer shall name the City as an additional insured and shall include either a severability of interest clause or cross-liability endorsement.

19.2. Workers Compensation Insurance. During the term of this Agreement, whenever Developer is conducting work on the Property pursuant to the Project Approvals, Developer shall maintain Worker's Compensation insurance for all persons employed by Developer for work at the Project site. Developer shall require each contractor and subcontractor similarly to provide Worker's Compensation insurance for its respective employees. Developer agrees to indemnify the City for any damage resulting from Developer's failure to maintain any such insurance.

19.3. Evidence of Insurance. Prior to issuance of any permits for the Project, including grading permits, Developer shall furnish the City satisfactory

evidence of the insurance required in Sections 19.1 and 19.2 and evidence that the carrier is required to give the City at least fifteen (15) days prior written notice of the cancellation or reduction in coverage of a policy. The insurance shall extend to the City, its elective and appointive boards, commissions, officers, agents, employees, and representatives and to Developer performing work on the Project.

20. Notices.

All notices required or provided for under this Agreement shall be in writing. Notices required to be given to the City shall be addressed as follows:

City Manager
City of El Cerrito
10890 San Pablo Ave.
El Cerrito, CA 94530
Fax: (510) 864-7025
Email: sch@ci.el-cerrito.ca.us

Notices required to be given to Developer shall be addressed as follows:

The Edward and Loretta Biggs Revocable Trust dated March 22, 2011
271 Valley Lane
Fairfield, CA 94532
Fax: (707) 864-8150

A party may change its address by giving notice in writing to the other party. Thereafter, all notices shall be addressed and transmitted to the new address. Notices shall be deemed given and received upon personal delivery, or, if mailed, upon the expiration of 48 hours after being deposited in the United States Mail. Notices may also be given by overnight courier which shall be deemed given the following day, or by facsimile, which shall be deemed given upon verification of receipt if received before 5:00 p.m. on a regular business day or else on the next business day. The City will accept notice by email transmission, which shall be deemed given upon verification of receipt if received before 5:00 p.m. on a regular business day or else on the next business day. Developer may accept notice by email by providing notice to the City consistent with this section.

21. Agreement is Entire Understanding.

This Agreement constitutes the entire understanding and agreement of the parties.

22. Exhibits.

The following documents are referred to in this Agreement and are attached hereto and incorporated herein as though set forth in full:

Exhibit A Legal Description of Property

23. Counterparts.

This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original.

24. Recordation.

The City shall record a copy of this Agreement within ten (10) days following the Effective Date.

[Execution Page Follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

CITY OF EL CERRITO

DEVELOPER

The Edward and Loretta Biggs Revocable
Trust dated March 22, 2011

Scott Hanin, City Manager

By: _____

Its: Trustee

Attest:

Cheryl Morse, City Clerk

Approved as to Form:

Sky Woodruff, City Attorney

(NOTARIZATION ATTACHED)

Exhibit A

Legal Description of the Property

The land referred to is situated in the State of California, County of Contra Costa, City of El Cerrito, and is described as follows:

Lots 12, 13 and 14, in Block "B" as designated on the map entitled "Map of Schmidt Village, Contra Costa County, California", filed June 27, 1896, in Book C of Maps, Page 70, Contra Costa County Records.

EXCEPTING THEREFROM: The Northeast 7.00 feet thereof, as described in the Deed to City of El Cerrito, recorded February 9, 1965, in Book 4801 Official Records of Contra Costa County, Page 144.

(Being APN 502-112-038)

EL CERRITO GENERAL PLAN
Figure 5
LAND USE & CIRCULATION

Residential Land Use

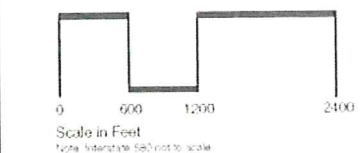
-  Very Low Density
(up to 6 units per net acre)
-  Low Density
(up to 9 units per acre)
-  Medium Density
(up to 20 units per acre)
-  High Density
(up to 35 units per acre)

Other Land Use

-  Commercial/Mixed Use
-  Parks & Open Space
-  Institutional & Utility

Circulation

-  Collector Street
-  Minor Arterial
-  Major Arterial
-  Interstate Highway
-  BART

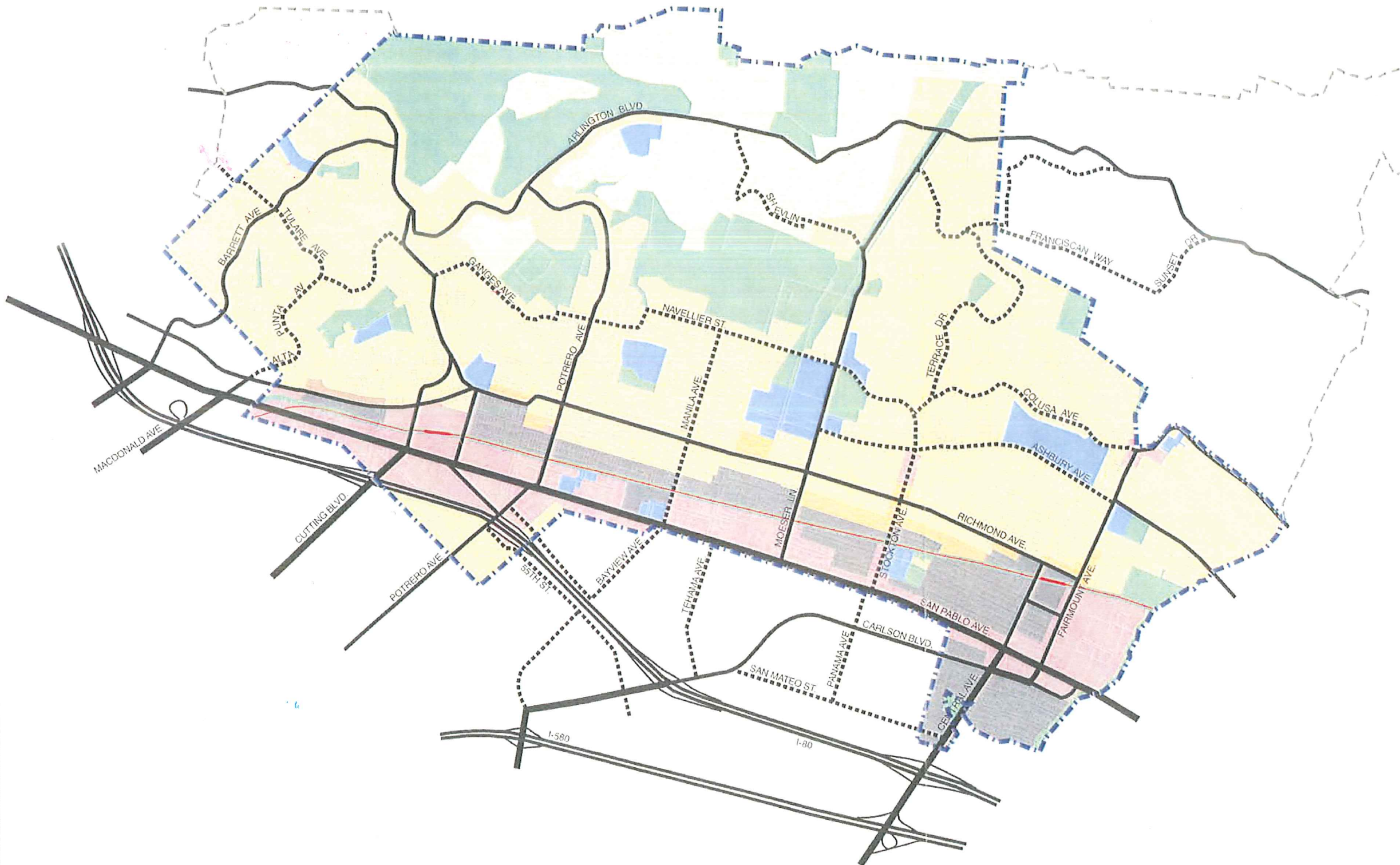


Prepared for:
City of El Cerrito

Prepared by:
MIG, Inc.
800 Hearst Avenue, Berkeley, California 510/845-7549



THIS MAP WAS DEVELOPED FOR USE IN THE GENERAL PLAN UPDATE PROCESS. THE CITY OF EL CERRITO DOES NOT ASSUME LIABILITY FOR USE OF THIS MAP FOR ANY OTHER PURPOSE.



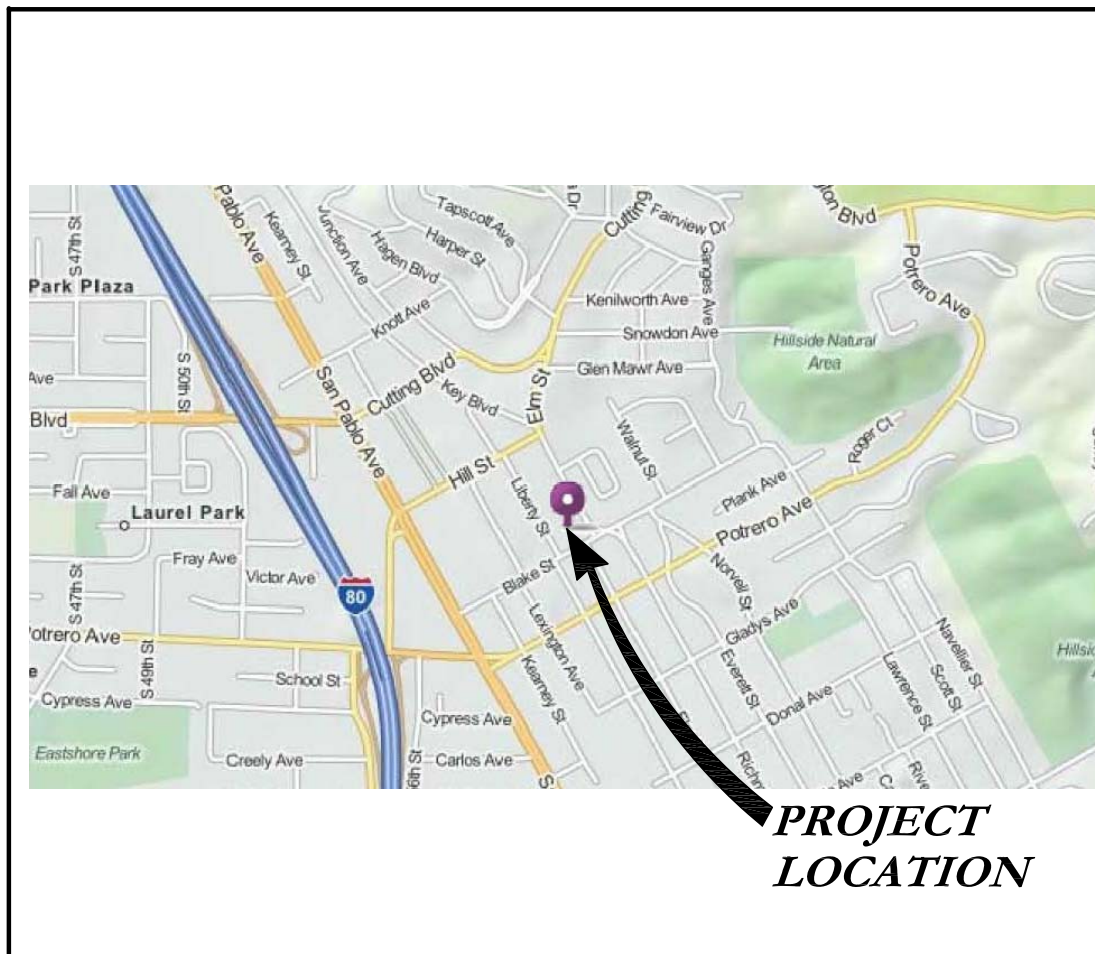


1715 Elm Street

EL CERRITO, CALIFORNIA

VICINITY MAP

NOT TO SCALE



PROJECT TEAM

APPLICANT: ED BIGGS
4271 VALLEY LANE
FAIRFIELD, CA 94534
PH. 707.718.6798

ARCHITECT: LCA ARCHITECTS, INC.
245 YGNACIO VALLEY ROAD, STE. 200
WALNUT CREEK, CA 94596-4025
PH. 925.944.1626
CONTACT: PETER STACKPOLE

CIVIL: KISTER, SAVIO & REI, INC.
825 SAN PABLO AVENUE
PINOLE, CA 94564
PH. 510.222.4020
CONTACT: MATT REI

LANDSCAPE: CAMP & CAMP ASSOCIATES
35 QUAIL COURT, SUITE 200
WALNUT CREEK, CA 94597
PH. 925.941.6490
CONTACT: TERRY CAMP

SHEET INDEX

- A1 COVER SHEET
 - A2 CONCEPTUAL SITE PLAN
 - A3 CONCEPTUAL FIRST FLOOR PLAN
 - A4 CONCEPTUAL SECOND FLOOR PLAN
 - A5 CONCEPTUAL THIRD FLOOR PLAN
 - A6 CONCEPTUAL UNIT PLANS
 - A7 CONCEPTUAL ROOF PLAN
 - A8 CONCEPTUAL ELEVATIONS
 - A9 CONCEPTUAL ELEVATIONS
 - A10 EXISTING HOUSE ELEVATIONS
 - A11 CONCEPTUAL SECTIONS
 - A12 EXISTING SITE PHOTOS
- BOUNDARY AND TOPOGRAPHIC SURVEY
- PRELIMINARY CIVIL SITE PLAN
- L1 CONCEPTUAL LANDSCAPE PLAN (REVISED 10/15/13)
- L2 PROJECT IMAGES

PROJECT DATA

ADDRESS:	1715 ELM STREET	SUMMARY - RESIDENTIAL UNITS
APN:	502-112-038	TOTAL UNIT COUNT: 15 UNITS
ZONING DESIGNATION:	RM (MULTI-FAMILY RESIDENTIAL)	DENSITY (UNITS PER ACRE): 35.7 PER ACRE±
GENERAL PLAN DESIGNATION:	HIGH DENSITY RESIDENTIAL	
TOTAL LOT AREA:	.42 ACRES± (18,465 SF±)	UNIT COUNT BY TYPE:
LOT COVERAGE:	48.5%±	EXISTING HOUSE TO BE RELOCATED: 1 UNIT
LANDSCAPE AREA:	9,279 SF/18,465 SF 50.2%±	1 BEDROOM UNIT COUNT: 3 UNITS
		2 BEDROOM UNIT COUNT: 11 UNITS
PRIVATE OPEN SPACE		AVERAGE GROSS UNIT AREA BY TYPE:
PRIVATE OPEN SPACE REQUIRED (100 SF/GROUND LEVEL UNIT, 50 SF/UPPER LEVEL UNITS)	900 SF	EXISTING HOUSE TO BE RELOCATED: ESTIMATE: 1,065 SF±
PRIVATE OPEN SPACE PROVIDED	1,548 SF±	1 BEDROOM UNIT: 869 SF±
		2 BEDROOM UNIT: 1,064 SF±
COMMON OPEN SPACE		PARKING REQUIRED (BART PROXIMATE UNITS)
COMMON SPACE REQUIRED (150 SF/UNIT MINUS 648 SF PRIVATE OPEN SPACE ABOVE REQUIRED)	1,602 SF±	EXISTING HOUSE (1.5 PER UNIT): 2 SPACES
COMMON OPEN SPACE PROVIDED	2,892 SF±	1 BEDROOM UNITS (.75 PER UNIT): 2 SPACES
		2 BEDROOM UNITS (1.5 PER UNIT): 17 SPACES
		TOTAL PARKING REQUIRED - BART PROXIMATE: 21 SPACES
		TOTAL PARKING PROVIDED: 15 SPACES
		ACCESSIBLE PARKING REQUIRED (2% MINIMUM): 1 SPACE
		TOTAL ACCESSIBLE PARKING PROVIDED: 1 SPACE

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COVER PAGE

SCALE:
DATE: 2-15-13

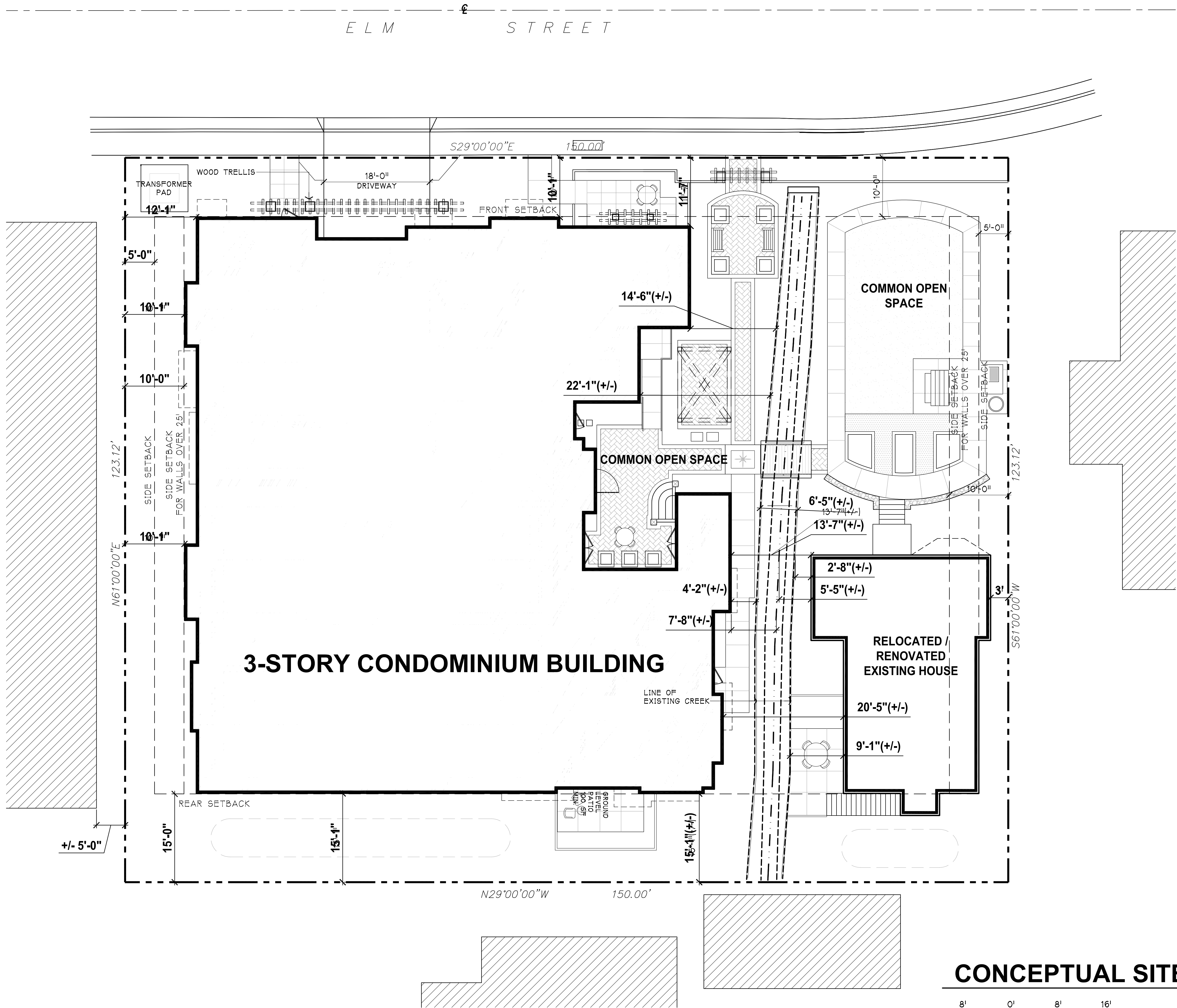
REVISIONS:

3/22/13
8/23/13
9/12/13
1/20/14

PROJECT NO. 12048

A-1

SHEET OF



CARLE CAMPOS | DAVID BOGSTAD | PETER STACKPOLE
245 YGNACIO VALLEY ROAD, WALNUT CREEK, CALIFORNIA 94596
(925) 944-1626 | (925) 944-1666 FAX | WWW.LCA-ARCHITECTS.COM

ELM STREET CONDOMINIUMS

EDDIE BIGGS DEVELOPMENT

EL CERRITO, CALIFORNIA

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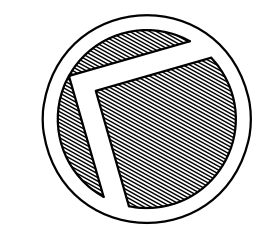
CONCEPTUAL SITE PLAN

SCALE: AS SHOWN
DATE: 2-15-13

REVISIONS:	
3/22/13	
8/23/13	
9/12/13	
1/20/14	

PROJECT NO. 12048

A-2
SHEET OF



PROJECT
NORTH

CONCEPTUAL SITE PLAN

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

LCA ARCHITECTS
RESTRICTED ARCHITECTURAL DRAWINGS

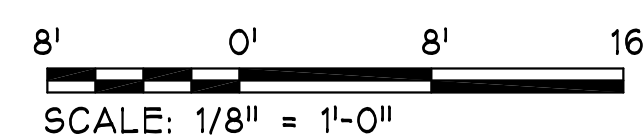
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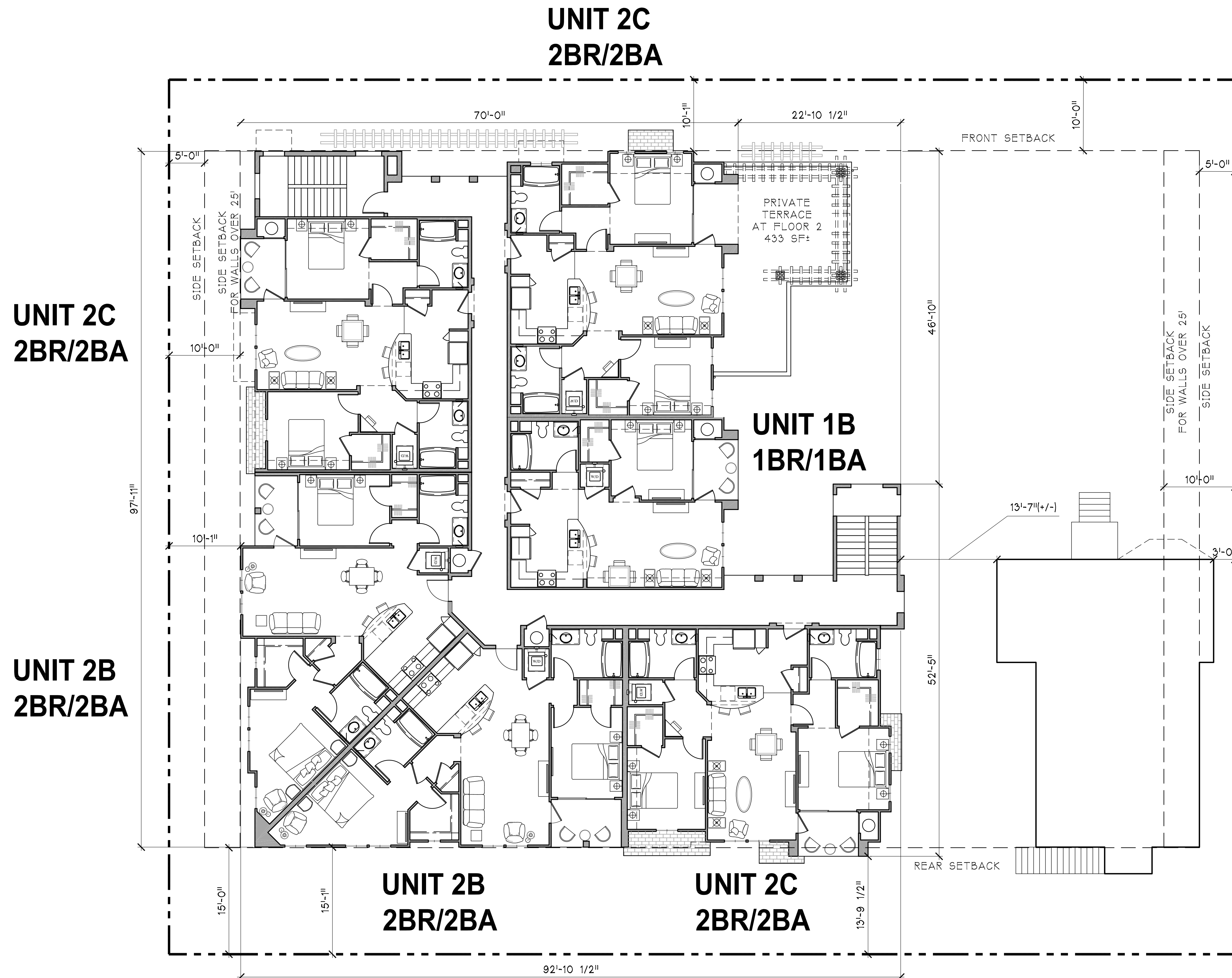
SCALE:	AS SHOWN
DATE:	2-15-13

3/22/13
8/23/13
9/12/13
1/20/14

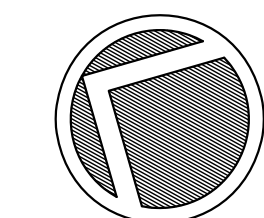
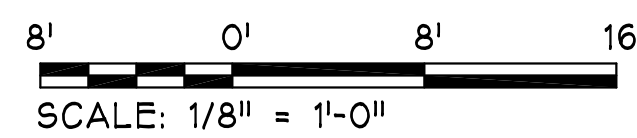
A-3

SHEET OF





CONCEPTUAL FLOOR 2



PROJECT
NORTH



ELM STREET CONDOMINIUMS
EDDIE BIGGS DEVELOPMENT
EL CERRITO, CALIFORNIA

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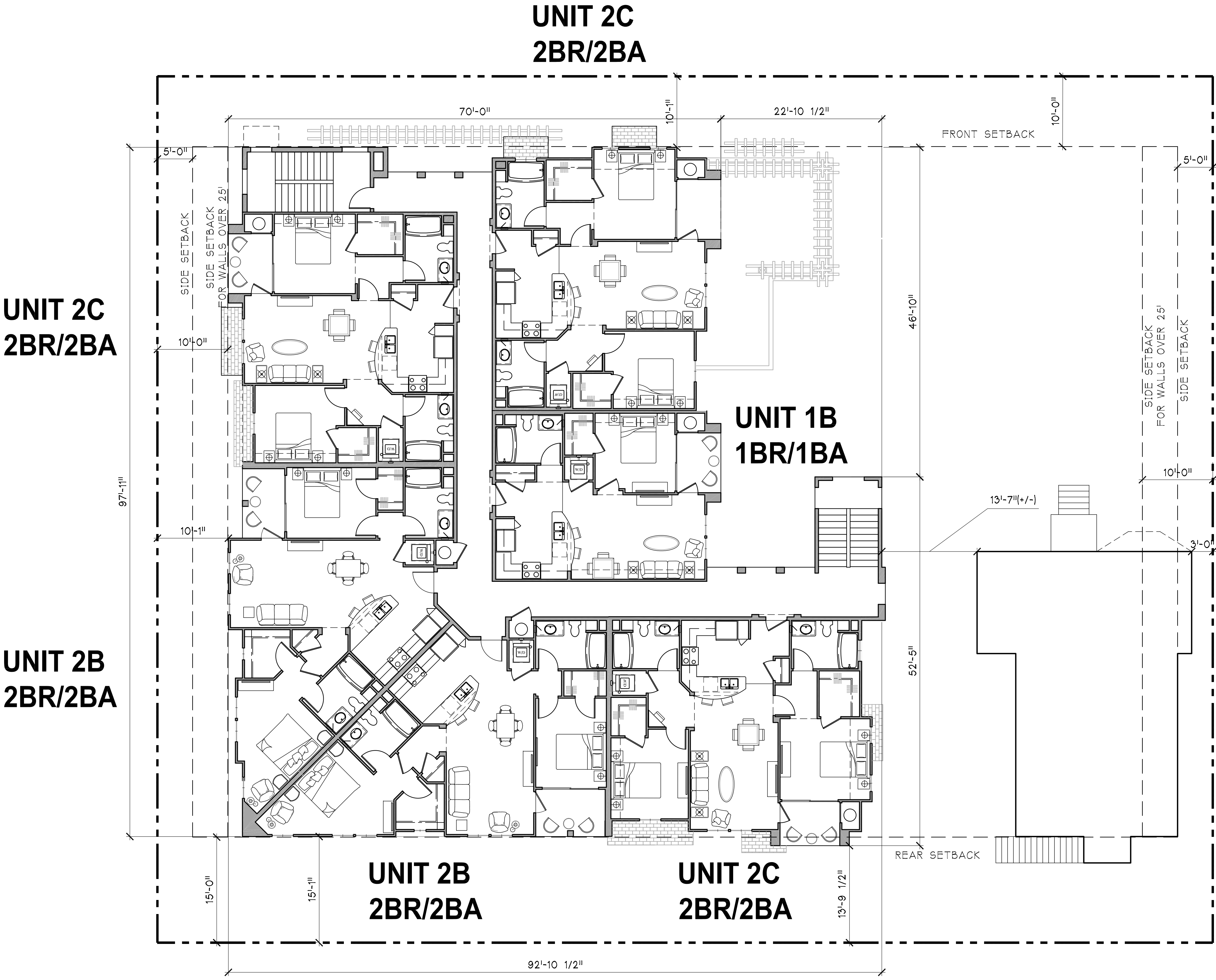
CONCEPTUAL
FLOOR 2
PLAN

SCALE: AS SHOWN
DATE: 2-15-13

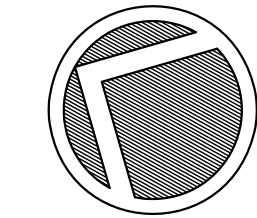
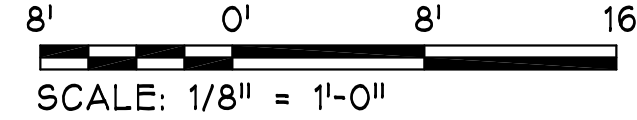
REVISIONS:	
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8/23/13	
9/12/13	
1/20/14	

PROJECT NO. 12048

A-4
SHEET OF



CONCEPTUAL FLOOR 3



PROJECT
NORTH

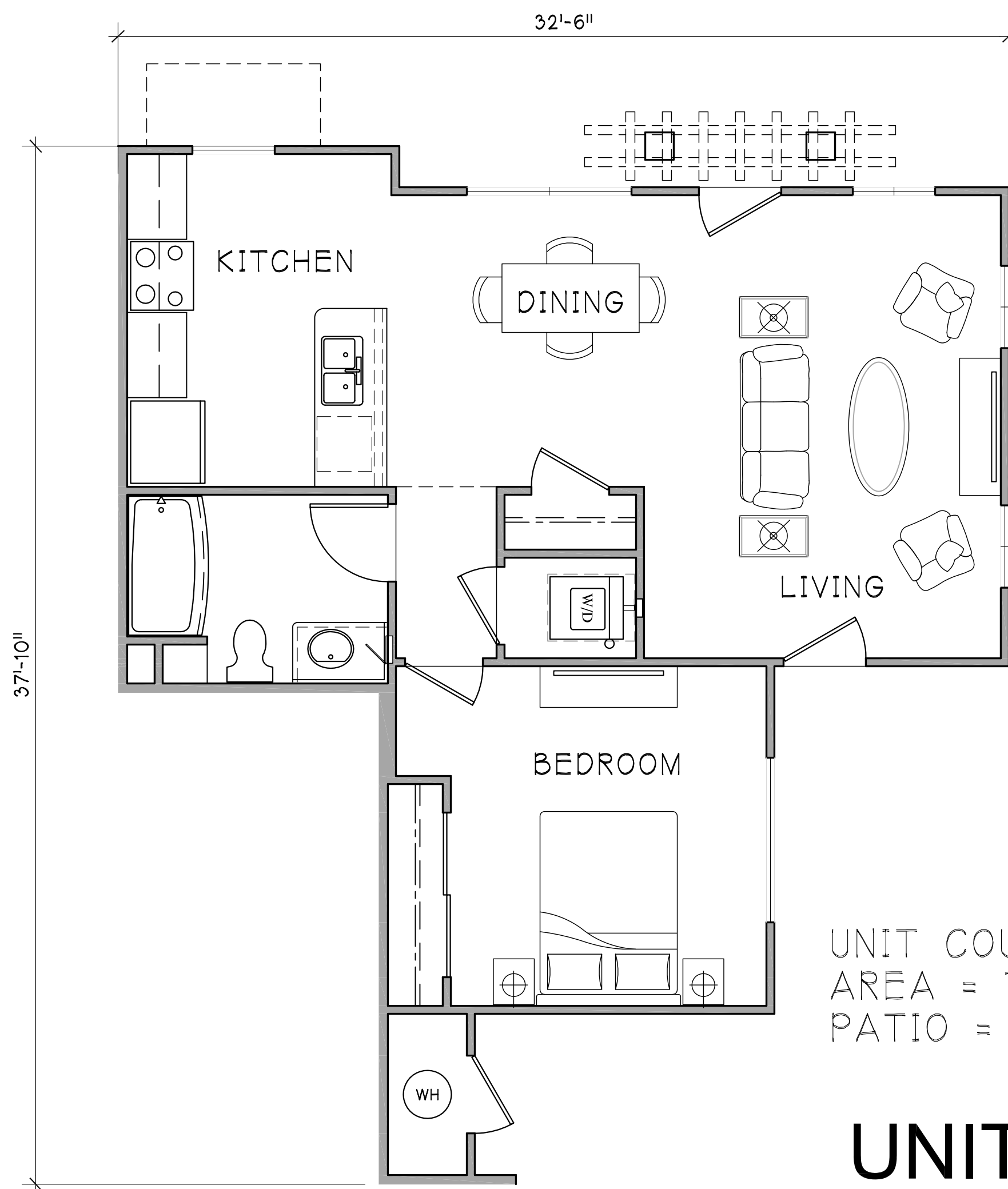
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CONCEPTUAL
FLOOR 3
PLAN

SCALE: AS SHOWN
DATE: 2-15-13

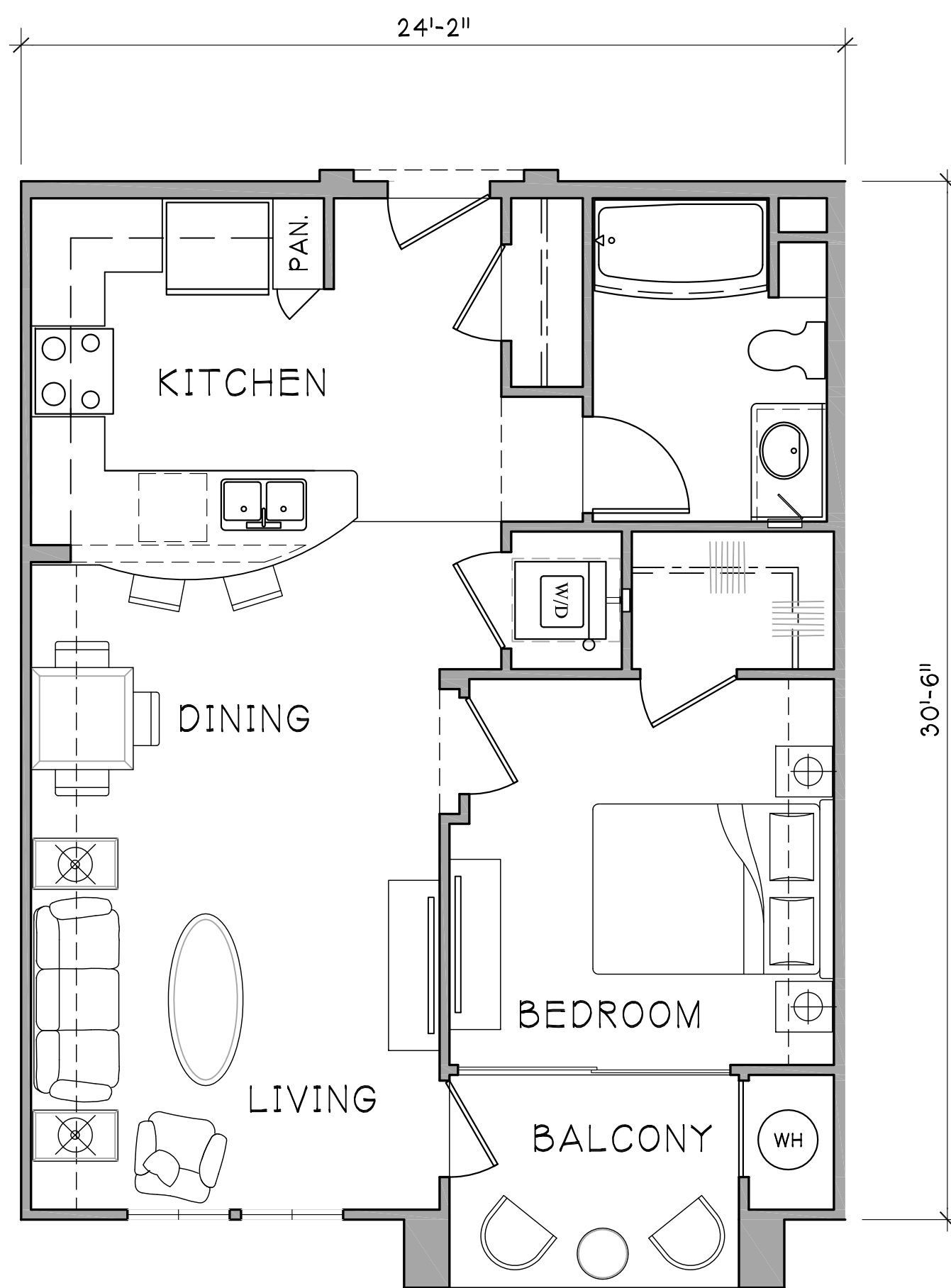
REVISIONS:	
3/22/13	
8/23/13	
9/12/13	
1/20/14	

PROJECT NO. 12048



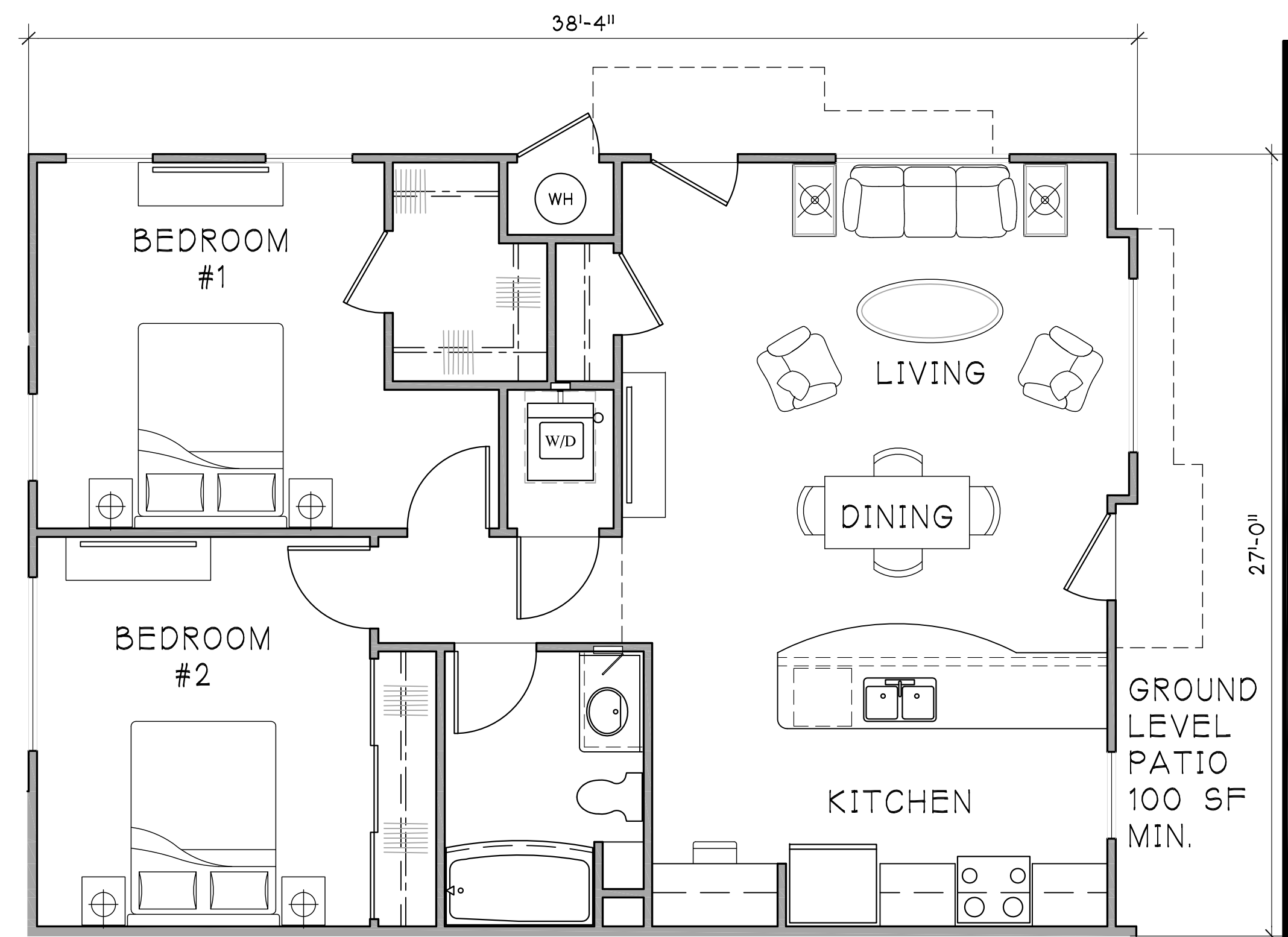
UNIT COUNT = 1 UNIT
AREA = 795 SQ.FT.
PATIO = 172 SQ.FT.

