



AGENDA

SPECIAL CITY COUNCIL MEETING
Monday, September 22, 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 – *Formal Color Guard Ceremony led by Boy Scouts, Troop 104.*

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

A. Proclamation Commemorating the Boy Scouts 75th Anniversary – *Presentation by Leonard Bjeldanes, Ph.D, Assistant Scoutmaster, Troop 104.*

Approve a proclamation proclaiming the week of September 21-27, 2014 as “Scout Week,” in the City of El Cerrito and declaring September 22, 2014 in particular as “Scout Government Day” in the City of El Cerrito in recognition of Troop 104’s 75th anniversary and in support of greater youth involvement in community and civic affairs.

B. Falls Prevention Awareness Week Proclamation – *Proclamation to be received by Alayne Balke, Manager, Fall Prevention Program.*

Approve a proclamation declaring the week of September 21-27, 2014 as “Fall Prevention Awareness Week,” in the City of El Cerrito, and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

C. West Contra Costa Unified School District Update on the Status of the El Cerrito High School Stadium – *Presentation by Magdy Abdalla, District Engineering Officer.*

Receive a presentation from representatives of the West Contra Costa Unified School District on the status of El Cerrito High School Stadium project.

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5F

A. Minutes for Approval

Approve the August 19, 2014 regular City Council meeting minutes.

B. October is Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring the month of October 2014 as Domestic Violence Awareness Month in the City of El Cerrito and urging all residents to actively participate in the efforts to end violence in our homes, in our schools, and in our communities.

C. October is National Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2014 as Arts and Humanities Month in the City of El Cerrito and encouraging all members of the community to celebrate and promote the arts and culture in the Nation and encouraging community members to participate, patronize and support the arts and humanities in El Cerrito.

D. Biennial Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2012–77.

E. Consent to Withdrawal and Substitution of General Partner and Limited Partner of Idaho Apartments Associates, LP

Adopt a resolution consenting to the withdrawal and substitution of the general partner and the limited partner of Idaho Apartments Associates and authorizing the City Manager to execute documents necessary to indicate the City’s consent. Idaho Apartments is located at 10203 San Pablo Avenue.

F. Quarterly Investment Report

Receive and file the City’s Quarterly Investment Report for the period ending June 30, 2014.

6. PUBLIC HEARINGS

A. Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

B. San Pablo Avenue Specific Plan and Environmental Impact Report Certification

1. Conduct a public hearing and upon conclusion take the following actions related to the San Pablo Avenue Specific Plan:

- a. Adopt a resolution certifying the Environmental Impact Report and approving the Mitigation Monitoring and Reporting Program;
- b. Adopt a resolution amending the General Plan, to assure consistency between the Specific Plan and General Plan;
- c. Adopt a resolution approving the San Pablo Avenue Specific Plan;
- d. Introduce by title, waive any further reading and approve an ordinance revising the Zoning Map to incorporate the San Pablo Avenue Specific Plan regulations; and
- e. Introduce by title, waive any further reading and approve an ordinance revising the Municipal Code to incorporate the San Pablo Avenue Specific Plan regulations. *Subject to CEQA*

2. San Pablo Avenue Specific Plan Fees

Conduct a public hearing and upon conclusion, adopt a resolution amending the City's Master Fee Schedule to add new Planning Fees and a Plan Maintenance Fee related to implementation of the San Pablo Avenue Specific Plan. *Exempt from CEQA*

3. Interim Adoption of San Pablo Avenue Specific Plan Fees as an Urgency Measure

Conduct a public hearing and upon conclusion, adopt an urgency resolution enacting the San Pablo Avenue Specific Plan Planning fees on an interim basis for a period not to exceed 30 days. *Exempt from CEQA*

7. POLICY MATTERS

CITY COUNCIL ACTING AS EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY

A. Review and Authorization to Submit the Draft Recognized Obligations Payment Schedule 14-15B (January – June 2015)

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 14–15B covering the period January to June 2015.

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 in memory of Emery Weed, former El Cerrito Swim Center Pool Manager and Senior Lifeguard/Instructor.

The next City Council meeting is Tuesday, October 7, 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 PROCLAMATION
Celebrating the 75th Anniversary of Boy Scouts Troop 104 in El Cerrito***

WHEREAS, continuously chartered since 1939, Troop 104 Boy Scouts in El Cerrito is celebrating its 75th anniversary; and

WHEREAS, in recognition of the contributions the Boy Scouts of Troop 104 and Pack 104 have made to the City of El Cerrito and to the betterment of youths, it is the desire of the City Council to proclaim Scout Week in the City of El Cerrito; and

WHEREAS, El Cerrito Boy Scouts and Cub Scouts routinely conduct community service in El Cerrito, from trail and graffiti cleanup to maintenance, annual set up and shepherding the Sundar Shadi Holiday Display; and

WHEREAS, the efforts of the Boy Scouts, in particular the more than one hundred projects overseen by Eagle Scouts from Troop 104 to address overlooked or neglected needs of the community including environmental necessities. Examples through the years include “No Dumping, Drain to Bay” placards on many storm drains in El Cerrito, Hillside Natural Area Nature Trail stairs, benches and nature guide, retaining walls and benches at Tassajara Park, trail signs at Canyon Trail Park, handrails and the court facility at Huber Park, planter boxes at Madera Elementary School and the bleachers at El Cerrito Vista Park that were originally constructed by scouts and rebuilt again in Spring 2014; and

WHEREAS, participation and support for Scout Government activities is essential in promoting greater youth involvement in community and civic affairs, and provide the opportunity for youths to gain firsthand, practical experience in the functions of local government; and

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the week of September 21-27, 2014 as “Scout Week,” in the City of El Cerrito and September 22, 2014 is declared “Scout Government Day” in the City of El Cerrito in recognition of Troop 104’s 75th anniversary and in support of greater youth involvement in community and civic affairs.

Dated: September 22, 2014

Janet Abelson, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Falls Prevention Awareness Week, September 21 – 27, 2014

WHEREAS, nearly 154,000 people, or 14 percent of Contra Costa County's 1,094,000 population are age 60 or older and each year nationally, one in every three adults age 65 and older falls. Falls are the leading cause of injury death among seniors; every 35 minutes, an older adult dies from a fall; and

WHEREAS, falls are the most common cause of nonfatal injuries and hospital admissions for trauma, causing injuries such as hip fractures and head traumas; and fall-related injury is one of the 20 most expensive medical conditions; and

WHEREAS, according to a 2010, report, almost half (49.3%) of Contra Costa County's unintentional injury hospitalizations occurred among residents 65 years and older; and over three-quarters (75.9%) of these hospitalizations were due to falls; and

WHEREAS, county residents 65 years and older had the highest unintentional injury hospitalizations in the county due to falls, followed by motor vehicle traffic accidents (13.5%) and poisonings (7.5%); and

WHEREAS, falling and the fear of falling, can lead to depression, isolation, diminished mobility, and loss of functional independence and concentrated efforts are being made in Contra Costa County by the Fall Prevention Coalition to reduce falls and fall related injuries using multi-faceted interventions; and

WHEREAS, Senate Concurrent Resolution SCR 77 of May 28, 2008, declares the first week of fall each year as Fall Prevention Awareness Week in California, and the Federal Safety of Seniors Act of 2007 calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the week of September 21-27, 2014 as "FALL PREVENTION AWARENESS WEEK," in the City of El Cerrito, and calls upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Dated: September 22, 2014

Janet Abelson, Mayor

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Tuesday, August 19, 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

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

7:00 p.m. CONVENE CITY COUNCIL MEETING

Mayor Abelson convened the City Council meeting at 7:02 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman recognized the participation of the El Cerrito Police Department in Law Enforcement Day held at the Oakland Athletics game on August 10, 2014.

Mayor Abelson noted the large attendance at this year's National Night Out event and thanked the many hosts in the City that made the event possible. Four councilmembers participated in the event.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Rhoda Cataleta, El Cerrito, expressed concerns about dangerous conditions presented by fragile branches in the Chinese Elm located on Ramona Avenue. Branches from the tree, both dead and alive, fall frequently. Some branches which are currently on the tree are also susceptible to breakage. This poses a potential hazard to pedestrians, pets, cars and personal property.

Kimberly Mayer, Contra Costa Civic Theatre Board President, spoke in support of Consent Calendar Item No. 5I. Ms. Mayer thanked the City Council for renewing the lease with the

theatre and informed the Council and public that the Theatre is in its 55th season, has put approximately \$500,000 into the facility and is looking forward to doing more repairs in the future.

Tom Panas, El Cerrito, announced the opening of a new branch of the El Cerrito Seed Library at the Contra Costa Library located on Stockton Avenue. It is very well visited.

4. PRESENTATION

El Cerrito Stars Internship Program – *Presentation by Suzanne Iarla, Public Outreach Specialist.*

Summary of the joint City of El Cerrito and the West Contra Costa Unified School District (WCCUSD) high school internship program.

EC Stars Intern Program Participants/Presenters: Joseph Baba, Daniel Malle, Richard Mazon, Saleh Alkaheli, Monet Boyd, Travis Wan, Leonardo Mendoza and Evan Martinez.

Corey Mason, El Cerrito High School Teacher, stated that the intern program was the vision of Mayor Abelson and West Contra Costa Unified School District Board of Education Director Madeline Kronenberg. Mr. Mason thanked Wendell Greer, Associate Superintendent of the West Contra Costa Unified School District, Mike Aaronian, Cecilia Mendoza and Carl Perkins for their contributions to the program.

Madeline Kronenberg, West Contra Costa Unified School District Board of Education Director, stated that the intern program has been an extraordinary partnership between the city and the school district and acts as a model for other cities in the school district. Director Kronenberg thanked Mayor Abelson for all of her work on the program.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5K

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5(A) and 5(C) through 5(K) in one motion as indicated below. Item No. 5(B) was removed from the Consent Calendar by Mayor Abelson for the purpose of presenting the Proclamation commemorating the 50th Anniversary of the Wilderness Act to Gabriel Quinto, Sierra Club Executive Committee Member, at the meeting.

A. Minutes for Approval

Approve the July 15, 2014 Special City Council and July 15, 2014 Special Concurrent City Council/Public Financing Authority/Employee Pension Board meeting minutes.

Action: Approved minutes.

B. Proclamation in Commemorating the 50th Anniversary of the Wilderness Act

Approve a proclamation celebrating and commemorating the 50th Anniversary of the Wilderness Act in the City of El Cerrito and calling upon all residents to embrace our Nation's legacy of protecting and preserving the Country's vast wilderness areas for future generations to come.

Action: Removed from the Consent Calendar by Mayor Abelson. Moved, seconded (Benassini/Lyman) and carried unanimously to approve the proclamation. Presented to Gabriel Quinto, Sierra Club – San Francisco Chapter, Executive Committee Member.

C. Consultant Services Agreement with Goldfarb & Lipman LLP for Legal Services

Adopt a resolution authorizing the City Manager to execute a consultant services agreement with Goldfarb & Lipman LLP for Fiscal Year 2014-15 legal services related to the implementation of Assembly Bill 1x26 and the City's affordable housing programs in an amount not to exceed \$34,500.

Action: Adopted Resolution No. 2014–37.

D. Appointment to the Successor Agency Oversight Board

Staff requests the following actions: 1) The Mayor appoint Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to represent employees of the former El Cerrito Redevelopment Agency; and 2) The City Council adopt a resolution ratifying the Mayor's appointment of Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency.

Action: Adopted Resolution No. 2014–38.

E. Agreement with West Coast Arborists, Inc. for Tree Pruning and Removal

Adopt a resolution authorizing the City Manager to execute an agreement with West Coast Arborists, Inc. in an amount not to exceed \$100,000 for tree pruning and removal services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–39.

F. Agreement with Rubicon Enterprises, Inc. for Parks and Landscape Maintenance Services

Adopt a resolution authorizing the City Manager to execute an agreement with Rubicon Enterprises, Inc. in an amount not to exceed \$180,000 for park and landscape maintenance services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–40.

G. Agreement with Liberty Fleet Care, Inc. for Fleet Management and Maintenance Services

Adopt a resolution authorizing the City Manager to execute an agreement with Liberty Fleet Care, Inc. in an amount not to exceed \$127,900 per fiscal year for fleet maintenance and parts, effective January 1, 2014 through June 30, 2016. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–41.

H. Payment of El Cerrito's Share of the West Contra Costa Integrated Waste Management Authority Budgeted Operating Expenses

Adopt a resolution authorizing payment of \$99,762 for the City of El Cerrito's share of the Contra Costa Integrated Waste Management Authority budgeted operating expenses for Fiscal Years 2013-14 and 2014-15.

Action: Adopted Resolution No. 2014–42.

I. Contra Costa Civic Theatre Lease Agreement

Adopt a resolution authorizing the City Manager to execute an amendment to the property lease agreement for the Contra Costa Civic Theatre extending the term of the agreement to May 5, 2035.

Action: Adopted Resolution No. 2014–43.

J. Economic Development Committee Appointment

Approve an Economic Development Committee recommendation to appoint Scott Kagawa to the Economic Development Committee, effective August 20, 2014.

Action: Approved recommendation.

K. Cancel the November 4, 2014 Regular City Council Meeting

Approve a recommendation to cancel the November 4, 2014 regular City Council meeting. November 4, 2014 is the date of the General Election. Holding the City Council meeting on November 4 may pose a conflict with the public's ability to participate in the meeting and also vote in the election as polls remain open until 8:00 p.m. The Contra Costa County Elections Department has also requested that City Hall be used as a polling place on this date.

Action: Approved recommendation.

6. PUBLIC HEARING

Appeal of the Planning Commission's Approval of a Conditional Use Permit, and a General Plan Amendment, Development Agreement, the Creation of a Planned Development District including a Zoning Map Amendment for a Development Project that consists of the construction of 14 New Dwelling Units, the Relocation and Conversion of an Existing Dwelling Unit into a Community Center Type Use that will Remain on Site with 15 Parking Spaces, 1,548 square feet of Private Open Space, and 2,874 square feet of Common Open Space

Staff recommends that the City Council hold a single, consolidated public hearing to consider the actions necessary to consider both 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 analysis of the appeal was discussed in a separate staff report for the Project and distributed to the City Council for the June 2, 2014 Council meeting. Please refer to all previous staff reports, California Environmental Quality Act (CEQA) documentation and correspondence as part of the record for this project. These documents may be found on the City's website at www.el-cerrito.org/1715Elm or by request at the public counter at El Cerrito City Hall.

Staff additionally recommends that, at the conclusion of the consolidated public hearing, the City Council act to approve *Option 2*, 14 new dwelling units, the relocation and conversion of an existing dwelling unit into a community center type use, and preservation and enhancement of the existing creek channel, as described in the staff report by taking the following actions:

1. Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
2. Introduce by title, waive any further reading and approve an ordinance approving Planned Development Zoning for the Project property and amend the Zoning Map accordingly;
3. Adopt a resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project; and
4. Introduce by title, waive any further reading and approve an ordinance approving a Development Agreement.

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Terry Bush, LCA Architects, representative of applicant Eddie Biggs, stated that the applicant had engaged the services of Resource Design Group (RDG) in Berkeley to develop a conceptual design of the waterway. The design relocates the historic house to the front of the site which is not an optimal site for the building's intended use. Staff informed LCA that an Environmental Impact Report (EIR) would also be required for the new design. Mr. Bush stated that this could add a significant delay to the project, increase uncertainty, would also call the Joint Aquatic Resource Permit Application (JARPA) permits into question and add

approximately \$415,000 of additional costs. Mr. Bush, citing the RDG report, stated that at its best the project may improve some ecological function but due to the limited project area and suburban context it is not possible to provide significant improvement to ecological function typical of many urban stream restoration projects. The meandering creek would no longer allow for a restored historic space for a non-profit or open space for the public. Mr. Bush stated that the project defined in Options 1 and 2 provide the optimum solution for all parties involved.

Andrew Gedding, Principal, Restoration Design Group, responded to questions regarding flood control, creek restoration, and other issues associated with the site.

Mayor Abelson opened the public hearing. 11 speakers.

Tom Panas, El Cerrito, urged the City Council to support “Option 3” due to the significant ecological benefits that would ensue and stated that it is worth sacrificing the house donation and historic streambed to get a high quality creek corridor.

Tim Pine, El Cerrito, stated that he is the UC Berkeley Water Quality Manager and is heavily involved in creek restoration. Mr. Pine said it is important to note who paid for the study. The RDG report touched on what is possible at the site. Mr. Pine urged the Council not to approve “Option 2” of the project but to go for “Option 3” and expressed support for creek restoration.

Dave Weinstein, El Cerrito, stated that creek restoration would provide ecological benefit and also stated that saving the creek would be an important precedent that would set the stage for future development projects in the City. Placing buildings so close to a creek is a very bad precedent.

Linda Shehabi, El Cerrito, Director and Owner of Keystone Montessori School, stated that the school is immediately adjacent to the proposed development. Ms. Shehabi expressed concerns with the effects of air pollution from construction vehicles and site equipment on children and stated that it may also hurt Keystone Montessori’s enrollment. Ms. Shehabi urged the Council to require air quality monitoring of black carbon to be set up during the construction period to ensure that air quality concerns are properly addressed and to place a contingency on the project to perform air monitoring. The informal estimate for monitoring is less than \$20,000 but could be as low as \$2,000. Ms. Shehabi said she is also in favor of the project being reduced in size.

Robin Mitchell, El Cerrito, stated that she is in favor of “Option 3,” a revised project focusing on riparian creek restoration with a redesign to accommodate a real creek restoration not confined to the current site plan including a redesign of the entire project. Citing her experience with planting one milkweed plant and its ability to attract multiple Monarch Butterfly caterpillars; Ms. Mitchell stressed the importance of providing as much habitat as possible for remnant native plants, animals and insects to encourage growth of these species and a restored ecological system.

Howdy Goudey, El Cerrito, stated his strong opposition to “Option 2” and urged the City Council to follow “Option 3.” Mr. Goudey further stated that “Option 3” is not a good option either without removing the existing site plans. The design needs to be started with what is right for the creek. More space for the creek is needed to do justice to this unique environmental resource. Mr. Goudey urged the Council to reject the project and give guidance to the restraints of the site and creek restoration.

Julia Lucia, El Cerrito, summarized the history of the project and stated that the decision about the property sets precedent and is a huge turning point for the City. Does the City want

to ignore the environmental and planning ordinances and policies that have been put into place over many years or does the City want to set a precedent of upholding the City's values? Does the City Council want to overturn the Planning Commission's action? Does public opinion matter?

Steve Price, El Cerrito, stated that climate change is the primary consideration. El Cerrito with its two BART stations and bus corridor can do significant things to lower citizen's carbon footprints. Mr. Price stated his belief that multi-family three story buildings make sense at this location.

Dan Pines, El Cerrito, stated that the problem with the project is the three stories when viewed within the context of the surrounding low rise neighborhood. Mr. Pines stated that the project has been going on for nine years and recommended approval of Option No. 4 which would deny the project, uphold the appeal and have the developer design a project that is better for the environment and the neighborhood and would benefit everyone. Mr. Pines stated that the area is a low density neighborhood.

Pamela Austin, El Cerrito, stated that she supports comments made earlier regarding Options 3 or 4 and expressed disappointment with the creek restoration study.

Franklin Leong, El Cerrito, stated that the project is against the height limit, zoning requirements, city parking rules, building code, and the general plan. Mr. Leong urged the Council to deny the project and uphold the appeal.

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

Actions: 1) Moved, seconded (Benassini/Bridges; Ayes Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None, Absent – None) and carried to adopt Resolution No. 2014–44 approving 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 conversion of an existing dwelling unit into a community center at 1715 Elm Street, Application No. 6133 with an amendment proposed by Councilmember Lyman to modify the first recital of the resolution to change "...preservation of an existing creek..." to "preservation of an existing historic stone lined channel..."

2) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent – None) and carried to approve by title, waive any further reading and approve Ordinance No. 2014–03 rezoning 1715 Elm Street, Application No. 6133, to a planned development zoning district and amend the Zoning Map accordingly with amendments proposed by Councilmember Lyman to include the following changes:

a) Section 1: Recital A and Section 2: Findings 1-3,5,7,8 and 10 – change "...existing creek..." to "...existing historic stone lined channel...;" and

b) Administrative changes to Section 1: Recital G – change "Resolution 14-10" to "PC Resolution 14-10" and Section 1: Recital K – insert the newly adopted resolution number to read 2014–44. *Second reading October 7, 2014.*

3) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman, and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent – None) and carried to adopt Resolution No. 2014–45 denying an appeal of the Planning Commission's approval of a Planned Development Use Permit at 1715 Elm Street with amendments proposed by Councilmember Lyman to incorporate the following changes into the resolution:

- a) Recital 1 and Enacting Clauses 1, 3, 4, 11 and 12 – change “...creek...” to “historic stone lined channel;”
- b) Enacting Clause 2 – change “...day-lighted creek...” to “...existing historic stone lined channel...;”
- c) Insert additional conditions of approval into the resolution as follows:

57. The applicant/owner shall require all potential construction bidders to supply the following information in their bid packages. These conditions will also be added to subsequent contracts between the owner and their selected general contractor in order to reduce the emissions of toxic pollutants generated by the use of heavy-duty diesel powered vehicles as well as by the introduction of new architectural finishes, adhesives, paints, and construction materials equipment during construction.

The contractor shall be required to:

- a. Keep all construction equipment in proper tune in accordance with manufacturers’ specifications by keeping maintenance logs for all equipment. These logs will be made available for review by city staff upon request.
 - b. Specify the model years of their late model vehicles and equipment in their bid documents.
 - c. Keep fuel logs to illustrate compliance with the goal of using low-emission diesel fuel for all heavy-duty diesel-powered equipment. These logs will be made available for review by city staff upon request.
 - d. Keep idle times of all road legal vehicles to 90 second idle times, maximum.
 - e. Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. If there is equipment where this condition is not feasible, please explain why in bid documents.
 - f. Whenever possible, a material with a high VOC will be exchanged with a material with a low VOC by the contractor.
 - g. Submit to the city a local construction material plan prior to the issuance of building permits that show a good faith effort to meet the mitigation that they will use local construction materials (within 100 miles) to the maximum extent possible.
 - h. CALGreen mandates permitted new residential and non-residential building construction, demolition and certain additions and alteration projects to recycle and/or salvage for reuse a minimum 50 percent of the non-hazardous construction and demolition (C&D) debris generated during the project. In addition to that requirement, the contractor shall submit to the city a plan showing steps taken to identify opportunities to recycle construction waste and demolition materials prior to construction; and require monthly reports of waste disposal and recycling/salvage during construction.
 - i. The developer is required to implement air quality monitoring on the site during construction if determined to be feasible by the Community Development Director or the Development Services Manager if the cost does not exceed \$20,000.
 - j. The developer is required to conduct a biological survey for endangered species in the stone lined channel not more than two weeks prior to construction on the project at a cost to be borne by the applicant.
- 4) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman, and Mayor Lyman; Noes – Councilmember Lyman) and carried to approve by

title, waive any further reading and approve Ordinance 2014-04 approving a Development Agreement as amended by Councilmember Lyman to modify Recital A of the ordinance by replacing the word “creek” with “historic stone lined channel” and adding a Section 5.9 to the development agreement (Exhibit A to the Ordinance) to state Developer shall support the listing of the historic house on the state historic register. *Second reading October 7, 2014.*

7. POLICY MATTERS

A. Smoking Pollution Protection Ordinance

Introduce by title, waive any further reading, and approve an ordinance amending the El Cerrito Municipal Code by adding Chapter 8.06, Smoking Pollution Protection Ordinance.

Presenter: Karen Pinkos, Assistant City Manager.

Speakers: Kerstin Kalchmayr, Save the Bay, commended the City for mobilizing its efforts on implementing one of the strongest smoke-free ordinances in the area. Ms. Kalchmayr spoke about the toxicity of cigarette butt litter, urged the Council to approve the ordinance and perform extensive outreach to encourage public support and wide spread compliance.

Allison Chan, Save the Bay, urged adoption of the ordinance and stated that by eliminating smoking in commercial areas the City will reduce one of the largest sources of trash in one of the most littered areas in the City. Eliminating smoking in all the areas designated in the ordinance will help eliminate trash in storm drains by 2022.

Serena Chen, American Lung Association, stated that the smoking rate has gone from 24 percent to 10 percent because of the efforts of local municipalities, schools and communities in addressing second-hand smoke, tobacco control, education and social norms. Cities who have adopted smoking regulations are healthier than other cities and have shown a 17% drop within the first year of heart attack hospitalizations. Second hand smoke laws save lives.

Tom Panas, El Cerrito, stated that he strongly supports the proposed ordinance and thanked the City Council for their strong leadership on this issue and Assistant City Manager Pinkos for writing the proposed ordinance.

Gabriel Quinto, El Cerrito, stated that he is a board member of the nine county Sierra Club Bay Chapter. Mr. Quinto, further stated that as a resident of El Cerrito he supports the ordinance and that the Sierra Club strongly encourages the City Council to support the ordinance and make El Cerrito a healthier community.

Liz Williams, Americans for Nonsmokers Rights, encouraged the City Council to support and adopt the proposed ordinance including the prohibition of electronic cigarettes. The ordinance provides the City Council with a unique opportunity to protect public health by prohibiting smoking in public places. Ms. Williams thanked the Council for their leadership on this issue.

Howdy Goudey, El Cerrito, expressed concerns regarding regulating smoking, particularly social equity, the arbitrary lines that have been drawn and other unintended consequences. Mr. Goudey stated leaving single family dwellings out of the ordinance appears elitist, classist and is inequitable.

Denise Dennis, County Health Department Tobacco Prevention Program and resident of El Cerrito, spoke about possible health risks associated with e-cigarettes, how they may encourage social acceptance of smoking among youth and increased smoking generally thus impacting community health. Ms. Dennis informed the Council and public that the County adopted regulations last April for tobacco retailers which includes electronic smoking devices and e-cigarettes. Smoking laws enacted throughout the state have made a huge difference in community health. Ms. Dennis stated that county staff are available to provide technical assistance to the City on implementation issues.

Nicholas Arzio, stated that Mr. Goudey made a good point. Mr. Arzio expressed support for the ordinance and noted that it is a bold step toward a healthier and cleaner El Cerrito.

Terra Lee Wagner, expressed support for the ordinance and suggested linking enforcement of the ordinance with building inspections in multi-unit dwellings and including fines for smoke detection. Ms. Wagner thanked the Council for its leadership.

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to approve by title, waive any further reading and approve an ordinance amending the El Cerrito Municipal Code by adding Chapter 8.06, Smoking Pollution Protection and delete Section 8.06.040(B)(1) of the proposed ordinance as suggested by Councilmember Bridges to prohibit smoking at theatrical production sites. *Second reading October 7, 2014.*

B. Short Term Cash Flow Financing through Tax and Revenue Anticipation Notes

Adopt a resolution authorizing the City Manager to execute an agreement to sell tax and revenue anticipation notes ("TRAN") in an amount not to exceed \$5,250,000 to a financial institution or underwriter and authorize staff to work with city consultants to prepare and execute appropriate legal documents related to said financing.

Presenter: Lisa Malek-Zadeh, Finance Director.

Action: Moved, seconded (Lyman/Friedman) and carried unanimously to adopt Resolution No. 2014-46.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Action: No reports.

Moved, seconded (Benasinni/Friedman) and carried unanimously to extend the meeting to 10:45 p.m.

Moved, seconded (Bridges/Benassini) and carried unanimously to extend the meeting to 10:55 p.m.

9. ADJOURNED CITY COUNCIL MEETING at 10:46 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 6 Appeal of the Planning Commission's Approval of a Conditional Use Permit, and a General Plan Amendment, Development Agreement, the Creation of a Planned Development District including a Zoning Map Amendment for a Development Project that consists of the construction of 14 New Dwelling Units, the Relocation and Conversion of an Existing Dwelling Unit into a Community Center Type Use that will Remain on Site with 15 Parking Spaces, 1,548 square feet of Private Open Space, and 2,874 square feet of Common Open Space

1. Comments regarding the proposed project and urging support for Option 3 – *Submitted by Al Miller, El Cerrito.*
2. Comments regarding the proposed project and urging support for Option 3 – *Submitted by Howdy Goudey, El Cerrito.*
3. Additional proposed conditions of approval responding to comments from Councilmember Lyman, Attachment 4 or 9 – *Submitted by Margaret Kavanaugh – Lynch, Development Services Director. (Received at the meeting)*

4. Comments in support of Option 3 – *Submitted by Tom Panas, El Cerrito. (Received at the meeting)*
5. Comments regarding exposure to air pollution and request for monitoring at Keystone Montessori School – *Submitted by Linda Shelabi, Keystone Montessori School. (Received at the meeting)*
6. Comments in support of Option 3 – *Submitted by Robin Mitchell, El Cerrito. (Received at the meeting)*
7. Comments expressing opposition to Option 3 and urging support for Option 3 – *Submitted by Howdy, Goudey, El Cerrito. (Received at the meeting)*

Item No. 7(A) Smoking Pollution Protection Ordinance

8. Letter supporting Smoking Pollution Protection Ordinance – *Submitted by Liz Williams, Americans for Nonsmokers' Rights.*
9. Email questions regarding second-hand smoke – *Submitted by Greg Hubbard. Includes response by Karen Pinkos, Assistant City Manager.*
10. Expression of support for the Smoking Pollution Prevention Ordinance with requests for modification to certain sections of the ordinance – *Submitted by Amy Rakley.*
11. Comments on the Smoking Pollution Protection Ordinance – *Submitted by Ira Sharenow, El Cerrito.*
12. Comments urging support for the proposed smoking ordinance – *Submitted by Tom Panas, El Cerrito. (Received at the meeting)*

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
October 2014 is Domestic Violence Awareness Month***

WHEREAS, violence against women and children continues to become more prevalent as a social problem due to the imbalance of power in gender and age; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and societal barriers and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, the impact of domestic violence is wide-ranging, directly affect men, women, and children, and society as a whole; and

WHEREAS, it is battered women themselves who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS, all residents of Contra Costa County should feel safe in their homes, their schools, and their communities; and

WHEREAS, STAND! for Families Free of Violence provides domestic violence services to families and individuals in Contra Costa County, serving over 10,000 clients annually; and

WHEREAS, STAND! for Families Free of Violence is a multi-service agency, providing: 24 hour crisis line, emergency and transitional shelter, legal advocacy, children and teen programs, counseling, support groups, employment training, batterer's treatment program, and educational prevention programs; and

WHEREAS, STAND! for Families Free of Violence works to raise awareness through education, so individuals will become advocates, and will take action to end violence in their communities.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the month of October 2014 as Domestic Violence Awareness Month in the City of El Cerrito and urges all residents to actively participate in efforts to end violence in our homes, in our schools, and in our communities.

Dated: September 22, 2014

Janet Abelson, Mayor

CITY OF EL CERRITO PROCLAMATION

Recognizing and Supporting October 2014 as National Arts and Humanities Month in El Cerrito

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American; and the arts and humanities play a unique role in the lives of our families, our communities, and our country;

WHEREAS, the arts and humanities enhance and enrich the lives of every American; and

WHEREAS, the arts and humanities contribute towards cross-cultural understanding, and enhance the quality of life; and

WHEREAS, studies show that innovation and creativity are key components to a prosperous future California economy, and

WHEREAS the Arts and Culture Commission works to encourage and promote arts programs and events and has created a poster and webpage of arts related events happening in El Cerrito in October; and

NOW THEREFORE, the City Council of the City of El Cerrito hereby declares October 2014 as Arts and Humanities Month in the City of El Cerrito and encourages all members of the community to celebrate and promote the arts and culture in the nation and to encourage community members to participate, patronize and support the arts and humanities in El Cerrito.

Dated: September 22, 2014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(D)

Date: September 22, 2014
To: Honorable Mayor and Members of the El Cerrito City Council
From: Cheryl Morse, City Clerk
Subject: Conflict of Interest Code Update

ACTION REQUESTED

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board, and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2012-77.

BACKGROUND

The Political Reform Act of 1974 (“Act”) (codified in Government Code Sections 8100 et seq.) requires the City to adopt and promulgate a Conflict of Interest Code (“Code”) applicable to designated City employees and public officials.

The City first adopted its Conflict of Interest Code in 1977. In 1983, the City Council enacted Resolution No. 83-14 to adopt the model Conflict of Interest Code drafted by the Fair Political Practices Commission. The Conflict of Interest Code covers matters such as the manner of reporting financial interests, the procedures to be utilized in filing conflict of interest statements, the contents of such statements, and the time within which such statements must be filed.

The MSC is not included in the City’s Conflict of Interest Code. The Corporation is not a public agency. It is a non-profit, public benefit corporation, which is subject to the California Corporations Code. The MSC Board instead adopted its own Conflict of Interest Policy on October 17, 2011 by MSC Resolution No. 2011-11, following the model IRS Conflict of Interest Policy by which a charitable organization should implement decisions regarding transactions or arrangements between the charitable organization and members of the charitable organization’s board of directors and other individuals. As such, MSC Directors and Officers do not file a Statement of Economic Interests – Form 700 pertaining to the MSC, but file a separate annual declaration as required under the MSC’s existing Conflict of Interest Policy.

The City Council is the code-reviewing body, and has regularly amended the Conflict of Interest Code to correspond to changes in the City. The last revision was completed in 2012, by Resolution No. 2012-77.

ANALYSIS

The proposed resolution requires minor revision and reflects changes in employee classifications and organizational structure.

Attachment 1 presents the entire Code for adoption with all changes incorporated. The proposed resolution clearly illustrates those portions of the Code which require revision. Text which is underlined has been added and text proposed for deletion contains ~~striketrough~~. Appendix A indentifies designated positions and commissions and establishes their respective levels of disclosure. Appendix B outlines the specific requirements of each disclosure category.

Appendix A has been updated to reflect changes in department organization, including the addition of newly established classifications. Updates to Appendix A include the following changes in position classifications:

1. Police Lieutenant – *Added*
2. Development Services Manager – *Added as a separate classification*
3. Recreation Supervisor – *Retitled*
4. Program Manager – *Retitled*
5. Senior Program Manager – *Retitled*
6. Human Resources Manager – *Retitled*
7. Building Official – *annotated to indicate that the position is no longer inactive*

The following commissions are not included in the proposed amendment because they do not meet the State's criteria for disclosure at this time: Citizens Street Oversight Committee, Civil Service Commission, Committee on Aging, Crime Prevention Committee, Economic Development Committee, Environmental Quality Committee, Human Relations Commission, Parks and Recreation Commission and the Tree Committee.

Appendix B outlines specific disclosure criteria for the designated employment classifications and the boards and commissions.

The Conflict of Interest Code as presented accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to these positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions. The Code includes all other provisions required by Ca. Government Code Section 87302 and incorporates by reference FPPC Regulation 2 Cal. Admin. Code Section 18730.

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Although the City Council, City Manager, City Attorney, City Treasurer and Planning Commissioners are Ca. Govt. Code Section 87200 filers, the City Clerk notifies each person in this group of his/her filing obligation, including local filing requirements for membership on the Successor Agency, Public Financing Authority and Employee Pension Board. The Fair Political Practices Commission acts as the Filing Officer for §87200 filers, reviews statements for completeness and enforces penalties for any late filings.

The City updates its Conflict of Interest Code biennially to accommodate changes in organizational structure and job classifications. Biennial review of the City's Conflict of Interest Code is mandated by the California Political Reform Act.

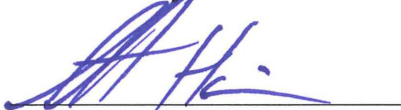
FINANCIAL CONSIDERATIONS

There will be no costs associated with the proposed revisions to the Conflict of Interest Code.

LEGAL CONSIDERATIONS

The Act requires the City Council to review the Conflict of Interest Code on a regular basis and when such amendments are necessitated by changed circumstances, pursuant to Government Code Sections 87306 and 87306.5. Council adoption of the proposed Conflict of Interest Code will sustain continued compliance with State law.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Proposed Resolution with revisions illustrated with underline and strikethrough

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF EL CERRITO, INCLUDING THE FILING OF ANY RELATED AGENCY POSITIONS, SUCH AS THE EMPLOYEE PENSION BOARD, THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY, AND THE PUBLIC FINANCING AUTHORITY (PFA) AND RESCINDING RESOLUTION NO. 2012-77

WHEREAS, the Political Reform Act of 1974 (“Act”), Government Code Sections 8100 et seq. enacted as part of Proposition 9, requires every local agency to adopt and promulgate a Conflict of Interest Code applicable to employees or consultants holding designated positions and public officials within the jurisdiction of the local agency; and

WHEREAS, in 1977, the El Cerrito City Council enacted Resolution No. 3843, adopting a Conflict of Interest Code for the City of El Cerrito (“City”), and

WHEREAS, subsequent to the enactment of Resolution No. 3843, the Fair Political Practices Commission enacted 2 Cal.Code of Regs. Section 18730 which contains the terms of a standard model Conflict of Interest Code, which could be adopted by local agencies covering such matters as the manner of reporting financial interests, the procedures to be utilized in filing conflict of interest statements, the contents of such statements, the time within which such statements must be filed, etc; and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform act; and

WHEREAS, in 1983, the City Council enacted Resolution No. 83-14 which adopted the model Conflict of Interest Code drafted by the Fair Political Practices Commission, including any amendments duly adopted by the Commission to conform to amendments to the Political Reform Act; and

WHEREAS, Appendix A of Resolution No. 83-14 listed the designated employees subject to the model Conflict of Interest Code (listed as “designated filers”); and Appendix B of Resolution No. 83-14 identified the specific financial interests that would be reportable; and

WHEREAS, state law as specified in the Act requires the City Council, as the City’s code-reviewing body to direct the review of its Conflict of Interest Code; and

WHEREAS, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary pursuant to Government Code Section 87306.5; and

WHEREAS, the City Council has regularly amended its Conflict of Interest Code to correspond to changes in the City resulting from reorganization of City departments and employees, changes in job classifications, and the addition and deletion of certain boards and commissions and to respond to any changes in State law; and

WHEREAS, the Conflict of Interest Code was last amended in 2012 through Resolution 2012-77 and the Code requires revision to reflect the changes in designated positions and the financial interests required to be reported; and

WHEREAS, this review has been completed and the City Council has determined that such changes are necessary due to changes in City organization and to comply with state law and that Appendix A and B, attached herein, accurately sets forth the designated positions, and their respective categories of financial interests which should be made reportable and those boards, commissions and committees which should be designated and the respective categories of financial interests which should be made reportable by their members; and

WHEREAS, the Conflict of Interest Code includes filing requirements for related agency positions, such as the Successor Agency to the former El Cerrito Redevelopment Agency, the Public Financing Authority (PFA), and the Employee Pension Board; and

WHEREAS, the City of El Cerrito Conflict of Interest Code, incorporated herein, requires revision so that it accurately sets forth the designated positions and categories of financial interests which should be made reportable.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of El Cerrito as follows, with additions indicated by underline and deletions indicated with ~~striketrough~~:

Section 1. Incorporation of Recitals. All Recitals above are true and correct and are incorporated herein.

Section 2. Adoption of Model Conflict of Interest Code. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and included as part of the Conflict of Interest Code of the City of El Cerrito.

Section 3. Statement of Economic Interest Requirement. Persons holding designated positions and persons required to do so by statute shall file Statements of Economic Interests with the City of El Cerrito on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines, when requested by the City Clerk. Persons holding designated positions and persons required by statute to file statements of economic interests shall also report interests for any other related agency positions, such as the Employee Pension Board, Successor Agency to the former Redevelopment Agency, and the Public Finance Authority (PFA). The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction.

Section 4. Form 700 Requirement. In accordance with FPPC Regulation 18734, any individual hired for a position not yet covered under this Conflict of Interest Code must file a Form 700 if the individual serves in a position that makes or participates in making

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Attachment

governmental decisions. Individuals in this category must file under the broadest disclosure category until the code is amended to include the new position unless the City of El Cerrito provides, in writing, a limited disclosure requirement.

Section 5. Late Filings and Failure to File Statements. Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq. The following additional regulations shall apply to City of El Cerrito (a) designated employees, (b) designated members of boards and commissions appointed by the City Council, and (c) consultants:

(a) City Employees:

If a City employee fails to file an Initial, Assuming Office or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall undergo steps resulting in a written reprimand in accordance with the provisions of the appropriate Memorandum of Understanding or City of El Cerrito Personnel Policies and Administrative Regulations. The employee's supervisor shall comply with the provisions of the appropriate Memorandum of Understanding or City of El Cerrito Personnel Rules and Administrative Regulations. In addition, the City Clerk shall impose late filing fees in accordance with Government Code Section 91013 and 91013.5. No person who has left City employment and failed to file the appropriate statement shall resume active employment with the City of El Cerrito if there are outstanding statements or fines.

(b) Members of Boards and Commissions:

If a member of any non-elected board, commission or committee specified in the Code fails to file an Assuming Office, Initial or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, the member's term on the commission shall expire. The City Clerk shall notify the commissioner that his/her term has expired and notify the City Council that a vacancy exists on the commission. In addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Prior to being eligible for reappointment to any board, commission, or committee all outstanding filings for all commission appointments must be filed and any outstanding fines, payable under Government Code Section 91013, shall be paid. No person shall be appointed to any commission if there are outstanding statements or fines, and no person shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file statements.

(c) Consultants:

If a consultant, as defined in 2 Cal. Code Regs. Section 18701, fails to file any Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall be advised by the City's project manager that no further payments shall be made by the City of El Cerrito under the contract until such statement

has been received by the City Clerk. The City Clerk shall also impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Section 6. Employees and Officials that Must Disclose Financial Interests. The City Conflict of Interest Code hereby includes Appendix A, which reflects changes in City organization and in the job titles of City management staff and reflects the inclusion of staff positions with decision making authority as authorized by the El Cerrito Municipal Code and in compliance with Title 2, Section 18701 of the California Code of Regulations. Designated Employees and Public Officials shall disclose financial interests as set forth in Appendix B.

A P P E N D I X A

DESIGNATED FILERS

Job Classification	Disclosure Category
Administrative Analyst	1,2,3,4
Assistant City Attorney	1,2,3,4
Assistant City Manager	1,2,3,4
Associate Engineer	1,2,3,4
Associate Planner (Inactive)	1,2,3,4
Battalion Fire Chief	1,2,3,4
Building Official	1,2,3,4
City Clerk	1,2,3,4
Community Development Director (<i>Inactive</i>)	1,2,3,4
<u>Development Services Manager</u> (<i>Established 12/18/12</i>)	1,2,3,4
Economic Development Director (<i>Inactive</i>)	1,2,3,4
Employee Services <u>Human Resources Manager</u> (<i>Retitled</i>)	1,2,3,4
Environmental Services Manager	1,2,3,4
Environmental Programs Manager	1,2,3,4
Fire Chief	1,2,3,4
Information Systems Manager	1,2,3,4
Planning Manager (<i>Inactive, replaced by Devt. Svcs. Manager</i>)	1,2,3,4
<u>Police Lieutenant</u> (<i>Added</i>)	<u>1,2,3,4</u>
Public Works Director/City Engineer	1,2,3,4
Maintenance Superintendent	1,2,3,4
Police Chief	1,2,3,4
Police Captain	1,2,3,4
Project <u>Program Manager</u> (<i>Retitled</i>)	1,2,3,4
Recreation Director	1,2,3,4
Recreation Program Supervisor-II (<i>Retitled 12/18/12</i>)	1,2,3,4
Economic Program Manager	1,2,3,4
Senior Engineer	1,2,3,4
Senior Planner	1,2,3,4
Senior Project <u>Program Manager</u> (<i>Retitled</i>)	1,2,3,4

Special Counsel	1,2,3,4
Consultants*	1,2,3,4
Commissioners & Board Members:	
Arts and Culture Commissioners	5
Design Review Board Members	1,2,3,4
Financial Advisory Board Members	1,2,3,4

* With respect to consultants, the City Manager or designee may determine in writing that a particular consultant, has been hired to perform a range of duties that is sufficiently limited in scope so as not to require full compliance with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements, if any. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as the disclosure statements filed pursuant to this Resolution.

Section 7. Adoption of Disclosure Categories. The City Conflict Code hereby includes Appendix B, to achieve consistency with State Law and reflect the required disclosure categories of this Conflict of Interest Code:

A P P E N D I X B

DISCLOSURE CATEGORIES

Category 1: Personal Income

All sources of income, including investments, gifts, loans and travel payments as defined in Government Code Section 82030, as amended. Not included as income in this disclosure category is income received from any source outside the City of El Cerrito if that source is not presently doing business within the City of El Cerrito and has not done business within the City of El Cerrito during the two years prior to the time this disclosure statement is made.

Category 2: Interests in Real Property

All interests in real property in excess of \$2,000 held by the designated employee, or commissioner, the employee or commissioner's spouse, domestic partner or dependent children located in whole or in part within the City of El Cerrito or within a two mile radius of the boundaries of the City of El Cerrito. Included within this disclosure category is any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property. Included within this disclosure category is any pro rata share of interests in real property of any business entity or trust in which the designated employee, or commissioner, the employee or commissioner's spouse, domestic partner or dependent children, owns directly, indirectly or beneficially, a 10 percent interest or greater. An "interest in real property" does not include the principal residence of the employee or commissioner, making the disclosure unless all or part of that residence is used for business purposes and claimed as a business deduction on the designated employee or commissioner's income tax return.

Category 3: Investments

All financial interests in excess of \$2,000 held by the designated employee or commissioner, the employee or commissioner's spouse, domestic partner or dependent children in security issued by a business entity, including but not limited to common stock, preferred stock, options, debt instruments and any partnership or other ownership interest if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the City of El Cerrito, or does business or plans to do business in the City of El Cerrito, or has done business within the City of El Cerrito at any time during the two years prior to the time this disclosure statement is made. The term "investments" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission or a common trust fund created pursuant to Section 1564 of the Finance Code, or any bond or other debt instrument issued by any government or government agency. The term "investments" does include a pro rata share of investments of any business entity, mutual fund, or trust in which the designated employee or commissioner, or the employee's or commissioner's spouse, domestic partner or dependent children own directly, indirectly or beneficially, a 10 percent interest or greater.

Category 4: Management Positions

Management positions held with any business entity located, doing business, planning to do business, or having done business in the past two years within the City of El Cerrito.

Category 5: Arts and Culture Commission

All members of the Commission shall disclose business entities in which they have an investment, or in which they are a director, officer, partner, employee, or hold any position of management; and income as defined in Government Code Section 82030, as amended, including gifts, loans, and travel payments; if the business entity or source of income: a) has applied for, is receiving, or within the previous two years has received, funds through the City to advance Arts in El Cerrito; b) has profited from the creation, production, sale, or display of any artistic endeavor; or c) has provided services, goods, or equipment to artistic endeavors in the City of El Cerrito.

Section 8. Rescission of Previous Conflict of Interest Code. The City Council hereby rescinds Resolution No. 2012-77.

I CERTIFY that at a regular meeting on September 22, 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:

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Attachment

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

Cheryl Morse, City Clerk

Approved:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: September 22, 2014

To: City Council of the City of El Cerrito

From: Hilde Myall, Senior Program Manager, Community Development
Melanie Mintz, Interim Community Development Director

Subject: Consent to Withdrawal and Substitution of General Partner and Limited Partner of Idaho Apartments Associates, LP

ACTION REQUESTED

Adopt a resolution consenting to the withdrawal and substitution of the general partner and the limited partner of Idaho Apartments Associates and authorizing the City Manager to execute documents necessary to indicate the City's consent.

BACKGROUND

The Idaho Apartments, located at 10203 San Pablo Avenue, is a 29-unit affordable housing development providing supportive services to its special needs residents. The property, formerly the Idaho Motel, was acquired in 1995 and redeveloped into affordable housing by Idaho Apartments Associates, LP (Partnership), a limited partnership between Idaho Apartments Housing Corporation (an affiliate of Rubicon Programs, Inc.), as the general partner, and the National Equity Fund as the limited partner. The Project has been owned and operated by the Partnership since it opened its doors in 1999.

The Project was, in part, made possible by financial assistance from the El Cerrito Redevelopment Agency and Contra Costa County. In February 1997, pursuant to El Cerrito Redevelopment Agency Board Resolution No. 447, the former El Cerrito Redevelopment Agency loaned \$350,000 of Low and Moderate Income Housing Funds to the Idaho Apartments Associates for the Project through an Owner Participation Agreement and associated documents (Idaho OPA). The City acquired the Redevelopment Agency's interest in the Idaho OPA in February 2012 when it became the housing successor to the former Redevelopment Agency.

The Partnership was formed in 1995 to utilize federal Low-Income Housing Tax Credits (LIHTCs). The Partnership successfully completed delivery of all scheduled tax credits to the National Equity Fund in 2011, and National Equity Fund withdrew in 2013. The Partnership is currently comprised of two Rubicon-controlled nonprofit entities: Idaho Apartments Housing Corporation (IAHC) as general partner, and Rubicon Programs, Inc. (RPI) as limited partner.

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Rubicon Programs, Inc. has decided that the ownership and management of affordable housing is no longer part of their core mission. RPI is divesting its interest in all RPI-owned housing. Their stated goal is to transfer the Idaho Apartments to a qualified non-profit housing developer who would continue to operate the property as affordable housing with supportive services per the terms of the existing agreements on the property. RPI approached Resources for Community Development (RCD), a non-profit housing developer based in Berkeley, in 2013 regarding potentially acquiring the Project. Since that time, RCD has been working with RPI to acquire the Project.

Pursuant to the terms of the City's Owner Participation Agreement with the Partnership, any proposed transfer of the Project or change in entity of the controlling ownership interest, is subject to the City's review and approval. As further described below, RPI and RCD have presented to City staff for review and approval the Assignment and Assumption Agreement and Second Amendment to Amended And Restated Articles of Limited Partnership of Idaho Apartments Associates (Second Amendment), which contains the proposed structure and terms of the transfer and is attached to this agenda bill as Attachment 2.

ANALYSIS

Acquisition Overview

As presented in the Second Amendment, the acquisition of the Project would be achieved through an assignment of Idaho Apartments Housing Corporation and RPI interests in the Partnership to RCD GP, LLC (of which RCD is the sole member) as general partner, and RCD, as limited partner. While partnership composition and control would change from RPI to RCD, Idaho Apartment Associates, LP would continue to own the Project after the acquisition is complete. The obligations of the Partnership under existing lender agreements, including the Idaho OPA, would remain in place and would continue to be obligations of the Partnership.

Acquisition is tentatively scheduled for October 1, 2014. There is no financial consideration associated with RCD's admission into the Partnership. RCD and the Partnership would have no financial obligations to RPI after the acquisition is complete.

Qualifications of RCD

Currently in its 30th year of operations, Resources for Community Development's (RCD) mission is creating and preserving affordable housing. RCD, a non-profit 501(c)(3) organization, has a portfolio of over 1,900 completed affordable units and has over 400 additional affordable units currently in development, including the 57-unit Ohlone Gardens development in El Cerrito.

RCD's Asset Management focuses on long-term sustainability through strong fiscal controls over the RCD portfolio. RCD has overhauled its asset management function in the last decade, and consistently improved year over year performance of their portfolio over the past five years. It currently manages a portfolio of 50 properties serving a population of over 3,500 spread throughout the East and North Bay area. In contrast to the findings of surveys of other nonprofit developers showing that 15% of affordable housing projects generate enough cash flow to make a distribution to its sponsors, over 70% of RCD-run developments generated positive cash flow in FY 2012.

Preservation of Affordability & Supportive Services

The proposed action does not modify the term of affordability under the Idaho OPA, or the level of affordability. The Project currently serves persons with very-low incomes, not exceeding 50% of area median income. Tenants are provided supportive and social services by RPI through a federal Supportive Housing Program (SHP) grant from HUD. RPI is the grant recipient. RCD and RPI intend for RPI to continue on as the SHP grant recipient and service provider after RCD assumes ownership control. RCD and RPI will enter into a memorandum of understanding pertaining to service delivery at a future date. RCD and RPI are both committed to funding and providing services to tenants of the Project, and will work to ensure that service delivery meets tenant needs during and after the change in ownership control.

Staff Recommendation

In considering whether to approve this change to the Partnership, staff suggests that the City's concern should be the mission and qualifications of the general partner, the preservation of existing levels of affordability and supportive services, and the continued successful management of the project, which includes both asset management, property management and, in this case, provision of supportive services.

Staff believes that the proposed transfer to RCD is reasonable and in keeping with the purpose of continuing to operate Idaho Apartments to provide affordable housing to its existing population of residents with minimal interruption. In addition, RPI is transferring their interest to RCD for one dollar and there is no financial restructuring of the Property's assets that would be detrimental to the long-term interests of the Property. Finally, the proposed transfer would result in the Idaho Apartments being managed by an entity with greater expertise and resources in the area of housing asset management than the existing general partner.

FINANCIAL CONSIDERATIONS

The proposed action does not commit any additional City funds to the Project. Approval of the proposed resolution does not modify the terms of the City's Owner Participation Agreement, nor modify the terms of other lender agreements. The Partnership remains obligated to perform under the terms of Idaho OPA, including the obligation for the loan of Housing Funds.

LEGAL CONSIDERATIONS

Legal counsel has reviewed this agenda bill, including the Second Amendment and proposed consent under the OPA.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. City Council Resolution 2014-XX, consenting to withdrawal and substitution of general partner and limited partner of Idaho Apartments Associates
2. Assignment and Assumption Agreement and Second Amendment to Amended And Restated Articles of Limited Partnership of Idaho Apartments Associates

RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY EL CERRITO AS HOUSING SUCCESSOR CONSENTING TO WITHDRAWAL AND SUBSTITUTION OF GENERAL PARTNER AND LIMITED PARTNER OF IDAHO APARTMENTS ASSOCIATES

WHEREAS, the former El Cerrito Redevelopment Agency (the “Agency”) and City of El Cerrito have encouraged redevelopment in specific portions of the El Cerrito Redevelopment Project Area in accordance with the goals and objectives of the City of El Cerrito Redevelopment Plan as amended; and

WHEREAS, as part of the 2011-12 State budget bill, ABx1 26 (the “Dissolution Act”) was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies’ affairs; and

WHEREAS, the City adopted Resolution No. 2012-04 on January 17, 2012 electing to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law and becoming the housing successor to the El Cerrito Redevelopment Agency; and

WHEREAS, the Agency was dissolved effective February 1, 2012 pursuant to the Dissolution Act and all housing assets, less the unencumbered housing balance, and obligations of the former Agency were transferred to the City as housing successor by operation of law; and

WHEREAS, Idaho Apartments Associates, a California limited partnership (the “Partnership”) was initially formed as a limited partnership by that certain Agreement of Limited Partnership dated November 15, 1996 (as amended) (the “Partnership Agreement”), and by that Certificate of Limited Partnership filed with the State of California on November 19, 1996; and

WHEREAS, pursuant to Redevelopment Agency Resolution No. 447 adopted on February 3, 1997, the former Redevelopment Agency entered into the Owner Participation Agreement, Promissory Note and related documents (collectively the “OPA Documents”) with the Partnership to provide a loan of \$350,000 in Low and Moderate Income Housing Funds for the purpose of improving the supply of affordable housing pursuant to California Health and Safety Code §33334.2 and specifically for the acquisition, substantial rehabilitation and new development of 29 units of affordable special needs housing at the former Idaho Motel at 10203 San Pablo Avenue, El Cerrito (the “Project”); and

WHEREAS, the parties to the Partnership desire to further amend the Partnership Agreement for the purpose of Idaho Apartments Housing Corporation to assign its general partner interest in the Partnership to RCD GP LLC and to withdraw from the Partnership, and for Rubicon Programs Incorporated to assign its limited partner interest in the Partnership to Resources for Community Development and to withdraw from the Partnership; and

WHEREAS, any transfer or change in control of ownership of the Project is subject to the review and approval of the City Council of El Cerrito pursuant to the OPA Documents; and

WHEREAS, the Partnership has submitted to the City for its review and approval that certain Assignment and Assumption Agreement and Second Amendment To Amended And Restated Articles Of Limited Partnership Of Idaho Apartments Associates ("Second Amendment"); and

WHEREAS, the City Council of the City of El Cerrito has reviewed the terms of the Second Amendment and the qualifications of Resources for Community Development to assume control of the Partnership and the Project.

NOW THEREFORE, BE IT RESOLVED that the City El Cerrito, after review and consideration of the terms of the Second Amendment, hereby consents to the withdrawal of Idaho Apartments Housing Corporation as the general partner of the Partnership and to the substitution of RCD GP LLC as the general partner, and also consent to the withdrawal of Rubicon Programs Incorporated as the limited partner of the Partnership and to the substitution of Resources for Community Development as a limited partner in the Partnership pursuant to the terms of the Second Amendment,

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute documents necessary to indicate City's consent to the withdrawal and substitution of the general partner and the limited partner,

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

I CERTIFY that at the special meeting on September 22, 2014, the City Council of the City of El Cerrito passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document on September __, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

**ASSIGNMENT AND ASSUMPTION AGREEMENT AND SECOND AMENDMENT TO
AMENDED AND RESTATED ARTICLES OF LIMITED PARTNERSHIP OF
IDAHO APARTMENTS ASSOCIATES**

This Assignment and Assumption Agreement and Second Amendment to Amended and Restated Articles of Limited Partnership of Idaho Apartments Associates, a California Limited Partnership (the “Second Amendment”) is made as of _____, 2014, by and among **Idaho Apartments Housing Corporation**, a California nonprofit public benefit corporation (“Idaho Corp”), **Rubicon Programs Incorporated**, a California nonprofit public benefit corporation (“Rubicon”), **RCD GP LLC**, a California limited liability company (“RCD GP”) and **Resources for Community Development**, a California nonprofit public benefit corporation (“RCD”) with reference to the following facts:

A. Idaho Apartments Associates, a California limited partnership (the “Partnership”) was initially formed as a limited partnership by that certain Agreement of Limited Partnership dated November 15, 1996 (as amended) (the “Original Agreement”), and by that Certificate of Limited Partnership filed with the State of California on November 19, 1996 (“Certificate”).

B. The Original Agreement was modified by the Amended and Restated Articles of Limited Partnership of Idaho Apartments Associates dated November 18, 1997 (the “A&R Agreement”), with Idaho Corp as the general partner of the Partnership, and California Equity Fund 1996 Limited Partnership, a California limited partnership (“CEF”), as the limited partner of the Partnership.

C. Pursuant to that certain Agreement for Withdrawal of Limited Partner dated as of January 31, 2014, by and among the Partnership, the General Partner and CEF, CEF withdrew from the Partnership as the sole Limited Partner.

D. Pursuant to that certain First Amendment to Amended and Restated Articles of Limited Partnership of Idaho Apartments Associates dated as of January 31, 2014 (“First Amendment”), the Partnership admitted Rubicon as the sole limited partner of the Partnership in place of CEF. The A&R Agreement, as amended by the First Amendment, is referred to herein as the “Partnership Agreement.”

E. The purpose of this Second Amendment is for Idaho Corp to assign its general partner interest in the Partnership to RCD GP and to withdraw from the Partnership, and for Rubicon to assign its limited partner interest in the Partnership to RCD and to withdraw from the Partnership.

F. The parties desire to further amend the Partnership Agreement, as set forth below.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto mutually agree as follows:

1. Idaho Corp hereby assigns, grants, transfers and sets over to RCD GP all of Idaho Corp's right, title and interest as the general partner in the Partnership, and RCD GP hereby assumes all of Idaho Corp's obligations as general partner in the Partnership, including without limitation, all obligations of Idaho Corp as the general partner under the Partnership Agreement as if RCD GP had executed any and all of said agreements; however, RCD GP's obligations under the Partnership Agreement shall only arise as to events that occur after the date of this Second Amendment.
2. Rubicon hereby assigns, grants, transfers and sets over to RCD all of Rubicon's rights, title and interest as the limited partner in the Partnership, and RCD hereby assumes all of Rubicon's obligations as limited partner in the Partnership, including without limitation, all obligations of Rubicon as the limited partner under the Partnership Agreement as if RCD had executed any and all of said agreements; however, RCD's obligations under the Partnership Agreement shall only arise as to events that occur after the date of this Second Amendment.
3. Idaho Corp and Rubicon each hereby knowingly and specifically releases, relinquishes and waives any and all claims and rights, currently known and/or unknown, against the Partnership and Partnership assets. Idaho Corp and Rubicon each hereby knowingly waive California Civil Code Section 1542, which provides that a general release does not extend to claims which the creditor does not know or suspect to exist in its favor at the time of executing the release, which if known to it must have materially affected its settlement with the debtor.
4. With respect to the transactions described in the Partnership Agreement, the Partnership, RCD GP and RCD knowingly and specifically release, relinquish and waive any and all claims and rights, currently known and/or unknown, against Idaho Corp, Rubicon, and their assets. The Partnership, RCD GP and RCD hereby knowingly waive California Civil Code Section 1542, which provides that a general release does not extend to claims which the creditor does not know or suspect to exist in its favor at the time of executing the release, which if known to it must have materially affected its settlement with the debtor.
5. The Partnership is a third party beneficiary of this Second Amendment and shall have the right to enforce its provisions.
6. Idaho Corp, Rubicon, RCD GP and RCD, at the request of any of the parties hereto at any time and from time to time after the date hereof, shall execute and deliver all such further documents, and take and forbear from all such action, as may be reasonably necessary or appropriate in order more effectively to perfect the transfers of rights contemplated herein or otherwise to confirm or carry out the provisions of this Second Amendment.
7. Idaho Corp and RCD GP hereby represent and warrant that the admission of RCD GP to the Partnership and the withdrawal of Idaho Corp as the general partner of the Partnership, and the admission of RCD to the Partnership and the withdrawal of Rubicon as the limited partner of the Partnership shall not constitute a default under any obligations of the Partnership, including but not limited to any and all loans the Partnership has obtained in connection with the development of the residential housing development owned by the Partnership.

8. The Partnership Agreement is hereby amended to: (i) substitute RCD GP as the general partner and to provide for the withdrawal of Idaho Corp as the general partner and (ii) substitute RCD as the limited partner and to provide for the withdrawal of Rubicon as the limited partner.

9. This Agreement shall not be deemed or construed as releasing Idaho Corp or Rubicon from any obligations as general partner and limited partner under the Partnership Agreement or under any documents related to the Project or the construction, operation or financing of the Project incurred prior to the effective date of this Agreement.

10. Upon execution of this Second Amendment, Idaho Corp and RCD GP shall prepare, sign and file in the Office of the California Secretary of State an amendment to certificate of limited partnership in accordance with the Act.

11. This Second Amendment may be signed by different parties hereto in counterparts with the same effect as if the signatures to each counterpart were upon a single instrument. All counterparts shall be deemed an original of this Second Amendment.

12. Any default under this Second Amendment shall be a default under the Partnership Agreement

13. All capitalized terms not defined herein shall have the meanings ascribed to them in the Partnership Agreement.

14. This Second Amendment may be executed in counterparts.

IN WITNESS WHEREOF, each of the parties hereto has executed this Second Amendment as of the date first written above.

Idaho Apartments Housing Corporation,
a California nonprofit public benefit corporation

By: _____

Title: _____

Rubicon Programs Incorporated,
a California nonprofit public benefit corporation

By: _____

Title: _____

RCD GP LLC,
a California limited liability company

By: Resources for Community Development,
a California nonprofit public benefit corporation,
its sole member/ manager

By: _____

Title: _____

Resources for Community Development,
a California nonprofit public benefit corporation

By: _____

Title: _____

**CONSENT TO WITHDRAWAL AND SUBSTITUTION OF GENERAL PARTNER AND
LIMITED PARTNER OF IDAHO APARTMENTS ASSOCIATES**

The undersigned lenders of Idaho Apartments Associates, a California Limited Partnership (the “Partnership”) hereby consent to the withdrawal of Idaho Apartments Housing Corporation as the general partner of the Partnership and to the substitution of RCD GP LLC as the general partner, and also consent to the withdrawal of Rubicon Programs Incorporated as the limited partner of the Partnership and to the substitution of Resources for Community Development as a limited partner in the Partnership, each pursuant to the foregoing Second Amendment.

This consent may be executed in counterparts.

The County of Contra Costa,
a political subdivision of the State of California

By: _____

Title: _____

Date: _____

The City of El Cerrito,
successor housing agency to the El Cerrito Redevelopment Agency

By: _____

Title: _____

Date: _____



AGENDA BILL

Agenda Item No. 5(F)

Date: September 22, 2014
To: El Cerrito City Council
From: Geoff Thomas, Finance Manager
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Quarterly Investment Report for Period Ending June 30, 2014

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the period ending June 30, 2014.

BACKGROUND AND ANALYSIS

Per California Government Code 53646 and the City's Investment Policy, the City Treasurer may render a quarterly status report of the City's investments. The quarterly report includes certification that the investments are in compliance with the City's policy and that there are adequate funds available to meet the next six months of estimated expenditures.

This report provides an update for the the period ending June 30, 2014.

QUARTERLY INVESTMENT REPORT REVIEW

The Quarterly Investment Report for April 2014-June 2014 shows that the City's investments had a par value of \$1,683,938 as of June 30, 2014. The decrease of \$37,335 from last quarter is due to the use of \$33,173 of Solar Project proceeds for a payment to the contractor in April and the use of \$4,172 of City Hall Debt and Street Improvement Bond Debt interest earnings towards debt service payments offset by interest earned on the debt service reserves.

During the quarter, debt service payments were made in the amounts of \$502,576 for the Street Improvement Bond Debt in May and \$185,454 for the City Hall Debt in June.

The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$2,703 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF); \$341,235 is held in money market funds; and \$1,340,000 is invested in agency debt investments.

Reviewed By:

Scott Hanin
City Manager

Attachment:

1. City of El Cerrito Quarterly Investment Report For Period Ending June 30, 2014

Attachment 1

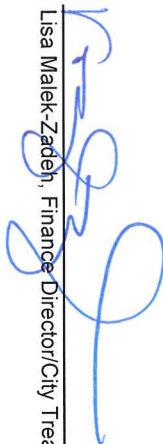
City of El Cerrito

Quarterly Investment Report

for the Period Ending June 30, 2014

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	LALF	CA State Treasurer	\$2,702.92	\$2,702.92	0.22%	N/A	100.00	\$2,702.92
Solar Project Financing	Prime Money Market	Deutsche Bank Prime Money Market	Deutsche Bank	\$150,444.71	\$150,444.71	0.01%	N/A	100.00	\$150,444.71
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$185,340.93	\$185,340.93	0.01%	N/A	100.00	\$185,340.93
City Hall Debt Fund	Blackrock Institutional Money Market Fed Natl Mtg Assn	Union Bank/Blackrock Liquidity Union Bank/ FNMA	Union Bank of CA Union Bank of CA	\$2,015.79 \$600,000.00	\$2,015.79 \$600,000.00	0.01% 0.75%	N/A 9/26/2017	100.00 100.12	\$2,015.79 \$600,708.00
Street Improvement Fund	Blackrock Institutional Money Market Fed Natl Mtg Assn	Union Bank/Blackrock Liquidity Union Bank/ FNMA	Union Bank of CA Union Bank of CA	\$3,433.66 \$740,000.00	\$3,433.66 \$740,000.00	0.01% 0.75%	N/A 9/26/2017	100.00 100.12	\$3,433.66 \$740,873.20
TOTALS, as of June 30, 2014				\$1,683,938.01	\$1,683,938.01				\$1,685,519.21

I certify that this report is in compliance with the City of El Cerrito Investment Policy and that there are adequate funds available to meet the next six months of estimated expenditures as required by the California Government Code 53646.


 Lisa Malek-Zadeh, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 6(A)

Date: September 22, 2014

To: El Cerrito City Council

From: Michael J. Bond, Fire Marshal
Lance J. Maples, Fire Chief

Subject: Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

BACKGROUND

The Fire Department has completed its annual fire hazard abatement program. The purpose of this program is to remove weeds, dry grass, stubble, brush, rubbish, litter and other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard.

Notices were sent to 272 parcel owners notifying them that hazards existed on their parcels. With support and help from the Fire Department all but two property owners abated the hazards on their parcels.

The property owners identified in Exhibit A failed to abate the fire hazards on their property. For these properties the City has followed a statutory procedure to remove the hazardous conditions. This procedure is specified in the July 15, 2014 Agenda Bill and Resolution No. 2014-31. The owners of the properties identified in Exhibit A were notified that if they did not abate the hazardous conditions on their property, the City would do so. They were given the opportunity at a public hearing to object to the City's plan to abate these conditions. On July 16, 2014, the City then sent the owners of the properties identified in Exhibit A, a second notice, informing them that the City would perform abatement through its own staff or through private contract. The property owners identified in Exhibit A failed to abate the hazards and the City then performed the abatement work through private contractors.

Notice has been sent to the owners of the properties identified in Exhibit A informing them of a scheduled hearing before the City Council on September 22, 2014 to confirm the costs of the abatement work performed on their properties.

ANALYSIS

The fire hazard abatement procedure provides ample due process for the affected property owners, well beyond the minimum procedure statutorily required. The most important part of the procedure is that the property owners listed in Exhibit A were given the opportunity to contest whether their property constituted a public nuisance and a fire hazard at a public hearing before the City Council. The property owners did not contest the designation, nor did the property owners voluntarily abate the nuisance conditions. The City Council therefore directed City staff to abate said conditions.

This matter appears before the City Council for the sole purpose of confirming the abatement costs already incurred by the City for the properties identified in Exhibit A. At this hearing, the City Council should review the reasonableness of the costs of abatement as specified, and then determine the abatement costs to be assessed. Resolution No. 2014-31 provides for confirmation of the report of abatement costs, and the attached Exhibit B specifies the administrative costs associated with each of the properties. Once confirmed by the City Council, the costs of abating the nuisance will be forwarded to the County Auditor by October 2, 2014 for assessment to the individual property and a lien will be recorded with the County Recorder.

FINANCIAL CONSIDERATIONS

The abatement work has been completed by contract labor and the City has paid the contractors a total of \$2,735.00 for their work. The City and County administrative costs of \$1,260.00 have been added, bringing the total cost to \$3,995.00. These costs include 1) Fire Department investigation, boundary determination and supervision of the contract labor; and 2) City Administration costs for the program. In order for the City to fully recover the direct and indirect costs of \$3,995.00 already incurred for the abatement work performed, the City Council should confirm the staff report on the costs of abatement at this time so that these costs can be forwarded to the County for collection from the property owner.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A - Property List
3. Exhibit B – Cost Analysis & Contractor Abatement Invoice

RESOLUTION NO. 2014–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE REPORT OF THE COSTS OF ABATEMENT OF PUBLIC NUISANCE CONDITIONS RESULTING FROM THE PRESENCE OF WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON THE PRIVATE PROPERTY DESIGNATED HEREIN UNDER THE AUTHORITY CONTAINED IN EL CERRITO MUNICIPAL CODE SECTION 16.26

WHEREAS, El Cerrito Municipal Code Section 16.26, et seq. provides a method by which a local legislative body may abate public nuisance conditions on private property relating to weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26 the El Cerrito City Council declared, through Resolution No. 2014-30, that the properties identified herein in Exhibit A constitute a public nuisance because the presence of weeds, rubbish, litter or other flammable material on the properties created a fire hazard, a menace to the public health, or were otherwise noxious or dangerous; and

WHEREAS, through Resolution No. 2014-31 the City Council directed, under the further authority of El Cerrito Municipal Code Section 16.26, that notice be provided to the owners of the properties identified in Exhibit A informing the owners that if they did not abate the nuisance conditions, that these conditions would be abated by the City, and that upon confirmation, the abatement costs would constitute a lien upon the properties until paid; and

WHEREAS, through Resolution No. 2014-31 the City Council further directed that a public hearing be scheduled at which time the owners of the properties identified in Exhibit A could present objections to the designation of their property as a public nuisance and objections to the abatement of these public nuisance conditions by the City; and

WHEREAS, notice designating the properties identified in Exhibit A a public nuisance and informing the owners of the properties of the right to object to such designation and proposed abatement by the City was provided to the owners of the properties as required by Government Code Sections 39560 through 39588; and

WHEREAS, the owners of the properties identified in Exhibit A did not appear at the July 15, 2014 public hearings to contest the public nuisance designation or to object to the abatement of the public nuisance conditions by the City; and

WHEREAS, at the conclusion of the July 15, 2014 public hearings, the City Council, by Resolution No. 2014-31 for Exhibit A, directed the City Manager or designee to abate those public nuisance conditions as provided for by El Cerrito Municipal Code Section 16.26 and Government Code Section 39560 through 39588

WHEREAS, the City Council further directed that the City Manager or designee to keep an account of the cost of abatement for each property on which work was performed and that a report be prepared and presented to the City Council so that, after notice and hearing, these abatement costs could be confirmed as a special assessment against the property; and

WHEREAS, after the adoption of Resolution No. 2014-31 a second notice was mailed to the owners of the properties identified in that resolution again informing the property owners that if they did not abate the public nuisance conditions on the properties, that the City would abate these nuisance conditions and assess the abatement costs against the properties; and

WHEREAS, as required by El Cerrito Municipal Code Section 16.26 the El Cerrito City Council conducted a hearing on September 22, 2014 at which an opportunity was given to voice objections regarding the report and the assessment of the abatement costs for the properties identified in Exhibit A of this Resolution. Notice of the hearing was provided to the owners of the properties; and

WHEREAS, at the September 22, 2014 hearing, the property owners were given the opportunity to object and protest the report and the abatement costs assessed. The property owners were also given the opportunity to present evidence in support of their arguments; and

WHEREAS, such testimony provided at the public hearing included a description of the public nuisance conditions which existed at the property prior to the abatement, a description of the services required to abate those conditions, the cost to the City in abating those conditions and such other matters deemed relevant by the City Council; and

WHEREAS, the City Council does hereby conclude that the abatement costs as contained in Exhibit B, B-1 through B-2, as such costs may have been modified by the City Council after a review of the evidence, are fair and reasonable. This determination is based on the evidence submitted by the property owners, the evidence submitted by City staff, the evidence concerning the nuisance conditions which existed at the property prior to abatement, the evidence concerning the scope of services required to abate those conditions, and such other matters deemed relevant by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby confirm the report of the costs of abatement as contained in Exhibit B, B1 through B2 of this Resolution.

BE IT FURTHER RESOLVED that the costs of abatement shall be levied as a special assessment against the property and that these costs shall be certified to the auditor of Contra Costa County so that the costs of abatement shall be collected at the same time and in the same manner as ordinary municipal taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution confirming the abatement costs for the properties identified in Exhibit A of this Resolution shall be filed with the County Auditor on or before October 2, 2014.

BE IT FURTHER RESOLVED that the City Manager or designee shall take such action as may be necessary to record the abatement costs for the property identified in Exhibits A and B of this Resolution with the County Recorder as a lien against the property as provided for in El Cerrito Municipal Code Section 16.26

Agenda Item No. 6(A)
Attachment 1

I CERTIFY that at a regular meeting on September 22, 2014 the El Cerrito City Council passed this resolution by the following vote:

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

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

EXHIBIT A

El Cerrito
List of Real Abated Properties
9-22-2014

<u>APN</u>	<u>Street Address</u>
510-042-019	5619 EL DORADO AVE
501-030-020	5528 MACDONALD AVE

Agenda Item No. 6(A)
Attachment 3, Exh. B(1) p.1

FIRE SAFETY CLEARING Aug. 22nd , 2014
510-541-2130

INVOICE# 43800-5
To: El Cerrito Fire Dept.
5619 El Dorado
El Cerrito, CA. 94530
-Trash and Debris removal
-Weed Abatement, sprouts
*as per City of El Cerrito Fire Dept. codes and reg.
TOTAL DUE.....\$2150.00

Please make check payable to:
Teo Carlone
1224 Masonic Ave.
Berkeley, CA. 94706

Thanks for the work. Hope everything looks O.K.

EXHIBIT B-1 page 2

**REPORT ON ABATEMENT OF FIRE HAZARDS
EL CERRITO FIRE DEPARTMENT**

Property:

Parcel Number: **510-042-019**
Property Address: **5619 EL DORADO AVE, EL CERRITO, CA 94530**
Contact Address: **5619 EL DORADO AVE, EL CERRITO, CA 94530**

Owner' Name: **SMITH, ARCHIE & BERNICE**

Abatement Work Performed:

Description: Clearing of weeds, dry brush, trash, and debris from front/side yards; removal/hauling of all cuttings, trash, and debris

Date Work Performed: August 19, 2014

Work Performed By: Fire Safety Clearing
1224 Masonic Ave.
Berkeley, CA 94706
510- 541-2130

Contracted Costs..... \$2150.00

Administrative Costs: Fire Department Investigation,
Boundary determination and supervision
1 Hr, 45 min. X \$180.00/hr..... \$315.00

Fire Department Administration Fees
1 Hr, 45 min. X \$180.00/hr..... \$315.00

Property Tax collection fee N/C

County Recording and
Administration fees N/C

TOTAL ABATEMENT COST: \$ 2780.00

Certified by: _____ Date: _____

David Ciappara
Fire Prevention Officer

Exhibit B-1 page 3

EL CERRITO CITY ADMINISTRATIVE COST WORK SHEET

5619 El Dorado Ave.

6/5/2014 - Initial inspection and notice.....15 min @ \$180.00/hr.....\$45.00

7/8/2014 – Re-inspection15 min @ 180.00/hr..... 45.00

7/9/2014 - Office work for City Council Meeting..... 15 min @ 180.00/hr..... 45.00

7/16/2014 – Re-inspection and notice.....15 min @ 180.00/hr..... 45.00

8/13/2014 - Vendor bid inspection.....30 min @ 180.00/hr..... 90.00

8/19/2014 - Vendor observation / inspection.....30 min @ 180.00/hr..... 90.00

9/3/2014 - Office work for City Council Meeting.....30 min @ 180.00/hr..... 90.00

10/2/2014 - County Record Abatement Martinez.....60 min @ 180.00/hr..... 180.00

TOTAL ADMINISTRATIVE COST..... \$ 630.00

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Attachment 3
Exh. B(2) p. 1

Oakland Hills Brush Clearing Svc.

6114 La Salle Ave. #235
Oakland, CA 94611

(510)339-9991
OaklandHillsBrushClearing.com

**INVOICE**

BILL TO
E.C.F.D.
10890 San Pablo Ave.
El Cerrito, Ca. 94530

INVOICE NO. 2376
TERMS Net 30
DATE 08/21/2014
DUE DATE 09/20/2014

ACTIVITY	AMOUNT
Property Serviced	585.00
5528 McDonald, El Cerrito. Fire Prevention Clearing of weeds, brush on front and east sideyard area; hauling of cuttings.	

Thanks for using our services!

BALANCE DUE **\$585.00**

If you were happy with our services, feel free to write up a review for us on YELP: <http://www.yelp.com/biz/oakland-hills-brush-clearing-oakland>

EXHIBIT B-2 page 2

**REPORT ON ABATEMENT OF FIRE HAZARDS
EL CERRITO FIRE DEPARTMENT**

Property:

Parcel Number: **501-030-020**
Property Address: **5528 MACDONALD AVE, EL CERRITO, CA 94530**
Contact Address: **5528 MACDONALD AVE, EL CERRITO, CA 94530**

Owner' Name: **HESLOP, LEE & TERESA C**

Abatement Work Performed:

Description: Clearing of weeds and dry brush from front/side yards;
removal/hauling of cuttings

Date Work Performed: August 19, 2014

Work Performed By: Oakland Hills Brush Clearing
6114 LaSalle Ave., #235
Oakland, CA 94611
510- 339-9991

Contracted Costs..... \$585.00

Administrative Costs: Fire Department Investigation,
Boundary determination and supervision
1 Hr, 45 min. X \$180.00/hr..... \$315.00

Fire Department Administration Fees
1 Hr, 45 min. X \$180.00/hr..... \$315.00

Property Tax collection fee N/C

County Recording and
Administration fees N/C

TOTAL ABATEMENT COST: \$ 1215.00

Certified by: _____ Date: _____
David Ciappara
Fire Prevention Officer

Exhibit B-2 page 3**EL CERRITO CITY ADMINISTRATIVE COST
WORK SHEET****5528 MacDonald Ave.**

6/5/2014 - Initial inspection and notice.....15 min @ \$180.00/hr.....\$45.00

7/8/2014 – Re-inspection15 min @ 180.00/hr.....45.00

7/9/2014 - Office work for City Council Meeting..... 15 min @ 180.00/hr..... 45.00

7/16/2014 – Re-inspection and notice.....15 min @ 180.00/hr..... 45.00

8/13/2014 - Vendor bid inspection.....30 min @ 180.00/hr..... 90.00

8/19/2014 - Vendor observation / inspection.....30 min @ 180.00/hr..... 90.00

9/3/2014 - Office work for City Council Meeting.....30 min @ 180.00/hr..... 90.00

10/2/2014 - County Record Abatement Martinez.....60 min @ 180.00/hr..... 180.00

TOTAL ADMINISTRATIVE COST..... \$ 630.00



AGENDA BILL

Agenda Item No. 6(B)

Date: September 22, 2014

To: El Cerrito City Council

From: Melanie Mintz, Interim Community Development Director
Yvetteh Ortiz, Public Works Director
Margaret Kavanaugh-Lynch, Development Services Manager

Subject: San Pablo Avenue Specific Plan Adoption and Environmental Impact
Report Certification

ACTION REQUESTED

Conduct a public hearing and upon conclusion, take the following actions related to the San Pablo Avenue Specific Plan:

- Adopt a resolution certifying the Environmental Impact Report and approving the Mitigation Monitoring and Reporting Program;
- Adopt a resolution amending the General Plan, to assure consistency between the Specific Plan and General Plan;
- Adopt a resolution approving the San Pablo Avenue Specific Plan;
- Introduce by title, waive any further reading beyond the title and approve an ordinance revising the Zoning Map to incorporate the San Pablo Avenue Plan Area; and
- Introduce by title, waive any further reading and approve an ordinance revising the Municipal Code to incorporate the San Pablo Avenue Specific Plan regulations.

BACKGROUND

The proposed San Pablo Avenue Specific Plan (Plan) has been underway since 2007 when the former El Cerrito Redevelopment Agency and the City of Richmond undertook an effort to develop a shared vision for the future of San Pablo Avenue. (Redevelopment Agency Resolution No. 563) The Plan has aimed to achieve and develop clear and consistent guidelines to stimulate investment and achieve economic and community vitality along San Pablo Avenue. The Plan before City Council tonight represents the culmination of seven-plus years of community input and responds to issues identified by City Council at its March 7 and November 21, 2011 and November 15, 2013 study sessions to develop a Plan which focused on implementation and was reflective of contemporary land use planning strategies along transit-corridors. These

Agenda Item No. 6(B)

strategies include increased heights and densities, lower parking minimums, and a flexible approach to mixed-use development, e.g. allowing ground floor residential in most cases.

The Plan before Council tonight incorporates a Form Based Code, a Complete Streets Plan, an Infrastructure Analysis, technical appendices and is accompanied by an Environmental Impact Report (EIR), prepared pursuant to the California Environmental Quality Act (CEQA). The collection of elements was authorized at the April 2, 2013 City Council meeting (Resolution 2013-17) and is funded by a combination of sources, including the City's Municipal Services Corporation, the Contra Costa Transportation Authority (CCTA) Measure J/Transportation for Livable Communities and Measure J/Transit Oriented Development Access Improvements. The Multimodal Capital Improvement Program, authorized at that time, will be completed after adoption of the Plan to further implementation of the various multimodal improvements (e.g. bicycle, vehicle, transit and automobile transportation infrastructure improvements) that have been identified as needed within ½ mile of both BART stations to support the goals of the Plan.

The Plan incorporates best practices and community input received through this planning effort and parallel regional and local planning processes. It directly implements a number of city goals, including:

1. **1999 General Plan Strategic Framework** which includes development of San Pablo Avenue Corridor Design Guidelines and revitalization strategies for the Del Norte, Midtown and El Cerrito Plaza area among its most important strategies for accomplishing the vision for El Cerrito.
2. **2006 Economic Development Action Plan** which specifies creating a consistent vision of El Cerrito's transition to an urban lifestyle along San Pablo Avenue to attract high quality development and sustain a strong sense of community as key to achieving the City's Economic Development goals.
3. **2013 Strategic Plan** which identified the following goals and strategies:
 - a. Attracting and maximizing opportunities for new/expanding businesses as a strategy for achieving *long-term financial sustainability*
 - b. Reimagining underdeveloped and underutilized properties and encouraging use of alternative modes of transportation as strategies to *deepen a sense of place and community identity*
 - c. Implementing the City's Climate Action Plan and reducing vehicle-miles traveled through improved transit-oriented form to *foster environmental sustainability*
4. **2013 Climate Action Plan** which identified encouraging more compact, higher density infill development along transportation corridors and increasing the local

economic base as key Sustainable Community Goals to reduce overall vehicle miles travelled in the City.

The Plan also directly responds to and implements the goals of SB375, the *Sustainable Communities and Climate Protection Act of 2008* and *Plan Bay Area*, the Bay Area's Sustainable Community Strategy, which both call for integrating transportation and land-use planning to help the State achieve its greenhouse gas emissions targets.

Finally, the Plan shares goals with the City of Richmond's draft *Livable Corridors Form Based Code* which articulates the City of Richmond's vision for creating walkable mixed-use neighborhoods consistent with its General Plan. Although the EIR before Council tonight incorporates the impacts of anticipated development in the City of Richmond within the Plan area, regulatory changes on parcels that fall within the City of Richmond will take place through Richmond's amendment and adoption of its proposed Livable Corridors Form Based Code.

Parallel Planning Efforts: In addition to directly implementing adopted City goals, the Plan is informed by and works in tandem with parallel planning and capital projects underway, including the Citywide Urban Greening and Active Transportation Plan, several phases of the I-80/Central Avenue Interchange Improvements Project, improvement to multimodal and intermodal transportation facilities at both BART stations funded through the City's One Bay Area Grant and BART's Caltrans Planning grant, and upcoming Safe Routes to Transit and Priority Development Area planning grants which include development of ongoing parking and transportation management strategies. The multiple planning projects underway aim to assure that the Plan's elements are well-coordinated with partner agencies, such as AC Transit, BART, Caltrans and neighboring jurisdictions and that Plan implementation will be complemented by parallel efforts to improve overall livability for existing and future El Cerrito residents. Furthermore, the multiple planning efforts underway, and especially the proposed San Pablo Avenue Specific Plan will catalyze private investment in the area and continue to make El Cerrito competitive for outside funding to fully implement the Plan vision. During the planning process, Community Development staff hosted a workshop with developers and architects to assure the proposed Plan's provisions achieved its goals of encouraging practical and market-friendly development.

Public Engagement: Public engagement throughout the planning process has included surveys, informal interaction with staff and decision-makers, the San Pablo Avenue Advisory Committee which met from 2007-2011, and numerous public meetings and Planning Commission, Design Review Board and City Council study sessions as documented in the Plan. Public comment on the draft Plan and draft Environmental Impact Report (DEIR) was taken June 3-July 21, 2014. Responses to DEIR comments have been incorporated in the Final Environmental Impact Report (FEIR). Public comment was also received in relation to the September 4, 2014 Planning Commission consideration of the proposed Plan and entitlements and in relation to the item before Council tonight. Comments received regarding tonight's requested action prior to September 15 are included as Attachment 7. Comments received afterwards will be distributed to City Council at the dais.

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Planning Commission: In addition to commenting on and being involved in previous drafts of the Plan, the Planning Commission received project updates and held study sessions on July 17 and November 20, 2013, and July 16, 2014. At its September 4 meeting, the Commission voted 5-1 to recommend the proposed Specific Plan and associated resolutions and ordinances be adopted by City Council. Twenty members of the public spoke at that meeting, representing a range of opinions on the Plan. A number of minor changes to the Plan were requested by the Planning Commission prior to their vote, which are included in an updated Errata (Attachment 6).

Interagency-Interdepartmental Coordination: Throughout the development of the proposed Plan, the City has met with outside agencies and internal City departments to assure the Plan's provisions met shared goals and were feasible. An ongoing Technical Advisory Committee (TAC), consisting of the City's Police and Fire departments, Caltrans, the cities of Albany and Richmond, AC Transit, BART, Bike East Bay (formerly the East Bay Bicycle Coalition) and Contra Costa Public Health Department has been convened and will continue to meet throughout the Plan's implementation.

Below is a concise summary of each of the Plan's elements and the EIR, as well as a summary of key issues raised during the public comment period. More detail about each of the Plan's elements can be found in the Plan itself.

Form Based Code: The Form Based Code (FBC) provides development regulations and design guidelines for new development and changes to the built environment on San Pablo Avenue. The code aims to provide clarity to those wishing to improve their properties along the Avenue while promoting quality development that meets the City's goals for high-quality development that promotes walkability, livability and economic vitality. The Code includes several subsections, including:

1. *Code Intent, Use and Administration:* Includes summaries of the regulating plan and development standards; land use regulations; approval procedures and public noticing requirements.
2. *Regulating Plan:* Establishes the transect zones for the Plan Area which establishes building heights, parking requirements, open space and land use requirements; and Street Types which in tandem with the transect zones regulates building placement, form, articulation and character.
3. *Development Standards:* Illustrates and establishes building placement, form, articulation and character including sidewalk requirements, set back requirements, pedestrian and vehicle access requirements etc.
4. *Supplemental Development Standards:* Specifies site layout requirements and guidelines, building articulations standards, frontage types, parking, signage and landscaping standards, guidelines for sustainable design elements and public art and regulations and intent as it applies to cultural and historic resources.

5. *General Public and Private Open Space Standards:* Establishes public, private and common open spaces requirements for non-residential and residential projects and provides guidelines to incentivize types of open space.

Complete Streets: The Complete Streets Plan provides general direction for the design of the public right-of-way within the Specific Plan area, as well as, identifies a range of specific improvements to help transform the area into a transit-friendly, walkable and bikeable corridor while at the same time addressing congestion hot-spots for automobile traffic. In order to design for and track success of the Complete Street Plan over time, new multimodal level of service (MMLOS) metrics have been developed. The current level of service (LOS) methodology employed by the City considers only automobile delay and therefore neglects to account for the multimodal impacts of land use development and infrastructure improvement projects.

The existing right-of-way and traffic volumes vary along San Pablo Avenue, and therefore the Plan calls for varying improvements throughout the length of San Pablo Avenue. For example, in some of the more constrained right-of-way widths along San Pablo Avenue, such as the Downtown and Uptown section, it will not be possible to provide optimum facilities for all travel modes. When trade-offs are necessary, the Complete Streets Plan prioritizes adding transit and pedestrian infrastructure over new bicycle infrastructure. This is due to the corridor's importance as a transit route and as the City's main commercial and mixed-use corridor where walking between various uses and to transit are key. While transit and pedestrian modes are prioritized in the Plan, bicycle facilities are not allowed to remain with low service levels if measures to improve them exist such as in Midtown where buffered bicycle lanes can be accommodated while maintaining acceptable levels of service for all other modes including automobiles.

As a part of this process, staff has convened a Technical Advisory Group (TAG) to discuss our Complete Streets strategies. The TAG has consisted of staff from Caltrans, AC Transit, BART, Contra Costa County Health, Bike East Bay (formerly East Bay Bicycle Coalition), BART, Richmond and Albany.

City staff has also been actively involved in the update to the WCCTAC Action Plan, which maintains LOS E along San Pablo Avenue, which is a route of regional significance, except within a 1/2 mile of a BART station where it defers to any MMLOS established by area specific plans.

The Complete Streets improvements will be achieved through coordinated implementation by the City, private developers, regional transit agencies and Caltrans.

Infrastructure Systems: The Infrastructure Systems section of the Plan identifies utility providers and infrastructure systems along the Avenue. For water, wastewater and storm drainage utilities, the Plan also provides a general review of potential limitations in the currently installed systems and recommends feasibility-level improvements and associated costs. The Plan provides general information regarding dry utilities including gas, electric and cable. Individual projects will work with the utility agencies to assess

improvements needed for their connection to the systems. Where long-term capacity information is lacking, the City will partner with the agencies to seek funding to develop capacity information and identify funding to remedy deficiencies, including developer impact fees where the improvements are related to the demands of new development.

Environmental Impact Report (EIR): California Environmental Quality Act (“CEQA”) Guidelines require preparation of an EIR when a lead agency determines that there is evidence that a plan or project may have a significant effect on the environment. The City, as lead agency, determined that preparation of a program-level EIR for the Specific Plan was warranted to assure all environmental impacts were adequately analyzed, as permitted in Section 15060(d) of the CEQA Guidelines.

The Draft EIR was made available for public and agency review on June 3, 2014. The Draft Environmental Impact Report (SCH #2014042025) analyzed the potential environmental impacts that could result with the implementation of the Specific Plan. The CEQA-mandated 45-day public comment period for the Draft EIR ended on July 21, 2014. The comments on the Draft EIR, changes to the Draft EIR, and the written responses were incorporated into a Final EIR that was published on August 28, 2014. Copies of the Final EIR were made available at El Cerrito City Hall, on the City’s website, and at the El Cerrito Library and at Richmond City Hall and Richmond library.

For every impact identified, mitigations have been proposed. There are five areas of study that were not able to be mitigated to the point that their impacts could be found to be less than significant. Due to the nature of specific plans, this outcome is not unusual. Each of these five areas are briefly discussed below and also noted in detail in **Attachment 1, Exhibit B**.

1. Views: Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

The mitigation states that future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal’s potential effect on scenic vistas. Whenever a project may create this impact, the City shall require evaluation (including visual simulations, if deemed necessary) of the proposal’s visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area. Adjustments to design to frame or retain partial views may be leveraged.

Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed, the impact under CEQA is considered significant and unavoidable. Some loss of these views may occur as a result of any project. It is important to note that this could happen under the current Zoning Ordinance. However,

because the impact cannot be precluded, mitigation to a level of insignificance is infeasible. That finding is acceptable under the California Environmental Quality Act (“CEQA”) Guidelines. The City Council will be asked to consider this issue as part of their required findings included in **Attachment 1, Exhibit A**.

2. Historic Resources: There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. This is not the preferred intent of the City of El Cerrito, but it is impossible to preclude the possibility.

When reviewing any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older) the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional consultant. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures:

1. The applicant will be strongly encouraged to retain the resource on site and integrate it into the new development in a way that is consistent with the Department of the Interior Standards.
2. If the resource cannot be retained on site, the applicant shall be strongly encouraged to move it to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.

If neither #1 nor #2 is feasible, a project-specific EIR shall be required to ensure that the appropriate analysis is completed.

This conservative approach provides the incentive for developers to integrate historic buildings into the new development in a way that does not have a negative impact on the historic resource. If a developer decides that the resource cannot be integrated into their project, they will not be able to rely on the programmatic EIR; rather, they will have to do a significant amount of additional analysis to create a project level EIR specific to their proposal. This approach makes a clear statement that it is the priority of the City of El Cerrito to preserve historic resources whenever it is feasible to do so. If a project cannot meet this goal the applicant will have to complete a focused EIR, just as they would have to do under the current code. However, because the impact cannot be precluded from occurring, mitigation to a level of insignificance is infeasible. That finding is acceptable under the California Environmental Quality Act (“CEQA”)

Guidelines. The City Council will be asked to consider this issue as part of their required findings included in **Attachment 1, Exhibit A**.

3. Noise and 4. Vibration: Businesses and residences would be intermittently exposed to high levels of noise and vibration throughout the 2040 plan horizon during construction.

A list of constraints and conditions have also been incorporated into the mitigations that will lessen the effects identified in the EIR, although not to a level of insignificance. Even with the mitigation measures it may not be possible to avoid some noise disturbance as well as the use of pile drivers, vibratory rollers, and tampers entirely during construction. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce noise and groundborne vibrations below a level of significance. Because the impact cannot be completely avoided, mitigation to a level of insignificance is infeasible. That finding is acceptable under the California Environmental Quality Act (“CEQA”) Guidelines. The City Council will be asked to consider this issue as part of their required findings included in **Attachment 1, Exhibit A**.

5. Cumulative Traffic Impact at San Pablo Avenue/Cutting Boulevard: Cumulatively, the Plan may have an impact, relative to the City’s current LOS standard of D, at San Pablo Avenue/Cutting Boulevard, which would fall from LOS D in the Cumulative No Project case to LOS E in the Cumulative with Project case.

Adoption and full implementation of the San Pablo Avenue Specific Plan/Complete Streets Plan is projected to reduce auto trips relative to the baseline assumption in the impact analysis, which would reduce this impact to a less-than-significant level. However, because the projected mode shift cannot be guaranteed, and adoption of the proposed new multi-modal LOS goals as defined in the draft plan cannot be assured, the City cannot determine with certainty that this mitigation measure would reduce the potential cumulative traffic impacts to a less-than-significant level. Because the impact reduction cannot be completely guaranteed, mitigation to a level of insignificance is infeasible. That finding is acceptable under the California Environmental Quality Act (“CEQA”) Guidelines. The City Council will be asked to consider this issue as part of their required findings included in **Attachment 1, Exhibit A**.

Issues

The major issues raised by the public in response to the proposed Plan concern traffic, height and parking. Below is a summary of the major concerns staff has heard, and a response from staff on how the issue is addressed in the Plan, its implementation and parallel efforts.

1. *Building Height:* The increased height limits are too tall causing significant shading or canyon effect on San Pablo Avenue.

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Staff Response: Height limits will increase from 35 feet to as high as 65 feet in the Downtown and Uptown areas and 55 feet in the Midtown area for market priced housing in El Cerrito. The height limit on parcels in the City of Richmond in Midtown will be based upon Richmond's proposed Livable Corridors T4 Main Street standards of 3 stories. Richmond parcels Uptown and Downtown will correspond to T5 Main Street, which allows buildings up to 55' (and 85' in some areas.)

Current El Cerrito code typically allows a maximum height of 35 feet, with up to 65 feet if certain incentives were included in the project objectives. The proposed Plan allows for up to 65 feet (Midtown) and 85 feet (Uptown and Downtown) for projects that qualify for a density bonus in compliance with State density bonus regulations. (Current heights on San Pablo Avenue are a range, including Civic Plaza Apartments (35 ft), Del Norte Place (53 ft) and the Eskaton Hazel Shirley Manor (40 ft). City Hall is 50 feet at its highest point.) The proposed increase in heights are in response to both the desire to increase housing along transportation corridors and issues of development feasibility, as documented in the *El Cerrito Development Feasibility Analysis* presented to Council at its November 21, 2011 meeting. In addition, financial proformas that the City has reviewed for potential development projects as well as numerous Bay Area studies have informed the discussion on the topic. Anticipated rents, the cost of construction and other variables would be unlikely to result in much new construction along the San Pablo Avenue if market rate development continues to be capped at 35 feet.

However, it is also important to note, that the proposed Plan will not result in all new buildings being built to the maximum, due to parcel size constraints and those imposed by the proposed Form Based Code, such as shade limitations and daylight plane requirements for adjacent residential parcels. The Plan also limits lengths of buildings, requires mid-block connections, and other provisions that aim to result in an environment which is actually more human-scaled and livable than what is experienced today on San Pablo Avenue, even though some building heights exceed 35 feet.

Finally, the proposed Plan and EIR call for an additional 1,706 units to be built over the next decades within the Plan area, which includes the entire stretch of San Pablo Avenue in El Cerrito plus the portions within Richmond. As noted in the EIR, the 1,706 figure evaluated includes projects already in the "pipeline", such as the Creekside Walk project at El Cerrito Plaza, the anticipated project at Mayfair, Ohlone Gardens, Eden Senior Housing and development proposed along Central. (Note: The SPASP EIR does not specifically evaluate individual projects, but evaluates the impacts of all development in the SPASP at a "program-level" analysis under CEQA. The "pipeline" projects mentioned above will, or have, received the appropriate, project level of CEQA analysis before the City considers approval of each project.) It is anticipated that the change will be gradual and new significant development will likely take place on a small number of larger parcels, generally located near the BART stations and a few in Midtown. As mentioned above, new midrise development would only increase in size by one-to-two floors from the most recent mixed use projects in the City and adjacent communities. Additionally, it is

expected that the new development will help stimulate new restaurant, office and retail establishments and promote reinvestment in existing businesses.

2. *Traffic.* The result of adding 1,706 new dwelling units and adding infrastructure for bicycles to the area will make an already challenging vehicle environment, worse.

Staff Response: Local and national studies have found that mixed-use and transit-oriented neighborhoods generate fewer automobile trips and therefore reduce traffic impacts relative to single-use suburban development. These types of neighborhoods make walking safe and convenient, and are near developments that allow residents and workers to drive less. While the automobile level of service (LOS) analysis shows that congestion and delays are projected to increase slightly with the Plan due to the land use development included in the Plan and a small increase in regional traffic along San Pablo Avenue, the resulting peak hour service levels are generally projected to be at LOS D or better, the current City standard, with one exception (San Pablo Avenue/Cutting Boulevard in the Cumulative [2040] Plus Project case.) In addition, the projected mode shift of seven percent (from automobiles to transit, pedestrian and bicycle mode) that can be achieved with implementation of the Plan--i.e., all of the bicycle, pedestrian and transit policy and infrastructure improvements that together will support and promote alternatives to the automobile – would further reduce traffic impacts.

The Specific Plan would result in safer conditions for bicyclists and pedestrians, and a streetscape design that would better serve all travel modes - in particular buses, pedestrians, and bicyclists - while still accommodating vehicles and reducing conflicts between travel modes.

Finally, the City is working with neighboring and regional agencies on additional efforts outside the Plan area, including the I-80/Central Avenue Interchange Improvement Project, to ameliorate existing traffic problems.

3. *Parking.* There will not be enough parking. I live in the hills/cannot bicycle/walk and/or there is no adequate bus service. I will not be able to find parking.

Staff Response: On-street parking is considered an important amenity and will largely be preserved except for potentially along a few blocks between Potrero to Hill and Cutting Boulevard to Wall Street where a bike lane is proposed. During detailed design, it will be determined in this location whether Super Sharrows (that preserve parking) or a bicycle lane is the preferred option. The proposed buffered-bike lane and bus-platforms, aim to maintain the same amount of on-street parking that there is today. Studies on the topic indicate that aside from near the two BART stations, both on-street and off-street parking along San Pablo Avenue is largely underutilized. By requiring the appropriate amount of parking in new development, the land available for housing and commercial development is optimized. Existing off-street parking will remain unless and until a new project application is approved. As a component of Specific Plan implementation, the City will continue to develop parking and transportation demand management programs, as called for in the 2011

El Cerrito Parking Study as well as numerous regional publications, in order to assure that adequate parking is available. The largest impact to local parking is from the BART riders. The City will continue to work with BART to manage the impacts of this parking. Development fees proposed to implement the San Pablo Avenue Specific Plan, also under consideration tonight, will help fund new and ongoing parking and transportation demand management programs.

ANALYSIS

Actions before Council tonight include:

Certification of the Environmental Impact Report, Adoption of a Mitigation Monitoring and Reporting Program and Approval of a Statement of Overriding Consideration

The City Council, using its independent judgment must consider the findings and conclusions of the EIR (as discussed above and in **Attachment 1, Exhibit A**), certify that the EIR complies with CEQA, and adopt the Mitigation Monitoring and Reporting Program (MMRP). See *Environmental Considerations* below and **Attachment 1** for additional details about CEQA for the proposed Plan.

General Plan Amendment

Although technically a General Plan Amendment is required for the adoption of the Specific Plan, the Plan is consistent with the spirit and intent of most of the existing goals and policies identified in the General Plan for the San Pablo Avenue corridor. For example, in the Strategic Framework Section; there are seven Primary Action Strategies identified “as the most important steps to accomplishing the vision for El Cerrito”. The Plan completely implements *Strategy 5: The San Pablo Avenue Corridor Design Guidelines*. It provides significant guidance towards fulfilling *Strategy 1: Del Norte Area Transportation Access/Land Use Strategy*, *Strategy 2: Adopt a Midtown Area Revitalization Strategy*, *Strategy 3: Adopt the El Cerrito Plaza Revitalization Strategy*, and *Strategy 6: Create a Green Infrastructure Initiative* by laying out a vision for context sensitive development strategy that affords a balance of building intensity, open space creation, historic preservation and commercial vibrancy. It also forwards the goals of *Strategy 7: Create a Community Collaboration Initiative* by raising the bar for public outreach in terms of notification methods and time and for instituting early review of complex projects.

Many of the goals and policies found in the Community Development and Design, the Housing Element and the Transportation and Circulation Chapters are also being fulfilled by the Plan. Please reference the General Plan for specific details.

The changes to the General Plan address the metrics that it uses to measure intensity and growth. This includes references to Density and Floor Area Ratio, (FAR) and a switch from the current automobile Level of Service standard (LOS) of D to an automobile LOS E along with Multimodal Level of Service (MMLOS) standards for transit, pedestrian and bicycle uses. Traditionally, density and FAR are ways that planners used to describe and quantify the amount of housing units in an acre and overall building

intensity. Instead of using those more indirect building form controls, FBC uses building form regulation to control the configuration, features and architectural aspects of projects as they relate to the public realm.

The MMLOS is a way of evaluating the impacts of development projects and street infrastructure projects on all modes of transportation. While LOS reviewed only the impacts on motor vehicles, MMLOS adds metrics to consider pedestrians, bicyclists and transit. By allowing the measurement of all of these modes of transportation, it allows staff and city decision makers to make improvements that will serve all users of the Plan area. It is the goal of this Plan to allocate the highest level of service to transit and pedestrian uses while the automobile level of service standard is mildly decreased. The motor vehicle is a primary mode of transportation in our city. The Plan notes that fact and ensures that it will continue to be able to provide ample parking and ease of use for all vehicles. The MMLOS standards allow other users' needs to be measured and addressed.

Staff believes that is appropriate to amend the General Plan for the Plan area to adhere to the practices of FBC and MMLOS. It is in the public interest because it adopts context-sensitive regulations to be applied throughout the Plan area. Please see Attachment 2 to review the complete set of findings on this issue.

Zoning Ordinance and Map Amendment

The existing Zoning Ordinance and Map are required to be physically amended to reflect the new Plan Area. This action is often called rezoning. The Plan itself will be added to the El Cerrito Municipal Code as Section 19.15 as the San Pablo Avenue Specific Plan Special District. The existing Municipal Code shall remain in full effect throughout the city limits. Inside the Plan Area, the Specific Plan shall take precedence over the Zoning Ordinance. If the Plan is silent on any issue, the underlying zoning regulations still govern. For example, any definition that is not found in the Plan but exists in the zoning regulations, will be valid for the Plan Area, as well.

All existing specifications related to the construction and installation of structures and infrastructure shall continue to comply with the rules, regulations and requirements of the City of El Cerrito. Nothing in the San Pablo Avenue Specific Plan Special District should be interpreted to preclude the application and enforcement of other state and federal laws, including but not limited to the California Environmental Quality Act, the California Building Standards Code (as amended by local resolution), the California Fire Code, the Permit Streamlining Act, the California Density Bonus Law and the C.3 requirements of the California Regional Water Quality Control Board's Municipal Regional Permit. Attachment 4 and 5 provide the legal steps for this entitlement.

STRATEGIC PLAN CONSIDERATIONS

The City's strategic plan articulates the mission of the City to serve, lead and support our diverse community by providing exemplary and innovative services, public places and infrastructure, ensure public safety, and create an economically and environmentally sustainable future. The SPASP directly implements several of the goals and strategies,

and is consistent with the overall Strategic Plan. The primary goals and strategies furthered by the SPASP include:

- *Goal B: Achieve long-term financial sustainability*
 - Attract and maximize opportunities for new/expanding businesses
- *Goal C: Deepen a sense of place and community identity*
 - Re-imagine underdeveloped and underutilized properties through advance planning efforts that encourage investment and/or new development
 - Encourage use of alternative modes of transportation to connect people and create a sense of community
- *Goal F: Foster environmental sustainability citywide*
 - Implement the City's Climate Action Plan, including:
 - Reducing vehicle miles traveled (by creating a well connected, pedestrian, bicycle and transit-oriented urban form that will make it easier for residents and visitors to leave their car behind

ENVIRONMENTAL CONSIDERATIONS

California Environmental Quality Act ("CEQA") Guidelines require preparation of an EIR when a lead agency determines that there is evidence that a plan or project may have a significant effect on the environment. The City prepared an EIR Section pursuant to 15060(d) of the CEQA Guidelines.

On April 4, 2014, the City circulated a Notice of Preparation ("NOP") for 30 calendar days to help identify the type of impacts that could result from the Specific Plan, as well as potential areas of controversy.

On June 3, 2014, the Draft EIR was made available for public and agency review. The 45-day public comment period for the Draft EIR ended on July 21, 2014. All comments on the Draft EIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

On August 28, 2014, the comments on the Draft EIR, changes to the Draft EIR, and the written responses were incorporated into a Final EIR and released to the public.

On September 4, 2014 the Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to find that the Final EIR was prepared in compliance with CEQA.

FINANCIAL CONSIDERATIONS

There are no direct costs associated with the action requested tonight. Costs associated with processing development applications under the proposed Plan will be paid for through the San Pablo Avenue Specific Plan application fees, also under consideration tonight. Costs associated with ongoing Plan implementation, maintenance and

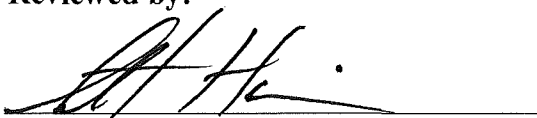
monitoring will be partially paid for by the proposed San Pablo Ave Specific Plan Maintenance fee, also under consideration tonight. Additional funds for ongoing Plan implementation will be sought by grants and conducted as a part of the normal operating budget of the City. Costs associated with development and implementation of Complete Streets will largely, if not entirely, be funded by outside grants and developer contributions and would not be appropriated until subsequent City Council decisions are made, e.g. to approve a design and award a contract. Costs associated with infrastructure needs for new development will be paid for by new development.

New revenues are anticipated as a result of the action in the form of Planning and Building fees, Plan Maintenance fees and increased sales tax and property tax revenues that would result from new commercial and residential development and increased economic activity.

LEGAL CONSIDERATIONS

The City Attorney has reviewed all of the documents, resolutions and ordinances associated with the action requested tonight.

Reviewed by:



Scott Hanin, City Manager

Attachments

- 1) Attachment 1 Draft Resolution Certifying the Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program
 - a. Exhibit A: Findings Required Under the Californian Environmental Quality Act
 - b. Exhibit B: Mitigation Monitoring and Reporting Program
- 2) Attachment 2 Draft Resolution to approve the General Plan Amendment
 - a. Exhibit A Amended General Plan Text
 - b. Exhibit B General Plan Map
- 3) Attachment 3 Draft Resolution to Adopt San Pablo Avenue Specific Plan
 - a. Draft San Pablo Avenue Specific Plan, dated August 2014 (Under Separate Cover and posted to the City's website at www.el-cerrito.org/SPASP)
- 4) Attachment 4 Draft Ordinance to approve Rezoning Properties in the Plan Area
 - a. Exhibit A: List of Property Owners
 - b. Exhibit B: Zoning Map
- 5) Attachment 5 Draft Ordinance Amending Title 19 of the Municipal Code

Agenda Item No. 6(B)

- 6) Errata (Dated September 11, 2014)
- 7) Public Comment received since the date of the Planning Commission meeting (September 4, 2014)
- 8) San Pablo Avenue Draft and Final Environmental Impact Reports and Mitigation Monitoring Program. (Collectively the EIR) (Under Separate Cover and on the City's website at www.el-cerrito.org/SPASP)
- 9) Powerpoint presentation

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN PABLO AVENUE SPECIFIC PLAN, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on April 4, 2014, the City circulated a Notice of Preparation for an Environmental Impact Report (EIR) for the San Pablo Avenue Specific Plan (SPASP) pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines; and

WHEREAS, on April 10, 2014, a public Scoping Meeting for the EIR was held at City Hall; and

WHEREAS, on June 3, 2014 the Draft EIR was circulated for public comment; and

WHEREAS, on July 9, 2014 the City of El Cerrito heard public comment on the Draft EIR; and

WHEREAS, on July 21, 2014, the public comment period for the Draft EIR closed; and

WHEREAS, on September 4, 2014 the Planning Commission recommended that the City Council certify of EIR.

NOW THEREFORE, BE IT RESOLVED:

The City Council of the City of El Cerrito finds that pursuant to CEQA Guidelines and Section 19.42 of the El Cerrito Municipal Code:

1. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation of an Environmental Impact Report was circulated on April 4, 2014. A scoping meeting was held at City Hall on April 10, 2014. The Draft Environmental Impact Report (DEIR) was circulated on June 4, 2014 the public comment period on the DEIR ended on July 21, 2014. Pursuant to CEQA, comments received during the comment period have been responded to in the Final EIR which is now before the City Council for consideration.
2. The analysis contained in the EIR has been developed using experts in related fields to professional standards stipulated by the CEQA Guidelines and by prevailing CEQA case law.
3. The Final EIR was presented to the City Council prior to the September 22, 2014 meeting. The City Council reviewed the final EIR and has considered the analysis contained therein.
4. On September 22, 2014, the City Council held a public hearing and heard public comments and testimony regarding the Final EIR.

5. The Final EIR has been developed by City of El Cerrito staff and the City's consultant, using the analysis of experts in related fields. The final EIR reflects the independent expert analysis the City of El Cerrito's independent judgment.
6. The City Council certifies that the Environmental Impact Report has been completed in compliance with CEQA and the CEQA Guidelines.
7. The City hereby makes the findings and adopts a statement of overriding considerations in compliance with Sections 15091, 15092, 15093, and 15097 of the CEQA Guidelines and Sections 21081, 21081.5, and 21081.6 of CEQA, as set forth in detail in the attached Exhibit A, and based on the above certified Final EIR and substantial evidence in the record.
8. The City Council hereby adopts the mitigation measures and the Mitigation Monitoring and Reporting Program to be implemented for each mitigation measure as included in Exhibit B, in compliance with Section 15097 of the CEQA Guidelines.
9. The location of the documents that constitute the record of proceedings are available for public review during business hours at El Cerrito City Hall, Community Development Department, 10890 San Pablo Avenue, El Cerrito CA.

I CERTIFY that at a regular meeting on September 22, 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 September X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Attachments:

Exhibit A – Findings Required Under the California Environmental Quality Act

Exhibit B – Mitigation Monitoring and Reporting Program

**FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE SAN PABLO AVENUE SPECIFIC PLAN
(Public Resources Code, section 21000 et. seq.)**

I. INTRODUCTION

The Specific Plan ("project") represents a collaborative planning effort between the cities of El Cerrito and Richmond to identify a shared vision for the future of San Pablo Avenue, identify improvement needs, and adopt implementing regulations that can be applied consistently in the Plan area. The project consists of (1) a Form-Based Code (FBC); (2) multi-modal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The Specific Plan:

1. Form-Based Code

The Specific Plan Form-Based Code (FBC) supports the community vision of a vibrant, walkable, sustainable, and transit-oriented corridor that respects surrounding neighborhoods. As discussed in chapter 3 (Project Description) of this EIR, the FBC is organized by Transect Zones within a framework of Downtown, Midtown, and Uptown areas. The Transect Zones regulate the building heights, parking requirements, and land uses for new development in the El Cerrito portion of the Plan area. The zones are defined primarily by walking distance to the BART stations.

2. Complete Streets Plan

The Complete Streets Plan provides direction for the redesign and development of the street right-of-way (ROW) in the Plan area, such as travel lanes, intersections, bike lanes, cycletracks, crosswalks, and medians. The Plan also provides guidance for the pedestrian realm of the ROW. The Complete Streets Plan aims to create a streetscape environment that balances the needs of all users and encourages "mode shift" to increase the percentage of pedestrians, cyclists, and transit users.

3. Infrastructure Systems

The Specific Plan (especially the Infrastructure Systems chapter) includes infrastructure goals and policies, and recommends feasible improvements to infrastructure systems to support the Plan objectives. The systems evaluated in the plan include water, wastewater, storm drainage, and dry utilities (e.g., gas, electric, cable).

Development Capacity Assumptions

The Plan area development capacity assumptions used for the impact analyses in this program EIR are first based on projections provided by the Association of Bay Area Governments (ABAG) for the Plan area, then on entitled and planned projects in the City of El Cerrito and the City of Richmond, and projections for the construction of projects consistent with the Form-Based Code development standards. For the purpose of this EIR, ABAG Plan Bay Area growth projections were applied to the new development standards, including on-site parking, site layout and height parameters, to assume a realistic growth projection for the Specific Plan area. These design standards were developed to be consistent with the goals of Plan Bay Area: climate protection, adequate housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness, but incorporate locally refined data more telling of the development feasibility of the Specific Plan than would be possible on a regional planning level (also see EIR chapter 14, Population and Housing). No site-specific, individual development proposals would be approved as part of the Specific Plan EIR certification process; any such individual project would be subject to its own CEQA review, including evaluation against the Specific Plan EIR.

The Specific Plan requires the following approvals:

Implementation of the San Pablo Avenue Specific Plan for the parcels within the City of El Cerrito's jurisdiction would require, but not be limited to, the following discretionary approvals:

- Certification of the Final Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the San Pablo Avenue Specific Plan for the parcels within the City of El Cerrito; adoption of the Richmond Livable Corridors Form-Based Code development standards for the parcels within the City of Richmond, and amendment to the Richmond Livable Corridors Regulating Plan to add the areas within the Specific Plan
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency between the Specific Plan and each jurisdiction's respective General Plan and zoning code
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan area

II. PROJECT OBJECTIVES

The City Council has determined that the Project has been designed to meet the following objectives:

Goal A: Strengthen Sense of Place.

Strategy 1: Articulate the distinctive role and identity of each focus area: Downtown, Midtown, and Uptown.

Strategy 2: Reinforce a distinguishing sense of place by responding to existing assets such as the Ohlone Greenway and key views.

Strategy 3: Optimize placemaking in all developments.

Strategy 4: Attract pedestrian activity to key nodes to foster community and identify places of Interest

Goal B: Ensure Return on Investment.

Strategy 1: Maximize TOD (transit-oriented development) potential (BART and AC Transit).

Strategy 2: Stimulate investment in vacant/underutilized sites at key focus areas.

Strategy 3: Build on recent and planned private and public investments.

Strategy 4: Leverage all investments to catalyze new investments.

Strategy 5: Help the City achieve long-term financial sustainability.

Goal C: Encourage Practical and Market Friendly Development.

Strategy 1: Provide development clarity to encourage investment.

Strategy 2: Incorporate flexible development codes that respond to constrained parcels, surrounding context, and the market.

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

Goal D: Enhance and Humanize the Public Realm.

Strategy 1: Design streets for living instead of just driving through reStreet placemaking principles.

Strategy 2: Make large blocks human-scale through midblock connections.

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

Strategy 4: Promote environmental sustainability.

Strategy 5: Celebrate and strengthen the unique natural context.

Goal E: Catalyze Mode Shift.

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

Strategy 2: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile

Strategy 3: Strengthen pedestrian and bicycle connectivity through existing and new connections that provide more alternatives to single-occupancy vehicles.

Strategy 4: Integrate opportunities to create Complete Streets, multimodal travel ways that balance all users.

Strategy 5: Improve connectivity between the Green Belt (Wildcat Canyon Trail) and the Blue Belt (Bay Trail) through pedestrian and bicycle connections.

Strategy 6: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.

Strategy 7: Increase the supply, diversity and affordability of housing in proximity to existing or planned transportation investments.

Specific Plan Guiding Principles

- strengthen a sense of place;
- ensure return on investment;
- encourage practical and market friendly development;
- enhance and humanize the public realm; and
- catalyze mode shift.

III. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

California Environmental Quality Act (“CEQA”) Guidelines require preparation of an EIR when a lead agency determines that there is evidence that a plan or project may have a significant effect on the environment. The City decided to prepare an EIR for the Specific Plan pursuant to state and local guidelines for implementing CEQA. The City elected not to prepare an Initial Study Checklist in favor of preparing a program-level EIR as permitted in Section 15060(d) of the CEQA Guidelines.

On April 4, 2014 the City circulated a Notice of Preparation (“NOP”) for 30 calendar days to help identify the type of impacts that could result from the Specific Plan, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the Specific Plan and its potential impacts, including those who requested to receive notices on the Plan. In addition, the NOP was posted on the City’s website. A public scoping meeting was held on April 10, 2014. Comments received by the City on the NOP and at the public scoping meeting were considered during preparation of the Draft EIR.

The Draft EIR was made available for public and agency review on June 3, 2014. Copies of the Notice of Availability (“NOA”) of the Draft EIR were mailed to public agencies (including the State Clearinghouse (SCH #2014042025)), organizations, and individuals likely to be interested in the Specific Plan and its potential impacts, including those who requested to receive notices about the Plan. In addition, copies of the Draft EIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft EIR were made available at the Community Development Department, at the El Cerrito Library, the Richmond Library and on the City’s website.

A public comment session on the Draft EIR was held before the Planning Commission on July 9, 2014. The CEQA-mandated 45-day public comment period for the Draft EIR ended on July

21, 2014. All comments on the Draft EIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

The comments on the Draft EIR, changes to the Draft EIR, and the written responses were incorporated into a Final EIR that was published on August 28, 2014. Copies of the Final EIR were made available at the Community Development Department, on the City's website, the El Cerrito Library and the Richmond Library.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of El Cerrito on September 4, 2014, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to find that the Final EIR was prepared in compliance with CEQA and to recommend that findings be made as required by CEQA.

A duly and properly noticed public hearing was scheduled before the City Council of the City of El Cerrito on September 22, 2014, and all persons interested and expressing a desire to comment were heard.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP, comments received on the NOP or at the scoping meeting, and all other public notices issued by the City in conjunction with the Plan;
- (b) The Draft San Pablo Specific Plan released for public review on June 3, 2014 and the revised Draft San Pablo Specific Plan released on August 28, 2014;
- (c) The Draft EIR for the Project (June 3, 2014), appendices to the EIR, and technical materials cited in the document;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- (e) The Final EIR for the Plan, including comments received on the Draft EIR, responses to those comments, text revisions to the Draft EIR, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between June 3, 2014 and July 21, 2014;
- (f) The Mitigation Monitoring and Reporting Program (Mitigation Checklist) for the Plan;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Plan prepared by the City, or consultants to the City with respect to the City's compliance

with the requirements of CEQA and with respect to the City's action on the Plan;

- (h) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the EIR, up through the close of the public hearing on September 22, 2014;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the EIR;
- (j) All matters of common knowledge to the Commission and Council, including, but not limited to:
 - (i) The El Cerrito General Plan and other applicable policies;
 - (ii) The El Cerrito Zoning Ordinance and other applicable ordinances;
 - (iii) Information regarding the City's fiscal status; and
 - (iv) Applicable City policies and regulations; and
- (k) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 9453. The custodian of these documents is the Community Development Director or his/her designee.

C. Findings Are Determinative

These City of El Cerrito findings required under CEQA for the Specific Plan ("Findings") are the City's findings under CEQA (Pub. Resources Code, §21000 et seq.) and *CEQA Guidelines* (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the Plan. The Findings provide the written analysis and conclusions of the Council regarding the Plan's environmental impacts, mitigation measures and project alternatives that, in the Council's view, justify approval of the Plan. All mitigation measures listed below in this Findings document are included in a Mitigation Monitoring and Reporting Program ("MMRP").

In certifying the Final EIR, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the document and testimony that make up the EIR and the administrative record; that experts disagree; and that the City Council must base its decision and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the EIR have been adopted and included in the MMRP, substantially in the form proposed in the EIR, with such clarifications and non- substantive

modifications as the City Council has deemed appropriate to implement the mitigation measures. The MMRP is expressly incorporated into the Project.

The findings and determinations in this Exhibit B are to be considered as an integrated whole and, whether or not any subdivision of this Exhibit B fails to cross-reference or incorporate by reference any other subdivision of this Exhibit B, any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding in this Exhibit B is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures identified in this Exhibit B may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by a particular mitigation measure; however, any failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. SCENIC VISTAS

Aesthetics Impact 4-1: Project Impacts on Scenic Vistas.

Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

Aesthetics Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02.

Mitigation Measure Aesthetics 4-1 has been incorporated into the MMRP.

Findings. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the Project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance. Incorporation of this measure would reduce the impact on scenic vistas.
2. Remaining Impacts: Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed within the framework of this program EIR, the impact is considered significant and unavoidable.
3. Finding. Because the outcome of future decision making process is cannot be guaranteed to work within the framework of the program EIR, No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3))

CULTURAL AND HISTORIC RESOURCES.

Impact 7-1: Destruction/Degradation of Historic Resources.

There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]).

Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards:

Agenda Item No. 6(B)
Attachment 1
Exhibit A

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less than- significant level*** (CEQA Guidelines section 15064.5).

(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.

If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character defining features and materials for educational and interpretive use onsite, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan Area.

Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources.

Mitigation Measure HR 7-1 has been incorporated into the MMRP.

Findings. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the Project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance. This Program EIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level.
2. Remaining Impacts: The impacts to cultural and historic resources would remain significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

NOISE

Impact 13-3: Construction Noise.

Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.

Mitigation 13-3.

Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise sensitive land uses.

Agenda Item No. 6(B)
Attachment 1
Exhibit A

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Businesses, residences, or noise sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would address complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
- Conspicuously post a telephone number for the liaison at the construction site.

Mitigation Measure NOISE 13-3 has been incorporated into the MMRP.

Findings. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Constraints to daily construction times have been noted and a list of ways to lessen noise impacts have been included. Changes or modifications have been incorporated into the Project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance.
2. Remaining Impacts: The impact of increased noise on businesses and residences during construction is significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

Impact 13-4: Construction-Related Vibration.

Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings.

Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities:

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

Mitigation Measure Noise 13-4 has been incorporated into the MMRP.

Findings. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the Project that lessens the significant environmental effects identified in the EIR, although not to a level of insignificance. Even with the above mitigation measures it may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce groundborne vibrations below a level of significance.
2. Remaining Impacts: The Specific Plan would have a significant and unavoidable impact resulting from construction related vibration.

3. Finding: No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations § 15091(a) (3))

B. TRANSPORTATION AND CIRCULATION

Impact 16-1: Cumulative Traffic Impacts. The Project would have a significant cumulative impact, relative to the City's current LOS standard of D, at San Pablo Avenue/Cutting Boulevard, which would fall from LOS D in the Cumulative No Project case to LOS E in the Cumulative with Project case.

Mitigation 16-1. Adoption and full implementation of the San Pablo Avenue Specific Plan/Complete Streets Plan is projected to reduce auto trips relative to the baseline assumption in the impact analysis, which would reduce this impact to a less-than-significant level. Furthermore, adoption of the plan would change the City's LOS standard of D to an LOS goal of E, which should be considered in conjunction with the multi-modal LOS standards for transit, pedestrian and bicycle modes, with transit and pedestrian modes being the primary priorities in the corridor. This would also render the impact less-than-significant. However, because the projected mode shift cannot be guaranteed, and adoption of the proposed new multi-modal LOS goals as defined in the draft plan cannot be assured.

Mitigation Measure TRAN 16-1 has been incorporated into the MMRP.

Findings. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

4. Effects of Mitigation: Changes or alterations have been incorporated into the Project that lessens the significant environmental effects identified in the EIR, although not to a level of insignificance. Because the projected mode shift cannot be guaranteed, and adoption of the proposed new multi-modal LOS goals as defined in the draft plan cannot be assured, the City cannot determine with certainty that this mitigation measure would reduce the potential impact cumulative traffic impacts to a less-than-significant level.
5. Remaining Impacts: The impacts to cumulative traffic would remain significant and unavoidable.
6. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a) (3)).

**V. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO
A LESS-THAN-SIGNIFICANT LEVEL**

Potentially significant impacts of the Specific Plan are listed below with applicable mitigation measures, all of which are included in the Mitigation Monitoring and Reporting Plan. For each of the impacts listed, the City Council finds that changes or alterations have been required in the Specific Plan, through the adoption of the MMRP, to mitigate or avoid the significant impacts on the environment (14 California Code of Regulations §15091(a)(1)), as described in this Section V.

A. AESTHETICS AND VISUAL RESOURCES

Impact 4-2: Project Light and Glare Impacts.

The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan Area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties.

Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan Area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

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

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the Mitigation Monitoring and Reporting Program (“MMRP”) and it will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the utilizing the design review process and requiring facades to be constructed from non-reflective materials will cause the impact to be less than significant with implementation of the mitigation measure.
2. Remaining Impacts: Any remaining impacts related to impacts of light and glare would not be significant.

Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result

in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline- powered equipment, portable auxiliary equipment, and worker commute trips. During construction, 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. Demolition and renovation of buildings can also generate PM₁₀ and PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_X emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_X emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_X emission thresholds.

Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter and PM₁₀ from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM₁₀) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 5 mph.
- Replant vegetation in disturbed areas as quickly as possible.

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- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions:
 - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet- average 20 percent NO_X reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.
 - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
 - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
 - Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure low emissions.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP. The City finds that implementing the following BAAQMD-recommended measures to control particulate matter emissions during construction will reduce the impacts caused by diesel particulate matter and PM₁₀ to ensure that short-term health impacts to nearby sensitive receptors are to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of diesel particulate matter and PM₁₀ would not be significant.

Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors. Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to

TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM_{2.5} exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant.

Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection;
- Use of alternative fuels and engine retrofits, temporary line power or electric equipment;
- Modified construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for a project-level construction health risk assessment is feasible and will reduce the impacts of TACs of sensitive receptors during construction to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of TACs of sensitive receptors during construction would not be significant.

Impact 5-3: Toxic Air Contaminant Exposure - Long-Term Operations.

The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan Area surface streets is not readily available, the *roadway screening analysis tables* indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than-significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a potentially significant impact.

Mitigation 5-3. Implement the following measures in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within the overlay distances identified above:

- Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.
- Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual PM_{2.5} exposures greater than 0.3 µg/m³, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0 or annual PM_{2.5} exposures greater than 0.8 µg/m³.
- For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).
- Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.
- Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best-suited to trapping particulate matter shall be planted, including the following: Pine (*Pinus nigra* var. *maritime*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.
- Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for the following measures in site planning and building designs will reduce the impacts of TACs to a less-than-significant level.
2. Remaining Impacts: Any remaining long term impacts related to TACs would not be significant.

B. BIOLOGICAL RESOURCES

Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.

The Specific Plan is intended to improve and expand the natural environment in the Specific Plan Area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed.

Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

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

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

Actions (1) and (2) can be implemented simultaneously.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the pre-construction surveys and measures for the avoidance of active nests and bats are feasible and will reduce potential impacts to nesting birds and bats to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to nesting birds and bats would not be significant.

C. CULTURAL AND HISTORIC RESOURCES

Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains.

Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area.

Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site.

Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission.

Identified cultural resources shall be recorded on form DPR 422(archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for a site- specific cultural resources study and technical report meeting state and federal requirements performed by a qualified archaeologist or equivalent cultural resources professional and treatment plans for identified resources as well as resources discovered during construction are feasible and will reduce potential impacts to archaeological resources to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to archaeological

resources would not be significant.

Impact 7-3: Potential for Disturbance of Paleontological Resources.

Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.

Mitigation 7-3. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:

(1) *Education Program.* Project applicants shall implement a program that includes the following elements:

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

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

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. *Effects of Mitigation:* The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement to educate earth

moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less-than- significant level.

2. Remaining Impacts: Any remaining impacts to paleontological resources would not be significant.

D. GEOLOGY AND SOILS

Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements.

Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific geotechnical investigations and engineering studies would reduce potential impacts related to geologic stability to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts related to geologic stability resources would not be significant.

E. NOISE

Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from BART noise. Future noise levels would exceed El Cerrito's noise and land use compatibility standards.

Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito General Plan. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L_{dn}, the local established

land use compatibility threshold. In areas where residential developments would be exposed to an L_{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects.

- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.

The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn} . These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits.

- Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn} , in order to meet adopted noise standards.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. **Effects of Mitigation:** The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific consideration outside noise levels and appropriate requirement of project-specific acoustical analyses would reduce potential impacts to noise and land use compatibility to a less-than-significant level.
2. **Remaining Impacts:** Any remaining impacts to noise and land use compatibility resources would not be significant.

Impact 13-2: Commercial Development Noise. The Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have

not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact.

Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

- Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limit for the City of El Cerrito. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the City's noise standards.
- Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for approval of commercial development near residences to complete a noise study ensuring that the business would be consistent with the City's noise standards and reduce potential impacts to commercial development noise to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to commercial development noise would not be significant.

VI. GROWTH INDUCING EFFECTS

The City Council finds that implementation of the Specific Plan could result in a net increase in housing and population in the Specific Plan Area over existing conditions, as explained in Section 3.5 (Development Capacity Assumptions) and Chapter 14 (Population and Housing) of this EIR. The net increases through the horizon year of 2040 would be approximately 1,706 residential units and 3,840 residents. This capacity forecast is based on entitled and planned projects included in the development capacity assumptions, plus the potential development of projects in the Plan Area consistent with the Form-Based Code development standards. The direct increase in residential units and population could have an indirect economic "multiplier" effect, generating additional employment in the broader region.

No substantial, detrimental, growth-inducing effect is expected. Specific Plan implementation would not extend roads or infrastructure through undeveloped or low-density areas; one of the main objectives of the Specific Plan is to facilitate new development efficiently and effectively in an area where roads and infrastructure already exist (see Chapter 3, Project Description).

Any future individual development proposals outside the Plan Area would require standard local review of associated development applications, including CEQA-mandated development specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to avoid or reduce the potential environmental impacts of such secondary growth inducement associated with the Specific Plan to less-than-significant levels, except where specific CEQA statements of overriding consideration are adopted.

VII. PROJECT ALTERNATIVES

A. Background - Legal Requirements

Section 15126.6(f) of the State CEQA Guidelines requires that an EIR include a "reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." Based on the analysis in the EIR, the Project would be expected to result in significant and unavoidable impacts in the impact areas of Scenic Vistas, Historic Resources; Construction Noise; Construction-Related Vibration; and Cumulative Traffic Impacts. The EIR alternatives were designed to avoid or reduce these significant unavoidable impacts, and to further reduce impacts that were found to be less than significant. The City Council has reviewed the significant impacts associated with the reasonable range of alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account a range of economic, environmental, social, legal, and other factors. In evaluating the alternatives, the City Council has also considered the important factors listed in the Statement of Overriding Considerations listed in Section IX below.

Public Resources Code Section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

B. Identification of Project Objectives

The *CEQA Guidelines* state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project (*CEQA Guidelines §15126.6(a)*). The project objectives are listed in Section II of these Findings.

C. Alternatives Analysis in EIR

CEQA Guidelines §15126.6(c) states that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project. The “range of alternatives” is governed by the “rule of reason” which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the decision-making body and informed public participation (*CEQA Guidelines Section 15126.6(f)*).

The Final EIR describes the alternatives considered and compares their impacts to the Project. The EIR evaluated four alternatives to the Project:

- The No Project Alternative,
- The Plan Bay Area 2040 Growth Allocations
- The Mitigation of Significant Unavoidable Impacts; and
- The Alternative Project Location.

Alternative 1: No Project Alternative

The No Project alternative is discussed on pages 20-3 to 20-6 of the EIR. Pursuant to CEQA Guidelines, Section 15126.6 (e)(3)(A), when a project is a revision to an existing land use or regulatory plan, the No Project alternative is the continuation of the existing land use or regulatory plan for the project site. The No Project alternative assumes existing General Plan designations and zoning would remain in place, and permitted building heights and development intensities would not increase. In addition, none of the public realm improvements called for in the Specific Plan (such as pocket parks, widened sidewalks, and parking garages) would be undertaken. Future development under the No Project alternative would occur, but would be undertaken in accordance with existing regulations including applicable project-specific environmental review.

Explanation: The No Project alternative would result in the continuation of existing conditions in the Plan area. Compared to the Specific Plan, the potential environmental impacts from the No Project alternative would be of lesser or similar intensity than the Specific Plan in the areas of air quality, biological resources geology, hazards, noise, transportation, cultural resources, population and housing, soils and seismicity, and public services and utilities. The No Project alternative could have slightly greater intensity of impacts than the Specific Plan in the areas of greenhouse gases and climate

change, hydrology and water quality, although these would not increase so much as to create a new significant impact.

Compared to the other alternatives, the No Project alternative has several impacts at a lesser intensity than the Specific Plan. This alternative also has three resource areas that have a greater intensity of impact compared to the Specific Plan and is the only alternative to have greater impacts than the Specific Plan. However, this is also the only alternative that would avoid some significant and unavoidable cumulative traffic impacts.

Findings: Specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative, and therefore, this alternative is rejected for the following reasons:

1. With fewer new housing units, less population growth, and less pedestrian, bicycle, and transit circulation and connectivity (i.e., no Specific Plan), the No Project alternative would be less effective in achieving the project objectives (listed Section II of this document), especially Goal A, Goal B, Goal D, and Goal E.
2. The No Project alternative would also not realize many of the benefits proposed by the Specific Plan. The development allowed under the existing zoning and General Plan would provide many fewer residential opportunities in the Specific Plan area (*415 fewer new residential units* than what is included in the Specific Plan).
 - Revitalize underutilized parcels and buildings;
 - Expand shopping, dining and neighborhood services to ensure a vibrant downtown.
3. Finally, by not including shade and view considerations, the No Project alternative would be less likely to ensure that Plan area development is sensitive to and compatible with adjacent neighborhoods.

Alternative 2: Reduced Project

Under Alternative 2, the San Pablo Avenue Specific Plan would be adopted, but the net new residential development capacity assumptions for the plan area would be those listed in the Plan Bay Area “Final Forecast of Jobs, Population and Housing, Housing Growth by Jurisdiction and PDA/Investment Area, Contra Costa County” (July 2013). The boundaries of the San Pablo Avenue Corridor PDA described in Plan Bay Area match the Specific Plan area. Plan Bay Area shows growth of 1,010 net new residential units in the San Pablo Avenue Specific Plan Area between 2010 and 2040. Plan Bay Area does not provide population estimates for the PDAs; using the 2.25 persons per unit, population growth under Plan Bay Area would be 2,273. The proposed Specific Plan forecasts 1,706 net new residential units and population growth of 3,840 between 2010 and 2040 (see EIR Chapter 14, Population and Housing).

From a policy perspective, Alternative 2 is considered substantially consistent with the adopted El Cerrito General Plan.

The Reduced Project alternative is discussed on pages 20-7 to 20-9 of the EIR. Alternative 2 would result in 696 fewer new residential units and 1,567 fewer new residents than the proposed Specific Plan. Under the alternative, the San Pablo Avenue Specific Plan would be adopted.

Explanation: The Reduced Project alternative would result in a land use plan similar to the Specific Plan, but with a reduced amount of total development. Compared to the Specific Plan, the potential impacts from the reduced project alternative would be less substantial than those of the Specific Plan in the areas of air quality, biology, geology, greenhouse gases and climate change and soils. It would be approximately the same in terms of aesthetics and visual resources, cultural resources, hydrology and water quality, noise, population and housing, and public services and utilities. One significant and unavoidable impact of cumulative traffic would be reduced to a level of insignificance. This alternative would not result in any impacts that would be greater in intensity than those of the Specific Plan.

CEQA requires the identification of an Environmentally Superior Alternative among the alternatives to the project. The Environmentally Superior Alternative is the alternative that would avoid or substantially lessen, to the greatest extent, the environmental impacts associated with the project while feasibly obtaining most of the major objectives of the project. Project Alternative 2 was determined to be the Environmentally Superior Alternative because it would lessen many of the impacts of the Specific Plan while meeting many of the project objectives.

Findings:

The Reduced Project Alternative is less desirable than the Project. Specific economic, legal, social, technological, or other considerations make infeasible the Reduced Project Alternative, and therefore, this alternative is rejected for the following reasons:

1. Although the Reduced Project Alternative has been found to be the environmentally superior alternative, it only reduces one significant and unavoidable impacts of the Project to a level of insignificance. Significant and unavoidable impacts regarding aesthetic and visual resources, cultural resources, and noise would remain.
2. While the Reduced Project Alternative lessens Project impacts, this reduction is due entirely to fewer people residing in, and less development in, the Plan area. Those not residing on this site would be displaced to housing located in other areas, which could be located at a greater distance from public transit, services and employment and generate per capita emissions of pollutants and greenhouse gases equal to or greater than those generated by the Project. Commercial development not occurring on the site would also be displaced to other areas. Consequently, environmental impacts may not be lessened on a statewide or regionwide basis. If the housing or commercial development is displaced to locations within the City, impacts on population and housing and public utilities and energy would remain essentially the same, and greenhouse gas emissions per service area population would likely be higher because there would be less access to public transit.

3. With fewer new housing units and less population growth, Alternative 2 would be less effective in achieving the project objectives (listed at the beginning of this chapter) related to maximizing pedestrian- and transit-oriented development (see Goal A, Goal B, Goal D, and Goal E.)

Alternative 3: Mitigation of Significant Unavoidable Impacts.

The Reduced Commercial/Retail Space Alternative is discussed on pages 20-9 to 20-11 of the EIR. Under Alternative 3, the San Pablo Avenue Specific Plan would be adopted, and the EIR development capacity assumptions would remain the same. However, EIR-identified significant unavoidable impacts would be reduced to less-than-significant levels. These significant unavoidable impacts are listed below; their full descriptions are in the appropriate EIR chapter (Impact 4-1 is in Chapter 4; Impact 7-1 is in Chapter 7, etc.).

- ***Impact 4-1: Project Impacts on Scenic Vistas***
- ***Impact 7-1: Destruction/Degradation of Historic Resources***
- ***Impact 13-3: Construction Noise***
- ***Impact 13-4: Construction-Related Vibration***
- ***Impact 16-1: Cumulative Traffic Impacts***

Both the proposed Specific Plan and Alternative 3 forecast 1,706 net new residential units and population growth of 3,840 between 2010 and 2040 (see EIR Chapter 14, Population and Housing). From a policy perspective, Alternative 3 is considered substantially consistent with the adopted El Cerrito General Plan. (see EIR Chapter 18, Project Consistency With Local and Regional Plans, Tables 18.1 and 18.2). Alternative 3 would result in revisions to the proposed Specific Plan in order to reduce the EIR-identified significant unavoidable impacts to less-than-significant levels. Under this alternative, a revised Specific Plan would be adopted.

Explanation: Under Alternative 3, the project's significant unavoidable impact on:

Scenic Vistas (Impact 4-1) would be reduced to a less-than-significant level by revising Form-Based Code (FBC) Section 2.05.03.01.03 (View Design Guidelines). The section would be revised to make those guidelines ***mandatory standards*** and not only “strongly recommended” guidelines. The revision would ***prohibit*** any new development that would interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART stations (El Cerrito Plaza and El Cerrito del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

Historic Resources (Impact 7-1) would be reduced to a less-than-significant level by ***requiring*** that no historic resource be demolished and that changes to historic resources adhere to the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or

Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, or be moved to a new location such that the resource retains its eligibility for listing on the California Register (see Mitigation 7-1 [a and b]).

Construction noise and construction-related vibration impacts (Impacts 13-3 and 13-4) would be reduced to less-than significant levels by adjusting the cumulative construction schedules of approved projects - including their locations, activities, and time periods - so that construction noise and vibration would be reduced to what the City would codify as a less-than-significant level (e.g., the City would prepare and adopt “cumulative construction noise and vibration regulations”).

Traffic impacts, specifically the San Pablo Avenue/Cutting Boulevard intersection (Impact 16-1) would be reduced to a less-than-significant level by ***mandating the mode shift*** evaluated in Chapter 16 (Transportation and Circulation) of this EIR. This might be accomplished by requiring traffic monitoring for each future individual development, then requiring as necessary more aggressive Transportation Demand Management (TDM) strategies to meet the mode shift.

Findings:

The Mitigation of Significant Unavoidable Impacts Alternative is less desirable than the Project. Specific economic, legal, social, technological, or other considerations make infeasible the Mitigation of Significant Unavoidable Impacts Alternative, and therefore, this alternative is rejected for the following reasons:

1. The City of El Cerrito would like to state without exception that no view will be blocked, no historic resource removed, no exceptional construction related vibration or noise will occur and that everyone will meet or exceed our highest expectations for mode shift. However, that is simply not practical for three reasons. 1. There may be a project that is so compelling, the community decision makers may determine that is acceptable to allow one or more of those impacts to exist. 2. Mandating maximum compulsory mode shift is neither always possible nor enforceable. 3. Before the capacity of planning year horizon is met, future decision makers may have slightly different values than the one who authored this Plan.
2. Alternative 3 would be less effective in achieving Goal B and Goal C of the project objectives (listed at the beginning of this chapter) because the **mandated** reduction of the identified significant unavoidable impacts might be considered infeasible within the particular context of a future, site-specific development proposal. Related to Goals B (Ensure Return on Investment) and C (Encourage Practical and Market Friendly Development), the City might not attract a desired potential development if an applicant considers Alternative 3 too restrictive and lacking the flexibility to formulate innovative, feasible solutions between the City and the applicant.

Alternative 4: Alternatives Considered But Rejected, Alternative Project Location

The Reduced Residential alternative is discussed on pages 20-11 to 20-13 of the EIR. Section 15126.6(a) of the CEQA Guidelines states, “An EIR shall describe a range of reasonable

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Exhibit A

alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project[.]” Further, section 15126.6(c) explains, “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects.” To help clarify the meaning of “feasibility,” CEQA Guidelines section 15126.6(f)(1) (Rule of Reason/Feasibility) states, “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site....No one of these factors establishes a fixed limit on the scope of reasonable alternatives.”

Explanation : El Cerrito is an incorporated city surrounded by other communities. The 174.1- acre Specific Plan area is surrounded by existing development. The San Pablo Avenue corridor has been identified in several adopted plans--including the El Cerrito General Plan and Plan Bay Area--as an area of growth due in part to its convenient location in the Bay Area and to the infrastructure already in place (e.g., transportation network, BART, utility systems). This situation provides an opportunity to accommodate projected growth while preserving existing, adjacent, single family and other low density neighborhoods. An alternative location for the San Pablo Avenue Specific Plan would not be feasible. In essence, implementation of the Specific Plan in an alternative location would result in a new mixed use neighborhood in another place more distant from the two El Cerrito BART stations and existing infrastructure. None of the proposed Specific Plan objectives related to enhancing the existing plan area environment--especially those pertaining to the plan area’s location in, and contribution to, a regional network of communities and transportation opportunities—would be attained.

In addition, the CEQA Guidelines provide that the alternatives evaluated in an EIR should be selected based on their ability to avoid or substantially lessen the significant Impacts of the proposed project. Even if an alternative location for the project could implement the project objectives, only those locations that would avoid or substantially lessen any of the significant impacts of the project need to be considered in the EIR.

In the case of the proposed San Pablo Avenue Specific Plan, for identified significant unavoidable impacts, (1) these impacts cannot be avoided or substantially reduced by additional, feasible mitigation measures or (2) due to the programmatic EIR analysis appropriate for the long-term Specific Plan, the details of site-specific, future development proposals are not known at this time. Transferring these unavoidable and other potentially significant impacts to an alternative location would still substantially affect the environment, possibly worse than in the San Pablo Avenue Specific Plan area, where coordinated infrastructure, plans, regulations, and services are already in place to help mitigate potential environmental impacts.

Finding:

Because an alternative project location would be infeasible, would not achieve the project objectives, and would not necessarily avoid or lessen the significant impacts of the project and

might result in new significant impacts, an alternative that would involve a different project location was eliminated from further detailed consideration. No further evaluation of alternative project locations is required under CEQA.

VIII. CHANGES TO THE SPECIFIC PLAN, CIRCUMSTANCES AND NEW INFORMATION

The City Council finds that no significant new information within the meaning of Public Resources Code § 21092.1 and State CEQA Guidelines § 15088.5 has been added to the EIR since the Draft EIR was circulated for public review. In responding to comments, CEQA does not require the EIR authors to conduct every test or perform all research or study suggested by commenters. Rather, the EIR authors need only respond to significant environmental issues and need not provide all of the information requested by the reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines sections 15088, 15132, and 15204). The City Council finds that the public has had a meaningful opportunity to comment upon all substantial adverse environmental effects of the Plan and all feasible ways to mitigate or avoid such effects.

As applicable to the CEQA process, the Draft EIR refers to components of the Specific Plan and summarizes or quotes those components. After public release of the June 2014 Specific Plan document and the Draft EIR, City of El Cerrito staff made revisions to the Specific Plan (“Revisions to June 2014 Final Draft”), including in response to concerns raised by the public. In some cases, revisions to the June 2014 Specific Plan have resulted in parallel revisions to the Draft EIR. These EIR revisions are included as part of Final EIR section 3 (Revisions to the Draft EIR). City Council finds that none of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) has been met as a result of the revisions.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project. After review of the entire administrative record, the City Council finds that, pursuant to CEQA section 21081(b) and CEQA Guidelines section 15093, specific economic, legal, social, technological and other benefits of the Project outweigh the Project’s unavoidable adverse impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project’s benefits.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the entire administrative record, the City has determined that the Project would result in significant unavoidable aesthetic, cultural, noise and transportation impacts, as described in Section IV of these Findings.

The City hereby finds that, where possible, changes or alterations have been required in or incorporated into the Project that substantially lessens the significant environmental effects identified in the EIR. The project and the MMRP incorporate all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. The City further finds that there are no additional feasible mitigation measures or alternatives that could be imposed or adopted to eliminate the significant and unavoidable impacts listed above. These impacts could not be reduced to a less- than-significant level by feasible changes, mitigation measures or alternatives to the Project.

B. Overriding Considerations

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. The City Council finds that each of the specific environmental, economic, fiscal, social, housing and other overriding considerations set forth below constitutes a separate and independent ground for a finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project.

Substantial evidence in the record demonstrates the City would derive the following substantial public benefits from adoption and implementation of the Project:

1. The Project is the product of a transparent, multi-year process designed to develop community consensus. The Project has benefitted from high levels of public outreach and participation, and has been informed by appropriate analyses. In addition to large attendance at the community workshops, the Planning Commission and City Council both conducted a detailed and public review of the Draft Specific Plan and provided clear direction that has been comprehensively addressed. As a result, the Project is reflective of the community's diverse preferences and goals.
2. The Project will enhance the public realm, through an integrated network of public spaces, including widened sidewalks, plazas and parks, that invites strolling and public gathering and allows for community life, identity and sense of place. The Project's comprehensive public space network supports a more active, vibrant downtown and healthier living by encouraging walking, biking and social gathering.
3. The Project will create a more active, vibrant urban area, with a mix of commercial and residential uses that complement and support one another and bring vitality, including increased retail sales, to the area. The addition of new commercial space will help to locate more opportunities for employment in El Cerrito. In addition, the Project will establish standards and guidelines that encourage development of underutilized and vacant land on San Pablo Avenue while ensuring a building character that is modulated visually interesting.