UNIT 1A
1 BR / 1 BATH



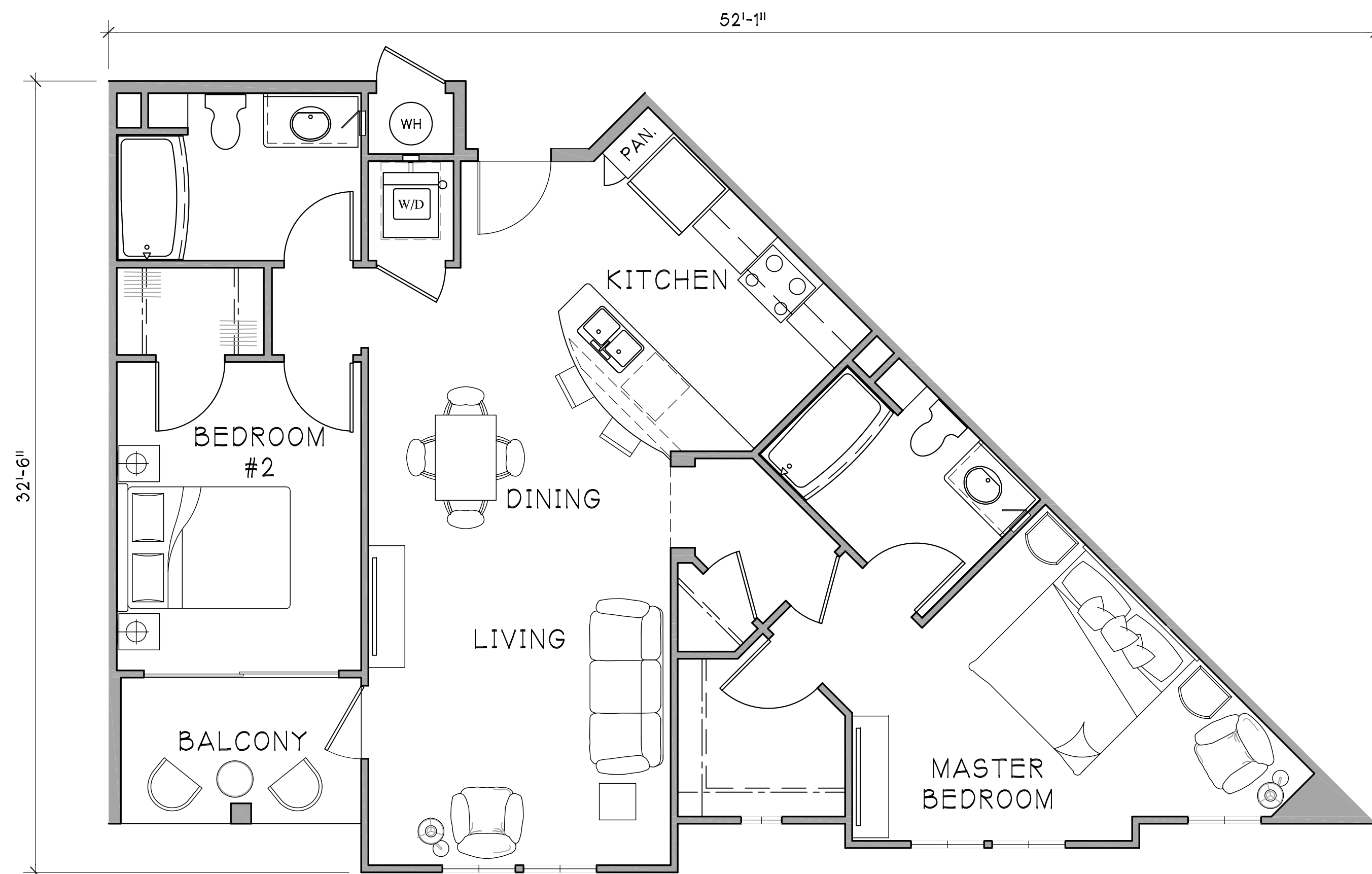
UNIT COUNT = 2 UNITS
AREA = 708 SQ.FT.
DECK = 53 SQ.FT.

UNIT 1B
1 BR / 1 BATH



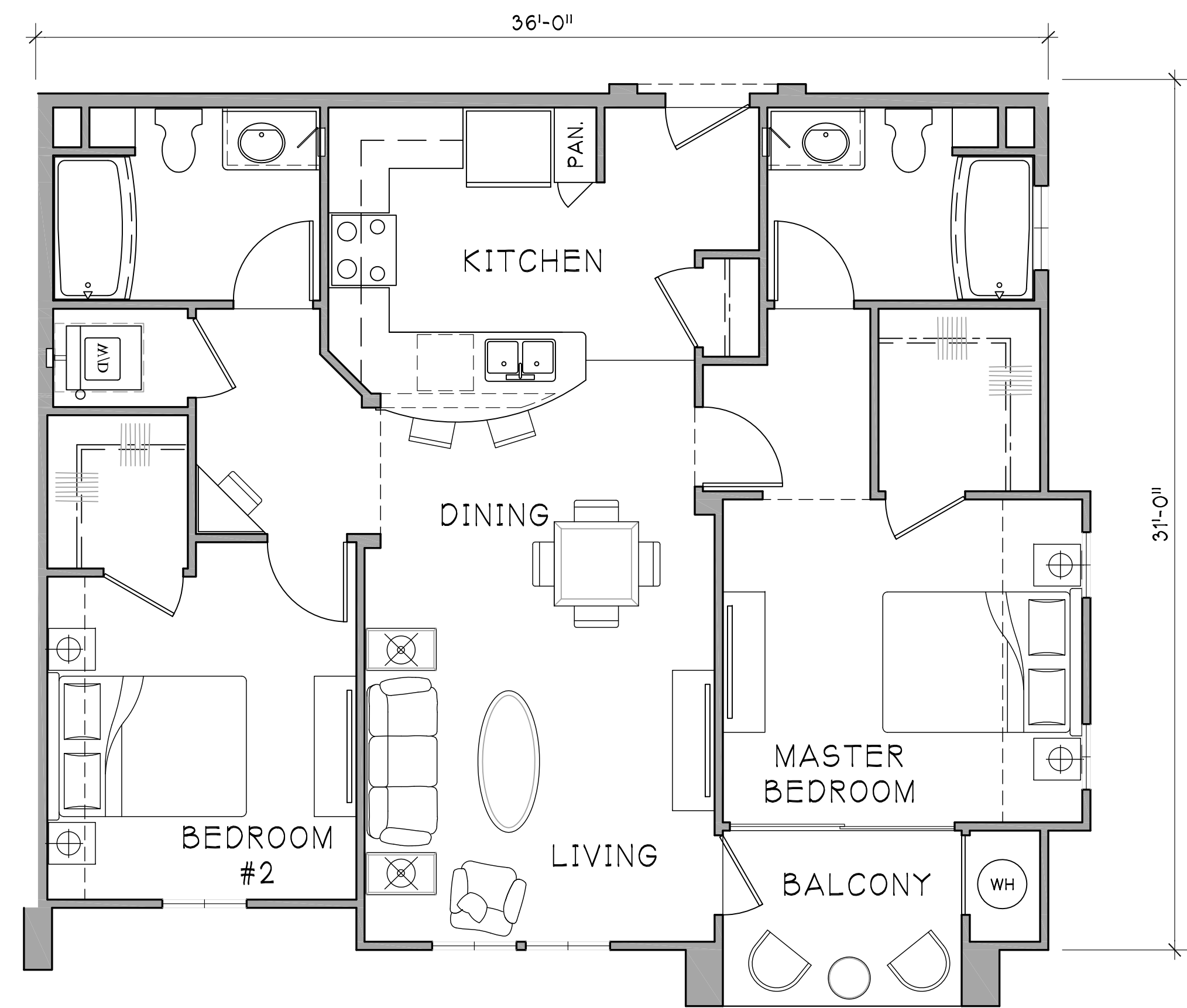
UNIT COUNT = 1 UNIT
AREA = 1,014 SQ.FT.
PATIO = 164 SQ.FT.

UNIT 2A
2 BR / 1 BATH



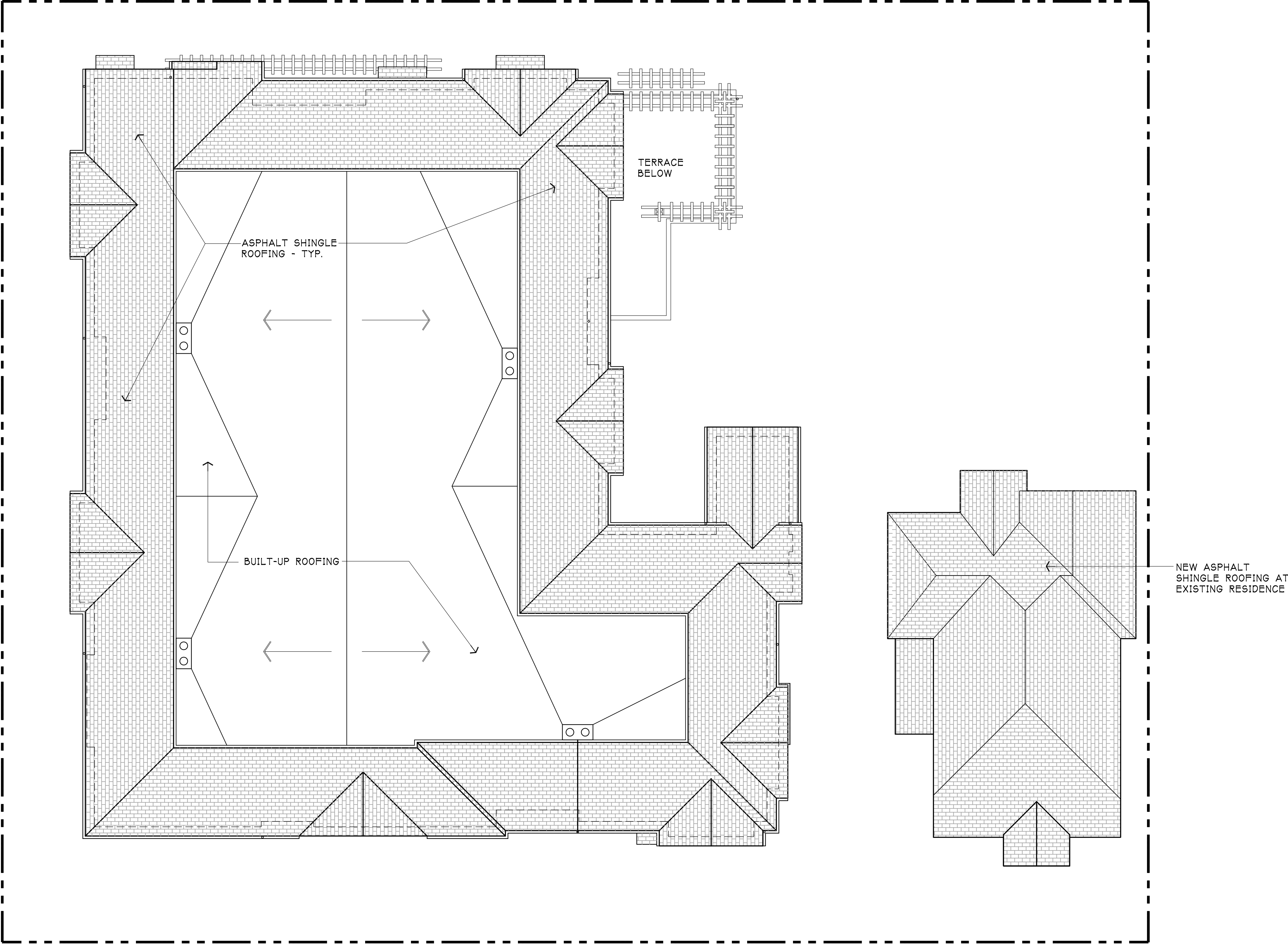
UNIT COUNT = 4 UNITS
AREA = 1,085 SQ.FT.
DECK = 59 SQ.FT.

UNIT 2B
2 BR / 2 BATH

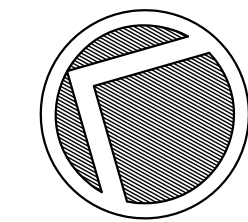
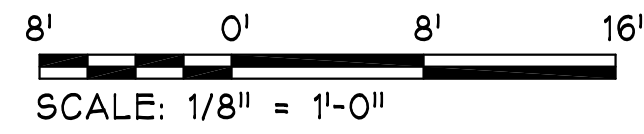


UNIT COUNT = 6 UNITS
AREA = 1,070 SQ.FT.
DECK = 53 SQ.FT.

UNIT 2C
2 BR / 2 BATH



CONCEPTUAL ROOF PLAN



PROJECT
NORTH

ELM STREET CONDOMINIUMS
EDDIE BIGGS DEVELOPMENT
EL CERRITO, CALIFORNIA

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SCALE:
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8/23/13
9/12/13
1/20/14

PROJECT NO. 12048

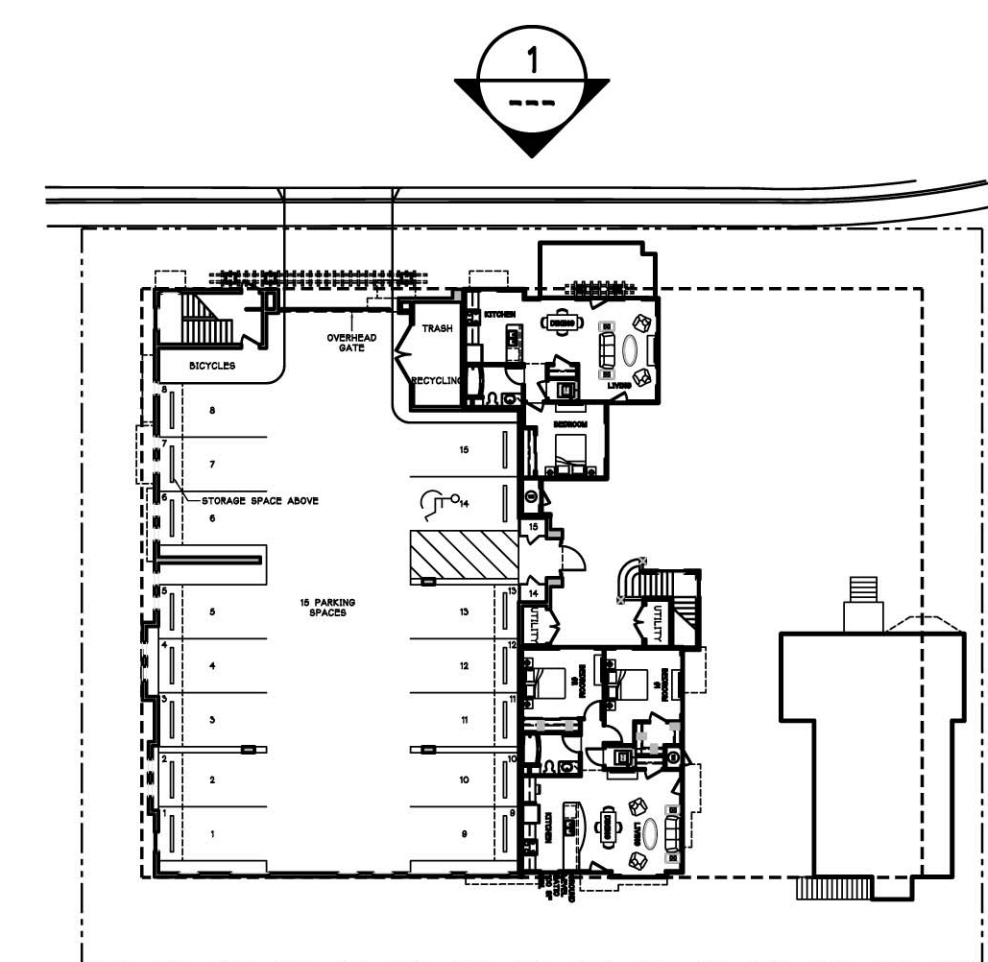
A-7
SHEET OF



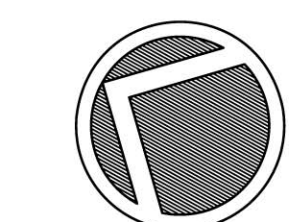
CONCEPTUAL ELEVATIONS

8' 0' 8' 16'

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



KEY PLAN



PROJECT
NORTH

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CONCEPTUAL ELEVATIONS

SCALE: AS SHOWN
DATE: 2-15-13

REVISIONS:

3/22/13
8/23/13
9/12/13
10/15/13

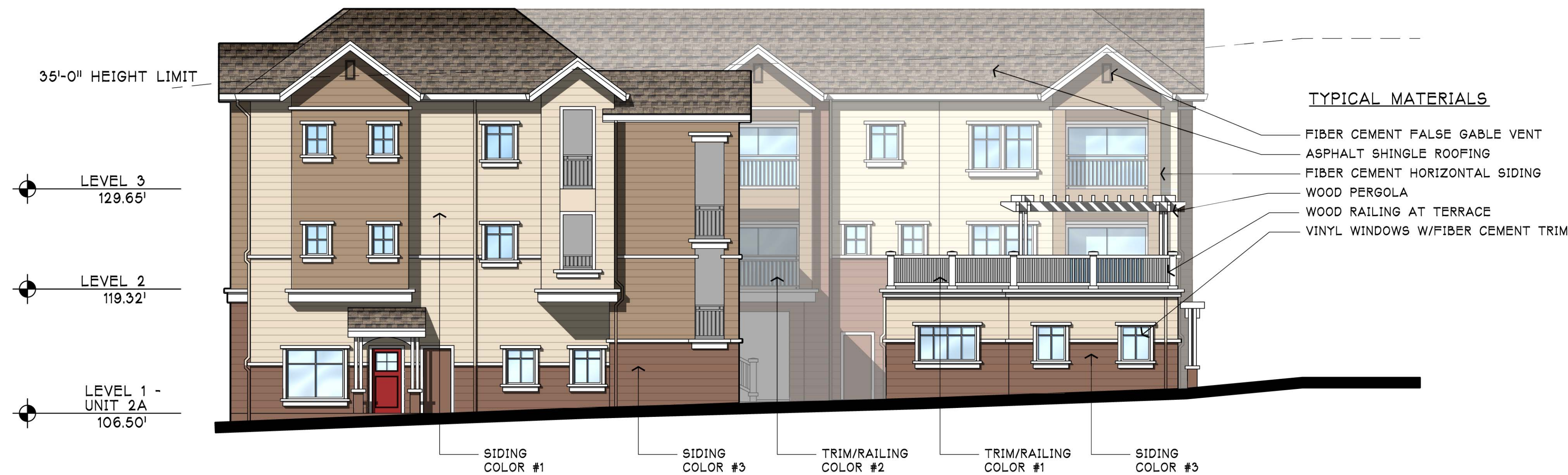
PROJECT NO. 12048

A-8

SHEET OF



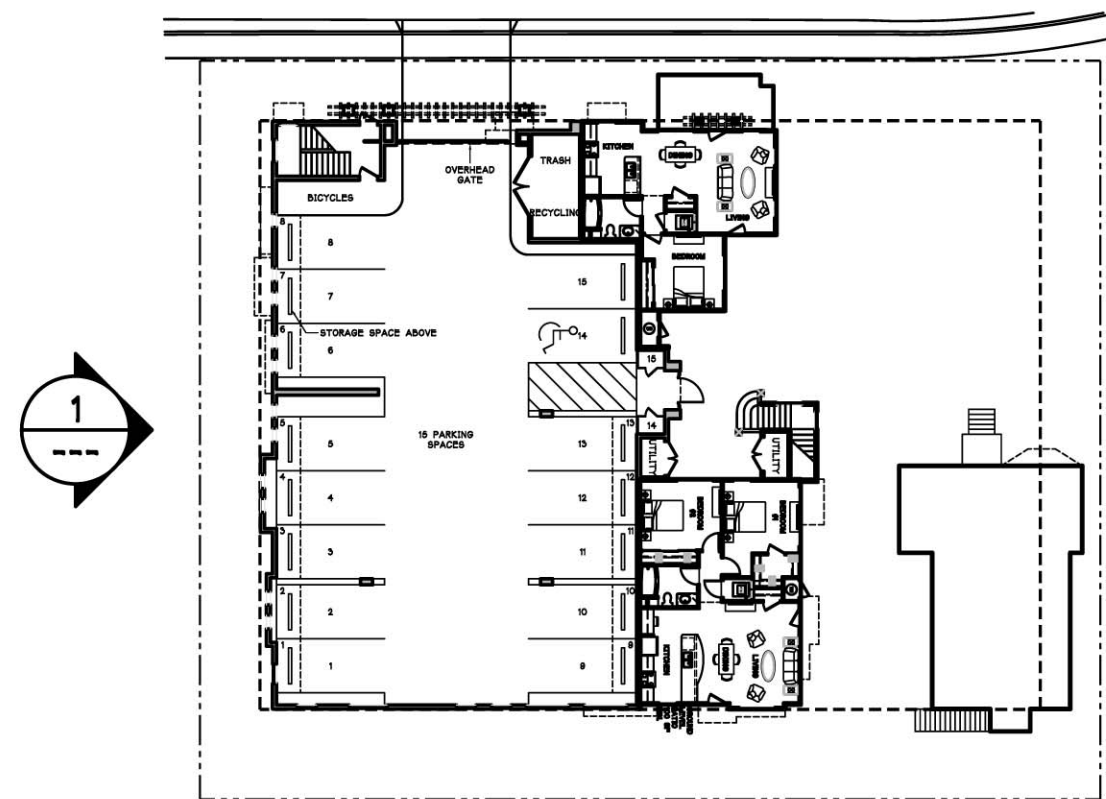
1. SOUTH ELEVATION



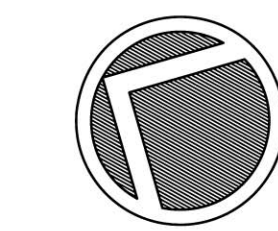
2. NORTH ELEVATION

CONCEPTUAL ELEVATIONS

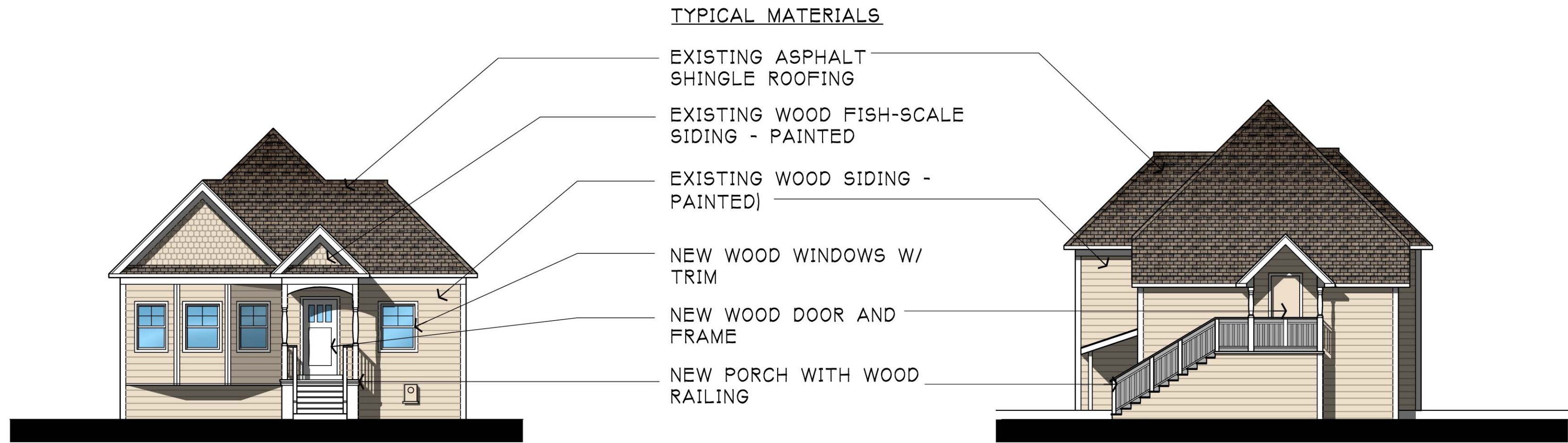
8' 0' 8' 16'
SCALE: 1/8" = 1'-0"



KEY PLAN



PROJECT NORTH



1. EAST ELEVATION

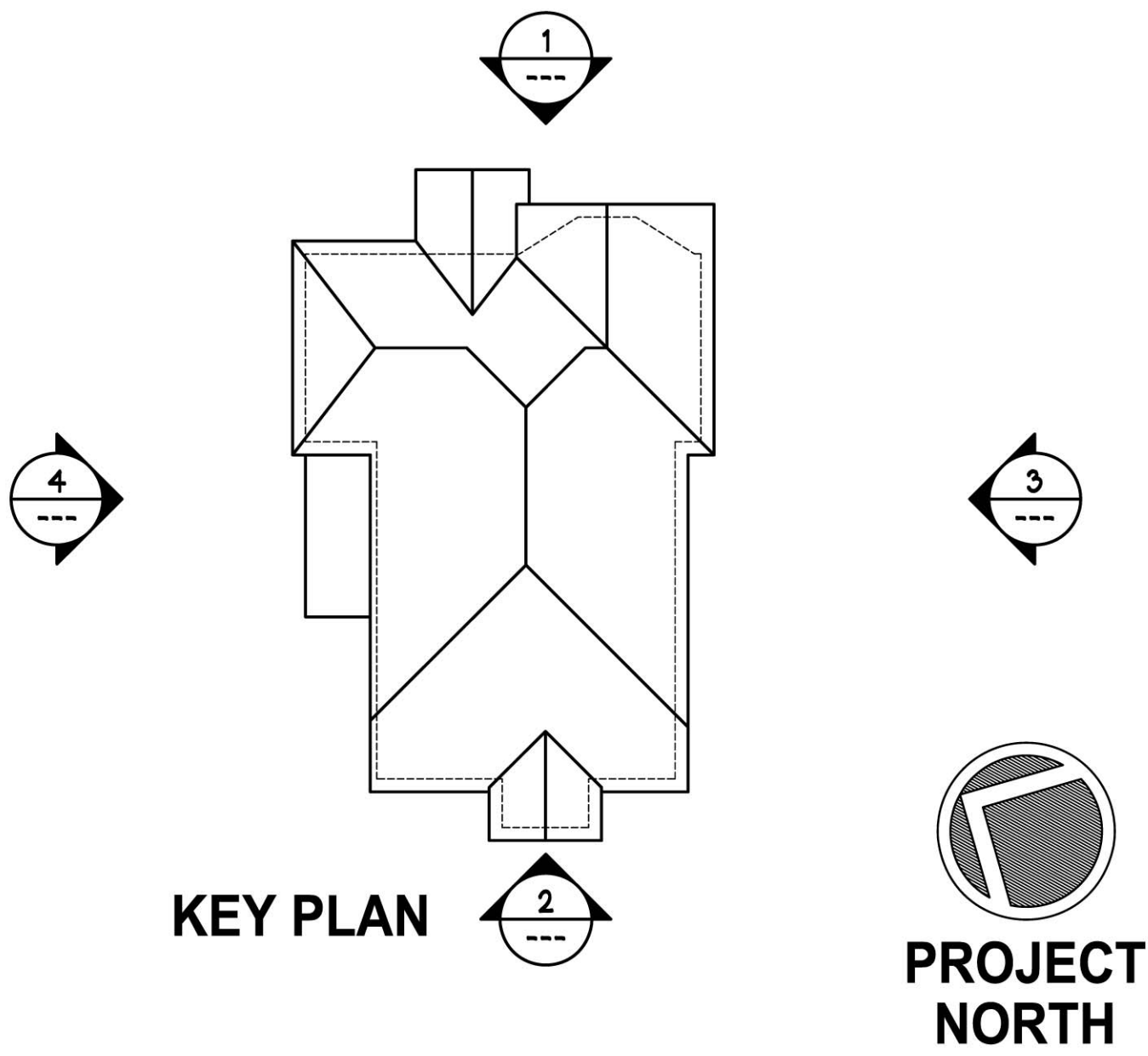
2. WEST ELEVATION



3. SOUTH ELEVATION

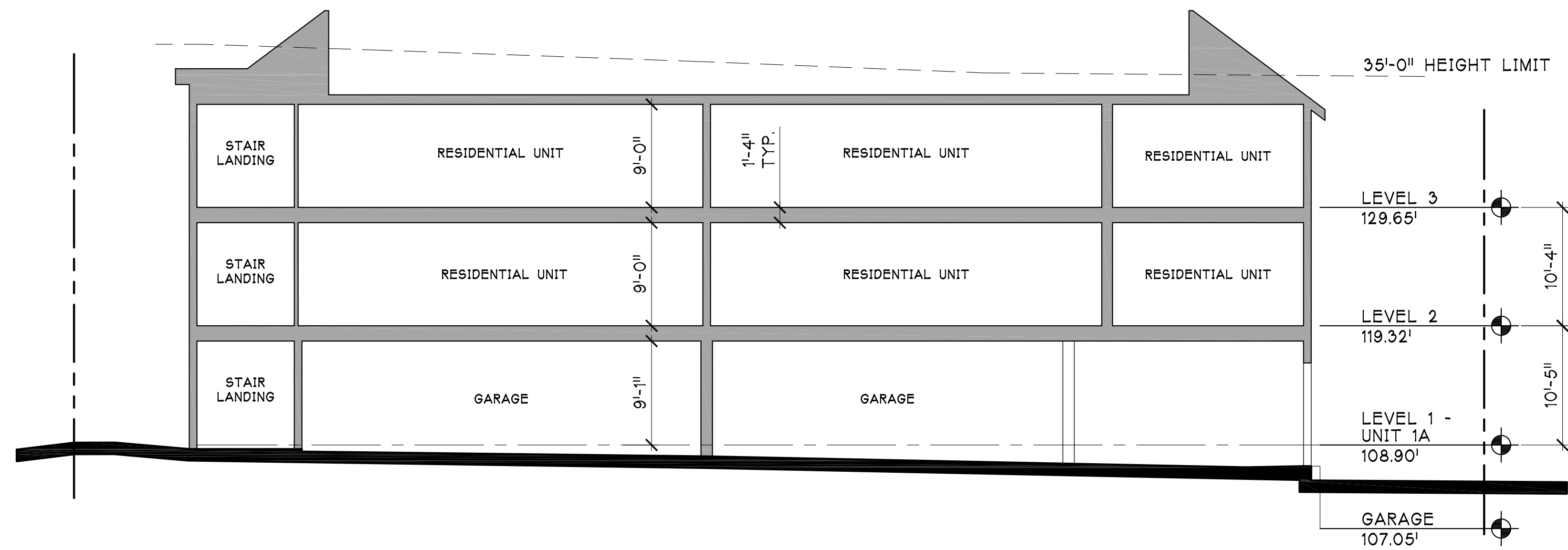


4. NORTH ELEVATION



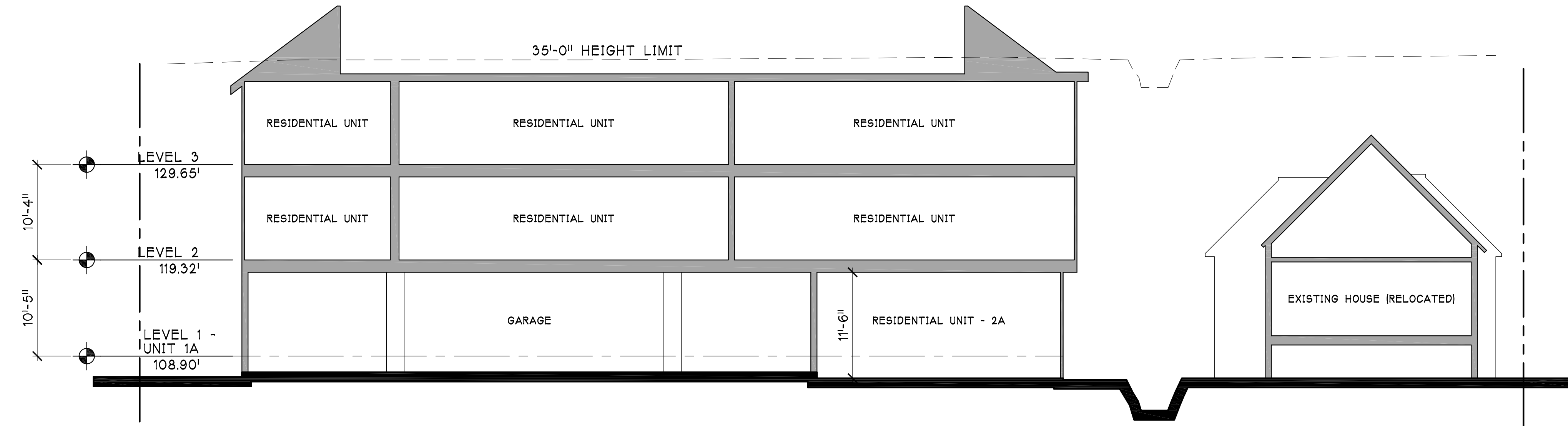
EXISTING HOUSE ELEVATIONS

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"



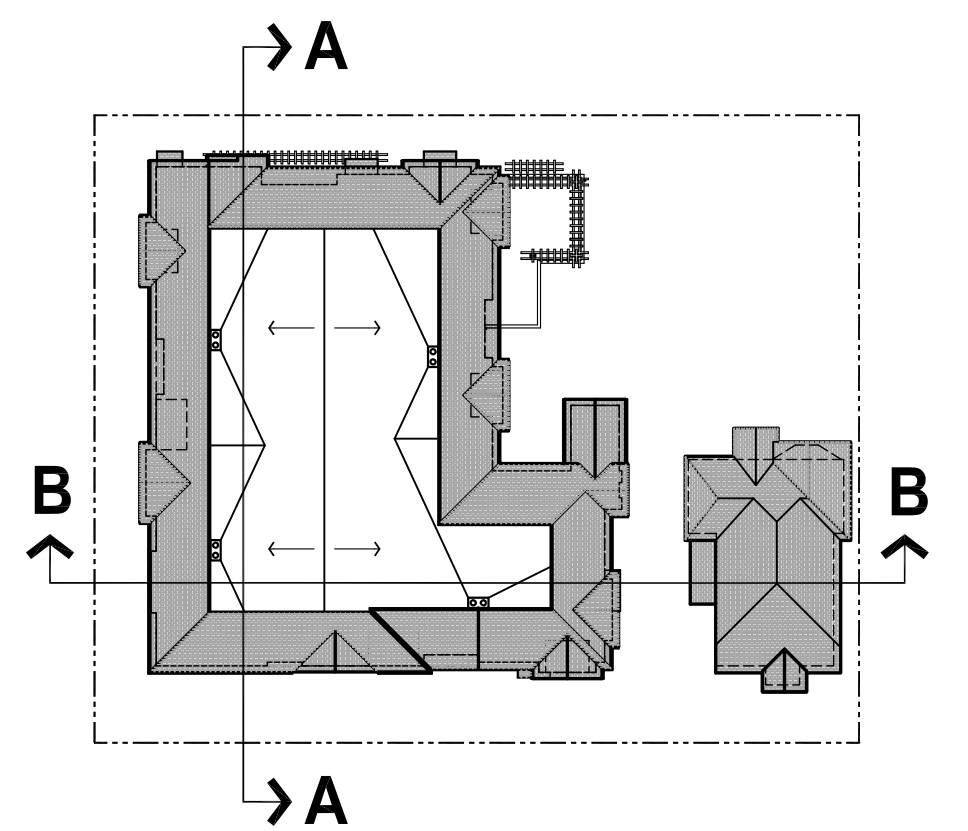
A **CONCEPTUAL SECTION**

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"

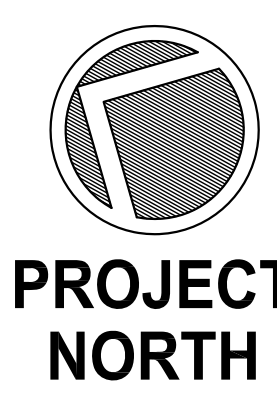


B **CONCEPTUAL SECTION**

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"



KEY PLAN



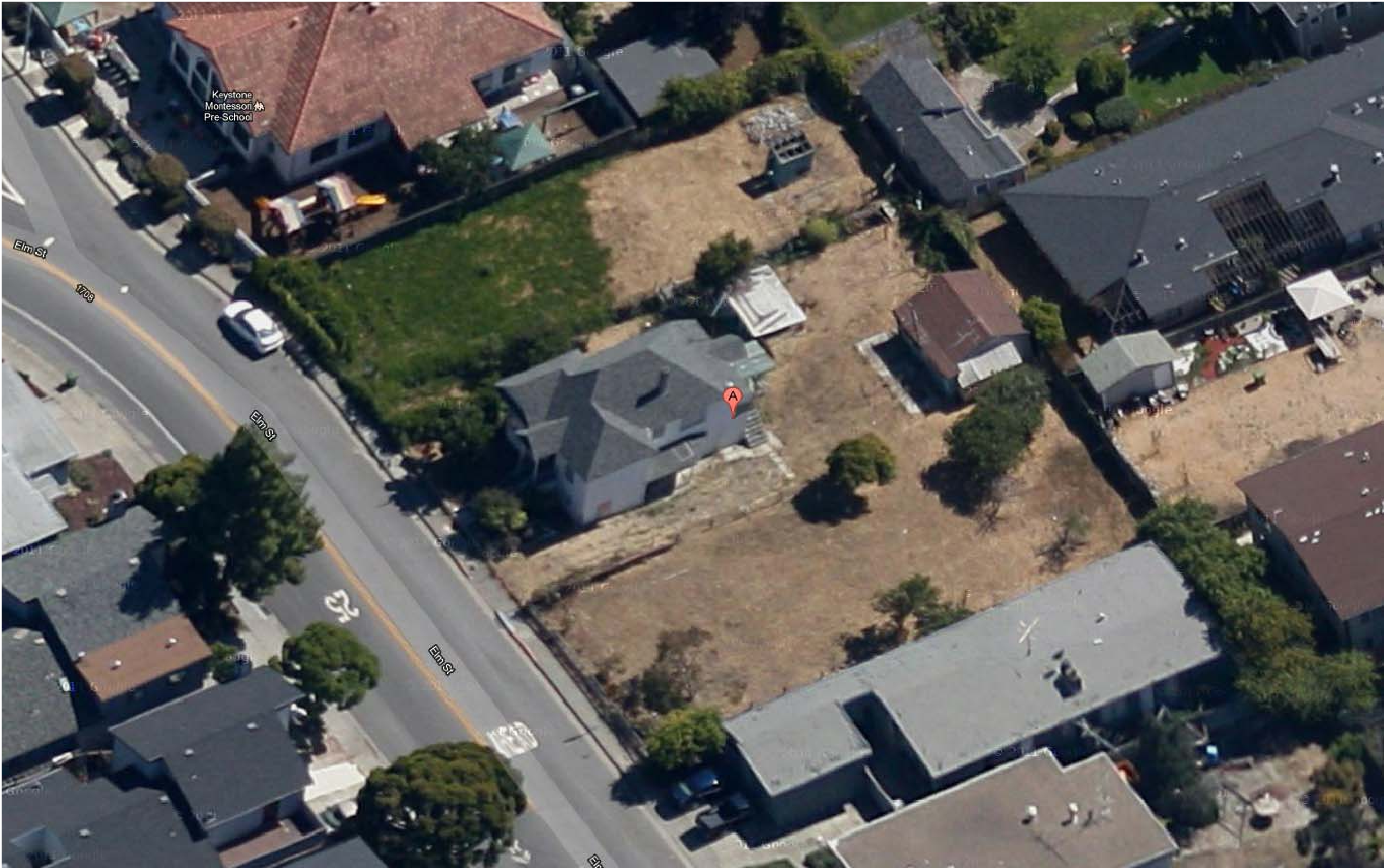
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CONCEPTUAL SECTION

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PROJECT NO. 12048



AERIAL VIEW



VIEWS OF EXISTING HOUSE FROM ELM ST.