4. The Project recognizes and promotes healthy living and activity by encouraging walking, biking and access to transit as alternatives to vehicular use, supported by widened sidewalks and new bicycle facilities; enhanced public spaces; development intensity focusing on the two BART stations; and a greater mix and diversity of uses. The Project takes a comprehensive approach to sustainability and carbon emissions reduction, utilizing standards integrated with best practices and guidelines for both public and private improvements. The Project also encourages context sensitive design.

X. SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Plan, shall continue in full force and effect unless amended or modified by the City.

MITIGATION MONITORING CHECKLIST--SAN PABLO AVENUE SPECIFIC PLAN

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the San Pablo Avenue Specific Plan in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<i>AESTHETICS AND VISUAL RESOURCES</i>						
Impact 4-1: Project Impacts on Scenic Vistas. Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond. This is considered a <i>potentially significant impact</i> .	Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02. Incorporation of this measure would reduce the impact on scenic vistas. However, because the outcome of this decision-making process for any individual, future proposal cannot be guaranteed within the framework of	City; Individual project applicants	City	During individual project review		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	this program EIR, the impact is considered significant and unavoidable .					
Impact 4-2: Project Light and Glare Impacts. The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties. These impacts related to light and glare are considered a potentially significant.	Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process. With this requirement incorporated into the local design review process, the light and glare impact of future parking structures would be less-than-significant.	Individual project applicants	City	During individual project review; Condition of occupancy permit issuance		
	Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating. This requirement would reduce potential glare impacts of building materials to a less-than-significant level.	Individual project applicants	City	Condition of building permit issuance; Condition of occupancy permit issuance		
AIR QUALITY						
Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil	Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM₁₀, and PM_{2.5} from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, 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. Demolition and renovation of buildings can also generate PM₁₀ and PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_x emission thresholds. Without application of appropriate control measures to reduce construction dust and exhaust, construction period impacts would be considered a potentially significant impact.	<i>Dust (PM₁₀ and PM_{2.5}) Control Measures:</i> - Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. - Cover all hauling trucks or maintain at least two feet of freeboard. - Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more). - Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. - Limit traffic speeds on any unpaved roads to 15 mph. - Replant vegetation in disturbed areas as quickly as possible.					

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	- Suspend construction activities that cause visible dust plumes to extend beyond the construction site. - Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions: - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011. - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil,					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site. - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). - Properly tune and maintain equipment for low emissions. Implementation of these measures would reduce project construction-related air quality impacts to a <i>less-than-significant level</i>.					
Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors. Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-	Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures: - Construction equipment selection; - Use of alternative fuels and engine retrofits, temporary line power or electric equipment; - Modified construction schedule; and	Individual project applicants	City	During individual project review (health risk assessment); Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

		MONITORING			VERIFICATION	
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term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM _{2.5} exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant. Health risks associated with temporary construction would, therefore, be considered a potentially significant impact .	Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. Implementation of these industry-recognized measures would reduce TAC construction impacts to a less-than-significant level.					
Impact 5-3: Toxic Air Contaminant Exposure Long-Term Operations. The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan area surface streets is not readily available, the <i>roadway screening analysis tables</i> indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than-significant at average daily traffic	Mitigation 5-3. Implement the following measures in site planning and building designs to reduce TAC and PM _{2.5} exposure where new receptors are located within the overlay distances identified above: Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as	Individual project applicants	City	During individual project review (site-specific analysis); Condition of building permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
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volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a <i>potentially significant impact</i> .	cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated. - Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard Index greater than 1.0, or annual PM_{2.5} exposures greater than 0.3 µg/m³, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0, or annual PM_{2.5} exposures greater than 0.8 µg/m³. - For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).					

		MONITORING			VERIFICATION	
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	- Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented. - Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best-suited to trapping particulate matter shall be planted, including the following: Pine (<i>Pinus nigra</i> var. <i>maritime</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid popular (<i>Populus deltoids X trichocarpa</i>), and Redwoods (<i>Sequoia sempervirens</i>). - Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines. - Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods. Implementation of these measures would reduce air quality impacts to a <i>less-than-significant level</i>.					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<i>BIOLOGICAL RESOURCES</i>						
Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats. The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed. This is considered a potentially significant impact.	Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. Implementation of this measure would reduce the impact to a less-than-significant level.	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	(2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>. Actions (1) and (2) can be implemented simultaneously.	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		
CULTURAL AND HISTORIC RESOURCES						
Impact 7-1: Destruction/Degradation of Historic Resources. There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to	Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
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demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a significant impact .	significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards: ▪ Secretary of Interior's <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i>; or ▪ Secretary of Interior's <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>. The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a less-than-significant level (CEQA Guidelines section 15064.5). (b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic					

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	features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register. If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order: (c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's <i>Standards for Architectural and Engineering Documentation</i>. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society. (d) Retain and reuse the historic resource to the maximum feasible					

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	extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction. (e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance. (f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area. Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources. However, this program EIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level. Consequently, this impact may remain significant and unavoidable.					
Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains. Development facilitated by the Specific Plan could disturb unrecorded sensitive	Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
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archaeological resources in the plan area. This possibility represents a <i>potentially significant impact</i> .	development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures. In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).			verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
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	If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by: ▪ Planning construction to avoid the archaeological site; ▪ Incorporating the site within a park, green space, or other open space element; ▪ Covering the site with a layer of chemically stable soil; or ▪ Deeding the site into a permanent conservation easement. When in-place mitigation is determined by the City to be infeasible, a <i>data recovery plan</i>, which makes provisions for adequate recovery of culturally or historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422					

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	(archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities. A <i>data recovery plan</i> and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]). In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.					
Impact 7-3: Potential for Disturbance of Paleontological Resources. Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan	Mitigation 7-3. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
area. This possibility represents a <i>potentially significant impact.</i>	development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures: (1) <i>Education Program.</i> Project applicants shall implement a program that includes the following elements: ▪ Resource identification training procedures for construction personnel; ▪ Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and ▪ Procedures for reporting discoveries and their geologic context. (2) <i>Procedures for Resources Encountered.</i> If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected			implementation during grading		

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	and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.					
GEOLOGY AND SOILS						
Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered	Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards. Project incorporation of this mitigation requirement would reduce this impact to a <i>less-than-significant level</i>.	Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

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for, could result in associated significant damage to project buildings and other improvements, representing a <i>potentially significant impact</i> .						
NOISE						
Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from BART noise. Future noise levels would exceed both El Cerrito's and Richmond's noise and land use compatibility standards. This is a <i>potentially significant impact</i>.	Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond general plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L_{dn}, the local established land use compatibility threshold. In areas where residential developments would be exposed to an L_{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (L_{dn}) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions. Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

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	The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45					

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	dBA L_{dn} or lower and meet instantaneous noise limits. - Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards. - Implementation of these measures would reduce potential noise and land use compatibility impacts to a <i>less-than-significant level</i>.					
Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact. This is a <i>potentially significant impact</i>.	Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards. - Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the respective City's noise standards. - Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities, are limited to the hours of 7:00 AM to 9:00 PM.	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

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	Implementation of these measures would reduce the potential commercial development noise impacts to a <i>less-than-significant level</i> .					
Impact 13-3: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is a <i>significant impact</i> .	Mitigation 13-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities: ▪ Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment. ▪ Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. ▪ Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. ▪ Prohibit unnecessary idling of internal combustion engines. ▪ Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. ▪ Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

		MONITORING			VERIFICATION	
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	- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. - Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. - Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. - Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would					

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	determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. Although the above measures would reduce noise generated by construction, the impact would remain significant and unavoidable as a result of the extended period of time that adjacent receivers could be exposed to construction noise.					
Impact 13-4: Construction-Related Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a significant impact.	Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities: ▪ Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. ▪ Avoid using vibratory rollers and tampers near sensitive areas. ▪ In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

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	- Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. - Design construction contingencies that would be implemented when vibration levels approached the limits. - At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. - When vibration levels approach limits, suspend construction and implement contingencies to					

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	either lower vibration levels or secure the affected structures. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities. It may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be significant and unavoidable.					
TRANSPORTATION AND CIRCULATION						
Impact 16-1: Cumulative Traffic Impacts. The project would have a significant cumulative impact, relative to the City's current LOS standard of D, at San Pablo Avenue/Cutting Boulevard, which would fall from LOS D in the Cumulative No Project case to LOS E in the Cumulative With Project case. This would be a significant project impact.	Mitigation 16-1. Adoption and full implementation of the San Pablo Avenue Specific Plan/Complete Streets Plan is projected to reduce auto trips relative to the baseline assumption in the impact analysis, which would reduce this impact to a <i>less-than-significant level</i>. Furthermore, adoption of the plan would change the City's LOS standard	City; Individual project applicants	City	Condition of occupancy permit issuance (fair-share of multi-modal improvements)		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	of D to an LOS goal of E, which should be considered in conjunction with the multi-modal LOS standards for transit, pedestrian and bicycle modes, with transit and pedestrian modes being the primary priorities in the corridor. This would also render the impact <i>less-than-significant</i> . However, because the projected mode shift cannot be guaranteed, and adoption of the proposed new multi-modal LOS goals as defined in the draft plan cannot be assured, the impact relative to the current City LOS standard remains significant and unavoidable after mitigation.					

**A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL APPROVING OF A
GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR
PROPERTY LOCATED IN SAN PABLO AVENUE SPECIFIC PLAN AREA**

WHEREAS, in Resolution PC 14-12, Exhibit 1, the Planning Commission considered the Environmental Impact Report (EIR) for the San Pablo Avenue Specific Plan (SPASP) project and recommended that the City Council certify the EIR; and

WHEREAS, in Resolution PC 14-12 the Planning Commission considered the SPASP and recommended that the City Council adopt the SPASP; and

WHEREAS, in furtherance of the SPASP, the Planning Commission of the City of El Cerrito recommended that the City Council adopt an amendment to the General Plan to add the land use designation of the SPASP to provide for a vision for the future of San Pablo Avenue that adopts context-sensitive regulations to be applied throughout the Plan area. The Plan's key principles are to deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm, promote the everyday use of transit, walking, and biking, and foster environmental sustainability through a streamlined, tiered review process, increased development intensity thresholds, and supportive design guidelines; and

WHEREAS, the Planning Commission of the City of El Cerrito recommended that the City Council adopt an amendment to the General Plan to change the land use designation for certain property currently zoned/described as the 174 acres of the Plan that exist within the City of El Cerrito's jurisdiction. The Plan area extends for approximately 2.5 miles from El Cerrito Plaza and El Cerrito's border with the City of Albany on the south to the Ohlone Greenway near the BART tracks and Baxter Creek on the north. At the south end of the Plan area, the project boundary extends east to include the El Cerrito Plaza BART Station and west along Central Avenue to I-80. Generally, the Plan area includes the San Pablo Avenue roadway and the parcels fronting on the avenue; and

WHEREAS, the provisions of the Government Code, 65350, et. seq. have been complied with, including that the City has not previously adopted four amendments to the mandatory elements of the General Plan in calendar year 2014; and

WHEREAS, on September 22, 2014, the City Council held a duly noticed public hearing to consider the appeal; and

WHEREAS, at the September 22, 2014 meeting the City Council adopted Resolution 2014-XX certifying the Environmental Impact Report, adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program for the SPASP; 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 General Plan Amendment.

NOW THEREFORE, BE IT RESOLVED:

The City Council of the City of El Cerrito finds that:

1. *The proposed amendment is deemed to be in the public interest.*

The SPASP is in the public interest because it adopts context-sensitive regulations to be applied throughout the Plan area. The Plan's key principles are to strengthen a sense of place, ensure return on investment, encourage practical and market friendly development, enhance and humanize the public realm and catalyze mode shift.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The SPASP is consistent in all significant respects with the General Plan; in that supports the spirit and intent of all of the existing goals and policies listed in the General Plan related to the San Pablo Avenue corridor. It will greatly enhance the Del Norte, Midtown and El Cerrito Plaza areas of the city by establishing context based development parameters. In particular, the goals and policies listed in the Strategic Framework, The Community Development and Design, and the Transportation and Circulation Chapters.

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 SPASP shall be implemented in compliance with all appropriate sections of the El Cerrito Municipal Code, including the Building and Fire Codes as well as in concert with its Programmatic Environmental Impact Report, ensuring that it will not be detrimental to the public's health, safety or welfare.

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).*

A Programmatic Environmental Impact Report was prepared for the San Pablo Specific Plan in full compliance with applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA) and the Planning Commission recommended that the City Council certify the EIR as set forth in Resolution 2014-XX and the City Council certified the EIR, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.

I CERTIFY that at a regular meeting on September 22, 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 September X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Exhibit 1 – General Plan Text

Exhibit 2 – General Plan Map

PROPOSED AMENDMENTS TO THE GENERAL PLAN TO IMPLEMENT THE SAN PABLO AVENUE SPECIFIC PLAN

Strikethrough indicates deletion; red indicates insertion

CHAPTER 2: STRATEGIC APPROACH

Page 2-4

Amend text to:

5. San Pablo Avenue ~~Corridor Design Guidelines~~ Specific Plan

Page 2-6

Amend Figure 1: Strategic Action Plan, to:

Primary Action Strategies: San Pablo Avenue ~~Corridor Design Guidelines~~ Specific Plan

Page 2-12

Amend text to:

5. San Pablo Avenue ~~Corridor Design Guidelines~~ Specific Plan

... The San Pablo Avenue Corridor contains El Cerrito's main north-south arterial, with extensive commercial development based on automobile access. This development pattern is consistent with development along San Pablo Avenue as it continues through the neighboring communities of Richmond, Albany, and Berkeley. ~~The San Pablo Avenue Specific Plan, including Form-Based Code, Complete Streets Plan and Infrastructure Analysis, Design Guidelines for San Pablo Avenue will~~ provides direction for the enhancement of existing business and the development of new business opportunities. These improvements will create an attractive and functional development pattern that meets today's retail and office needs.

The ~~design guidelines~~ Form Based Code ~~will~~ addresses transit-oriented mixed-use commercial development, high-density residential uses, public spaces, and streetscapes design. ~~Residential area guidelines will address density, parking, pedestrian access, noise, and open space needs for new and rehab of existing residential areas. Mixed use commercial area Plan~~ guidelines will address density and development intensity, parking, multimodal access ~~(pedestrian and auto)~~ and circulation, signage, open space and setback requirements, land use buffer areas, and building design and image characteristics.

~~Streetscape~~ Complete Streets guidelines will recommend the use of landscaping, street furniture, and lighting to improve the experiences of both pedestrian, bicycle, transit and automobile users of San Pablo Avenue. The pedestrian experience ~~can~~ will be further improved by creating public open spaces such as pocket parks, plazas, midblock connections, greenways, and repurposed and temporary open spaces, ~~courtyards, and street bulb-outs,~~ and creating a stronger buffer between the

Exhibit A

sidewalk and automobile traffic. Streetscape design guidelines ~~should~~ include ~~on-and-off-street parking strategies,~~ standards for pedestrian crossing and intersection design, sidewalk widths, street tree planting, ~~signal timing~~ and other functional issues such as ease of movement, pedestrian safety and security, and accessibility.

Responsible Organization: City of El Cerrito

Participating Organizations: City of Richmond
Caltrans
~~San Pablo Avenue Business Association~~
West Contra Costa Transportation Advisory Committee
(WCCTAC)
AC Transit
BART

Time Frame: Mid-Term (3-5 years)

Potential Funding Sources: City of El Cerrito
~~El Cerrito Redevelopment Agency~~
Caltrans
Various regional, State and federal grants

CHAPTER 4: COMMUNITY DEVELOPMENT AND DESIGN

Page 4-4

Amend text to:

Growth Strategy

This General Plan calls for a balanced growth strategy with emphasis on retail and office uses. The Plan assumes that all commercial growth and most residential growth will take place within the San Pablo Avenue corridor. Specifically, the Plan assumes 189,350 square feet of additional retail space, 166,570 square feet of additional office space, and 775 new housing units. The development regulations of the San Pablo Specific Plan would result in a net new development capacity of 1706 new dwelling units and 243,112 square feet of new commercial space by the year 2040. ~~Of these totals, the only development assumed to be someplace other than the San Pablo Avenue corridor~~ outside the Specific Plan area are 90 housing units, which represent a combination of accessory units and infill of vacant lots.

Page 4-6

Add footnote to Table 4-1: Land Area by Type of Use, to:

***In 2014, the 174.1 San Pablo Avenue Specific Plan area in El Cerrito includes: 29.4 acres of Residential, 108.5 acres of Commercial, 5.2 acres of Mixed-Use, 12.2 acres of Public, 4.9 acres of Parks, and 10.6 acres of Parking. The Plan re-zones all parcels within the Plan area to Transit-Oriented Mixed-Use and includes reduced automobile parking standards and privately-owned public open space requirements.*

Page 4-12

Add text:

San Pablo Avenue Specific Plan Area

The San Pablo Avenue Specific Plan articulates a vision for the future of San Pablo Avenue, identifies improvements, and adopts context-sensitive regulations that can be applied along its length and to adjacent areas. The Plan's Form-Based Code regulates land use and development standards based on Transect Zone, Transit-Oriented High-Intensity Mixed Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU), designed to encourage vertical and horizontal mixed-use. The TOHIMU zone emphasizes commercial uses on the ground floor with upper residential uses to activate the pedestrian right-of-way and cluster services near transit nodes. The TOMIMU zone allows for "flex" spaces on the bottom floors to accommodate ground floor commercial where needed, but emphasizing mid-intensity residential uses to increase housing along the transportation corridor to encourage walking, biking and public transit use.

Page 4-13

Amend text to:

Development Densities and Intensities

The density and intensity ranges for the above land use categories are as shown on Table 4-2. Residential and mixed-use projects shall comply with both the floor-area ratio (FAR) requirements and the density requirements, except that the FAR for projects built pursuant to state-mandated density bonuses may be increased beyond the city's allowable limits if necessary to accommodate the increased density. Projects located within the San Pablo Avenue Specific Plan Area will not have to comply with FAR requirements, but will instead be regulated by form-based regulations including a maximum building height, ground floor and upper floor setbacks, and open space requirements. Projects consistent as an affordable housing project as defined by State law are eligible for a height increase.

Page 4-14

Amend text to:

For purposes of interpreting Table 4-2, the following definitions apply:

- Density is the number of permanent residential dwelling units per total net acre of land in the development site, except in the San Pablo Avenue Specific Plan Area where density is defined in terms of height.
- Floor area ratio (FAR) is the gross floor area, excluding the area devoted exclusively to parking, divided by the total net area of the development site.
- Incentives may include density bonuses, FAR bonuses, and other benefits that the City may grant in return for special benefits provided by the development project to the City; density and FAR bonuses may only be given pursuant to the criteria contained in the City's zoning or other land use regulations.

In order to convert density expressed in units per acre to density expressed in persons per acre, multiply by 2.32, the 1998 estimate by the California Department of Finance for the average number of persons per household in El Cerrito.

Agenda Item No. 6(B)
Attachment 2
Exhibit A

Table 4-2: Density and Intensity Ranges

	Density (du/acre)			Intensity (FAR)	
	Normal Range	With City Incentives per Zoning Ordinance Section 19.23	With State-Mandated Density Bonuses	Normal Range	With City Incentives
Residential					
Very Low Density	Up to 6	NA	Up to 7.5	NA	NA
Low Density	7-10	NA	7-12.5	NA	NA
Medium Density	11-20	11-25	11-25	NA	NA
High Density	21-35	21-45*	21-45	NA	NA
Mixed-Use Commercial					
General	Up to 35	Up to 45*	Up to 45	Up to 2.0	Up to 3.0
Neighborhood	Up to 20	Up to 25	Up to 25	Up to 1.0	NA
Commercial					
San Pablo Avenue Specific Plan Area					
Transit-Oriented High Intensity Mixed-Use (TOHIMU)	Up to 65'***	NA**	Up to 85'***	NA	NA
Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU)	Up to 55'***	NA**	Up to 65'***		
Parks and Open Space	NA	NA	NA	Up to 0.1	Up to 0.5
Institutional and Utilities	NA	NA	NA	Up to 1.0	Up to 2.0

*Within the High Density Residential and Mixed-Use Commercial land use categories, up to 70 dwelling units per acre may be allowed through a city density-bonus incentive program for housing for elderly and handicapped persons where there is a commitment to provide services such as congregate care, onsite counseling, or medical services for residents.

**The San Pablo Avenue Specific Plan includes a Form-Based Code that does not prescribe building densities based on dwelling units per acre, but instead regulates the physical form of the building. Within the Plan Area, there is a building height limit of 65' in the Transit-Oriented Higher Intensity Mixed Use Transect and 55' in the Transit-Oriented Mid- Intensity Mixed Use Transect. Height bonuses may be allowed through a Tier IV Entitlement Process or through the State-Mandated Density Bonus program.

The City has an incentives program in place (Zoning Ordinance Chapter 19.~~2332~~, adopted 1977, amended ~~1997~~ 2008). Under the program, development incentives may be granted for a project where the incentives will promote closer adherence to City objectives. Incentives may include increased density reduced parking, greater building height, or other deviations from regular zoning standards. In exchange for such incentives, the City will require desirable features, such as exceptional design, creative design of off-street parking, enhancements to public amenities, environmental benefits such as creek restoration, and similar benefits to the community. The program most frequently has been used for minor density increases in projects ranging from 5 to 20 dwelling units, never exceeding 40 units per acre. The program has allowed more substantial density increases for projects for the elderly and disabled, up to 76 units per acre. Some of those

projects have also been granted increased height, reduced parking, and reduced setbacks. Appendix G is a tabulation of the results of applying the Incentives Program from 1983 through 1997. Projects within the San Pablo Avenue Specific Plan Area should refer to the Administration of the Regulating Code section of the Specific Plan for further information on development incentives.

Page 4-16 – 4-23

Amend Land Use Goals and Policies to:

Goal LU1: A high-quality residential character within El Cerrito.

- | | | |
|---------------------|---|---|
| <p>LU1.5</p> | <p>Suitable Housing. Promote suitably located housing and services for all age groups within the city. Within the San Pablo Avenue Specific Plan area, allow ground floor residential development and increased land use intensity close to existing transit infrastructure to promote residential infill development and catalyze mode shift.</p> | <ul style="list-style-type: none"> • Development Regulations (zoning) • Housing Program • Redevelopment Program • San Pablo Avenue Specific Plan |
| <p>LU1.7</p> | <p>Maximum Density. Maintain the maximum multifamily density at 35 dwelling units per acre, except in the San Pablo Avenue Specific Plan area and as otherwise provided in this Plan.</p> | <ul style="list-style-type: none"> • Development Regulations (zoning) |

Goal LU2: A land use pattern and mix of uses that contribute to the financial health and stability of the community.

- | | | |
|---------------------|--|---|
| <p>LU2.1</p> | <p>San Pablo Avenue Specific Plan Area. Promote retail, office, and mixed uses along within the San Pablo Avenue Specific Plan Area to provide more tax revenues to the city.</p> | <ul style="list-style-type: none"> • Development Regulation s (zoning) • Redevelopment Program • Economic Development Strategy • Design Guidelines San Pablo Avenue Specific Plan |
|---------------------|--|---|

LU2.5	Maximum FARS. Allow a maximum floor-area-ratio of 2.0 in all commercial areas except the neighborhood commercial centers where the maximum is 1.0 and the San Pablo Avenue Specific Plan area where FARs are not defined and except as otherwise provided in this Plan.	• Development Regulations (zoning) • San Pablo Avenue Specific Plan
Goal LU3: A development pattern that enhances a strong sense of community.		
LU3.1	Commercial/Residential Interaction. Encourage easy access and a strong sense of place to local businesses as focal points for neighborhood social interaction.	• Development Regulations (zoning) • Design Guidelines • Development Review
LU3.2	Midtown Center. Promote the organization of properties along San Pablo Avenue from south of Moeser Lane to north of Manila Avenue into a “Midtown Center” which may include a civic center. Attract additional mixed-use residential development with enhanced pedestrian and bicycle connectivity within the civic and community-oriented Midtown zone of the San Pablo Avenue Specific Plan area.	• Development Regulations (zoning) • Specific Plans • Capital Improvements Program • Redevelopment Program • Economic Development Strategy • San Pablo Avenue Specific Plan
Goal LU4: A safe, attractive, and interesting community		
LU4.3	Street Frontages. Encourage attractive and accessible street frontages that contribute to the retail vitality of all commercial or mixed-use centers.	• Development Regulations (zoning) • Design Guidelines • Development Review • San Pablo Avenue Specific Plan

Goal LU5: A land use pattern and types of development that support alternatives for the movement of people, goods, and ideas.

LU5.1	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.	➤ Development Regulations (zoning) ➤ Specific Plan ➤ Redevelopment Program ➤ San Pablo Avenue Specific Plan
LU5.2	Mixed-Use Centers. Encourage mixed-use centers along San Pablo Avenue – including development along Fairmount Avenue, Stockton Avenue and Moeser Lane, between San Pablo Avenue and the Ohlone Greenway – that provide the opportunity for people to walk among businesses, employment, and residences.	➤ Development Regulations (zoning) ➤ Specific Plan ➤ Redevelopment Program ➤ Economic Development Strategy ➤ San Pablo Avenue Specific Plan
LU5.3	Mixed-Use Projects. Encourage mixed uses, especially offices or housing over ground-floor retail uses, where commercial uses are allowed.	➤ Development Regulations (zoning) ➤ Design Guidelines ➤ San Pablo Avenue Specific Plan
LU5.5	Pedestrians, Bicycles, and Access. Ensure that business areas have adequate and attractive pedestrian and bicycle facilities and accessibility for persons with disabilities, and that easy connections to transit are available wherever possible.	• Development Regulations (zoning) • Development Review • Capital Improvements Program

LU5.6

Development Along the Ohlone Greenway. New or substantially altered development abutting the Ohlone Greenway will be evaluated with respect to how the development enhances the aesthetics and ambiance of this important linear recreational and transportation facility, and how the development contributes to the security of users of the Greenway. The City will expect frontage along the Greenway to be treated as if it were public street frontage, with commensurate attention to design quality and access. The San Pablo Avenue Specific Plan designates the Ohlone Greenway as a Street Type within its Regulating Plan. Projects within the Plan Area abutting the Greenway are subject the development standards of this Street Type.

- Design Guidelines
- San Pablo Avenue Specific Plan
- Development Regulations (zoning)
- Development Review
- Design Guidelines
- San Pablo Avenue Specific Plan

Goal LU6: Development patterns that promote energy efficiency, conservation of natural resources, and use of renewable rather than nonrenewable resources.

LU6.2

Circulation Alternatives. To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others. On San Pablo Avenue, in many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority.

- Development Regulations (zoning)
- Specific Plans
- Redevelopment Program
- San Pablo Avenue Specific Plan

Page 4-29

Amend text to:

The San Pablo Avenue ~~Commercial Corridor~~ Specific Plan Area

~~San Pablo Avenue is a continuous suburban, strip commercial street. Typical of an older state highway, the strip has a variety of low scale commercial malls, surface parking, and older one and two story commercial and residential buildings in a variety of sizes, characters, ages, and styles. These conditions will require a cooperative effort with the City of Richmond to create an attractive and unified visual character.~~

~~The streetscape changes throughout its length, with a mix of landscaped median designs and sidewalk character. The west side of San Pablo Avenue from approximately Bay View Avenue on the north to~~

~~San Jose Avenue on the south is outside the City limits. Sidewalks are in various states of disrepair. There are few benches or other pedestrian amenities, and maintenance is generally lacking. Landmarks, distinctive architecture, crosswalks, and unique commercial and public activity areas are lacking. San Pablo Avenue could benefit from a conscious strategy to create distinct nodes of higher density and activity with public space and pedestrian amenities.~~

~~With the mixed use Del Norte Place near one end of San Pablo Avenue and opportunities for El Cerrito Plaza redesign at the other end, El Cerrito's segment of the avenue has the unique potential for two lively and definable places adjacent to BART.~~

The San Pablo Avenue Specific Plan Area centers on the portion of San Pablo Avenue, State Route 123, that extends for approximately two and one-half miles from El Cerrito Plaza and the border with the City of Albany in the south and continuing to Baxter Creek Gateway Park in the north. The Avenue carries both heavy regional through-traffic and local traffic accessing the Avenue's mix of commercial services, civic uses and BART stations. At the southern end of the Plan Area, the boundary extends east to include the El Cerrito Plaza BART station and west along Central Avenue to the interstate 80. While most of the parcels within the Plan Area are within the City of El Cerrito, some on the west side of San Pablo Avenue and in the northern part of the Plan Area are within the City of Richmond. The Specific Plan supports the community vision to create a vibrant, walkable, sustainable and transit-oriented corridor that respects surrounding neighborhoods by identifying and providing design strategies for three unique destinations within the Specific Plan Area: Downtown, Midtown, and Uptown.

A variety of transportation options, including mass transit, automobiles, walking and biking, contribute to the character of the San Pablo Avenue corridor. Besides being a high-traffic vehicular thoroughfare, the Plan Area is well-served by transit including two BART stations, numerous AC Transit bus lines and other regional bus connections. The del Norte BART station serves as a major bus transit hub with multiple regional and local bus lines converging at the station.

The majority of the Plan Area is bordered to the east by the Ohlone Greenway, which serves as a major north-south bicycle and pedestrian circulation spine with dedicated pockets of open space that connects El Cerrito with the neighboring cities of Albany and Richmond.

Several recent public and private investments have enhanced the Avenue including the Ohlone Greenway improvements, San Pablo Avenue streetscape improvements, bicycle and pedestrian infrastructure projects, a new City Hall, the restored Cerrito Theater, and new residential and commercial developments.

Page 4-30

Amend text to:

Uptown (Del Norte Area)

~~The northern area, Del Norte, is more regional serving in character, providing a "big box" shopping destination around and north of the corner of Cutting and San Pablo Avenue. The Del Norte area is an area in transition. Some of the older retail stores are now vacant. Due to the direct freeway access, new "big box" retail uses are replacing the older strip commercial uses along this portion of San Pablo Avenue. The proximity to the Del Norte BART station, however, provides a unique opportunity for higher intensity, transit oriented development.~~

Uptown is a mixed-use commercial area that serves as the northern gateway to the City. Positioned within a ½ of the del Norte BART Station, a regional multi-modal center, this district is characterized by larger lots and building footprints. The area has potential to be humanized to be a stronger neighborhood that is more walkable and bikeable, while still serving as a transportation hub. Significant opportunities exist to: improve pedestrian and bicycle connectivity and close circulation gaps on large blocks; encourage a sense-of-place through active ground floor commercial uses and public open spaces; and, construct higher density development on large underutilized lots in proximity to the BART station.

Downtown (El Cerrito Plaza)

~~Some uses and stores in the El Cerrito Plaza are currently being remodeled. The current visual and design problems are evident: a sea of surface parking, blank building facades far from the street and sidewalk, no landscaping or pedestrian amenities, inhospitable buildings, single use with limited marketability, poor entries and signage, and an unattractive retaining wall. The importance of this site lies not only in its location at the door to El Cerrito, the commercial district, and BART, but also in its proximity to Cerrito Creek and its future development potential.~~

Downtown is an entertainment/theater and shopping district that serves as the southern gateway to the City. Positioned within a ½ mile of the El Cerrito Plaza BART Station, this district is characterized by constrained lots, the El Cerrito Plaza shopping center and adjoining residential. New development potential primarily includes smaller infill projects with “fine grain” character, as well as the El Cerrito Plaza BART surface parking lot or eventual redevelopment of the El Cerrito Plaza shopping center. Significant opportunities exist to: create an identifiable green southern gateway to the City where Cerrito Creek meets San Pablo Avenue; encourage a sense-of-place through active ground floor commercial uses and public open spaces; connect destinations to the Bay Trail through pedestrian and bicycle improvements; construct higher-intensity mixed-use developments in proximity to the BART station; and, improve connectivity to San Pablo Avenue and through the El Cerrito Plaza shopping center.

Midtown (City Center)

~~Some portions of San Pablo Avenue offer opportunities to create additional centers both large and small. The civic uses at San Pablo Avenue and Manila provide an opportunity to create a major Midtown City Center. Presently this is a single use destination. Adding mixed use retail activity, residential and office uses, and a public place for meeting and gatherings would enhance the site considerably.~~

Midtown is a civic and community-oriented zone with two neighborhood-scale commercial nodes at Stockton and Moeser. Characterized by longer blocks next to BART tracks, the district has both recent and planned mixed-use and residential investment. The area has strong potential to attract additional mixed-use residential development with enhanced pedestrian and bicycle connectivity. Significant opportunities exist to: provide midblock connections to improve pedestrian and bicycle connectivity on large blocks; enhance the Moeser and Stockton neighborhood commercial nodes to promote economic activity; construct a mix of mid-density residential and mixed-use developments along the corridor; and, create a continuous cycle track to improve bicycle safety, access and connectivity.

Amend text to:

Three Major Activity Centers

The San Pablo Avenue corridor provides virtually all the development opportunities for new office work places and shopping. Recent development trends reflect that retail development forms are shifting from suburban strip commercial and community malls to more pedestrian friendly, transit oriented villages. El Cerrito's unique location provides an opportunity to take advantage of these changing marketing trends.

El Cerrito has the potential to create three major centers—**Downtown** (the El Cerrito Plaza Area), **Uptown** (the Del Norte Area), and a Midtown Area. These three major activity centers are envisioned as pedestrian friendly, mixed-use villages, with ground floor retail uses and upper floors of office and residential uses. Both El Cerrito Plaza and Del Norte Center take advantage of their regional location next to the BART stations.

These three major centers are connected along San Pablo Avenue, BART and the Ohlone Greenway with additional office, retail, and housing uses in between. Each center has its own unique character and function. The Plaza provides an opportunity for ~~larger, high-end retail providing goods and services both locally and more regionally~~ smaller, "fine grain" retail infill projects. Del Norte provides an opportunity for ~~a new regional work place with new office space for smaller, entrepreneurial enterprises, live work, studios, R&D office space, and for traditional insurance and banking services~~ large-scale commercial opportunities provided by proximity to the freeway and office, retail and residential mixed-use developments. The Midtown Center provides an opportunity to cluster development around new civic functions and neighborhood-serving commercial districts.

Page 4-37 to Page-47

Amend text to Community Development Goals and Policies:

Goal CD1: A city organized and designed with an overall attractive, positive image and "sense of place."

- | | | |
|--------------|--|--|
| CD1.2 | Design Concept. Plan and construct development within development activity centers and neighborhood commercial centers according to an overall design concept for each center. | <ul style="list-style-type: none">➤ Specific Plans➤ Design Guidelines➤ Grant Funds➤ San Pablo Avenue Specific Plan |
| 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. | <ul style="list-style-type: none">➤ Development Review➤ Design Guidelines➤ Development Incentives➤ Development Regulations (zoning)➤ San Pablo Avenue Specific Plan |
| CD1.6 | Entrances to the City. Improve the major entrances into the city with landmark entry features, signs, and gateways to enhance the sense of community and improve the City's image. | <ul style="list-style-type: none">• City Entry Design Program• San Pablo Avenue Specific Plan |

Agenda Item No. 6(B)
Attachment 2
Exhibit A

- | | | |
|--------------|--|--|
| CD1.7 | Views and Vistas. Preserve and enhance major views and vistas along major streets and open spaces, providing areas to stroll and benches to rest and enjoy views. | <ul style="list-style-type: none"> • Development Regulations (zoning) • Beautification Program • San Pablo Avenue Specific Plan |
| 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. | <ul style="list-style-type: none"> • Design Guidelines • Development Review • Specific Plans • San Pablo Avenue Specific Plan |

Goal CD2: A city with attractive, safe, and functional streets, parking areas, and pedestrian walkways.

- | | | |
|--------------|--|--|
| CD2.1 | Street Frontages. Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in development centers and neighborhood commercial centers along San Pablo Avenue in the San Pablo Avenue Specific Plan area to be directly abutting sidewalks, with window openings, entries and high levels of transparency along the pedestrian frontage. | <ul style="list-style-type: none"> ➤ Specific Plans ➤ Design Guidelines ➤ Development Review ➤ Development Regulations (zoning) ➤ Grant Funds ➤ San Pablo Avenue Specific Plan |
|--------------|--|--|

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| CD2.2 | San Pablo Avenue. Develop a design concept for San Pablo Avenue that includes street landscaping and improvements, and design guidelines that Implement the improvements and context-sensitive regulations identified in the San Pablo Avenue Specific Plan to create an overall coordinated image and character of the street from north to south. Establish physical design standards for development in cooperation with Caltrans and, where required, subject to acceptance by Caltrans. | <ul style="list-style-type: none"> • Design Guidelines • Parking Districts • Specific Plans • San Pablo Avenue Specific Plan |
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| CD2.4 | Multi-Modal Transportation Network. Ensure that streets, paths, and bikeways contribute to the system of a fully connected transportation network to all major destinations in the City. The design of these streets and pathways should encourage pedestrian and bicycle uses by being spatially defined by buildings, trees, lighting, and street furniture. Pedestrian and bicycle pathways and auto routes should be compatible. | <ul style="list-style-type: none"> • Design Guidelines • Street Tree Program • Beautification Program • San Pablo Avenue Specific Plan |
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| CD2.6 | Parking Layout. Encourage the development of | <ul style="list-style-type: none"> • Design Guidelines |
|--------------|---|---|

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	common parking areas and common access for adjoining lots.	• Parking Districts • Specific Plans • Development Regulations (zoning) • San Pablo Avenue Specific Plan
CD2.7	Accessible Design. Site and building design must meet basic accessibility needs of the community and not be exclusively oriented to those who arrive by car.	• Design Guidelines • Development Review • Specific Plans • San Pablo Avenue Specific Plan
CD2.8	City Sidewalk and Pedestrian Walkways. City streets and pedestrian walkways should be designed to be safe, accessible, convenient, comfortable, and functionally adequate at all times, including the design of pedestrian crossings, intersection design, sidewalk widths, street tree planting, street furniture, and signal timing.	• Streetscape Improvement Program • Street Tree Program • Beautification Program • Specific Plans • Design Guidelines • San Pablo Avenue Specific Plan
Goal CD3: A city with attractive landscaping of public and private properties, open space, and public gathering spaces.		
CD3.2	Usable Open Spaces. Require the provision of usable open space in the form of ground-floor patios, upper-floor decks, and balconies, as well as common recreational facilities and amenities.	• Development Regulations • Design Guidelines • Development Review • San Pablo Avenue Specific Plan
CD3.3	Site Landscaping. Improve the appearance of the community by requiring aesthetically designed screening and landscaping on public and private sites. Ensure that public landscaping includes entry areas, street medians, parks, and schools. Require landscaping for all private sites, yard spaces, parking lots, plazas, courtyards, and recreational areas.	• Development Regulations (zoning) • Design Guidelines • Development Review • Capital Improvements Program • San Pablo Avenue Specific Plan
CD3.8	Public Spaces. Create specialized outdoor gathering places in the three main activity centers along San Pablo Avenue: Del Norte, Midtown, and El Cerrito Plaza. Encourage the design of these public spaces to accommodate activities that encourage the presence of	• Specific Plans • Design Guidelines • Development Review • Development

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~~people at all hours of the day and evenings. Require projects within the San Pablo Avenue Specific Plan area to provide on-site public and private open space to: incentivize development of multifunctional new public open space; encourage urban open spaces; allow private open space for residential buildings; customize the design of open space to site context; and, increase safety by providing more “eyes on the street”.~~

Incentives

- ~~Redevelopment Program~~
- San Pablo Avenue Specific Plan

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| CD3.9 | Ohlone Greenway. Enhance the usability and aesthetic appeal of the Ohlone Greenway by integrating it into the fabric of the City. Design buildings with entries, yards, patios, and windows to open onto and face the Ohlone Greenway. Avoid blank walls, backs of buildings, and large parking lots adjacent to the greenway. | <ul style="list-style-type: none"> • Design Guidelines • Development Review • San Pablo Avenue Specific Plan |
| CD3.11 | Streetscape Design. Streetscape design (street trees, lighting, and pedestrian furniture) should be used to lend character and continuity with commercial districts and residential neighborhoods. | <ul style="list-style-type: none"> • Streetscape Improvement Program • Specific plans • City Entry Design Program • Sign Ordinance • San Pablo Avenue Specific Plan |

Goal CD4: Well designed buildings that are compatible with their surroundings.

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| CD4.1 | Compatibility in Building Scale. Avoid big differences in building scale and character between developments on adjoining lots. | <ul style="list-style-type: none"> ➤ Design Guidelines ➤ Development Review ➤ San Pablo Avenue Specific Plan |
| 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. | <ul style="list-style-type: none"> ➤ Design Guidelines ➤ Development Review ➤ San Pablo Avenue Specific Plan |

Goal CD5: A design process that achieves design objectives while being efficient and allowing for flexibility.

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| CD5.3 | Design Guidelines and Regulations. Make | <ul style="list-style-type: none"> ➤ Design Guidelines |
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development and design regulations more understandable with use of illustrations, photos, drawings, diagrams, or other graphic and visually oriented regulations, such as a “form code.”

- Development Regulations (zoning)
- **San Pablo Avenue Specific Plan**

Goal CD6: An urban form that sustains a vital commercial community to meet the diverse needs of the local and regional population.

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| CD6 | Affordable Commerce. El Cerrito’s urban form should allow site opportunities for commerce by local entrepreneurs – small business spaces in close proximity to other businesses with easy visibility from the street and close to abundant pedestrian traffic. | <ul style="list-style-type: none">• Development Regulations (zoning)• Design Guidelines• Specific Plans• San Pablo Avenue Specific Plan |
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Page 4-54

Add text to Implementation Strategy 24. Specific Plans:

Certain areas of the city need to be planned comprehensively, but in more detail than can be done in a general plan. A specific plan can integrate land use, design, transportation, utilities and other issues into an action strategy. ~~Areas to be considered for a specific plan include the Midtown area along San Pablo Avenue, extending from south of Moeser to north of Manila Avenue, and the Del Norte BART station area. A specific plan for the El Cerrito Plaza area, including the BART station and the area along San Pablo Avenue between Fairmount and Central avenues, should be prepared to provide overall direction during the next 20 years.~~

San Pablo Avenue Specific Plan: The purpose of the San Pablo Avenue Specific Plan, including a Form- Based Code, Complete Streets Plan and Infrastructure Analysis, is to articulate a vision for the future of San Pablo Avenue from the southern entrance to the northern entrance of the City, east to the El Cerrito Plaza BART Station and west along Central Avenue to Interstate 80. The Plan identifies public improvements and context-sensitive regulations to create a multimodal corridor that provides a multitude of opportunities for living, working and community life.

2013 GROWTH MANAGEMENT ELEMENT UPDATE

Page 4-51

Amend text to:

The Growth Management Element establishes a comprehensive, long-range program that matches demand for public facilities generated by new development with policies and standards for traffic level of service (LOS) and performance criteria for fire, police, parks, sanitary facilities, water supplies, and flood control; ~~in the San Pablo Avenue Specific Plan area, this includes a multi-modal level of service (MMLOS).~~ The Growth Management Element is concerned with maintaining defined urban service levels; it is not intended to limit growth or to direct growth into certain areas of the community on a priority basis. Most importantly, the Element's policies ensure that new development impacts that threaten to degrade established traffic performance or public service thresholds are mitigated through project modification, capital improvement programming, or contributions to improvements.

Page 4-55

Amend text to:

San Pablo Avenue

In El Cerrito, San Pablo Avenue is an urbanized thoroughfare between the southern City limits at Cerrito Creek near Carlson Boulevard to the northern city limits just south of McDonald Avenue with two lanes in each direction. ~~San Pablo Avenue serves as the primary transit spine of the region, traveling through all of the West County cities where in many cases it functions as "Main Street", and is the alternative primary reliever route to the I-80, providing a variety of transportation options during periods of heavy freeway congestion.~~

~~From its southern extent to Cutting Boulevard, the Avenue is part of State Route (SR) 123 and is operated and maintained by the California Department of Transportation (Caltrans). At most intersections there are left turns operating with left-turn signal phasing. The speed limit is 30 MPH. Average daily traffic volumes on San Pablo Avenue are greatest at its southerly extreme in the County. Near Cutting Boulevard, the highest average daily volume is 29,900 vehicles. During the AM peak period, the highest volumes occur near Potrero Avenue at 2,275 vehicles per hour. The highest PM peak hour period volumes occur near Barrett Avenue in Richmond, and frequently cause traffic backup into El Cerrito.~~

Page 4-56

Amend text to:

Regional Action Plans

Local jurisdictions participated in the development of programs to control regional traffic impacts on these routes through a series of Action Plans approved by one of the Regional Transportation Planning Committees created under Measure C. El Cerrito has been working closely with the WCCTAC (West Contra Costa County Traffic Advisory Committee) ~~to work on an update of the 2000 and 2009 action plans for the west county area. Once approved, the updated Action Plan will be combined by CCTA with other regionally recommended Action Plans to create a comprehensive transportation plan. The City recognizes that the success of attaining Action Plan objectives depends upon participation of other jurisdictions in both planning and funding of necessary improvements to~~

update to the West County Action Plan, which has been transmitted to the Contra Costa Transportation Authority for incorporation into the 2014 Countywide Comprehensive Transportation Plan. It is anticipated that the updated West County Action Plan will be formally adopted by WCCTAC at the end of 2014. Both the current (adopted in 2009) Action Plan and the updated Action Plan call for cooperation between partner agencies to improve traffic congestion on San Pablo Avenue, and emphasize the importance of better serving all corridor users by enhancing transit services, including the Rapid Bus, and improving bicycle and pedestrian facilities. Both the current and the updated Action Plans specify that the multi-modal transportation service objective (MTSO) for San Pablo Avenue is to maintain LOS E or better at all signalized intersections. In addition, the updated Action Plan specifies that this LOS MTSO will not be applied within ½-mile of a BART station, and instead the performance measures in the relevant specific plan(s) for the area will be followed.

Additional objectives from the updated Action Plan include:

- Enhance local and regional transit service, particularly in terms of connections to BART.
- Increase the use of active transportation modes.
- Implement Complete Streets enhancements identified in local plans.
- Actively manage growth to support regional land use and transportation goals.

Basic Routes

All roads not indicated on the map of Routes of Regional Significance are Basic Routes. ~~The Growth Management Element is required to assess the operating capacity of signalized intersections on Basic Routes, estimate future service impacts resulting from significant, foreseeable increases in home building and job formation, according to the city's General Plan land use and housing policies.~~ Although Measure J no longer requires the adoption of Level of Service standards for Basic Routes (non-regional routes), the City is maintaining LOS standards for Basic Routes in this chapter until alternative performance measures for correlating the circulation element with the land use element of the General Plan are developed.

Pages 4-61 – 4-70

Amend text to Growth Management Goals and Policies

Goal GM2: Compliance with applicable level of service standards.

GM2.1	Application of Standards. Strive to maintain the minimum V/C performance standard for each signalized intersection on Basic Routes as described in Table 4-4. Level of Service Standards are considered to be met if measurement of actual conditions at the intersection indicates that operations are equal to or better than the specified minimum performance standard, or if El Cerrito's Capital Improvement Program includes projects which, when constructed, will result in performance better than or equal to the specified minimum standard. Refer to Transportation and Circulation Element for other standards related to the San Pablo Avenue Specific Plan area.	• Capital Improvements Program • Development Regulations (zoning)
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GM2.2 **Achieving Level of Service Standards.** Consider amendments to the General Plan Land Use Element or Map, Zoning Ordinance, or other relevant plans and policies to alter land use intensity or vehicle trip activity so that any Basic Route signalized intersection which does not meet the minimum service level standard in Policy GM2.2 can be brought into compliance with said standard.

Alternately, consider amendments to the Capital Improvement Program or other relevant programs and policies which will improve the capacity or efficiency of intersections not meeting the service standards through physical construction and improvements.

Refer to Transportation and Circulation Element for other standards related to the San Pablo Avenue Specific Plan area.

- Development Regulations (zoning)
- Capital Improvements Program
- San Pablo Avenue Specific Plan.

Goal GM6: Support land use patterns that make more efficient use of the transportation system

GM6.2 **Mixed-Use Centers.** Encourage mixed-use centers along San Pablo Avenue – including development along Fairmount Avenue, Stockton Avenue and Moeser Lane, between San Pablo Avenue and the Ohlone Greenway – that provide the opportunity for people to walk among businesses, employment, and residences. (LU5.2)

- Development Regulations (zoning)
- San Pablo Avenue Specific Plan

GM6.3 **Pedestrians, Bicycles, and Access.** Ensure that business areas have adequate and attractive pedestrian and bicycle facilities and accessibility for persons with disabilities, and that easy connections to transit are available wherever possible. (LU5.5)

- Capital Improvements Program
- San Pablo Avenue Specific Plan

GM6.4 **Circulation Alternatives.** To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others.

- Transportation Demand Management
- San Pablo Avenue Specific Plan

On San Pablo Avenue, in many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority. (LU6.2)

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GM6.5	Multi-Modal Transportation Network. Ensure that streets, paths, and bikeways contribute to the system of a fully connected transportation network to all major destinations in the City. The design of these streets and pathways should encourage pedestrian and bicycle uses by being spatially defined by buildings, trees, lighting, and street furniture. Pedestrian and bicycle pathways and auto routes should be compatible. (CD2.4)	• Capital Improvements Program • San Pablo Avenue Specific Plan
GM6.6	Balanced Transportation System. Create and maintain a balanced transportation system with choice of transit, bicycle, pedestrian, and private automobile modes, including on regionally significant arterials such as San Pablo Avenue. In many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit and pedestrians are the highest priority for San Pablo Avenue. (T1.1)	• Capital Improvements Program • San Pablo Avenue Specific Plan
GM6.7	Transit System. Encourage transit providers to improve and increase existing transit routes, frequency, and level of service. Encourage a public transit system that provides convenient transfers between transit services and other modes of travel. On San Pablo Avenue, provide transit shelters with benches, lighting, bike racks and crosswalks (on San Pablo Avenue) such that transit amenities represent a ‘High’ Built Environment Factors (BEF) throughout the corridor. Facilitate transit flow along San Pablo Avenue such that transit corridor travel time is reduced by 5 percent relative to current conditions. Where possible, provide far-side transit stops at signalized intersections with bus bulbs such that transit vehicles stop in-lane, thereby reducing transit delay associated with re-entry into traffic. (T1.2)	• Capital Improvements Program • Intergovernmental Coordination • San Pablo Avenue Specific Plan
GM6.8	Bicycle Circulation. Create a complete, interconnected bicycle circulation system. Provide a bicycle system that serves commuter as well as recreational travel. Improve bicycle routes and access to and between major destinations. On San Pablo Avenue, improve local bicycle access, including access on San Pablo Avenue and adjacent roadways. Provide a ‘Medium’ to ‘High’ BEF for bicyclists on San Pablo Avenue. Through transit and pedestrian MMLOS is the main priority, bicycle facilities should not be allow to remain ‘Low’ if measures to improve them to ‘Medium’ are available. Emphasize the placemaking qualities of bikeways, particularly separated bikeways/cycletracks.	• Capital Improvements Program • San Pablo Avenue Specific Plan

Though no delay-based bicycle LOS metric is identified, seek to reduce bicycle delay at signalized intersections and when considering changes to intersections, consider bicycle delay.

GM6.9

(T1.3)

Pedestrian Circulation. Provide a safe, convenient, continuous and interconnected pedestrian circulation system throughout the City. Ensure safe pedestrian access to local schools. Improve crossing opportunities, enhance crosswalks, and improve sidewalks to maintain a consistent 'High' Pedestrian BEF on San Pablo Avenue. Emphasize the placemaking qualities of the streetscape, including sidewalk and curb extensions. Though no delay-based pedestrian LOS metric is identified, seek to reduce pedestrian delay at signalized intersections and when considering changes to intersections, consider pedestrian delay.

- Capital Improvements Program
- San Pablo Avenue Specific Plan

(T1.4)

Page 4-72

Amend text of Implementation Measure 10. Development Review to:

10. Development Review

The development review process includes discretionary review by the Planning Commission and the Design Review Board, based on consideration of General Plan objectives and policies, and criteria established by the zoning and subdivision ordinances and other city regulations and adopted guidelines. Most discretionary actions are subject to the requirements of the California Environmental Quality Act (CEQA). The development review process also includes administrative review of projects to verify compliance with Planning Commission and Design Review Board requirements, as well as standards set by the City through adoption of building and fire codes, engineering standards, and other regulations and ordinances. Development review should be used to assess the impact of new development on the demand for transportation and public facility improvements and to implement mitigation measures and other mechanisms to help finance needed improvements. Use the multi-modal level of service calculation sheets for developers to determine the existing and proposed level of service for pedestrians, transit users, and bicyclists in the vicinity of the development parcel.

Page 4-75

Amend text of Implementation Measure 24. Specific Plans to:

24. Specific Plans

Certain areas of the city need to be planned comprehensively, but in more detail than can be done in a general plan. A specific plan can integrate land use, design, transportation, utilities and other issues into an action strategy.

~~The Draft San Pablo Avenue Specific Plan is currently being developed to address planning needs in the San Pablo Avenue corridor. As conditions change and as development proposals come forward, additional areas of the City may also need more detailed planning efforts.~~

San Pablo Avenue Specific Plan: The purpose of the San Pablo Avenue Specific Plan, including a Form-Based Code, Complete Streets Plan and Infrastructure Analysis, is to articulate a vision for the future of San Pablo Avenue from the southern entrance to the northern entrance of the City, east to the El Cerrito Plaza BART Station and west along Central Avenue to Interstate 80. The Plan identifies public improvements and context-sensitive regulations to create a multimodal corridor that provides a multitude of opportunities for living, working and community life.

Page 4-76

Amend text of Implementation Measure 28. Travel Demand Management (TDM) to:

28. Travel Demand Management (TDM)

Support and promote TDM measures to reduce the percentage of person trips made by automobile and to reduce the annual vehicle miles of travel. Reduce the percentage of trips made by automobile and provide the opportunity and facilities to divert trips from automobiles to other modes. Encourage small businesses in areas of employment concentration to form cooperatives that can collectively provide effective TDM options to employees. ~~Require new developments along San Pablo Avenue to provide basic TDM measures for residents and businesses as appropriate; additional TDM measures may be required where adjustments to the parking requirements are proposed to incentivize alternative modes of travel.~~

CHAPTER 5: TRANSPORTATION AND CIRCULATION

Page 5-4

Amend text to:

Traffic Multimodal Transportation Operations

Figure 7 identifies existing and projected (under General Plan build-out conditions) daily traffic volumes on area streets and highways. The operation of transportation facilities (freeways, roadways, intersections) is classified in six “level-of-service” categories. Level of service (LOS) is defined in terms of a letter grade ranging from A to F. LOS A is the best level of operation, representing free flow conditions, and LOS F is the worst level of operation, representing excessive delays, long vehicle queues, and generally intolerable conditions. The City of El Cerrito policy calls for achievement of LOS D or better conditions **except for San Pablo Avenue as indicated below.**

The City of El Cerrito has traditionally maintained a standard of LOS D for signalized intersections along San Pablo Avenue. However, the San Pablo Avenue Specific Plan includes Multimodal Level of Service (MMLOS) standards to evaluate the impacts of development projects and roadway improvement projects on all modes of transportation including pedestrians, bicyclists and transit users. The MMLOS methodology instead provides a Built Environment Factors (BEF) Assessment and Person Delay Calculations. This methodology takes a qualitative checklist approach to measuring the quality of service provided to users of the pedestrian, bicycle and transit facilities. This methodology measures the presence and, in some cases, quality of specific features of the built environment that benefit non-auto modes. Depending on mode, such features might include presence of a separated bikeway to provide comfortable, dedicated bicycle space; curb extensions to reduce pedestrian crossing distances; and bus bulbs to reduce delay for buses by allowing them to stop in the travel lane.

As indicated above, traditional automobile LOS is assigned letter grades of A through F. For pedestrians, bicyclists and transit, the BEF metric consolidates those six letter grades into three categories based on a 0 to 10 point scale that corresponds to three ratings: either ‘High’ (8-10 points), ‘Medium’ (6-7 points), or ‘Low’ (5 or fewer points). A designation of ‘No Facilities’ applies where there are no facilities available, which allows the City to distinguish between this condition and a ‘Low’ condition, where some facilities may be provided even if they are not sufficient to reach a Medium or High rating. Built environment factors are not assessed for automobiles under the assumption that the existing roadway meets the minimum

design standards for auto traffic. While consideration for all modes is important, transit and pedestrian modes are identified as the priority modes for San Pablo Avenue. This is due to the importance of the corridor as a transit route serving the City’s downtown and two BART stations, and its role as the City’s main commercial and mixed use corridor, where walking between residential, retail, and office uses

as well as walking trips to BART should be promoted. Thus, a High rating is desired for these modes, and a Medium to High rating is the goal for the bicycle mode. Although transit and pedestrian MMLOS is the main priority, bicycle facilities should not be allowed to remain ‘Low’ if measures to improve them to ‘Medium’

are available. This is because the corridor functions as El Cerrito’s main street, with shopping and employment destinations all along the corridor; furthermore, as residential development occurs as

part of the Specific Plan, more bicycle trips will originate on the corridor and many of these will take place entirely on San Pablo Avenue.

The Person Delay Calculation uses person-delay for autos (using an estimated auto occupancy), pedestrians (using pedestrian counts and the signal timing plan) and bicycles (based on bicycle counts and the signal timing plan). For transit riders, the transit person delay is not reported on an intersection-specific basis, but as a corridor-long travel time, for the northbound and southbound directions. This allows a more meaningful measure of the change in transit delay. As with the BEF metric, the Specific Plan prioritizes minimizing person delay for bus riders, pedestrians and bicyclists over drivers, with bus riders and pedestrians being the highest priority. Following are the person-delay standards:

- Autos: LOS E / <80 seconds of delay, when achievable and in consideration of the goals and priorities for other modes
- Pedestrian and Bicyclists: Person-delay calculated for information only, to assess impacts of vehicle capacity improvements on non-motorized delay, and to support the decision making process when weighing improvements benefitting different modes.
- Transit: Reduce corridor travel time by 5 percent relative to the No Project case

Most intersections in El Cerrito currently operate at LOS C or better. All City operated intersections (not along San Pablo Avenue) operate at LOS A. Traffic operation in the Del Norte area, other portions of San Pablo Avenue, and the Central Avenue Interchange can be as bad as LOS E or F conditions when an incident on Interstate 80 results in a higher-than-normal diversion of regional traffic and during weekend peak periods. As of 1999, traffic on Central Avenue can be quite backed up. ~~It is not known, without further study, whether this is a temporary or ongoing problem.~~

The San Pablo Avenue Specific Plan presents the current Multimodal Level of Service (MMLOS) conditions along San Pablo Avenue.

Page 5-20

Amend text of Transportation and Circulation Goals and Policies to:

Goal T1: A transportation system that allows safe and efficient travel by a variety of modes and promotes the use of alternatives to the single-occupant vehicle.

T1.1	Balanced Transportation System. Create and maintain a balanced transportation system with choice of transit, bicycle, pedestrian, and private automobile modes, including on regionally significant arterials such as San Pablo Avenue. In many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit and pedestrians are the highest priority for San Pablo Avenue.	• Transportation System Performance Measures • Travel Demand Management • Bicycle Master Plan • Pedestrian Circulation Plan • Development Review • Traffic Monitoring • San Pablo Avenue Specific Plan
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Attachment 2
Exhibit A

T1.2	Transit System. Encourage transit providers to improve and increase existing transit routes, frequency, and level of service. Encourage a public transit system that provides convenient transfers between transit services and other modes of travel. On San Pablo Avenue, provide transit shelters with benches, lighting, bike racks and crosswalks (on San Pablo Avenue) such that transit amenities represent a 'High' BEF throughout the corridor. Facilitate transit flow along San Pablo Avenue such that transit corridor travel time is reduced by 5 percent relative to conditions without a development or transportation project. Where possible, provide far-side transit stops at signalized intersections with bus bulbs such that transit vehicles stop in-lane, thereby reducing transit delay associated with re-entry into traffic.	● Intergovernmental Coordination ● Transit First Policy ● San Pablo Avenue Specific Plan
T1.3	Bicycle Circulation. Create a complete, interconnected bicycle circulation system. Provide a bicycle system that serves commuter as well as recreational travel. Improve bicycle routes and access to and between major destinations. On San Pablo Avenue, improve local bicycle access, including access on San Pablo Avenue and adjacent roadways. Provide a 'Medium' to 'High' BEF for bicyclists on San Pablo Avenue. Though transit and pedestrian MMLOS is the main priority, bicycle facilities should not be allowed to remain 'Low' if measures to improve them to 'Medium' are available. . Emphasize the placemaking qualities of bikeways, particularly separated bikeways/cycletracks. Though no delay-based bicycle LOS metric is identified, seek to reduce bicycle delay at signalized intersections and when considering changes to intersections, consider bicycle delay.	● Bicycle Master Plan ● Pavement Management Plan ● San Pablo Avenue Specific Plan
T1.4	Pedestrian Circulation. Provide a safe, convenient, continuous and interconnected pedestrian circulation system throughout the City. Ensure safe pedestrian access to local schools. Improve crossing opportunities, enhance crosswalks, and improve sidewalks to maintain a consistent 'High' Pedestrian BEF on San Pablo Avenue. Emphasize the placemaking qualities of the streetscape, including sidewalk and curb extensions. Though no delay-based pedestrian LOS metric is identified, seek to reduce pedestrian delay at signalized intersections and when	● Pedestrian Circulation Plan ● San Pablo Avenue Specific Plan

considering changes to intersections, consider pedestrian delay.

Goal T2: A land use pattern that encourages walking, bicycling, and public transit use.

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| T2.1 | <p>Land Use Patterns. Recognize the link between land use and transportation. Promote land use and development patterns that encourage walking, bicycling, and transit use. Emphasize high-density and mixed land use patterns that promote transit and pedestrian travel. Where feasible, emphasize the following land use measures:</p> <ol style="list-style-type: none"> 1. Promote conveniently located neighborhood complexes that provide housing and commercial services near employment centers and within transit corridors. 2. Promote land use patterns that maximize trip-linking opportunities by assembling uses that allow people to take care of a variety of daily needs. 3. Encourage pedestrian-oriented land use and urban design that can have a demonstrable effect on transportation choices. 4. Direct growth to occur along transit corridors. 5. Encourage retail, commercial, and office uses in ground floor space in combination with upper-floor housing along San Pablo Avenue. | <ul style="list-style-type: none"> • Development Review • San Pablo Avenue Specific Plan |
| T2.2 | <p>Project Design. Projects should be designed to include features that encourage walking, bicycling, and transit use.</p> | <ul style="list-style-type: none"> • Development Review • Transit First Policy • San Pablo Avenue Specific Plan |

Goal T3: A transportation system that maintains and improves the livability of the City.

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| T3.1 | <p>Improve Vehicle Circulation.
 Improve circulation in locations with high levels of congestion, but avoid major increases in street capacities unless necessary to remedy severe traffic congestion, and not at the expense of pedestrian circulation that would encourage speeds or degrade LOS or increase delay for transit, pedestrians or bicycles.
 For signalized intersections, maintain LOS D or better based on vehicle delay except for the San</p> | <ul style="list-style-type: none"> • Capital Improvement Program • Development Review • Traffic Monitoring • San Pablo Avenue Specific Plan |
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Pablo Avenue Specific Plan area maintain LOS E. Also in the San Pablo Avenue Specific Plan area for unsignalized intersections, maintain LOS E or better for all movements and where movements degrade to LOS F consider signalization. If signal warrants are not met, LOS F may be considered acceptable if it does not increase delays for pedestrians, bicyclists and transit users. Improve vehicle circulation in locations with high levels of congestion, but avoid increases in street capacities that would encourage speeds or degrade MMLOS for transit, pedestrians or bicycles.

T3.6	Maintenance of San Pablo. Coordinate with Caltrans to ensure the timely maintenance of San Pablo Avenue. Review signal timing changes to assure they are consistent with the MMLOS metrics described above.	• Intergovernmental Coordination
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Goal T4: A minimum amount of land used for parking and minimal parking intrusion in neighborhoods.

T4.1	Parking Requirements. Develop parking requirements that are consistent with the goals for increased use of alternative transportation modes, and acknowledge shared parking opportunities.	• Development Review • Parking Regulations • San Pablo Avenue Specific Plan
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Page 5-27

Amend text to Implementation Measure 4. Development Review:

4. **Development Review.** Undertake development reviews to ensure compliance with applicable local, regional, state, and federal laws and adopted policies. Use the multi-modal level of service calculation sheets for developers to determine the existing and proposed level of service for pedestrians, transit users, and bicyclists in the vicinity of the development parcel in the San Pablo Avenue Specific Plan area. Ensure that developers contribute funding for on-site and off-site improvements, where the MMLOS does not meet the City standards. Adopt an ordinance requiring developers to do the following:
 - a. Construct transportation improvements along their property frontages when appropriate; and
 - b. Fund traffic impact studies that identify on-site and off-site effects and mitigation measures.

Page 5-28

Amend text to Implementation Measure 5. Intergovernmental Coordination to:

In addition to, and in support of, these regional key items, the following are City of El Cerrito interagency coordination positions:

- a. As opportunities present themselves, improve freeway access to El Cerrito, particularly around the Del Norte area and at the Central Avenue interchange.
- b. Oppose transportation projects that would diminish access to Interstate 80 from El Cerrito.
- c. Oppose regional capacity enhancements to San Pablo Avenue except when the improvements serve local traffic and do not ~~compromise-degrade~~ bus, pedestrian and bicycle travel **below the City MMLOS standards.**
- d. Support physical enhancements to San Pablo Avenue to make it a transit, **bicycle** and pedestrian friendly multi-modal street.

Encourage the City of Richmond and Caltrans to conduct a detailed operations analysis of the Central Avenue interchange and be an active participant in this study. This study should address an existing base year condition as well as a 20-year growth forecast including expected growth from development in El Cerrito, Richmond and Albany. It should also address weekday and Saturday conditions. It should be conducted using a detailed operations analysis such as Synchro and/or CORSIM.

Page 5-29

Amend text to Implementation Measure 10. Pedestrian Circulation Plan to:

Pedestrian Circulation Plan. Review existing pedestrian circulation within the City to identify constraints to walking, develop improvement plans at constrained locations (including pedestrian street crossings), and incorporate pedestrian enhancement projects into the City Capital Improvement Program (CIP). Encourage local access to BART stations by walking as an alternative to short-distance driving. Develop new sidewalk width standards consistent with the type and intensity of adjacent land use. Attention should be paid to the issue of tree damage to sidewalks and obstruction of sidewalks by signs. **On San Pablo Avenue, maintain and create a ‘High’ Pedestrian MMLOS.**

Page 5-31

Amend text to Implementation Measure 15. Transportation System Performance Measures to:

15. **Transportation System Performance Measures.** Develop a level-of-service standard for ~~traffic-multi-modal~~ operations that assesses service levels for all street users, including ~~buses~~ **riders**, pedestrians, and bicycles, **as well as private automobile users.** **For areas outside of the San Pablo Avenue Specific Plan area,** consider modifying the City’s current LOS D standard to allow for higher levels of automobile congestion during peak hours in order to reduce the need for improvements that decrease opportunities for alternative transportation modes or reduce parking supply.

Using a level of service standard worse than LOS D maybe considered acceptable where:

- e. Upstream or downstream bottlenecks control the flow of traffic through an intersection such that capacity enhancements (i.e., improvements) would have marginal benefit;
- f. Retaining a bottleneck would discourage regional or semi-regional traffic from using a facility; or
- g. Traffic capacity enhancements would degrade pedestrian, transit or bicycle conditions (i.e., additional lanes increases pedestrian crossing distances).

In order to maintain consistency with the Congestion Management Plan, LOS E is the worst level of service standard that could be adopted for San Pablo Avenue.

For the San Pablo Avenue Specific Plan area, adopt multi-modal level of service (MMLOS) thresholds that use Person Delay and Built Environment Factors methodologies to determine level of service based on modal facility types, dimensions, and connectivity.

Page 5-32

Amend text to Implementation Measure 17. Transportation Demand Management (TDM) to:

17. Travel Demand Management (TDM). Support and promote TDM measures to reduce the percentage of person trips made by automobile and to reduce the annual vehicle miles of travel. Reduce the percentage of trips made by automobile and provide the opportunity and facilities to divert trips from automobiles to other modes. Encourage small businesses in areas of employment concentration to form cooperatives that can collectively provide effective TDM options to employees. Require new developments along San Pablo Avenue to provide basic TDM measures for residents and businesses as appropriate; additional TDM measures may be required where adjustments to the parking requirements are proposed to incentivize alternative modes of travel.

Page 5-32

Add Implementation Measure 18. San Pablo Avenue Specific Plan:

18. San Pablo Avenue Specific Plan. The purpose of the San Pablo Avenue Specific Plan, including a Form-Based Code, Complete Streets Plan and Infrastructure Analysis, is to articulate a vision for the future of San Pablo Avenue from the southern entrance to the northern entrance of the City, east to the El Cerrito Plaza BART Station and west along Central Avenue to Interstate 80. The Plan identifies improvements and context-sensitive regulations to create a multimodal corridor that provides a multitude of opportunities for living, working and community life. The Plan includes a multi-modal level of service (MMLOS) analysis to understand the impacts of proposed streetscape improvements on all users of the Avenue to better ensure that projects improve circulation within the Plan area.

2007-2014 HOUSING ELEMENT

Housing Element Page 44

Amend Table III-1 El Cerrito General Plan Residential Land Use Designations to include the following:

Designation	Description	Permitted Density
San Pablo Avenue Specific Plan	The Specific Plan's Form-Based Code regulates land use and development standards based on Transect Zone, Transit-Oriented High-Intensity Mixed Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU), designed to encourage vertical and horizontal mixed-use. The TOHIMU zone emphasizes commercial uses on the ground floor with upper residential uses to activate the pedestrian right-of-way and cluster services near transit nodes. The TOMIMU zone allows for "flex" spaces on the bottom floors to accommodate ground floor commercial where needed, but emphasizing mid-intensity residential uses to increase housing along the transportation corridor to encourage walking, biking and public transit use.	TOHIMU: maximum of 65' TOMIMU: maximum of 55'

Housing Element Page 44

Add Land Use Control b. San Pablo Avenue Specific Plan:

b. San Pablo Avenue Specific Plan

The San Pablo Avenue Specific Plan, adopted by the City in (date TDB), articulates a vision for the future of San Pablo Avenue, identifies improvements, and adopts context sensitive regulations that can be applied within the Specific Plan Area. The Plan's key principles are to deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm, promote the everyday use of transit, walking, and biking and foster environmental sustainability. The Plan establishes a Form-Based Code that regulates land use and development standards based on Transit-Oriented High-Intensity Mixed Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU) Transect Zones

Goals and strategies of the Plan include:

- Maximize Transit-Oriented Development (TOD) potential along the corridor;
- Allow ground floor residential development to provide flexibility and expand the Plan Area's residential base;
- Promote residential infill development through increased land use intensity close to existing transit infrastructure; and
- Increase the supply, diversity and affordability of housing in proximity to existing or planned transportation investments.

c. Zoning Code

The Zoning Code is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety and welfare, as well as to promote quality

design and quality of life. The City of El Cerrito's residential zoning designations control both the use and development standards of each residential parcel.

Table III-2 summarizes permitted residential uses in residential districts. Residential zoning includes six main districts: RS, RD, RM, TOM, CC and CN and the TOHIMU and TOMIMU Transect Zones of the San Pablo Avenue Specific Plan. The RS District is split into four separate subsets guiding the minimum size of each lot and other development standards such as minimum lot depth and width and setbacks—RS-5 would be a minimum lot size of 5,000 square feet, RS-7.5 = 7,500 square feet, RS-10 = 10,000 square feet, and RS-20 = 20,000 square feet.

Single-family units are permitted as a matter of right in all single-family residential districts. New single family uses are not allowed in the RM, TOM, CC, CN districts. Multiple family dwellings are permitted by right in the RM, TOM, CC, CN zones and San Pablo Avenue Specific Plan Transect Zones. Multiple family dwellings are not permitted on the ground floor of the Theater Overlay Block of the San Pablo Avenue Specific Plan.

Housing Element Page 45

Add to Table III-2 Residential Uses Allowed in All Zones:

Zone	Single-Family Detached	Multi-family	Second Unit	Duplex	Transitional or Homeless Shelter
San Pablo Avenue Transit-Oriented High-Intensity Mixed-Use (TOHIMU)	--	P		--	P
San Pablo Avenue Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU)	--	P		--	P

Housing Element Page 45

Amend text to:

Residential Development Standards

The City regulates the type, location, density, and scale of development through the General Plan, San Pablo Avenue Specific Plan and the Zoning Ordinance. Provisions in the Zoning Ordinance specify minimum lot areas, setbacks, coverage, FAR, height limits, and parking (see Tables III-2, III-3, and III-4). The San Pablo Avenue Specific Plan specifies height, parking, setbacks, access and building length. El Cerrito regulations are comparable to those of similar cities. In addition to the base zoning districts described in the following tables, applicants can request rezoning to a customized Planned Development (PD) District that allows deviation from the normal regulations where a development project is consistent with the General Plan and meets other community objectives.

El Cerrito's zoning regulations are not restrictive and do not create a financial or physical constraint to residential development due to a wide range of densities permitted by the City and flexible parking requirements.