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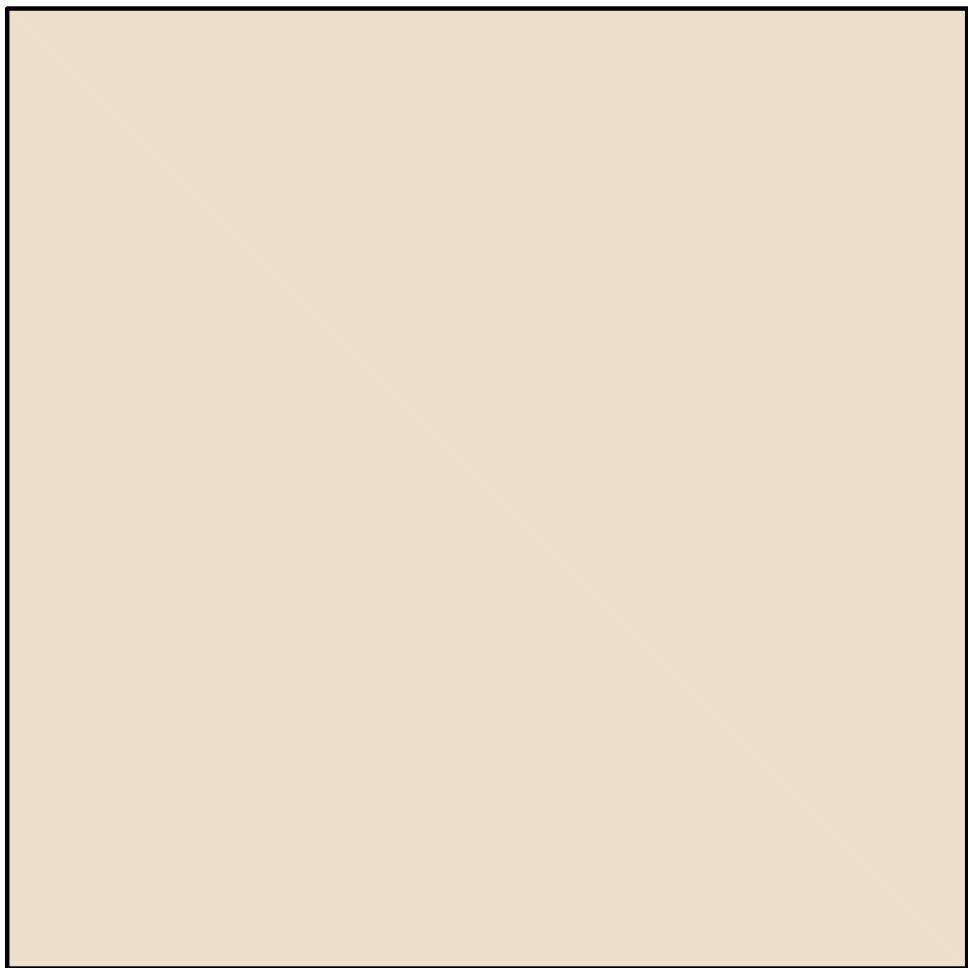
**EXISTING
SITE PHOTOS**

SCALE:	
DATE:	2-15-13
REVISIONS:	
	3/22/13
	8/23/13
	9/12/13
	1/20/14

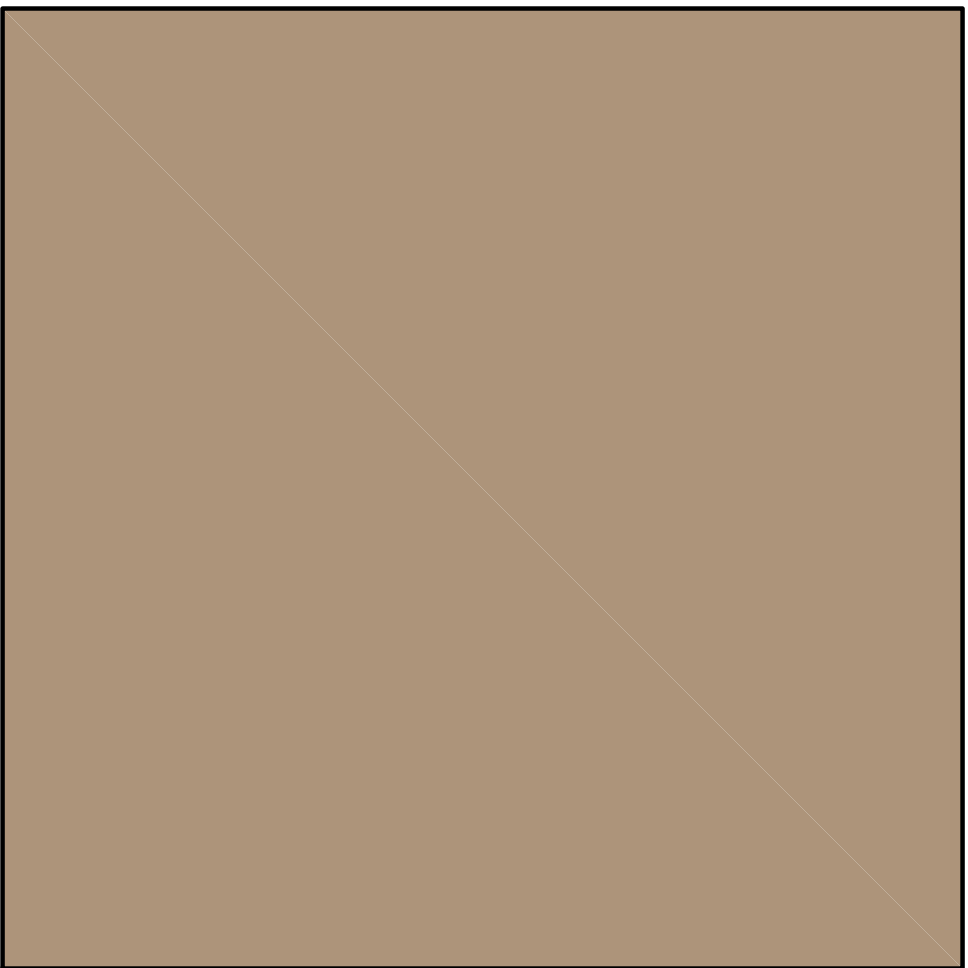
CONCEPTUAL BUILDING COLORS AND MATERIALS



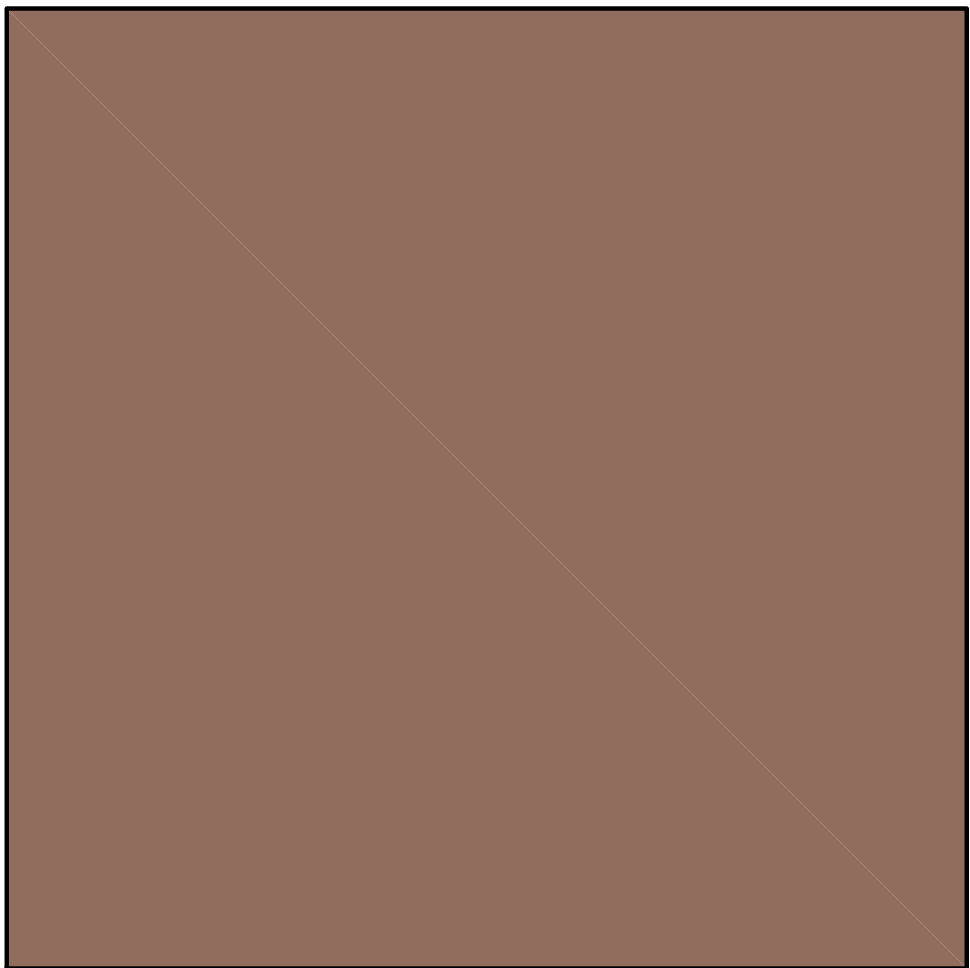
ASPHALT SHINGLE ROOFING
MANUF : TIMBERLINE HD
COLOR: BARKWOOD



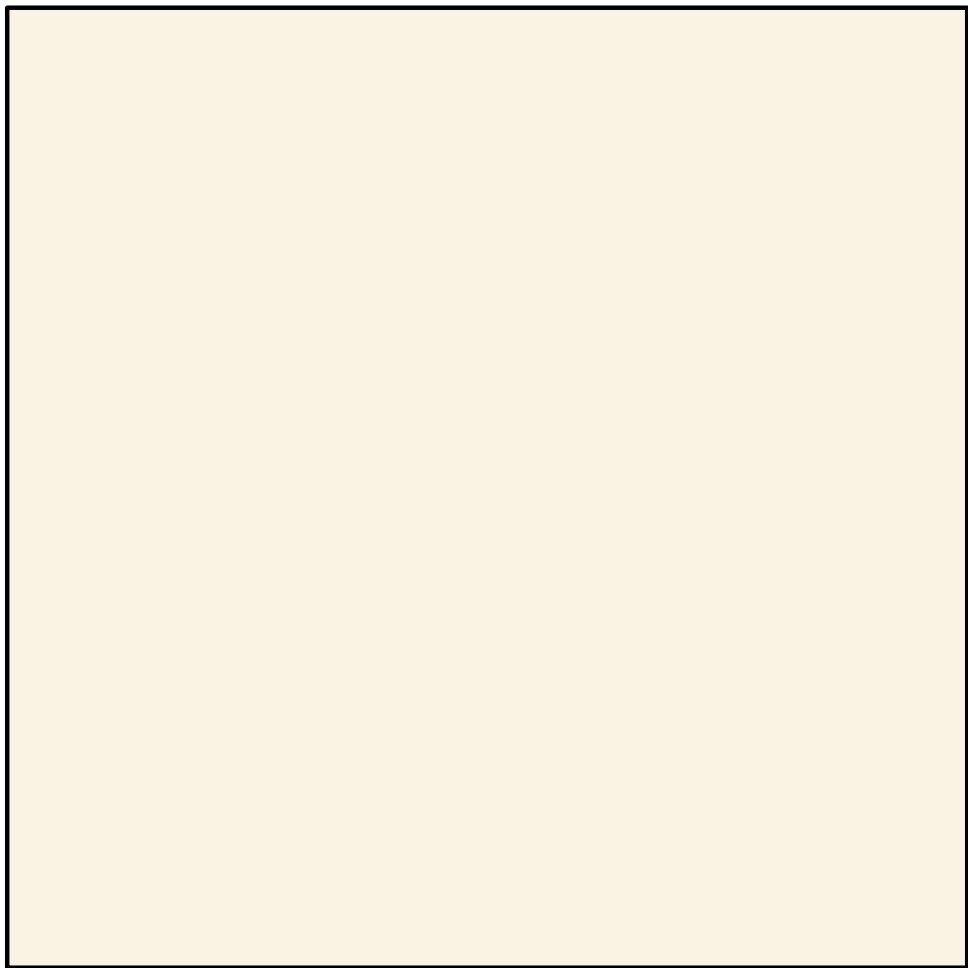
SIDING COLOR #1
MANUF: KELLY MOORE
COLOR: MAYBECK MUSLIN HLS4254-1



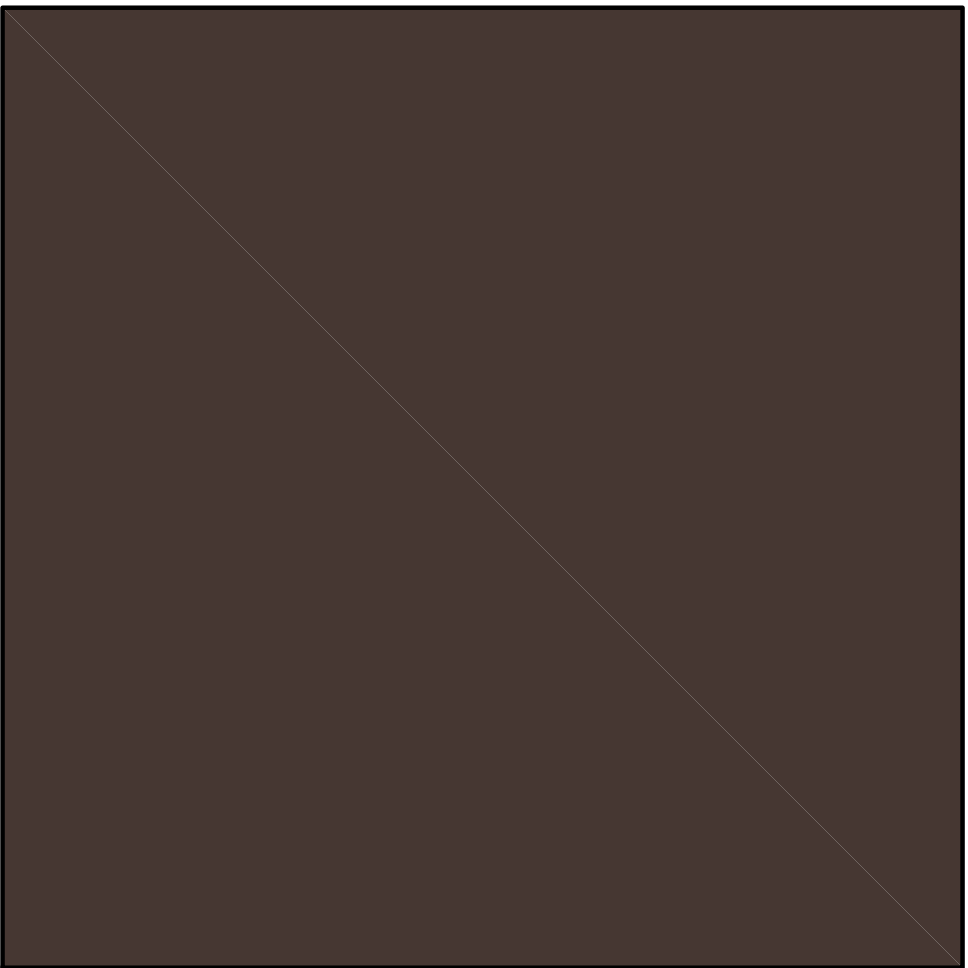
SIDING COLOR #2
MANUF: KELLY MOORE
COLOR: BUNGALOW BROWN HLS4213-3



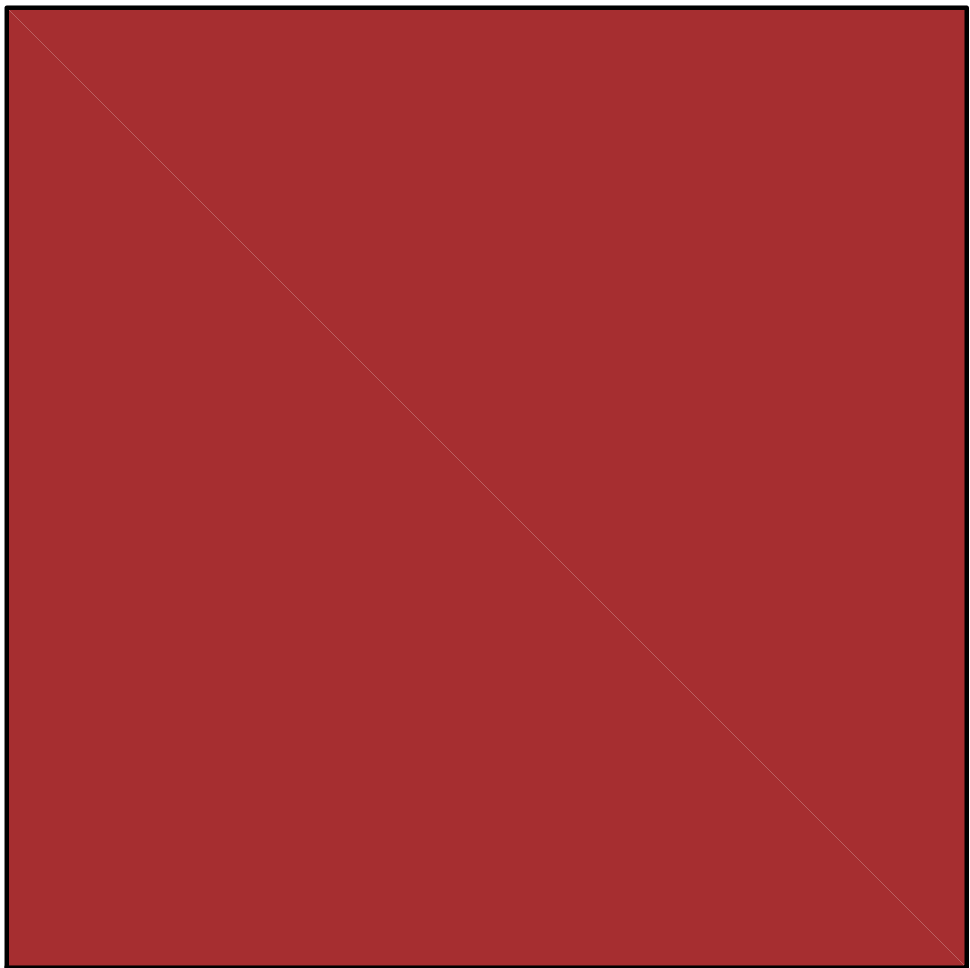
SIDING COLOR #3
MANUF: KELLY MOORE
COLOR: WILD CATTAIL KM4518-3



TRIM/RAILING COLOR #1
MANUF: KELLY MOORE
COLOR: DAISY WHITE HLS4295-1

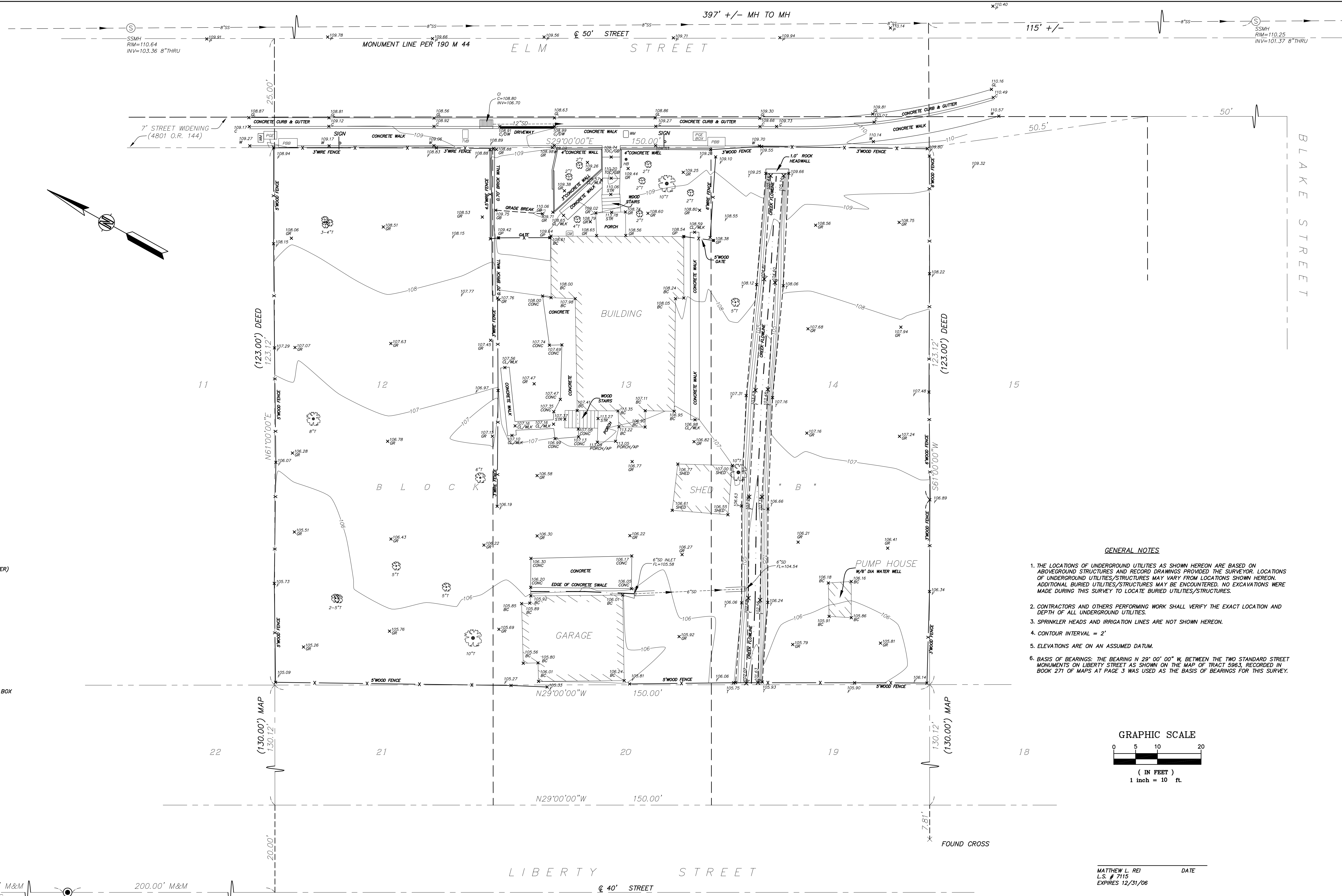


TRIM/RAILING COLOR #2
MANUF: KELLY MOORE
COLOR: AMERICANO KM4512-5



ACCENT COLOR #1
MANUF: KELLY MOORE
COLOR: DRIVE-IN CHERRY HLS4231

NOTE: Paint chip colors/numbers, material and manufacturers shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for field review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as noted.



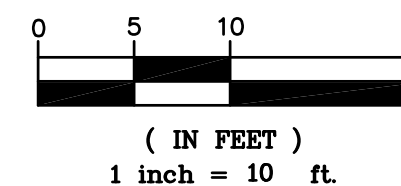
LEGEND

- = TREE (APPROXIMATE DIAMETER)
- = ANGLE POINT
- = BUILDING CORNER
- = TOP OF CURB
- = CATCH BASIN
- = CENTER LINE
- = CONCRETE
- = DAYLIGHT
- = DRIVEWAY
- = FENCE
- = FLOW LINE
- = GRADE BREAK
- = GUTTER LIP
- = GAS METER
- = GATE POST
- = GROUND ELEVATION
- = HOSE BIB
- = INVERT
- = MAP & MEASURE
- = PAVEMENT
- = PACIFIC BELL BOX
- = PACIFIC GAS AND ELECTRIC BOX
- = POINT ON CURVE
- = RETURN
- = SIGN
- = STORM DRAIN LINE
- = STORM DRAIN MANHOLE
- = S

GENERAL NOTES

1. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
2. CONTRACTORS AND OTHERS PERFORMING WORK SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES.
3. SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
4. CONTOUR INTERVAL = 2'
5. ELEVATIONS ARE ON AN ASSUMED DATUM.
6. BASIS OF BEARINGS: THE BEARING N 29° 00' 00" W, BETWEEN THE TWO STANDARD STREET MONUMENTS ON LIBERTY STREET AS SHOWN ON THE MAP OF TRACT 5963, RECORDED IN BOOK 271 OF MAPS AT PAGE 3 WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

GRAPHIC SCALE



MATTHEW L. REI
L.S. # 7115
EXPIRES 12/31/06

APN: 502-112-038

N29°00'00"W 200.00' M&M
FOUND MONUMENT PER 271 M 4

200.00' M&M
FOUND MONUMENT PER 271 M 4

LEGEND

NOTE: CONTOURS BY INTERPOLATION, APPROXIMATE ONLY.

REFERENCES

FIELD BOOK No.
FILE MAP: G-2
TITLE CO.:
POLICY No.:
DATUM: ASSUMED
MISC. REF: B-8846
R-803, R-1124

REVISIONS

REV. 1-21-04
ADD TOE OF CREEK SHOTS

KISTER, SAVIO & REI, INC.
LAND SURVEYORS - CIVIL ENGINEERS

3095 RICHMOND PARKWAY, SUITE 214
RICHMOND, CALIFORNIA 94806
PHONE: (510) 222-4020 FAX: (510) 222-3718
E-MAIL: info@ksrinc.net

FOR: ED BIGGS

SCALE: 1"=10'

DATE: 06-30-03

JOB No. 18233

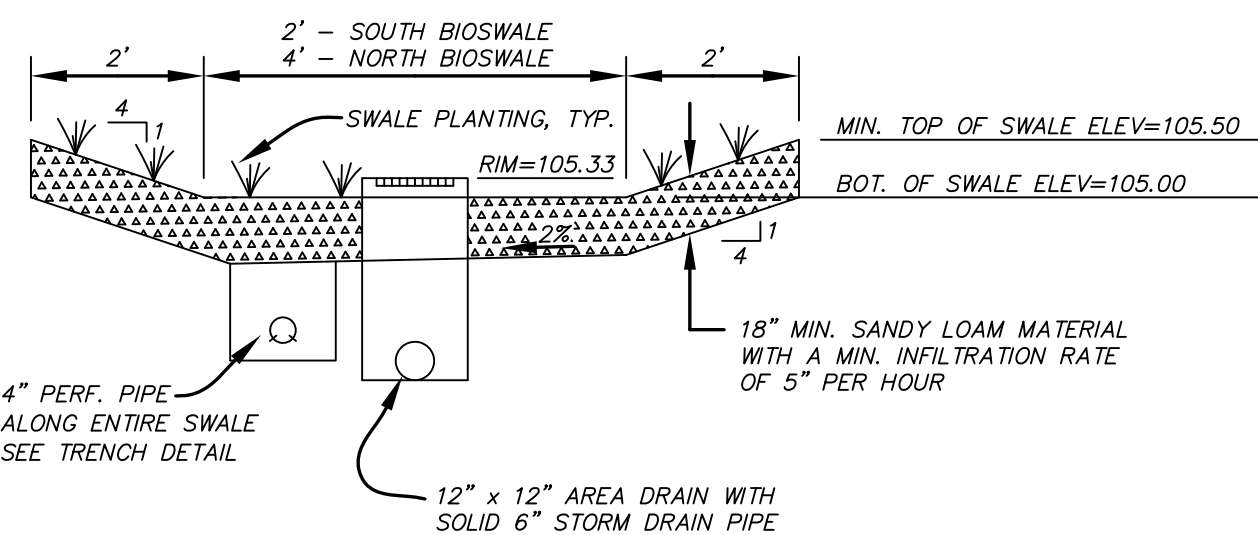
DWG No. X-3509

DESCRIPTION

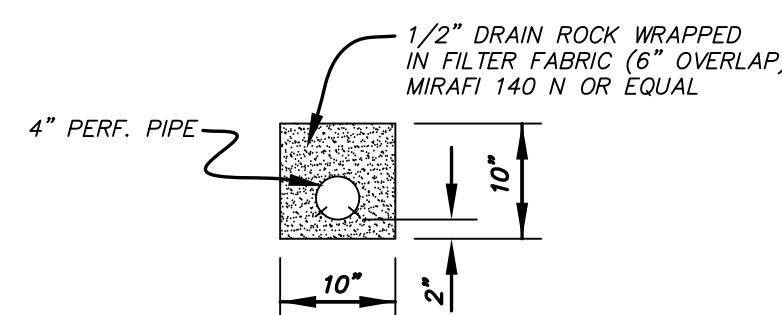
BOUNDARY & TOPOGRAPHIC SURVEY
PORTION OF LOTS 12, 13 AND 14, BLOCK B
MAP OF SCHMIDT VILLAGE
(C M 70)

EL CERRITO

CALIFORNIA



VEGETATED BIOSWALE CROSS SECTION
NTS



TRENCH DETAIL
NTS

NORTH SIDE VEGETATED BIOSWALE

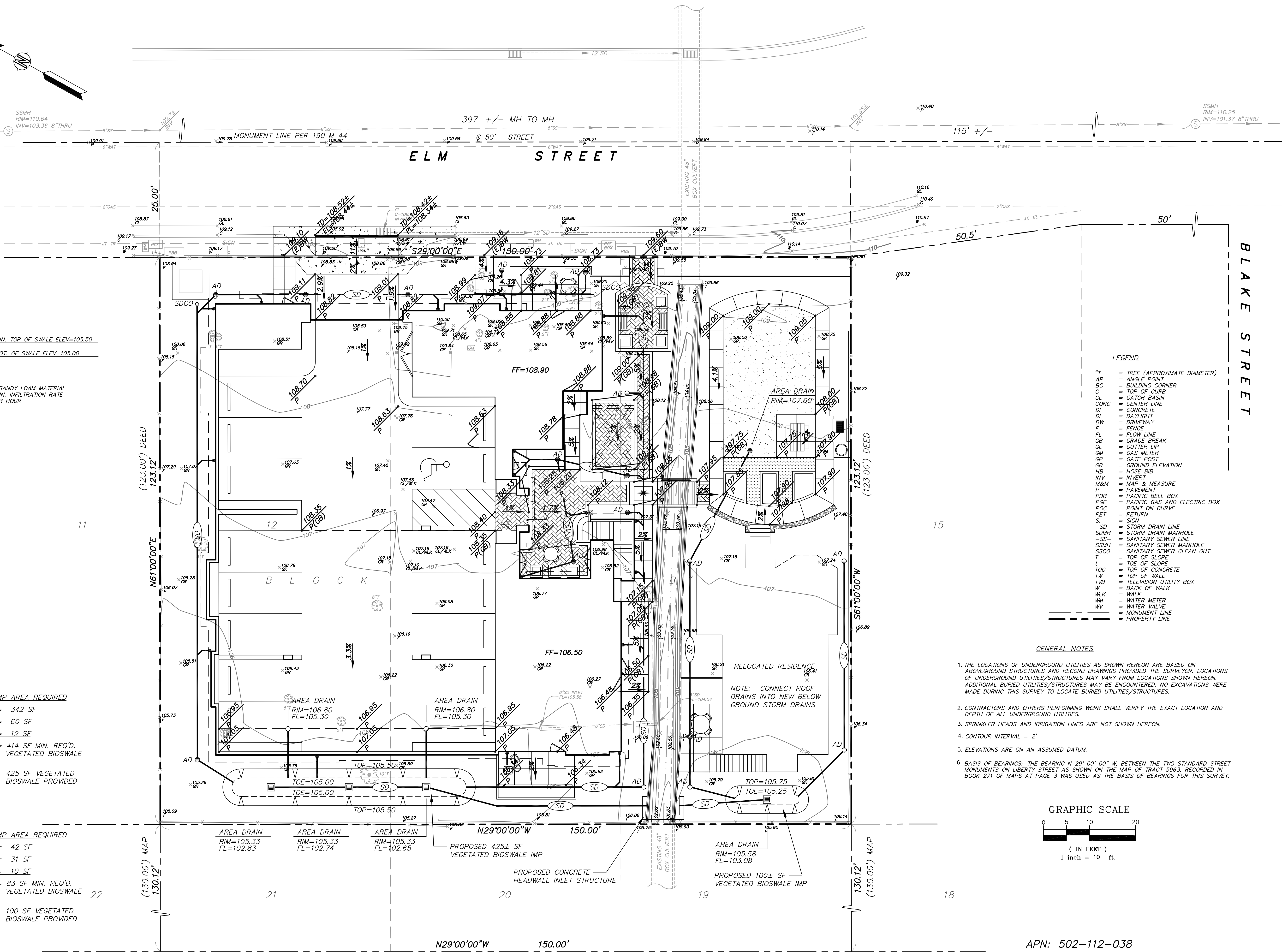
DMA NAME	AREA	DMA & IMP SIZING FACTOR	BMP AREA REQUIRED
CONDOMINIUM ROOF	8,538 SF	(1.00 x .04)	= 342 SF
PAVED WALKWAY	1,508 SF	(1.00 x .04)	= 60 SF
LANDSCAPING	2,920 SF	(0.10 x .04)	= 12 SF
			= 414 SF MIN. REQ'D. VEGETATED BIOSWALE

425 SF VEGETATED
BIOSWALE PROVIDED

SOUTH SIDE VEGETATED SWALE

DMA NAME	AREA	DMA & IMP SIZING FACTOR	BMP AREA REQUIRED
RESIDENTIAL ROOF	1,065 SF	(1.00 x .04)	= 42 SF
PAVED WALKWAY	768 SF	(1.00 x .04)	= 31 SF
LANDSCAPING	2,442 SF	(0.10 x .04)	= 10 SF
			= 83 SF MIN. REQ'D. VEGETATED BIOSWALE

100 SF VEGETATED
BIOSWALE PROVIDED



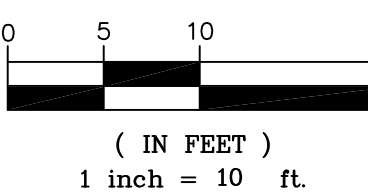
LEGEND

T	= TREE (APPROXIMATE DIAMETER)
AP	= ANGLE POINT
BC	= BUILDING CORNER
C	= TOP OF CURB
CL	= CATCH BASIN
CONC	= CENTER LINE
DI	= CONCRETE
DL	= DAYLIGHT
DW	= DRIVEWAY
F	= FENCE
FL	= FLOW LINE
GB	= GRADE BREAK
GL	= GUTTER LIP
GM	= GAS METER
GP	= GATE POST
GR	= GROUND ELEVATION
HB	= HOSE BIB
INV	= INVERT
M&M	= MAP & MEASURE
P	= PAVEMENT
PBB	= PACIFIC BELL BOX
POE	= PACIFIC GAS AND ELECTRIC BOX
POC	= POINT ON CURVE
RET	= RETURN
SIGN	= SIGN
SD	= STORM DRAIN LINE
SDMH	= STORM DRAIN MANHOLE
SS	= SANITARY SEWER LINE
SSMH	= SANITARY SEWER MANHOLE
SSCO	= SANITARY SEWER CLEAN OUT
T	= TOP OF SLOPE
TOC	= TOP OF CONCRETE
TW	= TOP OF WALL
TWB	= TELEVISION UTILITY BOX
W	= BACK OF WALK
WLK	= WALK
WM	= WATER METER
WV	= WATER VALVE
---	= MONUMENT LINE
---	= PROPERTY LINE

GENERAL NOTES

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GRAPHIC SCALE



APN: 502-112-038

LEGEND

NOTE: CONTOURS BY INTERPOLATION.
APPROXIMATE ONLY.

REFERENCES

FIELD BOOK No.
FILE MAP: G-2
TITLE CO:
POLICY No:
DATUM: ASSUMED
MISC. REF: B-8846
R-803, R-1124

REVISIONS

KISTER, SAVIO & REI, INC.
LAND SURVEYORS - CIVIL ENGINEERS

3095 RICHMOND PARKWAY, SUITE 214
RICHMOND, CALIFORNIA 94806
PHONE: (510) 222-4020 FAX: (510) 222-3718
E-MAIL: info@ksrinc.net

FOR: ED BIGGS

SCALE: 1"=10'

DATE: DECEMBER 20, 2013

JOB No. 18233

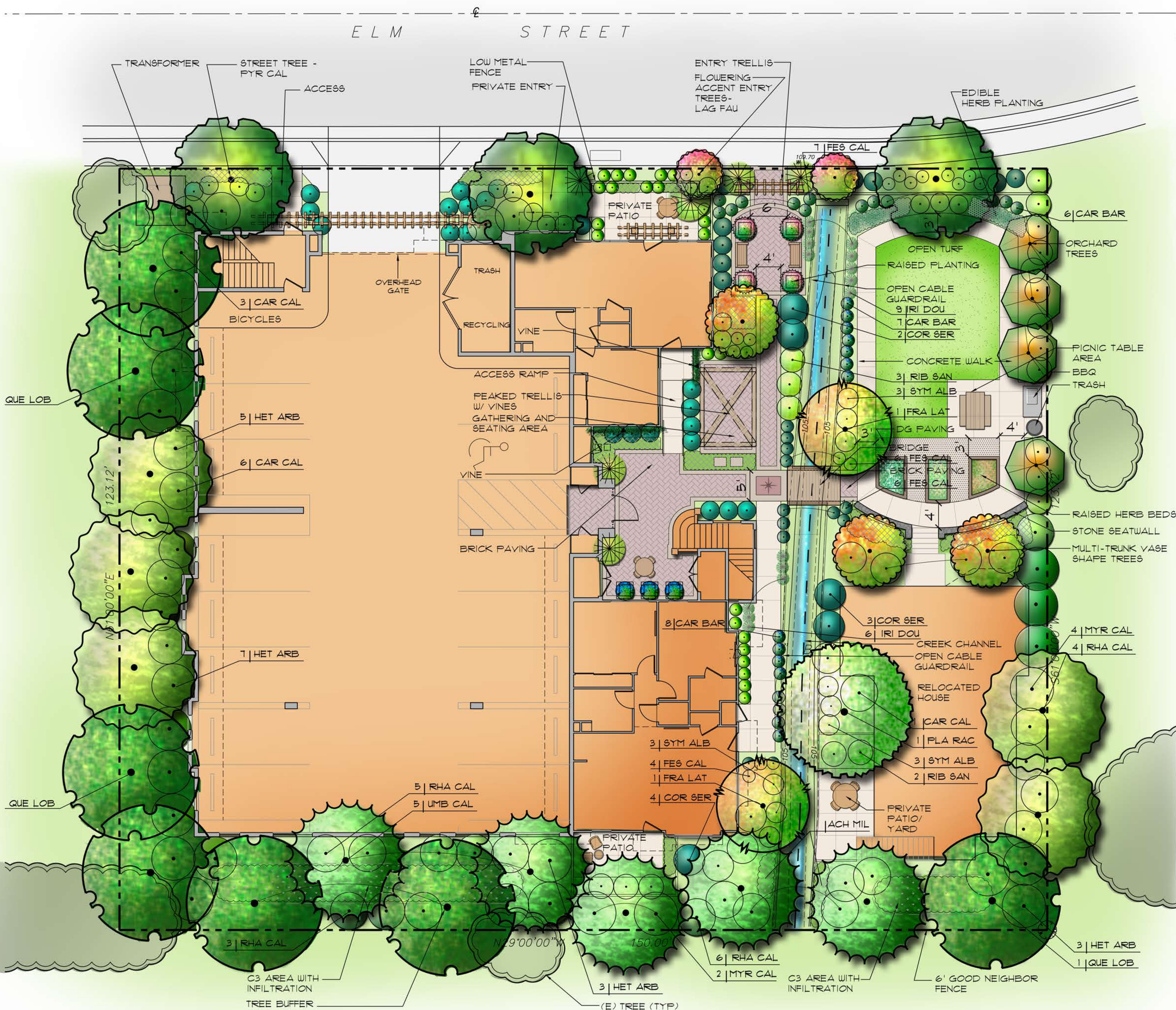
DWG No. X-3509-1

DESCRIPTION

PRELIMINARY CIVIL SITE PLAN
STORMWATER CONTROL PLAN
ELM STREET CONDOMINIUMS

EL CERRITO

CALIFORNIA



Plant Palette				
Symbol	Botanical Name	Common Name	Size	Notes
TREES				
FRA LAT	Fraxinus latifolia	OREGON ASH	24' Box	
LAG FAU	Lagerstroemia fauriei X hybrid	CRABE MYRTLE	24' Box	
PLA RAC	Platanus racemosa	CALIFORNIA SYCAMORE	24' Box	
PYR CAL	Pyrus calleryana 'Chanticleer'	CHANTICLEER PEAR	24' Box	
QUE LOB	Quercus lobata	VALLEY OAK	24' Box	
UMB CAL	Umbellularia californica	CALIFORNIA BAY LAUREL	15 gallon	
ORCHARD TREES				
Citrus		LEMON	24' Box	
Citrus		KUMQUAT	24' Box	
Diospyros kaki		PERSIMMON	24' Box	
Malus		DWARF APPLE	24' Box	
Prunus		APRICOT	24' Box	
Prunus		PLUM	24' Box	
SHRUBS				
ARC HOW	Arctostaphylos 'Howard McMin'	MANZANITA	5 gallon	
AZA SPP	Azalea spp.	AZALEA	5 gallon	
BRU FAU	Brunfelsia pauciflora	YESTERDAY, TODAY AND TOMORROW	5 gallon	
CAM SAS	Camellia sasanqua	CAMELLIA	5 gallon	
CAR CAL	Carpenteria californica	BUSH ANEMONE	5 gallon	
CEA CON	Ceanothus 'Concha'	CALIFORNIA LILAC	5 gallon	
CIS LAD	Cistus ladanifer	CRIMSON SPOT ROCKROSE	5 gallon	
COR SER	Cornus sericea	CREEK DOGWOOD	5 gallon	
DIE BIC	Diestes bicolor	FORTNIGHT LILY	5 gallon	
HEL SEM	Helictron sempervirens	BLUE OAT GRASS	1 gallon	
HET ARB	Heteromeles arbutifolia	TOYON	5 gallon	
HEU SAN	Heuchera 'Sanguinea'	CORAL BELLS	1 gallon	
HOS SPP	Hosta spp.	FLAINTAIN LILY	1 gallon	
LAV BAR	Lavatera t. 'Barneley'	TREE MALLOW	5 gallon	
MYR CAL	Myrica californica	PACIFIC WAX MYRTLE	5 gallon	
PHO TEN	Phoridium tenax 'Tom Thumb'	NEW ZEALAND FLAX	5 gallon	
RHA CAL	Rhamnus californica 'Eve Case'	COFFEEBERRY	5 gallon	
RIB SAN	Ribes sanguineum	PINK-FLOWERING CURRANT	5 gallon	
SAL OSO	Salvia 'Osos Falls'	NCN.	5 gallon	
SYM ALB	Symphoricarpos albus	SNOWBERRY	5 gallon	
TIB URY	Tibouchina urvilleana	PRINCESS FLOWER	5 gallon	
VER LIL	Verbena lilacina 'De La Mina'	CEDROS ISLAND VERBENA	1 gallon	
VIB SUM	Viburnum p.t. 'Summer Snowflake'	SUMMER SNOWFLAKE VIBURNUM	5 gallon	
GROUNDCOVERS				
ARC EME	Arctostaphylos 'Emerald Carpet'	MANZANITA	1 gal @ 30' o.c.	
CEA YAN	Ceanothus 'Yankee Point'	CALIFORNIA LILAC	1 gal @ 36' o.c.	
COT LOW	Cotoneaster 'Lowfast'	COTONEASTER	1 gal @ 36' o.c.	
IRI DOU	Iris douglasiana	PACIFIC COAST IRIS	1 gal @ 30' o.c.	
MYO PAR	Myoporum parvifolium 'Futah Creek'	MYOPORUM	1 gal cans/36' o.c.	
ROS OFF	Rosmarinus officinalis	ROSEMARY	1 gal cans/36' o.c.	
ROS SEA	Rosa 'Sea Foam'	WHITE CARPET ROSE	1 gal cans/36' o.c.	
INFILTRATION PLANTS				
ACH MIL	Achillea millefolium	YARROW	1 gallon	
CAR BAR	Carex barbaras	SANTA BARBARA SEDGE	1 gallon	
DES CAE	Deschampsia caespitosa	TUFTED HAIRGRASS	1 gallon	
FES CAL	Festuca californica	CALIFORNIA FESCUE	1 gallon	
FES RUB	Festuca rubra	RED FESCUE	1 gallon	
JUN PAT	Juncus patens	CALIFORNIA GREY RUSH	1 gallon	
MIM AUR	Mimulus aurantiacus	STICKY MONKEYFLOWER	1 gallon	
MUH RIG	Muhlenbergia rigens	DEER GRASS	5 gallon	
SIS BEL	Sisyrinchium bellum	BLUE-EYED GRASS	1 gallon	
TURF				
Dwarf Boreal Fescue		TURF	Lawn from sod	
VINE				
Clytostoma callistegioides		VIOLET TRUMPET VINE	5 gallon	
BIO-RETENTION SWALE SEED MIX ¹				
Artemisia douglasiana		DOUGLAS MUGWORT	3.0	
Bromus carinatus		CALIFORNIA BROME	8.0	
Deschampsia caespitosa 'holciformis'		TUFTED HAIRGRASS	5.0	
Elymus triticoides yolo		CREEPING WILD RYE	4.0	
Hordeum brachyantherum		MEADOW BARLEY	10.0	
Lupinus bicolor		ANNUAL LUPINE	2.0	
Symphotrichum chilensis		COMMON CALIFORNIA ASTER	4.0	
Trifolium obtusiflorum ²		CREEK CLOVER	3.0	
Trifolium wildenovii		TOMCAT CLOVER	4.0	
Vulpia microstachys		THREE-WEEKS FESCUE	4.0	
¹ To be seeded evenly over all disturbed areas of bare ground in and around the two bioretention swales.				
² Inoculated weight exclusive of inoculant				

camp & camp
associates
planning & landscape architecture
2525 CAMINO DIABLO
WALNUT CREEK, CALIFORNIA 94597
(925) 941-6400 FAX (925) 941-6405
email: to@campandcamp.com

PROJECT
NORTH

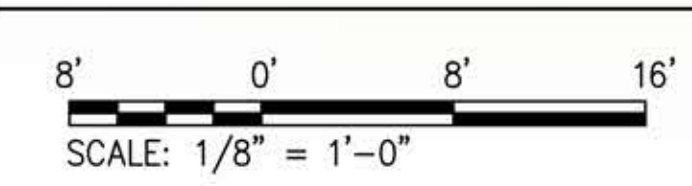
LANDSCAPE BUFFER REQUIREMENT

Street Trees Ratio of 10 trees minimum per 30' street frontage

Buffer Yard Condition Required Planting Minimum 10 15 gal trees per 20' length

Property Line	Length	Required	Provided
NORTH	123.12'	Trees	1
		Shrubs	19
SOUTH	123.12'	Trees	1
		Shrubs	25
EAST	150'	Street Trees	5
			5
WEST	150'	Trees	8
		Shrubs	23

CONCEPTUAL STREETScape & 'BUFFER YARD' PLANTING



LCA
ARCHITECTS
CARI E CAMPBELL / DAVID ROOSTAD / PETER STACHNIEC

ELM STREET CONDOMINIUMS
EDDIE BIGGS DEVELOPMENT
EL CERRITO, CALIFORNIA

LCA ARCHITECTS
RESTRICTED ARCHITECTURAL DRAWINGS

THE INFORMATION, PLANS, DESIGNS, NOTES
ARRANGEMENTS SHOWN ON THIS DRAWING
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IN WHOLE OR IN PART WITHOUT THE EXPRESS
WRITTEN PERMISSION OF LCA ARCHITECTS.
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AND/OR CONCEPT. THE ARCHITECT MAKES NO
REPRESENTATION OR WARRANTY OF ANY KIND
FOR ACCURACY OF CONCEPTUAL INFORMATION
OR OF INFORMATION SUPPLIED BY OTHERS.

LANDSCAPE
CONCEPTUAL
PLAN

SCALE: AS SHOWN
DATE: 2-25-13

REVISIONS:

3/22/13
8/23/13
10/15/13
11/19/13

PROJECT NO. 12046
L-1
SHEET OF



Open Greenhouse Trellis



Drought tolerant Mediterranean



Border Herbs



Dwarf Fruit Orchard



Grass Oval



Decomposed Granite



Permeable Brick Pavers



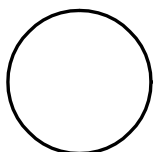
Entry Trellis



Brick Column with Ball Cap



Stone seatwall



PROJECT IMAGES



ELM STREET CONDOMINIUMS
EDDIE BIGGS DEVELOPMENT
EL CERRITO, CALIFORNIA

LCA ARCHITECTS
RESTRICTED ARCHITECTURAL DRAWING
THE INFORMATION, PLANS, DESIGN, NOTES AND
ARRANGEMENTS SHOWN ON THIS DRAWING ARE
CONFIDENTIAL AND MAY NOT BE REPRODUCED
IN WHOLE OR IN PART WITHOUT THE EXPRESSED
WRITTEN PERMISSION OF LCA ARCHITECTS.
DRAWINGS NOTED AS PRELIMINARY, CONCEPTUAL
AND/OR CONCEPT CONTAIN INFORMATION THAT
IS CONCEPTUAL AND SUBJECT TO VERIFICATION
AND/OR CHANGE. THE ARCHITECT MAKES NO CLAIM
FOR ACCURACY OF CONCEPTUAL INFORMATION
OR OF INFORMATION SUPPLIED BY OTHERS.

SCALE:	
DATE:	2-15-13
REVISIONS:	
	3/22/13
	8/8/13
PROJECT NO.	12048
L-2	
SHEET	OF

Plant Palette

Symbol	Botanical Name	Common Name	Size
TREES			
CUP LEY	Cuprocyparis 'Leylandii'	LEYLAND CYPRESS	24' Box
FRA LAT	Fraxinus latifolia	OREGON ASH	24' Box
LAG FAU	Lagerstemia fauriei X hybrid	GRAPE MYRTLE	24' Box
FLA RAC	Platanus racemosa	CALIFORNIA SYCAMORE	24' Box
FOD MAK	Podocarpus macrophyllus	YEW FINE	24' Box
FYR CAL	Fyrus calleryana 'Chanticleer'	CHANTICLEER PEAR	24' Box
QUE LOB	Quercus lobata	VALLEY OAK	24' Box
UMB CAL	Umbellularia californica	CALIFORNIA BAY LAUREL	15 gallon

ORCHARD TREES			
Citrus		LEMON	24' Box
Citrus		KUMQUAT	24' Box
Diospyros kaki		PERSIMMON	24' Box

SHRUBS			
ARC HOW	Arctostaphylos 'Howard McMinn'	MANZANITA	5 gallon
AZA SFP	Azalea spp.	AZALEA	5 gallon
BRU PAU	Brunfelsia pauciflora	YESTERDAY, TODAY AND TOMORROW	5 gallon
CAM SAS	Camellia sasanqua	CAMELLIA	5 gallon
CAR CAL	Carpenteria californica	BUSH ANEMONE	5 gallon
CEA CON	Ceanothus 'Concha'	CALIFORNIA LILAC	5 gallon
CIS LAD	Cistus ladanifer	CRIMSON SPOT ROCKROSE	5 gallon
COR SER	Cornus sericea	CREEK DOGWOOD	5 gallon
DIE BIC	Dietsia bicolor	FORTNIGHT LILY	5 gallon
HEL SEM	Helictotrichon sempervirens	BLUE OAT GRASS	1 gallon
HET ARB	Heteromeles arbutifolia	TOYON	5 gallon
HEU SAN	Heuchera 'Sanguinea'	CORAL BELLS	1 gallon
HOS SFP	Hosta spp.	PLAINSTAIN LILY	1 gallon
LAV BAR	Lavatera t. 'Barneley'	TREE MALLOW	5 gallon
MYR CAL	Myrica californica	PACIFIC WAX MYRTLE	5 gallon
PHO TEN	Phorimium tenax 'Tom Thumb'	NEW ZEALAND FLAX	5 gallon
RHA CAL	Rhamnus californica 'Eve Case'	COFFEEBERRY	5 gallon
RIB SAN	Ribes sanguineum	PINK-FLOWERING CURRANT	5 gallon
SAL OSO	Salvia 'Osos Falls'	N.C.N.	5 gallon
SYM ALB	Symphoricarpos albus	SNOUBERRY	5 gallon
TIB URV	Tibouchina urvilleana	PRINCESS FLOWER	5 gallon
VER LIL	Verbena lilacina 'De La Mina'	CEDROS ISLAND VERBENA	1 gallon
VIB SUM	Viburnum p.t. 'Summer Snowflake'	SUMMER SNOUFLAKE VIBURNUM	5 gallon

GROUNDCOVERS:			
ARC EME	Arctostaphylos 'Emerald Carpet'	MANZANITA	1 gal @ 30' o.c.
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COT LOW	Cotoneaster 'Lowfast'	COTONEASTER	1 gal @ 36' o.c.
IRI DOU	Iris douglasiana	PACIFIC COAST IRIS	1 gal @ 30' o.c.
MYO PAR	Myoporum parvifolium 'Putah Creek'	MYOPORUM	1 gal cans/36' o.c.
ROS OFF	Rosmarinus officinalis	ROSEMARY	1 gal cans/36' o.c.
ROS SEA	Rosa 'Sea Foam'	WHITE CARPET ROSE	1 gal cans/36' o.c.

INFILTRATION PLANTS			
ACH MIL	Achillea millefolium	YARROW	1 gallon
CAR BAR	Carex barbarae	SANTA BARBARA SEDGE	1 gallon
DES CAE	Deschampsia caespitosa	TUFTED HAIRGRASS	1 gallon
FES CAL	Festuca californica	CALIFORNIA FESCUE	1 gallon
FES RUB	Festuca rubra	RED FESCUE	1 gallon
JUN PAT	Juncus patens	CALIFORNIA GREY RUSH	1 gallon
MIM AUR	Mimulus aurantiacus	STICKY MONKEYFLOWER	1 gallon
MUH RIG	Muhlenbergia rigens	DEER GRASS	5 gallon
SIS BEL	Sisyrinchium bellum	BLUE-EYED GRASS	1 gallon

TURF			
Dwarf Bonsai Fescue		TURF	Lawn from sod

VINE			
Clytostoma callistegioides		VIOLET TRUMPET VINE	5 gallon

BIO-RETENTION SWALE SEED MIX¹			
Artemisia douglasiana		DOUGLAS MUGWORT	3.0
Bromus carinatus		CALIFORNIA BROME	8.0
Deschampsia caespitosa 'holciformis'		TUFTED HAIRGRASS	5.0
Elymus triticoides yolo		CREEPING WILD RYE	4.0
Hordeum brachyantherum		MEADOW BARLEY	10.0
Lupinus bicolor		ANNUAL LUPINE	2.0*
Symphoricarpos chilensis		COMMON CALIFORNIA ASTER	4.0*
Trifolium obtusiflorum*		CREEK CLOVER	3.0
Trifolium wildenovii		TOMCAT CLOVER	4.0*
Vulpia microstachys		THREE-WEEKS FESCUE	4.0

¹To be seeded evenly over all disturbed areas of bare ground in and around the two bioretention swales.

*Inoculated weight exclusive of inoculant

LANDSCAPE BUFFER REQUIREMENT

Street Trees: Ratio of 10 trees minimum per 30' street frontage
Buffer Yard Condition Required Planting Minimum (15 gal tree per 20' length)

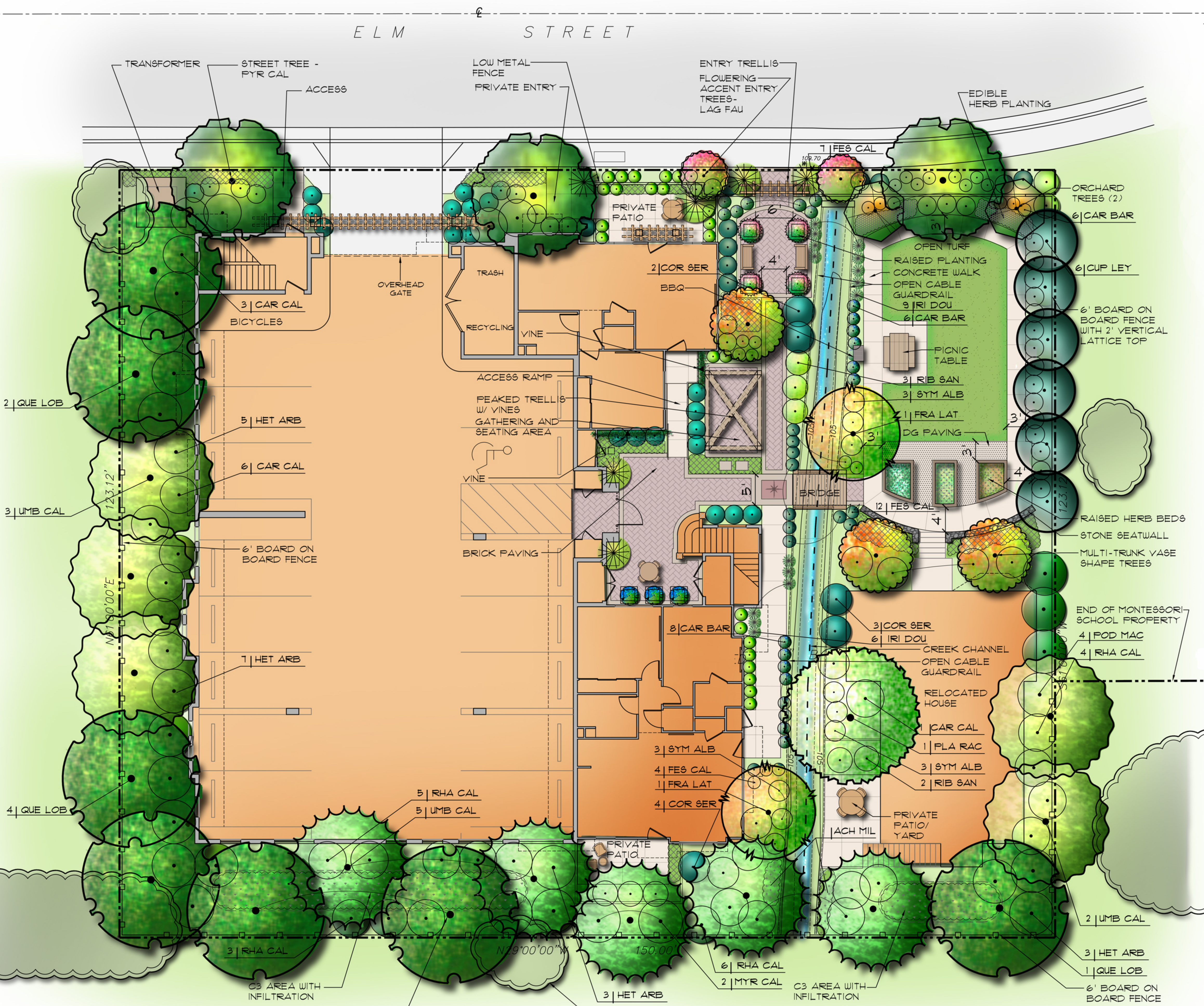
Property Line	Length	Required	Provided
NORTH	123.12'	Trees 1	1
		Shrubs 19	19
SOUTH	123.12'	Trees 1	1
		Shrubs 19	29
EAST	150'	Street Trees 5	5
WEST	150'	Trees 8	8
		Shrubs 23	23



PROJECT
NORTH

CONCEPTUAL STREETSCAPE & 'BUFFER YARD' PLANTING

8' 0' 8' 16'
SCALE: 1/8" = 1'-0"





Community Development Department - Planning Division

10890 San Pablo Avenue, El Cerrito, CA 94530

(510) 215-4330 - FAX: (510) 233-5401

planning@ci.el-cerrito.ca.us

PLANNING COMMISSION STAFF REPORT

Meeting Date: March 19, 2014

I. SUBJECT

Application: 6133

Applicant: Edward Biggs

Location: 1715 Elm Street

Zoning: RM Multi-family Residential

General Plan: High-Density Residential

APN: 502-112-038

Request: Planning Commission **study session** of a Mitigated Negative Declaration and necessary entitlements to consider the construction of 14 new dwelling units, the relocation 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of private open space, and 2,874 square feet of common open space. Entitlements requested include: General Plan Amendment, Planned Development Development Agreement, Use Permit and Design Review.

CEQA: A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND

The project site currently contains four buildings: the main house, garage, well house, and shed, as well as other features characteristic of rural agricultural properties. The house was constructed in 1897 by Ambrose Rodoni and, based on information from the Contra Costa County Assessor, it is the third-oldest building in El Cerrito. The Rodoni house is a two-story, wood-frame, T-plan, Queen Anne-style dwelling with a compound hip and gable roof. Ambrose and Virginia Rodoni eventually purchased three adjoining lots, creating a larger landholding measuring 150 feet along Elm Street (originally Union Street) and 130 feet deep. This property, comprising nearly a half acre, was more than sufficient to create a compact "weekend ranch" capable of supporting their large family with homegrown produce, fruit, wine, and possibly livestock. A well and water pulled from the creek were used to irrigate the property and to provide drinking water, until the property was hooked up to municipal water in the 1940's. The area immediately surrounding the property, historically a semirural area of small ranches and single-family dwellings, was built out during the post-World War II era as suburban development.

A creek channel runs through the southern third of the property. The channel is straight-sided and bounded by dry-laid stone walls. The stone is of various types and is not uniformly dressed. The purpose of the walls appears to contain flows, stabilize the banks, and prevent erosion. The channel

exits the property to the southwest, where it passes under a fence and enters a culvert beneath the adjoining property. The channel appears to have been an aesthetic and functional feature of the property and was probably used for irrigation long after the house was hooked up to municipal water in the 1940s.

Site Description

The project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a gentle 3 percent slope across the property. It currently includes a vacant two-story house built in 1897, a detached garage, a well house, and a shed. The site has fallen into disrepair and is now overgrown with weeds and unkempt landscaping.

An open, rock-lined creek channel runs east–west across the site along the southern edge of the property approximately 20 feet from the house. The channel is approximately 4 feet deep and continues westerly onto the adjacent property in an open box culvert. The channel conveys stormwater runoff from upstream properties to the east.

Vicinity

The project site is primarily surrounded by residential neighborhoods. Elm Street and residential properties are to the east, residential properties and Hill Street to the north, residential properties and Liberty Street to the west, and a day care and Blake Street are located to the south. Summit K2, a public charter school, is approximately 700 feet to the northeast (due to open in fall of 2014). San Pablo Avenue, which is a major commercial corridor, and a Safeway store are a few blocks to the west. The El Cerrito del Norte BART station is approximately one-quarter mile to the northwest.

III. DISCUSSION

Development Proposal

There are a number of aspects to the development that qualify it as a candidate for consideration as a Planned Development. First, the project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site. (Attachment 1, Plan set.)

Pursuant to the Municipal Code: *The specific purpose of the -PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit.*

The approval process for a Planned Development contains two steps.

Planned Development District. *An application for a Planned Development District rezone shall be reviewed at a public hearing by the Planning Commission and the Planning Commission shall make a recommendation to City Council. The City Council shall consider the recommendation of the*

Planning Commission at a public hearing, and act on the proposed Planned Development District rezone.

Planned Development Use Permit. An application for a Planned Development Use Permit and associated Development Agreement shall be reviewed and considered by the Planning Commission. The Planning Commission shall be the final decision authority on the Planned Development use permit (unless appealed). The Planning Commission shall make a recommendation on the Planned Development District and Development Agreement to the City Council. The City Council shall be the final decision authority on the Development Agreement.

When considering the approval of a Planned Development Use Permit and District, the may city allow deviation from the minimum lot area, yard requirements, building heights, other physical development standards, and land use and density requirements of other zoning districts. This project also requires a General Plan Amendment because it proposes to exceed the maximum density for market rate housing allowed by 0.7 dwelling units per acre.

The project proponent is requesting relief from specific development standards of the RM zone in order to retain the site's assets while accommodating a level of development that is generally consistent with the General Plan. This project shall require relief from the following standards:

1. Setback from property line for the relocated historic building.
2. Maximum height of the proposed new construction.
3. Setbacks from creek from both the relocated historic dwelling and the proposed new construction. Restrictions regarding a bridge over the creek.
4. Required parking for vehicles.

While requiring relief from some development standards, it exceeds the RM zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

Development Standards

Dev. Standards	Required	Proposed
Setbacks		
Front	10 ft	10 ft
Sides	5 ft; 10 ft for portions of building greater than 25 ft. in height	25ft on the west side, 3 ft. on the east side
Rear	15ft	15 ft
Height	35 ft	42 ft
Parking	2/unit (21)	15
Lot Coverage	60 % max	53 %
Distance Between Buildings	10 ft to 20 ft depending on location of primary rooms	10 ft to 20 ft

Setback from Property Line of Relocated Historic Building

The relocated historic building is proposed to be three feet away from the east side elevation. That distance is really a function of the width of the existing building and the location of the creek bank. The applicant has located the building as close as possible to the creek bank without compromising the building's foundation or the bank of the creek. Staff determined this relief of two feet allows for an overall better design of the project, in that it allows the historic building to fit into that quadrant of the site. Staff also notes that it is only the front section of the house that requires this relief as the remaining two thirds of the structure do conform to the five foot requirement. The day care building is over 20 feet away on the abutting lot, offering an unusually large buffer between the two uses. Therefore, staff believes that this relief will not adversely affect the livability of the adjacent day care.

Maximum Height of Proposed New Construction

Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below. The maximum height allowed in the RM zone is 35 feet. As noted on page A-11 of the plan set, the roof plate for this project is 33 ft tall. The additional 8 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and overall height of the building is supported by staff for a number of reasons:

Adjacency of Historical Building.

Although not required as a strict condition of approval for this project, the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. See page A-8 and A-10 of the plan set. The gable roof with brown asphalt shingle roofing is used on both primary buildings and the pitch of each roof is also very similar. The applicant is also using horizontal siding in painted in neutral tones to support this goal. Staff believes a flat roof would not be preferable in this case.

Impact of Height of New Construction Related to Neighboring Dwellings

Staff reviewed the new construction to try to identify ways to reduce the height. The floor plates provide for a ten foot wide floor which is typical for new construction today. Staff would not recommend decreasing this measurement. Staff and the applicant discussed ways to modify the roof structure in a way that might decrease the related impact of shade on the adjacent dwellings. See Attachment 2, shadow studies. The studies illustrate that at 2:00 pm on December 21st (winter solstice when the sun is in lowest orbit or worst case in terms of building shade impact) the impact added by the addition of the Mansard roof is minimal as compared to a flat roof. The additional shade is to the front yards of the dwellings across the street, not to the buildings themselves. The municipal code does not have a specific standard for shade impacts of new construction. These type of shadow studies are common ways to compare different building style's impact on the surrounding neighborhood. In this case, staff believes the additional height is not a detriment.

Building Setback from the Creek and the pedestrian bridge

One of the goals of the Creek Protection Overlay district is to preserve, enhance and restore natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed. In support of that goal, the Creek Protection overlay (Chapter 19.14) prohibits placement of fill or any other obstruction and establishes a minimum 30-

foot setback from the top of creek bank. The new construction is proposed to be 7 ft 8 in from the center line of the creek and the relocated historic building is proposed to be 5 ft 5 in away from the centerline. In addition, a footbridge is proposed to cross the channel to provide access to the shared common area.

The project is proposing to maintain creek in its current location and ensure that it would not be filled or otherwise obstructed. Instead, it would be part of the common open space area of the development and would benefit from proposed adjacent riparian friendly landscaping.

Although the project does not include the 30-foot setback from the channel pursuant to Municipal Code Chapter 19.14, it is noted that in this case that the on-site surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value for wildlife that may include utilization by local birds and mammals, therefore the initial study concludes that there would be less than significant impacts to biological resources. Finally, it is only by granting relief from the setbacks, that the site can support the superior community design by accommodating the high density dwellings and the historic building's retention and the benefit of the existing creek in its current location.

Required Parking for Vehicles

Parking is proposed to be located in a gated parking garage located below the units. The project proposes 15 new parking spaces and is requesting an exception to the City parking requirements, which requires 21 spaces. Section 19.24.050.B lists the findings needed for the Planning Commission to grant a Use Permit for a reduction in parking. In this case, staff believes that these following findings can be met:

- a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site; or because the applicant has undertaken a transportation demand management program that will reduce parking demand at the site.*
- b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.*
- c. The project furthers the implementation of land use or redevelopment goals of the El Cerrito General Plan more effectively than the project would if it met the parking standards of this Chapter.*
- d. The site plan is consistent with the objectives of the zoning district, and incorporates features such as unobtrusive off-street parking placed below the ground level of the project with commercial uses above, or enclosed parking on the ground floor.*

The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed construction and not in a surface lot and reducing the amount down from 21 to 15, it allows for much more efficient use of the site making the land available for the new housing, the creek and considerable amount of open space; as well as the historic building. This style of parking tucked under the new construction is a preferred alternative in terms of urban design, basically by hiding the vehicles from public view while accommodating them on site. Finally, staff believes that the close proximity of the project site to the El Cerrito del Norte BART station located (within a quarter mile), several bus lines, and commercial uses will result in increased transit use and pedestrian activity that will reduce the demand for parking on site.

As part of the work being completed in drafting the San Pablo Specific Plan, staff has identified a number of studies that support a parking standard of one space per unit for projects up to one half mile away from a BART station. For all of these reasons, staff supports the reduction in parking to one parking space per unit for residences.

Open Space	Required	Proposed
Common	1,602 sq ft	2,874 sq ft
Private	100 sq. ft./ground floor unit, 50 sq. ft./upper level units 900 sq ft	1,548 sq ft

Open Space

Common Areas

There are three common areas proposed in the plan. One is directly in front of the restored historic structure. It features a turf oval surrounded by a concrete walk that connects to the pedestrian entry along Elm Street. It also includes a low seat wall near the Elm Street entry. Plantings abutt this area on both the north and south sides, which include orchard trees, accent trees, orchard trees as well as shrubs and North of this larger area, there is another area that is proposed to include raised beds, accent trees and decomposed granite walking paths. The third common space adjoins this area and serves as the primary pedestrian access to the new primary structure. It also includes accent trees, shrubs and groundcovers and utilizes permeable brick pavers. A bridge is proposed across the creek to connect the entry area to turf area.

Landscaping proposed in the common areas includes edible garden plantings (fruit trees and herbs), drought-tolerant plant species, and seasonal flower displays. Permeable brick pavers, crushed granite walkways, natural turf, and a stone seat-wall are features proposed at various locations to enhance the human scale of the garden. Two stormwater bioswales are proposed to mitigate storm runoff and would be vegetated with a combination of native grasses and wildflowers to provide additional natural habitat adjacent to the channel. See page L-1 of the plan set.

Private Areas

Each proposed dwelling unit has its own private space as well, either as a patio or balcony. See page A-6 of the plan set.

Project landscaping along the perimeter of the site includes densely planted landscape setbacks around the proposed buildings to provide a buffer between the project and adjacent residential sites. Trellises and picket fencing are proposed along the street frontage to enhance the residential character of the street and separate public street space from private common open space. Both hard- and softscape outdoor areas are proposed for the use of residents and will be open to the street along the building frontage.

General Plan Amendment

The project site is designated in the El Cerrito General Plan for High Density Residential. The purpose of the High Density Residential land use designation is to provide opportunities for multi-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre. It is noted that the General Plan actually allows up to 72 units per acre in certain development scenarios, including senior housing with services. The General Plan also encourages denser housing close to the BART stations. This project will require the approval of General Plan Amendment to construct to its proposed density of 35.7 dwelling units per acre. Although slightly denser than typically allowed in its General Plan designation, through the use of the Planned Unit overlay, the project proposes exceed the minimum required amount of open space, preserve the existing creek, and retain the historic main structure all currently on site. As discussed in the staff report and throughout this Initial Study, the slight increase in density beyond that allowed in the High Density Residential land use designation would not result in any significant physical environmental effects nor cause a detrimental effect to the surrounding neighborhood.

From a neighborhood context, the use and development is compatible within the multiple unit residential development characteristics of the neighborhood. With the exception of the daycare use abutting the property to the south and Summit K2 School to the north, the neighborhood is generally residential in nature. The neighborhood is a blend of single family and high density residential. The site is the second largest parcel on the block, at over 18,000 square feet, while the average lot size in the immediate block is approximately 5,000 square feet. The proposed development will be compatible in density with several such developments in the neighborhood as outlined in the table below:

Address	No. of Units	Lot Size (sq. ft.)	No. of Stories	Density
1715 Elm Street (Proposed Project)	15	18,468	3	35.7 du/ac
1749 Elm Street	5	9,225	2	23 du/ac
1715 Liberty St.	3	6,250	3	20 du/ac
1725 Liberty St.	10	12,500	2 (tuck under prk.)	32 du/ac
1740 - 1750 Liberty St.	16	23,136	3	30 du/ac
1751 Liberty St.	20	21,780	3	40 du/ac
1708 Lexington Ave.	13	13,000	3	33 du/ac

The table shows that one parcel in the neighborhood was developed at the medium density level; while most were developed under the High Density-Residential use classification of the General Plan. Many structures are three stories high. Staff concludes that the proposed use, density, and overall project characteristics are consistent with the goals and policies outlined in the General Plan and the existing development characteristics in the area.

CEQA Considerations

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this project. Impacts identified in the Initial Study and Mitigated Negative Declaration as “Environmental Factors Potentially Affected” (page 12 of the MND) include: 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. Staff, therefore, finds that although potential environmental impact may occur as a result of this project, mitigation measures will be incorporated into the project to reduce such impacts to less than significant. A Mitigation Monitoring Plan has been prepared for this project and will be incorporated as conditions of approval.

General Plan

General Plan Consistency

The project is consistent with the vision in General Plan for this project site and surrounding properties. The site is located within the High Density Residential Land Use Classification of the General Plan. As a well-designed residential project implement many of the goals and policies of the General Plan. By preserving the Rodoni House, building design and landmarks; and the project's proximity to BART addresses many of the policies related to alternative modes of transportation. The following is a list of the General Plan policies which staff has identified that the project will implement. This list is not meant to be exhaustive, but to clearly illustrate that the project is consistent with and will implement the General Plan.

- LU1.3: Quality of Development
- LU1.5: Suitable Housing
- LU1.6: Various Housing Types
- LU1.7: Maximum Density
- LU5.5: Pedestrians, Bicycles, and Access
- LU6.4: Water Conservation
- CD1.2: Design Concept
- CD1.3: High-Quality Design
- CD1.5: Landmarks Preservation
- CD 1.9: Building Design
- CD3.3: Site Landscaping
- CD3.12: Landscape Species
- CD4.2: Building Articulation
- CD4.5: Energy and Resources
- CD5.1: Design Review Process
- R2.2: Historic Preservation

Design Review Board Preliminary Conceptual Review Comments

Preliminary Conceptual Design Review is the Design Review Board's opportunity to comment on items that are outside the DRB's purview. These comments are forwarded to the Planning Commission for review. The DRB conducted Preliminary Conceptual Review on November 6, 2013. The Board commented that they generally supported the architecture and landscape proposed.

IV. RECOMMENDATION

Staff recommends that the members of the Planning Commission review the staff report, take public comment and offer guidance back to staff for the finalization of the report.

Attachments:

- 1) Plans dated March 13, 2014
- 2) Shadow Studies
- 3) Initial Study/Mitigated Negative Declaration (on city website).



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PLANNING COMMISSION STAFF REPORT

Meeting Date: April 16, 2014

I. SUBJECT

Application: 6133

Applicant: Edward Biggs

Location: 1715 Elm Street

Zoning: RM Multi-family Residential

General Plan: High-Density Residential

APN: 502-112-038

Request: Planning Commission consideration of a Mitigated Negative Declaration and necessary entitlements to consider the construction of 14 new dwelling units, the relocation 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of private open space, and 2,874 square feet of common open space. Entitlements requested include: General Plan Amendment, Planned Development, Development Agreement, Use Permit and Design Review.

CEQA: A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND

This project was discussed at a study session before the Planning Commission at its last meeting. The previous staff report is included in this report as an attachment for reference. The findings and conditions of approval listed at the end of this staff report rely on the information from both staff reports.

During the study session comments were received by staff from the public as well as members of the Planning Commission. This staff report will address these comments by theme. The main concerns stated include the proposed density, height, traffic and parking impacts. There were also concerns listed regarding the potential construction impacts on the neighborhood, particularly on the adjacent pre-school. Staff met with representatives of the pre-school and a representative of the development team on April 2, 2014. A summary of the result of this discussion is included in the report, as well.

III. DISCUSSION

The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site. It also proposes to restore and relocate the existing, historic single-family detached house on site to provide a fifteenth dwelling unit. Finally, the project is proposing to retain the creek in place,

thereby protecting the 115 foot long water course which is a tributary of Baxter Creek and utilize it as an amenity for the overall site.

Below, staff has listed concerns stated at the study session and the meeting held on April 2, 2014. After each concern, staff has provided additional information in response to the concern.

Density

Concern: The project is too dense for its surrounding neighborhood.

The project has a proposed density of 35.7 dwelling units per acre.

The General Plan designation for this site is High Density (21 to 35 dwelling units/net acre)

This designation is described as follows:

The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.

The General Plan further states that while 35 dwelling units per acre is a practical limit, it does allow for up to 70 units per acre in this designation if the appropriate parameters are met. Allowing the General Plan Amendment of 0.7 is seen by staff to be a minor exception necessary to make the project feasible to build. It is important to note that removing one unit would not lower the building height as the floor plate on the third floor shows five units. Therefore, the height and shading impacts would not be alleviated by restricting the project to 14 units or 35 dwelling units per acre.

The zoning designation for the subject property is RM Multi-family Residential. This district is described in the zoning ordinance as follows:

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

This neighborhood is generally intended for high density residential construction. The zoning district hosts an eclectic mix of single family, duplexes and multifamily homes. It is in the part of the zoning district that was envisioned to accommodate the higher density development. It is located on a street with a relatively high level of vehicle traffic, within a quarter mile of the BART station, the AC Transit Rapid Bus line and the Ohlone Greenway. While the proposed project is on the high end of the intended density for the neighborhood, it is staff's belief that the project is in keeping with the spirit and intent of both its zoning and General Plan designations. With the proposed conditions of approval, staff believes that the appropriate performance standards will be in place.

Height

Concern: The building is too tall and will cast too big a shadow on adjacent residences.

In the zoning ordinance, height is defined as the vertical distance from the highest point of any structure to the ground level directly below. The maximum height allowed in the RM zone is 35 feet. As noted on page A-11 of the plan set (included at the March 19th meeting), the roof plate for this project is 33 ft tall. The additional approximately 9 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and overall height of the building is recommended by staff for a number of reasons listed in the previous staff report. A summary of those reasons are included below with additional details added.

Adjacency of Historical Building:

Although not required as a condition of approval for this project, the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. See page A-8 and A-10 of the plan set. The mansard roof with brown asphalt shingle roofing is used on both primary buildings and the pitch of each roof is also very similar. The applicant is also using horizontal siding painted in neutral tones to support this goal. Staff believes a flat roof that could meet the maximum height would not be preferable in this case. Further, the applicant has stated that the mansard roof will screen a number of the possible roof mounted utilities that would otherwise be partially visible or require a tall parapet wall. For these reasons, the mansard roof as proposed is the preferred design.

Impact of Height of New Construction Related to Neighboring Dwellings:

Staff reviewed the new construction to try to identify ways to reduce the height. The floor plates provide for a ten foot wide floor which is typical for new construction today. Staff would not recommend decreasing this measurement. Staff and the applicant discussed ways to modify the roof structure in a way that might decrease the related impact of shade on the adjacent dwellings. (In practical terms, the possibility of shading the windows of the adjacent neighbors). The studies illustrate that at 2:00 pm on December 21st (winter solstice when the sun is in lowest orbit or worst case in terms of building shade impact) the impact created by the addition of the Mansard roof is minimal as compared to a flat roof. The additional shade is added to the front yards of the dwellings to the north and across the street, not to the buildings themselves.

The one property that will have the potential to have additional shading impact to the residence is the property directly to the north. Staff measured the distance between the existing six foot solid wood fence and the dwelling on the neighboring property (based on GIS measurement). It is approximately seven feet away. The existing fence, based on its height and location is already shading the side of the existing building openings on that side much of the day, throughout the year. Although the municipal code does not have a specific standard for shade impacts of new construction. These types of (worst case scenario) shadow studies are common ways to compare proposed building's impact on the surrounding neighborhood. In this case, staff believes the additional height is not a detriment to the surrounding neighborhood.

Traffic and Parking

Concerns:

1. The parking study was completed in 2009. Too much time has passed for it to be accurate 2.
2. The proposed construction will add significant additional traffic to a roadway that is already very congested.

3. The proposed parking is not realistic and it will cause additional vehicles to be parked on the street. Street parking is already challenging in the neighborhood due to the proximity of the BART station.

A traffic impact study (TIS), which assumed development of 13 new units and rehabilitation of the existing house on the site (14 total units), was prepared for the project site in 2009. Kittelson & Associates reviewed the existing TIS to determine whether the analysis adequately reflects conditions that would occur with the project as proposed. Kittelson also conducted a trip generation analysis based on the latest data from the Institute of Transportation Engineers to verify assumptions made in the traffic impact analysis. Kittelson determined the project would result in 40 additional total daily trips and up to 5 additional peak-hour trips (total for AM and PM peak hours), which does not substantially differ from the 2009 analysis. Therefore, the key level of service (LOS) findings in the 2009 study are applicable to the current project despite changes in project land use, trip generation reference updates, analysis methodologies, and economic conditions (Kittelson 2013).

Table A shows the results of the existing LOS analysis for signalized and unsignalized intersections in the area of the project. Data from three study intersections show current operations at acceptable levels of service during weekday AM and PM peak-hour time frames. As stated in the General Plan, if an intersection is functioning at LOS D or above, it is considered acceptable. Table B presents the results of the existing plus project intersection LOS analysis from the 2009 study, which shows the proposed project would result in no change to the peak-hour LOS and would have a minimal effect on delays. The addition of five vehicle trips during each peak hour would not reduce the level of service to below the City's standard of LOS D (Kittelson, 2013). All of the study intersections are forecast to operate at acceptable levels of service during all peak-hour scenarios.

TABLE A

Intersection		Existing Weekday AM Peak Hour		Existing Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.2	C
AWSC	Elm Street/Richmond Street/Blake Street	11.5	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

TABLE B

Intersection		Existing Plus Project Weekday AM Peak Hour		Existing Plus Project Weekday PM Peak Hour	
		Delay	LOS	Delay	LOS
Signalized	Elm Street/Hill Street/Key Boulevard	24.8	C	22.3	C
AWSC	Elm Street/Richmond Street/Blake Street	11.6	B	11.4	B
Signalized	Richmond Avenue/Potrero Avenue	13.9	B	13.6	B

Although Elm Street experiences a fair amount of traffic throughout the day, the traffic impact study completed for this project shows that when the amount of traffic is at its highest (peak travel time)

the key intersections around the project site operate at an acceptable level. This project is expected to generate a total 12 weekday AM peak-hour trips and 13 weekday PM peak-hour trips. The addition of this amount of additional vehicles is not considered a significant amount of new traffic by planning standards.

Required Parking for Vehicles

Parking is proposed to be located in a gated parking garage located below the units. The project proposes 15 new parking spaces and is requesting an exception to the City parking requirements, which requires 21 spaces.

The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed construction and not in a surface lot and by reducing the amount down from 21 to 15, it allows for much more efficient use of the site making the land available for the new housing, the creek and considerable amount of open space; as well as the historic building. This style of parking tucked under the new construction is a preferred alternative with regard to urban design, which basically hides the vehicles from public view, while accommodating them on site. It also allows more of the existing square footage of the lot to be used for open space.

In the parts of the city that are not served by transit, a new single family dwelling is required to have two spaces per dwelling unit. The zoning code allows any proposed multifamily development project located within one-quarter (¼) mile of a Bay Area Rapid Transit (BART) station, to be reduced by 25 percent. It also allows additional reductions of required spaces through the granting of a Use Permit. There are a number of compelling arguments that support parking may be significantly decreased for new development located near transit (TOD). This project site is located within 800 linear feet or just under 1,400 ft by foot, of the BART station, the AC Transit Rapid line and the Ohlone Greenway. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies and reports that support a parking standard of zero to 0.5 parking spaces per unit for projects up to one-half mile away from a BART station. Please see recent links to studies included as Attachment 4. One of results of these studies is that people moving into new transit oriented development such as this project actually self select their residence based on its proximity to transit. However, one of the few points in opposition to allowing reduced rates of parking in new TOD development is the idea that if the projection is incorrect, the new residents will use the nearby on street parking. To ensure that this will not occur, a condition of approval has been added that will prohibit anyone living at this address to participate in the residential permit parking program. This will limit their use of street parking to four hours on Elm Street and many surrounding streets. That is the same amount of parking allowed any visitor to this neighborhood. Any street in the vicinity not currently participating but would like to take advantage of the program may do so by visiting the City's website: <http://www.el-cerrito.org/index.aspx?NID=753>.



(GIS map of the streets participating in residential parking program.)

With this added restriction in place, staff believes that this project will not create a detrimental impact on the neighborhood's existing on street parking.

Construction Related Issues

Concern: During construction, the proposed project will have serious impacts to the neighborhood and in particular, the preschool located to the south of the project site.

As a result of the testimony given on March 19th and the meeting with the preschool representatives and the agent for the development team; a number of conditions of approval have been added to the project. For the sake of analysis, these potential impacts are grouped again by theme.

Air Quality

In addition to the issues identified in the Initial Study, the community expressed concern related to the possible presence of asbestos and/or lead in the existing dwelling. These elements could become airborne during the scope of the construction/renovation. There was also general concern that there are contaminants found in the soil and that they too would become airborne during construction and grading. As a result, the following condition has been added to the project:

Prior to the issuance of a building permit:

1. The Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated.

During construction:

1. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
2. Dust control measures to minimize air quality impacts shall be implemented including:
 - a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b. Cover all trucks hauling soil, sand, and other loose materials.
 - c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d. Limit traffic speeds on unpaved roads to 5 mph.
 - e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g. No grading between October 1st and April 15th unless the City Engineer has approved an erosion and sedimentation control plan.

Noise

There was concern that the project's construction would cause a substantial amount of noise due to the use of heavy equipment and pneumatic tools. The preschool asked that the tools and machinery be stopped from noon to 2:00pm to allow for nap time. The applicant did agree to try to limit noise by setting a lunch break from noon until 1:00pm. He also stated that he would agree to meetings between the person in charge of the construction and the personnel of the preschool at least once a month to ensure that communication between the two uses remains open. Staff added that the person in charge of the construction site should also be available to other members of the public. The following condition has been created:

1. Applicant shall submit a construction sign for approval by the Development Services Manager. The sign shall be made of a permanent material with professional lettering. The sign shall include the following information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The sign shall be posted at the time of placing temporary fencing and start of construction activity.
2. The applicant shall stipulate in the construction bid information for the project that every possible effort shall be made to have the construction site turn off all unnecessary heavy equipment, generators and power tools from noon until 1:00pm.

General Safety and Communication

Much of the concerns stated regarding this project relate to general safety of the site during construction and need to have the construction company and all neighbors to be able to communicate with each other. To that end, the following conditions have been added:

1. The applicant shall submit a site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours. This will include the temporary construction fence. The height of the construction fence on the south side shall be twelve feet in height. The applicant shall create a notification procedure stating their plan to notify adjacent property owners and public safety personnel as to when major deliveries, detours and lane closures may occur. At a minimum, this notification plan will include a

written notice sent electronically as soon as possible to all neighbors that request such notification. The list of interested parties will be kept by the Community Development Department.

2. They will also meet monthly in person with the operators of the preschool to go over any issues or concerns.
3. The applicant shall submit the location of construction staging areas for materials, equipment, and vehicles.
4. The applicant shall submit a parking management plan for all construction workers and their equipment to ensure that construction workers or construction equipment and vehicles do not occupy on-street spaces.
5. No construction shall take place on June 22, 2014 at the request of the preschool.

Traffic

Finally, there was considerable concern of the impact of truck traffic during construction. The following conditions have been added to address the issue:

- 1 Applicant shall submit a Traffic and Parking Management Plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas.
- 2 Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). (Staff believes these also are the peak pick up and drop off hours of the pre-school)

Additional Entitlements

As stated in the previous staff report, this project has a complex entitlement process.

In addition to the Planned Development Use Permit which is the purview of the Planning Commission, it also has a Development Agreement, the creation of Planned Development District, as well as a General Plan Amendment. As staff and the applicant are still revising the Development Agreement, staff will be bringing to the Planning Commission for recommendation the second half of the necessary entitlements at an upcoming hearing.

IV. CEQA

An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for this project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for this project and has been incorporated into the conditions of approval. Many of these mitigations are listed in the staff report. Staff has chosen to highlight a few additional mitigations that are of listed in the mitigation monitoring plan below.

Biological

The proposed project does have the potential to impact migratory birds, raptors, and bats. Trees on and adjacent to the project site may provide suitable nesting habitat for birds protected under the Migratory Bird Treaty Act (MBTA), as well as Sections 3503.5 and 3800–3806 of the FGC. In addition, the abandoned structures on-site have the potential to provide suitable nesting habitat for protected birds and roosting habitat for bats. Demolition of structures and removal of trees during construction activities could result in noise, dust, human disturbance, and other direct or indirect impacts to nesting birds and roosting bats on or in the vicinity of the project site. Therefore the following mitigations have been required:

Survey for Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird.