Housing Element Page 48

Amend Table III-4 Multi-Family Residential Development Standards in Commercial Zones

	CN	CC	TOM	San Pablo Avenue TOHIMU	San Pablo Avenue TOMIMU
Minimum Lot Size (sq. ft.)	5,000 2,000 for commercial	5,000	5,000		
Minimum Residential Density	--	--	35 units per acre within 300 feet of the BART stations		
Maximum Residential Density – lot area per unit (sq. ft.) (may be in addition to non-residential FAR)					
Base Density	20 units per acre	35 units per acre	35 units per acre	NA	NA
Density for Mixed Use Development	--	--	35 units per acre	NA	NA
Density with Incentives	25 units per acre	45 units per acre	45 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.	NA	NA
Density with State Affordable Housing Bonuses	27 units per acre	48 units per acre	48 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.	Affordable Housing Bonuses will be granted through height increases	Affordable Housing Bonuses will be granted through height increases
Maximum Building Height (ft.)	35	35, up to 50 with CUP	50, up to 65 with CUP in Del Norte & Plaza areas 35, up to 45 with CUP in Midtown node	65, up to 85 with State Affordable Housing Bonuses	55, up to 65 with State Affordable Housing Bonuses
Minimum Building Height	--	--	2 stories, exceptions may be granted with a CUP	3 stories Residential (except constrained lots) 2 stories commercial (exceptions granted with CUP)	3 stories Residential (except constrained lots) 2 stories commercial (exceptions granted with CUP)

	CN	CC	TOM	San Pablo Avenue TOHIMU	San Pablo Avenue TOMIMU
Building Setback on Street Frontages	0 - 10 feet	0 - 10 feet, more with a CUP	0 - 10 feet	0 – 15, front setback is regulated by Street Type. See Section 2.04.01 Regulation by Street Type of the San Pablo Avenue Specific Plan	0 – 15, front setback is regulated by Street Type. See Section 2.04.01 Regulation by Street Type of the San Pablo Avenue Specific Plan
Minimum Yard Requirements (ft.) – None unless adjacent to a residential district					
Building Transition Zone Adjacent to Residential Districts	For any portion of a structure adjacent to a residential district boundary), the minimum required setbacks of the residential district shall apply. To protect privacy and minimize sunlight blockage, structures shall not intercept a 45- degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line. Exceptions to the above requirements are permitted for a one-story parking or garage structure that does not exceed 10 feet in height in a side or rear yard that does not front on a street.			To minimize impacts of shadows on adjacent residential districts, buildings shall not cast shadows onto adjacent existing residential uses on December 21 st greater than 14' deep at 1:30 pm on adjacent parcels to the east. To protect privacy and minimize additional sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line.	To minimize impacts of shadows on adjacent residential districts, buildings shall not cast shadows onto adjacent existing residential uses on December 21 st greater than 14' deep at 1:30 pm on adjacent parcels to the east. To protect privacy and minimize additional sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line.
Required Off Street Parking	RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms. At least one space per unit must be located in a garage or carport. In the TOM district, required parking reduced by 25% within ¼ mile of a BART station.			Residential: up to 1 auto space/unit Commercial Buildings: < 3,000 sf - no parking required > 3,000 sf – up to 1 auto space/1,000 sf	Residential: up to 1.5 auto space/unit Commercial Buildings: < 3,000 sf - no parking required > 3,000 sf – up to 1 auto space/500 sf

Agenda Item No. 6(B)**Attachment 2****Exhibit A**

Use Classification	Required Off-Street Parking Spaces	Additional Regulations
Single Family Dwelling	2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit.	19.06.030(N), Limitations on Parking and Garage Frontage. All required spaces must be located in a garage or carport.
Second Unit	1 space for the Second Unit in addition to the spaces required for the primary dwelling unit.	Section 19.20.190(D), Second Units.
Two-Family Dwelling; Multiple Family Residential	1 space per unit for each studio or 1-bedroom unit. RD, RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms.	19.06.030(N), Limitations on Parking and Garage Frontage At least one space per unit must be located in a garage or carport.
Transit-Oriented High-Intensity Mixed-Use (TOHIMU)	up to 1 auto space/unit	All projects include basic Transportation Demand Management (TDM). Projects proposing 0-0.5 auto spaces/residential unit may be required to perform a parking study and/or provide additional TDM measures. See San Pablo Avenue Specific Plan for Parking Standards
Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU)	up to 1.5 auto space/unit	All projects include basic Transportation Demand Management (TDM). Projects proposing 0-1 auto spaces/residential unit may be required to perform a parking study and/or provide additional TDM measures. See San Pablo Avenue Specific Plan for Parking Standards
Group Housing	0.5 per Unit	19.06.030(N), Limitations on Parking and Garage Frontage.
Senior Citizen Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.

Use Classification	Required Off-Street Parking Spaces	Additional Regulations
Transitional Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.

Housing Element Page 50

Add Density Bonus Subsection C. San Pablo Avenue Specific Plan:

c. San Pablo Avenue Specific Plan

Projects within the San Pablo Avenue Specific Plan Area will be subject to the Administration regulations of the Specific Plan. The Plan Form-Based Code is designed to facilitate an increased intensity of residential development in proximity to transit. In the event that the development standards for the Transect Zones create an impediment to achieving multifamily residential development, the developer may submit an application for Site Plan and Design Review – Tier IV. The Tier IV Site Plan and Design Review process is meant to incentivize overarching community benefits, including affordable housing, as part of developments that would not otherwise be permitted under Specific Plan regulations but nevertheless comply with the intent of the Specific Plan.

Approval Findings for Tier IV Site Plan and Design Review include the following:

- That the project furthers the goals of this Specific Plan by encouraging practical and market-friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift;
- That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) stated in adopted city policy documents as identified by the Community Development Director. These documents include, but are not limited to:
 - o EL Cerrito Climate Action Plan
 - o El Cerrito Strategic Plan
 - o This General Plan, especially this Housing Element
 - o El Cerrito Economic Development Action Plan
 - o El Cerrito Urban Greening Plan
 - o El Cerrito Active Transportation Plan
- That the development will not have an undue adverse effect upon the Transect Zone in which it is located, and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located.
- That the proposed development complies with the intent of the Specific Plan, and;
- That the project implements applicable goals and policies of this General Plan.

Housing Element Page 53

Amend text to:

4. Emergency Shelters, Transitional Housing and Single Room Occupancy Units

In 2008, a new State law was adopted (Government Code 65583 (a)(4)) requiring local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City Zoning

Ordinance allows emergency shelters as a permitted use under “Community Social Service Facilities” within the Community Commercial (CC) zone. The definition of Community Social Service Facilities as listed in the City’s Zoning Ordinance is below:

Community Social Service Facilities. Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

As updated by the San Pablo Avenue Specific Plan, emergency shelters are also permitted in the TOHIMU and TOMIMU zones, subject to specified operational standards. The definition of Emergency Shelter as listed in the San Pablo Avenue Specific Plan is:

Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person or family. No individual or household may be denied emergency shelter because of an inability to pay. Medical assistance, counseling and meals may be provided.

The City Zoning Ordinance allows transitional housing as a permitted use under “Transitional Housing” within the Community Commercial (CC) zone and as a conditional use in the Transit Oriented Mixed Use (TOM) zone. The definition of Transitional Housing as listed in the City’s Zoning Ordinance is below:

Transitional Housing. Establishments providing temporary housing in a structured living environment and where residents have access to various voluntary support services, such as health, mental health, education and employment/training services to obtain skills necessary for independent living. Living accommodations are shared living quarters with or without separate kitchen or bath facilities for each room or unit. The occupancy period shall be at least 30 days. This category excludes temporary housing that does not include support services and community social service facilities such as emergency shelters.

As updated in 2014 by the San Pablo Specific Plan, transitional housing and supportive housing are allowed in the TOHIMU and TOMIMU zones under the same standards as other types of permitted residential uses. The definitions of transitional housing and supportive housing contained within the San Pablo Specific Plan Land Use Definitions are:

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Supportive Housing, Housing with no limit on length of stay that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

The City Zoning Ordinance allows single room occupancy units (SRO) as a permitted use under “Group Housing” within the Community Commercial (CC) and, **within the San Pablo Specific Plan Area, as an allowed use with an Administrative Use Permit in the ~~Transit-Oriented Mixed-Use (TOM)~~ TOHIMU and TOMIMU zones.** The definition of Group Housing as listed in the City’s Zoning Ordinance **and in the San Pablo Avenue Specific Plan** is below:

Group Housing. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes rooming and boardinghouses, dormitories, and private residential clubs, offering shared living quarters, but excludes hotels, residential care facilities and transitional housing facilities.

Housing Element Page 59

Add to Planning Fees:

For projects within the San Pablo Avenue Specific Plan, see the Master Fee Schedule for permit and design review fees.

Housing Element Page 59

Add to Permit Processing Procedures:

For projects within the San Pablo Avenue Specific Plan Area, see Specific Plan Section 2.02 Administration of the Regulating Code for additional information on permit processing procedures.

Housing Element Page 61

Add to Design Review:

For projects within the San Pablo Avenue Specific Plan Area, see Specific Plan Section 2.02.08 Application for Discretionary Actions Requiring a Public Hearing for additional Design Review requirements.

Housing Element Page 74 to 90

Amend text of Housing Element Goals, Policies and Programs to:

Policy 5:

Encourage the development of multi-family residential uses in mixed-use projects, in the redevelopment area, and near transit-oriented facilities to help meet ABAG's Regional Housing Needs Allocation for El Cerrito and so that housing and commercial uses can complement and support one another.

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

Program 5.1:

Maintain General Plan designations for mixed use and high-density residential housing, ~~and the Transit Oriented Mixed Use districts~~ **and implement the Transit-Oriented High-Intensity Mixed-Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU) Transect Zones of the Specific Plan** in the development nodes of the City.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 19:

Promote fair housing opportunities for all people.

Program 19.4:

To comply with Senate Bill (SB) 2 the City will continue to maintain **appropriate land use definitions of** emergency shelters, transitional housing and supportive housing to homeless individuals and families **and allow those uses by right to be allowed by right** in the CC (Community Commercial) **and the TOHIMU and TOMIMU zones.**

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 23:

Encourage the location of multi-family housing near transit centers where living and/or working environments are within walkable distances in order to reduce auto trips to work, roadway expansion and air pollution.

Program 23.1:

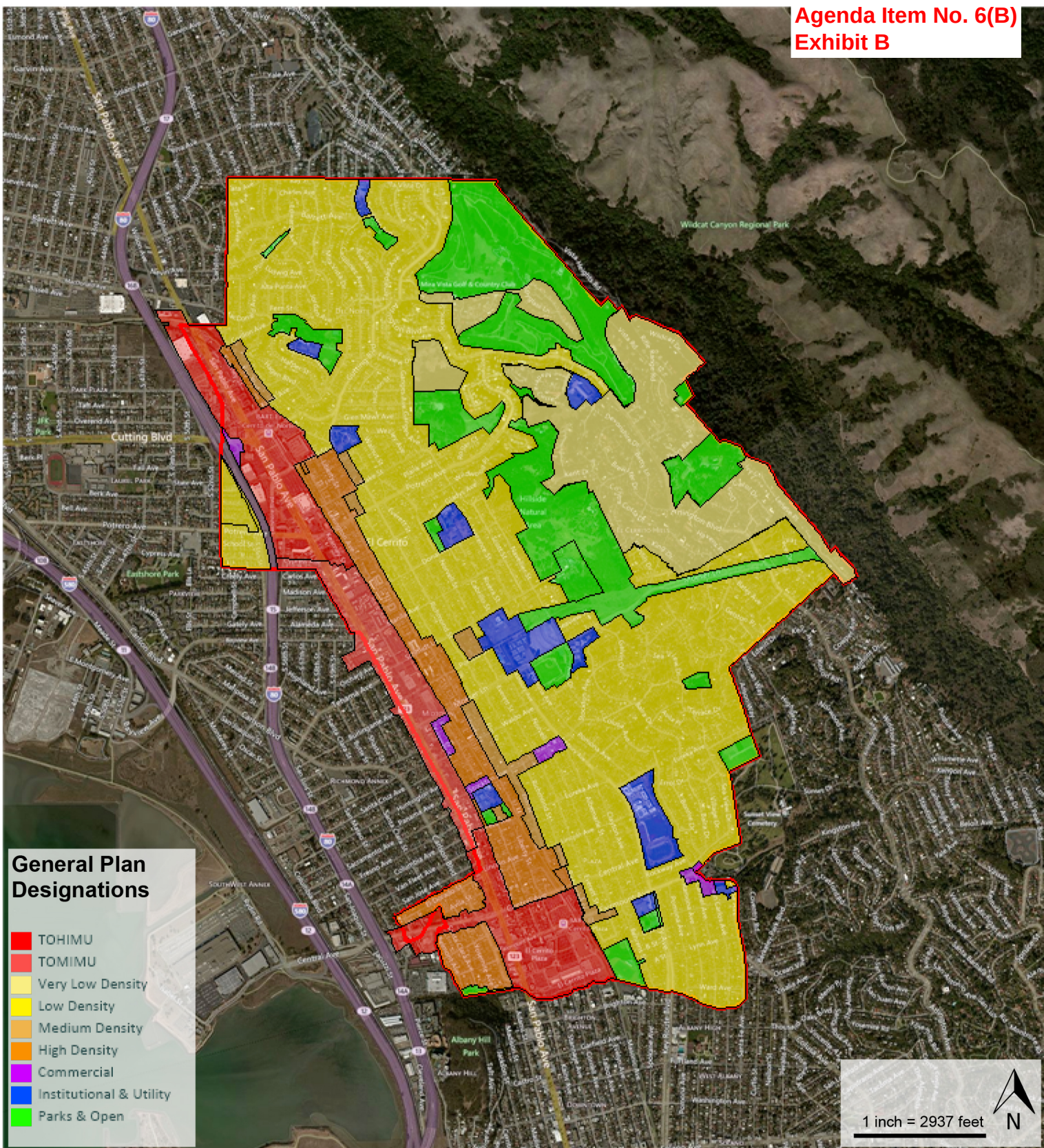
Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit. **Enforce the San Pablo Avenue Specific Plan.**

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

**Appendix C Design and Development Guide of the General Plan is deleted.
It is superseded by the San Pablo Avenue Specific Plan.**



RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING
THE SAN PABLO AVENUE SPECIFIC PLAN

WHEREAS, in 2007, El Cerrito Redevelopment Agency undertook development of the San Pablo Avenue Specific Plan jointly with the City of Richmond; and

WHEREAS, city staff and the consultant worked collaboratively on the Plan along with members of the San Pablo Avenue Specific Plan Advisory Committee (SPAAC) and through Planning Commission, Design Review Board and general public meetings; and

WHEREAS, a draft Specific Plan was completed in 2009 along with an Initial Study/Mitigated Negative Declaration (IS/MND); and

WHEREAS, based on comments received, a second draft was completed in 2010; and

WHEREAS, in March of 2011, the Council directed staff to do further revisions to the Specific Plan to deal with open space issues, expand the parking study and economic analysis, create more location-appropriate density, height and land use strategies to better reflect the priorities of the City Council, and better align the plan with contemporary land use and transit standards; and

WHEREAS, in November of 2011, the City Council provided additional recommendations, including that the Plan allow increased height and densities near the BART stations, more flexible parking requirements with lower minimums, and a more flexible approach to mixed-use, including allowing ground floor residential throughout the Plan area; and

WHEREAS, in April of 2013, the City Council approved revisions to the scope of the Specific Plan, including the preparation of a Programmatic Environmental Impact Report and the addition of a Complete Streets Plan; and

WHEREAS, the Specific Plan process included substantial public participation through the years including a community workshops held on July 23, 2013 and October 19, 2013, as well as study sessions with the Design Review Board on July 2, 2014 the Planning Commission on July 17, 2013, November 20, 2013 and July 16, 2014 and a study session with the City Council on November 5, 2013; and

WHEREAS, the Draft Specific Plan was released for public review on June 3, 2014; and

WHEREAS, on June 3, 2014, the City released for a 45-day public review period a Draft Environmental Impact Report (EIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Environmental Impact Report and prepared a revised Specific Plan incorporating many revisions received from appointed and elected officials as well as the public at large and released both documents for public review on

August 28, 2014; and

WHEREAS, adoption of the Specific Plan has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 4, 2014 at which it received testimony and other evidence and recommended that the City Council adopt and approve the San Pablo Avenue Specific Plan, Certify the Environmental Impact Report, approve the General Plan Amendment, and approve the amendments to the Zoning Ordinance and other amendments to the El Cerrito Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on September 22, 2014 at which it received testimony and other evidence and certified the Environmental Impact Report, adopted a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, approved the General Plan Amendment, and approved the amendments to the Zoning Ordinance and other amendments to the El Cerrito Municipal Code; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that, based on its review and consideration of revised Specific Plan, attached exhibits, and associated Final Environmental Impact Report, and all public testimony:

1. Finds that the San Pablo Avenue Specific Plan is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.
2. Finds that the San Pablo Avenue Specific Plan is consistent with the El Cerrito General Plan as amended in Attachment 2 to the staff report and adopted by Resolution No. 2014-XX.
3. Hereby adopts the San Pablo Avenue Specific Plan, as attached hereto in Exhibit A.

I CERTIFY that at a regular meeting on September 22, 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 September X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



**September 22, 2014
Special City Council Meeting**

**Item No. 6(B) SAN PABLO AVENUE SPECIFIC PLAN and
ENVIRONMENTAL IMPACT REPORT CERTIFICATION**

**Attachment 3(a) Draft San Pablo Avenue Specific Plan, dated
August 2014 is posted on the City's website at
www.el-cerrito.org/SPASP**

and is also available for review in hardcopy format at the following
locations:

Office of the City Clerk
10940 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
REZONING PROPERTIES LOCATED IN THE
SAN PABLO AVENUE SPECIFIC PLAN AREA

SECTION 1. RECITALS

- A. On September 4, 2014, (Resolution PC 14-12, Exhibit 1) the Planning Commission considered the Environmental Impact Report (EIR) for the San Pablo Avenue Specific Plan (SPASP) project and recommended that the City Council certify the EIR; and
- B. On September 4, 2014, (Resolution PC 14-12) the Planning Commission considered the SPASP and recommended that the City Council adopt the SPASP; and
- C. On September 22, 2014, the City Council held a public hearing to consider the EIR and the SPASP, to public comment and testimony, and (Resolution No. 2014-XX) certified the EIR under the California Environmental Quality Act; and
- D. On September 22, 2014, the City Council adopted a General Plan Amendment (Resolution No. 2014-XX) to implement the SPASP; and
- E. In order to further implement the SPASP and to ensure consistency between the General Plan and the Zoning Map, corresponding amendments to the Zoning Map must be made.

SECTION 2. REZONE

SECTION 1. The zoning map of the City of El Cerrito is hereby amended such that certain real property currently zoned/described as: the 174.1 acres of the Plan that exist within the City of El Cerrito's jurisdiction. The Plan area extends for approximately 2.5 miles from El Cerrito Plaza and El Cerrito's border with the City of Albany on the south to the Ohlone Greenway near the BART tracks and Baxter Creek on the north. At the south end of the Plan area, the project boundary extends east to include the El Cerrito Plaza BART Station and west along Central Avenue to I-80. Generally, the Plan area includes the San Pablo Avenue roadway and the parcels fronting on the avenue; and more particularly described in Exhibit A are rezoned to San Pablo Specific Plan.

SECTION 3. 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 4. EFFECTIVE DATE

This ordinance shall not take effect until thirty days after the second reading, November 6, 2014.

The foregoing ordinance was introduced at a special meeting of the City Council on September 22, 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 October 7, 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 September X, 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 __ day of September, 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 October, 2014.

Cheryl Morse, City Clerk

Exhibit A –List of properties within the Plan Area

Exhibit B- Specific Plan Zoning Map



**September 22, 2014
City Council Meeting**

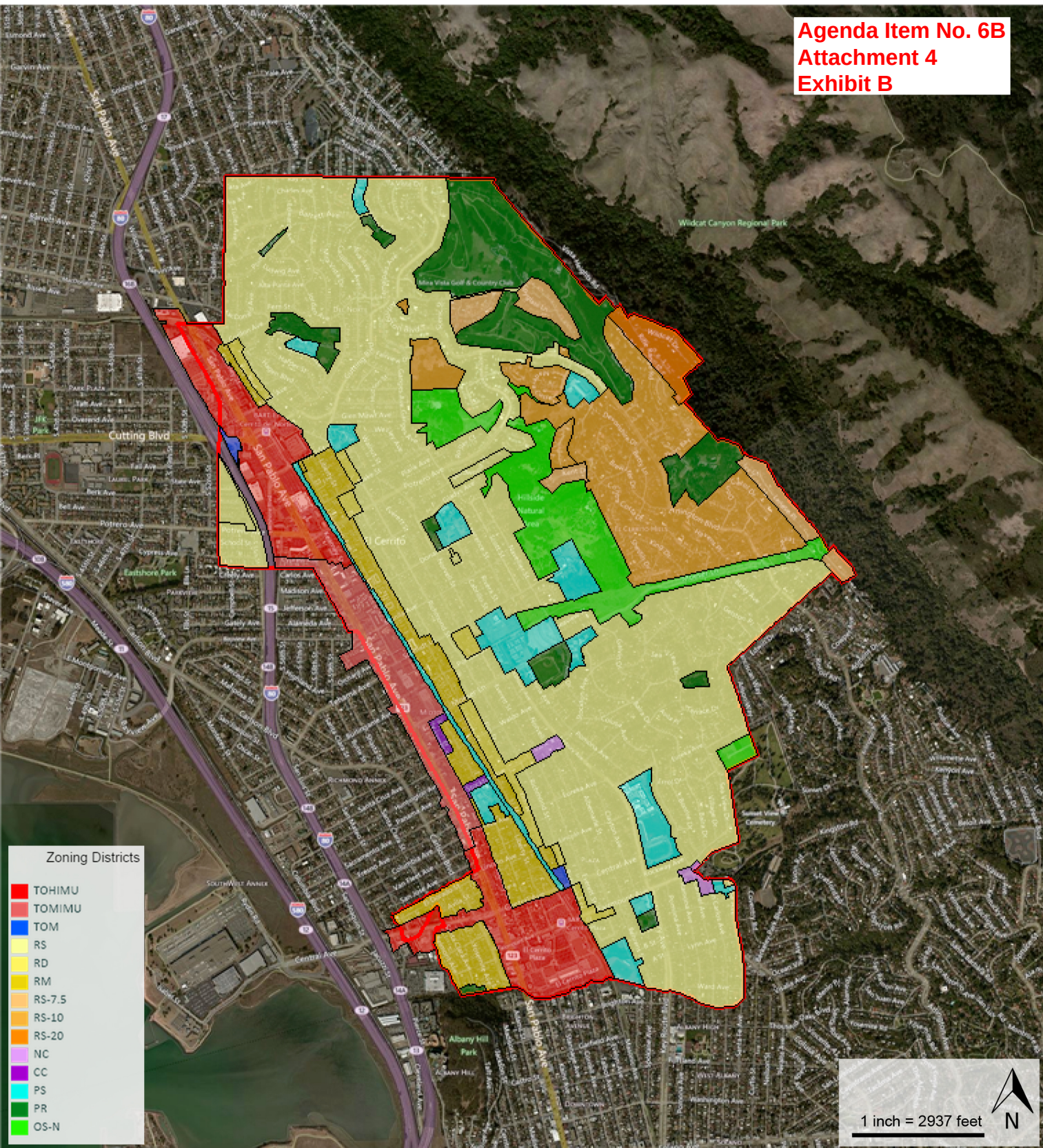
**Agenda Item 6(B)
Attachment 4 – Exhibit A
List of properties within the Plan Area**

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



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING
TITLE 19 OF THE EL CERRITO MUNICIPAL CODE BY ADDING CHAPTER 19.15 TO
INCORPORATE THE SAN PABLO AVENUE SPECIFIC PLAN AREA

SECTION 1. RECITALS

- A. On September 4, 2014, (Resolution PC 14-12, Exhibit 1) the Planning Commission considered the Environmental Impact Report (EIR) for the San Pablo Avenue Specific Plan (SPASP) project and recommended that the City Council certify the EIR; and
- B. On September 4, 2014, (Resolution PC 14-2) the Planning Commission considered the SPASP and recommended that the City Council adopt the SPASP; and
- C. On September 22, 2014, the City Council held a public hearing to consider the EIR and the SPASP, to public comment and testimony, and (Resolution No. 2014-XX) certified the EIR under the California Environmental Quality Act; and
- D. On September 22, 2014, the City Council adopted a General Plan Amendment (Resolution No. 2014-XX) to implement the SPASP; and
- E. In order to further implement the SPASP and to ensure consistency between the General Plan and the Zoning Map, corresponding amendments to the Zoning Map must be made.

SECTION 2. MUNICIPAL CODE AMENDMENT

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY
ORDAIN AS FOLLOWS:

El Cerrito Municipal Code Title 19, Z o n i n g is hereby amended to add C h a p t e r
19.15, to read as follows:

Part III – Special District Regulations

Chapter 19.15: San Pablo Avenue Special Plan District (SPASPD)

19.15.010 Purpose

The general purpose of the San Pablo Avenue Special Plan District is to recognize and designate the unique planning context of the San Pablo Avenue corridor and to prescribe planning and design principles for the plan area. In addition to furthering the general principles of the El Cerrito zoning ordinance, the specific purposes of the district include the following:

- A. To establish area-specific and context-sensitive development standards to produce an attractive, coherent and efficient built environment.

- B. To identify public improvements necessary to accommodate and support development in the plan area.
- C. To permit development in the plan area while ensuring adequate standards relating to public health, safety, welfare, comfort and convenience.

19.15.020 Applicability

The San Pablo Avenue Specific Plan was adopted by the City Council on September 22, 2014 by Resolution No. 2014-XX. All notations, references, and other information shown in the SPASP are incorporated by reference and shall be deemed as much a part of this title as if the matter and information set forth in the plan were fully described in this chapter. All terms not otherwise defined in the San Pablo Avenue Specific Plan shall have the meaning set forth in the El Cerrito Municipal Code. In the event of a conflict between the terms, conditions, requirements, policies, or other provisions of the San Pablo Avenue Specific Plan and the El Cerrito Municipal Code, the San Pablo Avenue Specific Plan shall take precedence.

19.15.030 Permitted Uses

Land uses within the San Pablo Avenue Special Plan District shall be permitted as prescribed in the San Pablo Avenue Specific Plan.

19.15.040 Development Standards

Development standards within the San Pablo Avenue Special Plan District shall be those standards prescribed in the San Pablo Avenue Specific Plan.

SECTION 3. 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 4. EFFECTIVE DATE

This ordinance shall not take effect until thirty days after the second reading, November 6, 2014.

The foregoing ordinance was introduced at a special meeting of the City Council on September 22, 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 October 7, 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 October ____, 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 __ day of October, 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 October, 2014.

Cheryl Morse, City Clerk



Memorandum

Date: September 11, 2014

To: Honorable Mayor and Members of City Council

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

Subject: Errata

This document lists all the changes to the San Pablo Avenue Specific Plan, the San Pablo Avenue Specific Plan Environmental Impact Report and Mitigation Monitoring Checklist since the release of the August Plan and EIR. The California Environmental Quality Act (“CEQA”) only requires that an EIR be recirculated prior to certification where “significant new information” is added to the EIR after the draft EIR is circulated for public comment, but before certification. (CEQA Guidelines, § 15088.5) “Significant new information” is defined as: 1) a new significant impact on the environment from the project that was previously undisclosed; 2) a substantial increase in the severity of a previously disclosed environmental impact; 3) a new feasible project alternative or mitigation measure that would lessen the significant impacts of the project, but which the project proponent declines to adopt; or 4) wholesale revisions to the EIR because the draft EIR released to the public “was so fundamentally and basically inadequate and conclusory in nature that meaningful public comment were precluded.” (*Id.*) Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications to the information already in the EIR. (*Id.*)

In Staff’s opinion, the changes included in this errata are minor and do not represent significant changes to either the SPASP or the requiring recirculation of the EIR. They are minor corrections or clarifications. Staff has worked diligently to identify each place that these changes may occur however, failure to note each place in these documents where these changes occur, does not preclude staff from making these corrections at a later date.

~~Strikethrough~~ indicates deletion; **red** indicates insertion

Items added by the Planning Commission have been added to facilitate review.

These changes are noted in **blue**.

SAN PABLO AVENUE SPECIFIC PLAN

Page 01.02-19

Goal E. Catalyze Mode Shift

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

Page 02.02-8

FBC Table 01. Administrative Tiers

Tier II	Major Additions, Improvements or New Construction that complies with all Standards of the Specific Plan
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Page 02.02-34

20.02.12.04 Notice of Hearing. **(Recommended by Planning Commission)**

For all cases requiring a Notice of Hearing, the Zoning Administrator shall within ~~45~~ **21** days prior to the hearing send notice by first class mail or other approved method to each owner of real property as last disclosed by County real estate tax records, situated wholly or partially within the notification distances specified in El Cerrito Municipal Code Section 19.32.050.

A notice shall also be mailed to every property address within the notification distances specified in El Cerrito Municipal Code Section 19.32.050.

The project site shall also be posted at least 21 days prior to the hearing with basic land use information regarding the proposed project.

Page 02.05-76

2.05.02.03 Views

To acknowledge existing key natural and scenic views of Mount Tamalpais, the Golden Gate Bridge, **Albany Hill, the East Bay Hills** and the San Francisco Skyline, and to leverage context-sensitive design and minimize the impact of new development on these views. Design solutions

might include adjustments in height, bulk, setbacks and orientation to frame or retain partial views.

The following figures will be updated to show these additional key natural and scenic views:

1. FBC Figure 50 Key Views
2. View from El Cerrito del Norte BART Station Platform
3. View from El Cerrito Plaza BART Station Platform

Page 02.05-110 to 02.05-111

FBC Table 30. Number of Parking Spaces Required

Transit Oriented Higher Intensity			
Use	Less than 3000 Sq ft	Larger than 3000 Sq ft	Bicycle Parking
Residential			Min. 1 short-term bicycle space/10 units (Min. 2 short-term spaces) Min. 1.5 long-term bicycle spaces/unit

2.05.09.05 Parking Adjustments

Reduction of Parking. The required number of parking spaces regulated within Section 2.05.09.04 *Number of Motor Vehicle Parking Spaces Required* may be reduced per the methods described in this Section. Existing parking that is determined to be nonconforming in accordance with *El Cerrito Municipal Code Chapter 19.27 Nonconforming Uses, Structures and Lots*, because less than the required number of spaces are provided, shall not be further reduced from the number of parking spaces **required by** ~~available on the effective date of this Form-Based Code.~~

A. Transit

- ~~1. Required residential parking spaces may be eliminated, as approved by the Zoning Administrator, for any use located within one quarter mile of a BRT bus stop and BART stop, and 50% for any use located within ¼ mile of a bus stop.~~

C. Transportation Demand Management (TDM) Parking Adjustment. The Zoning Administrator shall have the ability to reduce the motor vehicle parking requirements for office

~~and other uses in Section 2.03.02 Transect Zones and Section 2.05.09.04 Number of Motor Vehicle Parking Spaces Required. [...]~~

2. If a TDM Program has not been adopted by the City or alternate strategies are being proposed, a TDM Plan shall be submitted by a ~~registered traffic~~ **transportation planner** ~~engineer~~ [...]

Page 3.03-23

3.03.02.01.01 Streetscape Improvements (Recommended by Planning Commission)

Revised 3rd bullet:

- Add landscaping bulb-outs with two standard curb ramps at all intersections. Landscaping bulbs in the parking lane may be considered at key intersections if sidewalk is insufficient for appropriate landscaping **and pending confirmation of adequate supply of off-street parking.**

The following figures will be updated to show the intent of the revised language, above:

1. CS23 Downtown San Pablo Avenue Bird's-eye Perspective View
2. CS30 Prototypical Midtown San Pablo Avenue Plan View
3. CS31 Prototypical Midtown San Pablo Avenue Bird's-eye Perspective View

SAN PABLO AVENUE SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)

Page 3-7

Goal E: Catalyze Mode Shift

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

Strategy 2: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile

Strategy 3: Strengthen pedestrian and bicycle connectivity through existing and new connections that provide more alternatives to single-occupancy vehicles.

Strategy 4: Integrate opportunities to create Complete Streets, multimodal travel ways that balance all users.

Strategy 5: Improve connectivity between the Green Belt (Wildcat Canyon Trail) and the Blue Belt (Bay Trail) through pedestrian and bicycle connections.

Strategy 6: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.

Strategy 7: Increase the supply, diversity and affordability of housing in proximity to existing or planned transportation investments.

Page 3-8

3.4.1 Form-Based Code (Chapter 2 of the Specific Plan)

- Intent of Use of the Code
- Administration of the Regulating Code
- Regulating Plan
 - Transect Zone
 - Street Types
- Development Standards
 - Regulation by Street Type
- Supplemental General Development Standards
 - Site Layout
 - Building Articulation
 - Sustainable Design Elements and Public Art
 - Open Space
 - Parking Standards
 - Landscaping, Fencing and Screening
- Signage
- Definitions

SAN PABLO AVENUE SPECIFIC PLAN MITIGATION MONITORING CHECKLIST

Page 3

<i>AIR QUALITY</i>				
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	Implementation Entity	Monitoring and Verification Entity	Timing Req'ts
Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly	Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM ₁₀ , and PM _{2.5} from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and

associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, 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. Demolition and renovation of buildings can also generate PM₁₀ and PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_x emission thresholds. Without application of appropriate control measures to reduce construction dust and exhaust, construction period impacts would be considered a	reduced: <i>Dust (PM₁₀ and PM_{2.5}) Control Measures:</i> [...] - Limit traffic speeds on any unpaved roads to 15 5 mph. [...] Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions: [...] - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site. [...] Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure Properly tune and maintain equipment for low emissions. Implementation of these measures would reduce project construction-related air quality impacts to a less-than-significant level.			construction
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potentially significant impact.

Page 22

Impact 13-3: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is a significant impact.	Mitigation 13-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities: [...] Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday • 8:00 a.m. to 5:00 p.m. on Saturdays • Work is prohibited on Sundays and holidays. • Work may be prohibited during inclement weather by order of the City Building Official. • 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday • 8:00 a.m. to 5:00 p.m. on Saturdays • Work is prohibited on Sundays and holidays. • Work may be prohibited during inclement weather by order of the City Building Official. • 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. [...] Although the above measures would reduce noise generated by construction, the impact would remain significant and unavoidable as a result of the extended period of time that adjacent receivers could be exposed to construction noise.	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction
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Impact 13-4: Construction-Related Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a significant impact.	Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities: [...] Avoid using vibratory rollers and tampers near sensitive areas. If their use is unavoidable, state the reasons in writing and include explanation with building permit submittal. [...] It may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be significant and unavoidable.	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction
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ATTACHMENT 7

PUBLIC COMMENTS SEPTEMBER 4 TO SEPTEMBER 15

September 12, 2014

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

Re: Comments on the Traffic Analysis for the San Pablo Avenue Specific Plan

Dear Mr Hanin,

I only recently noticed in the MTC headlines that the City was poised to approve San Pablo Avenue Specific Plan (SPASP). As a former contract City Traffic Engineer and long-time bicycle commuter I was intrigued by the plan and was pleased to see it is nearing approval. However, I was then shocked at the misinformation being provided to the decision makers regarding the impacts of certain components of the plan, specifically the removal of four different existing through lanes/turn lanes at the intersection of Cutting Boulevard and San Pablo Avenue. Without going into detail I can assure you the analysis of the impacts of these lane removals is inaccurate as it currently stands. This is my attempt to explain that getting some additional analysis of these issues is probably warranted before approving the plan.

Before I explain the facts on this I think it is important to note that I have the greatest respect for the leadership in El Cerrito and I would not be submitting these comments if I thought they would prevent the City from approving the plan as it currently stands. My comments could easily be considered to be simply a difference of opinion among traffic engineers. In addition, regardless of what traffic problems this plan might cause, there appears to be no doubt that the adopted Complete Streets Program along with various other greenhouse gas reduction policies could easily justify approval of the plan as it stands.

That being said, I also know the leadership in El Cerrito has historically been very pragmatic about these kinds of things so even though I know the hour is late, I felt compelled to provide this information for your consideration. Over the past 20 years I have successfully completed at least 25 different traffic studies in the City. I applied that experience to the San Pablo Avenue Specific Plan EIR Transportation Analysis and this is what I found:

- 1) The existing traffic volumes and future traffic volume forecasts are not representative of actual conditions and should not be relied upon (in my opinion). Apparently all of the traffic data used for every single San Pablo Avenue intersection (except Schmidt Lane) in the EIR was based on traffic counts taken on one day in 2012. Unfortunately, not only was the traffic substantially lower back in 2012, the counts were all taken on the last day of July just two days after the Memorial Day Holiday (the volumes were all based on counts taken the Wednesday after the Monday holiday). As a result, it's a fact that the existing traffic data used in the EIR is substantially lower than the existing volumes today. I can provide traffic counts to prove this but I imagine it's probably not a surprise to anyone that the volumes on San Pablo Avenue have increased substantially since the counts were taken in 2012 (about 5% according to my calculations).
- 2) The resulting Cumulative forecasts are also not representative of what is likely to happen in the future. However, I completely I respect the authority of the City's decision makers

to make that determination. However, consider this – it's a fact that the existing traffic volumes we recently counted on San Pablo Avenue at Cutting Boulevard (on Wednesday September 10, 2014) were actually higher than the 2040 Cumulative Volumes used in the EIR analysis of cumulative build-out conditions. *How could this be?* The problem is that what may have been reasonable assumptions about traffic growth just a couple years ago (when the process was starting) may no longer make sense. Based on my review it appears the cumulative volumes were determined by applying a growth rate of 5% to the existing volumes (the counts from two days after the Memorial Day holiday over two years ago). Unfortunately, Caltrans data proves there have been major increases in traffic on local freeways since that time. In fact, according to Caltrans traffic on some area freeways has increased by over 15% in just the past year.

- 3) Because I wanted to provide facts and not just opinions, I decided to volunteer some of my staff's time to conduct a traffic count on San Pablo Avenue to see if I was right. My data verified I was indeed right about the recent traffic increases because the existing PM peak hour volumes at Cutting Boulevard and San Pablo ended up being higher than the 2040 volumes used in the analysis of traffic operations in the EIR. In other words, the estimates in the 1999 General Plan are probably more accurate. The current general plan states that under build-out conditions on San Pablo Avenue "traffic will increase by an average of about 50%". The General Plan also goes on to provide four different "reasonableness checks" which conclude the growth rate of traffic on San Pablo Avenue is between 1.5% and 2.5%. Based on our traffic counts the volume has increased by 2.5% per year over the past two years. Therefore, the SPASP EIR's use of a growth rate of less than 0.2% per year (for a total of 5% to the year 2040) seems extremely problematic to me given that traffic has already increased about 5% percent in just the past two years.
- 4) The other thing that concerns me most is how the removal of lanes on San Pablo Avenue at Cutting Boulevard was lumped in with other improvements and a 7 percent assumed reduction in auto use to reach the conclusion the project would actually improve traffic operations. The EIR combines the super low future volume forecasts apparently along with assumptions about reduced auto use while assuming no increase in BART Ridership at El Cerrito Del Norte Station. This could not be farther from the truth for a myriad of reasons I won't go into. The truth is SPASP's goals could be better met by eliminating the removal of the existing traffic lanes. This may benefit a few hundred bicyclists per day but it also is likely to significantly increase frustration and delay for up to 75,000 people per day travelling on San Pablo Avenue in cars and on buses.
- 5) It is important to note that the new draft guidelines for the analysis of transportation impacts under the Sustainable Communities Strategy make it clear that LOS is only being eliminated as a criteria under CEQA – it does not supersede local LOS standards. The guidelines specifically state that "Maintaining level of service in planning allows a jurisdiction to balance automobile delay with other interests". I would suggest that the removal of travel lanes is not being balanced out here. I-80 will not be widened in the future (instead you're getting ramp metering and message signs) and San Pablo Avenue will remain a critical congestion bypass route, a critical truck route, and a critical artery for bus transportation. Unlike other Complete Streets programs, this plan assumes significantly increased transit use without actually providing any significant improvements to capacity or access to transit.

In summary, I truly believe the City could use some additional information on the actual traffic problems that might result from the SPASP and I do believe I would be among the best traffic engineers to help you understand the ramifications and how best to proceed. As a general rule our company prefers to represent Cities and we never opposes project so no response to this letter is requested or necessary if the City chooses to proceed with the current plan.

On the other hand, if there is interest in exploring these issues further I would be happy to meet with you. My desire is only to help you fine tune and finalize the plan. However, if the City would prefer to approve the plan immediately my recommendation would be to remove the components that would eliminate existing travel lanes on San Pablo Avenue. The rest of the traffic plans should be retained. For example, I agree with the proposal to make Cutting Blvd two-way to the east of San Pablo Avenue. This is a mitigation that has previously been studied as part of redevelopment plans for the BART Station and should work well.

Good luck on this and please don't hesitate to contact me if you have any questions or if you believe I can be of assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Stephen C. Abrams". The signature is fluid and cursive, with the first name "Stephen" and last name "Abrams" clearly legible.

Stephen C. Abrams
President, Abrams Associates
T.E. License No. 1852

Development in El Cerrito_adler

From: Ellen Adler [mandalay356@aol.com]
Sent: Thursday, September 04, 2014 2:05 PM
To: Melanie Mintz
Cc: maryspond@sbcglobal.net
Subject: Development in El Cerrito

Please submit my letter as a matter of public record and include it in the City Council packets. As a senior citizen living in Richmond Annex, I am deeply concerned about the affect development in El Cerrito will have on parking and traffic here. It is already difficult enough to drive on nearby streets during rush hour. Parking will be a bigger problem causing problems for seniors who have trouble walking. Many of us bought homes in the Annex because we like the small town feel. The proposed changes to San Pablo Avenue and nearby streets will change this a lot and not for the better. None of my neighbors want to see these plans go through. Please put an end to these plans and do what is right for this community. Ellen Adler

Sent from my iPad

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Version: 2013.0.3485 / Virus Database: 3955/8149 - Release Date: 09/03/14

Sep 10 2014

El Cerrito City Council -

Presently I am a resident of Richmond, from 1951 I grew up and lived in El Cerrito. The proposed changes, modifications and regulations for El Cerrito San Pablo ave. area are detrimental and expensive and too full of regulations. The suggested plan and after listening to the Sep 4 presentation in my evaluation is a discriminating plan created by a very liberal group, who have a desire to control and dictate how and where people live in this area. This plan has dictatorial ideologies. The planners are dreamers with few realistic ideas. Here in America we should not have such mandatory regulations.

Public transportation in this area and all of West coast is poor, expensive and unsafe. Our law enforcement agencies presently are unable to fully uphold the law and protect the population. This is because of our liberal Calif. and federal laws. Public transportation is expensive, and unreliable, and unhealthy because our buses and BART are filthy and very unsafe because of the criminal elements. The creation of bike lanes will take away from parking, driving and even walking spaces. Existing businesses will be harmed, by new parking regulations. Attracting new businesses that

would be beneficial to the area population in the new environment will be difficult.

San Pablo Ave is presently used to help traffic congestions on highway 80. If San Pablo becomes unavailable, do so new regulations, the traffic will move to Richmond Ave and up the hill to Arlington Blvd. The few new highways on San Pablo Ave appear to be poorly occupied.

This excessive development will burden and destroy existing economy. This will mainly create a burden on the elderly and existing businesses.

If this drastic plan is accepted by the city council, it should be approved by the population by being placed on the next ballot for a voter approval. With full disclosure to the public of the costs and impact on their lives.

Thank you for reading this
Dimitra V. Dafodis
Richmond, Ca.

From: Cheryl Morse
Sent: Thursday, September 11, 2014 9:02 AM
To: Melanie Mintz
Cc: Scott Hanin
Subject: FW: vote no on specific plan

Hi Melanie,

Can you please place with the other communications you'll be submitting with your report?

Cheryl Morse, MMC
City Clerk
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
(510) 215-4305

From: Joan Bartulovich [<mailto:joanbar1@prodigy.net>]
Sent: Wednesday, September 10, 2014 5:15 PM
To: Council members
Subject: vote no on specific plan

Joan Bartulovich

El Cerrito, CA 94530-2402

Email: joanbar1@prodigy.net

SEPTEMBER 10, 2014

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

RE: PLEASE OPPOSE E.C. SPECIFIC PLAN

GENTLE PERSONS:

THIS PLAN IS NOT WHAT I ENVISAGED WHEN I ESPOUSED GREATER DENSITY. THERE ARE SO MANY OBJECTIONABLE ASPECTS TO THIS PLAN THAT IT WILL DESTROY EL CERRITO AS THE SUBURBAN CITY WE LOVE. IT SEES US AS A BEDROOM FOR SAN FRANCISCO RATHER THAN A UNIQUE COMMUNITY OF ITS OWN.

WE HAVE CHERISHED OUR BAY VIEWS SINCE WE BOUGHT OUR HOME (50+ YEARS). HIGH-RISE BUILDINGS ARE MORE DEVASTATING THAN THE TREES THAT HAVE GROWN UP.

REDUCING THE PARKING REQUIREMENT WILL CREATE HAVOC. THOSE BUSINESSES THAT DON'T HAVE PARKING ARE ALREADY IN TROUBLE, AS ARE HOMES THAT DON'T HAVE ENOUGH PARKING.

TRAFFIC WILL BE HORRENDOUS.

WE SUPPORT LOCALLY-OWNED BUSINESSES THAT ARE WALKABLE AND ACCESSIBLE.

THIS PLAN SERVES DEVELOPERS WHO WILL PROFIT AND LIVE ELSEWHERE.

I AM IN FAVOR OF INCREASING PROPERTY TAXES, WHEN NECESSARY. WE REALLY NEED HOUSING FOR THE OLD, INFIRM AND HANDICAPPED. WE NEED HOMES FOR YOUNG FAMILIES. WE DO NOT NEED TO CREATE A CASH COW FOR DEVELOPERS.

IN SOME FUTURE TIME EL CERRITO CAN LOOK LIKE NEW YORK WITH FAST BUS SERVICE, SUBWAYS. PLEASE VOTE NO ON THE SPECIFIC PLAN.

JOAN BARTULOVICH

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3485 / Virus Database: 4015/8188 - Release Date: 09/10/14

From:

Mr. Benjamin Bassham, Resident

9/15/2014

El Cerrito, California 94530

To: Melanie Mintz, Planning Director;
Margaret Kavanaugh-Lynch, Planning Manager
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft San Pablo Avenue specific Plan (SPASP) and related EIR

Dear Ms. Mintz and Ms. Kavanaugh-Lynch:

We would like this letter to be submitted as a matter of public record for inclusion in the city council packet regarding the proposed SPASP.

My family and I are long-term residents of El Cerrito, having owned our home here since 1965. The main attraction of El Cerrito is that it is a quiet town with modest commercial centers and historic charm. Its business areas meet the needs of El Cerrito's desirable low-density residential neighborhoods without overwhelming the town with traffic attracted from elsewhere or from many high-rise apartment complexes within its city limits. In addition, a low skyline allows unobstructed and unmarred views of the Bay and of the hills from many parts of the town. While we are not in principle against revitalization and some change, there are many aspects of the SPASP that we are certain will have very negative consequences for the residents here and will erode the town's attractions listed above. We are adamantly opposed, therefore, to this plan as it currently stands.

In particular, we do not want to see very tall, high density housing developed here, on multiple grounds; residential towers are not in keeping with the historic nature of El Cerrito, will mar views for many residents, and will create more traffic congestion with correlated noise and air pollution. We are also very concerned about traffic rerouting through residential streets and circulation problems that will likely result if the planned changes to speed limit, lane configuration, bus infrastructure and population density are adopted. We see no reason whatsoever for the El Cerrito side of the proposed development to be of higher density and height than the Richmond Annex Side, and would strenuously object to this.

We whole-heartedly agree with the Richmond Annex Neighborhood Council that increased housing will overcrowd our area, sacrificing long-range stability for short-range revenue – overbuild and leave town.

This is a nice boondoggle for the developers, at the expense of quality of life for long term residents, who should have a say in the matter. We will still be here after the developers have made their money and have left.

We agree with the many concerns listed in the well-researched and detailed letter from our neighbors in the Richmond Annex Neighborhood Council (attached).

Yours Sincerely,

Benjamin B. Bassham

From:
Glen Bassham

El Cerrito, California 94530

To: Melanie Mintz, Planning Director;
Margaret Kavanaugh-Lynch, Planning Manager
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft San Pablo Avenue specific Plan (SPASP) and related EIR

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We would like this letter to be submitted as a matter of public record for inclusion in the city council packet regarding the proposed SPASP.

My family and I are long-term residents of El Cerrito, having owned our home here since 1969. The main attraction of El Cerrito is that it is a quiet town with modest commercial centers and historic charm. Its business areas meet the needs of El Cerrito's desirable low-density residential neighborhoods without overwhelming the town with traffic attracted from elsewhere or from many high-rise apartment complexes within its city limits. In addition, a low skyline allows unobstructed and unmarred views of the Bay and of the hills from many parts of the town. While we are not in principle against revitalization and some change, there are many aspects of the SPASP that we are certain will have very negative consequences for the residents here and will erode the town's attractions listed above. We are adamantly opposed, therefore, to this plan as it currently stands.

In particular, we do not want to see very tall, high density housing developed here, on multiple grounds; residential towers are not in keeping with the historic nature of El Cerrito, will mar views for many residents, and will create more traffic congestion with correlated noise and air pollution. We are also very concerned about traffic rerouting through residential streets and circulation problems that will likely result if the planned changes to speed limit, lane configuration, bus infrastructure and population density are adopted. We see no reason whatsoever for the El Cerrito side of the proposed development to be of higher density and height than the Richmond Annex Side, and would strenuously object to this.

We whole-heartedly agree with the Richmond Annex Neighborhood Council that increased housing will overcrowd our area, sacrificing long-range stability for short-range revenue – overbuild and leave town.

his is a nice boondoggle for the developers, at the expense of quality of life for long term residents, who should have a say in the matter. We will still be here after the developers have made their money and have left.

We agree with the many concerns listed in the well-researched and detailed letter from our neighbors in the Richmond Annex Neighborhood Council (attached).

Yours Sincerely,

Glen Bassham

From:

Mrs. Leslie Bassham, Homeowner

9/15/2014

El Cerrito, California 94530

To: Melanie Mintz, Planning Director;
Margaret Kavanaugh-Lynch, Planning Manager
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft San Pablo Avenue specific Plan (SPASP) and related EIR

Dear Ms. Mintz and Ms. Kavanaugh-Lynch:

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Yours Sincerely,

Leslie A. Bassham

From:

Mr. Frank Bassham, Resident

9/15/2014

El Cerrito, California 94530

To: Melanie Mintz, Planning Director;
Margaret Kavanaugh-Lynch, Planning Manager
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft San Pablo Avenue specific Plan (SPASP) and related EIR

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We agree with the many concerns listed in the well-researched and detailed letter from our neighbors in the Richmond Annex Neighborhood Council (attached).

Yours Sincerely,

Frank L. Bassham

From: bbooster [bbooster@comcast.net]
Sent: Thursday, September 04, 2014 5:23 PM
To: Melanie Mintz
Subject: Fwd: San Pablo Avenue Specific Plan Update

Hello Ms. Mintz,

I am a Richmond Annex resident, and I sent the following letter to M. Kavanaugh in July, objecting to the high density proposal for the San Pablo corridor in El Cerrito and Richmond. I just want to make sure you have it for the public record and inclusion in the City Council packet.

Thanks,

Barbara Boster

From: bbooster <bbooster@comcast.net>
Date: July 19, 2014 at 12:33:03 PM PDT
To: "mkavanaugh-lynch@ci.el-cerrito.ca.us" <mkavanaugh-lynch@ci.el-cerrito.ca.us>
Subject: High density development on San Pablo Avenue

Dear Ms. Kavanaugh, I just read about the plan to allow high-density development along San Pablo Avenue in my neighborhood. I find the idea alarming because of the drastic change it would bring to the area. Five- and six-story buildings would not fit with the character of the neighborhood and they would spoil views and overwhelm existing buildings. Traffic and parking are already bad enough, so the higher density would cause even more problems with congestion. Massive building projects would also have negative environmental impact. My understanding is that current rules for the midtown area already allow for reasonable growth with three-story buildings. That is sufficient. Please do not allow this new plan to go forward.

Best regards,

Barbara Boster

[Richmond, CA 94804](#)

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Version: 2013.0.3485 / Virus Database: 3955/8149 - Release Date: 09/03/14

San Pablo Ave. Specific Plan_bush

From: Ran Bush [ranbush@gmail.com]
Sent: Monday, September 08, 2014 5:26 PM
To: Melanie Mintz
Subject: San Pablo Ave. Specific Plan

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern; the building specifications in the proposed San Pablo Ave. Specific Plan seem to be way out of balance for a liveable neighborhood. The current size, height and density allowances in the Plan will impact and degrade our quality of life and create further stress on the existing infrastructure.

I have also become aware of the proposed development at 5620 Central Ave. in El Cerrito. At best, the size of the project seems much too large and will aggravate the existing traffic congestion and safety along Central. And, according to the Richmond Annex Neighborhood Council, there are major flaws and omissions in the project's current plans and code requirements.

As a resident of the areas directly affected by these projects, I am very concerned about their current scope. Please work to revise the proposed high density and form-based codes to mitigate the negative impacts on traffic, noise, and aesthetics.

Please include this email letter in the City Council packet.

Thank you.

Randolph Bush
Business: 3060 El Cerrito Plaza #500, El Cerrito, CA, 94530
Residence: Richmond, CA 94804

ranbush@appliedjr.com
Past President - California Association of Judgment Professionals Member -
California Association of Licensed Investigators CA P.I. #28312
www.appliedjr.com www.cajp.org ...
If you reply to a Group email with multiple recipients, PLEASE delete the recipients' email addresses, which includes my email address, or use the Blind CC option. Erasing the history or using Blind CC helps prevent Spammers from mining addresses and sending viruses. It is a courtesy to me and others who may not wish to have their email addresses sent all over the world!

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Melanie Mintz (Planning Director)
San Pablo Avenue Specific Plan
10890 San Pablo Ave
El Cerrito, CA 94530

September 5, 2014

Dear Ms. Mintz,

I would like this letter to be submitted as a matter of public record and for inclusion in the City Council packet.

I am writing to let you, and the planning commission, know how distressed I am about your proposals for San Pablo Avenue, El Cerrito in general, and especially about the increase of traffic and congestion that you are proposing for Central Ave.

I ask the planning group to please pay more attention to the quality of life in El Cerrito and the surrounding communities. It looks as though the creators of this plan are more interested in creating more high density housing, more congestion and more income for the city at the expense of the people who have invested their hard earned money in buying property here because it offers a pleasant living environment where there is a sense of space, light and openness.

I live in the Richmond Annex and use San Pablo as my main route for nearly all of my shopping expeditions. I go north to Target and Safeway and I go south to EC Plaza, Berkeley, and Oakland. It would be a severe annoyance to have to travel to any of these places at 25 MPH. For what purpose? Pedestrians can cross safely at lights and crosswalks. Please keep the speed limit at a perfectly reasonable 30mph which is a safe driving speed for traffic and for pedestrians and bicyclists as well.

Please do not create a plan that makes us feel small and insignificant with a sense of being boxed-in and overwhelmed by tall apartment buildings that are built with no additional setback from the curb (as in Oakland). The buildings block the light, the views and generally degrade the whole feeling of spaciousness that residents of El Cerrito currently enjoy.

The buildings that would be created following your 'form-based codes' are intrusive, obnoxious and ugly. It's hard to imagine that you would welcome such buildings into your midst. Also these building are too high - please restrict the height to 3 stories (35') with a large setback for all buildings along the San Pablo corridor.

The idea of allowing (and actually promoting?) spot development is very bad idea.

Here are some more proposals that I strongly oppose.

- 1) Large bus platforms
- 2) Center divides on this busy thoroughfare.

- 3) Built-in Planters for trees or Bulb outs for trees (Please do not re-create the mess that has been created on Fairmount Ave where I can no longer park for something as simple and necessary as going to the post office Those 2 car parking spaces in between the bulb-outs are VERY hard to get in to and hard to get out of, as well as blocking the flow of traffic.. Just keep the whole curb area available for parking!!
- 4) The bike lane issue needs to be more fully addressed. I would like to hear more input from the bicycling community on this.
- 5) The proposed high density building project for the large empty lot on Central Ave is beyond insanity. Why on earth would you create a plan to INCREASE traffic on a well known and much distressed route that is already an acknowledged problem?
- 6) I ask you to consider air quality as well as an already overstressed infrastructure (police, water, streets).
- 7) Noise and pollution. Please consider the health of the residents in the areas of Central Ave.
- 8) And so much more.

I hope this lets you know that the neighbors and the users of the San Pablo Avenue corridor are VERY CONCERNED about your plan and eager to discuss it further with you.

Sincerely
Ms Margaret Child
(Supported by her husband Mr Carroll Butterfield.
Residents and property owners in the Richmond Annex.)

From: Lynell Clutts [lynell0780@att.net]
Sent: Saturday, September 06, 2014 2:08 PM
To: Melanie Mintz
Subject: Fw: San Pablo Avenue Specific Plan

On Monday, July 21, 2014 5:39 AM, Lynell Clutts <lynell0780@att.net> wrote:

Thank you for the opportunity to voice my opinion as a home owner in the Richmond Annex. My name is Lynell Clutts and I live on Tehama Avenue.

When traffic is backed up on **I 80** or there is an accident, the traffic moves from the freeway to San Pablo Avenue in El Cerrito. After 4:00 pm traffic is ridiculous in this area already.

Tehama Avenue has become a through way for cars coming off the freeway at **Carlson** then turning up Tehama. The cars coming from **Schmidt Lane**, cross **San Pablo Ave** onto Tehama in the opposite direction. Cars have to stop and pull over to the side of the road so the other car/cars can go by. Tehama is too narrow for this to continue. Located on the corner of Tehama and San Pablo is the Smog Tester, there are also 2 auto body shops on either side. There are cars parked everywhere on Tehama Avenue.

This new plan would cause major problems in the city of El Cerrito and the Richmond Annex.

And didn't some of our neighbors in the Annex buy their homes with a view? I know their homes probably cost \$50,000 or more, just for the view, I know if I had a view I wouldn't want the City of El Cerrito stealing it from me.

I've already had a water pipe break from the street to my house. Due to age. Many Annex homes were built in the 1940's. Adding more stress on our infrastructure would cause even more damage to our already damaged and cracked streets and old pipes.

This must not happen to El Cerrito and the Richmond Annex.

Sent this day, July 21, 2014.

Sincerely,

Lynell Clutts

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Version: 2013.0.3485 / Virus Database: 3955/8171 - Release Date: 09/07/14

From: Pamela Coville [plcoville@gmail.com]
Sent: Thursday, September 04, 2014 7:48 PM
To: Melanie Mintz
Subject: San Pablo Avenue Specific Plan

Dear Ms. Mintz,

Please enclose our letter in the City Council packet and be submitted as a matter of public record.

My husband and I live at () 100 feet from San Pablo Avenue in the Richmond Annex. We have too many cars going up and down our street from Midtown development in El Cerrito and the Department of Motor Vehicles. The new five-story affordable apartments being built on Potrero Avenue across from CVS Pharmacy will add more traffic to Tehama Avenue, a very narrow street.

The new proposed San Pablo Avenue Specific Plan will add more traffic congestion to adjoining Richmond Annex neighbors and take away scenic views from El Cerrito and Annex homeowners.

Five- and six-story high buildings on San Pablo Avenue are too high and bulky. In addition, form-forced codes will create tacky-tacky buildings. Fast-tracking development projects benefit the developers only and will be ugly.

Why are parking requirements going to be eased for the new projects? Where will the tenants and customers park their cars? Richmond Annex neighbors already get some of the overflow from San Pablo Avenue. i. e. The Prepared Food Annex of El Cerrito Natural Grocery does not have adequate parking for all of its customers and people are parking on Carlson Boulevard already.

We have watched Midtown development from its inception. The storefronts did not have tenants for several years after the project was finished and apartment leases had to be discounted. Even today there are still empty storefronts. Just because you build it, does not mean that the customers will come.

Two-story height limits on San Pablo Avenue would create livable and lovely spaces. And we will have a view of the lovely El Cerrito hills. Bulky tall buildings are not pleasing to look at.

Central Avenue traffic is already a mess. There is a need for two-story apartments, but not for 65 feet development projects with their accompanying noise and pollution.

Rear setbacks of five feet only to houses will create noise and pollution for residents who are behind the new building. Fumes and odors will create liabilities for the businesses.

Please revise your standards for the San Pablo Avenue Specific Plan. We are a residential neighborhood.

In addition we have heard of the plans to change San Pablo Avenue into a shopping destination and reduce the traffic lanes to one lane each way. San Pablo Avenue is an important traffic arterial road. When Freeway 80 has an accident, all the traffic comes to San Pablo Avenue. Where is that traffic going to go when San Pablo Avenue has one lane? Onto Carlson Boulevard, a residential street that has enough traffic already during commute times. Surely there must be a better way to fix our traffic patterns.

Sincerely,
 Pamela Coville and Rollin Coville

Richmond, CA 94804-5053

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San Pablo Avenue Specific Plan or SPASP_coyne
From: Lloyd Coyne [lloydcoyne@aol.com]
Sent: Wednesday, September 10, 2014 9:36 PM
To: wcletters@bayareanewsgroup.com, MMintz@ci.el-cerrito.ca.us; Melanie
Mintz
Subject: San Pablo Avenue Specific Plan or SPASP

Follow Up Flag: Follow up
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Sent from my iPad

At the July 16th Planning Commission meeting, which I attended, a staff report was distributed summarizing the goals of SPASP. They are as follows:

Goal A: Strengthen Sense of Place
Goal B: Ensure Return on Investment
Goal C: Encourage Practical and Market Friendly Development
Goal D: Enhance and Humanize Public Realm
Goal E: Catalyze Mode Shift

I understood all the Goals except for E - Catalyze Mode Shift. I now understand this Goal - it means reduce reliance on cars, encourage public transportation, bicycle and foot traffic.

Is this comparable with the other stated Goals? Nearly one-quarter of El Cerrito residents are over 65. Cars are their only means of transportation. Adoption of SPASP will make it more difficult for them to get around. They are too old to bike, walk and even take public transportation. In addition SPASP will adversely impact people shopping along San Pablo Avenue because of increased traffic congestion and lack of parking.

By stressing Goal E the Planning Commission has effectively ignored ALL the other stated Goals. I encourage all who read this letter to write the City Council and recommend rejection of the SPASP in it's present form. Like it or not, the CAR is still the primary mode of transportation. Reducing parking spots with planter boxes, putting a separate bicycle lane on San Pablo Avenue and high density housing with limited parking are not the way to go. The increased congestion will gridlock our city. Residents and visitors are likely to shop elsewhere.

Lloyd Coyne

El Cerrito, CA. 94530
Phone 510-524-0981

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Version: 2013.0.3485 / Virus Database: 4015/8188 - Release Date: 09/10/14

JOHN and NORMA De Pianto

EL CERRITO, CALIFORNIA 94530

Date: September 10, 2014

FAX AND PHONE:

**Cheryl Morse, City Clerk
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, California 94530
FAX: 510-215-4379**

Ms. Morse:

The idea of making San Pablo Avenue even harder to navigate is ridiculous. Right now, you can hardly get across the street either by foot or by car.

There is no reason to assume that foot traffic will increase or offer more clients to stores on the Ave. Bicycle traffic now is dangerous because many on bikes do not look out for their own safety and put drivers in dangerous positions.

Please reconsider making the residential streets around this strip traffic heavy and dangerous for people and children living there. Ousting cars is a long way off in the future – and maybe never.

San Pablo Avenue has not offered special stores that draw enough people to warrant disturbing the residents for an unreal dream when not even parking is available so you can get out of your car and become a “walking shopper.”

El Cerrito is especially nice to live in because it is a small town—do not think that more people in smaller residences will promote the feelings we now enjoy.

Please leave El Cerrito a cozy small town.

John and Norma De Pianto

From: ellen [deitch@hotmail.com]
Sent: Tuesday, September 09, 2014 10:26 PM
To: Melanie Mintz
Subject: FW: San Pablo Avenue Specific Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Please submit this letter as a matter of public record and for inclusion in the City Council packet.

From: deitch@hotmail.com
To: mkavanaugh-lynch@ci.el-cerrito.ca.us
Subject: San Pablo Avenue Specific Plan
Date: Mon, 21 Jul 2014 23:51:14 +0000

July 21, 2014

To: Margaret Kavanaugh-Lynch

I am a resident and taxpayer in El Cerrito. I am strongly against the San Pablo Avenue Specific Plan.

5 stories or 6 stories are way out of proportion – way too tall for the neighborhood

Really poor aesthetics and view blockage

Making San Pablo Avenue more unappealing – completely over-scaled - is not the direction I would like to see developed

Traffic is already bad, especially during commute hours

Creating bike lanes on San Pablo Avenue would be dangerous!

Where is everyone going to park? It is already difficult to find parking to support local businesses.

Please reconsider this plan – it will not benefit our neighborhood.

Ellen Deitch

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Version: 2013.0.3485 / Virus Database: 3955/8184 - Release Date: 09/09/14

From: Christopher Flynn [flynnct@gmail.com]
Sent: Thursday, September 04, 2014 5:24 PM
To: Melanie Mintz
Subject: San Pablo Avenue Specific Plan Update

This letter is to be submitted as a matter of public record and is for inclusion in the City Council packet.

Dear Planning Director;

No water everywhere and not a drop to drink.

The SPASP needs to address the issue of water. That is there needs to be a

Water Usage Plan Addendum to the SPASP .

the SPASP will be specific on the water usage with the SPASP and the water usage without the project, a CEQA requirement approach.

Politically it is not appropriate for developers to gain a profit that causes others to face increased and significant water restrictions.

Politically it is not acceptable for developers to gain a profit that causes others to face significantly increased water rates to pay for water infrastructure development.

It is not a realistic implied assumption of the SPASP project as to the continued availability of adequate water:

- with no cost to the project -
- with no cost borne by the developer -
- with only the profits of the project going to the developer.

To not address the water issue and the cost of the increase water requirements would be a radical corporate welfare shifting from the developer to all EBMUD customers in the name of profit with the City of El Cerrito as the enabler.

Thanks
 Chris Flynn
 Richmond Annex
 EBMUD water user

From: Nicholas Galloro [ngalloro2@gmail.com]
Sent: Monday, September 15, 2014 11:33 AM
To: Council members; Melanie Mintz; mkavanaugh-lynch@ce.el-cerrito.ca.us
Subject: New San Pablo Ave. Development Plan

Dear Council Members and Staff:

I am an El Cerrito resident. I live only a block away from where the development will happen. For the past 30 years, I have not owned a car and get around by bike, walking or public transit. During much of that time, I taught at local community colleges.

I see many very good and needed improvements in the San Pablo plan: new, greener streets, more open, public spaces, and an emphasis on making walking, biking, and public transit easier and more accessible for everyone. I am not opposed to these parts of the plan. I feel they would all be environmentally sound and great enhancements to the people of El-Cerrito.

I grew up after WW II on the near-west side of Chicago, close to the Loop. I lived through the construction of Chicago's expressways/freeways, the construction of a major university in my neighborhood (The University of Illinois Chicago Circle campus), and of many new high-rise buildings, many of them, "projects" for low-income people. In the process, whole neighborhoods (including the one in which I lived) were destroyed or torn apart even though the residents in those neighborhoods organized in opposition to these changes. The largest public housing project, at that time, in the US, Robert Taylor Homes was constructed in Chicago. Rather than increase density in Chicago, all this development ended up reducing the density of the city. Since the end of World War II, the population of Chicago has declined 15% from about 3.2 million to 2.7 million. Because they were not found to be fit for human habitation, the high-rise "projects" have been torn down and replaced with low-rise housing, urban farms, and services for residents.

Here's what happened in Chicago to one of these projects, Cabrini-Green:

<http://www.nbcnews.com/news/other/infamous-chicago-housing-project-reborn-f8C11362073>

What looks like progress today, forty or fifty years from now might not look like progress at all. Who will benefit and who will pay the cost for high-rise development?

Clearly, those who will make money from the new development will benefit: developers, architects, contractors and their workers, and owners of the new developments. The vast majority of these people will live outside of El Cerrito while those with the deepest pockets will live in places like Alamo, Orinda, or even New York, Hong Kong, Tokyo, or London.

The current residents and business owners will bear the unintended costs of higher density: more demand for police and fire services; more traffic, higher crime, and higher rents. Many businesses and residents which will be driven out by the development or higher rents.

The rationale for this change, euphemistically called "mode shift" is not, in my view, incorrect. We do need to be more sensitive to our environment, and work for greater equality and a greater quality of life for everyone. However, when considering such development, we need to look closely at what are the costs of such development to the people living in the area where the development will occur and do our best to mitigate these.

Sincerely Yours,

Nicholas Galloro

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Oct 09

Infamous Chicago housing project reborn

BY PHOTOBLOG



A mother and child, residents of the Cabrini-Green public housing project in Chicago, play in a playground adjoining the project, May 28, 1981.





Construction in Chicago as the housing authority replaces the Cabrini Green low-income housing high-rise buildings (background) with mixed income townhomes and apartments, Oct. 5, 2003, in Chicago.



Residents walk past one of the few remaining Chicago Housing Authority Cabrini-Green public housing buildings Jan. 12, 2005 in Chicago. The run-down and dilapidated





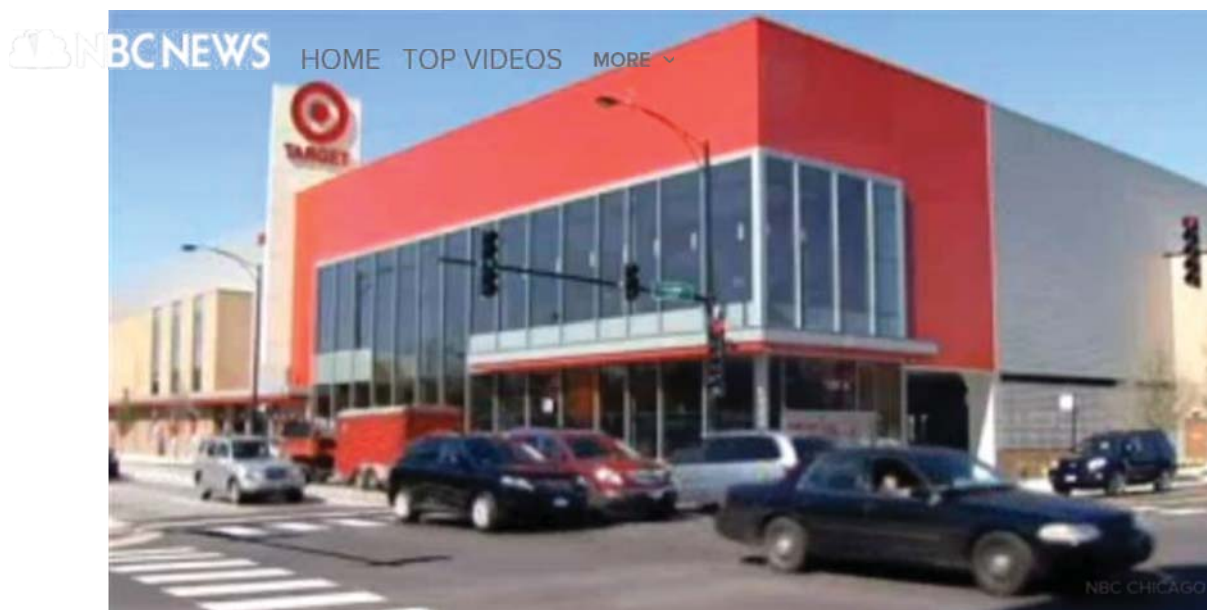
buildings sit on prime real-estate property that the city of Chicago wants to tear down and redevelop.

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Produce grows at City Farm on Sept.30, 2011 in Chicago, Illinois. City Farm is a non-profit venture that raises produce on a one-acre tract of land on the edge of the city's downtown once dominated by the Cabrini Green housing complex. The food raised at the farm is sold to many high-end restaurants, at a nearby farmer's market and to the public from the farm.





The new Target store in Chicago where the former housing project, Cabrini-Green once stood.

The home of what was one of the nation's most crime-ridden public housing projects continues its rebirth this weekend when a Target store opens on the site of Chicago's notorious Cabrini-Green.

The new store, set to open its doors Sunday, will cover 150,000 square feet and employ as many as 200 people in the city's Near North Side neighborhood. Read more about the store at NBCChicago.com

"The Green" was a Chicago Housing Authority project built in stages over 20 years starting in 1942. It consisted of more than 3,600 units in rowhouses and high-rises that took on colorful nicknames such as "The Rock," "The Big O" and "Goldmine" as the project became home to street gangs, violence and poverty. Two Chicago police officers were shot and killed in Cabrini-Green in 1970, and in 1992, a 7-year-old boy's death caused by a stray bullet gained national headlines.

In 1995, the federal Department of Housing and Urban Development took over management of the "The Green" and [began demolishing buildings](#) to make way for new development. The last of the high-rises





was razed two years ago, with new townhomes and retail projects – including the Target – taking their place.

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First published October 9th 2013, 12:17 pm

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Cheryl Morse

From: Nicholas Galloro <ngalloro2@gmail.com>
Sent: Monday, September 15, 2014 11:33 AM
To: Council members; Melanie Mintz; mkavanaugh-lynch@ce.el-cerrito.ca.us
Subject: New San Pablo Ave. Development Plan

Dear Council Members and Staff:

I am an El Cerrito resident. I live only a block away from where the development will happen. For the past 30 years, I have not owned a car and get around by bike, walking or public transit. During much of that time, I taught at local community colleges.

I see many very good and needed improvements in the San Pablo plan: new, greener streets, more open, public spaces, and an emphasis on making walking, biking, and public transit easier and more accessible for everyone. I am not opposed to these parts of the plan. I feel they would all be environmentally sound and great enhancements to the people of El-Cerrito.

I grew up after WW II on the near-west side of Chicago, close to the Loop. I lived through the construction of Chicago's expressways/freeways, the construction of a major university in my neighborhood (The University of Illinois Chicago Circle campus), and of many new high-rise buildings, many of them, "projects" for low-income people. In the process, whole neighborhoods (including the one in which I lived) were destroyed or torn apart even though the residents in those neighborhoods organized in opposition to these changes. The largest public housing project, at that time, in the US, Robert Taylor Homes was constructed in Chicago. Rather than increase density in Chicago, all this development ended up reducing the density of the city. Since the end of World War II, the population of Chicago has declined 15% from about 3.2 million to 2.7 million. Because they were not found to be fit for human habitation, the high-rise "projects" have been torn down and replaced with low-rise housing, urban farms, and services for residents.

Here's what happened in Chicago to one of these projects, Cabrini-Green:

<http://www.nbcnews.com/news/other/infamous-chicago-housing-project-reborn-f8C11362073>

What looks like progress today, forty or fifty years from now might not look like progress at all. Who will benefit and who will pay the cost for high-rise development?

Clearly, those who will make money from the new development will benefit: developers, architects, contractors and their workers, and owners of the new developments. The vast majority of these people will live outside of El Cerrito while those with the deepest pockets will live in places like Alamo, Orinda, or even New York, Hong Kong, Tokyo, or London.

The current residents and business owners will bear the unintended costs of higher density: more demand for police and fire services; more traffic, higher crime, and higher rents. Many businesses and residents which will be driven out by the development or higher rents.

The rationale for this change, euphemistically called "mode shift" is not, in my view, incorrect. We do need to be more sensitive to our environment, and work for greater equality and a greater quality of life for everyone. However, when considering such development, we need to look closely at what are the costs of such development to the people living in the area where the development will occur and do our best to mitigate these.

Sincerely Yours,
Nicholas Galloro

September 9, 2014

Melanie Mintz, Planning Director
EL CERRITO CITY COUNCIL
10890 San Pablo Avenue
El Cerrito CA 94530

FOR IMMEDIATE ATTENTION OF PLANNING & CITY COUNCIL

RE: RESIDENT OPPOSITION TO THE SAN PABLO DEVELOPMENT PLAN

Please see that the City Council/Planning personnel receive these comments in opposition to the proposed San Pablo Development Plan:

1. It is out of phase with surrounding neighborhood buildings and way too high. This plan is guaranteed to negatively impact REAL ESTATE PROPERTY VALUES for homeowners in the Richmond Annex area. You do not have the right to assault an already-stressed population like this. There is already a glut of empty commercial and residential buildings in this area. Do not build more!

2. Tall buildings always create more shadows and more wind-gusts in an area already annoyingly windy. Tall buildings contribute a sense of alienation and incite depression and aggression in cities. We do not need more tall buildings in this area.