Survey for Active Raptor Nests. If construction activities will occur during the nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests before construction activity commences. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer shall be erected around the nest while the nest is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line of sight of the construction activity.

Survey for Bird Nests in Structures. If demolition of on-site structures is proposed to take place during the migratory bird nesting season (April 15–August 15), a survey for nesting migratory birds (e.g., swallows, phoebes) shall be conducted by a qualified biologist prior to demolition.

Survey for Potential Bat Roosts. Demolition of on-site structures shall be preceded by a survey for bat presence. Structures being used by bats will not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.

In addition, If the US Army Corps of Engineers identifies that the creek under their jurisdiction, the project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and/or 1602 Streambed Alteration Agreement. This will be part of the Joint Aquatic Resource Permit (JARPA) process.

Cultural

The historic resource evaluation (VerPlanck, 2013) found that 1715 Elm Street appears eligible for listing in the California Register under Criterion 1 (Events) and Criterion 3 (Design/Construction), as a very early residential property in the city and as a property closely associated with El Cerrito's Little Italy. The proposed project will relocate the house and rehabilitate the façade. Movement of the structure on site is an acceptable treatment of the historic structure if it results in the building's preservation. However, there still remains a potential impact to cultural resources by the creation of the proposed project, itself. To mitigate the remaining impacts the following mitigation measures have been added:

Prior to any alterations of structures on the project site, the project applicant shall complete Historic American Building Survey (HABS) level documentation.

Prior to occupancy of any structure on the project site, the applicant shall complete façade restoration of the historic structure, and salvage and reuse building materials and landscape features, as discussed in the evaluation.

In addition, although it is not listed as a required mitigation, the applicant has volunteered to donate up to four thousand dollars to the City of El Cerrito towards the creation of up to two plaques that could be located on the front fence. The purpose of commemorative plaques would be to explain the history of the Rodini house as well as the history of the surrounding Little Italy neighborhood. Staff will work closely with the El Cerrito Historic Society to meet this goal and has added donation as a condition of approval.

V. FINDINGS FOR APPROVAL

A Planned Development Use Permit shall only be granted if Planning Commission finds that the proposal as submitted, modified and/or conditioned conforms to all of the following criteria as well as to any other special findings required for approval of Use Permits in specific zoning districts:

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

The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 13 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.

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

The location and design of the project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, day-lighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.

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

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan policies: LU1.3: Quality of Development, LU1.5: Suitable Housing, LU1.6: Various Housing Types, LU1.7: Maximum Density, LU5.5: Pedestrians, Bicycles, and Access, LU6.4: Water Conservation, CD1.2: Design Concept, CD1.3: High-Quality Design,

CD1.5: Landmarks Preservation, CD 1.9: Building Design, CD3.3: Site Landscaping, CD4.2: Building Articulation, CD5.1: Design Review Process and R2.2: Historic Preservation

Development within the -PD district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

In making this determination, the following factors shall be considered:

Appropriateness of the use(s) at the proposed location.

The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station. It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek.

The mix of uses, housing types, and housing price levels.

The proposed project offers a range of attached and detached dwellings on site. In the new construction is includes both one bedroom and two bedroom housing unit styles. All units' prices will be set by the market. It is expected that the prices will reflect the different unit sizes.

Provision of units affordable to persons and families of low and moderate income or to lower income households.

While this is an important consideration, there was no feasible way to include a mandate to offer these units at an affordable price to persons and families of low and moderate income or lower income homes as defined by the State of California.

Provision of infrastructure improvements.

The existing infrastructure is sufficient to serve the proposed development as proposed.

Provision of open space.

While requiring relief from some development standards of the RM zone, it exceeds the zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

Compatibility of uses within the development area.

The use of the development area is exclusively residential.

Quality of design, and adequacy of light and air to the interior spaces of the buildings.

The design of the new construction has been designed to allow acceptable levels of light and air into the interior spaces of the building. As conditioned, it shall meet or exceed all requirements of the California Building Code.

Overall contribution to the enhancement of neighborhood character and the environment of El Cerrito in the long term.

This project will contribute to the enhancement of the neighborhood character and the environment of El Cerrito in the long term in that it represents a balance of many of El Cerrito's core values. It incorporates transit oriented development and good urban design with successful historic preservation and stewardship of an existing creek.

Creativity in design and use of land.

The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site.

VI. RECOMMENDATION

- A. Staff recommends approval of Planned Development Use Permit for Planning Applications 6133 as conditioned by the draft resolution in Attachment 1 and 2, adopting the Initial Study with mitigated negative declaration and mitigation monitoring and reporting that grants relief from:
 - 1. Setback from property line for the relocated historic building.
 - 2. Maximum height of the proposed new construction.
 - 3. Setbacks from creek from both the relocated historic dwelling and the proposed new construction. Restrictions regarding a bridge over the creek.
 - 4. Required parking for vehicles.

Proposed Motions:

- 1. Move adoption of Planning Commission Resolution PC14-xx:
 - a. Adoption an Initial Study and mitigated negative declaration and , and
 - b. Adopting the Mitigation Monitoring and Reporting Program, and
- 2. Move adoption of Planning Commission Resolution PC14-xx:
 - a. Approving Planned Development Use Permits for relief from setbacks from property line and creek, a height reduction and reduction from parking.

Attachments:

- 1) Draft Resolution to adopt the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- 2) Draft Resolution to approve the Planned Development Use Permits
- 3) Staff report dated March 19, 2014
- 4) Initial Study Document. (Appendices available on City Website).
- 5) List of Reports and Studies in support for the reduction of parking near mass transit services.

Planning Commission Resolution PC14-06

APPLICATION NO. 6133

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION ADOPTING AN INITIAL STUDY WITH A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION OF 14 NEW DWELLING UNITS AND THE CONSERVATION OF AN EXISTING DWELLING UNIT AT 1715 ELM STREET.

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential);

WHEREAS, the general plan land use designation of the site is High Density;

WHEREAS, on January 13, 2014 the City circulated an Initial Study/Mitigated Negative Declarations pursuant to the CEQA Guidelines;

WHEREAS, at their March 19, 2014 meeting, the Planning Commission heard public comment on the Initial Study/Mitigated Negative Declaration;

WHEREAS, on April 16, 2014, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

The Planning has considered the proposed negative declaration together with any comments received during the public review process, and finds, on the basis of the whole record before it, that:

- (1) There is no substantial evidence the project will have a significant effect on the environment, and
- (2) The negative declaration reflects the lead agency's independent judgment and analysis.

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 adopts the Initial Study/Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Program for the construction of 14 new dwelling units and the conservation of one existing dwelling unit located at 1715 Elm Street.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on April 16, 2014 upon motion of Commissioner Kuhlman, second by Commissioner Iswalt:

AYES: Hansen, Iswalt, Kuhlman, Lucas
NOES: Coty, Pine
ABSTAIN:
ABSENT: Motoyama



Margaret Kavanaugh-Lynch
Development Services Manager

Planning Commission Resolution PC14-07

APPLICATION NO. 6133

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING PLANNED DEVELOPMENT USE PERMITS FOR RELIEF OF SETBACKS FROM PROPERTY LINE AND CREEK, A HEIGHT REDUCTION AND REDUCTION FROM PARKING FOR THE CONSTRUCTION OF 14 NEW DWELLING UNITS AND THE CONSERVATION OF AN EXISTING DWELLING UNIT AT 1715 ELM STREET.

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential);

WHEREAS, the general plan land use designation of the site is High Density;

WHEREAS, on November 6, 2013, the Design Review Board conducted preliminary conceptual design review on the project;

WHEREAS, on March 19, 2014, the Planning Commission conducted a study session on the project;

WHEREAS, on April 16, 2014, 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 proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.
2. The location and design of the project will provide a functional living environment that has good urban design. With the required vehicle parking tucked under the building, day-lighted creek and landscaped area and clear sightlines to the restored historic building, it will be an attractive amenity for the City.
3. The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan policies: LU1.3: Quality of Development, LU1.5: Suitable Housing, LU1.6: Various Housing Types, LU1.7: Maximum Density, LU5.5: Pedestrians, Bicycles, and Access, LU6.4: Water Conservation, CD1.2: Design Concept, CD1.3: High-Quality Design, CD1.5: Landmarks Preservation, CD 1.9: Building Design, CD3.3: Site Landscaping, CD4.2: Building Articulation, CD5.1: Design Review Process and R2.2: Historic Preservation.

4. The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek.
5. The proposed project offers a range of attached and detached dwellings on site. In the new construction is includes both one bedroom and two bedroom housing unit styles. All units' prices will be set by the market. It is expected that the prices will reflect the different unit sizes.
6. While this is an important consideration, there was no feasible way to include a mandate to offer these units at an affordable price to persons and families of low and moderate income or lower income homes as defined by the State of California.
7. The existing infrastructure is sufficient to serve the proposed development as proposed.
8. While requiring relief from some development standards of the RM zone, it exceeds the zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.
9. The use of the development area is exclusively residential.
10. The design of the new construction has been designed to allow acceptable levels of light and air into the interior spaces of the building. As conditioned, it shall meet or exceed all requirements of the California Building Code. In addition, the distance between the re-located historic building and the adjacent pre-school is approximately 13 feet.
11. This project will contribute to the enhancement of the neighborhood character and the environment of El Cerrito in the long term in that it represents a balance of many of El Cerrito's core values. It incorporates transit oriented development and good urban design with successful historic preservation and stewardship of an existing creek.
12. The project is proposing to provide 14 new one and two bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density. It also proposes to restore and relocate the existing historic single-family detached house on site to provide a fifteenth living unit and preserving an important historic resource. Finally, the project is proposing to keep the creek in place, thereby protecting the 115 foot long water course which is a tributary of the Baxter Creek and utilizing it as an amenity to the overall site.

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 Planned Development Use Permit, Application No. 6133, subject to the following conditions:

1. The project will be constructed substantially in conformance with the plans dated January 20, 2014. 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. Minor changes may be approved by the Zoning Administrator.

2. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. All new residential developments of five or more units are required to comply with the Art in Public Places ordinance pursuant to El Cerrito Municipal Code Section 13.50. This is a requirement of any project with development costs of two hundred fifty thousand dollars or more. The applicant shall devote an amount not less than one percent of such costs for acquisition and installation of public art on the development site, subject to a maximum of one hundred fifty thousand dollars. Compliance with the provisions of this chapter shall be demonstrated by the applicant at the time of filing a building permit application in one of the following ways:
 - a) Payment of the full amount of the public art in-lieu contribution; or
 - b) Written proof to the community development department of a contractual agreement to commission or purchase and install the required public art on the subject development site and a written acknowledgement by the visual art professional and the owner or developer, in a form approved by the city, that the proposed public art complies with the following criteria:
 - 1) The public art shall be designed and constructed by any person experienced in the production of such art and recognized by critics and by his or her peers as one who produces works of art,
 - 2) The public art shall require a low level of maintenance and that the proposed maintenance provisions are adequate for the long-term integrity and enjoyment of the work,
 - 3) The public art shall be related in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other setting so as to complement the site and its surroundings and shall be consistent with any corresponding action of the planning commission, design review board or city council as it may relate to any development entitlements,
 - 4) Permanent public art shall be a fixed asset to the property,
 - 5) The public art shall be maintained by the property owner in a manner acceptable to the city,
 - 6) The public art meets all applicable building code requirements.

The applicant shall provide the city with proof of installation of the required public art project on the development site prior to the issuance of a certificate of occupancy. If installation prior to the date of occupancy is impracticable, as determined by the city manager or his or her designee, a

certificate of occupancy may be approved for the building or portion thereof if the application submitted pursuant to this section has been approved, the applicant has executed a written agreement with the city to install the public art, and the applicant has filed security in an amount and form acceptable to the city attorney to guarantee installation of the public art.

Community Development Department
Building and Planning Division:

5. The mitigation measures identified in the mitigation monitoring plan (MMRP) shall be considered conditions of approval of the project. They are included as Attachment A to the resolution.
6. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements.
7. Prior to the issuance of a building permit, Applicant shall submit to the Building Official proof of compliance with all other permits necessary from the applicable regulatory agencies, including but not limited to the Stege Sanitary District, West Contra Costa Unified School District, Pacific Gas and Electric and East Bay Municipal Utility District.
8. A demolition permit for all proposed demolition shall be submitted to and approved by the City of El Cerrito prior to issuance of a building permit.
9. Prior to the issuance of a demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulations, Section 1532.1).
10. Prior to the issuance of a building permit the applicant and/or construction company shall submit the location of construction staging areas for materials, equipment, and vehicles to the Zoning Administrator for review and approval.
11. Prior to the issuance of a building permit the applicant and/or construction company shall submit a parking management plan for all construction workers and their equipment to ensure that construction workers or construction equipment and vehicles do not occupy on-street spaces.
12. In the City of El Cerrito, the hours of construction work are limited to:
 - a) 7:00 a.m. to 6:00 p.m. Monday through Friday
 - b) 8:00 a.m. to 5:00 p.m. on Saturdays
 - c) Work is prohibited on Sundays and holidays.

- d) Work may be prohibited during inclement weather by order of the City Building Official.

13. No construction shall take place on June 27, 2014 at the request of the preschool.

14. To ensure that the construction of the project is completed with minimal impact to the existing neighborhood, the following requirements shall be met before the issuance of a building permit:

- a) Applicant shall submit a construction sign for approval by the Development Services Manager. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 2 feet by 3 feet with a minimum letter size of 2 inches. The sign shall include the following information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The sign shall be posted at the time of placing temporary fencing and start of construction activity. The sign shall be placed on the Elm Street frontage of the site in a location facing the street where the information can be easily read.
- b) Prior to issuance of a building permit, the applicant shall submit a site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours. This will include the temporary construction fence required in the Public Works Department condition listed below. The height of the construction fence on the south side of the property shall be twelve feet in height.

15. The applicant shall stipulate in the construction bid information for the project that construction company shall be required to do the following:

- a) A notification procedure stating their plan to notify adjacent property owners as to when major deliveries, detours and lane closures may occur. At a minimum, this notification plan will include a written notice sent electronically as soon as possible to all neighbors that request such notification. The list of interested parties will be kept by the Community Development Department.
- b) A monthly meeting in person with the operators of the preschool to go over any issues or concerns.
- c) Make every possible effort shall be made to have the construction site turn off all unnecessary heavy equipment, generators and power tools from noon until 1:00pm.

16. Prior to issuance of a certificate of occupancy, the Zoning Administrator shall confirm that:

- a) All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
- b) All visible vents, gutters, down spouts, flashings, and the like shall match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.

17. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce

water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Zoning Administrator.

18. The applicant has volunteered to donate four thousand dollars to the City of El Cerrito towards the creation and installation of up to two historical plaques. (This money will be held in a draw down account and any unused funds will be refunded.) The purpose of commemorative plaques would be to explain the history of the Rodini house as well as the history of the surrounding Little Italy neighborhood. The Zoning Administrator shall work with the El Cerrito Historical Society to create these plaques. The plaques will be installed on the front fence of the new project.
19. If for some reason, the City Council denies the Development Agreement, the General Plan Amendment or the Planned Development District, this entitlement is null and void.

Public Works Department:

20. A complete Stormwater Control Plan (Narrative Report and Exhibit) prepared in accordance with the latest version of Contra Costa Stormwater C.3 Guidebook, must be submitted as soon as possible to ensure the stormwater design, site plan, and landscaping plan are congruent.
21. Any changes to existing storm drain channel will require a Public Works Encroachment Permit and may require that storm drain easement be recorded. The applicant must furnish plans, specifications and hydrology/hydraulics studies, as appropriate, prior to consideration of the permit application. The City may impose conditions as are appropriate to eliminate any diminution in the capacity of the existing drain to carry off the volume of water reasonably anticipated. If conflict exists between the Encroachment Permit and the JARPA permit, the JARPA permit shall prevail.
22. Remove and replace all sidewalk and driveway approaches to comply with Americans with Disability Act and all other applicable City standards. Sidewalk and driveway improvements shall require a Public Works Encroachment Permit.
23. All site grading shall be done per Chapters 8 and 13 of the El Cerrito Municipal Code and all other relevant laws, rules and regulations. Prior to commencing any grading in excess of 50 cubic yards, the applicant shall obtain a Grading & Transportation Permit and approval from the Public Works Department.
24. New street tree types and locations shall be approved by the City Arborist prior to issuance of building permit.
25. Prior to issuance of a building, demolition or grading permit for any portion of the project, applicant shall submit a Traffic and Parking Management Plan for review and approval by the Public Works Director and the Zoning Administrator. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas.

26. Prior to the issuance of a building permit, applicant shall install temporary construction fence around the perimeter of the site that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director and the Zoning Administrator. On the southern property line, the fence shall be 12 feet high to provide an additional visual and safety screen for the adjacent school. The applicant shall submit the materials for the fence to the Zoning Administrator for review and approval before the fence is installed.
27. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).
28. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
29. Dust control measures to minimize air quality impacts shall be implemented including:
 - a) Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b) Cover all trucks hauling soil, sand, and other loose materials.
 - c) Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d) Limit traffic speeds on unpaved roads to 5 mph.
 - e) Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f) Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g) No grading between October 1st and April 15th unless the City Engineer has approved an erosion and sedimentation control plan.
30. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage at its expense and to the satisfaction of the City Engineer, including but not limited to sidewalk repair, street slurry seal or street reconstruction.
31. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that all off-site and on-site public improvements (including sidewalk and driveway approaches) are completed in accordance with the final building permit and improvement plans or that other arrangements acceptable to the Public Works Director have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit.

Operations and Environmental Services Division

32. Prior to issuance of a building permit, the applicant shall provide provision for pickup and hauling of solid waste and recycling to the satisfaction of the City of El Cerrito Operations & Environmental Services Division. This includes a written description of the plan for the removal of solid waste and recycling items; the plans clearly showing the location of the solid waste and recycling area and the proposed access for both users and waste haulers. The solid waste and recycling area must include:

- a) Access doors that are at least 8 feet wide.
 - b) The solid waste and recycling storage areas/room shall be lined with metal bands 2 feet wide at a height starting 3 feet from the ground.
 - c) There shall be sloping curbs in front of the access door to the solid waste and recycling storage areas/rooms.
33. Prior to the issuance of a building permit, the applicant shall submit a Construction/Demolition Waste Management Plan to the satisfaction of the City of El Cerrito Operations and Environmental Services Division. This plan must comply with the California Building Code requirement that at least 50% by weight of jobsite debris generated by new construction be recycled, reused or otherwise diverted from landfill disposal.
34. Upon completion of construction and demolition activities, but before the Certificate of Occupancy, the applicant shall submit the CWM Report to demonstrate achievement of the diversion requirement to the satisfaction of the City of El Cerrito Operations and Environmental Services Division.

Fire Department:

35. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
- a) The address numbers shall be of contrasting color of the back ground
 - b) Shall be internally or externally illuminated.
 - c) If address cannot be placed as stated above a monument shall be placed where the address is plainly visible from the street.
36. An Automatic Fire Sprinkler System is required for this project.
37. A fire hydrant is required within 50' of the Fire Department Connection (FDC) and shall be on the same side of the street as the FDC unless approved by the Fire Marshal.
38. Building shall have a "Wet Fire Standpipe in rear stairwell.
39. Standpipes shall be interconnected with the fire sprinkler system.
40. The fire alarm system shall be installed in accordance with NFPA 72.
41. Fire alarm System shall have the FACP located in an approved location and shall be easily accessible and access doors clearly labeled.
42. If the FACP cannot be located for easy access a remote enunciator shall be placed in an approved location.
43. Knox box shall be placed adjacent to entry doors, doors inclosing the fire sprinkler riser and or fire alarms control panel and any remote annunciating locations, and locking gates.
44. Electronic gate shall have a Knox Key Entry System installed for emergency operations.

45. All Knox Box Entry Systems used in this building shall be approved by the Fire Marshall before installation.

46. Fire Extinguishers shall be placed on each level and throughout the building.

- a) Spacing shall have a maximum travel distance of 75'.
- b) Travel distance to an extinguisher shall not exceed 75' of travel distance.
- c) The location of each extinguisher shall be conspicuously posted with an approved sign.
- d) Mount Fire extinguishers on wall with the top no higher than 5 feet from the ground.

47. All electrical breakers shall be labeled. Major equipment shall have corresponding labels.

48. The Fire Department shall review building plans for compliance of these before a building permit is issued. The applicant shall provide Fire Prevention Division with 24-hour notice prior to any inspections. Implementation of these conditions shall be verified prior to the issuance of the Certificate of Occupancy.

Police Department:

49. The building plans shall note that exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lot and pedestrian accessways while limiting off-site spillover of light through shielding. This condition shall be reviewed for compliance prior to the Certificate of Occupancy.

CERTIFICATION

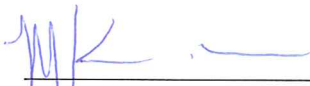
I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on April 16, 2014 upon motion of Commissioner Iswalt, second by Commissioner Hansen:

AYES: Hansen, Iswalt, Kuhlman, Lucas

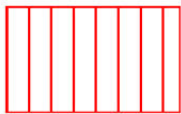
NOES: Coty, Pine

ABSTAIN:

ABSENT: Motoyama



Margaret Kavanaugh-Lynch
Development Services Manager



ADDITIONAL SHADOWING
CREATED BY NEW BUILDING



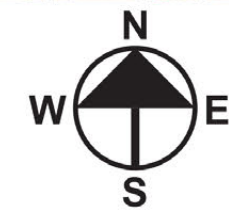
DECEMBER 21 10am



Blake St, El Cerrito



ADDITIONAL SHADOWING
CREATED BY NEW BUILDING



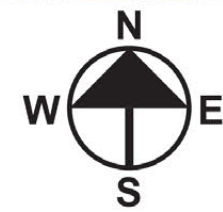
DECEMBER 21 12pm



Blake St, El Cerrito



ADDITIONAL SHADOWING
CREATED BY NEW BUILDING



DECEMBER 21 2pm



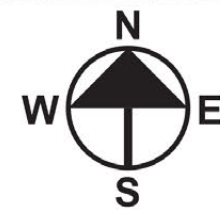
Blake St, El Cerrito



MARCH 21 10am
REFLECTS DAYLIGHT SAVINGS TIME



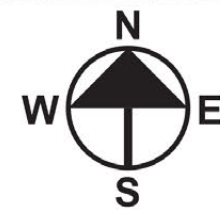
Blake St, El Cerrito



MARCH 21 12pm
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



MARCH 21 2pm
REFLECTS DAYLIGHT SAVINGS TIME



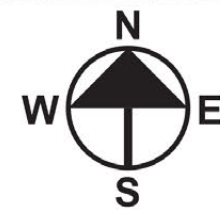
Blake St, El Cerrito



JUNE 21 10am
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



JUNE 21 12pm
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



JUNE 21 2pm
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



SEPTEMBER 21 10am
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



SEPTEMBER 21 12pm
REFLECTS DAYLIGHT SAVINGS TIME



Blake St, El Cerrito



SEPTEMBER 21 2pm
REFLECTS DAYLIGHT SAVINGS TIME



Community Development Department - Planning Division

10890 San Pablo Avenue, El Cerrito, CA 94530

(510) 215-4330 - FAX: (510) 233-5401

planning@ci.el-cerrito.ca.us

PLANNING COMMISSION STAFF REPORT

Meeting Date: May 21, 2014

I. SUBJECT

Application: 6133

Applicant: Edward Biggs

Location: 1715 Elm Street

Zoning: RM Multi-family Residential

General Plan: High-Density Residential

APN: 502-112-038

Request: Planning Commission consideration of a General Plan Amendment, Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment to consider the construction of 14 new dwelling units, the relocation 1 existing dwelling unit to be retained on site; 15 parking spaces; 1,548 square feet of private open space, and 2,874 square feet of common open space.

The Planning Commission is asked to make a recommendation regarding these entitlements to the City Council.

CEQA: A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND

In the City of El Cerrito, Planned Developments require both a legislative and quasi-judicial approval. This staff report analyzes the legislative component of the entitlement package, the General Plan Amendment, Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment. The Planning Commission is being asked to make a recommendation on these entitlements to the City Council. As the members of the Commission know, the other component of the project's entitlements, the Planned Development Use permit, was approved by the Planning Commission on April 16, 2014. That decision has been appealed to the City Council. Staff intends to bring this recommendation (positive or negative) and the appeal to the same City Council hearing on June 2, 2014. It is staff's intent to have all the entitlements before the City Council at the same meeting to allow for a robust community discussion of the project. Please note that the previous staff reports are included as attachments to this report for reference. The findings listed at the end of this staff report rely on the information from this and previous staff reports.

III. DISCUSSION

The project is proposing to provide fourteen new one- and two-bedroom dwelling units on a 0.42 acre site that is designated in the General Plan for high density residential uses. It also proposes to restore and relocate the existing, historic single-family detached house on site to provide a fifteenth living unit and preserve an important historic resource. Finally, the project is proposing to keep the existing creek in place, thereby preserving the 115 foot long water course which is a tributary of Baxter Creek and utilize it as an amenity for the overall site. The proposed condominium would be 14,311 square feet, with eleven two-bedroom units (approximately 1,064 sq ft each) and three one bedroom units. (869 square feet each).

Below, staff has listed each of the entitlements for the Commission members review and consideration.

General Plan Amendment

The maximum density allowed within the High Density Residential designation is 35 units per acre for market rate housing. The project has a proposed density of 35.7 dwelling units per acre. The applicant has stated that they need the additional 0.7 density in order to make the project financially viable.

Staff evaluated the request which is manifested as the fourteenth dwelling by reviewing the General Plan designation's goals and the Zoning District's purpose, the information included in the Initial Study, and by analyzing the surrounding neighborhood.

The General Plan designation for this site is High Density Residential (21 to 35 dwelling units/net acre)

This designation is described as follows:

The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.

The General Plan Map illustrates the transition in the residential land uses in this area (Attachment 2). The High Density designation runs in a band immediately adjacent to the Commercial/Mixed Use designation along San Pablo Avenue. It is flanked in most areas by thinner band of Medium Density designation. In the vicinity of the project, from Hill on the north, to Elm on the east, Blake on the south and the BART tracks on the west, the entire section of the city is High Density Residential. South of Blake, the area transitions down to Medium and Low Density Residential. One of the primary reasons for the higher intensity designation in this area is tied to its transit-rich surroundings. In addition to BART and San Pablo Avenue, staff notes the immediate adjacency of Hill Street and Richmond Avenue (Arterial Streets) as well as the Ohlone Greenway for bike and pedestrian travel.

The General Plan has several policies that provide guidance towards this discussion. These include:

Land Use 5.1 BART Station Areas.

Encourage higher densities and a mix of uses near the city's two BART stations to take advantage of the transit opportunities they provide.

This project is within a quarter mile of del Norte BART station.

CD5.2 Planned Development.

Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities.

The project utilizes the planned development techniques in order to preserve open space, historic features and the existing creek.

Community Design 3.5 Creek Preservation.

Where possible, preserve and restore natural drainage ways as parts of the storm drainage system, coordinating with recreational and trail use.

R1.9 Development near Creeks.

For development adjacent to creeks and major drainages, provide adequate building setbacks from creek banks, provision of access easements for creek maintenance purposes and for public access to creekside amenities, and creek improvements such as bank stabilization. Also protect riparian vegetation outside the setback.

The 115 foot long tributary of the Baxter Creek is being preserved on site. All appropriate permits will be secured for work near the creek before the issuance of any building or grading permit.

R2.1: Historic Preservation.

Ensure that the remodeling and renovation of historic structures respects the character of the structure and its setting.

R2.5: Public Awareness.

Promote public awareness of significant resources through educational programs, tours, markers, and other appropriate measures.

The project is preserving the historical dwelling unit on site and restoring the front façade to the Department of Interior Standards. The new proposed construction is being designed in a way that it is architecturally compatible with the historic dwelling. In addition, the applicant is funding two historical plaques that will inform visitors to the site of the Rodoni home and the historic context of the neighborhood's "Little Italy".

Land Use 1.2: Multifamily Neighborhoods.

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

Land Use 1.3: Quality of Development.

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

Land Use 1.5: Suitable Housing.

Promote suitably located housing and services for all age groups within the city

Land Use 1.6: Variety of Housing Types.

Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments.

The project, along with the mitigations and conditions that staff has proposed, is found to be supportive and compatible to the residential character of its surrounding residential neighborhood. It consists of condominium style apartments with a mix of one and two bedroom units. There are three common areas in the present plan. One is directly in front of the restored historic structure. It features a turf oval surrounded by a concrete walk that connects to the pedestrian entry along Elm Street. Plantings abutt this area on both the north and south side, which include orchard trees, accent trees, orchard trees as well as shrubs and North of this larger area, there is another area that is proposed to include raised beds, accent trees and decomposed granite walking paths. The third common space adjoins this area and serves as the primary pedestrian access to the new primary structure. This area also includes accent trees, shrubs and groundcovers and utilizes permeable brick pavers. A bridge is proposed across the creek to connect the entry area to turf area. Each proposed dwelling unit has its own private space as well, either as a patio or balcony. Due to its proximity to the many services on the San Pablo Avenue corridor, it is well located for residents that prefer non-vehicular transit. Please see the additional discussion as part of the neighborhood context, below.

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.

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.

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.

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 architecture of the proposed fourteen unit structure has been designed to reflect but not mimic the existing historic single family dwelling. The roof pitch of the dormers is consistent with the roof pitch of the single family dwelling, and while the materials are not the same, the appearance of the materials as well as their colors appear to be 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. This

Address	No. of Units	Lot Size (sq. ft.)	No. of Stories	Density
1715 Elm Street (Proposed Project)	15	18,468	3	35.7 du/ac
1749 Elm Street	5	9,225	2	23 du/ac
1725 Liberty St.	10	12,500	2 (tuck under prk.)	32 du/ac
1740 - 1750 Liberty St.	16	23,136	3	30 du/ac
1751 Liberty St.	20	21,780	3	40 du/ac
1708 Lexington Ave.	13	13,000	3	33 du/ac

The Table above illustrates some of the nearby multifamily developments. It is noted that many are three stories in height and similar in terms of density to the proposed project. Staff concludes that the proposed project is consistent with the range of uses in the nearby neighborhood.

Creation of a PD Planned Development District

The specific purpose of the PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. As stated above, this district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to development under district regulations. If approved by City Council, the Zoning map will be amended for the subject property to note a change to RM-PD.

The project proponent is requesting variation from the specific development standards of the RM zone in order to retain the site's environmental and historic community assets while accommodating a transit oriented development that is generally consistent with the General Plan. These four standards are described in detail, below.

While requiring relief from some development standards, it exceeds the RM zone requirements for both common area and private open space and allows for ten percent less lot coverage than could have been allowed in this district.

Development Standards

Dev. Standards	Required	Proposed
Setbacks		
Front	10 ft	10 ft
Sides	5 ft; 10 ft for portions of building greater than 25 ft. in height	25ft on the west side, 3 ft. on the east side
Rear	15ft	15 ft
Height	35 ft	42 ft
Parking	2/unit (21)	15
Lot Coverage	60 % max	53 %
Distance Between Buildings	10 ft to 20 ft depending on location of primary rooms	10 ft to 20 ft

Setback from Property Line of Relocated Historic Building

The relocated historic building is proposed to be three feet away from the east side elevation. The distance is really a function of the width of the existing building and the location of the creek bank. The applicant has located the building as close as possible to the creek bank without compromising the building's foundation or the bank of the creek. Staff determined this relief of two feet allows for an overall better design of the project, in that it allows the historic building to fit into that quadrant of the site. Staff also notes that it is only the front section of the house that requires this relief as the remaining two thirds of the structure do conform to the five foot requirement. This impact is further mitigated by the large common open space that is proposed for the front half of the lot. The private school's main building is located over 20 feet away on its abutting lot line, offering an unusually large buffer between the two uses. Therefore, staff believes that this variation will not adversely affect the usability of the adjacent private school.

Maximum Height of Proposed New Construction

Pursuant to the El Cerrito Municipal Code, height is considered the vertical distance from the highest point of any structure to the ground level directly below. The maximum height allowed in the RM zone is 35 feet. As noted on page A-11 of the plan set, the roof plate for this project is 33 ft tall. The additional 8 feet requested by the applicant is to allow for the mansard roof structure. This style of roof and overall height of the building is supported by staff for a number of reasons:

Although not required as a condition of approval for this project, the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. See page A-8 and A-10 of the plan set. The mansard roof with brown asphalt shingle roofing is used on both primary buildings and the pitch of each roof is also very similar. The applicant is also using horizontal siding painted in neutral tones to support this goal. Staff believes a flat roof that could meet the maximum height would not be preferable in this case. Further, the applicant has stated that the mansard roof will screen a number of the possible roof mounted utilities that would otherwise be partially visible or require a tall parapet wall. For these reasons, the mansard roof as proposed is the preferred design.

Impact of Height of New Construction Related to Neighboring Dwellings:

Staff reviewed the new construction to try to identify ways to reduce the height. The floor plates provide for a ten foot wide floor which is typical for new construction today. Staff would not recommend decreasing this measurement. Staff and the applicant discussed ways to modify the roof structure in a way that might decrease the related impact of shade on the adjacent dwellings. (In practical terms, the possibility of shading the windows of the adjacent neighbors). The studies illustrate that at 2:00 pm on December 21st (winter solstice when the period of daylight is the shortest or worst case in terms of building shade impact) the impact created by the addition of the Mansard roof is minimal as compared to a flat roof. The additional shade is added to the front yards of the dwellings to the north and across the street, not to the buildings themselves. Attachment 5. The one property that will have the potential to have additional shading impact to the residence is the property directly to the north. Staff measured the distance between the existing six foot solid wood fence and the dwelling on the neighboring property (based on GIS measurement). It is approximately seven feet away. The existing fence, based on its height and location is already shading the side of the existing building openings on that side much of the day, throughout the year. Although the municipal code does not have a specific standard for shade impacts of new

construction. These types of (worst case scenario) shadow studies are common ways to compare proposed building's impact on the surrounding neighborhood. In this case, staff believes the additional height is not a detriment to the surrounding neighborhood.

Building Setback from the Creek and the pedestrian bridge

One of the goals of the Creek Protection Overlay district is to preserve, enhance and restore natural drainageways as part of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed. In support of that goal, the Creek Protection overlay district (Chapter 19.14) prohibits placement of fill or any other obstruction and establishes a minimum 30-foot setback from the top of creek bank. The new construction is proposed to be 7 ft 8 in from the center line of the creek and the relocated historic building is proposed to be 5 ft 5 in away from the centerline. In addition, a footbridge is proposed to cross the channel to provide access to the shared common area.

The project is proposing to maintain the creek in its current location and ensure that it would not be filled or otherwise obstructed. Instead, it would be part of the common open space area of the development and would benefit from proposed adjacent riparian friendly landscaping.

Although the project does not include the 30-foot setback from the channel pursuant to Municipal Code Chapter 19.14, it is noted in this case that the on-site surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value for wildlife that may include utilization by local birds and mammals, therefore the adopted initial study concludes that there would be less than significant impacts to biological resources.

Required Parking for Vehicles

The project proposes fifteen new parking spaces and is requesting an exception to the City parking requirements, which requires 21 spaces. The site plan illustrates that the parking area is enclosed on the ground floor and screened with a gate. By placing the parking below the proposed construction and not in a surface lot and by reducing the amount down from 21 to 15, it allows for much more efficient use of the site making the land available for the new housing, the creek and considerable amount of open space; as well as the historic building. This style of parking tucked under the new construction is a preferred alternative with regard to urban design, which basically hides the vehicles from public view, while accommodating them on site. In addition, staff believes that the close proximity of the project site to the El Cerrito del Norte BART station (located within a quarter mile), several bus lines, and commercial uses, will result in increased transit use and pedestrian activity that will reduce the demand for parking on site. As part of the work being completed in drafting the San Pablo Avenue Specific Plan, staff has identified a number of studies that support a parking standard of one space per unit for projects up to one-half mile away from a BART station. Please see the recent studies included as Attachment 4. For all of these reasons, staff recommends the reduction in parking to one parking space per unit for residences.

Development Agreement

Section 19.14.020 of the El Cerrito Municipal Code states that Development Agreements are required as part of Planned Development Districts. Section 19.41.010 describe Development Agreements as follows: development agreements provide a greater degree of certainty by granting assurance that an applicant may proceed with development in accordance with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved. A development agreement shall be a contract that is

negotiated and voluntarily entered into by the City and applicant and may contain any additional or modified conditions, terms or provisions agreed upon by the parties.”

The City Attorney and legal counsel representing the applicant met and developed a Development Agreement for this project. See Attachment 6. The resulting legal document would take effect only after the passage of the the creation of the district by City Council. This is the legal framework that encompasses the entitlement details of the Planned Development District. It codifies the project entitlements for a term of ten years. It allows the property owner to sell the entitlement package to another party.

IV. CEQA

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) were approved by the Planning Commission at the April 16, 2014 meeting. 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. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

V. FINDINGS

Required Findings for a General Plan Amendment. For a General Plan Amendment to be approved, Planning Commission must be able to make the following standard findings in order to recommend the action to the City Council:

1. *The proposed amendment is deemed to be in the public interest.*

The proposed residential project will be a transit oriented development (TOD) located within 800 feet of a BART station (1,400 feet by foot). It will add 13 new dwelling units while preserving a historic dwelling and retain an existing creek. The balance of all these core values on the site is considered to be in the public interest.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed residential project will be a transit oriented development with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the abutting properties or neighborhood.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

Required Findings for a Planned Development District. A PD district Zoning Amendment shall only be approved if all of the following findings are made:

1. *The project meets all of the findings required for a zoning amendment pursuant to Chapter 19.40.*
 - a. *The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;*

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

- b. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and*

The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the public interest, health, safety, convenience or welfare of the City

- c. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

- d. *Additional finding for Zoning Text amendments: The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The proposed amendment is a planned development district. It is consistent with applicable provisions of the zoning code including the purpose and intent of the Residential Mixed Use zone.

- e. *Additional finding for Zoning Map amendments: The site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land.*

It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. The site is 0.42 acres in size with a relatively level grade. It has direct access onto Elm Street and will be served by existing utilities in the area. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not adversely affect the livability of the abutting properties or neighborhood.

2. *Development within the proposed -PD district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district as indicated by either the conceptual plans submitted as part of the Planned Development application or the project submitted for consideration of a Planned Development Permit.*

This project will is demonstratively superior to the development that could occur under the standards applicable to the underlying base district in that it represents a balance of many of El Cerrito's core values. It is a transit oriented development; thereby reducing Vehicle Miles Traveled with good urban design; successful historic preservation and preservation of an existing creek. Had the project had been governed by the base district standards and strict interpretation of the creek protection ordinance, much of the open space would have been lost to surface parking spaces, the number of units would have to have been decreased due to the reduced building footprint, the building would two stories with a mansard roof, which would have greatly reduce the number of dwelling units.

3. *The conceptual plans submitted with the application conform in all significant respects with the General Plan, and any applicable plan or policies adopted by the City Council.*

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

Required Findings for Development Agreements. The Planning Commission shall determine whether or not the proposed development agreement:

1. *Is consistent with the goals, objectives, policies, and land uses and programs specified in the general plan and any applicable specific plan;*

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types. It also preserves an important historic resource and protects an existing creek by including it within its landscaped area. The project will implement the following General Plan goals and policies: Land Use 1.2: Multifamily Neighborhoods, Land Use, 1.3: Quality of Development, Land Use 1.5: Suitable Housing, Land Use 1.6: Variety of Housing Types, Land Use 5.1 BART Station Areas, Community Design 1.3: High-Quality Design, Community Design 1.9: Building Design, Community Design 4.2: Building Articulation, Community Design 5.1: Design Review Process, Community Design 5.2 Planned Development. Community Design 3.5 Creek Preservation. Resources 1.9 Developments near Creeks, Resources 2.1: Historic Preservation, Resources 2.5: Public Awareness

2. *Is compatible with the uses authorized in this Zoning Ordinance, and the zoning district in which the real property is located;*

The project is consistent with the purposes of the district and conforms in all significant respects with the General Plan as conditioned; in that it consists of high density multifamily development that utilizes good urban design principles including reduced parking requirements, parking concealed under the new building, and a mix of unit types.

3. *Will provide substantial public benefits;*

It is a transit oriented development; thereby reducing Vehicle Miles Traveled with good urban design; successful historic preservation and preservation of an existing creek. All of these goals are public benefits to the City of El Cerrito.

4. *Will be non-detrimental to the public health, safety and welfare of the Community; and*

The proposed residential project will be a transit oriented development (TOD) with good urban design. It will add 14 new dwelling units to the neighborhood while preserving a historic structure and retaining the existing creek. It will not unduly shade surrounding dwellings or create unacceptable traffic or parking impacts; and as conditioned it will not be detrimental to the public interest, health, safety, convenience or welfare of the City

5. *Has been reviewed in accordance with the provisions of the California Environmental Quality Act.*

An Initial Study and Mitigate Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project. All factors are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures. The Mitigation Monitoring Plan has been incorporated in the conditions of approval.

VI. RECOMMENDATION

Staff recommends that the members of the Planning Commission review the staff report, take public comment and make a recommendation of approval for the General Plan Amendment, the Planned Development District and the Development Agreement.

Attachments:

- 1) Draft Resolution
- 2) General Plan Map
- 3) Staff report dated March 19, 2014
- 4) Staff report and resolutions dated April 16, 2014
- 5) Shade Studies
- 6) Development Agreement
- 7) Plan Set
- 8) Initial Study Document. (Available on City Website).

Planning Commission Resolution PC14-10

APPLICATION NO. 6133

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING DENIAL OF A GENERAL PLAN AMENDMENT, A PLANNED DEVELOPMENT DISTRICT AND A DEVELOPMENT AGREEMENT FOR THE CONSTRUCTION OF 14 NEW DWELLING UNITS AND THE CONSERVATION OF AN EXISTING DWELLING UNIT AT 1715 ELM STREET.

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

WHEREAS, the zoning district of the site is RM (Multifamily Residential);

WHEREAS, the general plan land use designation of the site is High Density;

WHEREAS, on November 6, 2013, the Design Review Board conducted preliminary conceptual design review on the project;

WHEREAS, on March 19, 2014, the Planning Commission conducted a study session on the project;

WHEREAS, on April 16, 2014, the Planning Commission approved the Planned Development Use Permit associated with the project;

WHEREAS, on May 21, 2014, 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 height and density are too high for the subject location.
2. There should be more of a transition on densities on this site, to better step down to the medium and low density General Plan designation.

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 recommends that the City Council deny the General Plan Amendment, Planned Development District and Development Agreement of Application No. 6133.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on May 21, 2014 upon motion of Commissioner Coty, second by Commissioner Pine :

AYES: Coty, Lucas, Motoyama, Pine,

NOES: Hansen, Iswalt

ABSTAIN:

ABSENT: Kuhlman



Margaret Kavanaugh-Lynch
Development Services Manager

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APPEAL

April 16, 2014 Planning Commission Vote For
Use Permit of 1715 Elm Street Project

Submitted to:
El Cerrito City Council

Submitted by:
Concerned Residents of El Cerrito

April 28, 2014

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April 28, 2014

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

RE: Appeal of Planning Commission Vote on 1715 Elm Street Condominium Project

Dear Mayor Abelson and City Council Members,

Please consider the following citizen appeal of the April 16, 2014 Planning Commission approval (by a vote of 4-2) for the Development Use Permit of the proposed condominium project at 1715 Elm Street. This project proposes to build a new three-story, 14-unit multi-family housing structure and relocate an existing historic house on an 18,468 square foot site that is bisected by a long section of open creek.

Voting against the Use Permit for this development, as proposed, should not be considered a vote against infill, density or Transit Oriented Development (TOD), which are clearly high priorities of the City and its citizens. A vote against this plan should, instead, be considered a vote for *high quality* infill/density/TOD projects that are context-sensitive, uphold all the values of our community and General Plan, and harmoniously transition to areas of different zoning designation.

This goal can be achieved, but it is not represented by this plan, and we urge you to reject it, as proposed.

There are many compelling reasons why the density of this development should be lower than maximum, let alone allowed to exceed the maximum. This is not an opposition of *any* development on the site. It is, rather, a strong statement of opposition to the development as proposed, on the grounds of both content and process.

A summary of concerns shared by the many El Cerrito residents who attended the last two Planning Commission meetings to object to the current plan (as well as the 75 parents of students at Keystone Montessori School, the site's neighbor) is explained in this Appeal, in the following categories:

- Excessive Variance Requests (page 3)
- Misrepresentation of Site Size and Density by Developer (page 4)
- Excessive Height (page 5)
- Insensitivity to Zoning Transitions and Zoning Intentions of General Plan (page 6)
- Inadequate and Technically Untenable Creek Setback (page 7)

- Inadequate Consideration of Valued Historical Structure (page 8)
- Unstudied Environmental Hazards and Health Risks, Especially to Children (page 9)
- Undesirable Parking, Traffic, and Noise Impacts (page 11)
- Flawed and Misleading Analyses Presented by Developer (page 12)
- Incomplete Study by El Cerrito Planning Staff (page 13)
- Inadequate Deliberations by Planning Commission (page 13)

In addition, there are two appendices, which detail:

- List of Residents Supporting this Appeal (Appendix A)
- Petition of Concern signed by parents of children attending Keystone Montessori School (Appendix B)

El Cerrito should not waste the time of staff, the public and the Developer pursuing a technically untenable (based on state creek standards, see page 7) and unpopular plan when there is clearly standing to negotiate a better outcome at this time. Unsubstantiated claims that the project could not be economical at any lower density should not be accepted on the word of the Developer. *It should be possible to propose smaller viable projects with more acceptable impacts.*

This appeal was specifically filed at the expense of the public to show an early and strong opposition to the plan as proposed. There will be further opportunities to review other titles of this development before the City Council, but it is in the best interest of all concerned to steer this process toward a better outcome as early as possible.

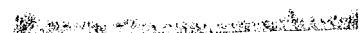
Respectfully submitted by,

Howdy Goudey
Robin Mitchell
Jason Hasley
Keystone Montessori School / Linda Shehabi
Dan & Henia Pines
Julia Lucia

-On behalf of the residents listed in Appendices A and B

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Excessive Variance Requests

The project seeks several variances as well as an Amendment to the General Plan. On page 11-12 of the "Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration" (known hereafter as "Study") prepared by the Developer, Pacific Municipal Consultants (PMC), under "Requested Entitlements" the Developer seeks six (6) separate variances from El Cerrito Municipal Code.

The large number of variances the Developer is seeking should give immediate pause to the leadership of El Cerrito and is a huge red flag that this project is not in line with the CitVs established values and intentions for growth.

The rules the Developer wants to circumvent are in place to maintain aesthetics, preserve and enhance the environment, honor and preserve our historical assets, promote safety, and responsibly manage traffic in heavily traveled thoroughfares. The fact that the project requires these variances is evidence that the proposed development is not in harmony with the values and intentions of our city.

The requested variances are listed below. Our response and challenge to these variances are referenced within this Appeal document.

1. Height Standards for Residential Districts, (Municipal Code Chapter 19.06): *Developer is asking to allow a 42-foot building height, which exceeds the 35-foot height limit.*

2. Setback Standards for Residential Districts (Municipal Code Chapter 19.06): *Developer is asking for a 5-foot setback for a building of 42 feet in height, instead of the required 10 foot minimal setback for buildings 25 feet or higher.*

3. Setback Standards for the Creek Protection Overlay District (Municipal Code Chapter 19.12): *Developer seeks to reduce the creek setback from the required 30 feet on either side of the waterway to less than 4 to 6 feet from its banks.*

4. Parking Requirements for Off-Street Parking (Municipal Code Chapter 19.24): *Developer is asking to reduce the required number of parking spaces from 21 to 15.*

5. Density Standards (Municipal Code Chapter 19.06): *Developer calculates the projected density of the project to be 35.7 du/ac, and asks for an exception based on the .7 du/ac above the 35 du/ac maximum. (Note: our Appeal challenges this density calculation. See page 4.)*

6. General Plan Amendment, required since the proposed density exceeds 35 density units per acre.

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Misrepresentation of Site Size/Density by Developer

By our calculations, the Developer has misrepresented the size of the site, which affects the reported density and pushes the request for the "Density Standard" variance (item 5, page 3) way beyond the claimed 35.7 density units per acre.

The building plan is for a 14-unit, three-story condominium built on an 8,955 sq. ft. footprint (*not* 18,465 square feet, as represented by the Developer). Due to the presence of a creek running through the middle of the site and the preservation of the existing historical structure, the Developer cannot claim that the 14-unit structure is utilizing the entire site, nor even a majority of the site. Therefore, the density numbers represented by the Developer are incorrect and misleading.

The proposed density of living space represented by the Developer is 35.7 du/cu, which could seem to justify a slight relief from current standards and a General Plan Amendment, as it is only a difference of .7 du/cu.

However, the REAL density of living space is 73.6 du/cu when calculated based on a building footprint that is roughly half of the site size. This is more than double what is permitted by the City.

In comparison, according to the Planning Commission's staff report, on Elm Street (between Blake Street and Cutting Blvd), the only building that is not single family or residential duplex, 1749 Elm Street, only has five (5) units and is two stories high, built on a 9,225 square foot lot with a density of 23.0 du/cu.

Comparison Table	1715 Elm St. {proposed project}	1749 Elm St. (comparable nearby site)
Building Lot Size (sq. ft.)	8,955	9,255
Number of Units	14	5
Number of Stories	3	2
Height in Feet	42	26
Density (du/ac)	73.6	23.0

From this table, it is evident that the proposed development is too far out of line with the size and density of even the largest residential unit in the immediate area.

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Excessive Height and Diminished Neighborhood Quality

Simply stated, the proposed 42-foot structure *is* just too tall for the existing residential neighborhood and would severely diminish the visual quality, livability, and human scale of the street.

The immediate vicinity, though zoned RM, consists of only one- and two-story structures, the majority of which are single-family homes. This *is* a street that has mostly 12-foot-high houses and duplexes, and a couple of 20- to 24-foot structures.

The proposed development is almost twice as high as the highest existing structures on the block, and there are no nearby open lots that will soon be developed similarly to match the extreme height of the proposed structure. This *is* grossly out of scale and character with the surroundings and will be the only such similarly sized structure in the visual vicinity for the foreseeable future.

Furthermore, allowing such a deviation from the character of the existing neighborhood goes against provisions outlined in our city's zoning ordinance:

An excerpt from the zoning ordinance (19.06.010 Purpose): "The specific purposes of residential districts (including RM) are to:

- A. Preserve, protect, and enhance appropriately located areas for residential land use, consistent with the City's General Plan. Prohibit incompatible uses. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses."

This development, with *its* grossly excessive height, clearly does NOT "preserve or enhance the character of (the) existing residential neighborhood" and does NOT "limit the encroachment of new buildings and activities that are out of scale and character with the surrounding uses."

Insensitivity to Zoning Transitions and Zoning Intensions of General Plan

This 1715 Elm Street property is in the RM (multi-family residential) zone, which invites density levels of 21-35 units per acre. However it is on the border of RD (duplex residential), which specifies 11-20 units per acre zoning.

The neighboring RD zone is quite small with modest-sized buildings and the adjoining RS (single family) zone dominates the character of the neighborhood in the area east of Elm Street.

The specification of a density range in these zoning districts supports the intention of context-sensitive judgments of the feasible density for a particular project and site, and not an unquestioning acceptance of maximum density, or beyond. It should be a standard consideration to place higher scrutiny on a development that proposes the maximum, or beyond maximum density, on the boundary of a zoning district.

The goals of managing an orderly and harmonious density transition suggest that the *minimum density* for a particular zone should be considered in the context of the maximum density of the neighboring zone when evaluating boundary lots.

On the consideration of the boundary location alone, the density of this property should be closer to 20 units/acre, and certainly even lower when considering both the special accommodations to adequately protect the creek and historic structure.

Even if there is going to be a lesser creek setback infringement and less dramatic impacts on the historic structure, there needs to be substantial mitigation measures conducted either on-site or elsewhere to compensate for the detrimental environmental and historically significant impacts proposed by this project.

Regarding Density, the General plan states:

"The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities."

We submit that this particular development, even though located within the RM zone, does not uphold the General Plan's requirement to site larger developments outside of single-family residential communities, which predominate this portion of the Elm Street neighborhood.

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A Note About Transit-Oriented Development

There are several references to Transit Oriented Development (TOD) in the staff reports about the property. While the site is close to the Del Norte BART station (0.4 miles on foot), it should be clear that it is not in TOM (transit-oriented mixed use zoning) and does not qualify for special conditions associated with that zoning.

Inadequate & Technically Untenable Creek Setback

The severe creek setback variance (to less than 4-6 feet (rom the bank, rather than the intended 30 feet), is an unacceptable compromise of the strong environmental leadership embodied in the El Cerrito Creek ordinance. It is disingenuous to portray this excessive erosion of our creek standard as "protecting" or "saving" the creek; it will only diminish the potential to restore this rare natural resource, and it is a serious violation of the strong environmental standards of El Cerrito, as well as higher state authorities regarding the modern stewardship of creeks.

It is also worth noting that protection of "sensitive environmental areas and features, including" "creeks" was called out in the Residential Zoning Ordinance, 19.06.010.D.

Additionally, based on comments from experts very familiar with this permit process, it is highly likely that rejection of the JARPA (Joint Aquatic Resource Permit Application} permit would be the outcome if the plan moveslorward as proposed.

It would be a serious embarrassment for El Cerrito if the State Water Resources Control Board and other higher agencies review and reject the project's JARPA permit, upholding the State's high standard for creek protection and true creek restoration, when El Cerrito gave permission to gut the intention of it's own creek ordinance and did not stand up for a better outcome for the creek at all.

If the proposal to move the house across the creek is approved, it should only be allowed by following a route into the street and back onto the property on the other side of the creek. The house should not be transported directly over the open portion of the creek as this may inadvertently cause damage to the bank and/or include too much temporary construction on the banks, which could cause erosion and be detrimental to the creek.

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Inadequate Consideration of Valued Historical Structure

While it is admirable that the plan does not propose to demolish the historic 1897 house, diminishing it in the back corner of the lot with excessively tight setbacks, dwarfed under a towering, massive new development, is not consistent with respecting the unique historic resource of this home and the tantalizing hint at El Cerrito's bucolic past that it represents, as it presently stands. The historic structure, as well as the present and future citizens of El Cerrito, deserves a much better outcome.

From the April 19 staff report: "the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of *size, scale*, design, material, color, and texture."

The massive size of the proposed new development undeniably does not match the historic character of the historic building in terms of size and scale. The 115-plus-year-old house is being squeezed into the back corner of the lot to accommodate a greater-than-maximum number of new units. This does not honor the historic building but rather diminishes it greatly, and should not be the justification for a substantial variance on height.

The design of additional 8-foot decorative roof elements, though consistent with the style of the historic building, adds additional height and exacerbates the already out-of-scale size relative to the historic building.

Why not consider alternative configurations (including fewer units) that truly complement and maintain the historic treasure that all parties agree is worth preserving? There was dismissal of three stories with a flat roof, but no consideration of two stories with the proposed decorative roof, which would be more consistent with the guidelines and the historic accommodations.

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Unstudied Environmental Hazards and Health Risks, Especially To Children

The 1715 Elm Street site is located within mere inches of a thriving preschool (Keystone Montessori) that is home to 60+ children, ages 18-months to 6 years, as well as a staff of 10+ adults, from 7:00am to 6:00pm every weekday. The construction of this project and relocation of the existing historic building will present numerous unknown environmental hazards and health risks to the children who attend this preschool. Children are considered "sensitive receptors", individuals who have a significantly increased sensitivity of exposure to contaminants based on their age and/or health.

The immediate and long-term impacts of potential exposure to environmentally hazardous substances during construction has not been adequately studied by the Developer or the Staff, especially with respect to children, whose developing systems inherently present a higher risk for illness due to toxic exposure.

The project, as proposed, should not go forward due to the unstudied environmental hazards and potential health risks presented to children, which, in turn, presents a liability risk for the City of El Cerrito.

If the project does go forward, our concerns are as follows:

- The Study (pages 21-22 "Construction Emissions" and pages 24-25) concedes that there will be increases in toxic emissions, which can be a nuisance and health hazard. The report asserts that emissions will not exceed standards, but unless there is daily monitoring, no one will know.

The Planning Commission should require the Developer to conduct on-site air monitoring. In addition, the Commission should seek to discover if the daily maximum emission limits in the Study take into account exposure to children or are they based on adults?

The Planning Commission should ensure that steps are taken to prevent exposure not only for the health and safety of the children, but to ensure the Developer is not creating a situation that could result in liability for the City of El Cerrito.

- In the Study (page 25 "Mitigation Measures"), there is no plan for how compliance will be maintained. The Study puts forth proposals of what the Developer *hopes to accomplish*, such as making sure equipment is in tune and that certain types of equipment and fuel are used. But there is no plan as to how the community can be assured these steps will be taken.
- The Study states that enforcement and monitoring will be done by the Planning Division, but it does not seem appropriate that the City should have to provide this

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oversight. The Developer should pay for a monitoring of the site and make the results of the monitoring publicly available. Such monitoring should include air monitoring for toxins and particulate matter, daily inspections to ensure all equipment is in tune, using low-emission diesel, and limiting idling time as described in the mitigation measures.

Further, these mitigation measures alone will not ensure children are not exposed to dust and toxic emissions. There is no plan to water the site to mitigate dust, install barriers to ensure dust does not travel to Keystone, or other neighboring properties, and no mention of air quality monitoring.

- The Study (page 55 "Mitigation Measures") concedes that there is potential for excess release of greenhouse gas but in the mitigation section there is no mitigation measure that is definite. All of the suggested measures are followed with "to the maximum extent possible". What is to prevent Developer from saying none of the steps were possible? The Planning Commission should ensure the development would not result in the release of greenhouse gasses.
- The Study (page 56. 8.c- "Hazards to a School") The Planning Commission should be very concerned that the Developer chose to mark this section as less Than Significant Impact". Keystone Montessori, a preschool, is only inches away from this construction site and the potential for a whole host of toxic substances, including asbestos and lead, to be emitted from the site to which children will be exposed is significant.

Dust, gas fumes, thinners, solvents, pesticides as well as emissions from heavy-duty construction equipment are among the toxic substances that could be emitted on a daily basis. This presents a significant liability for both the City and the Developer and if the project is approved there must be significant and substantial steps taken to ensure the health and safety of children who could be exposed to these substances.

- The Study states that to the extent any demolition occurs which could release lead or asbestos, all surrounding neighbors should be notified. Both substances are highly toxic and even more so to children. This creates a significant potential liability to the City.

In addition to all of the above concerns, the Planning Commission should also ask the following questions of the Developer:

- Will toxic materials such as fuel, oil, thinners or solvents be stored on site?
- What precautions will be taken to ensure they are not off-gassing fumes?
- Will there be fire hazard reduction measures taken?

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Undesirable Parking, Traffic and Noise Impacts

Among of the greatest concerns of the nearby neighbors, as well as El Cerritans who travel Elm Street as a main thoroughfare multiple times daily, are the development's parking and traffic impacts.

The residents presenting this Appeal believe that assertions made in the Study document are unsupported by evidence and require additional scrutiny by the City. The Developer should be required to *demonstrate* there would be no negative impacts from these variances. Examples that should be requested include an updated traffic study, pollution study, and noise study.

Regarding traffic, (Study, page 75}, the data relied on in the Study is now 4.5 years old. The report states that the development will not alter traffic or flow of vehicles. However, the Developer is seeking a variance from 21required parking spaces to 15. This reduction in required off-street parking automatically means increase in street parking and traffic. Additionally, the traffic study was conducted following a severe recession and the traffic intensity and volume has very likely increased since then.

In addition there are related questions that are not addressed in the Study such as:

- What about guests/visitors; Where will they park?
- There could also be a total of 35 additional people living at the spot; what if each has a car?

As Elm Street and the surrounding intersections can already become very congested during morning and afternoon commute hours, these are legitimate questions that the Developer will need to answer.

The Developer is claiming in the Study (page 69- Population and Housing Impact) that there is no significant impact presented by the development. The Planning Commission should question why there is no data supporting the conclusions in this section. The Developer is changing the space from a single, unoccupied two-bedroom house to a multi-story building that will house up to 35 people. That is a significant increase and the direct impacts from this change must be documented first.

Regarding Noise, (addressed on page 67 of the Study}, the Planning Commission should ask the following of the Developer:

- Where is the support for the position that noise will not increase? Was a study conducted?
- As the Developer is seeking a variance to allow more people and cars than normal, what evidence is there that this will not result in additional noise?

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Flawed and Misleading Analyses Presented by Developer

While it is appreciated that the issue of shading impacts of the 40-plus-foot-tall building, has been voluntarily included in this process, **the shading analysis presented is limited and misleading, and is too quick to dismiss the serious consequences of shading on neighboring properties.**

The shading analysis preferentially presents a time of day, 2:00pm, as being the worst-case scenario, when it is clearly not the worst case. "Worst-case" peak shading for the property to the north is between the hours of 10:00am and 2:00pm Pacific Standard Time, not 2:00pm and later when the shadow is cast on the street and beyond.

At the April 16 Planning Commission meeting, updated images from the shading study were shown, indicating that at about 11:00am, there was nearly full coverage of the neighboring building. The April 19 staff report following the April 16 Planning Commission meeting continues to contain a shallow and dismissive consideration of the shading issue, even though updated shading images were presented at that meeting.

It is understood that these shading considerations are voluntary, but it is important to be clear and avoid misleading statements like "The existing fence, based on its height and location is already shading the side of the existing building openings on that side much of the day, throughout the year." (which was put into the record as part of the April 16th staff report and is factually inaccurate).

If this structure is built, the home to the north will lose several hours of direct sun on their south windows and roof every day for nearly half the year. In this climate, the winter season shading caused by this proposed development has a real impact on passive solar heat gain, resulting in diminished thermal comfort and increased heating energy use, costs and carbon emissions for the occupants. Furthermore, the strong shading on the roof makes it not viable to install on-site renewable power generation with photovoltaic solar panels.

Both of these compromises of solar energy access diminish the utility of the neighboring home and prevent the opportunity to take measures identified by the City's Climate Action Plan to reduce carbon emissions.

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Incomplete Study by El Cerrito Planning Staff

The City has not demonstrated an appropriate defense of the merits of bypassing its own strong zoning and creek ordinances. These ordinances have been put in place for a reason: to make it difficult to bypass them. There is no automatic right for a developer to demand the highest, in fact exceed the highest, density when there are rare existing site considerations (such as a creek and historical structure) that are important to the community.

Furthermore, the public input and this Appeal have identified countless questions for the Staff, numerous unsubstantiated assertions, and glaring concerns that need to be thoroughly addressed by additional data, Developer response, and updated studies before a Use Permit should be approved.

Inadequate Deliberations by Planning Commission

At the April 16 meeting, the Planning Commission did not satisfactorily deliberate on justifying the merits of the specific variances versus the impacts, and the Staff did not provide rich, substantiated arguments supporting their recommendation. Instead, most often, serious potential impacts were waved off by the Planning Commissioners and Planning Staff as insubstantial on the basis of assertion rather than fact.

Residents' extensive concerns (presented in over an hour of public testimony by roughly 15+ individuals representing many more residents) were virtually ignored by the Planning Commission during deliberations, even though in the City's Strategic Plan places a high value on "Ethics and Integrity (that): Keeps the public's interest always in mind and; Has the courage to say no."

Additionally, we believe the "Findings For Approval" (Section 1.1.1 of the Report) were NOT met, specifically the following requirements:

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

Our position: They are NOT harmonious with and WILL most definitively affect the livability of abutting properties and the surrounding neighborhood.

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

CITY OF EL CERRITO
PLANNING DIVISION
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APR 28 2014

Our position: The grossly excessive scale of this structure will NOT be an attractive amenity for the City, rather, it will stick out like a sore thumb and detract from the quality of the neighborhood.

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

Our position: the proposal DOES NOT conform in all significant respects with the El Cerrito General Plan as well as municipal zoning ordinances, as evidenced by the extreme number of requested variances and proposed General Plan Amendment.

- "Development within the -PO district is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit."

Our position: the development will NOT achieve superior community design due to its exaggerated density in the context of the immediate environment, oversized scale for the given site, and incompatibility with neighborhood character. It also bypasses significant environmental preservation practices, and creates little to no public benefit, except to a single Developer, who is not even a resident of El Cerrito.

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APR 28 2014

Conclusion

The preceding document presents countless, well-reasoned and well-supported arguments for the City Council to pause and re-examine the proposed high-density condominium development at 1715 Elm Street. Reasons which include livability, environmental stewardship, historical preservation, health and safety, and potential legal liabilities.

But to conclude, it seems appropriate to reference a comment made by Commissioner Hansen during deliberations for this use permit. Before submitting her "yes" vote, she said something to the effect of, "it's not perfect, but it's better than nothing."

In fact, the proposed project for the 1715 Elm Street site is *far worse* than nothing. Having this oversize development will affect the residents of our unique and beloved city for decades to come. It will impair our ability to preserve, and possibly one day *restore*, a valued environmental feature in our midst, the creek. It will dishonor a rare historical structure. It will cause neighbors an immediately diminished quality of life and residents who travel Elm Street daily aggravations and time waste. It could possibly cause many children of our community severe health issues. And, most importantly, it will forever extinguish the opportunity to create something truly unique and visionary on a rare open lot in our city.

The interests of the residents of El Cerrito must be put ahead of the interests and profit of a single developer. We have a unique and desirable city in which to develop appropriately-scaled, well-considered projects. If this particular developer's vision does not meet our needs, he can easily sell the lot and pass on the opportunity to another builder who is more compatible with our values and visions.

It is the hope of the residents submitting this Appeal that we can strive for more than an "it's better than nothing" attitude.

We can do better. And we deserve better.

Thank you for your consideration.

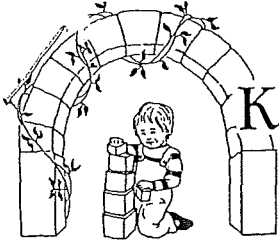
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PLANNING DIVISION
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APR .28 2014

APPENDIX A

**El Cerrito residents supporting Appeal to City Council on Planning Commission's April 11, 2014
Approval for the Use Permit of the 1715 Elm Street Condominium Project:**

Julia Lucia	510-540-8989	julialucia@me.com
Mark Lucia		mark.d.lucia@gmail.com
Jason Hasley		Jason.hasley@gmail.com
Howdy Goudey		howdygoudey@gmail.com
Robin Mitchell		robin@daylightmoon.com
Linda Shehabi/Keystone Montessori Staff		info@keystonemontessori.org
Dan Pines		dpines@gmail.com
Henia Pines		henia@pinesdesigns.com
Tom Panas		tmpanas@yahoo.com
Ed Perea	510-236-4401	
Jennifer Moran		jennifer.moran@yahoo.com
Lesly Flynn Ibser		leslyflynn@gmail.com
Hank Ibser		7135 View Ave, EC
Mary Flynn		1706 Elm Street, EC
Carl Flynn		1706 Elm Street, EC
Skye Christensen	415-710-3471	skyebc@comcast.net
Chung Chi Tsai	510-233-4369	
Mei L. Chien		mchien326@gmail.com
John Chang	510-913-1662	johnkchang@comcast.net
Anne Wenstad		anne.wenstad@gmail.com
Jeff Go	510-243-8700	phaseone@gmail.com
Jeanene Nehira		
Eugene Go	510-215-1900	buckgo@aol.com
Lotus Go		
Mario Canepa	510-232-2800	chickadeejm@comcast.net
Juanita Canepa		
Bob Wong	510-237-8480	
Longming Wu	510-237-2575	longming1@comcast.net
Eva Wu		
Tony Huynh	510-234-8495	
Jack K. Huynh	510-215-0457	
Chun Chu (Susan)	510-501-7695(c)	jatisu28@yahoo.com
Jack Huynh		
Benson R. Quan	510-232-6002	quadq@pacbell.net
Christine F. Quan		
Steven J. Chung	510-236-5637	chungdc@aol.com
Lynn K. Chung		
Franklin Leong	510-236-8157	bicycle4231@yahoo.com
Daisy Leong		



Keystone

KEYSTONE MONTESSORI SCHOOL
6639 BLAKE ST.
EL CERRITO, CA 94530
TEL: 510-236-7479
WWW.KEYSTONEMONTESSORI.ORG

APPENDIX B
1715 ELM ST. USE PERMIT APPEAL
CITY OF EL CERRITO
PLANNING DIVISION
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APR 28 2014

March 19th, 2014

Dear El Cerrito Planning Commission,

Keystone Montessori School has been in El Cerrito since 1981, and since 1994 at the existing site. 6639 Blake Street is next door to the proposed project. 31 years in El Cerrito!

Keystone is "home" during the day to close to 60 young "sensitive receptors" as they were called in the report between the ages of 18 months - 6 years old most of whom are El Cerrito residents.

This is our opinion of the proposed plan. They are trying to fit too many people and cars into too small of a space which will create a variety of hazards including traffic, noise pollution, and emissions from automobiles. While this may normally just be a nuisance for residents the fact that this development is in-between two schools, one of which is a pre-school, is significant. There are serious short-term hazards from construction such as exposing small, developing children to a myriad of toxic substances all of which have the potential for causing significant physical and developmental problems. There are also the long-term hazards created from the significant increase in residents and their associated vehicles. Street parking and residential traffic will both be impacted and for an area frequented by small children this creates a clear safety hazard. There will also be increased noise and pollution which will negatively impact the students.

Due to our long history with the city of El Cerrito and the fragility of our students, we request that the study include several requirements during construction before the project is approved:

1. That a temporary protective barrier of at least 12 feet in height be built between the properties to prevent particle rocks, dirt, toxic building materials, etc from flying into our play yard.
- Q2. That the hours of construction include 12:00-2:00 "quiet time" when our children are napping when all construction work will be limited to no use of power tools/ machines/ bulldozers, etc.
3. When the children are outside in the play yard all work with tractors, bulldozers, heavy equipment, etc south of the creek to our mutual fence should wait until the children go back inside. (Hours of yard use as well as the school calendar attached)

Keystone can only continue to provide El Cerrito with an exceptional daycare program if these few limits can be made to construction.



Director

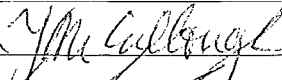
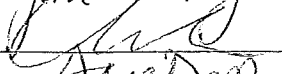
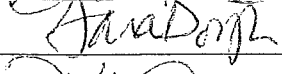
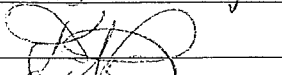
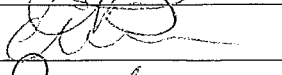
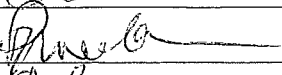
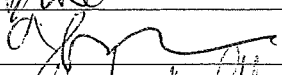
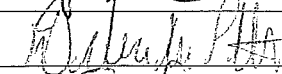
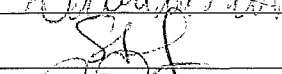
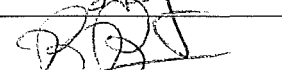
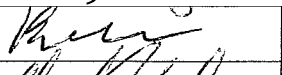
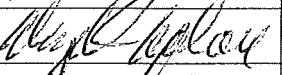
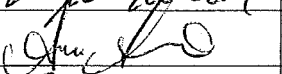
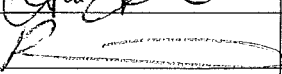
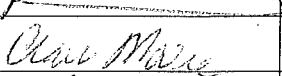
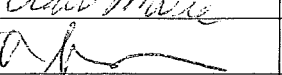
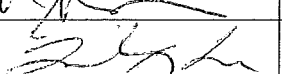
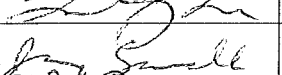
We the families at Keystone are agreeing with the letter above by signing the petition below.



APR 9.A 2nfl

	Date	Printed Name	Signature	Address
1	3/13/14	Julia Lucia	Julia Lucia	2049 Junction Ave El Cerrito
2	3/16/14	ALLISON TAYLOR	Allison Taylor	2564 TABSAR AVE EL CERRITO
3	3/19/14	CLAUDIA CHIRINO	Claudia Chirino	6538 PORTOLA DR. EL CERRITO, CA 94530
4	3/19/14	Jessica Green	Jessica Green	PO BOX 921 Folsom, CA 95630
5	3/19/14	Bill Greene	Bill Greene	6610 Hill St, El Cerrito 94570
6	3/19/14	MACKEEN URBAN	Mackeen Urban	151 CARNEC AVE EL CERRITO 94530
7	3/19/14	Helen Chen	Helen Chen	1618 Sonoma Ave, Albany 94707
8	3/19/14	Kelly Hardy	Kelly Hardy	7... C>C L-;,\c7 :kv<e C;)G;\.TA::J)/1-:5-:-J
9	3/19/14	JASON WINSLEY	Jason Winsley	)-1Y f.fvLJ)i;- A1,C/. EL{1trU>1t C bt 1;,>
10	3/19/14	Linda Ma	Linda Ma	<S'- f: (f;E,--;,-e 10--r. cz.t c)SI-J;t...i\1c<t>f!t'
11	3/19/14	Yue Yang	Yue Yang	— ti{EL(i-i-J:Od (f b;,,,i'-f. 7'-:-f'-6'''
12	3/19/14	Enka Mewar	Enka Mewar	2239 Mura Vista Dr. El Cerrito 94530
13	3/25/14	Lesley Choy	Lesley Choy	6648 Cutting Blvd El Cerrito 94530
14	3/26/2014	Todd Johnson	Todd Johnson	1325 Everett St. El Cerrito
15	3/26/14	Yue Yang	Yue Yang	532 Madison St Albany
16	3/26/14	Joseph Scarcella	Joseph Scarcella	7335 Fairmont Ave El Cerrito CA 94530
17	3/26/14	Gloria Lee	Gloria Lee	704 Falcon Ct Richmond CA 94804
18	3/26/14	Tamara Miller	Tamara Miller	67 Mantley Rd. Oakland CA 94618
19	3/26/14	PYATIDA STOLARI	Pyatida Stolari	6754 Greenview Ave. El Cerrito 94530
20	3/26/14	Harry Green	Harry Green	865 Arlington Blvd. El Cerrito 94530
21	3/26/14	Andrew Miller	Andrew Miller	5550 Temescal Ave El Cerrito 94530
22	3/26/14	Edwin Park	Edwin Park	1618 Sonoma Ave, Albany, CA 94707
23	3/26/2014	CHRISTINA CUNHA	Christina Cunha	444 WEBER DR, RICHMOND, CA 94801
24	3/26/2014	Barnaby Go	Barnaby Go	6620 Cutting Blvd. El Cerrito 94530
25	3/26/14	JASON WINSLEY	Jason Winsley	7347 MURRA ME EL CERRITO CA 94530
26	3/26/14	Linda Ma	Linda Ma	5860 Carriage Dr El Sobrante CA 94803
27	3/26/14	Steven Schmitt	Steven Schmitt	1922 Georges Ave, El Cerrito CA 94530
28	3/26/14	Susan Mallon	Susan Mallon	7812 Tevlace Dr, El Cerrito 94530
29	3/26/14	Paula Angelo	Paula Angelo	5065 Keith Ave. Oakland CA 94618
30	03/26/14	Maria Belkora	Maria Belkora	1331 Liberty St. #12 94530 El Cerrito, CA
31	3/26/14	Guillermo Garcia	Guillermo Garcia	6620 Cutting Blvd. El Cerrito CA
32	3/26/14	Shelley Green	Shelley Green	865 Arlington Blvd El Cerrito
33	3/27/14	Enka Mewar	Enka Mewar	2239 Mura Vista Dr, El Cerrito, CA 94530
34	3/28/14	Jeff Rothberg	Jeff Rothberg	190 San Fernando St San Pablo 94606

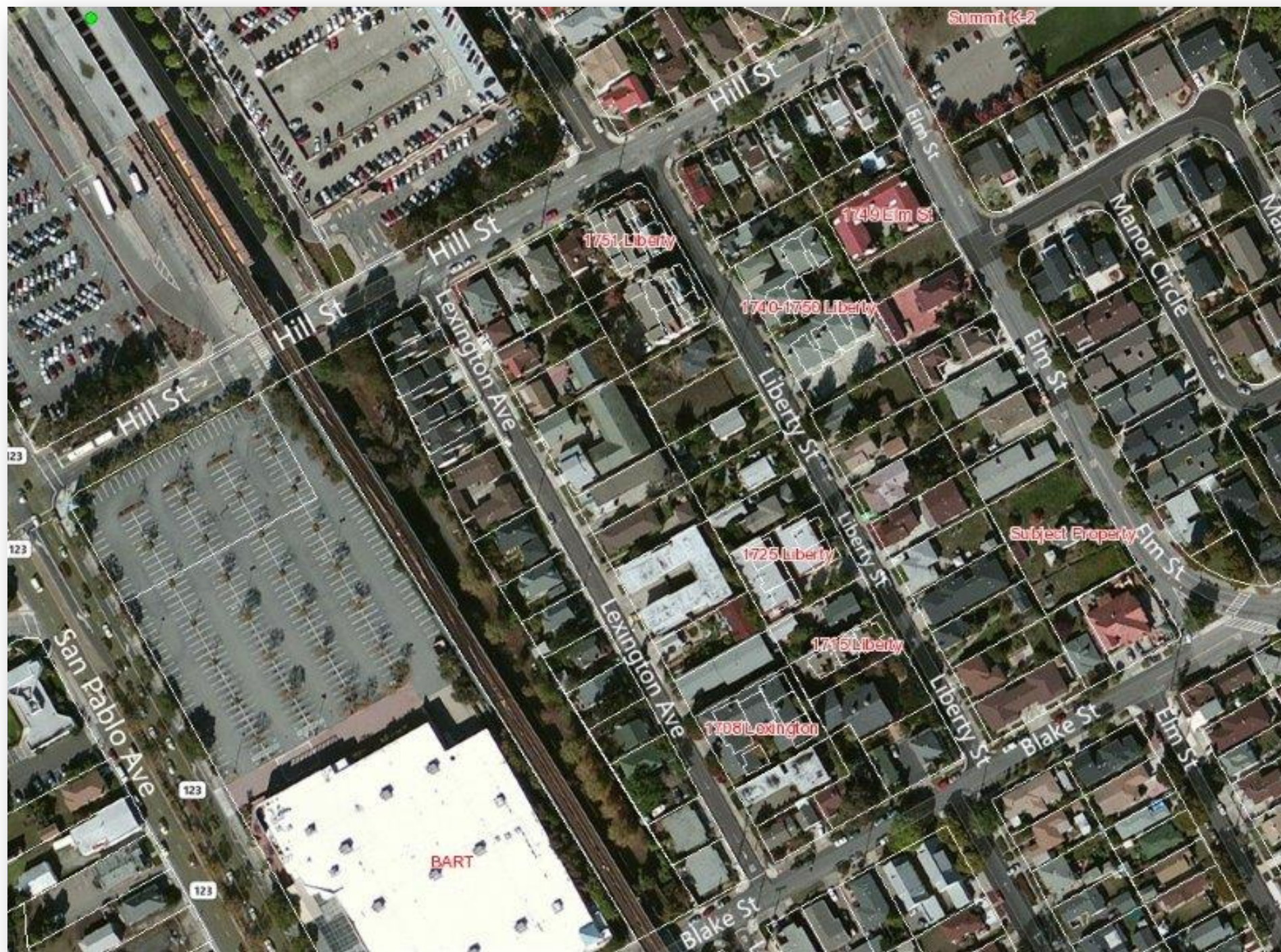
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	Date	Printed Name	Signature	Address
1	3/19/14	Yvette McCallough		249 Stanford Ave Kensington 94705
2	3/19/14	Olivia Alariza		5846 Park Ave. Richmond CA 94805
3	3/19/14	Tara Doyle		719 Evelyn Ave Albany CA 94710
4	3/19/14	Krista Chavez		900 Washington Ave Albany 94706
5	3/19/14	CRISTINA LUCIANO		2420 MIRA VISTA DR EL CERRITO
6	3/19/14	Pamela Bell		1427 Everett St. El Cerrito
7	3/19/14	Anna Basalje		6453 HAGEN BLVD EL CERRITO 94530
8	3/19/14	Debra Petric		5861 Serra Ave, Richmond, 94805
9	3/19/14	Stef Snopce		7317 Cutting Blvd. EC 94530
10	3/19/14	Brad Boyer		li
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15	3/26/14	Brent McLoughlin		3314 Humphrey Ave Richmond CA 94804
16	3/26/14	Elizabeth H. Galloway		6610 Hill St El Cerrito CA 94705
17	3/26/14	Amar Aujla		3529 Park Ridge Dr. Richmond 94806
18	3/26/14	Rhea Fontaine		320 40th Street Richmond 94800
19	3/26/14	Clarke Moore		126 CROST AVE, RICHMOND CA 94804
20	3/26/14	ANNA BASALJE		6453 HAGEN BLVD EL CERRITO 94530
21	3/26/14	LILI LAI		7325 FAIRMOUNT AVE, EL CERRITO, CA
22	3/26/14	JOSEPH SANCHEZ		7325 FAIRMOUNT AVE, EL CERRITO, CA 94530
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	Date	Printed Name	Signature	Address
35	3/31/14	415 2033859	Karin Little	2670 La Honda Ave El Cerrito
36	3/31/14	Karin Little		
37	07/01/14	SOLYA CASTILLO	J.R.	734 2 MANILA AVE, EL CERRITO
38	04/01/14	Sachi Rastogi		1922 Ganges Ave, El Cerrito, CA
39	4/3/14	CHRISTIAN DUNN		449 WESTERN DR. RICHMOND, CA 94804
40	4.14.14	MARIA MORA	MARIA MORA	3049 JUNCTION AVE. E.C.

	Date	Printed Name	Signature	Address
2	3/18/2014	Karen Rixford	Karen Rixford	5755 York Ave. Richmond, CA 94805
3	3/26/2014	Hirshaben Nakamura	Hirshaben Nakamura	10844 San Pablo Ave #210, El Cerrito 945
4	3/26/2014	Kelly Hardy	Kelly Hardy	2283 Capuchin Ave, El Cerrito CA 945
5				

	Date	Printed Name	Signature	Address
32	3/27/14	415 2033859	Karin Little	2670 La Honda Ave El Cerrito
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Reports, Studies and Web Sites Discussing Parking Requirements Near Transit

1. Metropolitan Transportation Commission (MTC) Parking Policy for Smart Growth Website
http://www.mtc.ca.gov/planning/smart_growth/parking/
2. From the MTC website: TOD Parking Utilization Presentation by Justin Meek, 2012.
http://www.mtc.ca.gov/planning/smart_growth/parking/11-12/JustinMeek_TOD_11-9-12.pdf
3. Are TODs Overparked?
2009 Research Paper by Robert Cervero, Arlie Adkins, and Cathleen Sullivan
University of California, Berkeley
<http://www.uctc.net/papers/882.pdf>
4. New Research Indicates that Transit-Oriented Development Residential Properties In Santa Clara County are “Over-Parked” by San Jose State Urban Planning, 2010
<http://www.sjsu.edu/urbanplanning/docs/VTA-TODParkingSurveyReport-Vol2.pdf>
Summary
http://www.sjsu.edu/urbanplanning/docs/VTA-TOD_ParkingSurveySummary.pdf
<http://www.sjsu.edu/urbanplanning/docs/VTA-TODParkingSurveyReport-Vol1.pdf>
Full Report

JUNE 2, 2014 CITY COUNCIL MEETING

Agenda Item No. 6

Public Hearing: Project at 1715 Elm Street – Planned Development and Appeal

ATTACHMENT NO. 15: COMMUNICATIONS

Index

1. Randy Calish
2. Carl E. Campos, LCA Architects, Inc.
3. Robin Mitchell
4. Dan & Henia Pines
5. Jennifer Hammer
6. Mary D. Ghidella
7. Anne McLellan
8. Ernestine Warren
9. Jim and Kathy McKissock
10. Sheri Hsu, Keystone Montessori School
11. Howdey Goudey
12. Michael Charlton
13. Lotus Go
14. Howdy Goudey
15. Robert and Laverne Vallejo

JUNE 2, 2014 CITY COUNCIL MEETING

Agenda Item No. 6

Public Hearing: Project at 1715 Elm Street – Planned Development and Appeal

ATTACHMENT NO. 15: COMMUNICATIONS

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13. Lotus Go
14. Howdy Goudey
15. Robert and Laverne Vallejo

Cheryl Morse

From: Randy Calish <rftcalish@sbcglobal.net>
Sent: Wednesday, May 7, 2014 11:05 AM
To: Council members
Subject: Proposed Development at 1715 Elm Street

Dear Councilmembers:

I would like to add my voice to those opposed to the proposed development at 1715 Elm Street. The plan recently approved by the Planning Commission does not conform with the existing General Plan nor does it blend into the neighborhood. Elm Street is very busy throughout the day and the nearby intersection of Blake and Elm is always very crowded. To approve a plan that does not allow for sufficient off street parking is a foolish venture. Everyone planning on living at this proposed building will own a car and this means that at least half of them will end up on the street. There is also a long standing Montessori School next door that will suffer greatly from the construction, noise, pollution, and intrusion. Every parent with children at this school along with numerous neighbors have formally opposed the proposed development yet the city seems determined to ignore them.