3. The congestion on San Pablo is already aggravating as far as traffic and inadequate parking.

4. A building for low-income ("affordable") housing is already in the process of being built near the CVS/Marshall area. WHY does E.C. keep building more housing and retail shops that stand EMPTY? San Pablo is full of empty buildings already and does not need more housing or retail buildings to be constructed! What we need are some SHOPS and RETAIL STORES, like grocery shopping and clothing stores. In recent years, this area and El Cerrito in general has lost the following:

*Target

*Dollar Store

*OSH hardware/nursery

*DuJour Florist

*many other retail shops/businesses

Why isn't El Cerrito focusing on bringing retailers into CURRENT BUILDINGS THAT ARE EMPTY, instead of trying to build MORE to make life unpleasant and depress real estate values?

5. San Pablo is NOT Solano Avenue or Piedmont Avenue—and never will be! It is a noisy, congested, UNFRIENDLY place that will become worse under this ridiculous scheme to put up high-rise buildings and a lot of obstructions to smooth-flowing traffic. Do not try to “gentrify” this area, to the detriment of existing homeowners and businesses.

6. Nobody walks on S.P. Avenue if they can avoid it. These plans will make life even worse for everyone who has to drive or walk in the area—or wait for a bus. The parking situation on and near San Pablo Avenue is already stressed, and this plan will inevitably impact Richmond Annex

neighborhoods with overflow parking. Strangers who do not belong in our residential area will be seeking parking, increasing traffic and possible CRIME in our area. Do not subject Richmond homeowners to this additional stress!

7. The idea of reducing speed to 25 mph on San Pablo and creating all kinds of obstructions like bike lanes, bus platforms, and "super sharrows" is asking for a nightmare. WHO comes up with this nonsense?!

8. While we're on the topic of this area, whoever is determining the length of street-light-changing needs to CHANGE how long the light at the corner of SP and Manila stays RED. In case you are not aware of it, this light is ungodly slow, and people who have to sit there in the left-turn lane, to turn onto Bayview, risk SKIN CANCER from the sun pouring onto their faces while waiting for the light to change. Don't be surprised if the City is named in lawsuits because of this. We and others are already finding "growths" on our skin/faces/arms because of this prolonged exposure to the sun while waiting for that slow light to change. Please adjust the speed with which the light changes at that corner.

On a related matter concerning San Pablo and El Cerrito's poor planning, WHY are you constantly having that traffic-cluttering "OFF THE GRID" in the busiest intersection in town? Will you continue this nonsense if all this proposed development occurs? This is insane. Why isn't a special event like that, guaranteed to clog traffic, held at the Plaza shopping center or even the DMV Parking lot? Instead, you inconvenience and annoy commuters and people trying to enter the Plaza by blocking traffic. Emergency vehicles are blocked from a speedy pass-through because of such obstructions on our main thoroughfare through town. Utterly ridiculous.

It is time for El Cerrito to stop kowtowing to developers at the expense of people who live and work in the area. This entire development plan is ill conceived and should be scrapped. El Cerrito needs to focus on bringing retailers, groceries and clothing stores into the north part of town, near the Bart station, without all this additional construction. Just USE the buildings presently standing empty. And please stop trying to force residents onto bicycles, which is a whole other absurdity that needs to be addressed elsewhere. Cars are here to stay; deal with it!

Thank you for taking time to read and consider these remarks.

Sincerely,



Mrs. Michael Gaskell
Richmond Annex Homeowner/Resident
Mailing Address:

El Cerrito CA 94530

July 16, 2014

Scarlett Hepworth and Marilyn Langbehn

El Cerrito, CA 94530

Margaret Kavanaugh-Lynch
Planning Manager
San Pablo Avenue Specific Plan
10890 San Pablo Ave
El Cerrito, CA 94530

Dear Ms. Kavanaugh-Lynch,

I am writing to you to officially oppose elements of the San Pablo Avenue Specific Plan (SPASP).

We moved to El Cerrito just a little over a year ago, after Marilyn became the new Artistic Director at Contra Costa Civic Theater. We had lived for nine years in a neighborhood saturated with high-rise apartment buildings in Oakland. Though we lived just a half block off of the Broadway arterial, the neighborhood was considered medium upscale, between the Piedmont Avenue and Temescal areas.

Because of the number of apartments in our Oakland neighborhood, parking was always difficult, if not impossible, which made parking a consideration for students choosing to study with Scarlett, who teaches music privately out of our home.

The noise level from the traffic was present 24 hours a day. In nine years, we never had a single quiet night.

Our home in Oakland was burgled (we lost thousands of dollars worth of goods), and our car was broken into or damaged a total of six times and our car was stolen. Being so close to a large arterial (as we are now to San Pablo, one block east), we were an easy target for criminals who could get away very quickly.

We started a Block Watch organization, but it was nearly impossible for involved neighbors to look out for each other when the neighborhood was so full of people we never saw or could never get to know.

We chose to live in El Cerrito specifically because it has a more "neighborhood" feel to it. When we told our home insurance agent and our car insurance agent our new address, both agents told us our insurance rates would drop because of the lower crime rate in El Cerrito.

We feel certain that bringing 5- and 6-story apartment complexes to the San Pablo arterial will only increase noise, traffic, and crime.

We also feel that creating bike lanes on San Pablo is totally unnecessary. The recently finished Ohlone Greenway has solved the bike problem to every cyclist's enormous satisfaction.

Perhaps you are aware of the already jammed traffic conditions at Stockton and San Pablo, just around the corner from our home. Adding more living spaces to the San Pablo corridor will make an already maddening problem that much worse.

One last thing: when we arrived in El Cerrito, we were finally able to see beautiful sunsets from our back yard on Kearney. Though it's just a peek at the sky, you can't imagine how gratifying it is to see sunsets after living so many years without them. The thought of a six-story building going in behind our house saddens us deeply. We are 61 and 57 years old; sunsets become dearer with every passing day.

Please use caution in crafting the plans for El Cerrito. You may be pleasing a few eager developers to bring more money into El Cerrito; but you may end up using that increased revenue to pay for more policemen to deal with crime, and to solve traffic and parking problems. Or worse, you may see a diaspora of good solid neighbors leaving El Cerrito in search of a community that values the quality of life over the quantity of tax revenue.

Sincerely yours,

Scarlett Hepworth

Marilyn Langbehn

July 20, 2014

Margaret Kavanaugh-Lynch, Planning Manager
San Pablo Avenue Specific Plan
10890 San Pablo Ave.
El Cerrito, CA 94530

Dear Ms. Kavanaugh-Lynch:

We recently moved to El Cerrito and have been impressed with the neighborhoods, city services, and public transportation. I often walk to and along San Pablo Avenue, as well as drive the Avenue regularly. Unfortunately I was not here for previous community workshops and meetings on the San Pablo Avenue Specific Plan so my comments are based on reading the various public documents.

I agree with the concept of higher density multi-use buildings along San Pablo, with residential units above and commercial on the ground floor. I also agree with the goal of encouraging the use of transit facilities and walking. However, there are two points that I feel are misguided and based on faulty or unsupported premises.

The Plan clearly intends to reduce “reliance on the private automobile,, [Goal E in the Form Based Code and elsewhere] by deliberately making driving and parking in and through El Cerrito more difficult. Many places [Transect Zones, TOHIMU, TOMIMU, Parking Adjustments (2.05.09.05), Complete Streets, Shift Mode, etc.] tout pedestrians, transit users, and especially bicyclists while reducing parking requirements, narrowing traffic lanes, and making driving more crowded and difficult.

The assumption, which is not documented as far as I can find, is that by making driving more inconvenient, parking more difficult, traffic problems more aggravating, and drive-times slower, drivers will decide to give up their cars and use bicycles and public transportation.

People who believe this may never have driven San Pablo Avenue, at least the Plan seems to be oblivious to the reality of living in the Bay Area. Where is the evidence that inconvenient driving convinces people to give up their cars? Have you personally, anyone on the City Council, anyone in your family, anyone you know, or any of the Planning Consultants exchanged a car for a bicycle? There are some mixed-use residential/commercial buildings along San Pablo Avenue. Do any of those residents not have one or more cars but instead use bicycles? Do traffic planners expect the population of the Bay Area to shrink? Cars in the future may be smaller and more energy efficient, but is there any evidence that there will be fewer cars, or will there be more cars on the roads in the future than now?

Anyone who suggests encouraging bicyclists to use San Pablo Avenue has never walked/driven the Avenue and seen what drivers have to contend with, much less bicyclists. Delivery trucks regularly block one of the travel lanes to offload goods. Will such deliveries be banned by the Plan? The Plan states that redesign will maintain existing curbs, meaning that the Avenue will be the same width then as now. That means buses, regardless of the type of stop, will be blocking the same traffic lanes then as now because the street will be the same width. Narrowing the traffic lanes will simply make driving more dangerous for pedestrians and other drivers.

Bicyclists are either traveling to work (I suspect these numbers are very low), to a transit stop (BART, bus stop), or to some retail location. In any case, there is no need to encourage bicycle traffic on San Pablo. Transit stops and retail locations are easily reached by the Oholone Greenway east of San Pablo and Carson which are only one to a few blocks away from retail areas and the Greenway connects directly to BART. The Plan [p. 40 “Uptown San Pablo Avenue,,] ignores this reality and without any supporting evidence justifies bicycles on SPA by stating: “These bicycle facilities are provided because the corridor functions as a main

street, with destinations all along the corridor; and more bicycle trips will originate on the corridor and take place entirely on San Pablo Avenue. While the Oholone Greenway parallels the corridor, it does not serve these local-area, shorter trips.,, These statements are simply not true but are typical Consultant-speak to justify a pre-determined goal without data to support it.

In short, San Pablo Avenue is a major arterial which conducts traffic to and through El Cerrito. I have driven the Avenue when traffic was crawling along at a service level “F,, (in my opinion) because it took four traffic signal cycles to get from Sacramento through Central Ave. southbound. This Plan will not “ deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm,, as it intends.

I appreciate the many hours and thousands of dollars spent creating this plan. There are many creative and positive elements in it. However, reducing parking requirements and encouraging bicycles on San Pablo Avenue may be “trendy planning concepts,, but they ignore reality and will create dangerous and unattractive conditions along the Avenue.

Sincerely,

Dean Heyenga

El Cerrito, CA 94530

July 20, 2014

Margaret Kavanaugh-Lynch, Planning Manager
San Pablo Avenue Specific Plan
10890 San Pablo Ave.
El Cerrito, CA 94530

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street, with destinations all along the corridor; and more bicycle trips will originate on the corridor and take place entirely on San Pablo Avenue. While the Ohlone Greenway parallels the corridor, it does not serve these local-area, shorter trips.” These statements are simply not true but are typical Consultant-speak to justify a pre-determined goal without data to support it.

In short, San Pablo Avenue is a major arterial which conducts traffic to and through El Cerrito. I have driven the Avenue when traffic was crawling along at a service level “F” (in my opinion) because it took four traffic signal cycles to get from Sacramento through Central Ave. southbound. This Plan will not “deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm” as it intends.

I appreciate the many hours and thousands of dollars spent creating this plan. There are many creative and positive elements in it. However, reducing parking requirements and encouraging bicycles on San Pablo Avenue may be “trendy planning concepts” but they ignore reality and will create dangerous and unattractive conditions along the Avenue.

Sincerely,

Dean Heyenga

El Cerrito, CA 94530

From: Laurie Ulrick [laurieulrick@gmail.com]
Sent: Thursday, September 04, 2014 2:18 PM
To: Melanie Mintz
Subject: Attached Letter of Opposition to SPASP
Attachments: AnnexDevelopmentOpp.doc

Dear Ms. Mintz,

I am attaching my letter of July 21, 2014, in which I vehemently object to the SPASP.

I am submitting my letter to you as a matter of public record and for inclusion in the City Council Packet regarding this matter.

Thank you.

Stanley A. Jupp

Richmond Annex, CA 94804

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July 21, 2014

Dear Ms. Kavanaugh-Lynch,

I am writing to express my strong opposition to the proposed development plan (SPASP) that sets forth major changes that would directly impact the quality of life in my neighborhood.

I am a long-time resident of Panama Avenue in the Richmond Annex. We enjoy streets that are currently not used as alternate routes for the major arteries of traffic in the area. The SPASP plan would threaten this benefit that we currently have. We enjoy relatively clean air and are not surrounded by an urban landscape of highrises that ultimately makes the streets unsafe and encourages crime. And the proposed SPASP plan clearly threatens our quality of life in this regard.

The SPASP project proposes changes that would directly impact the quality of life in Richmond Annex. Urbanization of San Pablo Avenue throughout El Cerrito is an unwelcome and incorrect approach to development in this area. We enjoy a relatively high quality of life in Richmond Annex with views of the El Cerrito and surrounding hills. We value our views of the El Cerrito, Albany, and Berkeley hills, and we vehemently object to the proposed 5 and 6 storied buildings under consideration. If this is allowed, the entire historical character of our neighborhood will be lost, as well as our views.

I object to the use of form-based codes that provide a quick and dirty development without any regard for the historical characteristics of our area as well as complete disregard for the aesthetics of the space and (quality of life) of residents. I support historical preservation of the area between Central and Fairmount and all areas that border Richmond Annex.

I am especially concerned about the proposed development because it creates a high-density zone that cannot be supported by current roads: Central Avenue is an already overwhelmed and chaotic street to the freeway that cannot support the amount of traffic currently found there. It is also dangerous because of the high density: cars, people, bikes, buses, all sharing a very limited public road and limited space. This plan is for the quick buck of the developers and has nothing to offer the current residents. The SPASP is short-sighted and should be stopped. This plan will produce an over-built, over-developed area that will forever change the character of the Richmond Annex. Stop these developers. I'm sure they do not live here.

Save the Annex.

Sincerely,

Stanley Jupp

Richmond Annex, CA 94804

From: Philip Koo [philip@plk-2.com]
Sent: Thursday, September 04, 2014 6:01 PM
To: Melanie Mintz
Subject: FW: SPASP concerns

Hi Melanie,

Please submit my letter as a matter of public record and for inclusion in the City Council packet. Thanks.

Philip Koo, PE, MCSE
 President

PLK2 Associates, Inc.
 950 Liberty St., El Cerrito, CA 94530
 W: (510) 495-9077 F: (510) 528-8260
 Email: philip@PLK-2.com

From: Philip Koo
Sent: Wednesday, July 16, 2014 1:20 PM
To: 'mkavanaugh-lynch@ci.el-cerrito.ca.us'
Cc: 'maryspond@sbcglobal.net'
Subject: SPASP concerns

Hi Margaret,

I am an El Cerrito residence since 1986.

I am having following concerns with SPASP project:

1. Central Ave.: It is one of the busiest streets in El Cerrito due to access to freeway 80. If there is no better planning with the flow of traffic with State, Richmond and El Cerrito, the traffic will get grid lock during commuting hours (as it is already now).
2. San Pablo Ave. reducing speed limit from 30 to 25mph and adding bike lanes: San Pablo Ave is a heavy traffic street. The proposed lower speed and bike lane does not make sense when compound with the reduction of parking space along San Pablo Ave with the in between build-in planter parking (Very hard to park in and get out. University Ave. and Fairmont Ave. are good examples). The planter on the parking lane reduce the parking space and make the street looks crowded). Ohlone Green way is already a good bike lane along San Pablo Ave., why make another 2 lanes to further reduce the traffic capacity of San Pablo Ave.?
3. There are quite some empty store front and land in El Cerrito. In order to increase City income, shouldn't city better revive the under used area before working on areas which have no problem right now and create a new set of issues? City managers and staffs come and go, but residence like me is staying for a long time. Long term impact is my main concern.

Philip Koo, PE, MCSE
 President

PLK2 Associates, Inc.
 950 Liberty St., El Cerrito, CA 94530
 W: (510) 495-9077 F: (510) 528-8260
 Email: philip@PLK-2.com

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Carol Langhauser

El Cerrito, CA

September 8, 2014

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

Dear Council Members,

I have attended two meetings of the Planning Commission, July 16 and September 4, 2014. At both meetings the public comments were overwhelmingly negative. However, the Commission members had already made up their minds and barely acknowledged our concerns. The comments made by two commissioners at the July 16th meeting were telling, but not helpful:

Commissioner Tim Pine: "Cars are a terrible misuse of space. We pave over farmland, pave over park land for them to sit unused 10 hours a day, dripping pollutants."
Commissioner Michael Iswalt seconded Pine's sentiments and said that the city needs to recognize that the Bay Area is "in the middle of a modal shift toward (public) transportation."

I have the following major concerns:

- 1) The lack of parking for residents living around the two BART stations has spilled over to the neighboring streets. This will be exasperated by allowing variances for fewer parking slots for high density buildings along San Pablo Avenue and the Ohlone Pathway. Both sides of San Pablo are negatively impacted.
- 2) The heights of these high density building will allow variances for up to 40 and sometimes as high as 80 feet!! This will impact many residents' quality of life by restricting their views and Bay breezes. (El Cerrito's motto is "City with a View" and the plaque in the Council Chambers show a view of the Golden Gate. The height variances will change these.)
- 3) When traffic is backed up on Hwy 80, drivers move to Hwy 123 (San Pablo Avenue). Since traffic has increased, more drivers have found Richmond Street which is now backed up for blocks at commute time. This will only get worse.
- 4) There are two AC Transit bus lines: The #7 bus which only runs along the Arlington and ends in Berkeley. The other lines only run along San Pablo to the BART stations. The Terrace bus line was eliminated years ago. There is no longer any public transportation from the middle of El Cerrito to shopping areas.
- 5) The demographics of El Cerrito indicate that 22.4% of the population is over 65! We aren't going to ride bicycles or skateboards down Terrace or Moeser. And, taking public transportation after shopping for groceries or painting supplies or...is just out of the question. Eliminating parking will send us to other cities.
- 6) The following data shows El Cerrito's "means of transportation to work" (Source: US Census Bureau, 2010-2012 American Community Survey)

53.1% drive alone
9.0% carpool
22.4% public transportation
8.9% work at home
6.6% commute by taxicab, motorcycle, bicycle, walked or other means.

This indicates that bicycles are a very small percentage of the El Cerrito commuters. We are catering to a minority of our population. Bicyclists have the option of the Ohlone Pathway which is safer than riding on Hwy 123. Richmond Street also has bicycle lanes. What other city has bicycle lanes on San Pablo Avenue?

- 7) El Cerrito's part of San Pablo runs for about 2.5 miles. How will drivers coming from the Cities of Richmond and Albany adjust to narrower lanes; a lower speed and a different street configuration of bus stops and bicycle pathways? My guess is we'll see more accidents and more cars moving to Richmond Street.
- 8) Who will maintain the trees and greenery along San Pablo? The merchants?? The City can't maintain the Right of Ways now. Who will pay for the high density buildings' need for more utilities, including sewers? How will we justify the increase in water use with each building?
- 9) We say we want to encourage new businesses to come to El Cerrito. But what business would want to locate here with little parking, the looming possibility of an increase in sales tax and signage restrictions? These factors are unattractive and counterproductive to both existing and potential businesses as demonstrated by the empty buildings and shops along San Pablo.
- 10) Finally, the longtime residents living near Richmond and Elm Streets have seen their quiet homes heavily impacted by BART since the 1970's. Many lost their homes. They've seen their streets overtaken by commuters. If this plan goes through, it will get worse. A 40 to 80 foot monolith will ruin what views they have of the sunsets. The value of their houses will decrease. The City continues to ignore their plight. Is this an indication of what the Planning Commission calls a "sense of place?"

I urge you to reject the San Pablo Avenue Specific Plan.

Sincerely,



Carol Langhauser

Sept. 11, 2014

Attn: El Cerrito City Council

Re: Proposed San Pablo Avenue Specific Plan

We find serious flaws in this current proposal for the long range overhaul of San Pablo Avenue.

Specifically, high density housing combined with reduced parking availability is a major problem in a city with the current very limited public transportation. Until frequent and convenient east-west buses are accessible to hill residents (presently, there is none), we must use cars for all our transportation. Parking along the San Pablo corridor is already a problem for business and attracting new businesses will be very difficult with further reductions. The proposed plan must include some major public parking structures.

Furthermore, we are not a "compact" city. Our business areas are not clustered with the exception of the Plaza, and, therefore, we are forced to drive from location to location to do several errands efficiently. Having San Pablo as available as possible for cars is really essential to this. For safety, parallel streets would best be used for proposed bike lanes.

We realize this is an attempt to reduce traffic in our city but realistically we do not see how our topography allows this.



Paul and Barbara Licht, 50 year residents

El Cerrito

From: cheeta llanes [cheetallanes@yahoo.com]
Sent: Sunday, September 07, 2014 11:30 PM
To: Melanie Mintz
Subject: SPASP

I want your letter to be submitted as a matter of public record and for inclusion in the City Council packet.

Although the council has already made up it's mind and there's really no point in writing this note, I feel compelled to do so.

After speaking to Planning Commission member, I realized that all the arguments have been made by the public expressing my personal view which is to reject SPASP.

Nonetheless, the view towards increasing the density of city areas in the fashion with which it is proposed destroys the possibility of living a good life in a city. For example, allowing commercial buildings to be 5' away from adjacent, already existing buildings means that private home space is invaded. Private home living will be threatened. Do the board members want to live in high rise apartment houses?

I'm old enough to have witnessed the destruction of the Fillmore which at one time was a Black neighborhood with ordinary folks living their lives. Those people have been removed and few still live in that neighborhood.

The SPASP will allow for the destruction of the lives, as we know them in our neck of the woods. Traffic will become ever increasingly dense. The commission member argues that automobiles are destructive in themselves, which I agree with. Unfortunately bike riding to work or for shopping is impossible for the average local resident. At this juncture public transport by bus in our area is incredibly time consuming and inefficient.

Get the infrastructure in place before you agree to this increase in density.

Planning commission - I just recently heard about this upcoming vote and now I want you to know I'd vote "NO".

I am an elder and hopefully an open minded one. I do have some wisdom to share. Voting for SPASP is an opening for the destruction of some of the better aspects of our life here. I don't want to leave such to future generations.

Yours truly,
Cheeta Llanes

Richmond Annex

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Version: 2013.0.3485 / Virus Database: 3955/8171 - Release Date: 09/07/14

David Mandel, M.L.A., A.S.L.A.

El Cerrito, California 94530-2046

DRAFT SAN PABLO AVENUE SPECIFIC PLAN

My name is David Mandel. I am a semi-retired senior city planner, university-level landscape architecture teacher and practitioner, and licensed California C-27 landscape contractor. I comment on the proposed SPASP both as a resident and as a planning professional:

Parking: The San Pablo Avenue Specific Plan Area includes in its goals to “*Encourage alternative modes of transportation to the single occupancy vehicle*” and create “*more flexible parking requirements (lower minimums)*” for new and re-development. The 1715 Elm Project’s parking impacts may prove to be an indicator of El Cerrito parking and transportation impacts along the San Pablo Avenue and BART corridors over the next few decades, but that project may be some time a-building. Regardless, we should proceed with vision, caution and wisdom. Wisdom comes in part from recalling history.

Which confronts us with two difficult topics: first, the 1960s concept, Zero Population Growth (ZPG) – a self-explanatory proposal to stabilize Earth’s ability to sustain itself; and, second, American nomadism: sociologists, planners, the media, the movies, and the AAA acknowledge that we Americans love to travel, to explore, to get away. We fell, and remain, in love with the car.

Politicians and planners alike won’t touch ZPG. Sooo, we MUST deal with three absolutes: a growing population who generally love to travel; an ever-present State of California Housing Element mandate to house our fair share of our ever-increasing numbers of drivers; and, the reality that most Americans want to achieve clean air and sustainability *not* by giving up our cars but by making them non-polluting, that is, electric, hydrogen fusion, steam, maglev, or gerbil and rubber-bands..

Professional planners have, for the past half century, been seeking parking and transportation solutions. We have embraced the transit village, which focuses dense housing and mixed use development near such major transportation hubs as Del Norte BART, and which is some of the motivation behind the San Pablo Avenue Specific Plan.

Sure, we hike, we bike, we bus – but most of us get to our serious vacations and crucial events by car, SUV, or extra-cab pick-up. And no red-blooded American will be legislated out of theirs.

Any new development may house no drivers, some drivers, and some multi-vehicle drivers – but no-one ever talks specifically about where the air-conditioning repair-lady, the PG&E lineman, and Cousin Sarah and the kids will park their vans, trucks, and SUVs. A lack of accounting for real-world parking space needs would NOT be fair to the neighbors or we the people. The only relief to be gained from reduced parking requirements in new development projects will be in developers’ bank accounts.

Bicycle/Alternative Transport Routes: Referring to Figures 14 and 15 in Sections 104.02: Ecologically sane planning calls for densified urban planning to save our wild and resource lands. As more young folks produce more babies and densification increases, vehicular numbers

will increase in cities. That means more inattentive double-parked drivers uncontrollable by our limited policing resources, more stopped delivery trucks, buses, and utility and emergency equipment in the right-hand traffic lane in both directions on State Highway 123, San Pablo Avenue.

Rush-hour traffic is already too fast on San Pablo. It is irresponsible and noncompliant with government's most basic responsibility – public health and safety -- to imagine, let alone legislate, that we can place bicycle lanes on a highway already too dangerous for even cars, let alone motor scooters and bicycles. With how many dead cyclists are we ok, as we set out to legislate people out of their cars?

Thank you.

From:

Mr. Oliver Nguyen, Homeowner

9/15/2014

El Cerrito, California 94530

To: Melanie Mintz, Planning Director;
Margaret Kavanaugh-Lynch, Planning Manager
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Comments on the Draft San Pablo Avenue specific Plan (SPASP) and related EIR

Dear Melanie & Margaret:

I would like this letter to be submitted as a matter of public record for inclusion in the city council packet regarding the proposed SPASP.

I invested in a home in the El Cerrito hills in May, 2007. The mid-century home is valuable for the way it fits into the neighborhood, and for its exceptional view. I was originally attracted to El Cerrito because it was a beautiful town with modest commercial centers and historic charm. Its business areas meet the needs of El Cerrito's desirable low-density residential neighborhoods without overwhelming the town with traffic attracted from elsewhere or from many high-rise apartment complexes within its city limits. In addition, a low skyline allows unobstructed and unmarred views of the Bay and of the hills from many parts of the town. While I am not in principle against revitalization and change, there are some aspects of the SPASP that I am afraid will have very negative consequences for the residents here and will erode the town's attractiveness.

In particular, my neighbors and myself do not want to see very tall, high density housing developed here, on multiple grounds; residential towers are not in keeping with the historic nature of El Cerrito, may mar views for many residents, and will create more traffic congestion with correlated noise and air pollution. We are also very concerned about traffic rerouting through residential streets and circulation problems that will likely result if the planned changes to speed limit, lane configuration, bus infrastructure and population density are adopted. We see no reason whatsoever for the El Cerrito side of the proposed development to be of higher density and height than the Richmond Annex Side.

At issue in the planning document is the unreasonable size of developments that the plan seems to allow. According to the plan, we could be saddled with buildings 55 ft tall through some areas and as tall as 65 ft in others. If we must sacrifice quality of life to increased population density, in the interest of traffic, community, certainly the height should be no more than the 38 ft which has been planned in our

neighboring communities of Berkeley and Albany, which have a similar footprint/profile to the character of El Cerrito - this should be sufficient.

In addition, I fear there is not enough consideration given to views – either to the ability of the Richmond residents looking to the hills or El Cerrito residents, whose property have bay views, and whose property values are directly impacted by the views. High rises will severely depress the value of their real estate, while at the same time negatively impacting their quality of life in other areas.

The setbacks to adjacent residential properties is not enough – these properties will be overshadowed, and their privacy severely impinged upon – the set back of “ zero” being allowed in some cases or only 5 ft in others seems unreasonable.

The plan does not detail any real solution to balance large scale development, parking (or lack thereof) and how to get all the increased traffic around without causing gridlock.

In using form-based code, it is important that the specifics of what we want San Pablo Ave to look like in its final form be reflected in this document. And, what we want to see is the character of our long-standing neighborhoods preserved.

Thanks for your consideration,

Oliver Nguyen

From: joanna pace [josanola@hotmail.com]
Sent: Thursday, September 11, 2014 7:32 AM
To: Melanie Mintz
Cc: Janet Abelson
Subject: I support the San Pablo Avenue Specific Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mintz,
I support the San Pablo Avenue Specific Plan.

Because I want El Cerrito to be a vibrant city where I can be a healthy senior, I want a main downtown area that has transit oriented development, including multi-story buildings in the study area, which will promote use of transit.

Instead of so many parking lots on San Pablo Avenue, I hope to see more mixed use residential and commercial buildings. I would like to eventually like to live in such a building, so I would no longer need to drive a car.

Thank you, and your department staff, for your diligent work on this plan.

Sincerely,
Joanna Pace

El Cerrito
parent and resident of El Cerrito since 2001.

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Version: 2013.0.3485 / Virus Database: 4015/8188 - Release Date: 09/10/14

Sept 10 2014

Dear City Council

Please don't touch San Pablo Ave it is now
dirty & ugly, use to be clean & nice.

We need a Dept Store. We have to go to Walnut
Creek or San Francisco to shop.

We are losing stores.

Fairmont Ave is a joke, trees in the street where
cars should park or drive

The two things you best is plant trees &
raise taxes. What is so sad is El Cerrito

is a senior city, and it is harder everyday
to get around the city.

Lucile Pedrazzi

Q120-0063

From: Julia Pereira [juliapereira@hotmail.com]
Sent: Monday, September 15, 2014 3:58 PM
To: Melanie Mintz
Subject: concerns about SPASP

Dear Ms. Mintz,

I am writing you prior to the 4 p.m. cutoff for comments about the San Pablo Avenue Specific Plan to state my concerns with the plan as outlined. I would like my comments to be submitted as a matter of public record and for inclusion in the City Council packet. My list of concerns is not all-inclusive, but reflect some of the most pressing as I see them at this time.

Most of all, I ask that all nine of the E.C. Planning Commission reflect very carefully before implementing any change that will increase the volume of traffic on El Cerrito roads, side streets and back streets. Even one new apartment building will have a major impact on transit times and frustration levels of drivers. I can state unequivocally as a local resident that traffic is already contentious at rush hours, and is quite constant throughout the day. No large surge in this current traffic volume would be productive or improve or even maintain quality of life in El Cerrito.

To address a point several of your members made at the Sept. 4th Planning Commission meeting, I do NOT believe that increasing traffic congestion will automatically get people "out of their cars" and onto buses or bikes. As stated by some of the public at that meeting, this is not convenient or practical for many people (elderly, families with small children, people grocery shopping). It should be pointed out also that many people on El Cerrito streets, esp. at rush hour, are returning from out-of-town jobs, and running to the stores on their way home after exiting the freeway. Even if they didn't run errands at that time, they would still be pouring onto San Pablo Ave. Those commuters are not going to ride the #72 bus up and down San Pablo Ave. By having many more people on the road (a new apartment building would represent a sudden surge and not one that will gradually feed more cars in over time), there will be a lot more idling of cars at red lights, and more car exhaust from people driving around looking for the parking spaces that seem destined to disappear under your plan. I hope the commission members who pride themselves on thinking of "posterity" have considered what their choices will do to the air quality if everyone doesn't make the switch overnight to bus and bike transportation. I really got the impression at that Sept. 4th meeting that you are foisting change on the area with the expectation that you know better than the current residents what they want and what is good for them, in the short- and long-term, and that you can (pun intended) drive people out of their cars by increasing density and making driving unpleasant. It seems more like using a stick than a carrot to induce change in behavior (i.e., you may make people so frustrated about getting around town that they just avoid it altogether, or shop out of town).

As time is short, I am going to insert the body of the letter which I emailed to M. Kavanaugh-Lynch in May and July. I still stand by my comments and concerns, and hope you will think of them each time you are about to put a change through with far-reaching implications.....

#1--Parking Impacts: The parking situation along SP Ave. currently is very functional, from what I can see on a daily basis. Adding to parking demand along the thoroughfare would likely slow the flow of traffic, and the extra cars on the side streets would be a nuisance to homeowners there. Pedestrians and bike riders

using the Ohlone Greenway path would have to contend with more side street traffic and would be at increased risk.

#2--Traffic Congestion and Diversion: I strongly object to your idea of reducing the speed limit to 25 and adding bike lanes. Big mistake! 30 mph is the perfect speed to currently move along SP Ave., slow enough to slow down in time for the frequent lights, yet fast enough to not take an eternity going from one end to the other. Drivers are used to seeing bicyclists and sharing the road with them. 25 mph will not keep traffic flowing. There are always speeders on the Ave., and they need to be pulled over by police and ticketed (this includes AC transit buses which I have seen exceed 40 mph). Lowering the speed limit won't slow down the flagrant speeders but WILL punish those of us who maintain the 30 mph speed limit. Extra congestion from a lower speed limit spilling onto side streets and Richmond St. and Carlson Blvd. would be a very unpleasant side effect. Crossing Carlson Blvd. (by foot or car) is already a daunting task (could someone please stay on top of trimming those tall plants on the traffic islands?!?) and doesn't need to be rendered more difficult. Residential back streets do not need more air pollution or noise. I say this as a regular walker in the residential areas.

#3--Health & Air Quality Impacts: Anything that increases traffic congestion and idling is bad for our citizenry's health, period. I cringe to think of how much more awful the air would be during Spare the Air days, like those we had for most of December and January this past year. In case you've forgotten, it was pretty bad for weeks on end. I actually curtailed my daily walks during that time period because the air quality was noticeably unhealthy.

#4--Noise Pollution & Odors: Any increase in commercial buildings backing up to homes will NOT improve quality of life for homeowners or renters, and will likely decrease property values too. We need to keep an oasis of space around homes. One need only go past Giovanni's grocery store on Potrero and Liberty St. and listen to the tireless refrigeration units, or hang around near the back loading dock area of CVS on Portola to be aware of how industrial/business noise and fumes from delivery trucks can intrude into one's home's atmosphere.

#5--Infrastructure: I, for one, like the current quick response time of police, fire, and ambulance in El Cerrito, and would hate to see them be diverted away from patrolling the streets as they now do and be less available when called upon. I don't want to see our water, sewer and street infrastructure overstressed either.

#6--Overbuilt for the Lot: see #4 above; businesses should not be pressing deep into residential lots.

#7--Aesthetics/View Blockage: I can't believe anyone would even consider allowing buildings higher than 3 stories on San Pablo Ave., esp. intermingled with homes and apartment buildings! Please do not even consider this! Blocking the sun from yards and units abutting the street front, and blocking views of the bay, and of the El Cerrito hills for Richmond Annex dwellers, is a horrendous idea. You can not put a value on a good view, and access to sunlight for plants and people, but if you could, I'm sure it will lower property values for those most directly affected. It is far more VALUABLE to have a pleasing view and a balanced-looking "main street" than it is to have any particular commercial business within spitting distance of your living room. Let's use some zoning common sense here! You can walk, ride, or drive to a store or other business, but where do you retreat to when that business crowds your home?

#8--Historical Preservation: The overall look of SP Ave. and the "downtown" needs to have some cohesion and coherence. Towering four or five story buildings have no place on San Pablo Ave., and would ruin the

look of the avenue. Not to mention the giant shadows that would be cast on the opposite side of the street. When you've lived in cold, wintry climates, you do not take for granted even one day of sunlight and the warmth it generates!!

#9--Central Ave. Made Worse: Casting the Central Ave. area in deep shadow by building up on either side of it would be a mistake as mentioned in #8, as well as for the increased traffic and parking problems you would be creating. The traffic light at Central is already several minutes long. There is also already a shortage of parking on that block for movie-goers at the cinema there.

#10--Form-Forced Codes: Fast-tracking development projects and leaving the public in the dust is no way to design public living spaces. Developers and their backers need to be accountable at EVERY step in any potential project, and with or without overt objections, think long and hard about future ramifications of any building project, and use good sense, looking at things from every angle, not just short-term gain (a few extra retail jobs, etc.).

#11--Spot Development: Mid-block apartment towers would inevitably create more traffic congestion on SP Ave. itself, as well as side streets and at parking areas at the Plaza. It's already a challenge getting a parking space at Trader Joe's and Lucky's at certain times of the day.

I've taken the time to enumerate each concern (and echo what has been written in the flyer) because I want you to remember that change does not automatically = improvement, and that some, and possibly many, residents are concerned about what is being proposed in altering the face and character of our nice little town. We do not want to look like Walnut Creek, or, God forbid, the retail strip of Emeryville. We live here because we like the "flavor" of the town as it now stands and do not see that building higher or pouring more concrete will make El Cerrito better or more "homey" or more attractive. The retail buildings that currently exist can be spruced up and business in existing vacant locations can and should be encouraged. However, encroaching on residential and pedestrian neighborhoods with oversized and multi-unit buildings is not a sensible way to contain and prevent "sprawl". I don't think you'll find too many people who would like to see that term applied to where THEY live.

I ask that you factor in all of the above-named concerns before embarking on any new and irreversible developments.

Thank you.

Sincerely,

Julie Pereira
El Cerrito, CA

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Version: 2013.0.3485 / Virus Database: 4015/8201 - Release Date: 09/12/14

From: Melanie Mintz
Sent: Tuesday, September 16, 2014 10:48 AM
To: Melanie Mintz
Subject: FW: San Pablo Development Plan

From: Ronnie Polonsky <ronniejane@gmail.com>
Date: September 9, 2014 at 5:35:19 PM PDT
To: Council members <Councilmembers@ci.el-cerrito.ca.us>
Subject: San Pablo Development Plan

Dear City Council Member:

I am appalled at the proposed plan for San Pablo Ave and the contiguous streets. Although I wanted to speak out at the most recent Planning Commission meeting I didn't feel ready to express my thoughts and had trouble organizing them in a way that could be heard.

Although I have lived in El Cerrito for the past four years, I did not find out about this plan until recently when a neighbor told me about it.

Why aren't the residents and small business owners in the affected area receiving flyers notifying them of the meetings where this plan is being discussed and voted upon with the basic features of the plan presented clearly?

Recently, I attended the council meeting where the Elm Street Development was approved. I didn't know anything about this proposal until I attended that council meeting. A few days ago, I took a stroll up Elm Street to view the property that is going to be developed there and saw the potential for opening up and widening the stream and how that would enhance the area and the property. My walk took me past many two and three story apartment buildings that fit in with the neighborhood in such a way as to be barely noticeable for what they are: high density housing. The council's approval of the Elm Street plan in the way the developer proposed without opening up the creek and scaling down the development, deeply disappointed me.

About 80 to 90 percent of El Cerrito is zoned RS (Residential Single Family) while the area where the Transit-Oriented High Density housing is to be built is now zoned commercial or RM (Residential Multiple Family) which is why there are so many apartment buildings in this area. The new plan will only make this area, the most densely populated in El Cerrito, even more densely populated.

The whole philosophy of urban development that more is better, but only for the folks in the flatlands or poor and working-class neighborhoods, is flawed. There is no rent control in El Cerrito, therefore the new condos/rentals can be extremely expensive. They will most likely house singles and couples without children as has been the case in cities like San Francisco and Berkeley where residential buildings of at least 5 stories have been built, not adding to the family atmosphere here. Many of these folks will move on once they start families. Retail rents will rise and many of the small businesses along San Pablo Ave and in other parts of the development area will disappear and business owners may lose their livelihoods.

There is no guarantee that businesses will flourish in the redeveloped zone, or that well-paying jobs if any will be created. The idea that more people will walk, bicycle and use

public transit is only a hope, not a fact. People living in the RS zone will still choose to drive rather than walk or ride their bikes and many are too old or disabled to bike or walk any distance so what we need to look at are transit shuttles to and from BART and shopping, especially for the elderly and those who can't walk or bike.

Please consider a plan that scales down the level of development, creates housing for families, that ensures significant community benefits from such development, and helps to preserve the existing small businesses in the area.

Sincerely Yours,
Ronnie Polonsky

--

Ronnie Polonsky
ronniejane@gmail.com

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Version: 2013.0.3485 / Virus Database: 4015/8201 - Release Date: 09/12/14

From: Ronnie Polonsky [ronniejane@gmail.com]
Sent: Tuesday, September 09, 2014 9:45 PM
To: Melanie Mintz; Margaret Kavanaugh-Lynch
Subject: San Pablo Avenue Development Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Lynch and Ms. Mintz:

I am appalled at the proposed plan for San Pablo Ave and the contiguous streets. Although I wanted to speak out at the most recent Planning Commission meeting I didn't feel ready to express my thoughts and had trouble organizing them in a way that could be heard. Although I have lived in El Cerrito for the past four years, I did not find out about this plan until recently when a neighbor told me about it.

Why aren't the residents and small business owners in the affected area receiving flyers notifying them of the meetings where this plan is being discussed and voted upon with the basic features of the plan presented clearly?

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The whole philosophy of urban development that more is better, but only for the folks in the flatlands or poor and working-class neighborhoods, is flawed. There is no rent control in El Cerrito, therefore the new condos/rentals can be extremely expensive. They will most likely house singles and couples without children as has been the case in cities like San Francisco and Berkeley where residential buildings of at least 5 stories have been built, not adding to the family atmosphere here. Many of these folks will move on once they start families. Retail rents will rise and many of the small businesses along San Pablo Ave and in other parts of the development area will disappear and business owners may lose their livelihoods.

There is no guarantee that businesses will flourish in the redeveloped zone, or that well-paying jobs if any will be created. The idea that more people will walk, bicycle and use public transit is only a hope, not a fact. People living in the RS zone will still choose to drive rather than walk or ride their bikes and many are too old or disabled to bike or walk any distance so what we need to look at are transit shuttles to and from BART and shopping, especially for the elderly and those who can't walk or bike.

Please consider a plan that scales down the level of development, creates housing for families, that ensures significant community benefits from such development, and helps to preserve the existing small

businesses in the area.

Sincerely Yours,
Ronnie Polonsky

--

Ronnie Polonsky
ronniejane@gmail.com

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From: Mary Selva [maryspond@sbcglobal.net]
Sent: Friday, September 12, 2014 2:51 PM
To: Melanie Mintz
Subject: Fw: San Pablo Avenue Specific Plan Update
Attachments: Public Comment Letters to SPASP.pdf

Hello Melanie,

Our Neighborhood Council respectfully requests that the attached Public Comment Letters for the San Pablo Avenue Specific Plan be included in the City Council packet for the upcoming Public Hearing before the El Cerrito City Council meeting.

We understand that written comments may be submitted for inclusion in the City Council packet by Monday, September 15th at 4 pm to Melanie Mintz at MMintz@ci.el-cerrito.ca.us or 10890 San Pablo Avenue, El Cerrito, CA 94530.

Thank you,

Mary Selva, President
 Richmond Annex Neighborhood Council

----- Forwarded Message -----

From: Emily Alter <Ealter@ci.el-cerrito.ca.us>

To:

Cc: Melanie Mintz <MMintz@ci.el-cerrito.ca.us>; Margaret Kavanaugh-Lynch <MKavanaugh-Lynch@ci.el-cerrito.ca.us>; Sean Moss <SMoss@ci.el-cerrito.ca.us>

Sent: Wednesday, September 3, 2014 4:14 PM

Subject: San Pablo Avenue Specific Plan Update

San Pablo Avenue Specific Plan Update

After many years in development, the San Pablo Avenue Specific Plan is scheduled to be considered by the Planning Commission this Thursday, September 4 and by the City Council at a public hearing on Monday, September 22. The Plan articulates a vision, identifies public improvements and adopt context-sensitive regulations in the form of a Form-Based Code for the future development along the Avenue, a Complete Streets element and an Infrastructure Analysis. The Draft Plan and Draft Environmental Impact Report were released for a 45-day public comment period on June 3rd, 2014. A revised Proposed Draft of the Specific Plan and draft Final Environmental Impact Report are now available for download at www.el-cerrito.org/SPASP. The public is encouraged to attend the following meetings to provide comment or submit written comments to the Planning Commission or City Council. Written comments may be submitted for inclusion in the City Council packet by Monday, September 15th at 4 pm to Melanie Mintz at MMintz@ci.el-cerrito.ca.us or 10890 San Pablo Avenue, El Cerrito, CA 94530. Comments received after that time will be distributed to Council at the City Council meeting. See below for more information about the upcoming meetings:

Special Planning Commission Meeting to consider Recommending the Specific Plan to City Council

Thursday, September 4th

7:30 pm
City Council Chambers
El Cerrito City Hall
10890 San Pablo Avenue
Agenda: <http://www.el-cerrito.org/ArchiveCenter/ViewFile/Item/1933>

City Council Public Hearing to consider Adoption of the Specific Plan (First Reading)
Monday, September 22nd
7:00 pm
City Council Chambers
El Cerrito City Hall
10890 San Pablo Avenue
Agenda Will Be Posted: <http://www.el-cerrito.org/index.aspx?nid=114>

City Council Public Hearing to consider Adoption of the Specific Plan (Second Reading)
Tuesday, October 7th
7:00 pm
City Council Chambers
El Cerrito City Hall
10890 San Pablo Avenue
Agenda Will Be Posted: <http://www.el-cerrito.org/index.aspx?nid=114>

More information about the Plan can be found at www.el-cerrito.org/SPASP

Hard copies of the Plan are available at El Cerrito and Richmond City Hall, and the main library in El Cerrito and Richmond.

To unsubscribe from this email list, contact Emily Alter at EAlter@ci.el-cerrito.ca.us

Emily Alter, LEED AP
Community Development Analyst
City of El Cerrito
W: 510.215.4385

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Dear El Cerrito City Council members and Melanie Mintz,

I wanted to register my opinion on the subject of the San Pablo Avenue High Density Zone within the timeframe allowed, and on the final day, here I am.

For your comfort I'll keep my thoughts brief. I *could* go on and on about this, and why I know it is a plan that is not right for us here in El Cerrito (nor would it be right for neighboring cities either) but I'll just give you some bullet points and leave diatribes and detailed explanations for some other time.

A few points I'd like to make sure I mention are:

Building size, height, setback, etc.

In this plan outline, it explains that the size of constructed buildings -- as well as the height allowances and how close to property edges they're allowed to be -- will be so over scale... over what is normal now. These changes to size, height and the setbacks to their property edge will wreak havoc on the neighboring property dwellers and property owners. It will be horrible for those of us who live here on either side of S.P.A., the El Cerrito side and the Annex side.

People won't be able to use their homes the same way, they won't be able to even go in their yards and feel comfortable, let alone get sun or see much sky.

Changes in the codes

Changes in coding for the project(s) mean that buildings will be fast-tracked, will most likely look brutally ugly or plain old uninspired and we won't be able to do much of anything about it because the construction will have pre-approved status. It makes me very upset! Losing our right to register complaints and have the 'normal' amount of time to decide things is as important as check & balances are for our nation's government. Things don't always work so well in Washington, but NOT having the due process means we lose our voice. I don't want to give up being able to speak out on something if I feel it's not right. That does for individual building construction.

Changes to lanes, and their uses.

Don't -- I repeat DO NOT -- mess with the lanes of San Pablo Avenue. You take one lane out, or devote it to buses or bikes, etc. and you will see insane traffic! I don't know why you have to change this road and make it slower, or more clogged, and then say it is to raise our LEED score. What does the higher LEED score mean when we residents are choking and breathing in fine particulate from idling motors (from vehicles now stuck crawling along this once decently moving thoroughfare). You are going to kill us slowly but certainly with that fine-looking LEED score.

Not to dwell on the other problem with the new way the plan rigs up the Avenue, but I'll just mention that businesses need people to come visit them. As much as planners might love it if everyone took a bus or rode a bike, or walked, to do their business. But not everyone can do that. Due to what they're doing, it is not feasible.

Even if bus fare were totally free, I couldn't go grocery shopping via bus.

Businesses need people to get to them, in a timely manner.

Other neighbor cities need us in El Cerrito to be a great neighbor to them too.

If we clog up or just mishandle San Pablo Avenue, we are ruining quality of life for our adjacent cities as well as those who live even further away who need this important street.

Parking, parking, parking

On my street, I already can't Park in front of my own home for days on end sometimes. That's because of other people who park on my street while they work, play and use the neighborhood. There are limited spots already. What do I expect will happen when more development (with not enough parking spots) goes in? It will be parking hell.

It will become a nightmare similar to San Francisco neighborhoods. Just unlivable. I will not be caring what kind of LEED score we have then.

Well, I see I have written almost to midnight, so I had better stop or my comment will be rendered moot.

I don't care if you guys have asked for a state grant for this to the tune of almost half a million bucks to study this, or maybe more. It is a crummy idea. I can tell you for a lot less because I live here and have analyzed these things.

Thanks for reading this.

Sorry for any typos.

I have left myself no time to proof read it!

Sincerely,

Gina Calicura

Bonus typos provided by Apple Autocorrect.

Dear El Cerrito City Council members and Melanie Mintz,

I hope you'll be able to consider my comment. I'm sending it a few hours late, but I returned from a two-week trip today and just found out about the proposed San Pablo Avenue Specific Plan.

I want to voice my opposition to the proposed plan. El Cerrito and Richmond Annex should not be high-density areas. They aren't large cities like Oakland and shouldn't be zoned as such. The proposed changes will cause more traffic congestion and the potential for negative affects on air quality and the health of residents in the area. Allowing much higher structures of five or six stories will also block views that residents value. Residents of El Cerrito and Richmond Annex value the area's feel as a small community. We don't want more congestion, less parking, more noise, and commercial buildings that are closer to residential dwellings. I urge you to rethink development plans for San Pablo Avenue and come up with a proposal that keeps the desires and well-being of the residents in mind.

Thanks for your attention to this matter.

Lauren Schiffman
crackmagazine@hotmail.com
Richmond Annex resident

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to express my strong opposition to the proposed development plan (SPASP) that sets forth major changes that would directly impact the quality of life in my neighborhood.

I am a long-time resident of Panama Avenue in the Richmond Annex. We enjoy streets that are currently not used as alternate routes for the major arteries of traffic in the area. The SPASP plan would threaten this benefit that we currently have. We enjoy relatively clean air and are not surrounded by an urban landscape of high rises that ultimately makes the streets unsafe and encourages crime. And the proposed SPASP plan clearly threatens our quality of life in this regard.

The SPASP project proposes changes that would directly impact the quality of life in Richmond Annex. Urbanization of San Pablo Avenue throughout El Cerrito is an unwelcome and incorrect approach to development in this area. We enjoy a relatively high quality of life in Richmond Annex with views of the El Cerrito and surrounding hills. We value our views of the El Cerrito, Albany, and Berkeley hills, and we vehemently object to the proposed 5 and 6 storied buildings under consideration. If this is allowed, the entire historical character of our neighborhood will be lost, as well as our views.

I object to the use of form-based codes that provide a quick and dirty development without any regard for the historical characteristics of our area as well as complete disregard for the aesthetics of the space and (quality of life) of residents. I support historical preservation of the area between Central and Fairmount and all areas that border Richmond Annex.

I am especially concerned about the proposed development because it creates a high-density zone that cannot be supported by current roads: Central Avenue is an already overwhelmed and chaotic street to the freeway that cannot support the amount of traffic currently found there. It is also dangerous because of the high density: cars, people, bikes, buses, all sharing a very limited public road and limited space. This plan is for the quick buck of the developers and has nothing to offer the current residents. The SPASP is short-sighted and should be stopped. This plan will produce an over-built, over-developed area that will forever change the character of the Richmond Annex. Stop these developers. I'm sure they do not live here.

Save the Annex.

Sincerely,

Stanley Jupp

Richmond Annex, CA 94804

San Pablo Avenue Specific Plan

Dear El Cerrito City Council members and Melanie Mintz,

I am a resident and taxpayer in El Cerrito. I am strongly against the San Pablo Avenue Specific Plan.

- 5 stories or 6 stories are way out of proportion – way too tall for the neighborhood
- Really poor aesthetics and view blockage
- Making San Pablo Avenue more unappealing – completely over-scaled - is not the direction I would like to see developed
- Traffic is already bad, especially during commute hours
- Creating bike lanes on San Pablo Avenue would be dangerous!
- Where is everyone going to park? It is already difficult to find parking to support local businesses.

Please reconsider this plan – it will not benefit our neighborhood.

Ellen Deitch

September 11, 2014

El Cerrito City Council members;
Melanie Mintz, Planning Director
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear El Cerrito City Council members and Melanie Mintz,

I am writing regarding the San Pablo Avenue Specific Plan. I am very concerned about the high-density zoning, building heights and setbacks, traffic and parking issues, and noise and pollution problems presented by the current proposal. El Cerrito and Richmond Annex are family- and elderly-friendly residential neighborhoods with a high degree of community and cohesion, and several aspects of the plan would severely degrade the quality of life in this area.

Four- and five-story buildings and reduced setbacks would have a dramatic negative impact on the character of the neighborhood. Form-based codes for new development would reduce public input and could result in construction that further destroys a neighborhood area. Traffic is already a problem along San Pablo Avenue, and turning one lane in each direction to a Sharrow Lane will create gridlock and be dangerous for bicyclists. Remember that many drivers use San Pablo Avenue as an alternate route for I-80, especially when I-80 is highly congested or there has been an accident. The plan seriously reduces commercial and residential parking, and this will impact nearby residential streets, and could hurt businesses. I hope that the city of El Cerrito will revise the plan to address these issues and maintain the high quality of life in our neighborhoods.

Thank you for your attention.

Sincerely,
Mary Jean Moore

Richmond, CA 94804

Dear El Cerrito City Council members and Melanie Mintz,

I grew up in El Cerrito and now reside in the Richmond Annex with my family. I have long-welcomed a thoughtful development plan for San Pablo Avenue. While the proposed plan is welcome as a start to the process, I'm afraid that it is sorely lacking in the area of preservation of key elements of the neighborhoods it will impact.

Central to my concerns are the proposed building heights, safety, parking, and historical preservation of the area.

For an area with a small-town feel, I would be more interested in developing existing structures, updating them, and ensuring that the look and feel are more residential in nature (for example, the Vital Building at Orchard Street) than turning the area into a major commercial center (like downtown Berkeley or Emeryville). My parents chose to raise their family in this area because of its residential nature with access to major facilities (parks, senior centers, post offices, shopping, etc) and I did too. The proposed plan would irreparably alter that nature. Please return to the plans and reconsider, from the stand-point of the existing residents.

the proposed plan allows for much taller buildings that are considered appropriate for a residential area. Currently, we all share a view of the hills and the bay. We do not have to crane our necks to see the sky, and pedestrians remain visible on sidewalks. Keeping building height at 3 stories (35 feet or less) would allow for expansion of businesses without compromising a major sense of space or safety. Additionally, in terms of safety, I have been grateful for the city's efforts to create safe passages for students walking to schools in the area. By raising the height of the buildings, we increase the traffic to the area--both on San Pablo and the side streets (where people will inevitably cut-through to avoid traffic), creating more risk for the students as well as potential conflicts from an environmental health standpoint, and potentially requiring another long wait for safety impact studies. Please begin with the safety considerations for the families that chose to live in the area because of its walkable distances to schools, libraries, parks, post offices, shopping, etc.

Growth in a commercial area should also be coupled with a deeper consideration for traffic impacts. As it is, parking is tight for those of us whose homes are close to commercial development (just ask anyone near the El Cerrito Natural Grocery Store). We work together to manage these issues and still clashes arise, from time-to-time. I firmly hold that residential neighborhoods are helped when commercial enterprise is interspersed. I'm concerned that the current plan is seeking to create a commercial area with a few residencies interspersed. Please provide goal statements that reflect the desired relationship between the commercial and residential members of the community. We will do better if we are proceed in concert, from the beginning.

There are a number of existing commercial structures along San Pablo that would be better-helped with a face lift than by increased square footage. The city has a long history as a center for the arts and music--a place highly desired for the growing family, and a place where people greet each other, learn from each other, and work together. Radically shifting the structures of the buildings and the relationships all at once will be disastrous for those of us who, in all other respects, stand behind the plan to develop San Pablo into a thriving mixed-use street.

I would be happy to discuss my thoughts further, and currently stand in opposition to the proposed San Pablo Avenue Development Plan.

With thanks for the opportunity to respond,

Noemi Hollander

Richmond, CA 94804

Dear El Cerrito City Council members and Melanie Mintz,

This letter is in regard to the proposed San Pablo Avenue Specific Plan.

As a 35-year resident of Richmond Annex located within one block of San Pablo Avenue, I must express firm opposition to the following aspects of the proposed San Pablo Avenue Specific Plan (SPASP), and for the indicated reasons.

1) **Building height limits** -- Currently, the building height limit along San Pablo Avenue is 35 feet or 3 stories. Most buildings currently in the Midtown section, a major view corridor, are one story. The SPASP proposes a new and replacement construction building height limit at 55 feet or 5 stories, and at 65 feet or 6 stories with a density bonus, for the Midtown area. This would increase the current average height of buildings in this area by up to six times. This is grossly excessive, completely out of character with the adjacent and surrounding single-family residences, and is totally unacceptable. Bordering this area, the Downtown section height limit is proposed at 65 feet or 6 stories, and at 85 feet or 8 stories with a density bonus. No other moderately-sized city along the length of San Pablo Avenue allows this kind of out-of-scale building height limit, especially where it would affect view corridors. Albany's section of San Pablo Avenue has a height limit of 38 feet, which would be appropriate for El Cerrito's Midtown, as well as Uptown and Downtown. A wall of buildings in Midtown in the 55-to 65 foot range would cut out views of the Bay for El Cerrito residences up to at least Norvell Street, significantly reduce views up to Avis Street, and would block views of the El Cerrito hills for Richmond Annex Residents. This view blockage in such a major view corridor will negatively affect property values in both cities.

In addition, these proposed changes would imply an increase in human population density of between five and eight times current levels. Where are the data to support this demand for this area? This population increase would by itself create traffic and infrastructure demands well in excess of the capacity of the entire area.

2) **Traffic congestion issues** -- San Pablo Avenue is the primary non-freeway route between Hercules and Oakland. It has two lanes of traffic in each direction and left-turn pockets at various locations along its length. SPASP proposes to reduce the two lanes to one lane in the Uptown and Downtown sections, replacing one traffic lane with Super Sharrow (transit) combined with bicycles. In addition, the speed limit is proposed to be reduced from 30 mph to 25 mph. These changes will have several undesirable effects:

A) Creation of bottlenecks, flow stoppage and long back-ups of traffic where no such congestion exists currently.

B) Diversion of traffic onto side streets as motorists avoid the bottlenecks -- This already occurs on Carlson Boulevard, Stockton Avenue, Richmond Street, and Central Avenue during weekday commute hours and weekend peak hours. With SPASP proposed changes, El Cerrito could well earn the reputation of "worst traffic in the East Bay", which would defeat the city's purpose of attracting visitors and business customers. This, along with high density development along the avenue, and El Cerrito could end up on the "avoid at all costs" list.

C) Bike lanes on San Pablo Avenue -- There currently exist excellent bike lanes nearly parallel to San Pablo Avenue, one under the BART track and another along Carlson Boulevard. There is no convincing rationale to place additional bike lanes on San Pablo Avenue which is, has been, and always will be a roadway for motor vehicles. El Cerrito is engaging in environmental utopianism if it believes it can change a major motorized thoroughfare into a "bike and pedestrian-friendly" promenade, an idea more appropriate for a town square in a rural or semi-rural area, but not in the already densely populated East Bay.

D) Parking -- The SPASP greatly reduces the commercial and high-density residential parking requirements. This means that business patrons will park on side streets in single-family home residential areas of Richmond Annex and El Cerrito, creating parking shortages for long-term residents. This is already happening to some extent, and will be a major issue if SPASP is implemented.

E) Central Avenue -- The current traffic congestion and delays on Central Avenue between San Pablo Avenue and the I-80 Interchange area during weekday and weekend peak hours are well known to be among the worst in the Bay Area, if not the state. The so-called "Central Avenue/I-80 Interchange Improvement Project" by itself will cause even more congestion and delays, as access to the I-80 Westbound onramp will be closed from 11 a.m. to 3 p.m. on weekends. To add to this, the SPASP proposes high density residential construction on both sides of Central Avenue between San Pablo and Belmont avenues. Most housing along this stretch are one to two stories currently, but under the SPASP this could increase by a factor of up to six times, with a height limit of 65 feet or 6 stories. This will create a horrendous traffic flow problem, even with reduced residential parking requirements, and will cause new residents to park in El Cerrito and Richmond Annex single family neighborhoods, reducing parking availability for long-term residents. This is unacceptable.

3) **Form-based Codes (FBC)** -- These building codes create a pre-approved uniform style, height, and functionality for an entire area of town, or a whole town. The problem is that they do not allow for adequate public review or input and therefore have the de facto effect of changing the character of an area of town, or an entire town, without serious regard to long-term current residential, commercial, or historical considerations. Rather, it encourages out-of-town developers to re-design an area without effective local input. This may be acceptable for a new small town in a rural area, but is totally inappropriate for a long-established town or district. I firmly oppose this Form-based Code concept for the El Cerrito/Richmond Annex area for the following reasons:

A) Reduced parking requirements -- New commercial development in El Cerrito Plaza and areas near the BART station will have reduced parking requirements, forcing patrons to overload side streets in residential areas. BART lots are already full by early morning, and remain so throughout the afternoon. A different business model is needed if reduced vehicle mileage is desired.

B) Service businesses discouraged -- The type of building style proposed under SPASP will not be appropriate for service-type businesses, which are locally owned. Instead, the Form-based Codes encourage out-of-town developers to install national chain and other types which are not locally owned. This can destroy an existing town's unique character, and is unacceptable.

C) Rebuilding after an emergency -- The Form-based Codes require that existing structures destroyed by fire or earthquake be rebuilt according to the FBC, not the way the original building was designed. This has the effect of changing an existing building or business into something different without significant public input or review. This is unacceptable in our area, prone as it is to earthquakes.

In summary, El Cerrito should rethink the entire SPASP concept, starting with drastically reducing its scale, and dropping the Form-based Codes. In view of the potential problems outlined above, I would recommend firing the consultants on this project for even suggesting such drastic changes to density, outrageous commercial height limits, severe parking reduction, and the very inappropriate Form-based Codes. Develop a plan which maintains the low-key character of, and improves the traffic flow on, the currently busy San Pablo Avenue thoroughfare, while at the same time does not destroy the character of the long-established single-family residential areas on both sides of the avenue in El Cerrito and Richmond Annex. Not all change is progress, and not all progress is good or desirable.

Thank you.
Dave Harris
Richmond Annex

SPASP

Dear El Cerrito City Council members and Melanie Mintz,

After attending the planning commission meeting on July 16, none of my fears about this plan have been allayed. A printed synopsis of the SPASP should have been made available to all those property owners, both residential and commercial, that are within the boundaries of the plan and they should have been directly contacted by mail. To post it only on the website to make everyone hunt for it makes it seem as though the City Council and the Planning Commission doesn't want input from the people of El Cerrito, especially those directly affected.

No consideration is given to increased traffic on Central Ave trying to access I-80 . This is already problematic and not just at commute hours. The plan for 172 units with 309 parking spaces at 5260 Central Ave may not affect San Pablo directly, but will greatly impact access to I-80.

The Creekside plan of 128 units and 192 parking spaces will impact San Pablo. Both of these plans have already been approved. Adding additional high-density housing should not be considered until the impact from these projects is alleviated.

Written right into the plan is "...Projects within 1/4 mile of the BART Stations may provide no parking spaces by right." The idea of denying parking allocation for new residents and businesses in order to promote the use of public transportation is unrealistic. Even those who now use BART for work, have cars for use when they cannot use BART: e.g. going to Tahoe or the coast or shopping that is not available from BART. And people from other areas are not going to shop at businesses along San Pablo if they cannot park.

The CS Figure 12. Existing and Proposed Bicycle Facilities Map shows plans for bicycle paths on Ohlone Greenway and Kearney Street. This, in addition to the sharrows and bike lanes proposed on San Pablo, makes three *parallel* bike paths within three or four blocks of each other. The Ohlone Greenway already exists and is being upgraded. The others plans are superfluous.

The SPASP would be fine in a utopian world where a community was being planned from the start. But it is not well thought out for a community that is already in existence.

Mary Yaholkovsky

Dear El Cerrito City Council members and Melanie Mintz,

Thank you for the opportunity to voice my opinion as a home owner in the Richmond Annex. My name is Lynell Clutts and I live on Tehama Avenue.

When traffic is backed up on I 80 or there is an accident, the traffic moves from the freeway to San Pablo Avenue in El Cerrito. After 4:00 pm traffic is ridiculous in this area already.

Tehama Avenue has become a through way for cars coming off the freeway at Carlson then turning up Tehama. The cars coming from Schmidt Lane, cross San Pablo Ave onto Tehama in the opposite direction. Cars have to stop and pull over to the side of the road so the other car/cars can go by. Tehama is too narrow for this to continue. Located on the corner of Tehama and San Pablo is the Smog Tester, there are also 2 auto body shops on either side. There are cars parked everywhere on Tehama Avenue.

This new plan would cause major problems in the city of El Cerrito and the Richmond Annex.

And didn't some of our neighbors in the Annex buy their homes with a view? I know their homes probably cost \$50,000 or more, just for the view, I know if I had a view I wouldn't want the City of El Cerrito stealing it from me.

I've already had a water pipe break from the street to my house. Due to age. Many Annex homes were built in the 1940's. Adding more stress on our infrastructure would cause even more damage to our already damaged and cracked streets and old pipes.

This must not happen to El Cerrito and the Richmond Annex.

Sincerely,

Lynell Clutts

Dear El Cerrito City Council members and Melanie Mintz and all others involved in attempting to implement the San Pablo Avenue Specific Plan (SPASP),

I am writing as a concerned El Cerrito resident in reaction to what I have read in the warning flyer on making San Pablo Avenue a high-density zone (see attached scanned flyer).

I am GREATLY dismayed by what I have read regarding your proposals, and I'm going to comment on each item as outlined in the flyer. (I only wish word had been circulated sooner so citizens could have had more time to craft thoughtful replies). Anyway, I am determined to let you know my feelings about this matter by the May 8th "deadline".

#1--Parking Impacts: The parking situation along SP Ave. currently is very functional, from what I can see on a daily basis. Adding to parking demand along the thoroughfare would likely slow the flow of traffic, and the extra cars on the side streets would be a nuisance to homeowners there. Pedestrians and bike riders using the Ohlone Greenway path would have to contend with more side street traffic and would be at increased risk.

#2--Traffic Congestion and Diversion: I strongly object to your idea of reducing the speed limit to 25 and adding bike lanes. Big mistake! 30 mph is the perfect speed to currently move along SP Ave., slow enough to slow down in time for the frequent lights, yet fast enough to not take an eternity going from one end to the other. Drivers are used to seeing bicyclists and sharing the road with them. 25 mph will not keep traffic flowing. There are always speeders on the Ave., and they need to be pulled over by police and ticketed (this includes AC transit buses which I have seen exceed 40 mph). Lowering the speed limit won't slow down the flagrant speeders but WILL punish those of us who maintain the 30 mph speed limit. Extra congestion from a lower speed limit spilling onto side streets and Richmond St. and Carlson Blvd. would be a very unpleasant side effect. Crossing Carlson Blvd. (by foot or car) is already a daunting task (could someone please stay on top of trimming those tall plants on the traffic islands?!?) and doesn't need to be rendered more difficult. Residential back streets do not need more air pollution or noise. I say this as a regular walker in the residential areas.

#3--Health & Air Quality Impacts: Anything that increases traffic congestion and idling is bad for our citizenry's health, period. I cringe to think of how much more awful the air would be during Spare the Air days, like those we had for most of December and January this past year. In case you've forgotten, it was pretty bad for weeks on end. I actually curtailed my daily walks during that time period because the air quality was noticeably unhealthy.

#4--Noise Pollution & Odors: Any increase in commercial buildings backing up to homes will NOT improve quality of life for homeowners or renters, and will likely decrease property values too. We need to keep an oasis of space around homes. One need only go past Giovanni's grocery store on Potrero and Liberty St. and listen to the tireless refrigeration units, or hang around near the back loading dock area of CVS on Portola to be aware of how industrial/business noise and fumes from delivery trucks can intrude into one's home's atmosphere.

#5--Infrastructure: I, for one, like the current quick response time of police, fire, and ambulance in El Cerrito, and would hate to see them be diverted away from patrolling the streets as they now do and be less available when called upon. I don't want to see our water, sewer and street infrastructure overstressed either.

#6--Overbuilt for the Lot: see #4 above; businesses should not be pressing deep into residential lots.

#7--Aesthetics/View Blockage: I can't believe anyone would even consider allowing buildings higher than 3 stories on San Pablo Ave., esp. intermingled with homes and apartment buildings! Please do not even consider this! Blocking the sun from yards and units abutting the street front, and blocking views of the bay, and of the El Cerrito hills for Richmond Annex dwellers, is a horrendous idea. You can not put a value on a good view, and access to sunlight for plants and people, but if you could, I'm sure it will lower property values for those most directly affected. It is far more VALUABLE to have a pleasing view and a balanced-looking "main street" than it is to have any particular commercial business within spitting distance of your living room. Let's use some zoning common sense here! You can walk, ride, or drive to a store or other business, but where do you retreat to when that business crowds your home?

#8--Historical Preservation: The overall look of SP Ave. and the "downtown" needs to have some cohesion and coherence. Towering four or five story buildings have no place on San Pablo Ave., and would ruin the look of the avenue. Not to mention the giant shadows that would be cast on the opposite side of the street. When you've lived in cold, wintry climates, you do not take for granted even one day of sunlight and the warmth it generates!!

#9--Central Ave. Made Worse: Casting the Central Ave. area in deep shadow by building up on either side of it would be a mistake as mentioned in #8, as well as for the increased traffic and parking problems you would be creating. The traffic light at Central is already several minutes long. There is also already a shortage of parking on that block for movie-goers at the cinema there.

#10--Form-Forced Codes: Fast-tracking development projects and leaving the public in the dust is no way to design public living spaces. Developers and their backers need to be accountable at EVERY step in any potential project, and with or without overt objections, think long and hard about future ramifications of any building project, and use good sense, looking at things from every angle, not just short-term gain (a few extra retail jobs, etc.).

#11--Spot Development: Mid-block apartment towers would inevitably create more traffic congestion on SP Ave. itself, as well as side streets and at parking areas at the Plaza. It's already a challenge getting a parking space at Trader Joe's and Lucky's at certain times of the day.

I've taken the time to enumerate each concern (and echo what has been written in the flyer) because I want you to remember that change does not automatically = improvement, and that some, and possibly many, residents are concerned about what is being proposed in altering the face and character of our nice little town. We do not want to look like Walnut Creek, or, God forbid, the retail strip of Emeryville. We live here because we like the "flavor" of the town as it now stands and do not see that building higher or pouring more concrete will make El Cerrito better or more "homey" or more attractive. The retail buildings that currently exist can be spruced up and business in existing vacant locations can and should be encouraged. However, encroaching on residential and pedestrian neighborhoods with oversized and multi-unit buildings is not a sensible way to contain and prevent "sprawl". I don't think you'll find too many people who would like to see that term applied to where THEY live.

I ask that you factor in all of the above-named concerns before embarking on any new and irreversible developments.

Thank you.

Sincerely,

Julie Pereira
El Cerrito, CA

(Richmond Annex Neighborhood Council (RANC), which I have sent a copy of this letter, may feel free to use my letter in whole or in part in voicing objections to these development proposals. Also, I would appreciate being kept informed through future notices regarding meetings and deadlines, etc.).

Re: San Pablo Ave. Specific Plan

Dear El Cerrito City Council members and Melanie Mintz,

I have lived in Richmond Annex for 38 years. It is no accident that I have lived here so long just as it is not an accident that the area I live in has continued over time to be a live-able community centered neighborhood. We need to continue to find ways to nurture the parts that make this such a stable and desirable area to live, work and feel connected. I feel the surrounding area of Richmond, El Cerrito, Albany is a model of what people want and what works for a healthy community. I am sure I do not know all the issues you must have to struggle with in order to manage this project. I watched the struggle to create the New EC Shopping center. The community was engaged and it took years to put it together. Neighborhoods were concerned about not losing the parts we love about our neighborhoods. We feared Tall buildings that block views and give you a boxed in jail like existence. I am concerned as well about this happening now. Even if it is not my house that has a Tall commercial structure erected close to my property line I am concerned for my neighbors if it happens to them. Building apartment buildings that house more people also bring cars to our neighborhood roads. At the present time we already have traffic problems on Central and many other intersections. Mid street pedestrian crossings that become hazards when the roads are crowded with cars and it becomes impossible to see from side to side. Whatever the motivations are to continue to try to increase the height of buildings, increase apartment buildings (people and cars, rezone), accommodate More people and cars please consider what we lose as a community and as neighbors. I hope you don't think I am stuck in the past. I want balance. What has made my community one worth living in is worth bringing with us into the future. We need balance. If the community needs more time to digest and give input to this project please make sure that happens. There are many in the community that have know knowledge of the plans you are making. As you must know decisions of this sort will have to be lived with for a long time and will also dictate the future in many ways. Lets make sure that our future plans do not harm what we value in the present.

Judy Barron

Richmond, Ca. 94804

Dear El Cerrito City Council members and Melanie Mintz:

I live in the Richmond Annex and I recently was made aware of the High Density proposal El Cerrito was entertaining.

I had lived in San Francisco many years before moving to East Bay and had been pleasantly surprised by the quality of living here in the Annex. I don't think the residents of El Cerrito are prepared for what High Density means:

When I used to live in the city, parking was impossible. I used to come home and find my driveway would be blocked with a car in front of it. This would require calling the police. There would be the sound of car doors slamming and cars being moved all during the night. I would sleep with a fan on to drown out the noise. Traffic would slow to a crawl as you inched slowly to your destination. If you decided to take a bus, it might pass you by since it was already full.

For El Cerrito and Richmond Annex it would mean:

1. Bart is already crowded in the morning. Chances are, your train will pull up and it is already critical mass and you would have to wait for the next one. That is already happening at Embarcadero Station in the city.
2. Have you seen the morning commute traffic? Can you imagine adding 20,000 more citizens to the area and watch them add to the I-80 commute?
3. Imagine Central Avenue coming to a stand still. It already is a crawl during busy times. I imagine we will have an increase in road rage and accidents.
4. We are already in drought and straining LIMITED resources. Why add more water users? Eventually they will ration us down to 3 flushes a day and 4 glasses of water! Talk about Quality of living impact.
5. I don't know about El Cerrito but isn't Richmond Sanitary already charging a fee for hauling garbage they don't have room for now? The costs get passed to the homeowners.
6. Imagine walking around the neighborhood and being walled in by concrete and tall buildings. I live in Richmond and I'm already seeing some of the effects of development. I live near El Cerrito's new Annex Heath Food Store. Their employees & customers park over on our street and now you can rarely park in front of your own house. I watched my neighbor drive around the block and ended up parking around the corner and walking back with his groceries and baby stroller in tow. We have a neighbor who turned his attic into 3 additional bedrooms and he has a family living in his accessory building in his backyard. They have no parking since their house is enlarged and now doesn't have a driveway. All the people on this property park on the street (4-5 cars?!) so the other neighbors are parking on other streets. The family in the accessory building hang their underwear on a clothing line off our fence and have a loud TV on at night. So much for quietly gazing at the stars. Also, speaking of development, have you walked down San Pablo lately? There must be 8-10 massage parlors within a 10 block radius. They all come with various other services (reflexology, acupuncture, etc.) I would be interested to know how they all have customers in that close proximity. I always liked this area and now wondering if I made the right decision when I hear of a high density proposal. I was looking at property in Lafayette and Concord and also Petaluma 15 years ago and chose Richmond Annex. I can see if you don't actually live in the neighborhood and was using it as an investment with the intent to make money that you would want density. Then you wouldn't have to deal with the everyday frustrations. I really do enjoy my neighborhood and am sorry to hear it may be impacted even more. Maybe it is a good suggestion to make it a historic district! Isn't there a committee that researches the ratio of resources to the amount of population?