My major concern is why are we pursuing projects that do not conform to our General Plan? Why have a plan at all if we are only going to circumvent it regularly with exemptions and waivers? The proposed structure exceeds the height limit, does not meet the off street parking requirements, and does not conform to the neighborhood. The surrounding neighborhood is one or two story homes and multi-unit dwellings. This proposed three story complex will be an eyesore and stand out dramatically from its neighbors. I had to laugh at the comment from a Planning Commission member who stated that "...the good outweighed the bad..." on the proposal. I don't find that as sufficient reason to move this project forward. The property owner bought a parcel with an existing building on it that appears to need to be preserved and in an area that restricts height to two stories. If he cannot provide a development plan that meets these restrictions, along with the requirement for off street parking, then he should sell the property and move on.

I strongly urge the council to reject the proposed development. The area around 1715 Elm Street is not the place for some idealistic notion that residents will not own vehicles and therefore not require parking. It is a busy neighborhood that should be allowed to retain its character. We have enough large development along San Pablo Avenue and do not need similar structures slowly intruding into our residential neighborhoods.

Please reject this plan and let's move forward with a much more logical and practical approach to developing the parcel. I must say I like the idea of a land swap for a neighborhood park.

Thank you.

Randy Calish
rftcalish@sbcglobal.net

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3469 / Virus Database: 3722/7453 - Release Date: 05/07/14

245 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94596 TEL: 925.944.1626 FAX: 925.944.1666
1970 BROADWAY, SUITE 800 OAKLAND, CA 94612 TEL: 510.272.1060 FAX: 510.272.1066

May 23, 2014

Cheryl Morse
City Clerk
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

RECEIVED

MAY 27

City of El Cerrito
City Clerk

Cheryl,

Thank you for your letter dated May 14th referencing the appeal to El Cerrito City Council of the planning commission's April 14th approval of a planned development use permit for 175 Elm Street. Mr. Biggs has asked us to reply on his behalf.

First and foremost Mr. Biggs is dedicated to developing a first class project that as far as practical and economically feasible, addresses all reasonable concerns. He is also anxious to be a good neighbor, as El Cerrito is a very special place for him. As you may know, Mr. Biggs has owned and developed numerous properties in El Cerrito for more than 50 years.

As the architect for the project we are also keen to produce a quality project, that meets the City's goals and requirements, and that everyone can be proud of. To this end, we have, since our first involvement in this project more than a year ago, worked diligently to accomplish this. We have talked with City staff, the design review board, and listened to neighborhood concerns. During this process we have made numerous changes to address issues raised.

It is our firm belief that the proposed project meets with the spirit and goals the City has set.

It is true we have asked for some relief (variances) and we would like to explain why we think they are reasonable. At the same time we would like to address the issues that form the concerns raised in the appeal, and also to address some misinformation we've heard at public sessions. Let me quickly add that we take every concern seriously, and where practical, have addressed them in the design that is before you for consideration.

The subjects of concern can be summarized as follows:

- Density
- Parking/Traffic
- Height of the building
- Set backs

DENSITY

The City ordinance allows for 35 units per acre, and we are requesting 35.7 units per acre – a difference of one unit. We would ask that you consider the following:

While we understand the project is marginally over the ordinance, if we were to take one unit out of the project it would make no difference to the height or footprint of the building, which we believe is the real concern expressed in the appeal. The applicant is trying to maximize the number of units in the shell, to help offset the large financial burden involved in the following: restoring and preserving the historic home, preserving the creek, and providing extensive landscaping and open space.

PARKING /TRAFFIC

Throughout our discussions on this project with City staff, it has been the general meeting of the minds that one covered onsite parking space per unit is appropriate for a transit-oriented development of this nature. Our own research indicates the likely buyers of this property will be attracted by its proximity to public mass transportation. If there should be any necessity for property owners to park an additional vehicle in the road, our surveys indicate there is ample available space. (We can share our findings on this with you at the Council hearing).

HEIGHT OF BUILDING

While we are aware that the building proposed is higher than the ordinance allows, we would ask you to consider the following. Our structural roof slab is under the height limit, and we could meet the ordinance utilizing a flat roof. However, throughout the design process we have been encouraged by the City to incorporate strong and creative architecture that pays respect to the historic house. This has resulted in the design of a mansard roof, that we believe enhances the building, and has the added advantage of hiding any equipment that may eventually end up there. Without the mansard roof our project would not exceed the height limit. Additionally we have carried out extensive shadow studies which indicate this additional height has minimal impact on neighbors. (We can share these studies with you at the Council hearing).

SET BACKS

Given the desire to preserve the historic house and the creek, the site presents some obvious challenges, which we have tried our best to address.

To enable the construction of a multifamily building the only option for the historic house is to relocate it to the other side of the creek. Doing so makes it impossible to meet the creek setbacks desired, but we would ask for consideration of the following:

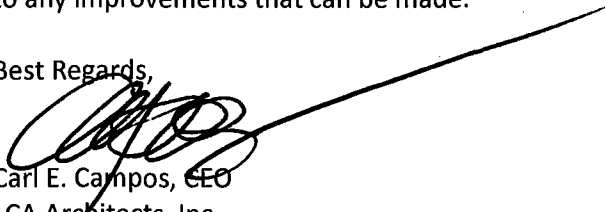
- the existing house currently does not meet the city's setback goals.
- apart from the area where the buildings are close to the creek, the creek setbacks are more than twenty feet.
- our plans include installing locally native riparian trees and shrubs to enhance the creek corridor, representing a significant improvement in wildlife values over the existing condition. The enhancements have been approved by the Department of Fish and Wildlife. The riparian enhancement

plantings will be preserved in perpetuity and the enhancement area will be designated as a conservation easement and recorded in a deed restriction.

While our plans make appropriate measures for the creek, as evidenced by obtaining approval, we would like to note that at public meetings this feature is consistently referred to as a natural creek, whereas it is in fact an engineered, realigned storm drain channel and runs through an underground pipe throughout the City, apart from crossing this particular site.

In conclusion, we want to again assure you that both Mr. Biggs and our firm are committed to building an excellent project that all concerned can be proud of. Additionally, we continue to have an open mind to any improvements that can be made.

Best Regards,



Carl E. Campos, CEO
LCA Architects, Inc.
CA License C10482

Cc:

Edward L. Shaffer – Attorney at Law
Partner
Archer Norris
A Professional Law Corporation

RECEIVED

MAY 27 2014

City of El Cerrito
City Clerk

May 26, 2014

El Cerrito City Council
City of El Cerrito
10890 San Pablo Ave, El Cerrito, CA 94530

Re: Property at 1715 Elm Street, El Cerrito, CA

Dear City Council Members,

My name is Robin Mitchell and I live at 635 Elm Street in El Cerrito.

I would like to provide my input on the proposed development at 1715 Elm Street in El Cerrito, not in my capacity as a member of the Park and Recreation Commission, but as a concerned citizen.

The property at 1715 Elm Street is very unique.

This property is referenced in a document that is on the City of El Cerrito's website, called "Oldest Buildings in El Cerrito", which is a map of El Cerrito that highlights the 10 oldest buildings in the city. It is the 3rd oldest building shown on that map, with a date of 1897. <http://ca-elcerrito.civicplus.com/DocumentCenter/Home/View/468>

This property is also referenced on the City of El Cerrito's website, in a document called El Cerrito Creeks Map, which is a map of the city with the creeks highlighted. The daylighted creek that runs through this property, a unique characteristic in this part of El Cerrito, is labeled "Natural" on this map.

<http://ca-elcerrito.civicplus.com/DocumentCenter/Home/View/464>

From these two documents, I infer that the city considers this property to be significant, both historically and environmentally.

Reading from the Staff Report to the Planning Commission dated 3/19/2014, it states (emphasis mine):

One of the goals of the Creek Protection Overlay district is to preserve, **enhance and restore** natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed. In support of that goal, the Creek Protection overlay (Chapter 19.14) prohibits placement of fill or any other obstruction and establishes a minimum 30 foot setback from the top of creek bank.

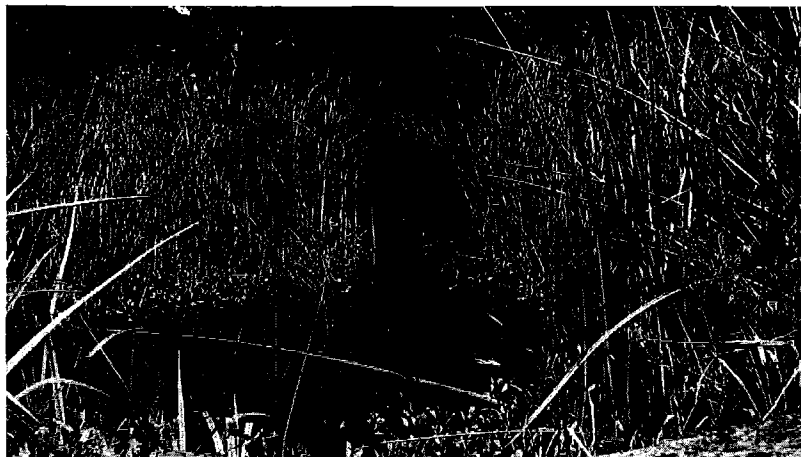
The Staff Report also notes that this "surface water feature lacks characteristics of a natural riparian corridor and provides only marginal habitat value".

I believe that this reasoning is not relevant because one of the stated goals of the Creek Ordinance is to "enhance and restore" natural drainage ways. Instead, this project compromises

the creek by building right next to it. And because there is so little natural habitat in urban areas, it is even more important to enhance and restore habitat whenever the opportunity arises.

I have a different vision for this property. I think it should be a public park, with the house turned into an Environmental Education Center, and renovated to green building standards which would serve as an example for home owners of what is possible.

The creek could be enhanced and restored back to a vibrant ecosystem, much as the pond at the bottom of Canyon Trail Park has been. The pond restoration shows that even a small area can provide significant habitat, particularly in an urban area where there is very little existing habitat. The pond at Canyon Trail Park is an old concrete lined culvert (which goes underground again after the pond) that has been filled with a bit of sediment and planted with cattails and other native water loving plants. The area is abundant with small frogs, dragonflies (which keep the mosquitos under control naturally), butterflies, and innumerable other critters, all within the equivalent of the 30 foot setback on each side of the creek. The staff report indicates that there is nothing of value at the current creek site, but the Canyon Trail restoration (shown in the photos below by Tom Gehling) shows what could be possible at the property at 1715 Elm Street.



The grounds could accommodate a community-based Urban Farm Demonstration Project, which would complete the circle from the property's historic agricultural past to the new frontier of urban agriculture, and create a unique community resource for improved environmental education and engagement. Adults and children could learn how to grow their food in harmony with nature, and discover the joy of providing needed habitat for bees, butterflies and other insects whose populations are declining, while also harvesting crops to eat. (I have attached a description of such a project entitled "Urban Farm Demonstration / Environmental Education Center Project").

This might seem like a hopelessly naive vision, given the pressures for development and increased density in the "transit corridor" that this area is currently zoned. However, in order to make this transit corridor a desirable place for people to live, that increased density must include an increase in public green space, for the health and well being of both the people and the environment.

Given that the City recently entered into an agreement with the Trust for Public Land to purchase the Madera Property adjacent to the Hillside Natural Area, I would say that a precedent has been set for purchasing properties that are deemed environmentally and historically significant to be put into the public good.

I would argue that turning the property on Elm Street into a public greenspace is at least as valuable to residents, if not more valuable, than acquiring the Madera Property. Many more people would be able to access the Elm Street greenspace on a much more frequent basis, and it could become a focal point of community activity in that area.

In your rolls as City Council members, you have the power to create something truly unique and visionary on this site.

I urge you to do that, and not just blindly follow the mode of development for development's sake.

Robin Mitchell

Environmental Education Center / Urban Farm Demonstration

El Cerrito, CA

4/15/2014

Prepared by Robin Mitchell (ECCCommunityGarden@gmail.com)

Overview

This is a proposal for developing the property at 1715 Elm Street in El Cerrito as an Environmental Education Center / Urban Farm Demonstration.

This property represents a unique opportunity to take advantage of the historic building (a farmhouse built in 1897) and the ample lot size to educate about ecological principles, demonstrate small-scale agriculture in an urban environment, and connect to the history of the area.

The property is a classic old farmstead on three adjacent parcels. The current owner has plans to develop it into a 14 unit apartment complex.

This proposal seeks to find a mechanism for purchasing the land, developing the project, and turning it over to another entity (or possibly the City of El Cerrito) to manage it in the public interest in perpetuity.

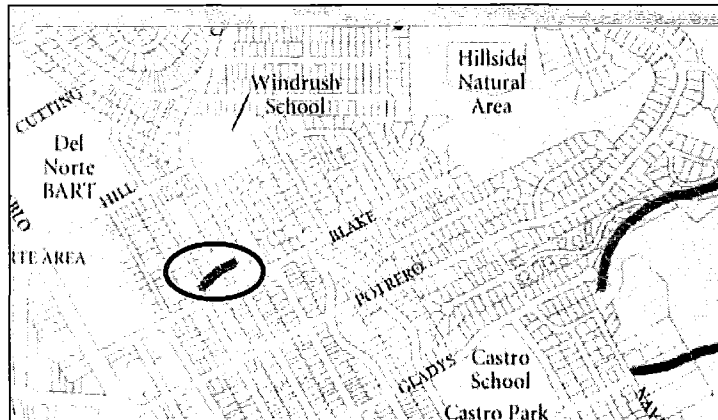
Property Description

The property at 1715 Elm Street is currently privately owned with a potential condominium development in design review with the city. The existing structure on the property is listed on the City of El Cerrito website on their "Oldest Buildings in El Cerrito" map.

(<http://www.el-cerrito.org/DocumentView.aspx?DID=468>) It is listed as the 3rd oldest building in El Cerrito, built in 1897. (The oldest building is only 2 years older, built in 1895).

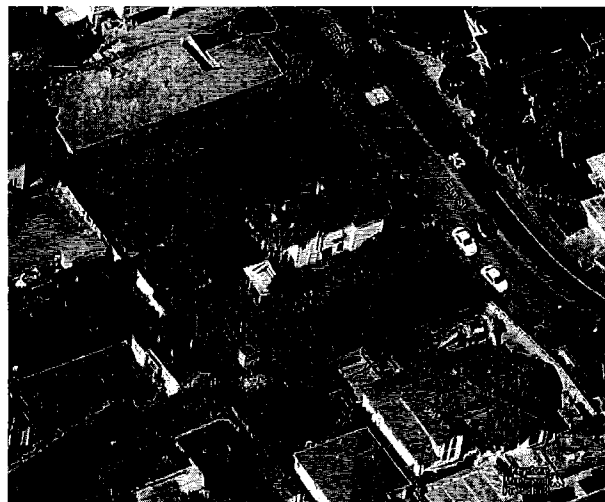


The property also has a creek running through it, listed on the City of El Cerrito website in their "El Cerrito Creeks" map (<http://www.el-cerrito.org/DocumentView.aspx?DID=464>).



An historical and architectural assessment has been prepared, which concludes that the property appears eligible for registration as a California Historical Resource, and the house, the creek and the other farmstead elements were all identified in the historic resources evaluation as character-defining elements.

The property is 18,450 square feet (0.424 acre). The house is a 2 story farmhouse with an open, unfinished attic. There is a well and well-house that was built in 1968 when the water tank and windmill (which pumped water into the water tank) were removed. The property was sold in April 2003 for \$560,000.



The historic nature of the property and of the creek running through it presents a truly unique opportunity to execute an alternative development plan. Such a plan would not only preserve the historic nature of the site but also create a unique community resource for improved environmental education and engagement.

The goal is to turn this property into an Environmental Education Center / Urban Farm Demonstration which would be open to the community for educational programs on sustainability, urban farming, energy efficient retrofits, water conservation, rain water catchment, and alternative energy production.

The proposed facility would be somewhat similar to the Integral Urban House in Berkeley (1516 Fifth Street), which was created in the late 1970s. This privately owned demonstration house, run by a non-profit



organization, was open to the public and showcased sustainable living technologies and techniques. Public tours were given on the weekends, and educational workshops were given. It was particularly geared toward what homeowners could do themselves to work toward a sustainable urban lifestyle.

Fast-forward to 2014; there is a resurging interest in urban farming, community gardens, and sustainable urban development. The 1715 Elm property could be an inspiring and effective site that teaches individuals and community groups how to improve the environment and maintain sustainable lifestyles.



Integral Urban House, Berkeley
(circa 1978-1982)

Property Acquisition and Ownership

In order to realize the vision for this site, the property must be purchased from the current owner, perhaps through a vehicle such as a land trust, non-profit organization, and/or conservation easements (agricultural or environmental). This allows compensation at current market value when the end use can not justify the prevailing value of the land with full development potential. The land trust or open space district would likely hold at least the development easement, but may hold title to the entire property. Alternatively, a restricted title could be transferred to an environmental non-profit organization or even the City of El Cerrito (to perhaps be maintained as part of its City Park system). A combination of city ownership and non-profit management would relieve the City from some of the financial burden of maintenance. It is important to recognize that the City of El Cerrito does not have the total amount of money to purchase the property, although there may be some funds left in the Measure WW coffers after the Madera Open Space purchase. In addition, the City would probably not have the funds to substantially maintain this property. In order to assure long term stable operations, a mechanism would need to be established to generate external funds for maintenance and programs. In addition, the landowner may be able to realize tax benefits from the sale of the property depending on how it was structured.

Property Development

The Farmhouse:

Renovate the farmhouse, keeping the historic character of the structure, while at the same time employing technologies currently available to homeowners for energy efficiency and sustainability:

- Building skin – retrofit to a well-insulated building that requires very little external input of heating or cooling to keep the inside comfortable. This would involve insulating the walls, floors, and ceilings, air sealing, increasing the energy efficiency of the windows, installing a very efficient heating system (such as a water based radiant system with water heated by solar hot water panels), installing efficient lighting systems and installing other energy efficient appliances, as needed.
- Energy Production – install solar water heating panels for the water heating needs (for space heating and domestic hot water), install solar electric panels to generate electricity to cover the buildings electrical needs (with potentially enough capacity to charge an electric vehicle and also sell some power back to the grid). This would need to be done extremely carefully, as the site is a historic resource and it's external appearance should not be altered.
- Green materials – all materials would be sourced to be as sustainable as possible, from low VOC paints to sustainably grown wood (or recycled wood if possible) to recycled materials for as many uses as possible.
- Water systems – install a gray water system (this may or may not make sense depending on the water use – if laundry is not done on-site, it may not make sense).

The Grounds

The grounds of the property would be turned back into a small scale urban farm that would be open to the public and could include demonstration projects in the following:

- Small scale home-based orchards, which is a historic use of this site
- Small scale grain raising (wheat grows very well in our climate)
- Backyard vegetable growing
- Small scale animal raising – chickens, rabbits, bee hives
- Water management – demonstration rain catchment systems for irrigating the garden/orchard, the well and water tower could be restored and rebuilt
- Community Garden area with communal plots for El Cerrito residents to grow their own food and share with local foodbanks
- Volunteers would help maintain the farm, and interns could be paid a small stipend to coordinate and supervise the various aspects of the farm. Consideration of resident interns would be explored to provide security and continuity.

- The creek running through the property would be evaluated to see if some ecological restoration could be coupled with keeping the historical nature of the stone lined walls. It might even be possible to increase the habitat enough to encourage a Pacific Chorus Tree Frog population to settle there, which has been done in other areas in El Cerrito.

The El Cerrito Environmental Education Center

Use the renovated farmhouse as an Environmental Education Center that would sponsor workshops and education programs in as many areas as possible including:

- Ecosystem education including riparian habitat restoration, nurturing native pollinators (bees and butterflies), native plant and animal habitat
- Vegetable gardening / Urban farming including climate appropriate plant selection
- Animal husbandry – small scale animal raising for food and fertilizer (chickens, rabbits, bees) as long as the neighbors were agreeable (!)
- Water conservation / grey water systems / rain-water catchment for garden irrigation
- Energy conservation – what homeowners can do themselves in the areas of:
 - Home Energy Retrofits – insulation, better windows, efficient appliances (including lighting and heating)
 - Renewable Energy Production – solar water heating systems, solar electric systems, wind energy (small scale systems appropriate for urban environments)
- Reskilling – practical craft skills such as sewing, spinning, weaving, knitting, making soaps / lotions, natural dyes. This could be tied into educational opportunities at the two schools that are very close to the property.

Resources

Integral Urban House

- Mother Earth News, Julie Reynolds, Nov/Dec 1976
<http://www.motherearthnews.com/Nature-Community/1976-11-01/The-Integral-Urban-House.aspx>
- Mother Earth News, Staff, January / February 1980
<http://www.motherearthnews.com/Green-Homes/1980-01-01/The-Integral-Urban-House.aspx>
- William Olkowski's Blog
Updated 2012
<http://who1615.com/blog/?p=555>

Appendix A – Integral Urban House Articles

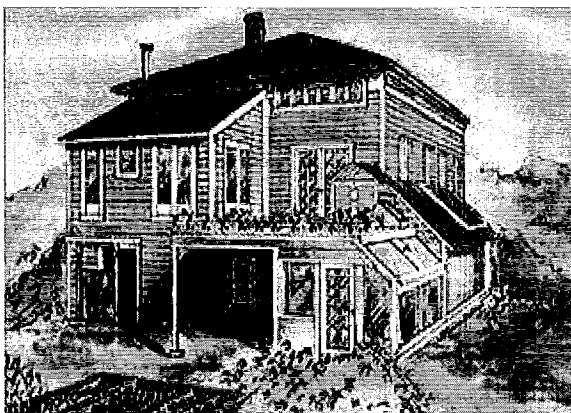
From *Mother Earth News*, Julie Reynolds, Nov/Dec 1976

<http://www.motherearthnews.com/Nature-Community/1976-11-01/The-Integral-Urban-House.aspx>

The Integral Urban House

A Victorian mansion in Berkeley California is converted into an urban homestead.

By Julie Reynolds
November/December 1976



For all the current talk about getting "back to the land" and becoming self-sufficient, darn few folks have taken the lead in showing urban residents—apartment dwellers and city homeowners—how they too can enjoy a more self-reliant way of life. One organization that is doing encouraging work in this area is the Farallones Institute of Berkeley, California. Here's a report on just one of the Institute's project: the conversion of a Victorian mansion into an urban homestead!

By Julie Reynolds

Away out here in Berkeley, California—in an aging semi-industrial neighborhood—an enthusiastic group of "doers" has come together to restore (and display to the public) a 100-year-old Victorian house. What's so unusual about that? Nothing . . . except that the stately dwelling—now known as the Integral Urban House—has become one of the country's most innovative and successful "urban homesteads".

Half a dozen IUH residents grow their own fruits and vegetables, raise chickens, rabbits, and fish, recycle 90% of their wastes, solar heat their hot water, and conduct a variety of alternative technology experiments . . . all on a 1/8-acre city lot!

"The Integral Urban House exists," explains house resident Charles O'Loughlin, "to serve as a model for a more ecologically sound urban habitat, and to provide urban dwellers with physical and conceptual tools for creating a more self-reliant lifestyle." In other words, the IUH staffers want to show by *example* how city folk can "live better for less" . . . while doing a good deed for the planet at the same time.

A MINI-ECOSYSTEM

The Integral Urban House is a project of the Farallones Institute, a non-profit organization founded in 1969 by a group of northern Californians interested in low-impact, non-resource-intensive living . . . among them Sim van der Ryn

(now the official California State Architect) and Bill and Helga Olkowski (authors of Rodale Press's *City People's Book of Raising Food*).

The Institute's members bought their two-story Victorian building in 1974 and remodeled it inside and out during the following year. Now the structure is no longer just a house but the nucleus of a *mini-ecosystem* in which rabbits, chickens, fish, honeybees, plants, microbes, and people interact in a flourishing example of interrelated self-reliance.

As it happens, the IUH is not only a small ecosystem but an educational exhibit for the dozens of interested spectators who visit the house every week. (Folks who stop by during "open house"—1:00 to 5:00 p.m. on Saturdays—can enjoy an intensive 45-minute tour conducted by Charles O'Loughlin, Tanya Drlik, or Tom Javits. Or, if they prefer, visitors can simply browse among the house's books and inspect various displays while their children play with the bunnies out back.)

"Most environmental 'education' consists of an afternoon at the zoo or a wildflower walk," remarks house manager Tom Javits. "Here, environmental education is geared toward getting people to apply sound ecological concepts to their own lives."

An example of "applied ecology" at its best is the Integral Urban House garden, which—even in the dead of winter—is lush with foliage and brimming with vegetables. Because the size of the IUH lot precludes the planting of long rows, crops are sown in raised beds that surround the house. (Plant varieties are rotated from bed to bed to keep specific soil nutrients from becoming exhausted in any one section of the garden, and seedlings are grown in the greenhouse so that the beds are always occupied by mature—or nearly mature—plants.)

The variety of fruits and vegetables raised on the 125' X 60' IUH lot is nothing short of astounding. Small avocado, fig, and quince trees stand above raised beds closely planted in potatoes, broccoli, lettuce, tomatoes, corn, peas, beets, carrots, celery, spinach, chard, and squash. Salad greens, scallions, and herbs are grown on the porch (adjacent to the kitchen), while nearby are perennial patches of strawberries, rhubarb, and asparagus. In addition, dwarf fruit trees—espaliere to the north wall of the house—will soon provide lemons, plums, and three kinds of apples.

IUH staffers use no chemical fertilizers to bring forth this bounty of luscious edibles. Rather, a one-inch-deep layer of compost—made from kitchen garbage, rabbit manure, grass clippings, sawdust, and other wastes—is maintained on the garden's beds to [1] act as a mulch which keeps weeds down and [2] make the soil light, airy, and rich in nutrients. (No tilling is ever needed.) And, thanks to laborsaving techniques developed especially for urban gardeners by Bill and Helga Olkowski, each IUH resident spends only *15 minutes per day* in the vegetable patch . . . a regimen, certainly, that even the most work-shy city dweller could find agreeable!

Because of the rich diversity of plantings in the garden, insects rarely pose a problem. (Small plantings of many types of crops tends to prevent mass infestation by any one kind of pest.) And when insects do pose a problem, biological controls—such as natural insect predators and specialized diseases that affect only the pest in question—soon "settle the hash" of the unwanted intruders.

To further make the point that *anyone*—even apartment dwellers with no access to cultivatable land—can grow their own food, Integral House residents have created a rooftop garden of containers filled with pure compost. (The compost is not only rich in plant nutrients, but is lighter than soil and thus lessens the load that would otherwise be placed on the building's rafters.)

LOW-COST MEAT

The Integral House's food-raising efforts extend not only to the growing of fruits and vegetables but to the production of animal protein as well. The latter, in this case, means chickens and rabbits.

All together, about 15 chickens—layers and fryers—inhabit the Institute's urban homestead. Four hens live in a "composting house" on the roof, where—in addition to laying eggs within ten feet of the breakfast table—the birds produce rich manure for the compost heaps. The remaining cluckers are kept at ground level, on the shady north side of the old Victorian building.

Some 10 to 20 rabbits, depending on whether or not a litter has been born recently, are also housed on the structure's shady side. Commercial pellets, garden-grown alfalfa, and discarded produce obtained from a nearby market make up the bunnies' diet. (EDITORS NOTE: You can learn more about the feeding, breeding, and care of rabbits by reading E. P. Bell's and Bob Bode's articles in *MOTHER* NO. 32.)

Rabbits are an ideal meat animal for the urban homesteader because they're quiet, very little trouble to raise, produce high quality protein, and are easy to kill. This last point may not seem too important to some of you well-seasoned homesteaders. But if you consider how far-removed the average city dweller is from the life-and-death process of maintaining a food supply, you'll understand that the "social acceptance of the slaughter" can sometimes become the most important factor in the decision when an urbanite chooses between raising his or her own food and buying it from a supermarket.

All told, the scant handful of Integral Urban House rabbits and chickens produce a whopping 350 pounds of meat annually, at a cost of only 25¢ to 35¢ per pound. In addition, the hens lay about 1,560 (130 dozen) eggs a year, worth at least 50¢ per dozen . . . or a total of \$65. To say nothing about the valuable manure (and—in the case of the rabbits—pelts) produced by this small livestock. That's a pretty good bargain by anyone's standards.

AQUACULTURE

Sterling Bunnell—the Farallones institute's biological expert—manages an IUH aquaculture program, designed to determine if the production of fish and crustaceans can be made feasible for city dwellers. Bunnell has concentrated on raising native California water life—such as Sacramento blackfish, rainbow trout, and *Pacifasticus* (a genus of crayfish that can grow to lobster size)—in an experimental fish pond in the house's small yard.

Along with the daphnia and algae that grow naturally in the pond, Bunnell's "livestock" feeds on worms and bees raised by Integral Urban House staffers. The worms are grown in sawdust-covered trays mounted below IUH chicken cages to catch the birds' droppings. (The little wigglers thus serve as both fish food and "workers" that speed the production of compost from the chicken manure.)

The bees—on the other hand—fall into the pond only occasionally, and by accident, as they return to either of two hives located above the body of water. Says Sterling: "Happily, the hives contain so many bees that the loss—now and then—of a few unlucky ones doesn't hurt anything."

At present, Bunnell is installing a biological filtration system designed to remove growth-inhibiting wastes (produced by the fish) from the pond's water. The system is stunningly simple: It's nothing more than a bed of oyster shells—coated with bacteria that feed upon (and filter out) impurities in the water—through which the body of water's effluent is passed. If it works, the filtering system should significantly increase the yield (by weight) of fish from the small pond.

A TASTE OF HONEY

Of course, no homestead—urban or otherwise—would be 100% complete without at least one beehive. And the Integral Urban House (as already mentioned) has two of them, located on a platform high above the fish pond.

"The bees are our foreign envoys," house manager Tom Davits grins. "They go out and pollinate the neighbors' flowers, then bring the nectar back here and make it into honey."

Bees are another ideal variety of city "livestock". They're quiet, they take care of themselves, and—most important—you don't feed them . . . they feed you! Integral House residents recently harvested 35 pounds of delicious eucalyptus honey from their hives, and—according to Tom—the IUH bee operation yields several times that amount of the sweetener over the course of a year.

So that others may learn about beekeeping, the Integral House offers membership in a bee club. (Members can use the house's honey extractor and other equipment, as well as attend classes in beekeeping.) In addition, the IUH maintains an observation beehive on the first floor, where visitors can observe the bees as they do their fascinating dances, see the queen lay her eggs, or watch new workers hatch. (The show is better than TV, by far!)

WASTE MANAGEMENT

A great deal of attention is given to the intelligent recycling of wastes at Integral Urban House. As a result, nothing (aside from those occasional bits of plastic packaging that everything from cheese to nails now seems to come in) is "thrown away". Milk cartons become planters for seedlings, bags are re-used at the market, scraps of paper are burned in the wood stove . . . even garbage, human wastes, and dirty water are recycled right on the premises.

Kitchen garbage, of course, becomes compost . . . but not until it's been picked through by the chickens. The refuse is spread on the floor of the hens' pen, which allows the birds to get an extra ration of eats while creating a valuable nitrogen-rich ingredient (chicken manure) for the IUH composting operation.

Whenever a new batch of compost is started—which is to say, every two or three weeks—the waste material is [1] raked from the floor of the chicken pen, [2] combined with manure and sawdust from the rabbit cages and plant debris from the garden, [3] layered into one of three 3'-square wooden compost bins, and [4] emptied into an adjoining bin every three days thereafter. (One of the three containers is always full of "working" compost, one always contains bucketfuls of the finished natural fertilizer, and the third is kept empty so that—as desired—either of the other two can be turned into it.)

Human wastes are also composted, but not in bins. Instead, the wastes decompose inside a waterless toilet known as the Clivus Multrum, which is approved by health officials in Sweden (where the device is widely used) but not—except in Maine, where water has been getting scarce lately—in the U.S. Local authorities have allowed the Integral Urban House to use a Clivus Multrum on an experimental basis.

The toilet works, briefly, as follows: Excrement falls into a large, slatted fiberglass rank (which is vented to the outside of the house) containing a series of baffles. As the wastes accumulate, they slowly slide down the container's sloping bottom from one compartment to another and undergo aerobic decomposition. After a two-year digestion period (to allow disease-causing micro-organisms a chance to die), the wastes can be removed from the Clivus in the form of compost.

Despite the fact that present American sewage systems aren't 100% safe (a sewage worker strike could lead to disaster), health officials will not approve the use of Clivus compost on a garden for fear that if certain pathogens *did* survive the composting process, they might be passed to humans via the vegetables. "We have a solution to the pathogen problem," says Charles O'Loughlin (who, incidentally, has obtained a grant to study composting toilets). "And that's to use the finished compost only on ornamental plants, thereby avoiding contamination of food."

Regardless of whether or not one uses the high-grade fertilizer that comes out of it, the Clivus Multrum is a worthwhile addition to the homestead from another point of view: It consumes no water. "Thanks to our Clivus Multrum," asserts Tom Javits, "I figure we use as much water in this entire house—for bathing, washing dishes, and so on—as the average family does just in flushing their toilet."

And what little water the IUH residents *do* use gets recycled. "Gray water" from the sinks and shower goes into a holding tank and is then channeled—along with urine—to the garden. "The mixture of gray water and urine," Tom says, "is a well-balanced one—chemically speaking—for our garden. Gray water is high in phosphorus—from detergents—and urine, of course, is rich in nitrogen." Phosphates, Tom is quick to point out, are usually harmful to aquatic ecosystems (rivers, lakes, and streams). "But in a terrestrial system such as a garden they can be very beneficial."

SOLAR HEATED WATER

Nearly all the IUH's hot water needs are met by a solar heater that can warm 120 gallons of water in an attic storage tank to surprisingly high temperatures . . . often past 170°F.

The 86-square-foot solar collector that is the heart of the system is the "Ritz of homebuilt collectors" and is expected to last the lifetime of the house. Doug Daniels, who helped I design the solar-powered heater, says the complete system—including storage tank and pipes (items that would've been required for a conventional electrically operated heater anyway)—cost around \$900 to build, not counting labor. Taking into account the utility bills and maintenance costs associated with more traditional water heaters, Doug figures that the solar-powered setup should pay for itself in 10 years.

A small electric water heater acts as an emergency backup system. (Although electric water heaters are less efficient than gas-fired units, the pilot light on a gas heater must burn continuously. And, since the IUH backup is called upon so infrequently, that would be rather wasteful.) So far, the electric standby has been used only three times . . . and even then it was relatively efficient since it was being fed water that'd been pre-warmed to 95°F by the solar heating system.

SPACE HEATING

Although Berkeley winters are relatively mild, one study has shown that the average home in that town uses as much energy for space heating during the winter as a residence in Minneapolis! The reason: In chilly Minnesota, people know the value of proper insulation . . . while in "sunny California", insulation is—for the most part—used only as a last resort. Except, that is, for the Integral Urban House.

Tom Javits feels that if a Berkeley home were properly insulated, it'd need little—or no—space heating. And he's probably right, because last winter (before all its "extra" insulation was installed) the IUH had no space heater at all (a wood-burning stove is being added now), yet—except for a few frigid days—no one felt the worse for it.

Besides exceptionally good insulation, the Integral House has several other features which contribute to its year-round coziness. For instance: when the old Victorian mansion was rebuilt by its present owners, it was fitted with a large number of south-facing windows and only a few windows on the north side. This produces some degree of passive solar heating during the day. (The upstairs windows are equipped with insulated shutters that are closed to help retain warmth at night.)

Within the building's bathroom is a smaller version of Steve Baer's Drum Wall: a *bottle wall*, in which one-gallon glass jugs—filled with ink-blackened water and supported in rows just inside the windows—serve as heat sinks that absorb the energy in the sun's rays. At night, insulated shutters (*outside* the windows) can be closed to keep the bottles' stored heat inside where it radiates into the room.

As luck would have it, my own downstairs bedroom in the house (yes, I live here too!) is solar heated—quite effectively, I might add—by the adjoining greenhouse. Warmth radiates into my room during the day whenever I open a window between the two sections of the house.

Much of the IUH cooking is done on a beautiful old combination gas and wood stove (equipped with an O-shaped—or doughnut—stovepipe that radiates into the room a bit more of the heat which would otherwise go up the chimney). The house also uses a large solar oven—built by a student—for baking casseroles or bread on sunny days.

Most IUH staffers feel that wind and methane systems work best on a neighborhood or block level, rather than on an individual dwelling basis. For this reason, you won't find any windplant towers or methane digesters on the IUH grounds.

SELF-RELIANCE OR SELF-SUFFICIENCY

Occasionally, a visitor is surprised, disappointed, even annoyed, to learn that the Integral Urban House isn't completely "self-sufficient". The fact is, though, that the folks here at the IUH don't *want* their house to become an isolated haven in the midst of a city. (Besides, if a system—such as methane generation—is just plain inefficient on a household level, the IUH staffers would rather not use it . . . even if the alternative is to remain dependent—for the time being—on city gas or electricity.) *Self-reliance*—which has fewer overtones of isolationism and non-cooperation than "self-sufficiency"—is a better term for what the Institute is trying to promote.

The Integral Urban House isn't the only urban homestead around these days, of course . . . there's also, among others, the Eco-house in London and Project Ouroboros in St. Paul, Minnesota. (See *MOTHER NO. 36*, pages 93-96, for a write-up on the Ouroboros projects.—THE EDITORS.)

Thanks to such fine examples of self-reliant urban living, more and more solar-heated homes and community gardens are springing up across the country, and increasing numbers of city dwellers are learning to soften the sidewalk-hard reality of their lives with the feel of good soil, the taste of vine-ripened vegetables and truly fresh eggs, and the warmth of sun-heated water.

Yes, you *can* live a more self-reliant, ecologically sound life—even in the city—if you want to. *That's* what the Integral Urban House is all about.

EDITOR'S NOTE: The Integral Urban House accepts apprentices and offers both undergraduate and graduate degree programs through Antioch College/West. For more information on these programs—or on the Farallones Institute's other projects (such as public classes on solar energy, food production, environmental design, beekeeping, etc.)—write to Helga Olkowski, c/o the Farallones Institute, 1576 Fifth St., Berkeley, Calif. 94770. And be sure to include a small (or large!) donation to cover mailing expenses.

From Mother Earth News, Staff, January / February 1980

<http://www.motherearthnews.com/Green-Homes/1980-01-01/The-Integral-Urban-House.aspx>

THE INTEGRAL URBAN HOUSE

This is a home that helps to support its residents while they support it. Food production, organic-waste management and resource conservation are all easier, less time-consuming and more attractive than in a traditional home.

By the Mother Earth News editors
January/February 1980



The Integral Urban House's attached greenhouse only hints at the innovations inside!

STAFF PHOTOS (HOUSE PHOTO COURTESY OF FARALLONES INSTITUTED)

Excerpted by permission from *The Integral Urban House* by the Farallones Institute, copyright © 1979 by Sierra Club Books. Available in large paperback for \$12.95 from any good bookstore, or for \$12.95 plus 95¢ shipping and handling from Mother's Bookshelf, P.O. Box 70, Hendersonville, North Carolina 28739.

The Farallones Institute in Berkeley, California is a non-profit educational and research organization—founded in 1969—that has become a leader in showing urban residents how to become more self-reliant. The Institute's "Integral Urban House" project began in 1974 with the purchase and subsequent renovation of a large old Victorian house on a 1/8-acre city lot in Berkeley. It has since become a model for a more ecologically sound urban habitat ... a home "that helps to support its residents while they support it". MOTHER first reported on the project in issue No. 42, page 125.

The just-published book from which the following excerpts have been taken is crammed full of charts, diagrams, plans, and all the essential how-to information gathered over four years of living with—and refining—the systems of the Integral Urban House.

In an integral house, each major functional system employs *multiple pathways* for material and energy flow. The heating system, for example, includes direct solar gain through windows, a solar air space heating system, and a wood stove space heater for cloudy, cold days. Organic wastes can be shunted in a variety of ways. Human fecal matter decomposes in the Clivus Multrum and, when fully decomposed, is used as a soil amendment on ornamentals. Urine is diluted and used as a nitrogen-rich fertilizer. Kitchen scraps are fed to the chickens where they are converted into edible protein and eggs, and the chicken manure is recycled in the garden. Garbage can also be composted or fed to worm cultures, which make a nutrient-rich casting for garden use . . . the worms themselves are fed to the chickens or the fish in the pond. Duckweed in the pond absorbs toxic fish waste and in turn can be dried and fed to the chickens.

These are only several examples of the principle of multiple pathways, which is closely linked to the diversity and stability associated with natural healthy systems. Multiple pathways constitute an interactive process within any food or nutrient chain. For example, a diversity of types of plants in a garden insures a diversity of insect life. This condition in turn insures that no particular insect is likely to get out of control and become a pest. Diverse plant and insect life attracts birds, and other natural predators on the food chain, that help to maintain balance. Another feature of the multiple pathway is that each component of the system tends to perform overlapping functions. One test of the integral quality of any system is the extent to which components are integrated into multiple functions.

Consider our earlier example. An electric heater can only be an electric heater, and a garbage truck can only be a garbage truck. However, a window admits light, provides a view, may be a place to sit, and can also be a solar collector. An attached greenhouse can be a solar collector and storage system, a place to grow seedlings and winter vegetables, the location for a hot tub. A garden or planting boxes, however small—together with a composting bucket—take the place of the smelly garbage can and the noisy garbage truck . . . and, besides processing waste nutrients, provide a source of beauty, food, and flowers and can be the focus of many pleasurable leisure hours.

Urban dwellers tend to become insensitive to the microclimate variations of their habitat in a way that farmers can never afford to do. When you begin to raise some of your own plants, particularly when these plants are to produce food that will sustain you, you become aware of your outdoor living spaces in a new way. How the sunlight and shade move and the winds blow are once again significant. Small, warm, protected areas are cherished. It becomes a challenge to make productive use of cool, shady, or otherwise "waste" spaces. Compost bins and dry-leaf storage areas may fit with the rabbits on the north side. A mat for sunbathing can share a wind-break in the corner of a sunny balcony with containers of tomatoes. Because of the small scale involved, you will discover a great many ingenious methods for modifying temperature, humidity, and wind that would require far too much labor and too many materials for the farmer.

With the physical variables of light, space, and climate attended to, the more subjective considerations must come into play as one plans a food-raising program. A key element is *time*, one of the most limiting constraints for an urban person.

One of the ideas behind the integral urban house is that food production, organic-waste management, and energy and resource conservation are all easier, less time-consuming, and more attractive than in a traditional home where these systems are not designed into the flow of daily life. Since we are assuming that the residents will be following more or less urban lifestyles, it is taken for granted that they will be earning all or the major portion of their cash income outside the home. The challenge of incorporating some home-scale food production into the normal work schedule is one we think can be met by overall design and planning of the systems and the adoption or invention of time-saving techniques.