Thank you for your kind attention,
Cyndy Weir

Dear El Cerrito City Council members and Melanie Mintz,

I don't understand why you are proposing a plan which will increase the density of San Pablo Ave.

If your proposal is implemented, life in this area will become more congested and more difficult to navigate.

It will have major effects on parking, aesthetics, noise pollution and the city's infrastructure will be overburdened and inadequate. As one example, Central Ave which is already challenging to enter the Highway 80 exit would become a major congestion. There are too many others to out line here.

The only positive aspect of the plan would go into developer's pockets.

Please don't approve this plan for the sake of all of us who live here.

Barbara Llanes

September 11, 2014

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to let you, and the planning commission, know how distressed I am about your proposals for San Pablo Avenue, El Cerrito in general, and especially about the increase of traffic and congestion that you are proposing for Central Ave.

I ask the planning group to please pay more attention to the quality of life in El Cerrito and the surrounding communities. It looks as though the creators of this plan are more interested in creating more high density housing, more congestion and more income for the city at the expense of the people who have invested their hard earned money in buying property here because it offers a pleasant living environment where there is a sense of space, light and openness.

I live in the Richmond Annex and use San Pablo as my main route for nearly all of my shopping expeditions. I go north to Target and Safeway and I go south to EC Plaza, Berkeley, and Oakland. It would be a severe annoyance to have to travel to any of these places at 25 MPH. For what purpose? Pedestrians can cross safely at lights and crosswalks. Please keep the speed limit at a perfectly reasonable 30mph which is a safe driving speed for traffic and for pedestrians and bicyclists as well.

Please do not create a plan that makes us feel small and insignificant with a sense of being boxed-in and overwhelmed by tall apartment buildings that are built with no additional setback from the curb (as in Oakland). The buildings block the light, the views and generally degrade the whole feeling of spaciousness that residents of El Cerrito currently enjoy.

The buildings that would be created following your 'form-based codes' are intrusive, obnoxious and ugly. It's hard to imagine that you would welcome such buildings into your midst. Also these building are too high - please restrict the height to 3 stories (35') with a large setback for all buildings along the San Pablo corridor.

The idea of allowing (and actually promoting?) spot development is very bad idea.

Here are some more proposals that I strongly oppose.

- 1) Large bus platforms
- 2) Center divides on this busy thoroughfare.
- 3) Built-in Planters for trees or Bulb outs for trees (Please do not re-create the mess that has been created on Fairmount Ave where I can no longer park for something as simple and necessary as going to the post office Those 2 car parking spaces in between the bulb-outs are VERY hard to get in to and hard to get out of, as well as blocking the flow of traffic.. Just keep the whole curb area available for parking!!
- 4) The bike lane issue needs to be more fully addressed. I would like to hear more input from the bicycling community on this.
- 5) The proposed high density building project for the large empty lot on Central Ave is beyond insanity. Why on earth would you create a plan to INCREASE traffic on a well known and much distressed route that is already an acknowledged problem?
- 6) I ask you to consider air quality as well as an already overstressed infrastructure (police, water, streets).
- 7) Noise and pollution. Please consider the health of the residents in the areas of Central Ave.
- 8) And so much more.

I hope this lets you know that the neighbors and the users of the San Pablo Avenue corridor are VERY CONCERNED about your plan and eager to discuss it further with you.

Sincerely

Ms Margaret Child
(Supported by her husband Mr. Carroll Butterfield.
Residents and property owners in the Richmond Annex.)

Dear El Cerrito City Council members and Melanie Mintz,

I am writing in regards to the proposed San Pablo Avenue Specific Plan. I also read about The proposed plan on NextDoor.com.

High density Housing? NO. Why? For one thing I live it every day.

The house behind me on Panama has a “recreational unit” on their property from previous owners of XYZ Construction Company. After much “battle”, City of Richmond told them to degut it, however they foreclosed before that happened.

The new owner restores everything including a water heater. City of Richmond says that’s ok for a “recreational unit”. We tell city of Richmond people are living back there and they say the owners say no one is.

However, we see people night and day, so we are double density right here and it is HORRIBLE! The illegal people can be showboats and are loud. Is that fair to us tax payers? NO.

Also, the house on Panama converted the attic to bedrooms, so that’s a 5-bedroom house. AGAIN, at least 5 cars, plus the illegal recreational unit cars and NO parking.

I lived in San Francisco for 11 years, so I again know what high density is like. It is crowded with tons of people and no parking. You rarely get a seat at your favorite restaurants, bars, movie theaters, and the grocery store lines are killer. There are just too many people and not enough resources.

Lets talk about resources. What about water? Is an environmental impact being done? We can’t even take care ourselves and you want to add tons of more apartments? Where is the water coming from?

What about BART? Bart is already over crowded. Will Bart accommodate that many more people? I seriously doubt it.

What about the Plaza? Have you ever shopped and parked there on a few days before a holiday? GOOD LUCK! What is that going to be like with all these additional cars and people?

I say NO to high density. I like what little space I have with trees and the parking I get every once in a while in front of my house .(after Panama people leave with at least 5 of their cars and the Health Food store is closed on San Pablo.)

Thank you for reading.

Sincerely,

Stacey Weir

Subject: High density development on San Pablo Avenue

Dear El Cerrito City Council members and Melanie Mintz,

I just read about the plan to allow high-density development along San Pablo Avenue in my neighborhood. I find the idea alarming because of the drastic change it would bring to the area. Five- and six-story buildings would not fit with the character of the neighborhood and they would spoil views and overwhelm existing buildings. Traffic and parking are already bad enough, so the higher density would cause even more problems with congestion. Massive building projects would also have negative environmental impact. My understanding is that current rules for the midtown area already allow for reasonable growth with three-story buildings. That is sufficient. Please do not allow this new plan to go forward.

Best regards,

Barbara Boster

Richmond, CA 94804

Dear Planning Director & El Cerrito City Council,

I'm writing to express my opposition to the (SPASP).

Our town is unique with a mix of architecture & commercial structures.

The high density proposed for San Pablo Avenue & for Central Avenue is not appropriate.

If residents wanted to live in a 65' urban neighborhood, we would move to downtown Berkeley, Oakland, or San Francisco.

Housing is certainly needed but, surely, can be constructed in keeping with the volume & height of existing structures & in keeping with the "flavor" of our neighborhood.

The plan will also interject a huge number of new residents.

That may be a plus for the bottom line of our neighborhood merchants, but the infrastructure, parking, schools, green spaces have not been constructed with that volume of residents in mind.

I believe such overcrowding will cause shoppers to take their business out of our neighborhood because of the overcrowding & lack of parking.

I urge you to scale back this plan, & think ahead about how to increase amount of housing available without compromising the existing experience of living in the neighborhood.

Feel free to contact me:

Mollyanne Brewer

Dear El Cerrito City Council members and Melanie Mintz,

This letter is in response to a flyer I received regarding the San Pablo Avenue Specific Plan that is in the works for the Richmond Annex area and El Cerrito.

I recently purchased a home in the city of El Cerrito, and I am strongly opposed to this proposed development plan.

My family purchased a home in El Cerrito because it offered a safe desirable location for our family, free of excessive over development, traffic congestion, and large scale urban disruptions.

Having large scale high density buildings along the San Pablo Ave line would distort the wonderful image of this fine city, lead to even more crime, air/sound quality issues, blocked views, and various other environmental and social disruptions. The thousands of city residents impacted by this development would be highly displeased, and it could lead to an overall degradation of the quality of life that all residents of El Cerrito enjoy.

I am strongly opposed to this plan in its current form, and implore the city council to act against implementing the San Pablo Avenue Specific Plan (SPASP).

Thank you,

Fernando Parajon
Resident of El Cerrito

To El Cerrito City Council members and Melanie Mintz;

I have recently become aware of the proposed development at 5620 Central Ave. in El Cerrito. At best, the size of the project seems much too large and will aggravate the existing traffic congestion and safety along Central. And, according to the Richmond Annex Neighborhood Council, there are major flaws and omissions in the project's current plans and code requirements.

Also, the building specifications in the proposed San Pablo Ave. Specific Plan seem to be way out of balance for a liveable neighborhood. The current size, height and density allowances in the Plan will impact and degrade our quality of life and create further stress on the existing infrastructure.

As a resident of the areas directly affected by these projects, I am very concerned about their current scope. Please work to revise the proposed high density and form-based codes to lessen the impacts on traffic, noise, and aesthetics that would be created.

Thank you.

Randolph Bush

Dear El Cerrito City Council members and Melanie Mintz:

My home is located on the 5600 block of Alameda Avenue in Richmond Annex, two blocks from San Pablo Avenue. I understand that El Cerrito's proposed SPASP (San Pablo Avenue Specific Plan) will increase residential density along San Pablo Avenue which will automatically increase the traffic traveling thereon. For the past several years driving on San Pablo Avenue in the morning en route to work in Berkeley I have faced gridlock traffic. Moving to Richmond Avenue did not help as that route south also becomes bumper to bumper. It seems to me irrational to increase residential density with resultant traffic increase. Please rethink your proposed Plan.

I understand further that in the Plan height of proposed buildings along San Pablo will be increased from the current height levels. As a consequence my area of the Annex will be sandwiched between high buildings and the freeway--claustrophobic at least with very bad air flow.

Our Richmond Annex Neighborhood Council has some excellent ideas for alternatives to El Cerrito's Plan. Example is the Vital Bldg's height at Orchard--a perfect fit for its lot. Please review RANC's suggestions for change of SPASP with your City Council.

Sincerely,
Cynthia Vogel,
Richmond Annex

Dear El Cerrito City Council members and Melanie Mintz,

Or better known as SPASM. It's a Plan to develop San Pablo Avenue from Richmond Annex to Albany border with complexes 65 to 85 ft high, decrease the avenue from 4 lanes to 2 lanes with bike and bus paths taking up the other 2 former lanes. Parking is to be provided for the apartments is to be 1 space per apartment. The council said "to encourage people to get out of their cars". Part of the plan is to line Central Avenue as well.

Link to SPASP: www.el-cerrito.org/SPASP to read

I oppose this redevelopment plan as it is NOT well thought through! San Pablo Avenue is a State Highway 123. In El Cerrito, it functions as a major overflow for traffic when the Freeway 80 is congested. Freeway 80 is well known to have almost daily congestion during commute hours, traffic then diverts to San Pablo and also to Richmond and all other minor arterials, thus making them also highly congested, noise and pollution following, not to mention, increased accident potential.

The plan to line Central avenue with apartment complexes is insane! The street is already a nightmare of stopped traffic that I try my best to avoid at all times. Just the addition of only one car per family in addition to the regular traffic using the street to access the freeway and local destinations, boggles my mind and gives me a headache!

Parking on San Pablo is not the best; even now, I can't find a close place to attend the Cerrito Theater.

Replacing the current buildings with new apartment complexes will take years and years of huge construction machines, NOISE, dirt, dust, etc!

Barbara Sholtz

Dear El Cerrito City Council members and Melanie Mintz,

I am an El Cerrito residence since 1986.

I am having following concerns with SPASP project:

1. Central Ave.: It is one of the busiest streets in El Cerrito due to access to freeway 80. If there is no better planning with the flow of traffic with State, Richmond and El Cerrito, the traffic will get grid lock during commuting hours (as it is already now).
2. San Pablo Ave. reducing speed limit from 30 to 25mph and adding bike lanes: San Pablo Ave is a heavy traffic street. The proposed lower speed and bike lane does not make sense when compound with the reduction of parking space along San Pablo Ave with the in between build-in planter parking (Very hard to park in and get out. University Ave. and Fairmont Ave. are good examples). The planter on the parking lane reduce the parking space and make the street looks crowded).

Ohlone Green way is already a good bike lane along San Pablo Ave. , why make another 2 lanes to further reduce the traffic capacity of San Pablo Ave. ?

3. There are quite some empty store front and land in El Cerrito . In order to increase City income, shouldn't city better revive the under used area before working on areas which have no problem right now and create a new set of issues? City managers and staffs come and go, but residence like me is staying for a long time. Long term impact is my main concern.

Philip Koo, PE, MCSE

President

PLK2 Associates, Inc.

950 Liberty St., El Cerrito , CA 94530

Dear El Cerrito City Council members and Melanie Mintz,

I oppose SPASP. San Pablo corridor should continue to be beautified and transformed into a community, family, and tourist friendly area. It seemed that you were on the right track, and now you are proposing ruining the developing beauty of this area.

Why not make money by hiring an advertising agency to promote the area and its surrounding beauty areas, including the Richmond Annex, walking routes, bay trails, close to all areas in the Bay Area, etc? We have a wonderful business in the The Natural Food Store and Annex Food Court, as an example of one successful and people-oriented businesses. Promote these types of businesses.

Next, get rid of all the so-called "massage and adult" businesses along the San Pablo corridor, and if this means working with Richmond to do this, then that is where your attention should be focused. Also, in regard to car dealerships and other businesses, require them to paint their businesses in earth-tones and keep their businesses cleared of weeds and other debris, which will attract and bring in consumers, instead of some of the ugly painted buildings and messy properties (and empty lots) which are now along the SP Ave corridor. A CLEAN CITY DETERS VAGRANTS. Believe me, consumers do not want to shop where there are vagrants and unkempt businesses in areas where people want to shop.

DO NOT allow high density, reduced rear setbacks, reduced parking requirements and other suggestions of SPASP, along the entire San Pablo Corridor in El Cerrito or in Richmond and Richmond Annex areas.

STOP SPASP, WE NEED HISTORICAL PRESERVATION, LESS TRAFFIC CONGESTION, HEALTH AND AIR QUALITY FOCUS, REDUCTION IN NOISE POLLUTION & ODORS (NOT AN INCREASE). Excessive development will burden already undermanned city services, such as police, fire and public works. It will also put a strain on the infrastructure, such as water, sewer and streets.

Thank you for your time and attention and to considering the negative impact SPASP will have on both our business and on our residential communities and neighborhoods.

Virginia Velasquez-Cruz

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to state my concerns about the San Pablo Ave Specific Plan. Allowing the development of this area with buildings 5 and 6 stories tall along Richmond Annex up to Albany is not good for our community. We do not want huge 55-85 ft high / 200-300 ft long buildings such as those that would be possible under this plan. This type of development will overburden the area with traffic and cars seeking a place to park within the neighborhoods. The conduit streets to the 80 and 580 freeways are already a problem. Furthermore, these are the same conduits used by our fire department and police in an emergency.

Tall buildings will block out light and views for existing residents. This will not create an environment of community and openness but a sense of being blocked in.

I don't see that any resident nearby will gain from this type of development. It is the developers and those who are involved with developers who will benefit to the detriment of our neighborhood and sense of community.

Cynthia McMillan

Dear El Cerrito City Council members and Melanie Mintz,

I would also like to ask a question. I am not a geologist nor a seismologist, but I wonder about the fault lines that run through our region and how the added pressure of such high structures might affect them. Is it possible that greater weight per square footage of surface area might increase earth quakes locally?

Edward Spencer

Dear El Cerrito City Council members and Melanie Mintz,

As a resident of the Richmond Annex for the past 17 years, I am very concerned about the impact the SPASP will have on my neighborhood. Although I like the idea of high density walkable neighborhoods, I think the quality of life for the existing neighborhoods should be carefully considered. My biggest concerns involve traffic and parking. The street I live on, Tehama Ave., already has an inordinate amount of traffic due to it's being a shortcut to the Carlson 880 freeway on ramp. Increasing the residential density on San Pablo Ave. will surely add to the high number of cars zooming up and down my narrow residential street. Reducing the speed limit from 30 mph to 25 mph and adding bike lanes is a nice thought, but many people in many cars use San Pablo Ave. as their direct commute route. These commuters will become frustrated, flooding our smaller streets looking for a faster way home. Parking will also be an issue if the number of households increases dramatically, whether it's from tenants/homeowners looking for a spot or patrons of local business venturing even further into Annex neighborhoods. I would like to see serious traffic studies and traffic diversion plans developed and presented before the SPASP is put into action.

Thank you for your time.

Sincerely,

Gail Todd

Dear El Cerrito City Council members and Melanie Mintz,

I have been a resident of the Richmond Annex (5830 Van fleet Avenue) for nearly 20 years, and I am writing to express my deep concerns about zoning and development proposals for the areas surrounding my neighborhood.

I don't know if either of you has driven down Central Avenue toward the Pacific Mall or Costco/ Pt. Isabel recently; if you have, you must realize that traffic there is already horrendous, especially on weekends. It is common to have to wait out 2 to 3 traffic lights just to crawl through the highly congested intersection at the turnoff for the mall and freeway on-ramps. The Pacific Mall was very poorly planned -- although the parking lot is fairly large, access into and out of it is extremely limited, with cars stacked up all day long on the weekends just to turn into the lot. The idea of adding a massive development of up to six stories (!!!) just a few blocks away at 5620 Central is absurd -- it will no doubt push the existing congestion over the top. Central Avenue is extremely narrow, and the scope of the project considered at 5620 is way out of proportion and overbuilt not only for the general area, but especially for the size of the lot.

Plus, I'm extremely worried about plans to bring up to 6-story buildings along much of the length of San Pablo Avenue. That stretch is already a nightmare to navigate on the weekends as far south as Solano. Of course I would welcome reasonable development along San Pablo, but why on earth would you want to go from 2-story current limits to 6-story buildings? It makes absolutely no sense to me. It will create a canyon-like effect along the avenue, and no doubt increase noise, pollution and parking problems -- which will have an adverse impact on both neighbors and businesses in the area.

I just returned from a week-long stay in Los Angeles, and once again I was reminded why I live here and not there. Please don't make the same planning mistakes that have made parts of L.A. so ugly, and unlivable. Development, yes -- I'd love to see a better mix of 1 and 2-story businesses along the avenue -- but please don't approve plans that will have lasting negative impacts on a neighborhood we love to call home!

Thank you for your consideration.

Elaine Korry

September 11, 2014

Dear El Cerrito City Council members and Melanie Mintz:

I am writing in **opposition** to San Pablo Avenue becoming a **high density zone**.

I have lived in the Richmond Annex or central El Cerrito area since 1981, and now own my house on Butte St. since 1992. I bought in this location because there were still neighborhoods with people who knew and valued each other, with reasonable traffic loads (which makes having children and/or pets doable), the real possibility of curbside parking for visitors (in Berkeley and most parts of Albany that's just a dream), and reasonable property taxes at the time.

With much chagrin and frustration, I watched the conversion of San Pablo Ave. to 4 lanes divided, making traffic patterns very different and not convenient to someone like me who attempts to do most of my business in this immediate area. Now add higher density use to the San Pablo corridor, and I suspect I'm going to want to move.

Central Avenue used to be a navigable route and it is only something to be avoided unless I have 10 extra minutes to get from Carlson to the 80 ramps and loads of patience. Adding high density use to this area makes Central impractical period.

Reducing the speed limit on San Pablo Ave from 30 mph to 25 mph is also a terrible idea for the Annex area. This will increase speeding traffic on Carlson Blvd between 80 and Central Ave. It is already incredibly dangerous for pedestrians trying to cross at any of the 3 ped X-ing areas slightly before, on and slightly after the curve. With cars parked on Carlson that curve is BLIND. The Am and PM commute speeds are far in excess of the speed limit already. I had high hopes that the installation of the electronic speed monitoring signs would slow down traffic some but it doesn't seem like it.

When city and county services are already suffering due to economics, adding potentially hundreds if not thousands of more demands to city and county services seems like flawed planning to me.

I also object to the proposed parking plan on San Pablo Ave. People live here and want to patronize the EC/Annex businesses. Please don't make it harder or impossible for a good many area residents who can't walk from a parking spot a quarter mile away to get to San Pablo Ave.

PLEASE DON'T DO THIS.

Susan Straley

Dear El Cerrito City Council members and Melanie Mintz,

My husband and I live at 6201 Tehama Avenue, 100 feet from San Pablo Avenue in the Richmond Annex. We have too many cars going up and down our street from Midtown development in El Cerrito and the DMV. The new five-story affordable apartments being built on Potrero Avenue across from CVS Pharmacy will add more traffic to our very narrow street.

The new proposed San Pablo Avenue Specific Plan will add more traffic congestion to adjoining Richmond Annex neighbors and take away scenic views from El Cerrito and Annex homeowners.

Five- and six-story high buildings on San Pablo Avenue are too high and bulky. In addition, form-forced codes will create tacky buildings. Fast-tracking development projects benefit the developers only and will be ugly.

Why are parking requirements going to be eased for the new projects? Where will the tenants and customers park their cars? Richmond Annex neighbors already get some of the overflow from San Pablo Avenue. i. e. The Prepared Food Annex of El Cerrito Natural Grocery does not have adequate parking for all of its customers and people are parking on Carlson Boulevard already.

We have watched Midtown development from its inception. The storefronts did not have tenants for several years after the project was finished and apartment leases had to be discounted. Even today there are still empty storefronts. Just because you build it, does not mean that the customers will come.

Two-story height limits on San Pablo Avenue would create livable and lovely spaces. And we will have a view of the lovely El Cerrito hills. Bulky tall buildings are not pleasing to look at.

Central Avenue traffic is already a mess. There is a need for two-story apartments, but not for 65 foot development projects with their accompanying noise and pollution.

Rear setbacks of five feet only to houses will create noise and pollution for residents who are behind the new building. Fumes and odors will create liabilities for the businesses.

Please revise your standards for the San Pablo Avenue Specific Plan. We are a residential neighborhood.

Sincerely,

Pamela Coville and Rollin Coville

Richmond, CA 94804-5053

Dear El Cerrito City Council members and Melanie Mintz:

I am a Richmond Annex resident. I am concerned about all the issues listed on the High-Density Zone flyer. My partner and I are concerned about every issue listed there. We have seen Berkeley starting to develop buildings which are so much larger than the older structures; they have destroyed the aesthetic of "old Berkeley" and such buildings will do the same to the El Cerrito and Richmond Annex area. I will not detail all my thoughts on each point in the flyer, but we support each of the 11 points mentioned. We love our area and want to keep it beautiful, safe and clean.

Thanks for your concerns.

Barbara Hauser

Dear El Cerrito City Council members and Melanie Mintz,

As a long-term resident of the Richmond Annex (34 years), I urge you to reconsider the development plan for San Pablo Avenue.

I have experienced the congestion on Central Avenue over the years increase and increase. Of course Central feeds Interstate 80, but also the Costco Area and the San Pablo Street area.

I also disagree with having Form-Forced Codes. And the increased building heights would diminish views residents support having.

In general, I find I disagree with all of the innovations proposed, except for the bicycle innovations.

Walter Wahman

Richmond, CA. 94804-5936

Dear El Cerrito City Council members and Melanie Mintz,

I was horrified to hear about the proposed changes along San Pablo Avenue. I moved to Richmond Annex because I liked the small town feel of it. I live close to San Pablo Avenue and I know that if this happens I will no longer be able to park in front of my house. I am a retiree in my sixties and this concerns me a lot. I am also very concerned about traffic and air quality. Central Avenue is already a major problem. This is truly a quality of life issue for those of us living in the flatlands and it really needs to not happen.

Ellen Adler, , Richmond Annex.

Sent from my iPad

September 11, 2014

El Cerrito City Council members
Melanie Mintz, Planning Director
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

Subject: San Pablo Avenue Specific Plan

Dear El Cerrito City Council members and Melanie Mintz:

We just learned about the San Pablo Avenue Specific Plan and are disappointed that we didn't learn about sooner. My family is really concerned about the Plan as currently proposed. We use San Pablo Avenue all the time and shop at the El Cerrito Plaza and throughout your City. We enjoy the shops and atmosphere there and the convenience of the parking.

It would be a major inconvenience if the parking was reduced along the curbs and for all the businesses.

Increasing the density, reducing the speed limit, and adding bike lanes would in fact create more traffic congestion.

Tall buildings would block the magnificent views of the Golden Gate Bridge, which is best viewed in El Cerrito than in any other city.

The bold urban style of the buildings proposed under the form-based codes would be out of character with El Cerrito, and would be a direct contrast with the single-family nature of the area.

We would like to continue shopping in El Cerrito. However, the San Pablo Avenue Specific Plan may inhibit my family from doing so, because we live several miles from the shopping centers in El Cerrito.

Alane Arnold

Richmond, CA 94804

Dear El Cerrito City Council members and Melanie Mintz,

San Pablo Avenue Specific Plan

As a resident of the Richmond Annex I have major concerns and objections to this project.

It has not been well publicized or thoughtful consideration has not been given to the project impact it will have to all the cities along the San Pablo Avenue in my opinion. The short time frame for responding to this project for those of us just now becoming aware of it is unacceptable.

Cal Trans has been adding traffic control stoplights to all on ramps along the I-80 corridor in the East Bay. This is going to back up traffic onto residential streets and impact major arteries in these cities. San Pablo Avenue, Central Ave, and Carlson Blvd. are some of the major alternate routes and a major artery from Oakland to Hercules when traffic is restricted on I-80. The SPASP project is going to more than double the traffic problem in conjunction with what Cal Trans has done.

To place High Density housing in close proximity to each other with 65' high structures along San Pablo Ave and Central Ave. does not fit with keeping the current thinking for adequately designed buildings for this area. This housing will impact views of many of the residents and cause parking problems on their streets.

Based on the current plan for traffic changes along San Pablo Ave as shown in this plan it will lead to significant problems for our citizens, emergency responders, evacuation plans and traffic control.

Having Vehicles sharing traffic lanes with bicycles is an accident waiting to happen. The bump outs proposed for buses will back up traffic. Mid block crosswalks will also cause more stop and go traffic and backups. Adding to the problem is the high density housing with more people added to the mix. Many cities in the Bay Area are having an increase in pedestrian and bicycle related accidents. San Francisco has daily news reports of these types of incidents. El Cerrito and Richmond do not want to become an addition to these unwelcome news reports. On top of all this there will reduced on street parking along the Avenue affecting businesses.

So with this plan El Cerrito and Richmond will have new denser high-rise buildings with more residents, increased traffic, more bicyclists, traffic backups, traffic blockages due to bus stops and midblock cross walks, more backups from Cal Trans, decreased parking, affecting businesses, along with trying to change the permitting process, I'm trying to see the benefits of all of this.

Of course all the small business owners along the Avenue will no longer be in business, there goes some tax revenue. Police, Fire, and Medical response will be severely impacted and of course with high-rise buildings it will be an added challenge for the fire departments in the two cities. Stop and go traffic will cause additional pollution problems but what's a little exhaust smoke to a bicyclist or pedestrian. Noise levels would increase but dual pane windows help mitigate that problem. And pushing more traffic and parking into residential areas, who could be upset about that? I could and so could many others.

Oh, let's not forget that this Project only impacts El Cerrito and Richmond why worry about Oakland, Emeryville, Albany, San Pablo and possibly Pinole or Hercules. The bottleneck through El Cerrito and Richmond shouldn't be a problem. All those other cities can handle the backup resulting from the SPASP but El Cerrito and Richmond should forewarn them about what is coming.

Someone somewhere tried to come up with a plan that had good intentions but was misled.

Having lived in the East Bay most of my life and in the Richmond Annex for over 45 years there have been gradual changes that are fitting for the various communities. This project appears to try and appease a variety of populations without thought to its overall impact on the whole East Bay.

If they had a blank slate to start from this project could probably work but with the current entities in place it's not very likely. It's time to go back to the drawing board and get active community involvement without trying to slip this type of project past them.

David Rohrer

Richmond, CA 94804

September 11, 2014

Vivian L. Ko
[REDACTED]
Richmond, CA 94805

El Cerrito City Council Members
Melanie Mintz, Planning Director
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear El Cerrito City Council members and Ms. Mintz:

I live in unincorporated Richmond, near Arlington Avenue in the hills. I am a Board Member of the Richmond Annex Senior Center Board of Directors and avoid San Pablo Avenue because of the traffic. I either take the freeway or Key Boulevard and Richmond Street in El Cerrito to get to the Senior Center in Richmond Annex. I frequently volunteer much of my hours in this area and shop at Costco, Ranch 99 Market, and Trader Joes at the El Cerrito Plaza. This is where I do my banking. Taking the bus would be inconvenient, considering I live in the hills.

I am very concerned about the San Pablo Avenue Specific Plan. I truly believe that traffic will become worse if this plan is approved. There are new bike lanes on Carlson Boulevard and the Ohlone Greenway, which are sufficient for the bicyclists. With the high density buildings, El Cerrito will resemble Berkeley, Walnut Creek, or Oakland and block views of the Golden Bridge. There would be a major difference between tall buildings and the El Cerrito homes, lowering their values.

As a senior citizen, I use a cane and still drive my car. This is my main mode of transportation that I need, so I can shop at the grocery stores and do all my errands. Limiting access to San Pablo Avenue would be a major disservice to senior citizens. Reducing the parking in front of the businesses and also reducing the parking requirements for the commercial districts on San Pablo Avenue would make it difficult for me to access the businesses in El Cerrito.

I urge you to provide reasonable density and adequate parking for El Cerrito and Richmond citizens and not approve the San Pablo Avenue Specific Plan, unless it's modified.

Thank you for giving me the opportunity to submit my comments.
Vivian L. Ko

Dear El Cerrito City Council members and Melanie Mintz,

It has come to our attention the plans for San Pablo Avenue known as SPASP. We are opposed to the proposed bicycle path on San Pablo Avenue as well as the planters that reduce curbside parking. I biked from El Cerrito to Emeryville for many years when I was working. It was pleasant to take the BART path and still is. Please do not add further congestion to San Pablo Avenue. I am an El Cerrito resident for over 57 years.

Sincerely,

Lloyd Coyne

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to you in hopes you will share this letter with all the appropriate members of the city planning department and city council.

This is regarding the proposed changes for the city plans for the properties lining San Pablo Avenue.

I understand that you are considering changing to include housing and other use buildings that can be occupied by many families and that may reach as high as 65' to possibly 85'.

I have so many objections that it is difficult to know where to begin. Here are my concerns, although they may not be in order of urgency.

1. San Pablo Ave is a major thoroughfare. It was in use before the highways were built and is still used as an alternate route whenever the highways are coping with accidents or slow downs.

It is also the major thoroughfare to get from one end of El Cerrito to the other. When I am driving an errand in town, I use that street, and, if the parking is available, will often make an extra stop to check in at one of the small shops along the Avenue. Anything that would add to the congestion or make parking more sparse than it is already is to be avoided. Even one high rise, Even one more 6 family dwelling will make an impact. To offer up nearly the entire length of El Cerrito to such an increase in density would be totally disastrous to the existing commerce, the fluid travel of our citizens and the entire northern east bay, at busy highway times.

2. It is absolutely uncalled for to allow buildings in our city that are as huge as the proposed allowances. I can only see that as motivated by greed, by a desire to bring money into the city with no regard for the quality of life of the existing citizens. Many residents living uphill of San Pablo Ave. count on their views of the bay or the homes on this side of the bay to enrich their experience in El Cerrito. I can see the Golden Gate Bridge and some lovely views, even though I live only 2 blocks East of San Pablo. Not only will my enjoyment of sunsets, weather watching, and stars be withered to the distance of 2 blocks, but the value of my property will drop considerably.

It would be significant enough for me to put my home on the market if this height allowance is permitted. That way, I might realize my investment before it is lessened. I abhor the idea of moving out of El Cerrito, but if my views are obstructed, the traffic is congested, and the neighborhoods are altered so measurably in human and auto density, it would not be the city I fell in love with, anyway.

Please consider a more moderate measure. Even offering a double density to what is permitted now would have a large impact on the quality of our lives, but we can adjust to something like that. Keep the height maximum to 35', which is 2 to 3 stories, and will be annoying, if allowed everywhere, but at least it isn't so massive in relation to the rest of our community.

Thank you for your time,
Arlin Robins

El Cerrito

September 11, 2014

El Cerrito City Council members
Melanie Mintz, Planning Director
10890 San Pablo Ave.
El Cerrito, CA 94530

Dear El Cerrito City Council members and Melanie Mintz:

These are my comments for the San Pablo Ave. Specific Plan and EIR.

Aesthetics

The City should survey El Cerrito residents about changing El Cerrito's aesthetics from suburban to urban. El Cerrito residents love its suburban aesthetic. They appreciate nice views, short buildings, plentiful parking and a more laid-back, restful lifestyle. They live here to be away from stress-inducing visuals, such as traffic congestion, parked cars lining every street, and dense population. They will not be happy when they discover your urbanization plans.

Cultural and Historic Resources

The SPASP goals include creating a sense of place and community. Among the most important characteristics of a place or a community is its heritage and history. The City recognized this when it recently laid pavers in the sidewalks of the downtown area, describing the early days of El Cerrito. Many buildings from this era are still in use today. Don't disturb them. Buildings built before 1930 are of cultural and historic importance and should be preserved as a testament to El Cerrito's beginnings, this is especially true of buildings on San Pablo Ave.

Greenhouse Gas Emissions and Global Climate Change

Plan Bay Area forecasts 1450 new jobs in El Cerrito between 2010-2040. Why doesn't the El Cerrito anchor the amount of allowable new housing units to the number of new jobs created within its border, in order to reduce its carbon footprint. After all, walking is better for the planet than one hour daily BART commutes (or car trips).

Land Use and Planning

The SPASP will result in poor city planning. Empirical evidence suggests that ground-floor commercial parcels in multi-story mixed-use buildings do not perform well on San Pablo Ave. The City acknowledges this by allowing "flex space,, first floor residential which can be later converted to commercial areas. Yet this begs the question, why displace commercial buildings by constructing residential buildings on a commercial corridor? Zoning is supposed to prevent mistakes like these, not promote them. Also, if mixed-use buildings are bad for businesses today, why would this change in the future?

A stated goal of the SPASP is to concentrate housing near BART stations, yet the SPASP area is remarkably lopsided in its proximity to BART. The westerly radius extends as far as 1 mile walk, while the easterly radius is basically non-existent? Why not build high density housing east of BART and/or make the SPASP area a perfect 1/4 mile radius from BART stations? Further studies are necessary to better align the map boundaries SPASP with its goals. Also, please define minimum and maximum densities for new buildings within the SPASP to better identify their potential impact.

Noise

The SPASP will lead to a major shortage of parking, and heavy traffic congestion due to reduced lane widths, sharrows, more crosswalks, and a reduced speed limit. These changes will impact traffic noise in many parts of El Cerrito, including on and around San Pablo Ave., Central Ave., Stockton St., and subsequently, the health and well-being of nearby residents. The city should measure this impact in a study and directly inform nearby residents of the results.

Population and Housing

El Cerrito population trends do not support a 16% increase in housing units by 2040. The 2010 census shows that El Cerrito's population increased 3.6% in 30 years (vs. 38% in the bay area as a whole), and that 8.3% of current housing units were vacant.

The City of El Cerrito is not following Plan Bay Area's plan for a sustainable El Cerrito, as illustrated in this table:

Proposed # of new housing units in El Cerrito	Plan Bay Area	San Pablo Ave. Specific Plan
Inside the SPASP area	1010	1706
Outside the SPASP area	270	0

Why add 33% more housing units than proposed by Plan Bay Area? Why cram all 1706 housing units into a geographic area comprising 11.5% of El Cerrito, and nothing in the remaining 88.5%? Show us some scientific measure supporting your proposal.

Public Services

a. Maintenance

The city should study the effect of doubling or tripling the population of major streets like San Pablo Ave. on the level of litter and graffiti, as city is currently overwhelmed by the need for litter removal and graffiti abatement on San Pablo Ave.

b. Parks and Libraries

More housing units means more people sharing our parks and libraries. Will El Cerrito open new parks and libraries to serve its new residents?

Transportation and Circulation

Prior studies show that the area surrounding El Cerrito Del Norte Bart can handle higher population density than El Cerrito Plaza, yet the SPASP appears to treat these areas equally. Provide evidence showing that El Cerrito Plaza can support the proposed density level.

Alternatives

First, anchor the number of new housing units to the number of new jobs. Second, center the dense housing equally around BART stations, not around San Pablo Ave., unless you have strong evidence that it will benefit existing commercial business. Third, make it easier for single family residences to add a second unit to their backyards. It would lessen the need for high density housing and allow more homeowners to increase the overall value of their parcels.

Sincerely,

Nicholas Arzio

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to you in hopes you will share this letter with all the appropriate members of the city planning department and city council.

This is regarding the proposed changes for the city plans for the properties lining San Pablo Avenue.

I understand that you are considering changing to include housing and other use buildings that can be occupied by many families and that may reach as high as 65' to possibly 85'.

I have so many objections that it is difficult to know where to begin. Here are my concerns, although they may not be in order of urgency.

1. San Pablo Ave is a major thoroughfare. It was in use before the highways were built and is still used as an alternate route whenever the highways are coping with accidents or slow downs.

It is also the major thoroughfare to get from one end of El Cerrito to the other. When I am driving an errand in town, I use that street, and, if the parking is available, will often make an extra stop to check in at one of the small shops along the Avenue. Anything that would add to the congestion or make parking more sparse than it is already is to be avoided. Even one high rise, even one more 6 family dwelling will make an impact. To offer up nearly the entire length of El Cerrito to such an increase in density would be totally **disastrous** to the existing commerce, the fluid travel of our citizens and the entire northern east bay, at busy highway times.

2. It is absolutely uncalled for to allow buildings in our city that are as huge as the proposed allowances. I can only see that as motivated by greed, by a desire to bring money into the city with no regard for the quality of life of the existing citizens. Many residents living uphill of San Pablo Ave. count on their views of the bay or the homes on this side of the bay to enrich their experience in El Cerrito. I can see the Golden Gate Bridge and some lovely views, even though I live only 2 blocks East of San Pablo. Not only will my enjoyment of sunsets, weather watching, and stars be withered to the distance of 2 blocks, but the value of my property will drop considerably.

It would be significant enough for me to put my home on the market if this height allowance is permitted. That way, I might realize my investment before it is lessened. I abhor the idea of moving out of El Cerrito, but if my views are obstructed, the traffic is congested, and the neighborhoods are altered so measurably in human and auto density, it would not be the city I fell in love with, anyway.

Please consider a more moderate measure. Even offering a double density to what is permitted now would have a large impact on the quality of our lives, but we can adjust to something like that. Keep the height maximum to 35', which is 2 to 3 stories, and will be annoying, if allowed everywhere, but at least it isn't so massive in relation to the rest of our community.

Thank you for your time,

513 Lexington Ave.
El Cerrito.

Dear El Cerrito City Council members and Melanie Mintz,

In the best interest of El Cerrito/Richmond Annex residence I **strongly oppose** the San Pablo Avenue Specific Plan (SPASP). Not only would it disrupt the integrity of our city, but also create more traffic congestion, parking issues, noise pollution, and increase air pollution. I am in favor of preserving the historical district and would encourage my friends and neighbors to **reject** the San Pablo Avenue Specific Plan as well.

Thank you,

Gino & Gloria Martinucci
Resident of El Cerrito since 1930

To: El Cerrito City Council members and Melanie Mintz

I Frank Guzman, Resident and building owner on the 500 block of Kearney St. here in beautiful El Cerrito, CA. Do have a couple of concerns about the direction and implementation of how the SPASP will affect us here. I have seen and read the SPASP and noticed that we are right on the border of it. My first concern is the possibility of high rise buildings of 3 stories or more being built directly across the street from us. We already have a 4 story monstrosity next door to us at 524 Kearney St. that blocks the sun in 1/2 of our garden. We can only grow plants on the opposite side. And the owner's do a very poor job of maintaining the trees and landscaping. Which is a burden on us. However. They did provide the tenant's with a floor level parking lot. So the parking situation is not a total nightmare. Though there is a few of them that still park on the street. That brings me to my other concern. Parking. Here on the 500 block we get people parking from the El Cerrito Theater and adjoining restaurants. As much as I love our little downtown block. There is NO parking for it to grow anymore. I have already had to call police a couple of times. Because of car's blocking our garage's drive ways. I am all for development along San Pablo Ave. But please, please take into consideration. Adding the necessary parking to accommodate it. I see too many vacant lot's already. Why build a high rise next to an abandon business. I hope the growth you have planned improves the quality of life here. Not make it worse.

Thank you.

Frank Guzman

Hello El Cerrito City Council members and Melanie Mintz,

I am a 10 year resident and home owner in El Cerrito and live on Lexington in between Central and Fairmount Ave. I have appreciated many of the improvements to the surrounding area that has been done over the past years, but strongly disapprove of the San Pablo Ave Specific Plan for high density housing.

There are two things that I think need to be addressed:

1) Car Traffic

With the Off the Grid event on Wednesdays, there is already a definite traffic problem on San Pablo Ave. The impact of turning Fairmount Ave between San Pablo and Carlson into a single lane and increasing the number of occupants in housing in the area would turn San Pablo Ave in this area of notorious slow down, much like certain areas of San Pablo Ave in Berkeley.

2) Parking and Pedestrians

Already living close to the BART station, parking is an issue on the street. Factor a 4+ fold amount of residents just a few blocks away and parking would be impossible. Not only that, the streets are already dirty as is since street sweepers are not effective with cars parked along the street at all hours and with so much foot traffic as is, litter and crime is already a concern. This area would no longer be an ideal location to raise kids, thus changing the demographics of the area.

I understand the thought to increase housing around the BART station, but I would imagine there would be a better alternative. While some improvement to the Richmond Annex area and parts of San Pablo Ave. may be needed, I believe there are other ways to solve the beautification of the area and increasing the housing without allowing 5 story condo complexes to dominate the views from the sidewalks, increase traffic and potentially change the outlook of the area from family oriented to something else.

Thanks for reviewing my comments and concerns

Regards,
Ray Lum

September 11, 2014

Scarlett Hepworth and Marilyn Langbehn

El Cerrito, CA 94530

El Cerrito City Council members;
Melanie Mintz, Planning Director
San Pablo Avenue Specific Plan
10890 San Pablo Ave
El Cerrito, CA 94530

Dear El Cerrito City Council members and Melanie Mintz,

I am writing to you to officially oppose elements of the San Pablo Avenue Specific Plan (SPASP).

We moved to El Cerrito just a little over a year ago, after Marilyn became the new Artistic Director at Contra Costa Civic Theater. We had lived for nine years in a neighborhood saturated with high-rise apartment buildings in Oakland. Though we lived just a half block off of the Broadway arterial, the neighborhood was considered medium upscale, between the Piedmont Avenue and Temescal areas.

Because of the number of apartments in our Oakland neighborhood, parking was always difficult, if not impossible, which made parking a consideration for students choosing to study with Scarlett, who teaches music privately out of our home.

The noise level from the traffic was present 24 hours a day. In nine years, we never had a single quiet night.

Our home in Oakland was burgled (we lost thousands of dollars worth of goods), and our car was broken into or damaged a total of six times and our car was stolen. Being so close to a large arterial (as we are now to San Pablo, one block east), we were an easy target for criminals who could get away very quickly.

We started a Block Watch organization, but it was nearly impossible for involved neighbors to look out for each other when the neighborhood was so full of people we never saw or could never get to know.

We chose to live in El Cerrito specifically because it has a more "neighborhood" feel to it. When we told our home insurance agent and our car insurance agent our new address, both agents told us our insurance rates would drop because of the lower crime rate in El Cerrito.

We feel certain that bringing 5- and 6-story apartment complexes to the San Pablo arterial will only increase noise, traffic, and crime. We also feel that creating bike lanes on San Pablo is totally unnecessary. The recently finished Ohlone Greenway has solved the bike problem to every cyclist's enormous satisfaction.

Perhaps you are aware of the already jammed traffic conditions at Stockton and San Pablo, just around the corner from our home. Adding more living spaces to the San Pablo corridor will make an already maddening problem that much worse.

One last thing: when we arrived in El Cerrito, we were finally able to see beautiful sunsets from our back yard on Kearney. Though it's just a peek at the sky, you can't imagine how gratifying it is to see sunsets after living so many years without them. The thought of a six-story building going in behind our house saddens us deeply. We are 61 and 57 years old; sunsets become dearer with every passing day.

Please use caution in crafting the plans for El Cerrito. You may be pleasing a few eager developers to bring more money into El Cerrito; but you may end up using that increased revenue to pay for more policemen to deal with crime, and to solve traffic and parking problems. Or worse, you may see a diaspora of good solid neighbors leaving El Cerrito in search of a community that values the quality of life over the quantity of tax revenue.

Sincerely yours,

Scarlett Hepworth
Marilyn Langbehn

Dear El Cerrito City Council members and Melanie Mintz,

My family loves the small town feel of the Richmond Annex area and object to changes that are related to the San Pablo Ave Specific Plan that will increase noise, traffic, pollution and parking difficulties.

My family has lived in the Richmond Annex for nearly 40 years. In our home, we have small children and seniors who enjoy gardening, playing safely outside and leisurely walking and driving to the friendly local businesses. We moved here from San Francisco to escape the hustle, traffic and pollution.

Traffic and Pollution-- The changes proposed in the San Pablo Ave Specific Plan will increase traffic and parking and air quality problems. The infants and seniors living here are sensitive to poor air quality and the high level of particulates associated with traffic and idling. We live on Columbia Ave between Carlson and San Pablo Ave. Being so close to San Pablo Ave and the freeway entrances at Central Ave, we cannot tolerate increasing traffic and population that is noisy, polluting, unhealthy and unsettling.

Parking and Safety-- My car and at least one other neighbor has had cars damaged from cars crowding our street, hitting our bumpers and colliding with the sides when backing up or doing Y turns. Members of my family more frequently find a shortage of parking spaces on our street and adjacent blocks. Any plans for commercial or residential expansion must include adequate parking allowances and police, fire and public works. We have noticed in recent years a rise in burglaries and vandalism, and are concerned that expansion will put further strain on our city's already overburdened community resources.

Aesthetics and Comfort-- Buildings higher than 2 stories are out of character with our small community. They would create view blockage, and darken our sunny streets. Increased density and expanded commercial buildings would also bring more mechanical noise, obnoxious odors and ugly garbage.

Reducing the speed limit and adding bike lanes and protruding bus platforms on San Pablo will interrupt the smooth flow on San Pablo Ave we currently enjoy. It may divert traffic to typically quiet residential streets and make driving more tense and unpleasant. We have already seen a dramatic rise in traffic and congestion along Central Ave after the addition of the Pacific East mall.

My family and I want to see improvements to our community, but we do not think this plan is good for our community as it will turn San Pablo Avenue into a high density zone that is unfriendly to its single family residents. It will have a negative impact on home property values as well.

Thank you for your consideration.

Yours Truly,
Belinda

September 11, 2014

City of El Cerrito
10890 San Pablo Ave.
El Cerrito CA 94530

Attn: Melanie Mintz

Re: Final Draft San Pablo Area Specific Plan, June 2014

Greetings:

My wife and I are long time residents of Richmond Annex and live in an area that will be directly impacted by the proposed San Pablo Area Specific Plan. On a daily basis we use the services that are provided in the San Pablo Area and frequent the local retail and entertainment establishments. The San Pablo Area has many specific qualities and attributes which define the neighborhood character and which make this place special in the Bay Area and provides for a very desirable area to live within.

We are very concerned about the proposed San Pablo Avenue Specific Plan and find many of the elements and the overall larger scale of development that would be allowed under this plan as inappropriate for this community and would have significant negative impact on the specific qualities and attributes which define this neighborhood.

The specific form based code in this plan would create street fronts that do not reflect the variety and diversity of the community and which would not foster the neighborhood qualities that should be sought by any plan for the area. The proposed building height limits would obscure the present scenic vistas from the users and residents in the lower elevations, ultimately reducing the quality of life for the residents as well as reduce home values for these areas. With reduced scenic views, *users and residents of the San Pablo Area would not have a sense of place* and therefore their experiences would not be unique to El Cerrito, but it would be as if they were in any Bay Area city, much like the Bay Street development in Emeryville lacks a sense of place.

The plan should be commended for attempting to improve the traffic in this corridor through improved streetscapes, with better focus on pedestrian and bicycle needs, however, the increased demand that the increased density would create, is likely to offset any gains made through the improved streets. Even under existing conditions and density, the current demands for access to the San Pablo Avenue Area create objectionable traffic in the local neighborhoods, such as the Richmond Annex, that receive traffic as it diverts from the already overloaded feeder, or Gateway Streets, such as Central Avenue.

In particular the recent improvements to the San Pablo Area between Central and Fairmont reflect the historic character of this area and respect the human scale development that makes this area so welcoming. *This historic area needs to be protected in the Plan.* It appears that the authors of

the report appreciate the values of this area as well, as it, and not the future development under this plan, is presented on the report cover.

We request that you revise the proposed San Pablo Area Specific Plan to reduce the out-of-scale development guidelines proposed and put forth a proposal that would be consistent with *Alternative 3: Mitigation of Significant Unavoidable Impacts*, as presented in the EIR.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Ullensvang", with a stylized flourish at the end.

Brian Ullensvang

September 11, 2014

El Cerrito City Council members;
Melanie Mintz, Planning Director
San Pablo Avenue Specific Plan
10890 San Pablo Ave.
El Cerrito, CA 94530

Dear El Cerrito City Council members and Melanie Mintz:

We recently moved to El Cerrito and have been impressed with the neighborhoods, city services, and public transportation. I often walk to and along San Pablo Avenue, as well as drive the Avenue regularly. Unfortunately I was not here for previous community workshops and meetings on the San Pablo Avenue Specific Plan so my comments are based on reading the various public documents. I agree with the concept of higher density multi-use buildings along San Pablo, with residential units above and commercial on the ground floor. I also agree with the goal of encouraging the use of transit facilities and walking. However, there are two points that I feel are misguided and based on faulty or unsupported premises.

The Plan clearly intends to reduce “reliance on the private automobile” [Goal E in the Form Based Code and elsewhere] by deliberately making driving and parking in and through El Cerrito more difficult. Many places [Transect Zones, TOHIMU, TOMIMU, Parking Adjustments (2.05.09.05),

Complete Streets, Shift Mode, etc.] tout pedestrians, transit users, and especially bicyclists while reducing parking requirements, narrowing traffic lanes, and making driving more crowded and difficult. The assumption, which is not documented as far as I can find, is that by making driving more inconvenient, parking more difficult, traffic problems more aggravating, and drive-times slower, drivers will decide to give up their cars and use bicycles and public transportation.

People who believe this may never have driven San Pablo Avenue, at least the Plan seems to be oblivious to the reality of living in the Bay Area. Where is the evidence that inconvenient driving convinces people to give up their cars? Have you personally, anyone on the City Council, anyone in your family, anyone you know, or any of the Planning Consultants exchanged a car for a bicycle?

There are some mixed-use residential/commercial buildings along San Pablo Avenue. Do any of those residents not have one or more cars but instead use bicycles? Do traffic planners expect the population of the Bay Area to shrink?

Cars in the future may be smaller and more energy efficient, but is there any evidence that there will be fewer cars, or will there be more cars on the roads in the future than now?

Anyone who suggests encouraging bicyclists to use San Pablo Avenue has never walked/driven the Avenue and seen what drivers have to contend with, much less bicyclists. Delivery trucks regularly block one of the travel lanes to offload goods. Will such deliveries be banned by the Plan? The Plan states that redesign will maintain existing curbs, meaning that the Avenue will be the same width then as now. That means buses, regardless of the type of stop, will be blocking the same traffic lanes then as now because the street will be the same width. Narrowing the traffic lanes will simply make driving more dangerous for pedestrians and other drivers.

Bicyclists are either traveling to work (I suspect these numbers are very low), to a transit stop (BART, bus stop), or to some retail location. In any case, there is no need to encourage bicycle traffic on San Pablo. Transit stops and retail locations are easily reached by the Ohlone Greenway east of San Pablo and Carson which are only one to a few blocks away from retail areas and the Greenway connects directly to BART. The Plan [p. 40 “Uptown San Pablo Avenue”] ignores this reality and

without any supporting evidence justifies bicycles on SPA by stating: "These bicycle facilities are provided because the corridor functions as a main SPA Plan comments! Dean Heyenga!

street, with destinations all along the corridor; and more bicycle trips will originate on the corridor and take place entirely on San Pablo Avenue. While the Oholone Greenway parallels the corridor, it does not serve these local-area, shorter trips." These statements are simply not true but are typical Consultant-speak to justify a predetermined goal without data to support it.

In short, San Pablo Avenue is a major arterial which conducts traffic to and through El Cerrito. I have driven the Avenue when traffic was crawling along at a service level "F" (in my opinion) because it took four traffic signal cycles to get from Sacramento through Central Ave. southbound. This Plan will not "deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm" as it intends.

I appreciate the many hours and thousands of dollars spent creating this plan. There are many creative and positive elements in it. However, reducing parking requirements and encouraging bicycles on San Pablo Avenue may be "trendy planning concepts" but they ignore reality and will create dangerous and unattractive conditions along the Avenue.

Sincerely,
Dean Heyenga

El Cerrito, CA 94530

From: davroar@comcast.net
Sent: Friday, September 05, 2014 11:33 AM
To: Melanie Mintz
Subject: SPASP Comment Letter
Attachments: SPASP Comments-4.14.docx

I want the attached letter regarding comments about the SPASP be submitted as a matter of public record and be included with El Cerrito City Council packet for their meeting on Sept. 15, 2014.

Thank You,
David Rohrer

Richmond, CA 94804
davroar@comcast.net
(510) 525-1074

9/5/14

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July 10, 2014

Subject: San Pablo Ave. Specific Plan

Margaret Kavanaugh-Lynch
Planning Manager
San Pablo Ave. Specific Plan
10890 San Pablo Ave.
El Cerrito, CA 94530

As a resident of the Richmond Annex I have major concerns and objections to this project. It has not been well publicized or thoughtful consideration has not been given to the project impact it will have to all the cities along the San Pablo Avenue in my opinion. The short time frame for responding to this project for those of us just now becoming aware of it is unacceptable.

Cal Trans has been adding traffic control stoplights to all on ramps along the I-80 corridor in the East Bay. This is going to back up traffic onto residential streets and impact major arteries in these cities. San Pablo Avenue, Central Ave, and Carlson Blvd. are some of the major alternate routes and a major artery from Oakland to Hercules when traffic is restricted on I-80 and even on normal days they are heavily congested. The SPASP project is going to more than double the traffic problem in conjunction with what Cal Trans has done.

To place High Density housing in close proximity to each other with 65' to 85' high structures along San Pablo Ave and Central Ave. does not fit with keeping the current thinking for adequately designed buildings for this area. This housing will impact views of many of the residents and cause parking problems on their streets. Using form-based codes to undermine, design reviews, permitting, zoning requirements, Environmental Reviews, and public comments is not the way this project should be presented.

Based on the current plan for traffic changes along San Pablo Ave as shown in this plan it will lead to significant problems for our citizens, emergency responders, evacuation plans and traffic control.

Having Vehicles sharing traffic lanes with bicycles is an accident waiting to happen. The bump outs proposed for buses will back up traffic. Mid block crosswalks will also cause more stop and go traffic and back ups. Adding to the problem is the high density housing with more people added to the mix. Many cities in the Bay Area are having an increase in pedestrian and bicycle related accidents. San Francisco has daily news reports of these types of incidents. El Cerrito and Richmond do not want to become an addition to these unwelcome news reports. On top of all this there will reduced on street parking along the Avenue greatly affecting local businesses.

So with this plan El Cerrito and Richmond will have new denser high-rise buildings with more residents, increased traffic, more bicyclists, traffic backups, traffic blockages due to

bus stops and midblock cross walks, more backups from Cal Trans, decreased parking, affecting businesses, along with trying to change the permitting process, I'm trying to see the benefits of all of this.

Of course all the small business owners along the Avenue will no longer be in business, there goes some tax revenue. Police, Fire, and Medical response will be severely impacted and of course with high-rise buildings it will be an added challenge for the fire departments in the two cities. Stop and go traffic will cause additional pollution problems but what's a little exhaust smoke to a bicyclist or pedestrian. Noise levels would increase but dual pane windows might help mitigate that problem. And pushing more traffic and parking into residential areas, who could be upset about that? I could and so could many others.

Oh, lets not forget that this Project only impacts El Cerrito and Richmond why worry about Oakland, Emeryville, Albany, San Pablo and possibly Pinole or Hercules. The bottleneck through El Cerrito and Richmond shouldn't be a problem. All those other cities can handle the backup resulting from the SPASP but El Cerrito and Richmond should forewarn them about what is coming.

Someone somewhere tried to come up with a plan that had good intentions but was misled. Having lived in the East Bay most of my life and in the Richmond Annex for over 45 years there have been gradual changes that are fitting for the various communities. This project appears to try and appease a selected group of the population without thought to its overall impact on the whole East Bay.

If they had a blank slate to start from this project could probably work but with the current entities in place its not very likely. Its time to go back to the drawing board and get active community involvement without trying to slip this type of project past them.

David Rohrer

Richmond, CA 94804
(510) 525-1074

From: lauren schiffman [crackmagazine@hotmail.com]
Sent: Sunday, September 14, 2014 10:43 PM
To: Melanie Mintz
Subject: San Pablo Ave Specific Plan

Dear Melanie Mintz,

I am writing to you about the proposed San Pablo Avenue Specific Plan. I would like this letter to be submitted as a matter of public record and included in the City Council packet on this matter.

I believe that El Cerrito and Richmond Annex should not be zoned as high-density areas since they aren't large cities like Oakland. It seems that some of the proposed changes will cause more traffic congestion and the potential for negative affects on air quality and the health of residents in the area. Allowing much higher structures of five or six stories will also block views that residents value. Residents of El Cerrito and Richmond Annex value the area's feel as a small community. We don't want more congestion, less parking, more noise, and commercial buildings that are closer to residential dwellings. I urge you to rethink development plans for San Pablo Avenue and come up with a proposal that keeps the desires and well-being of the residents in mind.

Thanks for your attention to this matter.

Lauren Schiffman
crackmagazine@hotmail.com
Richmond Annex resident

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Richmond Annex Neighborhood Council

Founded 1974

PO Box 5436, Richmond, California 94805 * *Neighbors Helping Neighbors* *

September 15, 2014

El Cerrito City Council members;
Melanie Mintz, Planning Director
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

RE **Revised Comments** on the Draft San Pablo Avenue Specific Plan (SPASP) and related EIR

Dear El Cerrito City Council members:

We have met with the Richmond Planning Department and it was agreed that the proposed land use designation for the Richmond Annex side of San Pablo Avenue be changed to a different category (lower height and mass) for the one-parcel 100' deep San Pablo Avenue commercial strip, entirely abutting residential property (90% of which are single-family homes). We concur with this and we will be working with staff to effect an attractive and high quality form to greatly improve our side of San Pablo Avenue.

The special nature of this commercial area requires Specific Plan definition not found in the currently proposed 2014 San Pablo Avenue Specific Plan. It was well-defined in the 2009 SPASP (Volume I, Chapter 4, p. 82), as a result of numerous well-attended community meetings during a period of two full years. These factors affect height, rear setback, parking requirements, permissible types of business operation, and other significant factors (**RANC letters submitted on 5-8-14, 11-18-13, 9-30-09, and 4-30-09**).

Bay Area newspapers have named El Cerrito and Richmond Annex as stable and desirable living areas in the greater San Francisco Bay Area, citing our ethnic and economic diversity and healthy environment. We believe that increased housing density will overcrowd our area, sacrificing long-range stability for potential short-range revenue—overbuild and leave town.

Attached are the Richmond Annex Neighborhood Council's comments regarding the 2014 DRAFT Plan and EIR, as it affects both El Cerrito and Richmond Annex residents. We believe the proposed SPASP should properly reflect the best interests of all residents and property owners, rather than serving a uniformity standard. Established neighborhoods in El Cerrito and Richmond Annex are typified by mixed zoning, which achieves the type of housing and commercial balances intended in the General Plan.

As stated policy, the Annex Council strongly believes in working with both cities toward goals common to the best interests of all. It is surely preferable for both City and residents (and for developers) to have a consistent, relevant and technically workable Plan, which, as its stated policy proclaims, will sustain established neighborhoods.

Sincerely,

Mary Selva,
President

Cc: Melanie Mintz, Planning Director

Attachments: Revised RANC Comments for the SPASP and EIR

I. Land Use Regulations

It has come to our attention that the Land Use Regulations for the Midtown District and the Downtown and Uptown Districts are too liberal. Some of the Use Classifications, as proposed under the SPASP, would not be appropriate for San Pablo Ave. There are some businesses that need a Conditional Use Permit (CUP).

WHAT IS A CONDITIONAL USE PERMIT?

A CONDITIONAL USE PERMIT (CUP) allows a city or county to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a municipality to control certain uses which could have detrimental effects on the community (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

Consideration of a CUP is a discretionary act. A CUP application tendered by a project proponent is considered at a public hearing and, if approved, is generally subject to a number of pertinent conditions to ensure the appropriateness of the business use at that particular location and protection from negative effects to the residential neighborhoods. Depending on local ordinance requirements, hearings are typically held by a board of zoning or planning commission. The owners of property near the site are sent advance notice of the date, time, and place of the hearing.

The types of business uses that typically require a CUP are Clubs and Lodges, Hospital "Clinics," Schools, Animal Kennels, Auto Dealerships, Auto Repair, Banks, Commercial Recreation (Large Scale), Bars/Night Clubs/Lounges, Fast Food Restaurants, Full Service Restaurants with Alcohol Sales, Convenience Stores, Grocery Stores, Liquor Stores, Medical and Dental Offices, Retail Sales (Large Format), Tobacco Sales, Tattoo Parlors, Theaters, Outdoor Storage, and Recycling Processing Facilities. An Administrative Use Permit is not good enough.

Adult Business Establishments are no longer permitted on San Pablo Avenue or within any of their commercial districts in the City of Richmond. They are, however, allowed in some of their industrial districts with a conditional use permit. The existing adult bookstore facing El Cerrito on San Pablo Avenue in Richmond has become a legal non-conforming use and cannot expand. El Cerrito should follow suit and prohibit adult business establishments along San Pablo Ave.

II. Aesthetics / View Blockage of Desirable Vistas / Building Heights

The proposed 55' or 5-stories building height for the El Cerrito Midtown Area would dramatically exceed other commercial buildings on adjoining properties. To get a better perspective of building heights, please see attachment.

Because El Cerrito and Richmond Annex are primarily single-family residential neighborhoods, the large bulk and scale becomes overpowering for this area. CD4.1 Compatibility in Building Scale states, "Avoid big differences in building scale and character between developments on adjoining lots." We find the dramatic increase in bulk and scale, particularly the 55-foot height, to be incompatible to the surrounding commercial area and established residential neighborhoods.

On Solano Avenue the maximum building height is 28, in Berkeley and 35, in Albany. On San Pablo Avenue the maximum building height is 38, in Albany. Thirty-eight feet (38,) is reasonable and would be more appropriate for the Midtown Area on the El Cerrito side, rather than 55 feet. The Midtown Area is located in the middle of a major view corridor and has an unparalleled view directly out through the Golden Gate, where residents on El Cerrito slopes have a desirable Bay view. This is a unique and irreplaceable scenic resource of world-class value. There is no major necessity to place tall buildings in an area in direct-line-of-site of considerable El Cerrito neighborhoods, which would affect their property values. Likewise, Richmond Annex hillside residents have a dramatic view of the El Cerrito Hills that they strongly desire and consider of great value as well. These types of tall buildings with a strong urban form, as outlined in the SPASP, will have a negative effect on the quality of life in El Cerrito and Richmond Annex and block views. Views are always an issue and are always contentious. El Cerrito residents who bought their properties with a view, paid extra for it. So did Richmond Annex hillside residents. They should not be resigned to the loss. As the population grows, it should become even more of a priority to have a policy of protection. Their views merit protection. Over the past few years, a scattering of cities across the country, particularly on the West Coast, have taken on the issue of view protection. Santa Barbara, Belvedere (a bedroom community north of San Francisco), and Tiburon, a town adjacent to Belvedere with Bay views, among several others in California have enacted rules to ensure that Bay views are not obscured by tall buildings.

The differing approaches to view protection reflect the fact that zoning ordinances are controlled by local authorities, not the federal government or the states. And rules and regulations vary tremendously. While cities often provide for open spaces, and codify building heights and setbacks to try to protect these Bay views, they know that they cannot guarantee protection of everyone's view. However, establishing reasonable building heights has made a big difference in protecting most of these views as best as they possibly can.

People moved to El Cerrito for the views — that's one of the major attractions. Homeowners believe the loss of a view risks reduction in property values. It is the responsibility of the City to respect that and not allow obstruction by permitting such tall buildings. If the City builds a fortress along San Pablo Avenue, it's going to make the residents feel enclosed or blocked in and obstruct valuable views.

► Factors to Consider in Evaluating Building Height

- **Urban Form/Community Character**
Will additional height change community character in undesirable ways?
 - Dwarf other important features of the natural and built environment?
 - Detract from the desirable view of the El Cerrito Hills and Golden Gate Bridge?
- **Visual/View Impacts**
Will additional height block views of important features (e.g. El Cerrito Hills and Golden Gate Bridge)?
- **Human Scale**
Can the building be designed to establish a human scale?
How will additional height affect the sunlight on key pedestrian/open space features?

The RANC recommends that you maximize your housing opportunities next to the Bart Stations (E.C. Plaza and Del Norte), and retain your major view corridor in the Midtown and other areas. The Midtown Area is severely deficient in commercial development and already has sufficient housing in this area.

III. Historical Preservation

If San Pablo Avenue between Central and Fairmount in El Cerrito has 1-to 2-story buildings, why is the SPASP allowing up to 65' buildings to crowd out this area? This area should be preserved as a historical district. This is where El Cerrito was born, formerly called the town of Rust. There should be an historical analysis done on this block. A different type of building form should be carefully crafted for this historical area, rather than the strong urban form prescribed under the SPASP.

IV. Form-Based Codes¹

The building forms and articulations outlined in the proposed 2014 SPASP have a strong urban form and appear bold and overpowering. REAR /SIDE SETBACKS adjacent to Residential uses - Any infill high rise development should be located so that it would not interfere with the light, open space, and building safety buffer that is usually provided for residential homes, especially at their rear and side yards. Thus, these developments need to respect a 10'-15' rear setback from any adjacent commercial/residential property, not zero setbacks. The daylight plane provision adopted in the Albany Zoning Ordinance addresses access to direct light, including indirect light, and preventing loss of privacy in a much better way and should be seriously considered. And most appropriately, it provides a 10' rear setback in addition to the daylight plane (See below). It is important to remember that form-based codes are rare in the Bay Area and California as a whole. As for the cities that do have it, form-based codes are located within a small segment of their cities (e.g. a one or two block area or just within their downtown areas).

California planners have exercised careful consideration when pondering the use of form-based codes. The form-based codes approach is not always an ideal fit for certain areas. Form-based codes can ignore the political reality of a City Council giving up discretionary control over projects. Form-based codes is a land development regulation that fosters predictable built results. Since the design parameters in a form-based code are specific, there is very little room for negotiation at the time the project comes forward, and the public may feel that they lack a voice in the most important part of their town—the commercial districts.

We all want a fairer, quicker review process, but are we forgetting the essence of community-based planning—involving the public in individual (case-by-case) decisions made in their own downtown or their commercial neighborhoods? These decisions are basically being made upfront under this Specific Plan. Once again, since the design parameters in a form-based code are so specific, it leaves very little room for modifications.

We need to define each area's specific DNA. The form-based conundrum could be modified to employ more essential elements of organic urbanism, such as specific uses, appropriate density, design context, reasonable parking requirements, and most importantly a local review (i.e. public hearing and right-of-appeal).

Albany's Daylight Plane Provision

PLANNING AND ZONING

20.24.070

20.24.070 Setbacks With Daylight Planes.

A. Interior Property Lines Abutting Residential District Boundaries. The minimum setback where an interior lot line of a property in a Solano Commercial or San Pablo Commercial District abuts a residential district boundary shall be five (5) feet on the side:

1. The minimum setback at the rear shall be one of the following two (2) options: 1) Twenty (20) feet in height at a point ten (10) feet back from the property line, plus a forty-five (45) degree daylight plane to the maximum permitted height, or 2) Twelve (12) feet in height at the property line, then, horizontally to a point ten (10) feet from the property line, plus thirty-five (35) degrees from vertical daylight plane to the maximum permitted height. (See subsection 20.24.070.A., Figure 1.a and 1.b.) If there is a difference in grade planes between two (2) adjacent parcels, the Community Development Director shall determine appropriate grade plane to be used for daylight plane calculation.

No projections shall be allowed in the area between the daylight planes and rear property line. Usable open spaces located on top of the structure, within ten (10) feet of a residential district boundary, shall have a solid fence or wall six (6) feet in height. The combined height of the structure and the wall shall comply with daylight plane requirements of this Code.

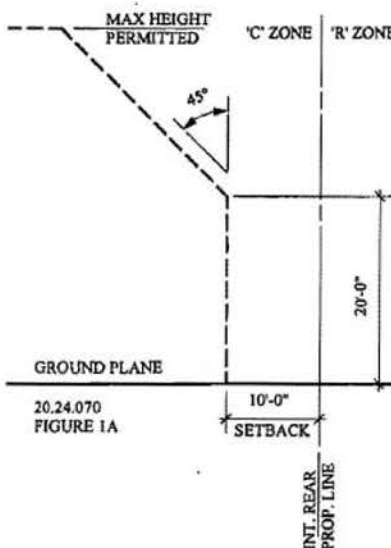


Figure 1.a

V. Central Avenue Made Worse

Central Avenue between San Pablo Avenue and the I-80 Freeway experiences major traffic back-ups and heavy congestion daily, which worsens on the weekend. A little over half of this distance lies within El Cerrito, with the remaining distance in Richmond. With the exception of commercial development on Pierce Street in Richmond Annex, both sides of Central Avenue consist of residential areas comprised primarily of single family homes. A proposal by the Contra Costa County Traffic Authority to temporarily reduce the weekend traffic congestion was recently approved by the Richmond City Council, with certain conditions recommended by the Richmond Annex Neighborhood Council Traffic Committee. In addition, a developer has informally proposed a large residential housing complex for the Dolan Lumber site on Central Avenue. The RANC submitted specific guidelines to reduce the bulk and scale prior to drafting a formal set of plans. The SPASP proposes high density and building heights of up to 65 feet on both sides of Central Avenue between San Pablo Avenue and Belmont Avenue, which would cause significant and unforeseen additional traffic congestion and restricted views, and would be totally out of character for the surrounding El Cerrito neighborhoods. Several high-intensity uses (Pacific East Mall, Costco Warehouse and Discount Gas Station, Pt. Isabel Regional Park) are already huge draws to this area, contributing major traffic problems on Central Avenue. This is including the primary I-80 and I-580 Central Avenue Interchanges accessed by El Cerrito, Richmond Annex, and Albany Hill residents, in addition to the regional clientele enroute to the El Cerrito Plaza Shopping Center, all of which depend on this considerably overburdened corridor.

- ▶ In conclusion, Central Avenue is already overburdened and cannot handle high-density developments with its major traffic congestion.

VI. Noise Pollution and Odors

With an increase in density and expanded commercial buildings backed up to homes with rear setbacks reduced to only five feet, residents would be directly impacted by noise produced by refrigeration units, fans and other mechanical equipment. Obnoxious odors from exhaust air ducts and dumpsters would be objectionable and hard to avoid.

VII. Cumulative Effects

The EIR should include up-to-date traffic counts on all major intersections, and analysis of cumulative and long-term traffic impacts associated with the proposed developments. The EIR should also analyze the incremental effects of past developments, the effects of other current developments, and the effects of future developments under the proposed development standards outlined in the SPASP.

VIII. Parking Impacts

The information provided below, summarizes existing zoning code sections establishing parking standards in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, Santa Clara, Solano, and Sonoma.

All of the cities surveyed include parking standards for retail and office uses. Standards are typically a specified number of parking spaces per 1,000 square feet of gross floor areas in a development. Average commercial or office minimums by place type were lowest in the regional centers (3.3 for retail and 2.3 for office), and averaged around 4 spaces per 1,000 feet for all other place types (from 3.8 for office to 4.2 for retail).

Retail

Minimums for retail range from 1.0 to 6.25 spaces per 1,000 square feet of floor area, with the average requirement being around 4.0 spaces per 1,000 square feet of floor space. Only two cities, San Francisco and Gilroy, include maximums for retail parking citywide.

Special District Reductions

Oakland and San Jose have no minimum requirement for retail in their Central Business District and Downtown zoning areas. The average requirement in special districts for retail is 3.1 spaces per 1,000 square feet, nearly 1 space per 1,000 square feet less than the citywide standards.

Office

Minimums for office range from 0.7 to 6.66 spaces per 1,000 square feet of floor area, with the average requirement around 3.8 spaces per 1,000 square feet of floor space. Only three cities include maximums for office parking: San Francisco, which varies; Gilroy at 3.6 spaces per 1,000 square feet; and Pleasant Hill at 4.0 spaces per 1,000 square feet.

Special District Reductions

Oakland has no minimum requirement for office in its Central Business District. The average requirement in special districts for office is 3.1 spaces per 1,000 square feet, only slightly less than the average for citywide requirements.

Conclusions:

There is a wide range of parking policies in the cities of the Bay Area. Almost all cities, with the exceptions of downtown San Jose, downtown Oakland, and certain areas of San Francisco, have required parking minimums for residential units, commercial parking facilities, or other transport options; all cities have parking minimums for non-residential (retail and office uses), typically determined based on the square feet of a development.

The proposed SPASP recommends the same parking requirements for ALL commercial uses (blanket approach), which we strongly believe is the wrong approach for San Pablo Ave. We all know there are certain intensive uses that generate a higher demand for parking, such as fast-food restaurants, full-service restaurants, grocery stores, convenience stores, liquor stores, banks, medical offices, church assemblies, recreational facilities, membership organizations, clubs, motels/other lodging places, etc... All cities in the Bay Area recognize this difference and as a result, they set their parking requirements according to the type of commercial use. The RANC recommends this as well.

Reducing off-street commercial parking availability only encourages vehicles to park in residential neighborhoods, which is already happening in Berkeley, creating circulation problems, parking shortages, and hurting the businesses. Use of residential streets for the overflow of commercial patron parking should be avoided.

If the current minimum commercial parking requirements cause more parking to be built than would be demanded by either the renters in the housing market or the retailers or office users, then both Richmond and El Cerrito could include a parking waiver provision with a conditional use permit. We would recommend a parking survey, which would be required for projects requesting a waiver for any parking required under the Zoning Ordinance or SPASP. The two cities could prepare a "Parking Survey" Instructions and Guidelines.

IX. Traffic Congestion and Diversion / Street Reconfiguration

Reducing the speed limit to 25 mph and adding bike lanes, large bus platforms, flex parking lanes, and only two parking spaces provided in between each built-in planter along San Pablo Avenue, as proposed under the SPASP, would create parking shortages and hurt the businesses. This would divert traffic onto adjacent residential streets, creating circulation problems. Richmond Street in El Cerrito and Carlson Boulevard in Richmond Annex would more than likely become the alternative routes, especially during the AM and PM peak hours. Both upgraded Ohlone Greenway and Carlson Boulevard, parallel to San Pablo Avenue, are already used as the bicycle highways and are sufficient for bicyclists.

X. Flex Parking Lane or Parklets in Parking Lane

The proposed flex parking lane or parklets in parking lanes used for outdoor dining is undesirable, compromising the health, safety and welfare of the community, further creating on-street parking shortages along the curb. We prefer the recessed outdoor dining areas, as recommended in RANC's San Pablo Avenue Slide Presentation, dated 11-18-13, and provided below.

Building is set back from the sidewalk to accommodate outdoor seating, making the pedestrian experience more inviting.



This is a wonderful example of outdoor restaurant seating. The area is kept clean and neat with well-decorated plants and colorful umbrellas. Notice building is recessed from sidewalk to accommodate outdoor dining, leaving plenty of room for pedestrians to pass by.



Recessed outdoor seating provides a safe & pleasant dining experience, separated by pedestrian passerby.



Another great example of where the building is set back enough to provide a recessed area for outdoor seating, separated by the pedestrian right-of-way. Tasteful, neat and organized.

XI. Health and Air Quality Impacts

We believe a significant amount of traffic increase and congestion will result from increased housing and regional development, forcing vehicles to idle.

Why is idling a big problem?

Idling produces pollution. Idling creates more pollution that is released into our environment, contributing higher levels of smog and poor air quality.

Idling affects our health. Idling produces higher levels of particulates and affects our health. Children, the elderly, pets, and those with respiratory problems are most sensitive to poor air quality, especially those who live along major thoroughfares or for those eating at an outdoor café along thoroughfares. (Outdoor air pollution is primarily caused by motor vehicle emissions, some of which are toxic. These emissions include powerful respiratory irritants that not only aggravate asthma, but, as recent studies have shown, can actually cause children and the elderly to develop asthma in the first place—ref. American Lung Association.)

Idling affects our environment. The extra pollution created by idling contributes to climate change.

Idling wastes fuel and money. Idling a vehicle gets you 0 miles per gallon fuel economy. Ten minutes of idling a day wastes an average of 27 gallons of fuel a year.

Creation of Idle-Free Zones: Designated community idle-free zones, areas where idling is particularly discouraged, are becoming popular. Most of these zones have been established at municipal facilities and schools, but other popular locations include hospitals, daycare centers, parks, recreation centers, and most importantly residential neighborhoods.

We need to seriously discourage idling on San Pablo Avenue. This means we should not allow the level-of-service to deteriorate to E or F.

XII. Public Safety Concerns

The high-density development, reduced speed limit, reduced commercial parking, bike lanes and other changes proposed under the SPASP for San Pablo Avenue will all inevitably contribute to traffic congestion, especially at certain times of the day. RANC is reasonably concerned about the effect this congestion will have on emergency response vehicles, which must use San Pablo Avenue to reach destinations in a hurry. Fire, ambulance and police vehicles may have to use narrower side streets in Richmond Annex and El Cerrito, causing delays, excessive noise, and risks to residents and pedestrians. These vehicles will take extra time to reach Central Avenue, Fairmount Avenue, and Carlson Boulevard. With business patrons parking on the narrower side streets, these emergency vehicles may have no choice except to park in the middle of the street, blocking traffic in both directions.

XIII. Level of Service (LOS)

While most of the direct traffic impacts from local land use intensification will fall upon Regional Routes such as San Pablo Avenue, Central Avenue, Cutting Boulevard, Carlson Boulevard, and Fairmount Avenue, it is equally important that such activity not burden the basic route system and thus avoid deteriorated level-of-service for this major thoroughfare and its signalized intersections.

The City should make a committed effort to reduce traffic congestion and improve the efficiency and safety of its local street system, monitor traffic conditions on a systematic basis, and develop programs to maintain reasonable level-of-service standards. Incremental high-density growth along San Pablo Avenue, Central Avenue, Carlson Boulevard, Fairmount Avenue, Moeser Lane, Potrero Avenue, and Cutting Boulevard can potentially overburden this regional route and cause traffic to filter into our local collector and arterial residential streets, if not maintained at a reasonable level-of-service.

The operation of transportation facilities (freeways, roadways, intersections) is classified in 6 “level-of-service” categories. Level of service (LOS) is defined in terms of a letter grade ranging from A to F. LOS A is the best level of operation, representing free flow conditions, and LOS F is the worst level of operation, representing excessive delays, long vehicle queues, and generally intolerable conditions.

Level of Service	Description
A	No congestion. All vehicles clear in a single signal cycle.
B	Very light congestion. All vehicles clear in a single signal cycle.
C	Light congestion, occasional back-ups on some approaches or turn pockets.
D	Significant congestion on some approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks.
E	Severe congestion with some long back-ups. Blockage of intersection may occur. Vehicles are required to wait through more than one cycle.
F	Total breakdown. Stop and go conditions.

Since most intersections in El Cerrito operate at LOS C or better, the City should strive to maintain LOS C on San Pablo Ave. Since all City operated intersections and residential streets (excluding major thoroughfares) operate at LOS A or B, the City should also strive to maintain LOS A and B on those streets. The City of El Cerrito policy calls for achievement of LOS D or better conditions in its current General Plan. Moving from LOS D to LOS E & F, as proposed in the SPASP, would be a significant negative impact! Our local residential collector streets and potentially our arterial streets would then shift from LOS A to LOS D or E. This would also be a significant negative impact and unacceptable to the residential neighborhoods throughout Richmond Annex and El Cerrito.

Portions of San Pablo Avenue in El Cerrito (Del Norte Bart area), and Pierce Street and Central Avenue in Richmond Annex can be as bad as LOS E or F conditions, especially during the AM and PM peak hours or during the weekends when the high-intensity uses (Del Norte Bart area, Pacific East Mall, Costco, and Pt. Isabel Regional Park) reach critical mass, or when an incident on I-80 results in a higher-than-normal diversion of Regional traffic onto San Pablo Avenue.

As mentioned in the SPASP, the proposed LOS Standards for the SPASP would allow the level-of-service to deteriorate to LOS E, and LOS F would be acceptable to ensure non-auto goals are achieved for San Pablo Avenue and Central Avenue. LOS E means severe congestion with some long back-ups. LOS F means gridlock, forced or breakdown flow. Both “E” and “F” are unacceptable levels-of-service. The non-auto goals in Berkeley have not been achieved, despite their best efforts. Traffic conditions have deteriorated and parking is deficient. This is something that we do not want to emulate.

Traffic Improvements for New Development

Improvements to the circulation system consisting of arterial roadways, intersections, traffic signal improvements and projects needed to accommodate new development need to be addressed. The City should impose Major Thoroughfare Impact Fees to maintain LOS C, which may require the payment of a fee as condition of approval of a final map, or as a condition of issuing a building permit for purposes of helping to defray the actual or estimated cost of improving major roadways, traffic signals and other modifications. Such fees, if imposed either as a condition of subdivision approval or issuance of a building permit should be considered to mitigate on or off-site project specific traffic impacts for a new development, particularly a large one.

RANC recommendation: **Establish a citywide achievement goal of LOS C for major thoroughfares (a maximum congestion threshold).** The City should not allow San Pablo Avenue to deteriorate to LOS E or F. The City should require mitigation for significant LOS impacts, if streets and/or intersections begin to deteriorate to LOS E or F.

RANC recommendation: **Establish a citywide achievement goal of LOS A and B for residential streets.** Again, the City should not allow our collector and arterial residential streets to deteriorate to LOS C, D or E. Currently, the vast majority of local residential streets operate at LOS A - B. The City should discourage cut-through traffic on residential streets, maintain the existing system of collector streets, and, where necessary, employ traffic management techniques to minimize the speed of vehicles traveling through residential neighborhoods.

- ▶ The EIR needs to address the impacts of congestion on the livability of the established residential neighborhoods. This means the EIR needs to address not only the health impacts, but also the effects on quality of life, doing business in our cities, and the negative impacts it would have on property values. Since traffic congestion slows all movements of goods and services (including emergency services), as well as the public, how is this an improvement for the community?
- ▶ The proposed LOS standards in the Draft Plan need to be adequately addressed in the EIR. Better solutions are needed to prevent deterioration of the current LOS. El Cerrito should try to avoid the pattern that has become chaotic and a permanent condition in Berkeley.

In conclusion, the LOS E and F standards proposed for the entire Avenue would negatively affect the livability of established residential neighborhoods and impact our businesses.

XIV. Commercial vs. Residential Development

Commercial development generates more local sales tax revenues than residential and brings in much needed jobs for local residents. Areas along San Pablo Avenue may be developed for either commercial businesses or for residential multi-unit projects. Before any major or long-term changes to San Pablo Avenue are considered, it therefore becomes necessary to conduct the appropriate feasibility studies to determine which type of development is a better fit for the area. There are several types of these studies, such as cultural, economic, market and real estate, and all three types are relevant for inclusion in the SPASP. In a cultural feasibility study, the project's alternatives are evaluated for their impact on the local environment, which includes long established single-family neighborhoods. An economic feasibility study assesses the positive/negative economic consequences of the project/development, and includes a cost/benefit analysis. Market and real estate feasibility studies focus on the importance of, or the need for, commercial businesses or residential unit projects in the selected area, and is used to determine if the project is economically reasonable and cost-effective. For San Pablo Avenue, all three types of feasibility studies should be made for five, ten, twenty and more years in advance to assess the cultural and economic value of the proposed changes to businesses, adjacent neighborhoods, and transportation pathways.

XV. Bicycle Lanes

AC Transit is very concerned about bicycle lanes conflicting with auto and bus lanes, as expressed in their comment letter to the Draft San Pablo Avenue Specific Plan (SPASP) and related EIR.

XVI. Water Service

EBMUD is very concerned about water service, as expressed in their comment letter to the Draft San Pablo Avenue Specific Plan (SPASP) and related EIR. According to EBMUD, this particular area is served by the Central Water Pressure Zone G0A with a service elevation range between 0 to 100 feet. The proposed building heights are 55' to 65'. To support the plumbing and provide required fire flows, the Central Water Pressure may not be adequate. An alternative may be having the project install private pumps within the proposed building to supply the upper stories. Water main extensions and off-site pipeline improvements, at the developer's expense, may be required to serve this individual project to meet domestic demands and fire flow requirements.

XVII. User Friendly

The SPASP is still too complicated and difficult for the public and private users to download and comprehend. The plan will need to be simplified in its delivery. Perhaps an end summary with charts may help.

Building Height Perspectives

As verified with city records; building heights as measured from grade to roof ridgeline)



The Vital Building (formerly the Historical El Cerrito Mill & Lumber Building). The building is a perfect fit for shallow lot sizes, abutting single-family homes. 10837 San Pablo at Orchard Ave., Richmond Annex
Building height: **25 ft.** as verified with City records.



Village at Town Center (mixed-use building)
10810 San Pablo at Schmidt Lane, El Cerrito
Building height: **42 ft.** as verified with City records.



Eskaton Hazel Shirley Manor (senior housing)
11025 San Pablo at Madison Ave. El Cerrito
Building height: **40 ft.** as verified with City records.



Del Norte Place (mixed-use building)
11720 San Pablo at Knott Ave., El Cerrito
Building height: **45 ft.** as verified with City records.



1800 San Pablo at Delaware Ave., Berkeley (*mixed-use building*), as shown in the proposed SPASP.
Building height: 50 ft. as verified with City records.



Unknown location, as shown in the proposed SPASP.



1885 University at MLK, Berkeley (*mixed-use building*)
Building height: 50 ft. for main building; 54 feet to top of penthouses, as verified with City records.



**200 2nd Street, Oakland, as shown in the SPASP. Seventy-five units.
Building height: 69 ft. as verified with City records.**



Proposed strong urban form and building articulation (form-based codes) for San Pablo Avenue. Building is in direct contrast with Single-Family Residentially-Zoned Districts. There is no transition zone, which is atypical in most cities.

Barbara Sholtz

9/7/2014

El Cerrito City Council
San Pablo Avenue

I am writing this letter to express several concerns about the current plan for San Pablo Ave and Central Ave.

1. Greater population density means more cars not fewer!

2. Streets paralleling San Pablo will therefore be jammed up with more parked cars.

3. Most of the traffic on San Pablo during commute times are Not residents of El Cerrito. These commuters will not respond to the idea that we must leave our cars behind.

4. San Pablo & Richmond already receive the overflow from Highway 80. Traffic will only get worse on these 2 streets - Not better.

5. Public transportation throughout the city for older residents is nonexistent.
SPAS needs major tweaks!

Barbara Sholtz

September 8, 2014

Melanie Mintz
Community Development Director
El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Ms. Mintz,

Enclosed is a revised version of a letter that I wrote to the editor of The Journal last November about the San Pablo Avenue Specific Plan. I haven't tracked the changes to the plan, if any, since then. If my letter is still relevant, I would be grateful if you would include it in the packet of comments you are preparing for the City Council meeting on September 22nd.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Stanton', with a long horizontal stroke extending to the right.

Ken Stanton

El Cerrito, CA 94530

September 8, 2014

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

Comment on the San Pablo Avenue Specific Plan

Last November I read an article in The Journal about the discussion at the El Cerrito City Council of plans for San Pablo Avenue. According to the article, the plans focus on "making circulation changes that would emphasize pedestrians, bicycles and buses as a priority over automobiles."

This strikes me as charming, but impractical for many El Cerrito residents.

El Cerrito is situated on a hillside, with an elevation of approximately 700 feet from San Pablo Avenue to Arlington Boulevard. About 60 percent of El Cerrito residents are over the age of 44. How many of these residents will find bicycles to be a practical mode of daily transportation up and down the hillside?

Bus transportation up and down the hillside was severely curtailed in 2003 when AC Transit eliminated the El Cerrito portion of the 67 bus route from Arlington Boulevard to the El Cerrito Plaza BART station. What is the likelihood that AC Transit will restore the El Cerrito portion of this route?

San Pablo Avenue is a state highway. It extends from downtown Oakland to State Route 4 at Hercules. It supplements Interstate 80 during peak commute hours and serves as an alternate route when necessary.

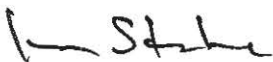
If the plan being considered by El Cerrito will reduce the capacity of San Pablo Avenue to allow for automobile traffic, this will create a bottleneck in the middle of a major thoroughfare, and will result in a major disruption for through traffic, as well as for El Cerrito residents.

Local businesses will lose customers to more accessible shopping districts, local residents will spend more time commuting each day, and traffic is likely to be pushed onto smaller residential streets.

El Cerrito grew up along the old US 40 highway. Many residents were attracted by the accessibility of the location to other parts of the Bay Area. The plans being discussed have the flavor of "downtown envy."

Perhaps we would do better by finding ways to enhance the natural and historic geography of our city, rather than by trying to imitate other communities.

Sincerely,



Ken Stanton

El Cerrito, CA 94530

From: Melanie Mintz
Sent: Tuesday, September 16, 2014 10:33 AM
To: Melanie Mintz
Subject: FW: Sorry for delays!

From: Tess Taylor [mailto:tess_taylor@mac.com]
Sent: Saturday, September 13, 2014 9:07 AM
To: Melanie Mintz
Cc: Emily Alter
Subject: Re: Sorry for delays!

Dear Members of the Council:

I'm Tess Taylor. I've lived in El Cerrito for 18 years, non consecutively- my family moved here in 1984 when I was five, and I left for college in 1995, and then I moved back to El Cerrito as a new mom in 2011. I have known the city in various guises- as a child, as a teenager, as a young adult, and now as a new parent. I am also Chair of the Economic Development Committee. I don't write in that role, but I do mention it.

El Cerrito, quite frankly, has been an underdog city for a long time. Despite having excellent access to nature and transit, affordable housing near BART, the town has been plagued by lower than neighboring house values, high turnover of young families, and underwhelming businesses- a sense that our spaces and community life don't wholly cohere. When people in El Cerrito are polled about it, they say they like it fine, but that they don't feel a sense of place or center, that it doesn't have amenities that they want- that they go elsewhere to dine and spend recreation dollars. As Gertrude Stein said, there's no there there.

Part of this is because our zoning has made our spaces feel eviscerated and lonely. For too long too many of our would be public spaces have been designed for cars, for big swatches of asphalt. These spaces are only really comfortable for cars. They are not comfortable for people- kids, young adults who do not drive, or really anyone on foot. San Pablo has been one of these. Here's the problem: Our streets stay lifeless. They look bland and dull. And, no matter how many parking spaces we create- the fact is that cars don't shop. People do.

We need to give people reasons to stop and linger in El Cerrito, to enjoy their time here. It's time to stop creating spaces only for cars and start creating spaces for public life and public interaction- for the vital city we hope to be. The El Cerrito Specific Plan puts more "here" here. It makes it possible to bring more life onto our commercial strips, and makes these spots feel comfortable to people and enticing to businesses where people spend money.

I do think there are some aspects of the form based code that need review- particularly the question of window size (we don't need all windows to be 75 percent of surface area on the first floor, and I think that you'd do well to listen to Steve Price's expert opinions about finessing the design). But all in all I think it is good.

In particular, the plan pioneers the use of sensible bike infrastructure. As a young parent who loves to bike and as the daughter of a senior dad who loves to bike, I welcome seeing a city that can be shaped around safe bike transit. This is an integral part of being part of a leading edge- setting El Cerrito apart from other cities, distinguishing us as the "special place" we so desperately want to be. It's the kind of

thing we need to do now- make ourselves a city that stands out- a city that stands out for being so good for people of all ages and stages.

Having people walk and bike - building the infrastructure for that- is also a necessary part of helping all El Cerritans care for the environment. It is in line with our mission. It's environmentally sound, its economically sound.

The plan is a stong step forward.

Refine small parts of the plan if need be, but I urge you to whole heartedly indorse it.

Sincerely.

Tess Taylor

te: 09/12/14

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Checked by AVG - www.avg.com

Version: 2013.0.3485 / Virus Database: 4015/8201 - Release Date: 09/12/14

From: Gail [gailngoo@hotmail.com]
Sent: Saturday, September 13, 2014 6:22 PM
To: Melanie Mintz
Subject: FW: San Pablo Avenue Specific Plan

Thoughts on SPASP

From: gailngoo@hotmail.com
To: mkavanaugh-lynch@ci.el-cerrito.ca.us
CC: maryspond@sbcglobal.net
Subject: San Pablo Avenue Specific Plan
Date: Tue, 15 Jul 2014 21:12:40 -0700

Dear Margaret Kavanaugh-Lynch,

As a resident of the Richmond Annex for the past 17 years, I am very concerned about the impact the SPASP will have on my neighborhood. Although I like the idea of high density walkable neighborhoods, I think the quality of life for the existing neighborhoods should be carefully considered. My biggest concerns involve traffic and parking. The street I live on, Tehama Ave., already has an inordinate amount of traffic due to it's being a shortcut to the Carlson 880 freeway on ramp. Increasing the residential density on San Pablo Ave. will surely add to the high number of cars zooming up and down my narrow residential street. Reducing the speed limit from 30 mph to 25 mph and adding bike lanes is a nice thought, but many people in many cars use San Pablo Ave. as their direct commute route. These commuters will become frustrated, flooding our smaller streets looking for a faster way home. Parking will also be an issue if the number of households increases dramatically, whether it's from tenants/homeowners looking for a spot or patrons of local business venturing even further into Annex neighborhoods. I would like to see serious traffic studies and traffic diversion plans developed and presented before the SPASP is put into action.

Thank you for your time.
Sincerely,

Gail Todd

Richmond, CA 94804
510-558-9534 CELL 510 407-6315

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3485 / Virus Database: 4015/8201 - Release Date: 09/12/14

From: Cynvogel@aol.com
Sent: Thursday, September 04, 2014 4:40 PM
To: Melanie Mintz
Subject: SPASP

Dear Ms. Mintz: I am resending my previous letter re SPASP to you and ask that it be submitted as a matter of public record and for inclusion in the City Council packet.

My home is located on the 5600 block of Alameda Avenue in Richmond Annex, two blocks from San Pablo Avenue. I understand that El Cerrito's proposed SPASP (San Pablo Avenue Specific Plan) will increase residential density along San Pablo Avenue which will automatically increase the traffic traveling thereon. For the past several years driving on San Pablo Avenue in the morning en route to work in Berkeley I have faced gridlock traffic. Moving to Richmond Avenue did not help as that route south also becomes bumper to bumper. It seems to me irrational to increase residential density with resultant traffic increase. Please rethink your proposed Plan.

I understand further that in the Plan height of proposed buildings along San Pablo will be increased from the current height levels. As a consequence my area of the Annex will be sandwiched between high buildings and the freeway--claustrophobic at least with very bad air flow.

Our Richmond Annex Neighborhood Council has some excellent ideas for alternatives to El Cerrito's Plan. Example is the Vital Bldg's height at Orchard--a perfect fit for its lot. Please review RANC's suggestions for change of SPASP with your City Council. Let's make our neighborhoods livable and architecturally sensible. Sincerely, Cynthia Vogel, Richmond Annex

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3485 / Virus Database: 3955/8149 - Release Date: 09/03/14



**September 22, 2014
Special City Council Meeting**

**Item No. 6(B) SAN PABLO AVENUE SPECIFIC PLAN and
ENVIRONMENTAL IMPACT REPORT CERTIFICATION**

**Attachment 8 San Pablo Avenue Draft and Final
Environmental Impact Reports and Mitigation Monitoring
Program are posted on the City's website at
www.el-cerrito.org/SPASP**

and are also available for review in hardcopy format at the
following locations:

Office of the City Clerk
10940 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue



San Pablo Avenue Specific Plan & EIR

September 22nd, 2014

Overview of Tonight's Meeting

- Staff
 - Review background
 - Precedent Policies
 - Planning Process
 - Introduce Administrative Components
 - Review Form Based Code
 - Review Complete Streets
 - Infrastructure
 - EIR
- City Council
 - Open Public Hearing
 - Consider Legislative Components

Local Goals

- 1999 General Plan

- Major Issue: Development within the San Pablo Avenue Corridor unattractive and not pedestrian friendly
- Primary Action Strategies:
 - Del Norte, Plaza and Midtown Revitalization Strategies Economic Development Strategy
 - San Pablo Avenue Corridor Design Guidelines
 - Green Infrastructure Initiative

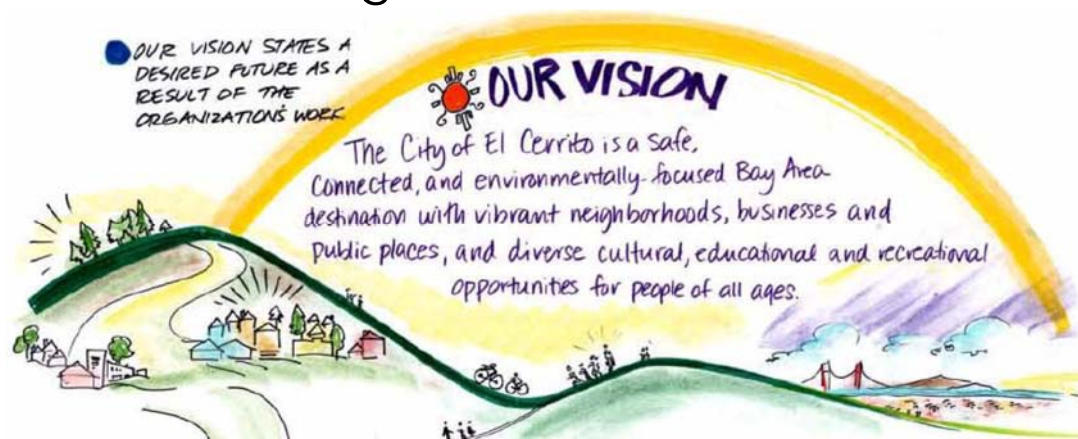
- 2006 Economic Development Action Plan

- Goal: Create consistent vision of El Cerrito's transition to an urban lifestyle (along SPA) that attracts high quality development and sustains a strong sense of community

Local Goals

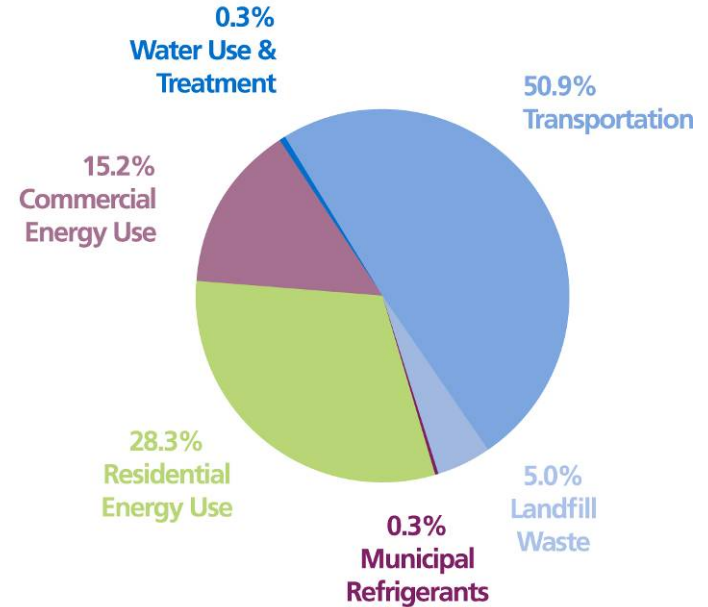
- 2013 Strategic Plan

- Achieve long-term financial sustainability
 - Attract and maximize opportunities for new/expanding businesses
- Deepen a sense of place and community identity
 - Reimagine underdeveloped and underutilized properties
 - Encourage use of alternative modes of transportation
- Foster Environmental Sustainability
 - Implement the City's Climate Action Plan - Reduce vehicle-miles traveled through transit-oriented urban form



Local Goals

- 2013 Climate Action Plan
 - Encourage more compact, higher density infill development along transportation corridors
 - Increase economic base
 - More jobs
 - Greater vitality and more pedestrian-friendly economic activity
 - Invest in infrastructure that supports walking, biking and transit-use

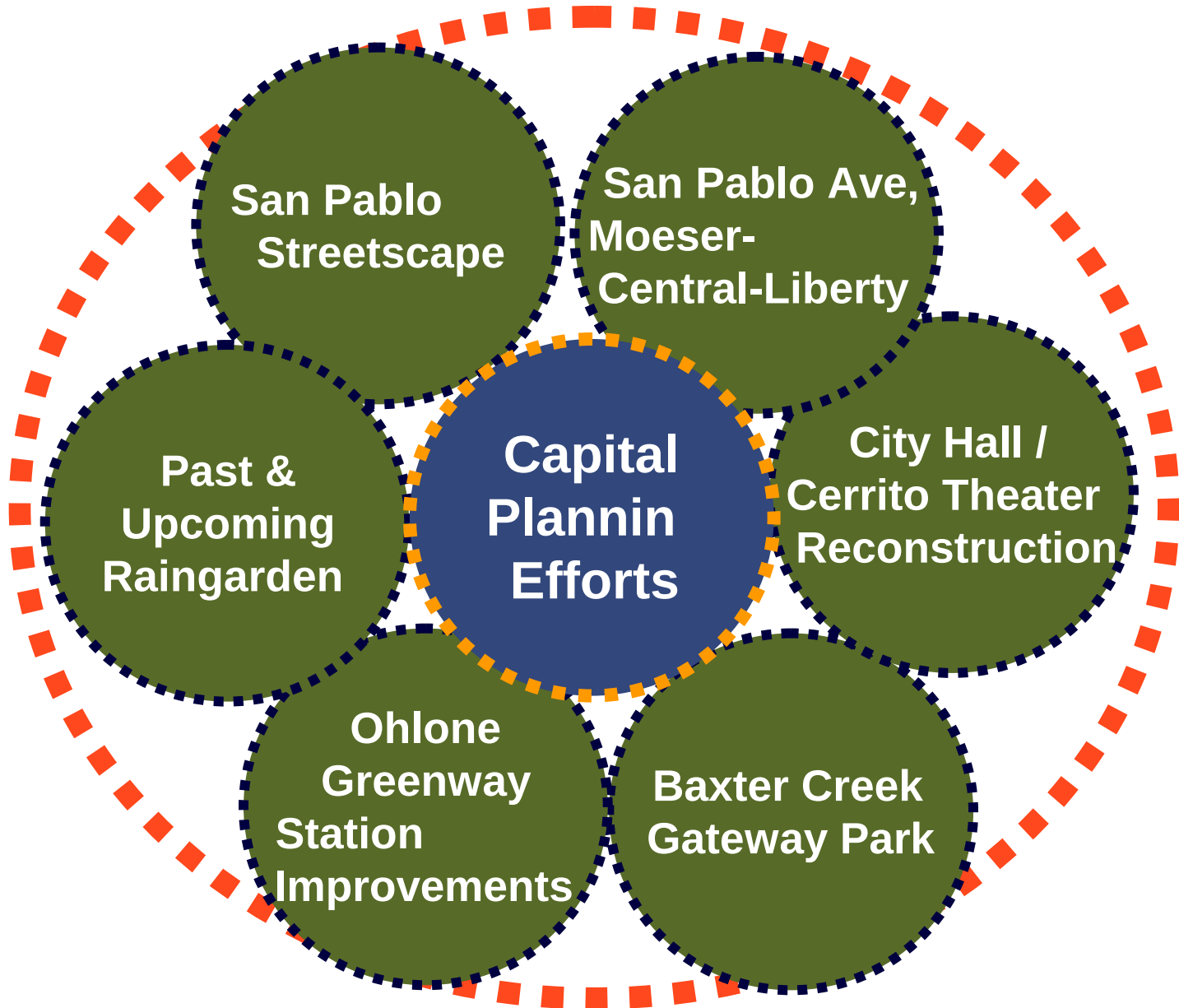


**...driving
19 miles less
per week per
household
member!**

Planning Context: Local



Planning Context: Related Capital Efforts



Planning Context: State and Regional





Planning Process



San Pablo Ave Specific Plan

- 2010 Draft/Established Principles
 - Balanced Transportation
 - Appropriate Mix of Land Uses
 - Context-Sensitive & Ecologically-Friendly Design
 - Appropriate Transitions Between Existing Neighborhoods & New Development
 - Intensification of Uses on Strategic Sites/Maximize Proximity to Transit

“A vibrant, cohesive and community-strengthening corridor”





Planning Process

2007: SPASP Initiated

- SPA Advisory Committee, Design Review Board, Planning Commission

2009: Draft Plan & Mitigated Negative Declaration

2010: 2nd Draft

2011: City Council Study Session

- Open issues: Parking, Economic Feasibility, Need for More Location Appropriate TOD

2012: TOD Feasibility Analysis

- Height, Density and Parking Recommendations

2013: Proposed SPASP Contract Authorized

- Add Form Based Code, Programmatic EIR, Complete Streets and respond to feasibility analyses

Planning Process

2013-14

- **Technical Advisory Committee:** BART, AC Transit, Contra Costa Public Health, East Bay Bicycle Coalition, Caltrans
- **Internal Coordination:** Police, Fire, Public Works, Planning, Economic Development, Sustainability
- **Study Sessions** with Design Review Board, Planning Commission, City Council
- **Three Public Meetings** Coordinated with Active Transportation Plan and Urban Greening
- **Developer and Architect Charrette**
- **45-Day Public Comment Period** for EIR
- **Planning Commission Recommendation** of Specific Plan and EIR to City Council



Specific Plan Outline

Chapter 1: Introduction

Chapter 2: Form-Based Code

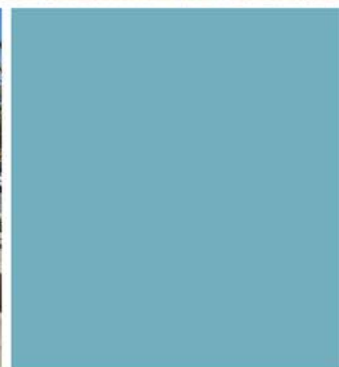
- Administration
- Regulation

Chapter 3: Complete Streets

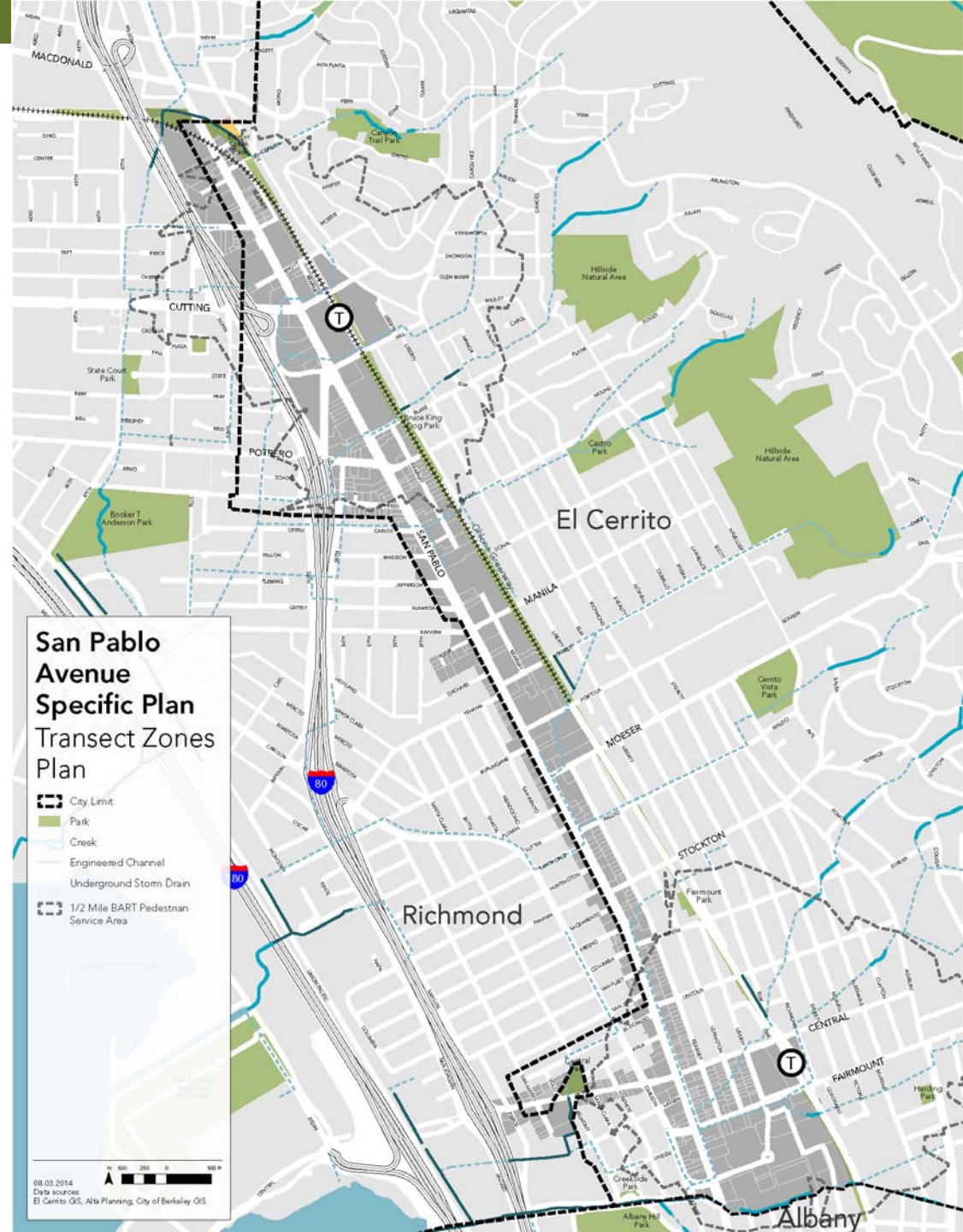
Chapter 4: Infrastructure

Appendices

San Pablo Ave Urban Design Framework

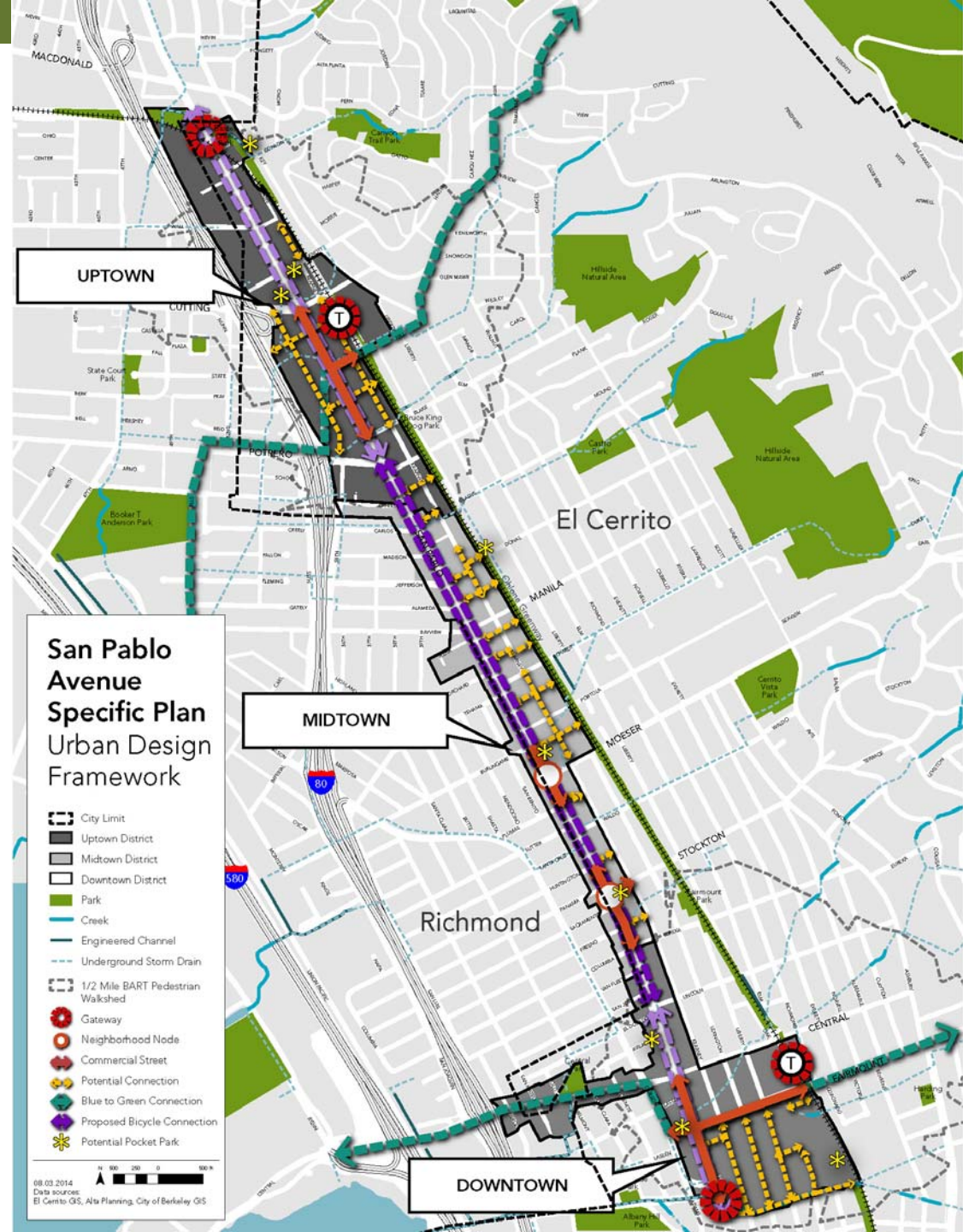


San Pablo Ave Specific Plan Study Area



Urban Design Framework

Overall Vision Map



- A. Strengthen Sense of Place
- B. Ensure Return on Investment (ROI)
- C. Encourage Practical & Market Friendly Development
- D. Enhance & Humanize the Public Realm
- E. Catalyze Mode Shift





Specific Plan Administration



Specific Plan Form-Based Code Administration

- Intent: Set clear standards for high-quality development and incentivize investment
- Tiered Approval System
 - Tier 1: Minor improvement existing structures, Administrative Review
 - Tier 2: Projects which precisely meet standards, Design Review Board at public hearing
 - Tier 3: Major improvements to existing structures, Design Review Board at Public Hearing
 - Tier 4: New development with specific deviations to Tier 2, Design Review Board and Planning Commission at Public Hearings

FBC Administration

– Land Use Regulations

- Desired land uses (e.g., residential, service, restaurant) allowed by right
- Some land uses require Administrative or Conditional Use Permit (based on potential community impact)
- Both residential and commercial allowed on ground floor throughout Plan Area
- Commercial uses required on 50% of ground floor frontage in key commercial nodes

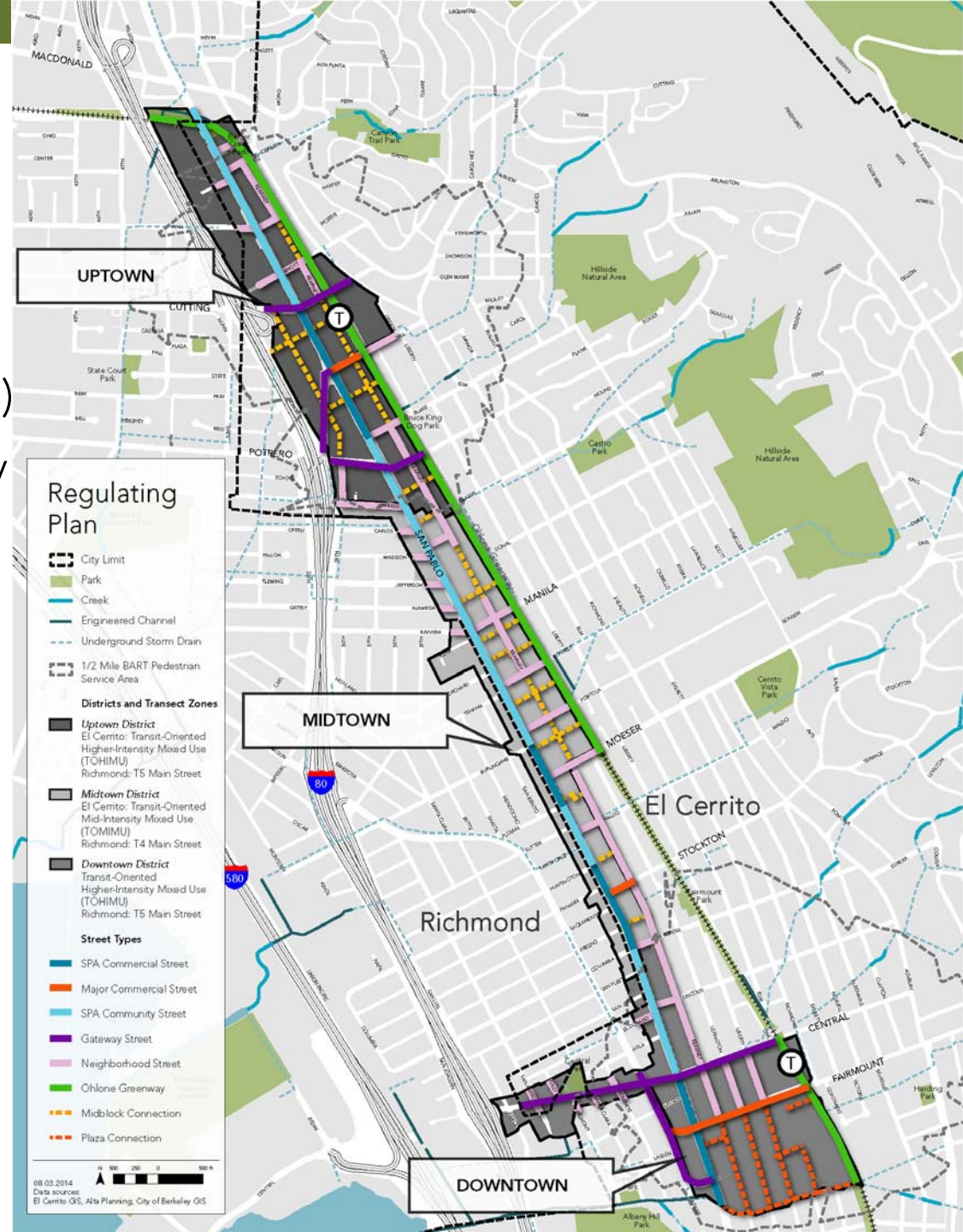


Regulating Plan



- Transit Oriented Higher-Intensity Mixed Use (TOHIMU)
- Transit Oriented Mid-Intensity Mixed Use (TOMIMU)

- San Pablo Commercial
- Major Commercial
- Commercial
- Gateway Streets
- Neighborhood Streets
- Ohlone Greenway
- Potential Plaza Connections



Transect Zones:

Transit Oriented
High-Intensity Mixed Use



Desired Form:

- Small to Large footprint
- Up to 65' (85' if project is consistent as an affordable housing project)
- Flush ground floor - ADA compliant
- Shop fronts on Commercial Street types

General Use:

- Vertical & horizontal mixed-use

Transit Oriented
Mid-Intensity Mixed Use



Desired Form:

- Buildings at or close to ROW
- Medium to Large footprint/grain
- Up to 55' (65' if affordable housing)

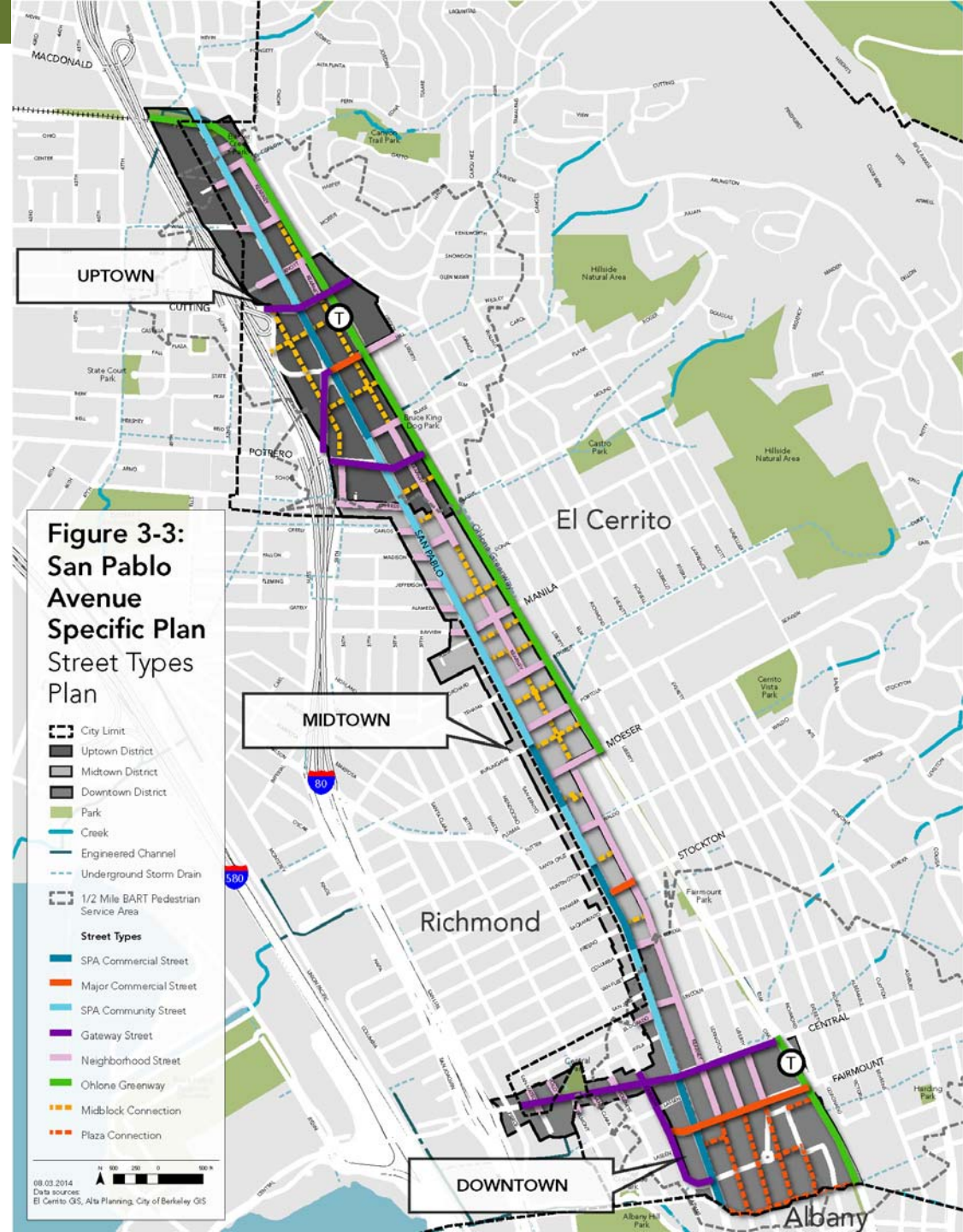
General Use:

- Vertical & horizontal mixed-use
- Primarily residential with mixed use at Stockton and Moeser nodes

Street Types Plan

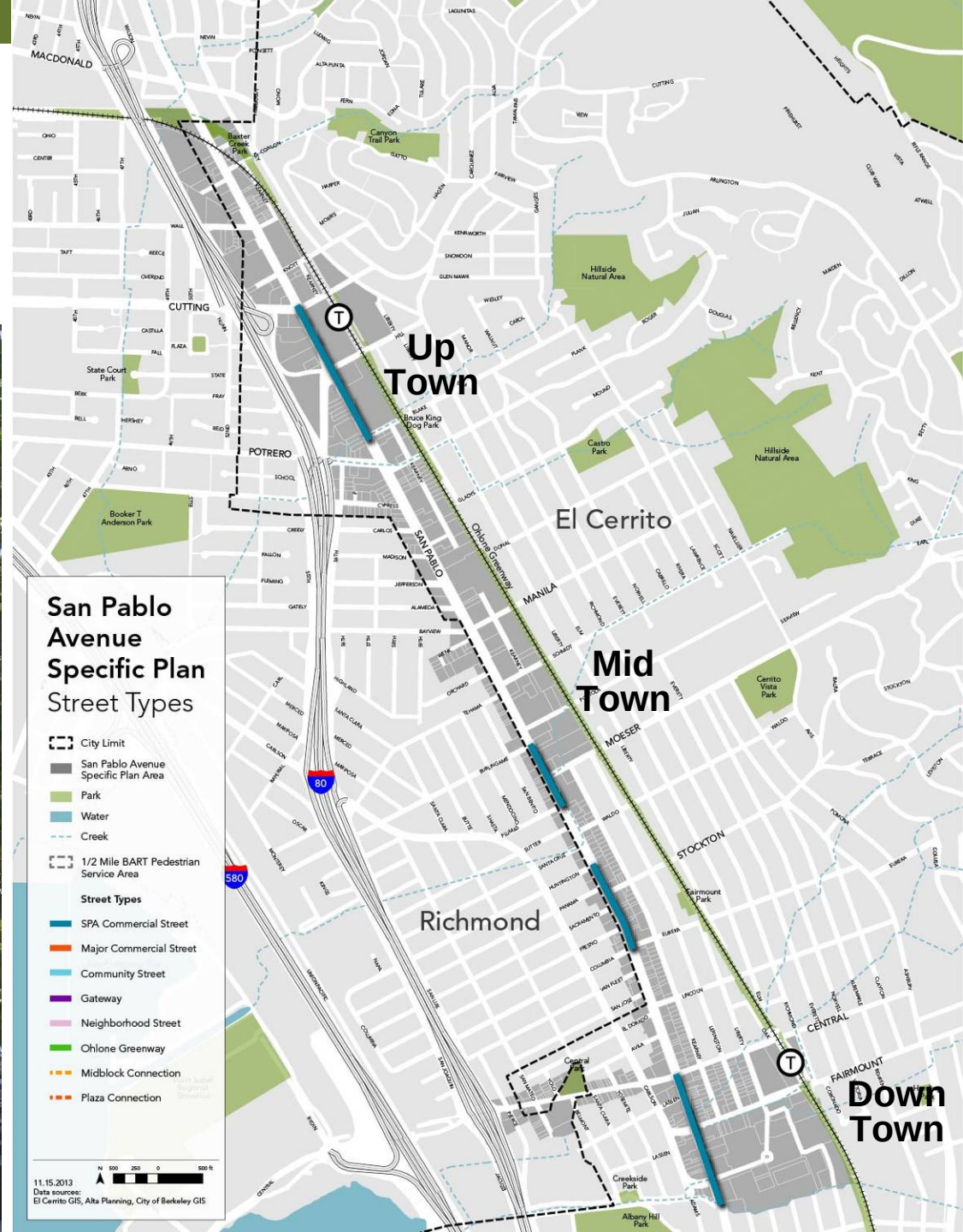
Overarching Goals

- Support the unique existing conditions while building a **stronger sense of place** along the Avenue
- Form responds to the adjoining street and neighborhood context
- Uses are market friendly
- Encouraged/desired uses on ground floor include retail, personal services, flex space and residential
- Concentrated retail and commercial development provides higher walkability and convenience



Street Types Plan

San Pablo Ave
Commercial Street



Street Types Plan

Major Commercial Streets



Street Types Plan

Commercial Streets

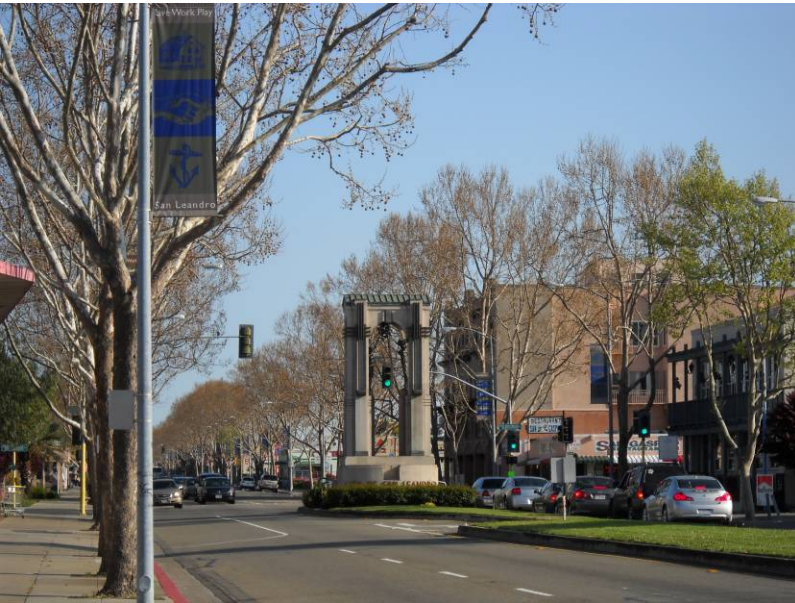


- Streets to walk, shop, etc
- Flex space on ground floor with 50% of street frontage devoted to sidewalk activation uses like retail
- Commercial uses prioritized at key blocks, corners and intersections

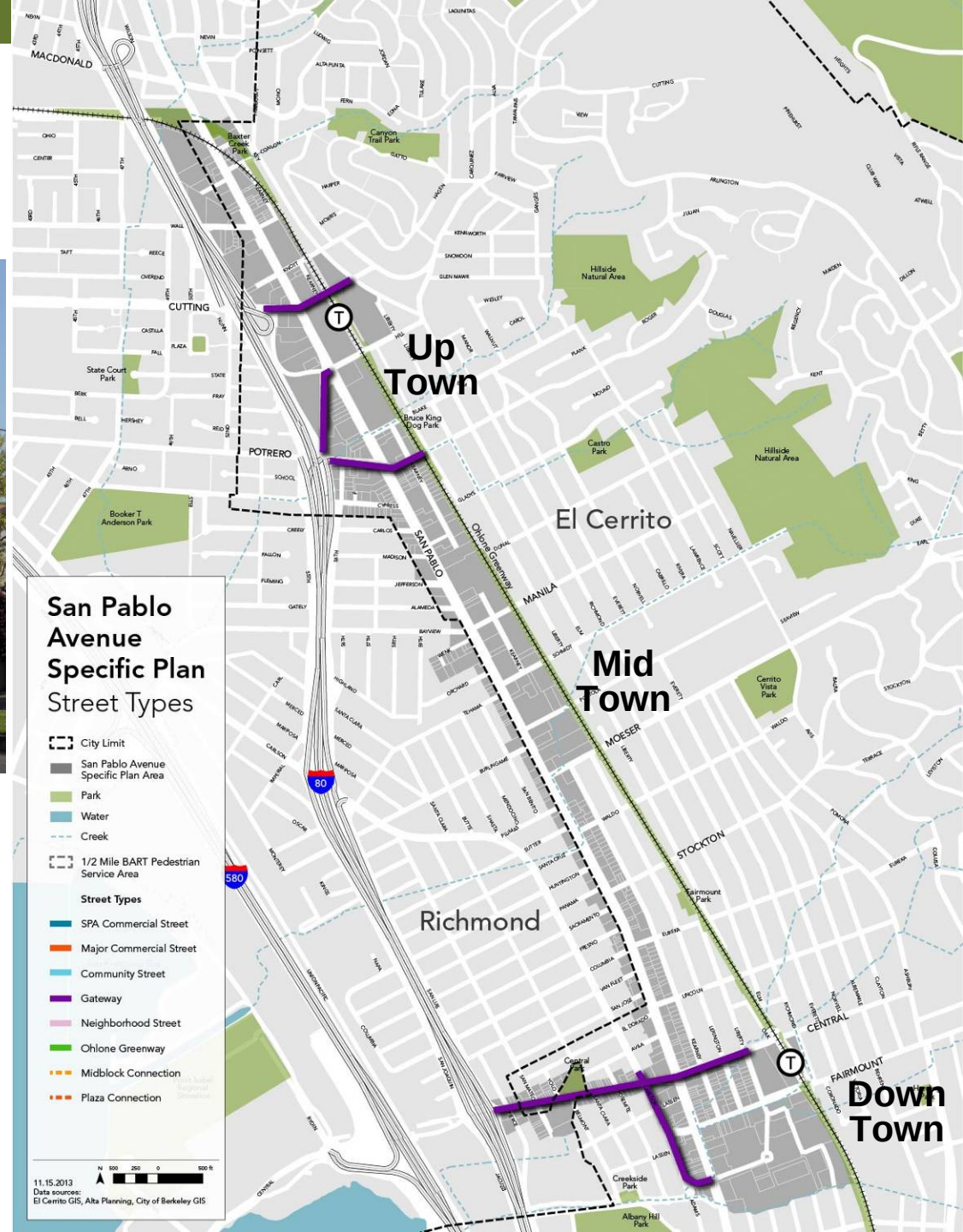


Street Types Plan

Gateway Streets

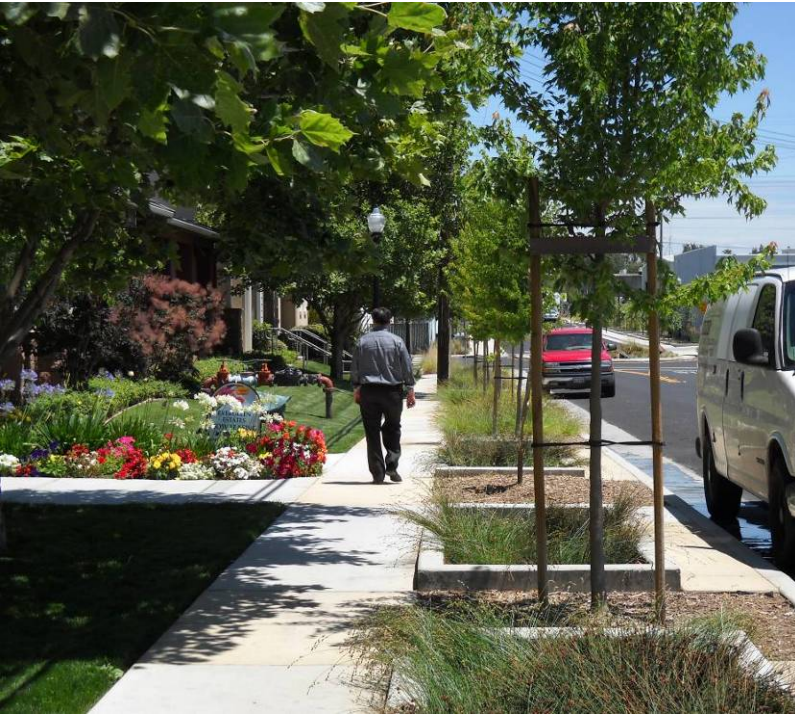


- Major entryways to the City
- Landscape and aesthetic improvements enhance the first impression & buffer traffic impacts
- Complete streets that celebrate all users

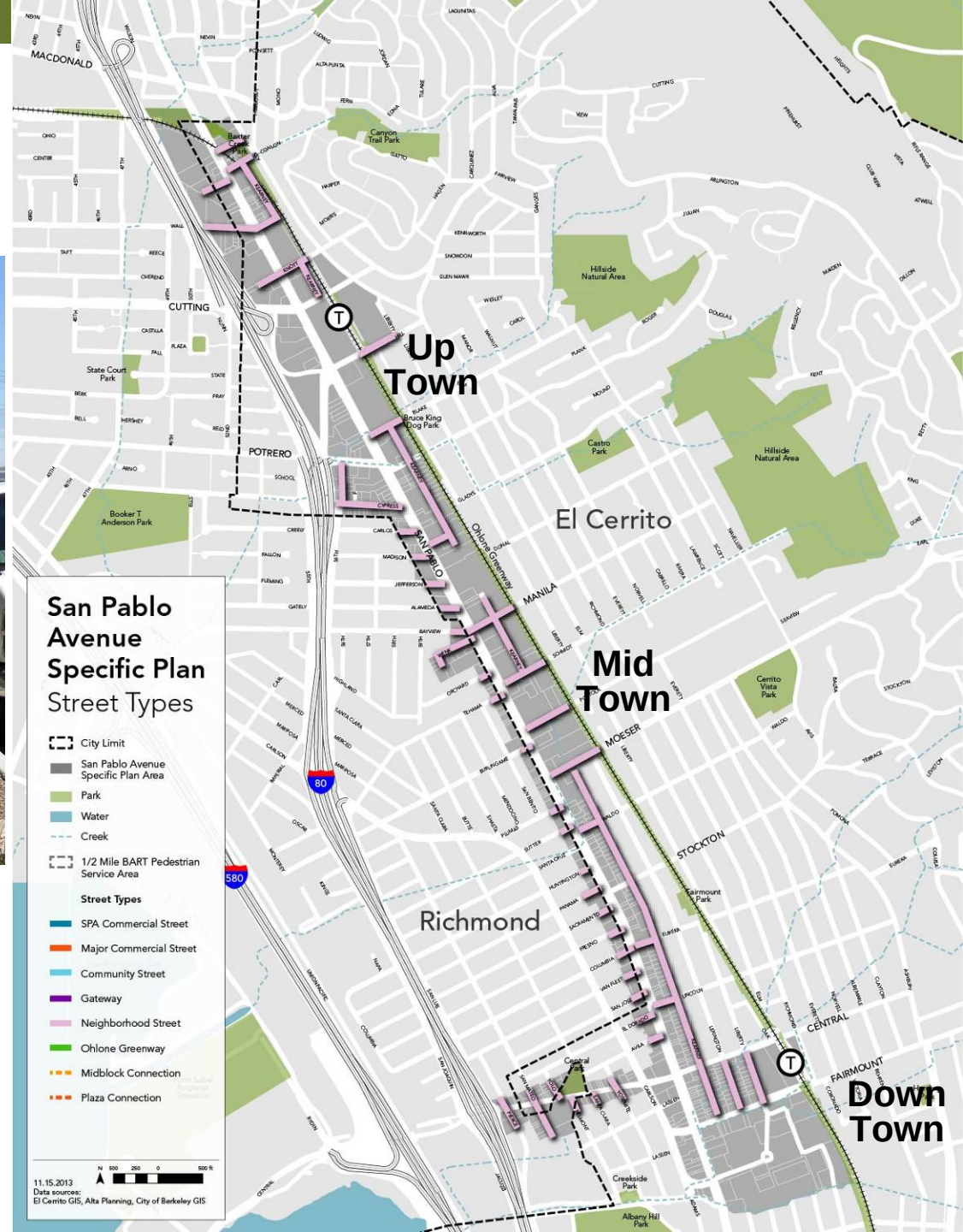


Street Types Plan

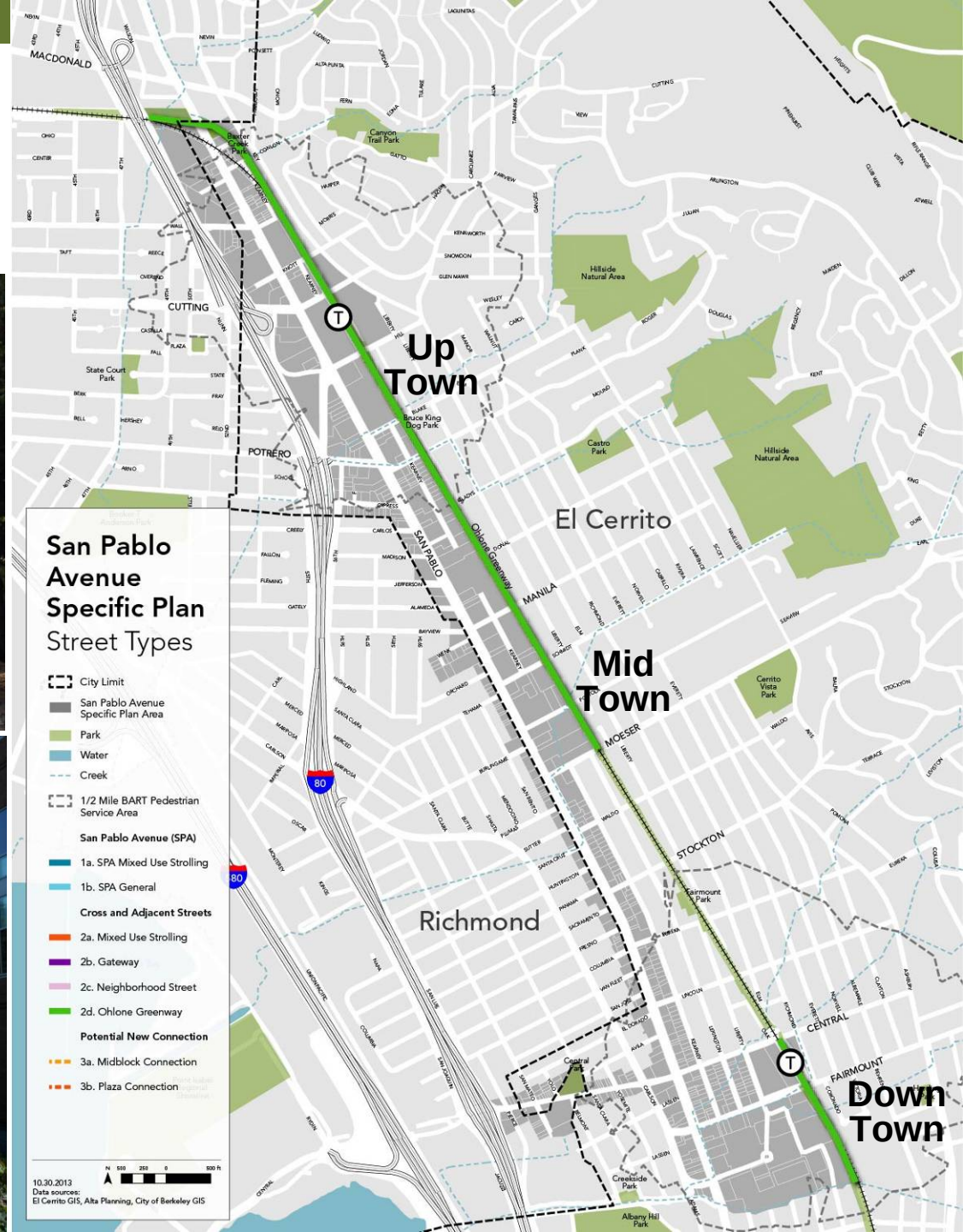
Neighborhood Streets



- Local residential and commercial streets
- Calm traffic and recaptured right-of-way for placemaking



Ohlone Greenway



Street Types Plan

Potential Plaza Connections

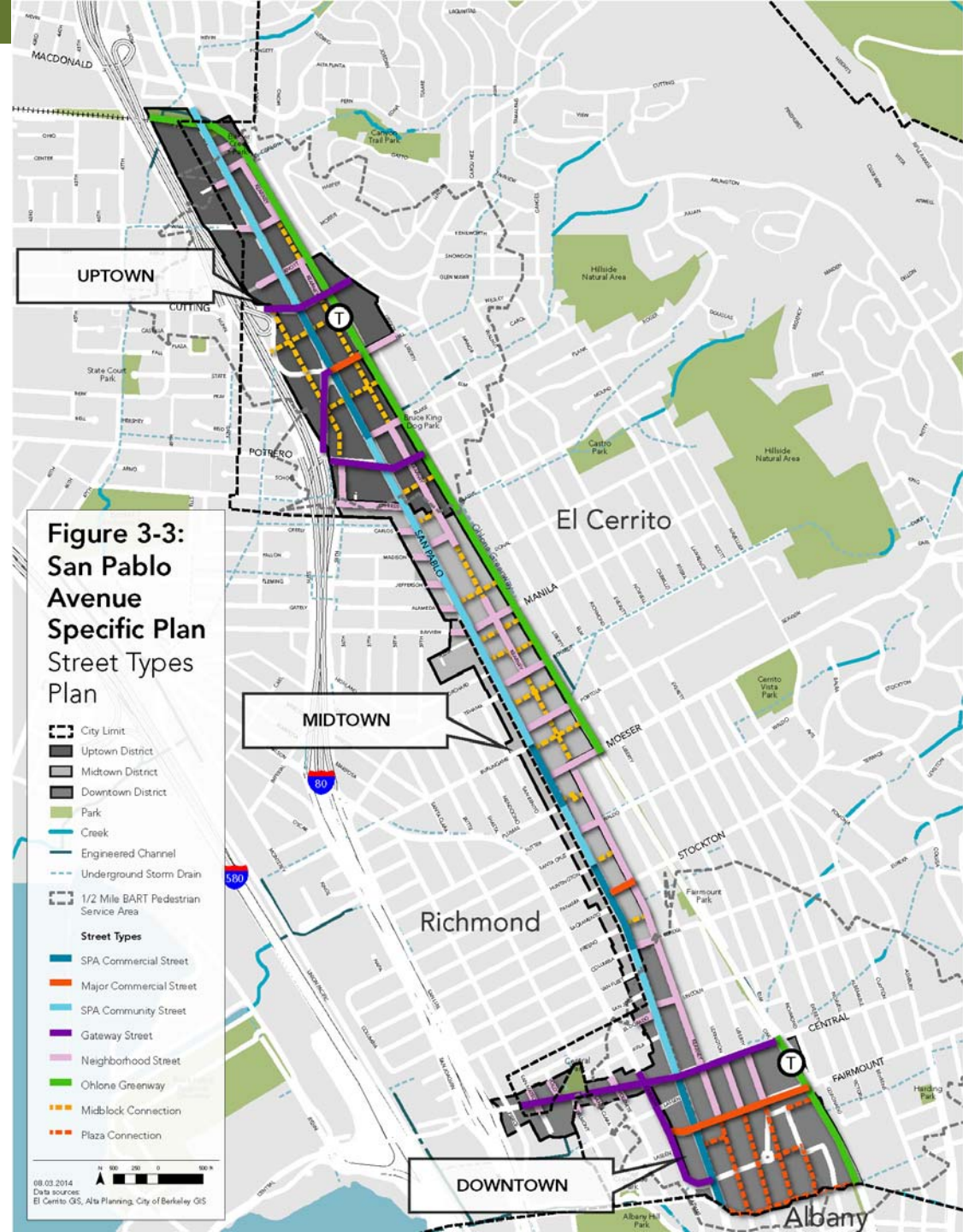


Mid-Block Connections



Street Types Plan

Complete Streets Type Vision Map





Form Based Code Standards



Building Form

– Height (and to some extent, intensity)

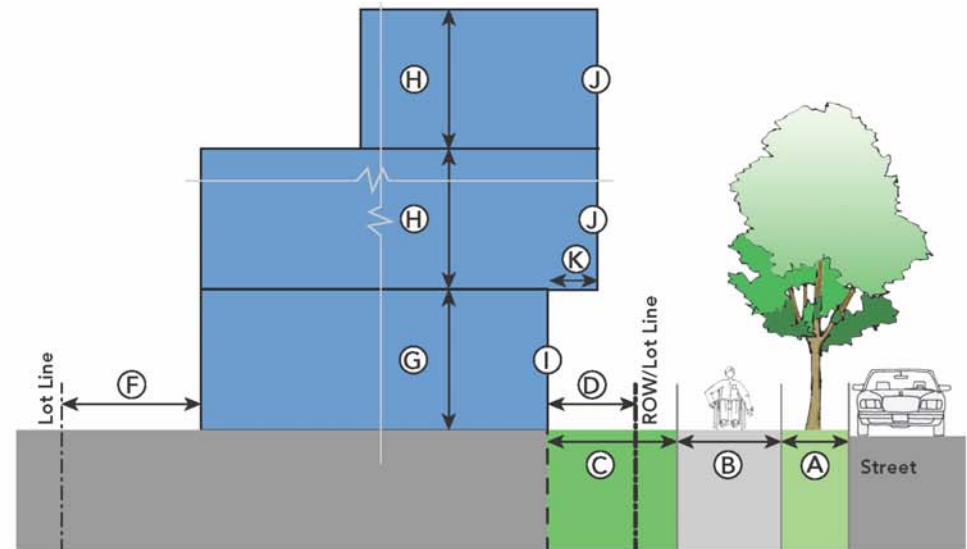
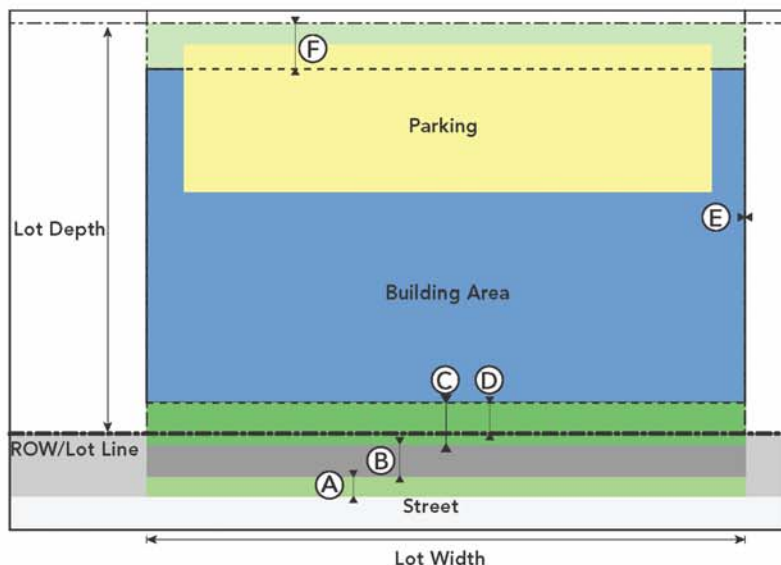
- Transit Oriented Higher Intensity : Up to 65'; 85' with density bonus
- Transit Oriented Med-Intensity: Up to 55'; 65' with density bonus
- Minimum 3 Stories Residential (Except on Constrained Lots)
- Minimum 2 Stories Commercial (Exceptions granted with CUP)
- Exceptions granted for commercial development with CUP