A great time-saver in the garden is the planting of seedlings rather than seeds outdoors. Traditionally, certain vegetables have been considered difficult to transplant: beans, carrots, beets, and peas, for example. However, if these vegetables are raised indoors in containers open at both ends, the transplanting shock will be minimal, since the roots hardly need be disturbed at all. We have successfully transplanted all the common garden vegetables after raising them indoors in the manner recommended. However, some plants, such as corn and carrots, are best started outdoors simply because of the numbers of plants that are normally used. Seeds that are planted in the ground directly can be soaked overnight first to speed germination. If the seeds are tiny, as with carrots, they may be mixed with sand for easy, even sowing.

Another important time-saver is keeping the ground covered with a thick mulch of organic materials to whatever extent you can. Mulch keeps down weeds and, by maintaining a friable ground surface, makes it easy to pull out those that might get a root hold. Mulch can be of many materials, both organic and inorganic. Best are those that will gradually decompose and provide plant nutrients . . . hay and straw (although these may have much grass seed in them), dried leaves, and—most important—compost.

Sawdust makes an excellent mulch in pathways where no plant growth is desired. Because of its high carbon content, nitrogen will be taken from the top inches of the soil by the decomposer organisms where sawdust is placed, retarding weed growth . . . thus the sawdust acts as a natural herbicide. However, sawdust should not be used as a mulch on the beds close to the shallow-rooted plants unless it has been composted first, because there the decomposer bacteria will rob the plants of the nitrogen they need.

When summer irrigation is necessary, designing your system to reduce hand watering is another important time-saving strategy. Where overhead watering is preferred, this can be handled by setting up sprinklers on timers to cover the entire area—at regular intervals—for the period necessary to deliver the amount of water needed. Plants in containers can be linked up to a drip-watering system, which also can be attached to a timer and fully automated, saving both time and water.

Another time-saver for mild-winter areas is letting certain vegetables seed themselves in. The many seedlings that pop up in the spring can then be thinned out as if they were weeds. At the Berkeley house we have done this with *nonhybrid* carrots, parsley, coriander, upland cress, New Zealand spinach, chard, onions, fava, beans, and leeks. The seeds blow about (lettuce), or the plant topples over (chard, leeks), and eventually seedlings emerge wherever the seeds landed on the mulch. These can then be transplanted or used for food to thin them out. "Nonhybrid" is stressed here because hybrid plants produce seeds with the various characteristics of their mixed parentage, and thus may not result in the kind of plant you desire.

A caution about methods that save time: You may find that environmentally safe techniques take more time than those in vogue in the larger society. Managing wildlife by nonpesticide means is a perfect example. One of the appeals of pesticides is that they appear, at least at first, to take care of things quickly. Any method substituted will probably take more time and attention in the short run. Eventually, however, by establishing a better balance of natural controls in the garden, nonpesticide methods may reduce the overall time that needs to be spent in pest management.

At the integral urban house there are several pathways for the utilization of waste products. The organic leftovers from growing, preparing, and consuming human food may go into the waterless toilet to provide additional carbonaceous material, as well as promote superior aeration, for the process of decomposing the human fecal wastes. Or, it may be stored in sawdust or crushed dry leaves until it is combined with other materials in a batch in the compost bins. In either case the end product, compost, ultimately goes to the garden. Here food is raised, not only for human consumption but for small stock—chickens and rabbits—as well. However, where there is a choice, kitchen and garden scraps are a better source of animal feed, since this pathway conserves more energy and nitrogen. Where chickens are on the ground or raised in wire cages above the ground, organic kitchen wastes may be fed to them directly, and garden wastes (weeds, tough outer portions of garden vegetables, prunings from ornamental plants) may be fed to the rabbits. Additional food from commercial sources is imported: alfalfa for the rabbits and grains for the chickens. Insects, principally flies, may be trapped or raised on wastes and also fed to the chickens. The manure from the animals is then used in the compost, which helps to grow the plants or, in the case of rabbit manure, may go directly to the soil around the plants as a fine, well-balanced fertilizer.

The principal reasons for raising small stock are to obtain high-quality protein for human consumption in the form of meat and eggs, and manure to use in composting and ultimately in the garden as fertilizer, as well as for pleasure or recreation. Additional benefits are obtaining rabbit pelts or wool (the latter from the Angora breed), and the satisfaction of knowing that the meat you eat is relatively free of the pesticides and hormones frequently used in commercial livestock production.

Under some circumstances, the cost of producing these products compares favorably with their prices in the store. In any case, both chickens and rabbits—but chickens particularly—can recycle the family organic waste effectively.

A common response of many novices to the art of small-stock raising is, "But they're so cute, I could never bear to kill them." Perhaps. We refer to this as the "Bambi syndrome". It results from the fact that urban children grow up unaware of what it takes for life to survive:

They are exposed to countless sentimental stories of anthropomorphized, "cute" little animals, and their limited experience leads them to believe that meat and eggs originate in the store in sanitary-looking plastic containers.

In fact, through a simple demonstration of how quick, painless, and aesthetically acceptable the butchering of these animals is when done properly, we have, between us, taught hundreds of meat-eating people to do an adequate job of it and find satisfaction in accomplishing the task. Our feeling is that, if you do eat meat, confronting directly the fact that someone must butcher it might be desirable. Rather than confining someone to a slaughterhouse for eight hours a day as an occupation, you might better handle the job yourself.

Both chickens and rabbits need an area that can be protected from dogs, teasing children, rain, winter winds and snow, and the heat of the summer sun. They must be located where the cackles of chickens or an occasional whiff of rabbit urine will not send the neighbors to telephone the police. Some cities have ordinances specifying the distance animals must be from the property line, others will not permit more than a specified number of certain animals, and a few forbid the raising of stock altogether. In any case, the unwritten law seems to be: Don't annoy the neighbors.

Most municipal ordinances restricting livestock were made to protect urbanites from the smell, noise, flies, and general nuisance-causing behavior associated with farm animals that are managed in the city as if they were still on the farm. Systems must be constructed that allow small livestock to be raised compatibly with urban sensibilities. This requires some special technology . . . but first, adequate space must be made available for the job.

The amount of *time* the various animal systems will take depends on several factors: how large or small the systems are, how well-designed and automated you make them, how experienced you are in working with the animals, and how leisurely or efficiently you approach the process. Naturally, putting the system together will take more time than managing it when it is running . . . and the more you learn, the easier and quicker it becomes.

If you are determined to raise fish in your urban back yard, some degree of intensiveness will be required to increase per area productivity to the point where it can make a significant contribution to the family's diet. The rewards are likely to be educational, symbolic, and gustatory rather than economic. However, if water from the pond is used in the garden, the fertilizer equivalent of the nutrients supplied should be considered as an additional benefit. Since it will probably cost at least \$100 to construct a 100-square-foot pond and several hundred dollars more to build a pump and filter system, the initial costs are high . . . and if you can produce more than 25 pounds of fish a year from such a pond, you will be in the forefront of America's backyard aquaculture innovators.

By the use of technological means of aeration, waste removal, and temperature control it is possible to reach truly phenomenal productivities, exceeding a pound of fish per cubic foot of water per year . . . but these techniques are extremely energy-intensive, and the cost of electricity keeps going up.

It is probably the course of wisdom for the backyard aquaculturalist to use artificial supports only to promote growth, not to sustain life. This means settling for a moderate degree of intensity and a moderate level of production. Wind- or solar-powered support systems are adequate for this level of intensity. Fish under conditions too severe to allow growth may survive for extended periods of time if they are not too crowded. In such intermittent situations a pond will fluctuate between maintenance and growth.

The aquaculture system in the southwest corner of the Integral Urban House garden employs a unique device, called the Savonius Rotor, to prevent our pond from becoming stagnant and eutrophic. The rotor takes its name from J. Savonius, a Finnish engineer who studied the aerodynamic properties of S-shaped vertical (upright) axis turbines. [EDITOR'S NOTE: See MOTHER NO. 26, page 78 and No. 27, page 39.]

The Savonius can catch winds from any direction, and a gust of seven to eight miles per hour will start the machine moving. With linkage improvised from scrap metal and spare parts, we converted the rotational force to vertical strokes which activate a homemade diaphragm pump submerged in the pond.

The pump raises water to a biological filtration unit which is housed in a steel drum, the top of which is five feet above the surface of the water. Primary filtration of large particles is achieved by a felt bag located on top of the drum, and secondary filtration consists of a bed of crushed oyster shells that fills the drum. The toxic ammonia and growth-inhibiting hormones excreted by the fish are removed by bacteria lodged in the oyster shell bed of the filter. Filtered water passes through a faucet aerator to restore oxygen to the pond to complete the cycle.

We have estimated that in a 15-mile-per-hour wind, the Savonius can cycle 1.5 gallons of water per minute through the filter. Though seemingly not a great amount of pumping power, eight hours of pumping will circulate nearly 750 gallons of water, or one-third of the pond's volume, which is our optimum design consideration.

Beekeeping is one of those hobbies that can be self-supporting, at least to the degree that the household consumes home-produced honey instead of granulated cane or beet sugar bought at the store. Keeping hives in some metropolitan regions can be even more productive than in some rural locations . . . because city people often maintain ornamental plants that bloom more frequently than farm crops, and thus provide nectar and pollen for a larger portion of the year.

The great importance of bees in pollinating crops is rarely understood by city dwellers, whose primary reaction to these insects is often fear of being stung. A number of cities have restrictive ordinances against beekeeping primarily to protect citizens from being stung. But the fact is, less than 1% of the population has an allergic reaction to insect stings. For people who do have extreme reactions, the best policy to follow is individual desensitization, a successful procedure available through allergy clinics and doctors who specialize in treating allergies. For the vast majority of people, the likelihood of being stung is slight, and the fear of the possibility is all out of proportion to the consequences.

In spite of occasional prohibitory ordinances, many people do keep bees in urban and suburban areas. These beekeepers quickly learn to make their hives inconspicuous by keeping them hidden or painting them unobtrusive colors. Gifts of honey or beeswax candles may help to make neighbors friendly, as gifts of fresh eggs may do in regard to raising chickens. When a town near us reviewed its laws prohibiting beekeeping recently, some 30 residents who were already keeping hives appeared before the city council and had all the legal constraints repealed.

At the Berkeley Integral Urban House, preliminary experiments showed that fish would eat dead bees. To make this fact useful, a beehive was mounted over a pond so that when bees died they fell into the water and thus became a supplementary protein source for the animals within. This arrangement takes advantage of the normal process of bees dying. A strong hive of sixty thousand bees will have an average daily mortality rate of 1.5 percent during the periods of peak activity. This means that as many as a thousand bees per day can die in heavy honey-flow periods in the spring. This bee-fish combination exemplifies the integration principle by which systems that may be net losers from an energy, labor, or economic point of view can—when combined—provide a net gain.

4
RECEIVED

MAY 27 2014

City of El Cerrito
City Clerk

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

April 26, 2014

Re: 1715 Elm Street – Multifamily Development Project

We own the duplex at 1721/1723 Elm Street in El Cerrito, and wish to voice our objection, to the building plans for the neighboring Multifamily Development Project at 1715 Elm Street.

We object to the construction of a three story building on Elm Street, between Blake Street and Cutting Blvd, where homes are small, one story dwellings, none higher than two stories, because we feel that erecting such a large building would be detrimental to the character and environment of our neighborhood.

The building plan is three stories (43 feet high) and entirely adjacent to the north property line, only 10 feet from our fence. This means that it will block out light and air, add noise and pollution, and invade privacy to our one story duplex.

The current plan has 15 parking spaces, instead of 21 spaces, thus parking will be a problem, because if each unit has more than one car, 15 or more cars will compete for street parking.

Also, the density of living space will exceed the norm, and the building will be setback just 6 feet from the existing creek on the property, where 30 feet is the norm, and will end up polluting the surrounding area.

At public hearings held by the planning commission, every property owner in the neighborhood objected to this Multifamily Development Project, and we hereby state our objection, at this public hearing, by providing this letter to members of the city council.

Very truly yours,

Dan & Henia Pines
1715 Elm Street
El Cerrito, CA 94530

RECEIVED

MAY 27 2014

City of El Cerrito
City Clerk

El Cerrito City Council
10890 San Pablo Ave.
El Cerrito, CA 94530

May 26, 2014

Over the years, thoughtful and well-intentioned people in El Cerrito have put into place certain restrictions on building height, density of living space, and encroachments of creeks. These have been codified as city ordinances and plans, which serve to maintain certain quality-of-community standards so El Cerrito and its special features (natural and historic) aren't degraded by capricious expediencies.

The proposed Multifamily Development Project for 1715 Elm Street -- rife with requested variances and amendments -- runs counter to these community standards. The planned building height is too tall; the density too dense; the creek setback unbelievably inadequate (thirty feet is thirty feet for a reason!).

I don't live anywhere near this condominium building project, but I know my community, and I know what kind of high standards it strives to maintain...by its ordinances and General Plan, by the democratic voice of its residents. To subvert these -- and to shunt one of the few historic buildings in this city to some back corner of the lot -- will bring the El Cerrito community perilously close to having "no here here."

While I support transit oriented development, its priorities should be to infill locations closer to BART and San Pablo Avenue -- not create a monstrous island of excessive development which is completely out-of-line with the surrounding neighborhood.

I respectfully submit that the Planned Development Use Permit for 1715 Elm Street is a serious error.

Jennifer C. Hammer
Ashbury Avenue
El Cerrito, CA 94530

RECEIVED

MAY 27 2014

City of El Cerrito
City Clerk

Public Hearing May 21, 2014

1715 Elm Street Multifamily Development Project

All that I know about the plans for the Rodini property comes from reading the West County Times. This is what I remember. I read that the set back from the creek (I later learned it was a natural creek) required a variance from rules already in place, that the building would be taller than any other on the street and far taller than the single story structures that surround it on 3 sides, and that shadows would fall on the neighboring structures. Fifteen housing units on this small parcel seems too dense to me. Were there some variances on parking spaces, too? Then I read the quote that said El Cerrito needs housing. I had a visceral reaction. Yes, we need housing, but at what cost? Encroaching a natural creek, blocking the sun, creating high density—the cost is too high!

The city has made many commitments to be green. Among them: this building we are in, the up-to-date recycling center, new rain drains along San Pablo Avenue, and plans to purchase the Madera property to add to the Hillside Natural Area. El Cerrito residents share that vision in many ways, too, not the least of which is the Friends of Five of Creeks who work to protect these green treasures.

In making so many exceptions to the rules specifically for this building project, you are not reflecting the philosophy of this city or its citizens. We needed housing when the rules and regulations were approved, so what has changed that compels you to overrule them? I am not a member of 5 Creeks or a neighbor on Elm St. I am not a member of the appeal group. I am just resident of El Cerrito for over 40 years who read about the proposed building on Elm Street and thought something is out of whack! I love my city's logo—a hill and a tree. I loved walking by the Rodini house on my way to Bart imagining what El Cerrito was like 100 years ago and I realize it can't stay like that for another 100 years. For what that space will be 100 years from now, I want it to reflect the green vision the city has today.

Mary D. Ghidella

Potrero Ave
EC

Mary D. Ghidella
Potrero Avenue
El Cerrito, CA 94530

RECEIVED 7

MAY 27 2014

Cheryl Morse

From: annemcclellan@verizon.net
Sent: Tuesday, May 27, 2014 9:56 AM
To: Cheryl Morse
Subject: 1715 Elm St Development

City of El Cerrito
City Clerk

I am opposed to this development because I feel that the proposed height of 42 feet and the density of the development is out of place in the neighborhood and will affect the neighborhood adversely.

(The REAL density of living space is 73.6du/cu when calculated based on a building footprint that is roughly half of the site size.)

Anne McLellan

510 2332

Cheryl Morse

From: Ernestine <hotdb8momma@aol.com>
Sent: Tuesday, May 27, 2014 10:58 AM
To: Cheryl Morse
Subject: Elm Street Project

RECEIVED

MAY 27 2014

CITY OF EL CERRITO
CITY MANAGER'S OFFICE
City Clerk

Dear Cheryl,

I am opposed to this project for several reasons, it is too large and dense for that small space, there are not enough parking spaces provided per unit and that will impact street parking, and special treatment by EC to over look variances given to this developer.

Sincerely,
Ernestine Warren

Sent from my iPad

RECEIVED

MAY 27 2014

City of El Cerrito
City Clerk

Attention El Cerrito City Counsel Members:

PLEASE SAVE THE RONDONI HOUSE AND PROPERTY AT
1715 ELM STREET

My name is Jim McKissock, my wife, Kathy and I have lived in the same El Cerrito neighborhood for 44 years. I am 70 years old, I grew up in neighboring Richmond Annex and I can remember the old El Cerrito City Center in the late 1940's, which was only about two blocks long near the county line. We regularly visited this area and in those days El Cerrito remained largely undeveloped with a rural feel. Many signs of the old turn of the century town of Rust still remained at that time.

The single last relic from that period is the Rondoni House and property at 1715 Elm Street. It is the third oldest house in present day El Cerrito and unquestionably deserves preservation!

I have been watching this property for decades, long before the current buyer/developer acquired it. This property has always screamed out for preservation and would be the ideal home for the long wished for El Cerrito Historical Museum, Environmental Center, meeting rooms and a Heritage garden and fully restored wetland creek and farm pond.

Tragically the current buyer removed the old orchard and the old irreplaceable wire fencing that gave the property it's real turn of the century character and aspect. The removal was done even after these items had been identified during a survey of the property, as being significant historical elements of the property in December 2013. The survey concluded that this property "as is" qualified for registered historical certification.

The proposed project of 14 units on less than ¼ acre of land is completely out of context with the surrounding neighborhood and the neighborhood is overwhelmingly in opposition to this project which was conceived during the real estate bubble and has lingered in limbo ever since the bubble burst. It is hard to see how this project could ever pencil out. I understand that the developer claims the project requires this high density to be financially viable. What happens if turns out that people don't want to live with the overpriced rent and in the over crowded conditions that are built into this project?

We cannot believe that a responsible bank or group of intelligent investors would ever finance this "bubble baby" in the current financial environment.

Please Save the Rondoni House...vote with the People of El Cerrito.

Thank you,

Jim and Kathy McKissock

3 Richmond Street, El Cerrito, CA

Jim McKissock 5-26-14

Cheryl Morse

From: Keystone Montessori <info@keystonemontessori.org>
Sent: Tuesday, May 27, 2014 1:05 PM
To: Cheryl Morse
Subject: Keystone Statement for City Clerk
Attachments: img231.jpg; img232.jpg

Hi Cheryl,

Here is a statement to the City Clerk to be included in the packet for the June 2 meeting from Keystone Montessori School. Thank you!

Sheri Hsu
Administrative Assistant
Keystone Montessori School
6639 Blake Street
El Cerrito, CA 94530
Office: 510-236-7479
www.keystonemontessori.org

RECEIVED

MAY 27 2014

City of El Cerrito

--PLEASE INCLUDE IN THE CITY COUNCIL MEMBERS' PACKETS FOR THE JUNE 2, 2014 CITY COUNCIL MEETING / 1715 ELM STREET APPEAL HEARING--

We, the owners and staff of Keystone Montessori School at 6639 Blake Street have signed below to state that we are STRONGLY OPPOSED to the 1715 Elm Street Condominium Project which would border our school because:

- a) The project is an oversized development of 14 units, which exceeds El Cerrito's density standards and is insensitive to the zoning transitions of El Cerrito's General Plan.
- b) The project is 42 feet in height (three stories), which is almost twice as high as the highest existing structures on the block and would severely diminish the visual quality, livability and human scale of the street.
- c) The project would endanger the creek that runs through the property. El Cerrito ordinances currently require a 30-ft setback while the project only allows 4-6 feet.
- d) The project lacks a requirement of DAILY MONITORING OF TOXIC EMISSIONS, which will endanger the health of the 60+ children, ages 18 months to 6 years, whose growing bodies make them more sensitive to toxic substances. The project, as proposed, should not go forward due to the potential health risks presented to children, which, in turn, presents a liability risk for the City of El Cerrito.

RESPECTFULLY SUBMITTED BY:

Linda Shehabi, Owner, representing the full-time staff members at our school:

Linda Shehabi 05-27-14

	Printed Name	Title	Signature	Date
1	CLAUDIA CHIRINOS	Head Teacher	<i>[Signature]</i>	
2	Erika Flores	Assistant teacher	<i>[Signature]</i>	05-27-14
3	Norma Gutierrez	ASSISTANT teacher	<i>[Signature]</i>	5-27-14
4	Edna Herrin	Teacher	<i>[Signature]</i>	5/27/14
5	Juanardecupul	Assistant teacher	<i>[Signature]</i>	5-27-14
6	Joseph [unclear]	Teacher	<i>[Signature]</i>	5/27/14
7	Ther [unclear]	Assist. teacher	<i>[Signature]</i>	
8	Alma Landeros	Teacher Aide	<i>[Signature]</i>	5/27/14

	printed name	title	signature	date
9	Dawn Nash	Teacher	Dawn Nash	5-27-11
10	Li Chun Ning	Assistant teacher	Li Chun Ning	5-27-11
11	Sofia Vargas	Assistant teacher	Sofia Vargas	5-27-11
12	Sheri Hsu	Administrative Assistant	Sheri Hsu	5-27-11
13	Windy Lui	Operations Manager	Windy Lui	5-27-11
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MAY 27 2014

City of El Cerrito
City Clerk

May 27, 2014

Dear Mayor Abelson, City Council Members and City Staff,

As one of the authors of the appeal being considered regarding the use permit for the proposed development at 1715 Elm (approved by the Planning Commission on April 16th), I have already formally presented arguments against the project. I would like to take this opportunity to reiterate some key points and present further personal views that were not part of the formal appeal.

I urge you to vote in favor of the appeal, overturning the Planning Commission approval of the use permit for the proposed development at 1715 Elm. This vote should not be considered a vote against infill projects, increased housing density or transit oriented development (TOD), which are clearly high priorities of the city. Voting to deny the development, as proposed, should instead be considered a vote *for maintaining the high standards for appropriately sited infill/density/TOD projects* that fit the stated planning framework of the City without numerous variances. Such developments must be evaluated in a context sensitive manner and uphold all the values of our community, including harmonious transition to areas of different zoning designation. Do not disregard the standards that have been thoughtfully established by yourselves and previous Councils. Please demonstrate the courage to say no in this particular case and embrace the visionary high standards that have been established to assure a better community outcome for the future of El Cerrito.

Development decisions have profound lasting impacts, most often 50-100 years into the future. It is imperative to give detailed attention to ensuring the best outcome possible, and not just settling for "good enough" because it is expedient.

The severe creek setback variance (to less than 4-6 feet from the bank, rather than the intended 30 feet) is an unacceptable compromise of the strong environmental leadership embodied in the El Cerrito Creek ordinance. (please refer to Creek Protection Overlay District 19.12.010 Purpose - copied below for your reference). It is disingenuous to portray this excessive erosion of our creek standard as "protecting" or "saving" the creek; it will only diminish the potential to restore this rare natural resource, and it is a serious violation of the strong environmental standards of El Cerrito, as well as higher state authorities regarding the modern stewardship of creeks. It is worth noting that protection of "sensitive environmental areas and features, including" "creeks" is also called out in the Residential Zoning Ordinance, 19.06.010.D and the Joint Watershed Goals Statement. Goal F of the recent city Strategic Plan calls for fostering environmental sustainability citywide by being a leader in setting policies and providing innovative programs that promote environmental sustainability. The bottom line is that our creek policies as laid out in City documents, point toward restorative efforts and increased creek habitat potential, rejecting the sins of the past that have severely diminished our creeks over the past 80 years. I believe at least two of the current council members voted for the adoption of the Creek overlay district. That visionary policy was intended for situations

just like this where the values of maintaining a rare creek resource outweigh the value of development, and I hope you will vote to maintain that ideal.

While the plan does not propose to demolish the historic 1897 house, diminishing it in the back corner of the lot with excessively tight setbacks, dwarfed under a towering, massive new development, is not consistent with respecting the unique historic resource of this home and the tantalizing hint at El Cerrito's bucolic past that it represents, as it presently stands. It deserves a much better outcome, and despite the efforts to mimic some architectural details of the historic roofline in the new proposed structure, there is nothing complementary about the design. The scale is simply too imposing to work with the historic building and character of the site.

This property is in the RM (multi-family residential) zone which invites density levels of 21-35 units per acre. However it is on the border of RD (duplex residential) with 11-20 units per acre zoning. The neighboring RD zone is quite small with modest sized buildings and the adjoining RS (single family) zone dominates the character of the neighborhood in the area east of Elm St. The specification of a density range in these zoning districts supports the intention of context sensitive judgments of the feasible density for a particular project and site, and not an unquestioning acceptance of maximum density, or beyond. Just as is being proposed in the San Pablo Specific plan, it is essential to taper the transition between zones, not build up to the maximum right up to a border and carve out exceptions that are out of place on the border transition zones.

It should be a standard consideration to place higher scrutiny on a development proposing maximum, or beyond maximum density, on the boundary of a zoning district. The goals of managing an orderly and harmonious density transition suggest that the minimum density for a particular zone, should be considered in the context of the maximum density of the neighboring zone when evaluating boundary lots. On the consideration of the boundary location alone, the density of this property should be closer to 20 units/acre, and certainly even lower when considering both the special accommodations to adequately protect the creek and historic structure. Even if there is going to be a lesser creek setback infringement and less dramatic impacts on the historic structure, there needs to be substantial mitigation measures conducted either on-site or elsewhere to compensate for the detrimental environmental and historically significant impacts proposed by this project.

There are several references to Transit Oriented Development (TOD) in the staff reports about the property. While the site is close to the Del Norte BART station (0.4 miles on foot), it should be clear that it is not in TOM (transit-oriented mixed use zoning) and does not qualify for special conditions associated with that zoning.

While it is appreciated that the issue of shading impacts of the 40+ foot tall building, has been voluntarily included in this process, the shading analysis presented is limited and misleading and is too quick to dismiss the serious consequences of shading on neighboring properties. The home to the north will lose several hours of direct sun on their south windows and roof every day for nearly half the year. In this climate, the

winter season shading caused by this proposed development is a real impact on passive solar heat gain, resulting in diminished thermal comfort and increased heating energy use, costs and carbon emissions for the occupants. Furthermore, the strong shading on the roof makes it not viable to install on-site renewable power generation with photovoltaic solar panels. Both of these compromises of solar energy access diminish the utility of the neighboring home and prevent the opportunity to take measures identified by the City's Climate Action Plan to reduce carbon emissions.

It is disturbing that the justification for some of the variances rest on the unsubstantiated claims by the developer that the project could not be economical at any lower density. It is left to the judgment of council to evaluate the validity of this claim with no supporting evidence. This is not an acceptable way to proceed with such an important decision. Furthermore, it should be plainly obvious to anyone with common sense that there are most likely many alternative scales/scopes of development that would be profitable under the circumstances.

The city has not demonstrated an appropriate defense of the merits of its own strong zoning and creek ordinances, and the developer has been allowed to insist on inappropriate exceptions without concern voiced by the City in public reports. There is no automatic right for a developer to demand the highest, in fact exceed the highest, density when there are rare existing site considerations that are important to the community. The zoning documents include the words "can accommodate" for a reason. Maximum density is not a default, it is conditional.

At their April 16th meeting, the Planning Commission did not satisfactorily deliberate on and justify the merits of the specific variances sought, versus the impacts. Staff did not provide rich, substantiated arguments supporting their recommendation and only presented a viewpoint favorable to the development, no representation was attempted for the concern of the neighbors and the best interests of all the citizens of El Cerrito. Staff should also feel obligated to represent the public and the existing standards in a balanced fashion. For instance, there should be reticence and detailed consideration when recommending four significant variances. Instead, serious potential impacts were waved off as insubstantial on the basis of assertion rather than fact.

In a subsequent Planning Commission Meeting on May 21st, we were able to see the strength of such a deliberative process, when they voted to recommend to Council the denial of the three further titles necessary for this project to proceed. After three meetings of substantial public feedback and the encouragement to conduct a thorough, thoughtful deliberation, the Planning Commission reversed its votes regarding the project. When they really considered all the material before them, and considered this project in the unique context of the existing site conditions, they came to a different conclusion than their earlier, less considered April 16th decision that is the subject of this appeal.

Please use this appeal opportunity to conduct a fresh and thorough review of this project, as the Planning Commission recently did, including a thoughtful and well-reasoned deliberation of both sides, as you present your decision before the people collected at the

June 2nd council meeting. I hope you will find as they did, that you cannot recommend this project in this unique location.

In closing, here is a personal anecdote. After visiting City Hall to discuss the procedure of filing an appeal following the April 16th Planning commission meeting, I rode my bike on the Ohlone path past the tot lot near the Plaza BART station. Three young children were happier playing in the mud of the ditch next to the path rather than with the plastic toys in the play area.



I couldn't help but reflect on the scene and how it related to the issues regarding the 1715 Elm development with which I am concerned. I felt deeply sorry for these children. Not because they weren't happy. They seemed to be having a great time playing in the mud, but rather I felt sorry for them because of everything that has been taken from them without their knowing it. They don't know that there should be miles of vibrant riparian habitat coursing through our city that would be far more delightful and inspiring to experience as a child compared to a muddy ditch below the BART tracks. To further demonstrate the potential to reverse the damaging trajectory of past development blunders that have severely compromised our natural environment, consider the spectacular restoration work that has taken place at the lower end of Canyon Trail park. About ten years ago this creek was a dismal shadow of its former self, concrete lined and choked with algae. Volunteers have transformed this into a vibrant and valuable natural resource that supports many of the last remnants of native plants, frogs and butterflies in



the area. This was not an expensive effort. It simply took the space, care and stewardship to bring back the inherent potential of the place. Any small section of creek, whether it is underground nearby or not, has the potential to transform a space into an exquisite green space supporting wildlife and human life alike.

Thank you for your time and consideration,

A handwritten signature in dark ink, appearing to read 'Howdy Goudey'. The signature is stylized with a large, sweeping 'H' and a long, horizontal stroke extending to the right.

Howdy Goudey
Elm St.
El Cerrito, CA 94530

Relevant City document excerpts for reference:

Creek Protection Overlay District
19.12.010 Purpose.

The City Council finds that public health and safety require creek and watershed management and planning in order to control flood and erosion damages and to preserve natural watercourses as an important public asset that provides environmental, recreational and aesthetic value within the city. A dependence on structural solutions such as creek channelization, culverting and channel riprapping has often been found to result in the loss of property from unanticipated problems associated with their design and can result in serious bank erosion and flooding. Streams managed as close to a natural system as possible without interference from structures, maintain a geomorphic equilibrium or watercourse best suited for carrying stream flows, and carrying and depositing suspended sediment loads. Natural streams have significant benefits in that they filter pollutants and provide wildlife habitat and wildlife corridors. Accordingly, the purposes of the -CP Creek Protection overlay district is to delineate creeks and major drainages and ensure that development or other activities in these sensitive areas achieves the following goals:

- A. Preserves, enhances and restores natural drainage ways as parts of the storm drainage system, minimizing any alterations or structures within the natural stream channel and streambed.
- B. Preserves riparian vegetation and protects wildlife habitat and wildlife corridors along natural drainage ways.
- C. Protect lands adjacent to riparian areas as public or private permanent open space through dedication or easements.
- D. Protects property owners and the public from erosion and flooding.
- E. Increases access to creeks for maintenance purposes and for potential public access to creek-side amenities.
- F. Ensures that projects are consistent with City Council adopted guidelines and resolutions for creek restoration and improvement, including designated creeks as natural corridors with habitat enhancement.
- G. Furtheres the Joint Watershed Goals Statement of restoring creeks by removing culverts, underground pipes, and obstructions to fish and animal migration, and daylighting creeks where they can be enjoyed by people and wildlife.

From the zoning ordinance:

19.06.010 Purpose, The specific purposes of residential districts (including RM) are to:

- A. Preserve, protect, and enhance appropriately located areas for residential land use, consistent with the City's General Plan. Prohibit incompatible uses. Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses.
- D. Protect sensitive environmental areas and features, including hillside areas, creeks, and biological resources; and protect against hazards related to earthquakes, unstable terrain, and wild fires.

Excerpts from the City's Strategic Plan:

Value: Ethics and Integrity

- Keeps the public's interest always in mind
- Has the courage to say no

Goal F: Foster environmental sustainability citywide

Strategies: Be a leader in setting policies and providing innovative programs that promote environmental sustainability.

Joint Watershed Goals Statement

The cities of Albany, Berkeley, El Cerrito and Richmond, and the East Bay Regional Park District, and the University of California, Berkeley, agree to join in partnership to restore the watershed of our joint jurisdiction to a healthy condition. We will cooperate closely to accomplish the following goals:

- Restoring our creeks by removing culverts, underground pipes, and obstructions to fish and animal migration, putting creeks in restore channels up in the sunshine where they can be enjoyed by people and wildlife.
- Restoring creek corridors as natural transportation routes with pedestrian and bicycle paths along creekside greenways; wherever possible using creekside greenways to connect neighborhoods and commercial districts east of the Interstate 80 freeway to the shoreline of the San Francisco Bay and the San Francisco Bay Trail.
- Restoring a healthy freshwater supply to creeks and the bay by eliminating conditions that pollute rainwater as it flows overland to creeks and eliminating conditions that prevent a healthy amount of rainwater from soaking into the ground and replenishing the underground water supplies that nourish creeks.
- Instilling widespread public awareness of the value of developing infrastructure along lines that promote healthier watersheds and watershed oriented open spaces where nature and community life can flourish.

In addition to ongoing general cooperation in the furtherance of these goals, the watershed partners agree to seek out opportunities to jointly apply for grants and jointly undertake planning, construction, educational, and watershed management projects which will be approved on a case by case basis by the respective governing bodies.

The Joint Watershed Goals Statement was passed by the following cities on the following dates:

City of Albany July 17, 1995

City of Berkeley July 25, 1995

City of El Cerrito September 5, 1995

City of Richmond July 31, 1995

Cheryl Morse

From: Michael Charlton <mikecharlton@icloud.com>
Sent: Tuesday, May 27, 2014 3:36 PM
To: Cheryl Morse
Subject: 1715 Elm Street project

To El Cerrito City Council,

I am voicing my objection to the project at 1715 Elm Street. The project is 1) too big for the site, 2) will degrade the creek in that lot, and 3) will diminish and or degrade the historic value of the house in that lot. Further, I believe this could be a valuable location for a historic park, a community garden or learning center.

Thank you for your consideration of this comment.

Mike Charlton
El Cerrito resident

Cheryl Morse

From: lienfah@aol.com
Sent: Tuesday, May 27, 2014 10:37 PM
To: Cheryl Morse
Subject: 1715 Elm Residence in question

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MAY 28 2014

City of El Cerrito
 City Clerk

Ms. Morse:

Here are my comments:

- A request for Gen'l Plan & Dvlpmt. Amend'mts and creating a zoning map amendment is another way of stating, give the developer an "exception to the rules". This can lead to future developers who request amendments.-- WHY go this way!!
- E.C. has city ordinances, standards and plans in place , so WHY not adhere?
 Please listen to the citizens of E.C. who are tax payers and resides in the neighborhood. The proposed height(s) of the dwelling are out of alignment even with the only multi-unit (1749 Elm).
- (Check the history of 1749 Elm Street developer, Mr. Platt and read what criteria he had to follow.)
- Not against building condos/apts, just reduce the number of units, height, re-think the design (roof top--HVAC) and parking configuration.

Lotus Go

MAY 28 2014

City of El Cerrito
City Clerk

May 27, 2014

Dear Mayor Abelson, City Council Members and City Staff,

As you know, the development proposal at 1715 Elm is split into a Use Permit portion (approved by the Planning Commission on April 16th and appealed to Council), as well as three additional titles that were considered separately and are coming before Council with a recommendation from the Planning Commission to deny all three titles. Those titles are the amendment to the zoning in the general plan, designation of a planned development area and the development agreement contract with the developer. I have already formally presented arguments against this project in the process of appealing the use permit; however, I would like to take this opportunity to address the additional three titles and observations at the last three Planning Commission meetings, as I think it is important to consider the process that transpired there.

Independent of how Council votes on the appeal of the use permit, I urge Council to vote down the additional three titles sought by the developer for this project, in accordance with the recommendation by the Planning Commission during their May 21st meeting. Please demonstrate the courage to say no in this particular case and embrace the visionary high standards that have been established to assure a better community outcome for the future of El Cerrito. This vote should not be considered a vote against infill projects, increased housing density or transit oriented development (TOD), which are clearly high priorities of the city. Voting to deny the development, as proposed, should instead be considered a vote *for maintaining the high standards for appropriately sited infill/density/TOD projects* that fit the stated planning framework of the City without numerous significant variances.

It was clearly a difficult decision for some of the Planning Commissioners, given that they do generally support the goals of increased density near our high quality transit corridor; however, they deliberated thoroughly and thoughtfully and came to the conclusion that this was the wrong development in the wrong place. After two previous meetings where, as a member of the public, I was disappointed by the lack of consideration for the context of this particular development and the lack of depth of deliberation, I was exceptionally pleased to observe the detailed level of deliberation regarding all the values of our community in their May 21st decision. The Planning Commissioners seemed particularly concerned about the harmonious transition between areas of different zoning designation. *Tapered density* was a concept that they embraced to provide these transitions, much in the same way that the San Pablo Specific Plan proposes to taper density. The location of this parcel on the boundary of a zone, immediately adjacent to many low density dwellings, made it clear that it was an inappropriate location for this intense development, especially given the unique onsite resources of the historic home and creek that constrain the density potential for this site. The zoning documents include the words "can accommodate" for a reason. Maximum density is not a default, it is conditional.

Development decisions have profound lasting impacts, most often 50-100 years into the future, some irreversible. It is imperative to give detailed attention to ensuring the best outcome possible, and not just settling for "good enough" because it is expedient. The Planning Commission weighed this long range impact and concluded that the unique attributes of the existing site were too important to the community to lose.

The severe creek setback variance (to less than 4-6 feet from the bank, rather than the intended 30 feet) was another area of extreme concern for some of the members of the Planning Commission. El Cerrito has established strong environmental leadership by enacting the El Cerrito Creek Overlay District 19.12.010. It was emphasized that our creek policies, as laid out in City documents, point toward restorative efforts and increased creek habitat potential, rejecting the sins of the past that have severely diminished our creeks over the past 80 years. At least two of the current council members were on Council and voted for the adoption of the Creek overlay district at that time. That visionary policy was intended for situations just like this where the values of maintaining a rare creek resource outweigh the value of development, and I hope Council continues to vote to maintain that ideal.

While the plan does not propose to demolish the historic 1897 house, diminishing it in the back corner of the lot with excessively tight setbacks, dwarfed under a towering, massive new development, is not consistent with respecting the unique historic resource of this home and the tantalizing hint at El Cerrito's bucolic past that it represents, as it presently stands. It deserves a much better outcome, and despite the efforts to mimic some architectural details of the historic roofline in the new proposed structure, there is nothing complementary about the design. The scale is simply too imposing to work with the historic building and character of the site.

Many of the terms proposed by the developer do not indicate a good faith effort to participate in fulfilling the best outcome for the El Cerrito community. I was shocked to learn that the development agreement would be in place for ten years rather than the typical 2 years. Even those fully in favor of the project should reject it solely on that condition, which opens our community to the risk that the property remains under-utilized and under-maintained for another ten years. The justification for some of the variances rest on the developer's unsubstantiated claims that the project could not be economical at any lower density. It is left to the judgment of council to evaluate the validity of this claim with no supporting evidence. This is not an acceptable way to proceed with such an important decision. Furthermore, it should be plainly obvious to anyone with common sense that there are most likely many alternative scales/scopes of development that would be profitable under the circumstances, and even more obvious that the highest and best use of a unique historic and environmental resource is no further development at all, but rather a public community resource like a park, museum, etc.

At their April 16th meeting, the Planning Commission did not satisfactorily deliberate on and justify the merits of the specific variances sought, versus the impacts, when approving the Use Permit for 1715 Elm. During the May 21st Planning Commission Meeting, we were finally able to see the strength of a thoughtful, deliberative process,

when they voted to recommend to Council the denial of the three further titles necessary for this project to proceed. After three meetings of substantial public feedback and the encouragement to conduct a thorough, thoughtful deliberation, the Planning Commission reversed its votes regarding the project. When they really considered all the material before them, and considered this project in the unique context of the existing site conditions, they came to a different conclusion than their earlier, less considered April 16th decision that resulted in an appeal to Council.

Please heed the recommendation of the Planning Council against granting the three titles sought for the 1715 Elm project. I believe that if you conduct a fresh and thorough review of this project, as the Planning Commission recently did, including a thoughtful and well-reasoned deliberation of both sides, as you present your decision before the people collected at the June 2nd council meeting, you will find, as they did, that you cannot recommend this project in this unique location.

One last observation at the May 21st Planning Commission meeting is relevant to our discussion. The agenda item that preceded the 1715 Elm project was a particularly poignant juxtaposition. That project, though admittedly much smaller, was presented by the owner to bring a non-compliant existing duplex into full compliance with a modest expansion and remodel that required no variances. It was thoughtfully designed to be true to the style of the original structure and the neighborhood. When public comment was called, two neighbors spoke in support of the project. They clearly had a very good relationship with the neighbor proposing the development. Compared to the 20+ neighbors who have spoken against the development at 1715 Elm, this observation of the routine business of the Planning Commission spoke to me as the way El Cerrito should strive to direct all development projects with thoughtful guidance. I know it is naive to suggest that it is possible to avoid all conflict over development, but thoughtful projects that work mostly within the planning guidelines and engage and garner support from neighbors, should be the norm in our community, and observing this other project I realized that it probably is typically the norm. It is just the disproportionate scope and lack of sensitivity to context of the 1715 Elm project that makes it such a magnet for opposition, because it is the wrong path for El Cerrito.

Thank you for your time and consideration,



Howdy Goudey

Elm St.

El Cerrito, CA 94530

Cheryl Morse**RECEIVED**

From: Robert Vallejo <bobv1947@me.com>
Sent: Wednesday, May 28, 2014 2:59 PM
To: Cheryl Morse
Subject: 1715 Elm St Project

MAY 28 2014
City of El Cerrito
City Clerk

Hi Cheryl Morse

Please include my wife Laverne Vallejo and myself Robert Vallejo as opponents to the proposed 14 unit structure that is being proposed for construction at 1715 Elm. street El Cerrito. We pass by this area several times a day and consider the proposal inappropriate for the neighborhood in many ways. Objections include the comparative height of the building to the existing neighbors, the shadowing of the adjacent school that is a good for El Cerrito, and the high density use of the building that does not include sufficient parking for tenants or traffic control in that area.

This whole proposal (as is) does not fit in with the community of El Cerrito and I am against a variant to existing land use or zoning laws and regulations for this lot that would only benefit a wealthy developer! - Robert Vallejo o Cutting Blvd., El Cerrito.