Building Form

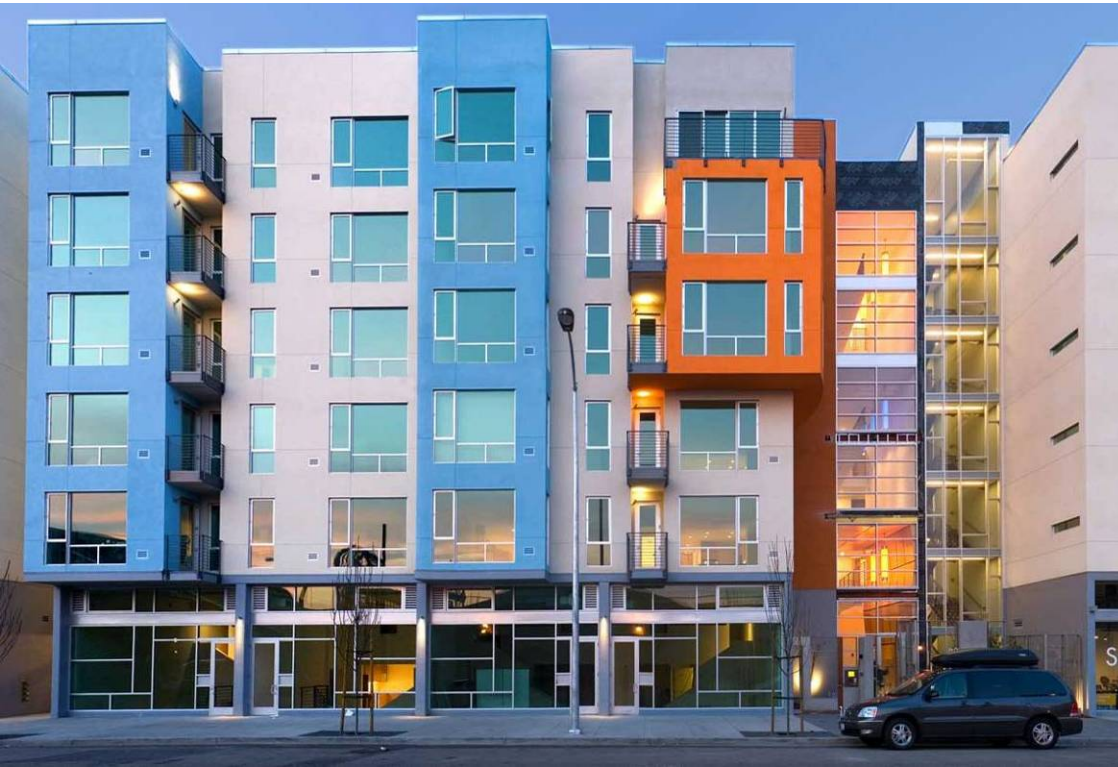
– Setback

- Ensure space for clear contiguous pedestrian pathway, trees and amenities :
 - Up to 10' for ground floor, especially with narrow sidewalks
 - Up to 15' for ground floor residential
- Respect access to sun and light to adjoining residential uses



Building Articulation

- Variable Wall Plane
- Transparency
- Colors, Materials and Textures
- Ecological & Environmental Elements



Frontage Standards



Shopfront



Forecourt

Arcade/
Gallery



Flexible



Front
yard



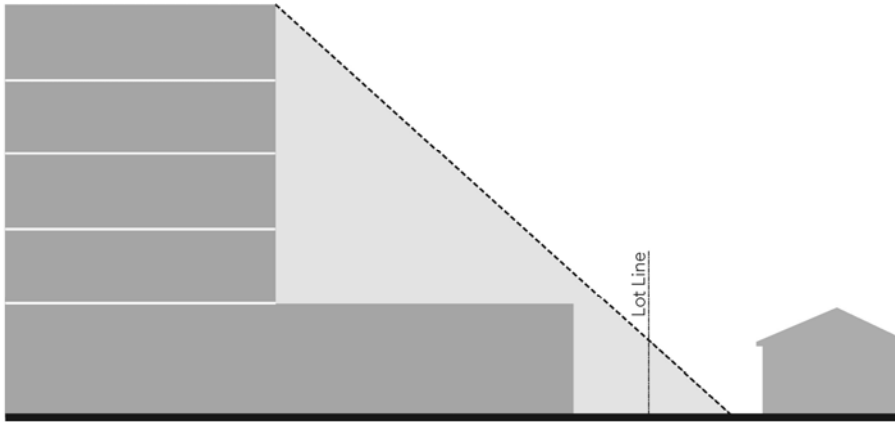
Context Sensitive Design

- Wide variety of parcels and adjoining conditions
- Not many contiguous large parcels & generally 100' deep
- Need to respect the adjoining residential development

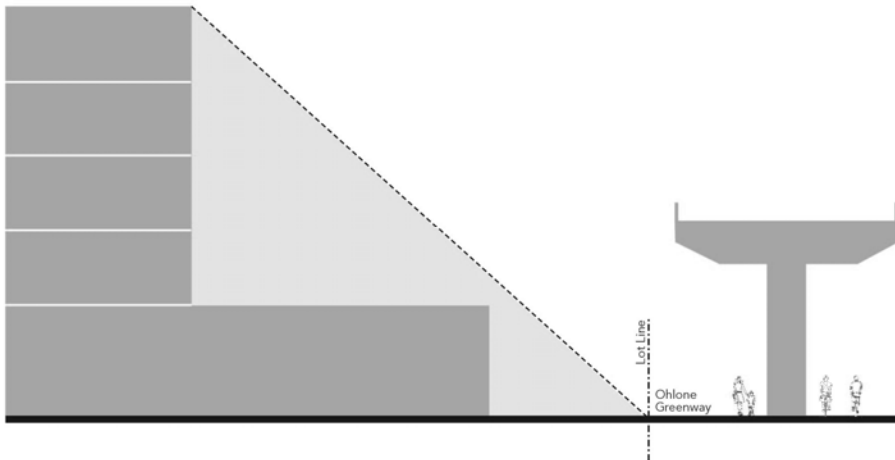


Shadow Guidelines

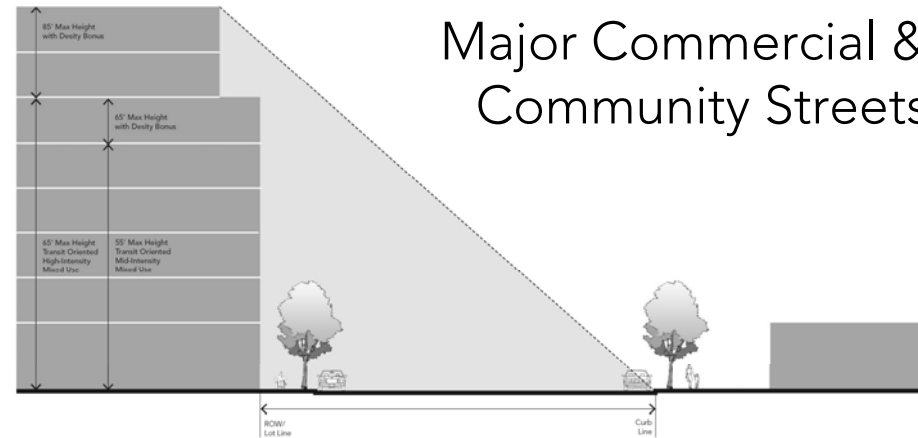
Adjacent Lots



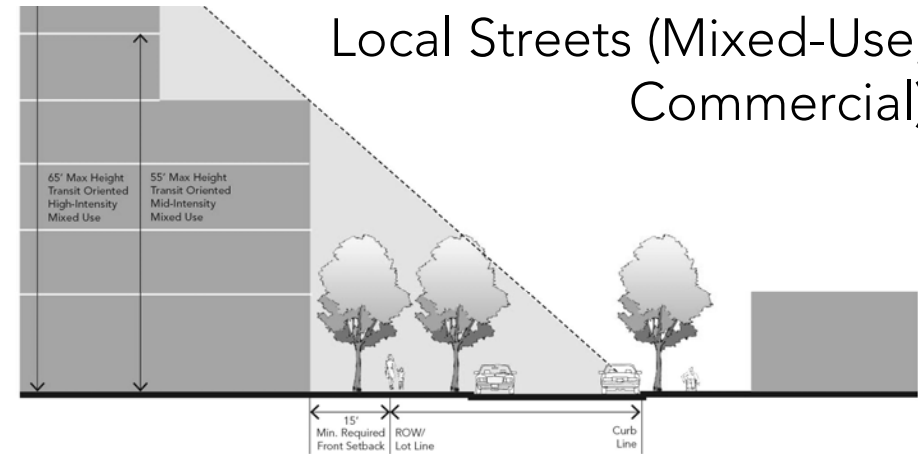
Ohlone Greenway



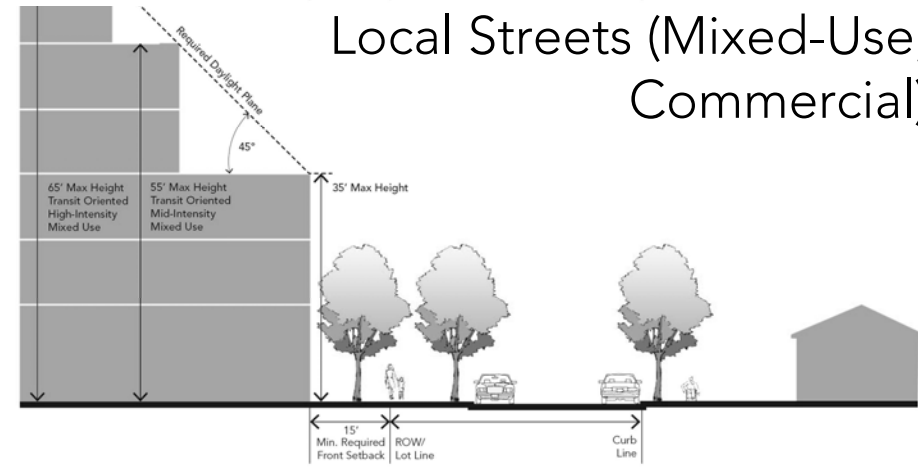
Major Commercial & Community Streets



Local Streets (Mixed-Use, Commercial)



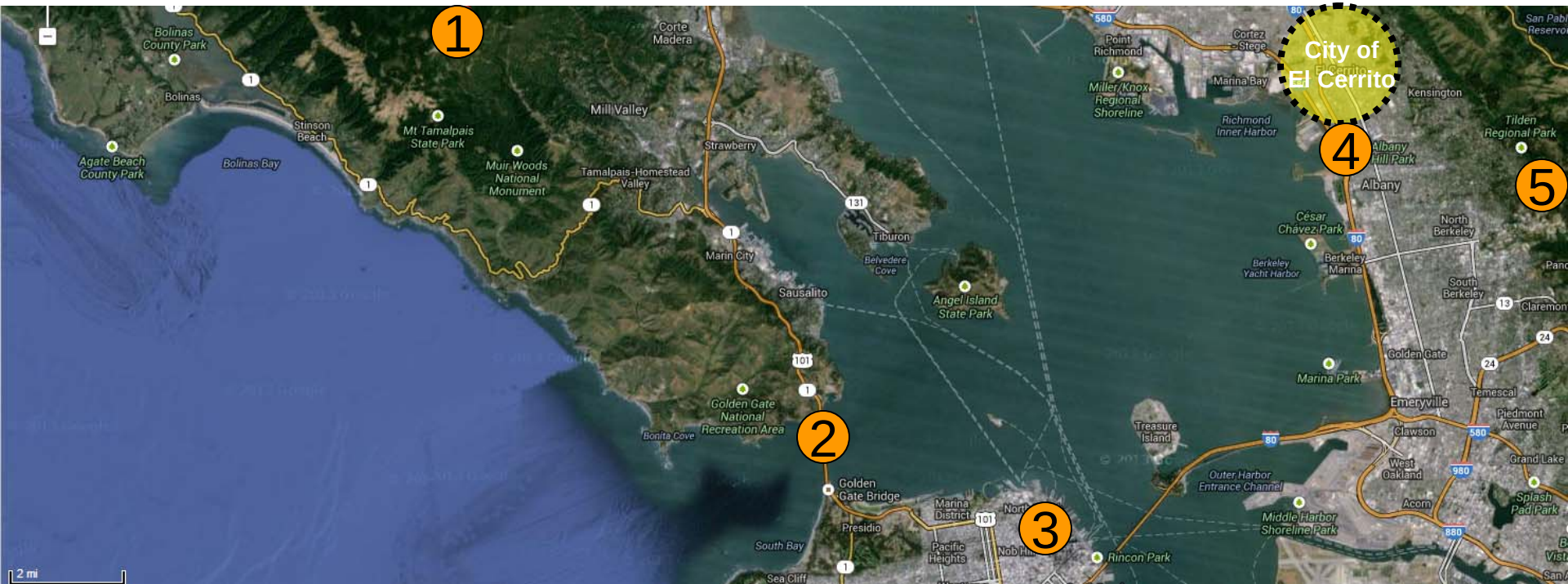
Local Streets (Mixed-Use, Commercial)



Context Sensitive Design

– Key Views from Public Spaces

- ① Mt Tamalpais
- ② Golden Gate Bridge
- ③ San Francisco Skyline
- ④ Albany Hill
- ⑤ East Bay Hills



Views

- Key Locations for Views
 - Public ROW (east-west streets, sidewalks, etc)
 - BART platform
 - Public Plazas
- Leverage the best design solution



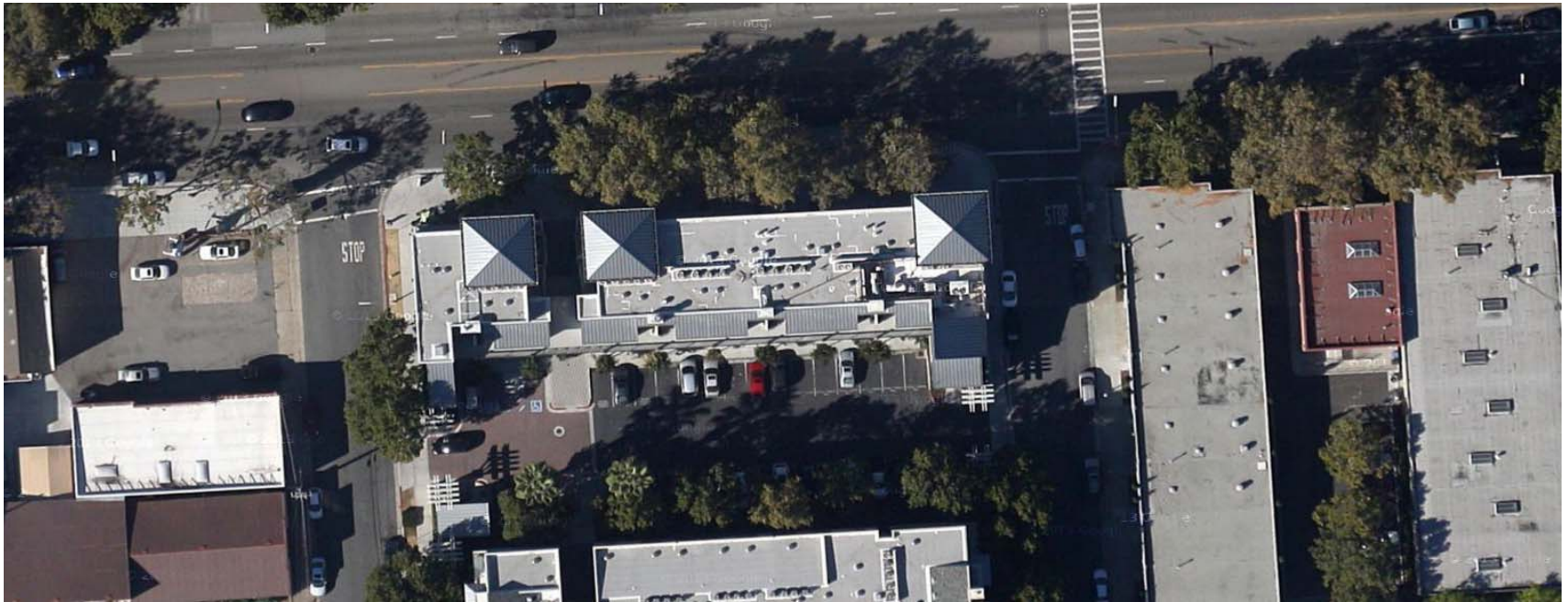
Parking Overview

- Provides adequate parking for motor vehicles and bicycles
- Directs location and access for on-site parking
- Allows for adjustable parking requirements to balance desired character, location of transit facilities and market friendly development patterns
- Integrates opportunities for parking management strategies
- Optimizes on-street parking opportunities

Parking

– Location Guidelines

- Behind habitable space, underground, or on the interior or rear of buildings
- Separated at least 5' from buildings to ensure room for sidewalks, landscaping, and other plantings
- No curbs cuts more than 24' feet wide.
- One curb cut per use per site. Conditional permit for more than one driveway per site.



Parking:

Commercial:

- No off-street auto parking required for less than 3000 sq. ft.;
- Up to 1 auto space/1,000 sq. ft. for spaces larger than 3000 sq. ft for TOHIMU and 1 space/500 sq. ft. for TOMIMU.
- 1.5 short-term bicycle parking space per 3000 sq. ft. and 1 long-term for 10,000 sq. ft., minimum 2 spaces per establishment



Residential:

- Up to 1 auto space/unit for TOHIMU and up to 1.5/unit for TOMIMU
- 1.5 short-term bicycle parking space per 10 units (minimum 2 spaces), 1 long-term space per unit

Parking changes and reduction may require a parking study and additional Transportation Demand Management measures;

Parking increases require Tier 4 approval process



Parking

– Type Guidelines

- Tandem and stacked parking allowed for all uses
- Shared, stacked and unbundled for mixed use and multi-family
- ADA accessible parking distinct and conveniently located



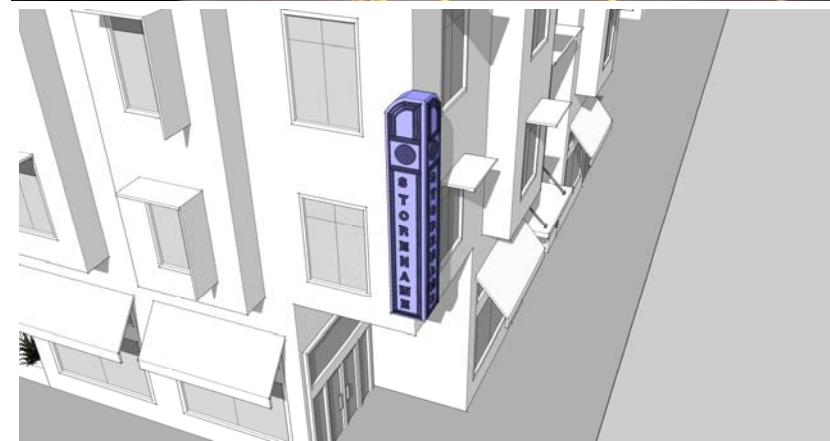
Signage

– Allowed Signs

- Maximum area of signs per property limited to 1 sq. ft. per linear foot of building frontage
- Wall mural signs may exceed maximum, with zoning administrator approval

– Sign Types

- Awning Sign
- Blade Sign
- Marquee Sign
- Wall Sign
- Wall Mural Sign
- Floor Sign
- Yard Sign
- Sidewalk Sign
- Monument Sign



Open Space

– Residential Uses

- **Private/Common Open Space:** Minimum 80 sq. ft per unit
- **Public Open space:** For buildings greater than 25,000 sq. ft., require 25 sq. ft. for each 1,000 sq. ft. above 25,000 sq. ft.; For buildings less than 25,000 sq. ft., no open space requirement

– Non-residential Uses

- **Public Open space:** For buildings greater than 25,000 sq. ft., required 25 sq. ft. per 1,000 sq. ft. of building; For buildings less than 25,000 sq. ft., no open space requirement





Complete Streets Concepts



Complete Streets Overview

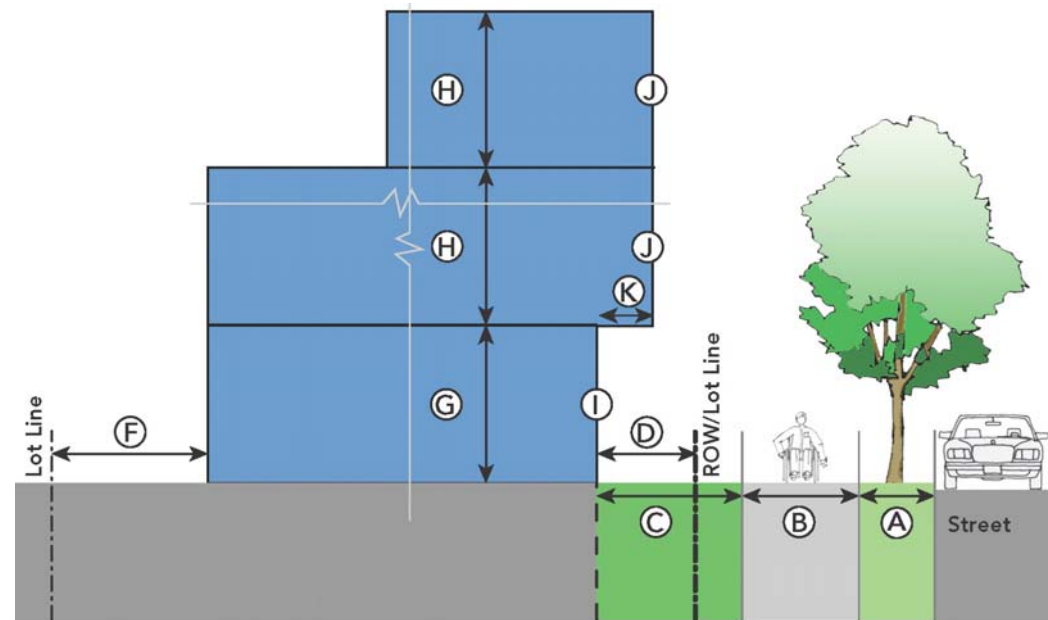
- Works with Form Based Code
- Encourages mode shift – consistent with Climate Action Plan
- Builds on recent investments
- Designs a balanced and comfortable streetscape environment
- Welcomes and accommodates users of all ages and abilities
- Maintains travel lanes and on-street parking in majority of locations

Walking, Biking and Transit Use Improvements

- Identifies transit, pedestrian, and bicycle infrastructure improvements throughout the corridor
- Establishes multimodal performance measures to determine impacts of land use development and infrastructure projects on all modes
- Addresses worst vehicle congestion around Del Norte
- Incorporates specific transit related improvements:
 - Introduces MMLOS to reduce corridor-long travel time by 5%
 - Provides far-side bus platforms including accessible paths of travel and door zones, shelters, wayfinding, and bicycle parking
 - Identifies need for robust Transportation Demand Strategies (such as EcoPass Program) to encourage transit use

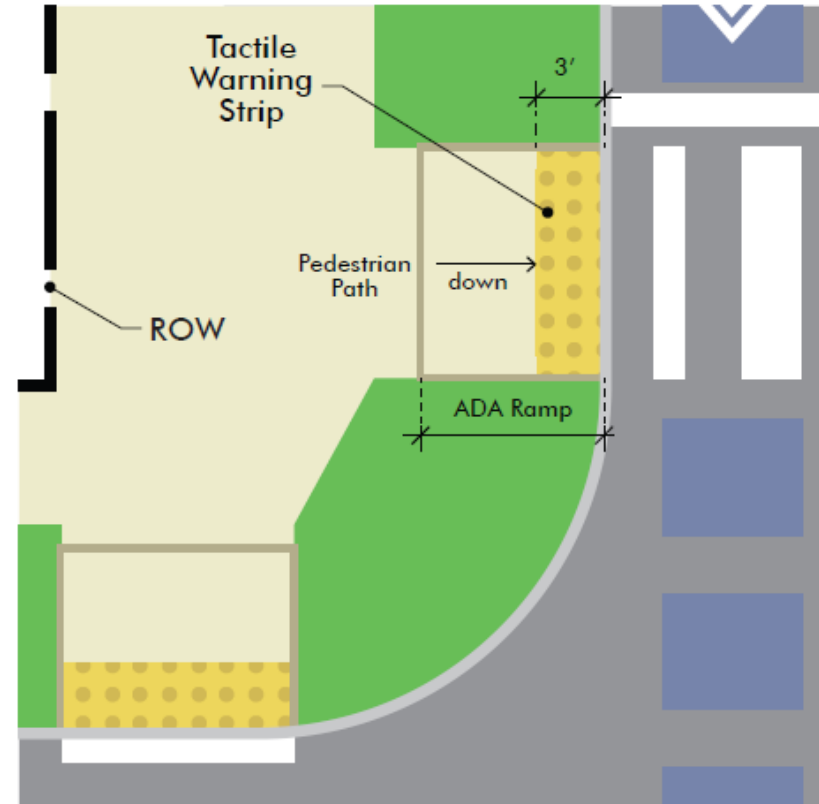
Accessibility Improvements

- Ensures clear, unobstructed, contiguous path of travel – meaningfully integrates accessibility:
 - Wider minimums for sidewalks throughout- each sidewalk zone designed to incorporate accessibility requirements.
 - Clearances from street furniture/vertical obstructions



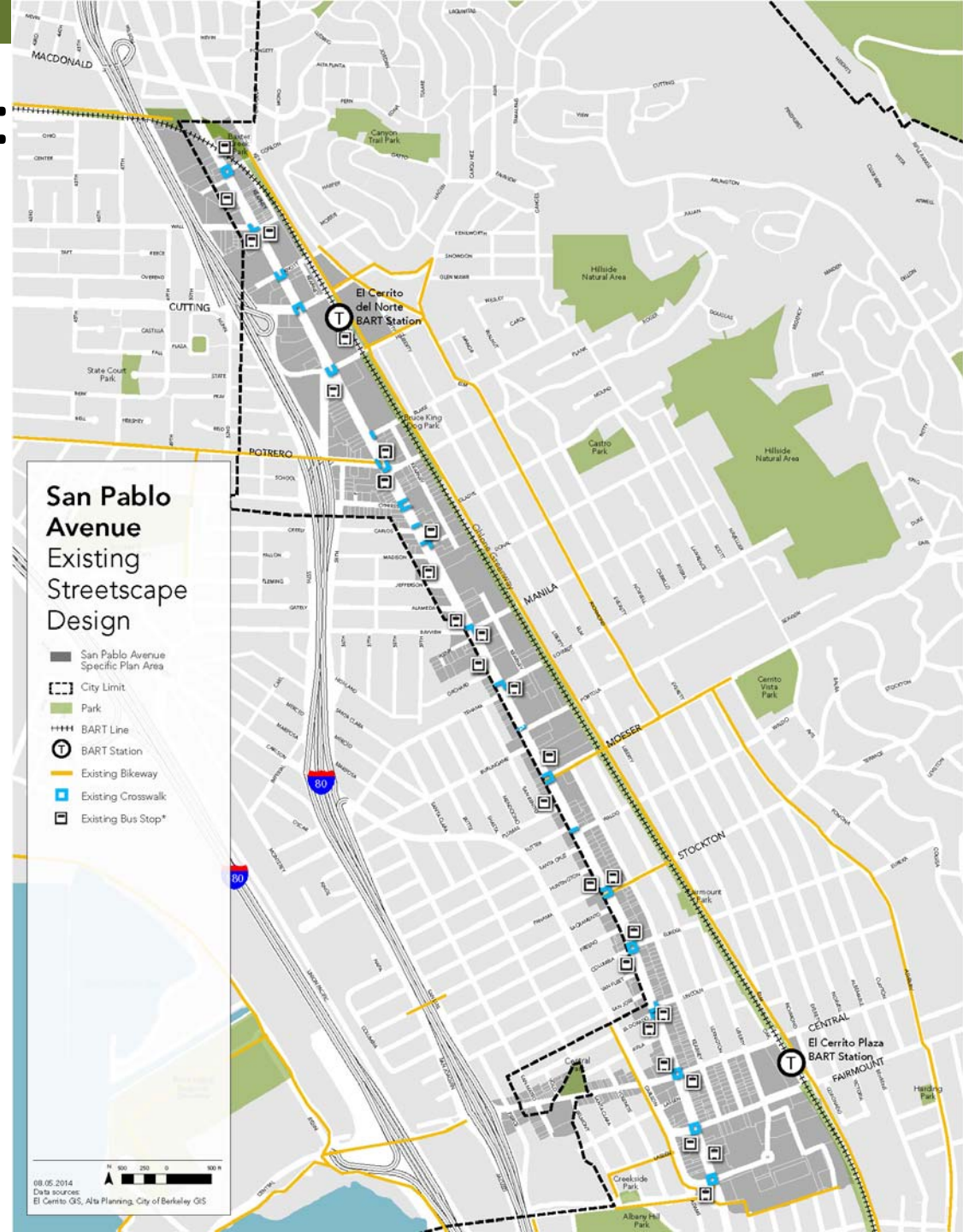
Accessibility Improvements

- Incorporates wide variety of seating:
 - Caters to range of physical abilities including companion seating
 - Allows permanent accessible seating areas every $\frac{1}{4}$ mile along Major Commercial Streets & Neighborhood Commercial Streets
- Provides dual directional curb ramps at 4 way intersections
- Considers on-street ADA-accessible parking spaces



CS Figure 118. Two-directional ADA Curb Ramp Plan View

Streetscape Design: Existing



Streetscape Design: Proposed

Overarching:

- Maintain travel lanes and on-street in majority of locations.
- Widen sidewalk widths for contiguous clear pedestrian path
- Add more cross-walks (at key intersections & mid-block) & pedestrian refuge area
- Provide far-side bus platforms

Uptown:

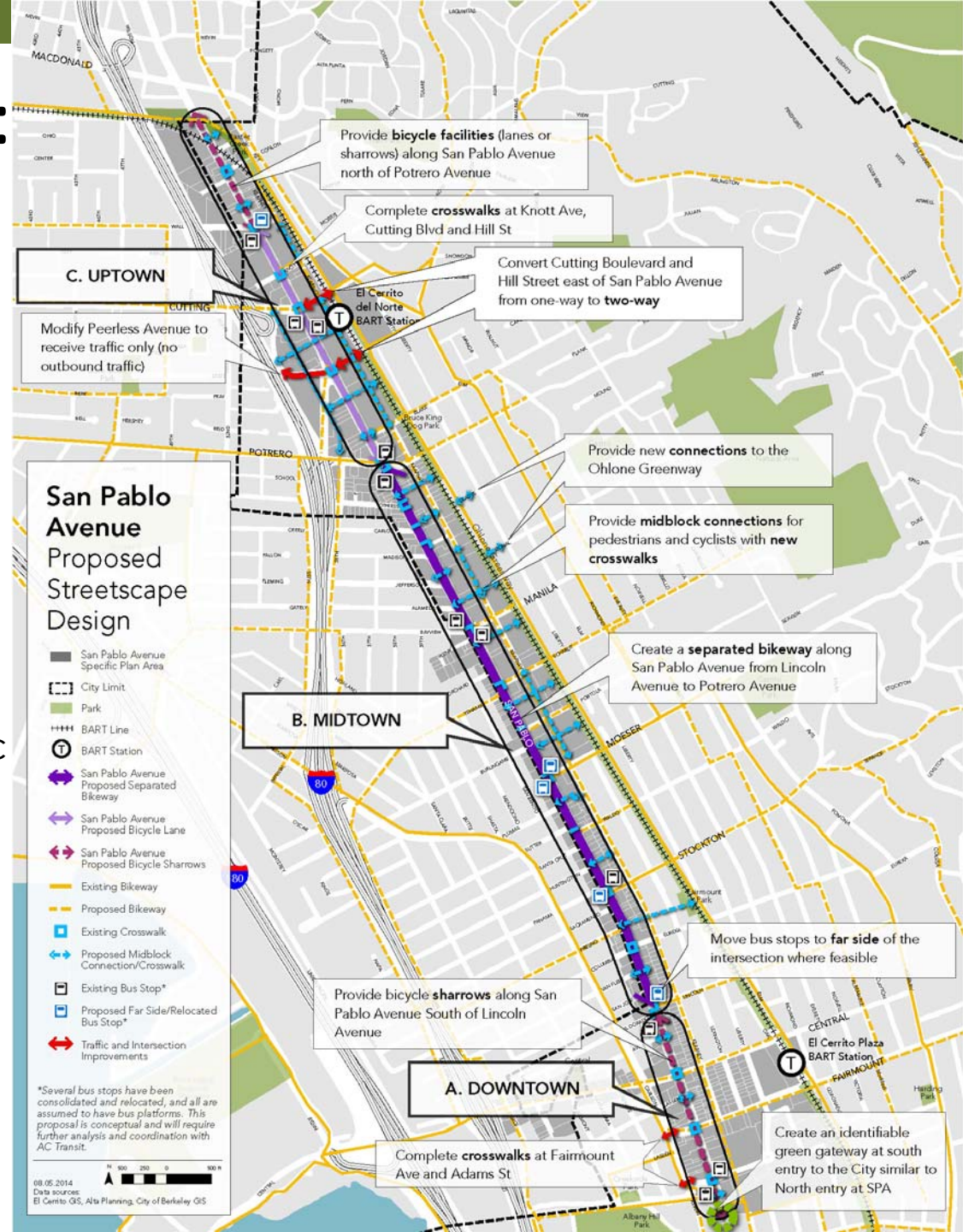
- Convert Cutting to two-way traffic
- Eliminate second left-turn lanes on San Pablo Ave
- Provide bike lanes in one section and consideration of sharrows in another

Mid-Town:

- Add buffered bike lanes

Downtown:

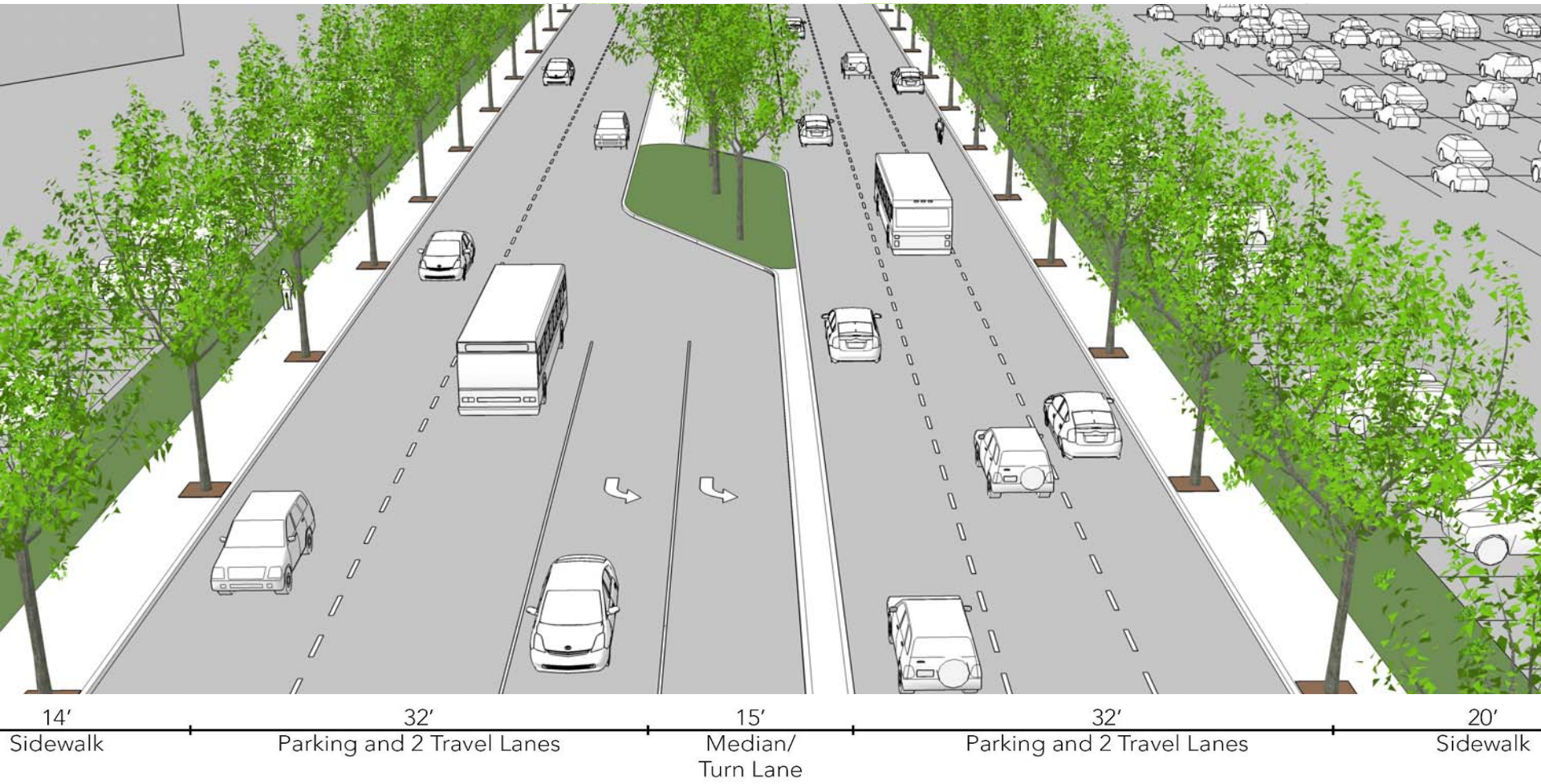
- Consider bike sharrows





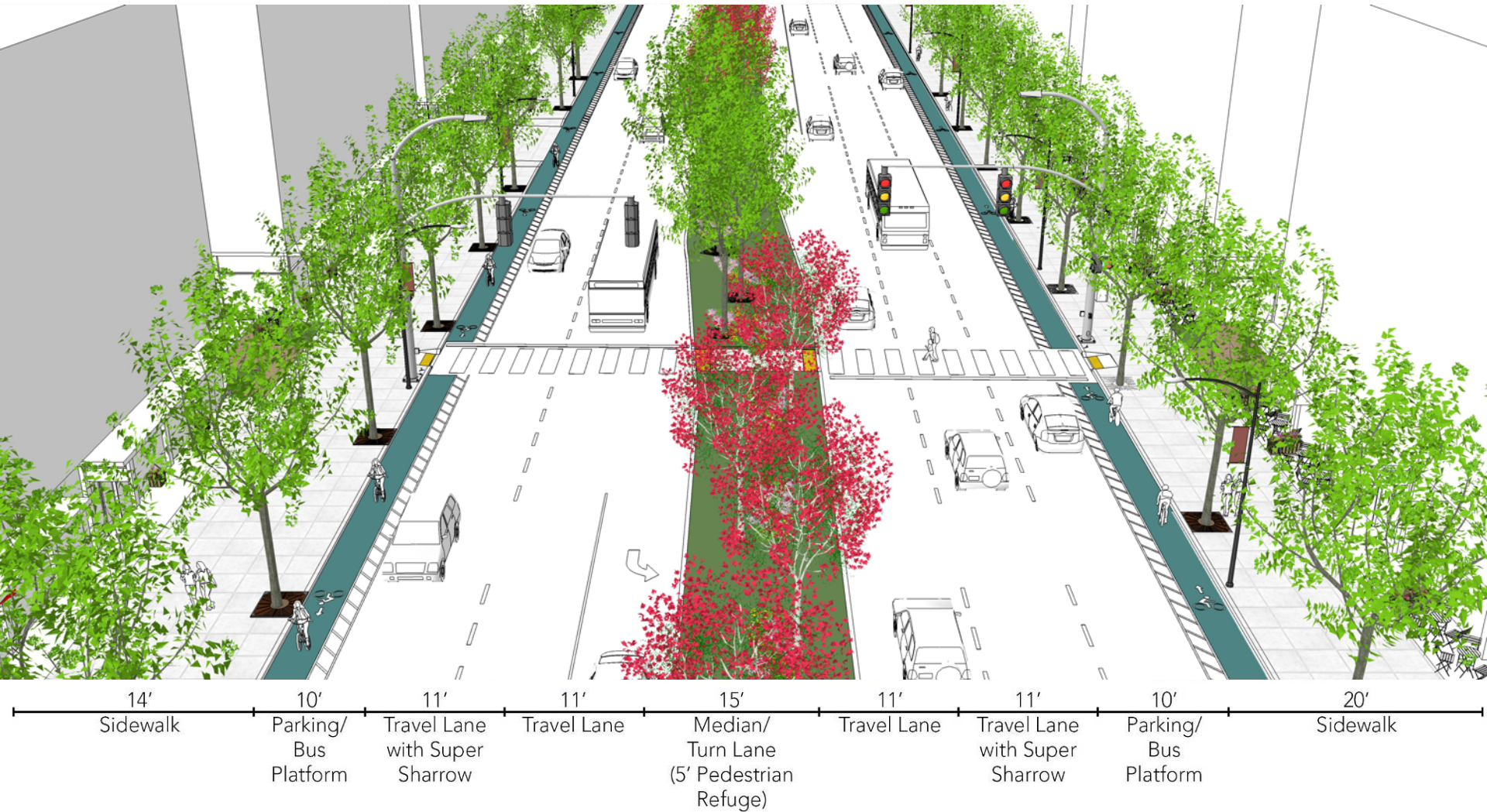
Uptown

Existing Prototypical Section



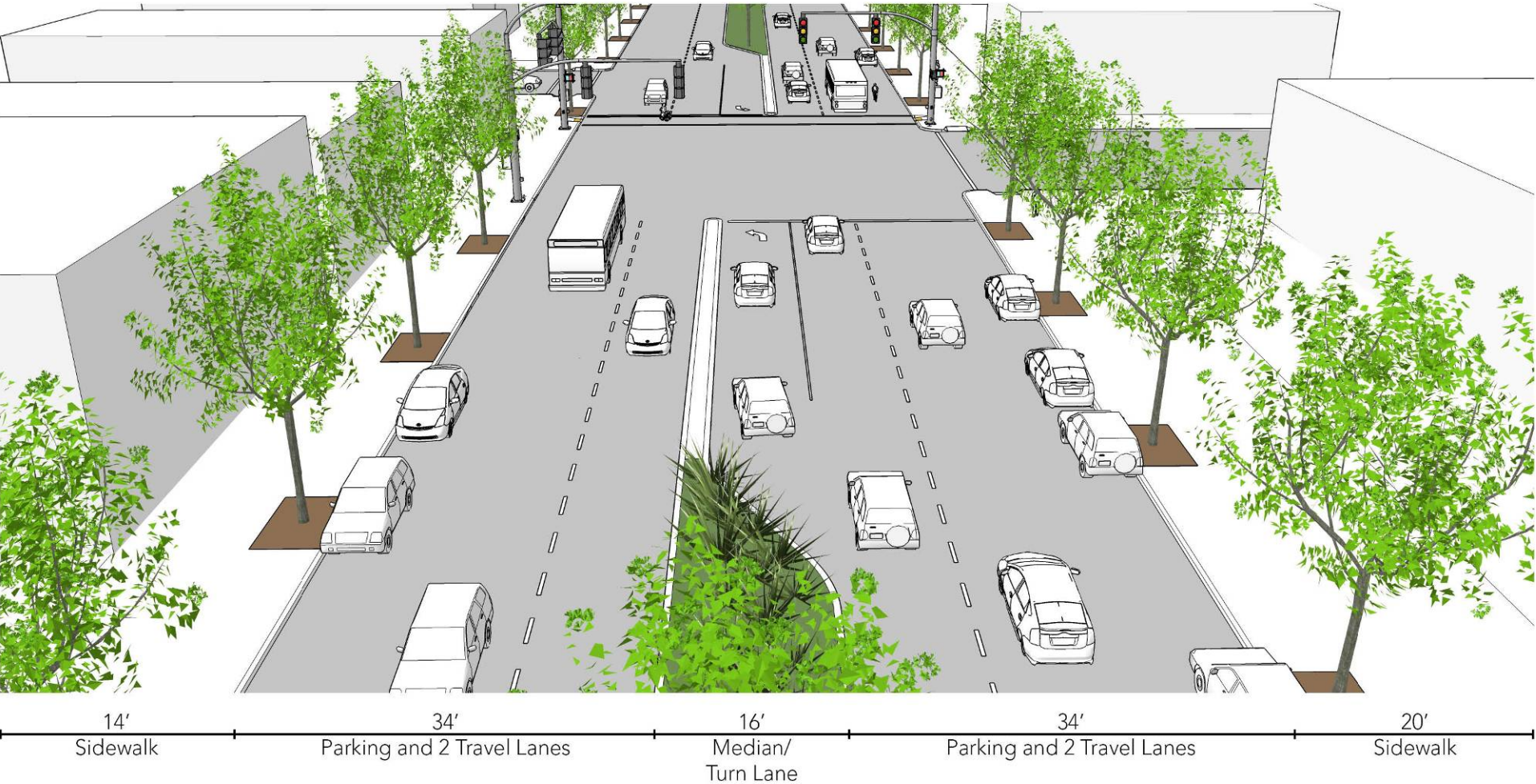
Uptown

Proposed Prototypical Section



Midtown

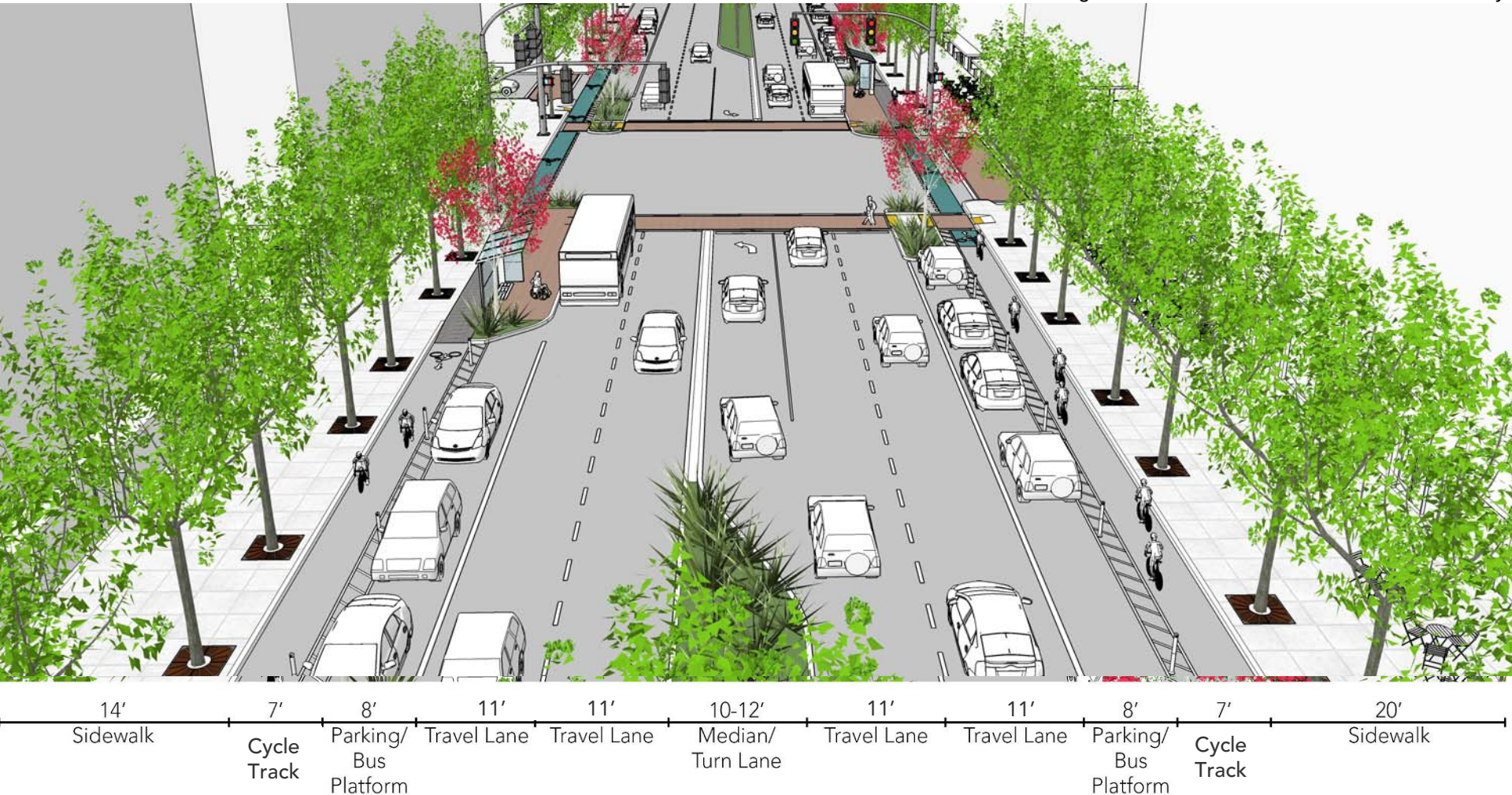
Existing Prototypical Section



Midtown

Proposed Prototypical Section

Placement of trees near traffic lights/intersections must not block their visibility

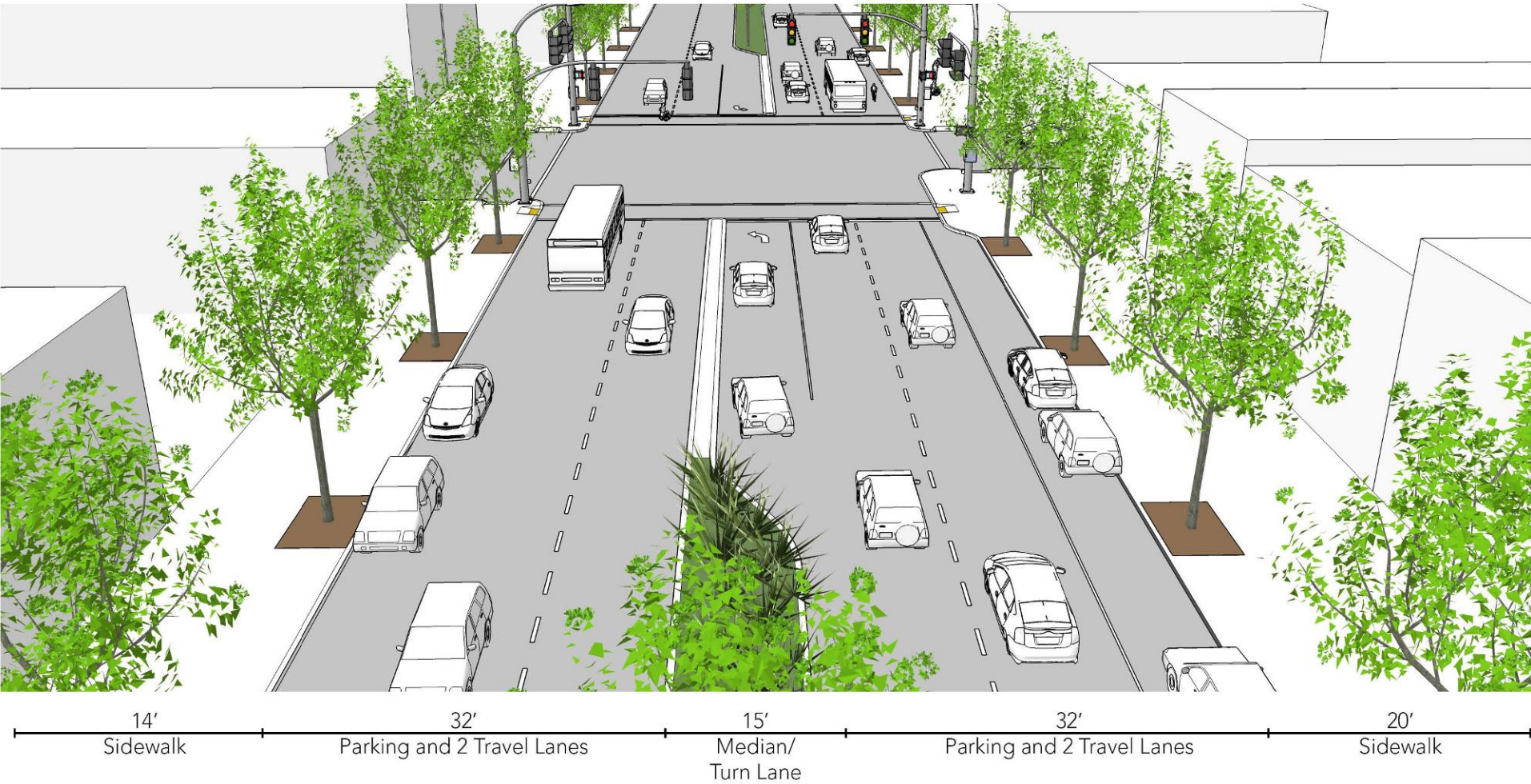






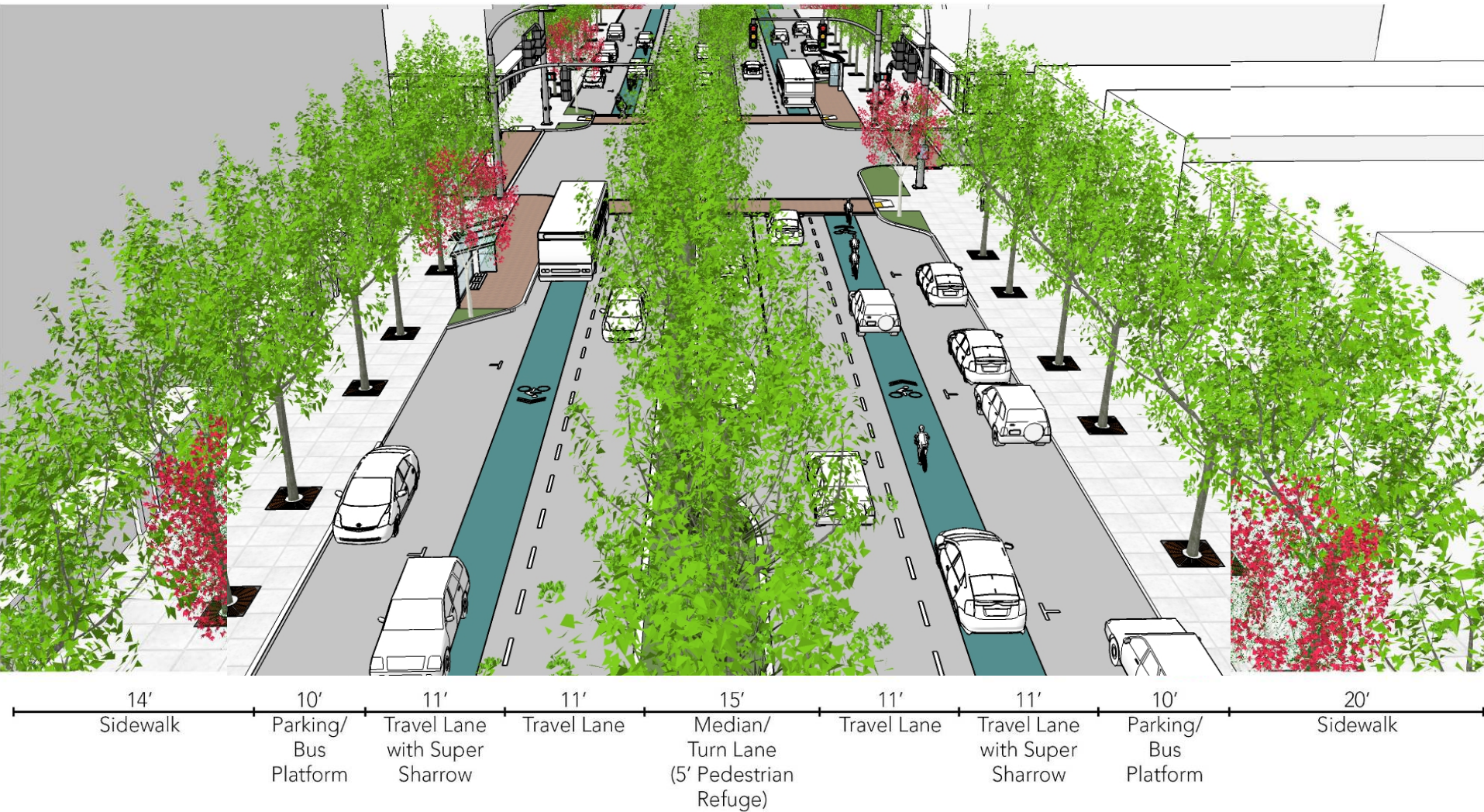
Downtown

Existing Prototypical Section



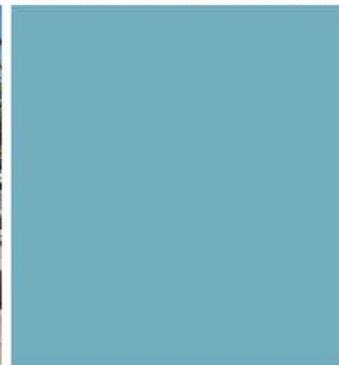
Downtown

Proposed Prototypical Section



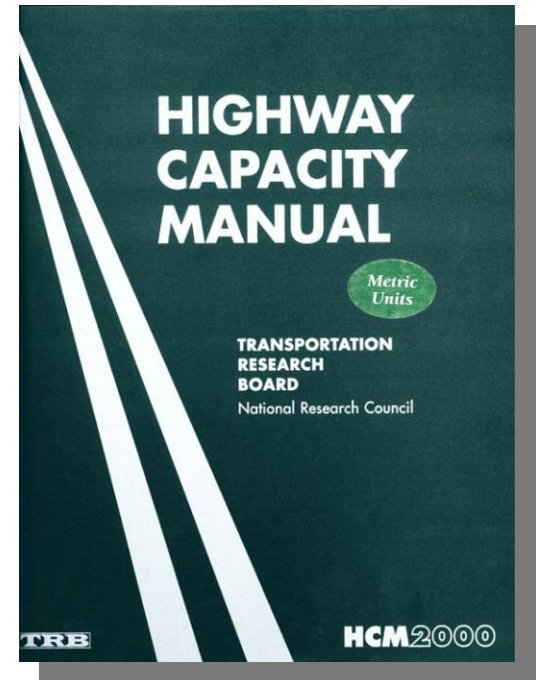


Multi-Modal Level of Service (MMLOS)



Traditional Auto Level of Service

- Highway Capacity Manual 2000
- Level of Service measured in delay to automobiles
- Does not calculate level of service for bicyclists, pedestrians, and transit



Why Move to Multi-Modal LOS?

Traditional Goal: Maintain Auto LOS



Source: NACTO Urban Streets Design Guide

Why Move to Multi-Modal LOS?

New Goal: Balance Service to All Modes



Source: NACTO Urban Streets Design Guide

MMLOS Approach for San Pablo Ave

- Uses a combination of:
 - *Built Environment Factors Assessment*
 - *Person-Delay Calculations*
- Evaluates each mode to weigh development project impacts, as well as benefits/drawbacks of proposed infrastructure improvements
- Combines individual mode metrics into one overall LOS:
 - Corridor
 - Individual segments
 - Single intersections



Proposed Approach for San Pablo Ave

LOS Goals:

- Bus: High
- Pedestrian: High
- Bicycle: Medium to High
- Auto: LOS E – but LOS F considered if needed to ensure non-auto goals are achieved



Built Environment Factors Assessment

	LOS (High/Medium/Low)					
	Transit LOS		Pedestrian LOS		Bicycle LOS	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
<i>Uptown: Cutting to Hill</i>						
Cutting Intersection	---	---	7	10	0	7
SPA Segment Macdonald to Potrero	3	9	4	10	0	6
Mid-block at Del Norte BART	---	---	0	8	---	---
<i>Mid-Town: Moeser to Waldo</i>						
Moeser Intersection	---	---	7	10	0	10
SPA Segment Potrero to Lincoln	7	9	7	8*	0	8
Plumas Intersection	---	---	0	10	---	---
<i>Downtown: Central to Fairmount</i>						
San Diego Intersection			0	10	---	---
SPA Segment Lincoln to Albany City Limit	4	9	5	10*	0	2
Fairmount Intersection			9	9	0	2

* Assumes a new mid-block crosswalk

Built Environment Factors Assessment

	LOS (High/Medium/Low)					
	Transit LOS		Pedestrian LOS		Bicycle LOS	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
<i>Uptown: Cutting to Hill</i>						
Cutting Intersection	---	---	7	10	0	7
SPA Segment Macdonald to Potrero	3	9	4	10	0	6
Mid-block at Del Norte BART	---	---	0	8	---	---
<i>Mid-Town: Moeser to Waldo</i>						
Moeser Intersection	---	---	7	10	0	10
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Plumas Intersection	---	---	0	10	---	---
<i>Downtown: Central to Fairmount</i>						
San Diego Intersection			0	10	---	---
SPA Segment Lincoln to Albany City Limit	4	9	5	10*	0	2
Fairmount Intersection			9	9	0	2

* Assumes a new mid-block crosswalk

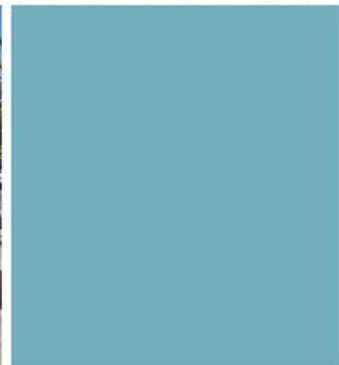
Multimodal LOS Summary

- Improve transit conditions to a High level-of-service, with the largest change in Uptown and Downtown
- Improve the pedestrian environment to a High level-of-service throughout the corridor
- Improve the bicycle environment, especially in Midtown
- Maintain acceptable auto level-of-service





Infrastructure

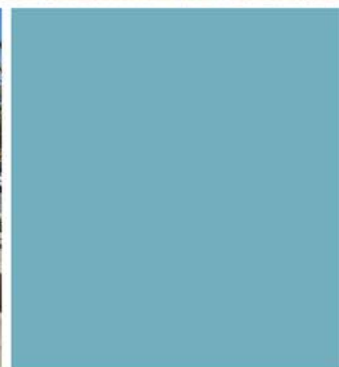


Infrastructure Analysis

- Identifies the utility providers for the corridor
- Provides a **general review** of potential limitations in the currently installed systems
- **Recommends feasibility-level improvements** and associated costs, for:
 - Storm Drainage System
 - Water System
 - Sanitary Sewer System
 - Dry Utilities

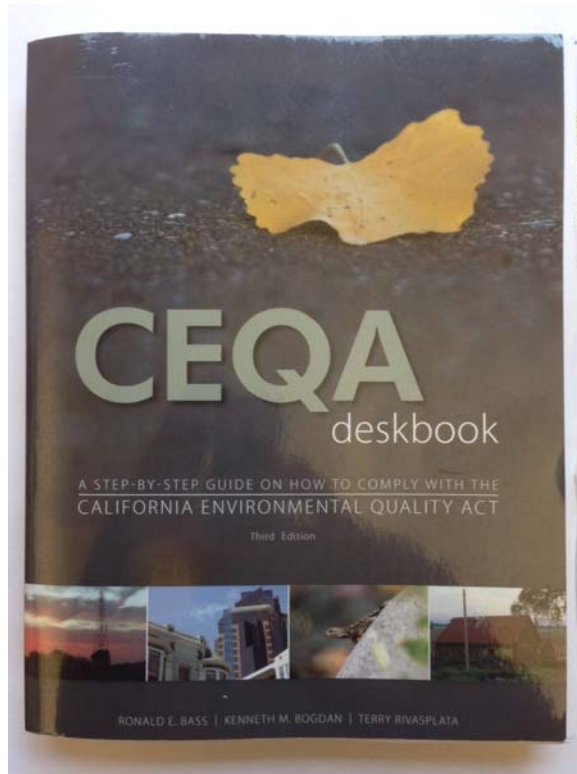
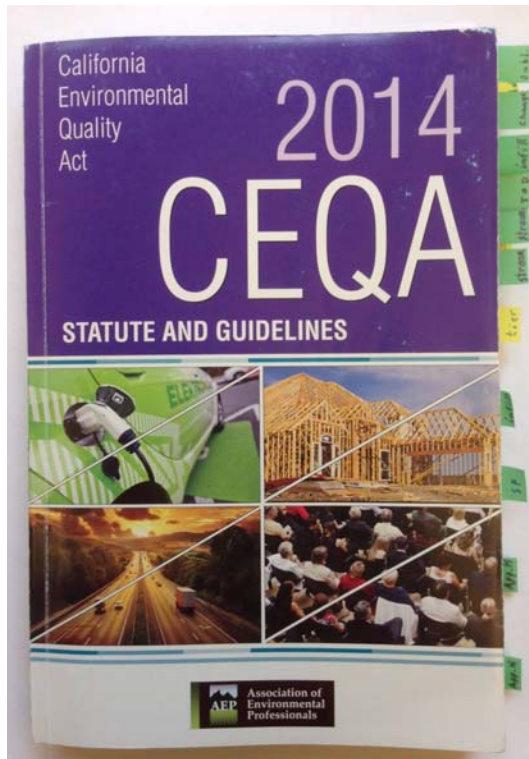


CEQA & Environmental Impact Report



California Environmental Quality Act (CEQA)

- CEQA Guidelines
- Inform decision makers and the public
- Program Environmental Impact Report (EIR)
- Impacts and Mitigation



Draft Program EIR evaluates:

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Geology and Soils
- GHGs and Global Climate Change
- Hazards & Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation and Circulation
- Utilities and Service Systems
- Project Consistency with Local and Regional Plans
- Alternatives to the Proposed Project

Draft Program EIR identifies:

- Significant impacts
- Mitigations to reduce most impacts to less-than-significant levels
- Significant unavoidable impacts

Statement of Overriding Considerations

required for potential significant unavoidable impacts on:

- Scenic vistas
- Historic resources
- Construction noise
- Construction vibration
- Cumulative traffic at San Pablo Avenue/Cutting Boulevard intersection



Final EIR includes:

- Draft EIR (June 2014)
- Responses to comments and revised EIR pages (August 2014)
- Appendices (air quality, traffic)

Program EIR :

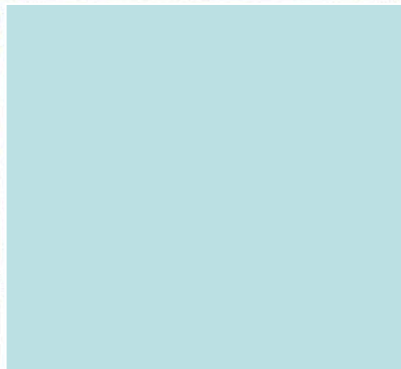
- Is identified by CEQA for evaluating a long-term plan
- Identifies mitigations that will be applied to future individual projects
- Is intended to streamline future CEQA review
- Allows for future site-specific analysis



Next Steps After Adoption :

- Business retention/ expansion/attraction
- Reaching out to high-quality developers
- Ongoing development of parking and transportation/demand management programs
- Monitor plan success towards goals
- Living document





San Pablo Avenue Specific Plan & EIR

September 22nd, 2014



AGENDA BILL

Agenda Item No. 6(B)(2)

Date: September 22, 2014
To: El Cerrito City Council
From: Maria Sanders, Environmental Analyst
Melanie Mintz, Interim Community Development Director
Sean Moss, Senior Planner
Subject: San Pablo Avenue Specific Plan Fees

ACTION REQUESTED

Conduct a public hearing and upon conclusion, adopt a resolution amending the City's Master Fee Schedule to add new Planning Fees and a Plan Maintenance Fee related to implementation of the *San Pablo Avenue Specific Plan*.

BACKGROUND

The proposed *San Pablo Avenue Specific Plan* (SPASP) and Final Environmental Impact Report (EIR) creates the regulatory framework for residential and non-residential development in the San Pablo Avenue Specific Plan Area until 2040 or until the time in which the Plan Area reaches the projected build out of approximately 1,706 new residential units¹ and 243,112 square feet of new commercial space.

New planning fees are needed as the proposed Form-Based Code (FBC) in the SPASP outlines new administrative procedures and findings by which development projects in the Plan Area will be reviewed. Likewise, a new Plan Maintenance fee will help defray maintenance costs related to ongoing implementation of the Plan.

ANALYSIS

If adopted, the *San Pablo Avenue Specific Plan* (SPASP) will require several new fees to be paid by project applicants in order for the City to provide the services needed to adequately process development project applications in the Plan Area as well as conduct ongoing planning activities related to the Plan's maintenance and implementation.

Planning Fees

The proposed fees include additions to current planning fees, as published in the FY14-15 Master Fee Schedule. Staff proposes that **Exhibit A**, *San Pablo Avenue Specific Plan*

¹ Approximately 1,540 units to be located within El Cerrito City limits and 170 units located in Richmond.

Agenda Item No. 6(B)(2)

Area 2014-2015 Planning Fees, be added to the existing city-wide Planning Fee Schedule. These fees were developed based upon the current Planning Fee Schedule, which was developed using a cost-based nexus methodology, as documented in the 2005 *Citywide User Fee Study*.² Staff believes that the amount of the fees are a reasonable estimate of the costs of providing the services, based upon the Study and staff's understanding of the time that will be necessary for processing the applications associated with each fee. In order to facilitate ease of use for applicants in the Plan Area, the new SPASP Planning Fees schedule replicates many of the same fees contained in the city-wide planning fee schedule (such as, fees for Administrative Design Review, Environmental Review, and Noticing).

New *Design Review* and *Use Permit* fees have been developed to reflect the tiered planning review process in the Plan Area and to capture the time-intensive nature of the review process for the larger, more complex, mixed used projects anticipated in the Plan Area. Fees for residential and non-residential projects were consolidated and grouped into very small, small, medium, and large projects represented by up to 2,500 square feet; 2,501 to 10,000 square feet; 10,001 to 40,000 square feet and over 40,000 square feet. The fees for projects under 40,000 square feet are essentially equivalent to the existing Master Fee schedule, although the unit of measurement has changed for residential projects. Because implementation of the SPASP contemplates larger projects, new fees have been created for large projects over 40,000 square feet as shown in red in **Exhibit A**. Current planning fees cap out for projects with more than 11 residential units or 10,000 square feet of commercial space. Under the current fee schedule, fees would be the same for a project with 11 units or 10,000 square feet as one with 100 units or 100,000 square feet. The proposed fee schedule aims to reflect the time required of larger more complex projects.

In addition to size thresholds, a project application received under the framework of the FBC will be assigned to one of four planning review tiers depending upon the particulars of the project. The tier system aims to provide the appropriate level of discretionary review, and is outlined in FBC Table 01 (p. 02.02-8) and FBC Table 03 (p. 02.02-15). In addition, the FBC regulates types of land use permitted in the various transect zones in the Plan Area in FBC Table 02 (p. 02-02-11). Land use applications are independent of the tiered design and site plan review system.

The following table summarizes the entitlement processes for projects in the Plan Area:

² City of El Cerrito. *Citywide User Fee Study, Final Report*. Prepared by Maximus. 2005.

Table 1: SPASP Tiers and Entitlement Processes

Tier Level	Applicability/ Project Type	Entitlement Process
Tier I	Improvements to Non-Conforming structures less than 50% of the building's appraised value and minor improvements and additions.	• Administrative Design Review • Use Permit, if required
Tier II	New construction that complies with all standards of the Specific Plan	• Design Review Board (DRB) Site Plan and Design Review • Use Permit, if required
Tier III	Major improvements to existing non-conforming structures equal to or exceeding 50% of the building's appraised value	• DRB Site Plan and Design Review • Use Permit, if required
Tier IV	High-quality new projects that comply with the intent of the SPASP but do not conform to all of the SPASP regulations.	• DRB Design Review and Planning Commission Site Plan • Use Permit, if required

The new size categories were established by reviewing recent projects by size to evaluate the amount of effort required to bring them through the entitlement process. In keeping with the recommendation of the *Citywide User Fee Study*, we maintained use of standardized fees by size category and escalated the fees between size categories in the same ratios as the current escalation between the existing size categories. Staff, however, felt that a time tracking approach for projects over 100,000 square feet would be the most feasible method of tracking the reasonable estimated cost of processing these applications, given the limited numbers of opportunities for, and the special nature of, these large projects on the Avenue.

Additionally, Tier 4 project applications have a different fee schedule than Tier 2 and 3 projects due to the fact that these applications must be considered by both the Design Review Board and the Planning Commission. Tier 1-3, unless elevated to Tier 4 (or appealed), will be approved at only the Design Review Board level. These fees are essentially equivalent to the current Use/Development Permit and Design Review fees for a specified size category.

Additional New Planning Fees

Additional new fees that are proposed to be added through the adopted Resolution include a City hosted Community Design Charette fee, which would include the cost of facility rental and staff support for projects that opt to or are required to host a Community Design Charette per 2.02.05.02 (pg 02.02-19) of the FBC and a fee for

completion of a Specific Plan Environmental Check List and Initial Study pursuant to CEQA.

Specific Plan Maintenance Fee

Government Code Section 66014t enables local governments to collect fees “reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations.” The fees may include the costs reasonably necessary to prepare the Plan, make revisions, or implement programs needed to fulfill the goals of the Plan. However, the fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. Often called a “Maintenance Fee,” many jurisdictions have approved such fees to help defray the costs of maintaining and implementing such planning efforts as General Plan updates and Specific Plans.

The proposed planning fee schedule, **Exhibit A**, contains the addition of a new *Specific Plan Maintenance Fee*. The proposed fee will help defray the costs of maintaining and implementing the SPASP, as well as preparing other studies and programs necessary to make the appropriate findings and determinations in the development process. The City of El Cerrito currently does not have fees to cover advanced planning costs related to implementing and updating the *San Pablo Avenue Specific Plan*. Currently, any of these costs for staff time or outside consultants would be borne by the General Fund or by outside grants.

Examples of work needed to maintain and monitor the SPASP include periodic parking duration, utilization and demand studies to monitor and manage on-street parking capacities, a Transportation and Parking Demand Plan to support the trip reduction and mode shift goals of the SPASP , and an open space study to establish an in-lieu fee for open space. **Table 2**, *Anticipated Projects to Implement the SPASP*, provides an estimate of SPASP projects and costs over the next 10 years. These costs and projects are estimates only and will be reviewed and adjusted each year during the normal *Master Fee Schedule* update.

Table 2:

Anticipated Projects to Implement the SPASP (2015–2025)

Planning Effort	Estimated Cost
Phase 1 (Yrs 1-5)	
Sanitary Capacity Study	\$ 75,000
Transportation DM Plan	\$ 25,000
Parking DM Plan	\$ 50,000
Telecommunications Study	\$ 25,000
Open Space Assessment Study	\$ 10,000
Staff time	\$ 93,113
Subtotal	\$ 278,113
Phase 2 (Yrs 6-10)	

Transportation Mode Split Analysis	\$ 25,000
Parking Capacity Analysis	\$ 25,000
SPASP Update	\$ 100,000
Parking Infrastructure CIP	\$ 50,000
Staff time	\$ 93,113
Subtotal	\$ 293,113
Grand Total	\$ 571,225

Staff recommends that the fee be charged at the time of issuing a building permit on all new construction, additions, or major alterations in the Plan Area at a rate of \$160 per residential unit and \$0.13 per square foot of non-residential space. This fee was calculated by taking the estimated costs of maintaining and implementing the SPASP over 10 years (Table 2) and dividing it by the estimated amount of new development in the Plan Area, expressed in terms of square footage of building space or residential units. The resulting fees were compared to similar fees in nearby jurisdictions. The method of calculating the proposed Plan Maintenance Fee and comparing it to similar fees is explained in **Exhibit B**.

The proposed fee represents partial cost recovery during the initial years of SPASP implementation, as full cost recovery would place the fee at the higher end of similar fees in the East Bay. The scope of implementation and maintenance work will be determined based upon available Community Development Department budget each year. Given the untested market conditions for development in the Plan Area, staff recommends that a fee aimed at full cost recovery be phased in over time, assuming the market in the Plan Area improves and will be able to bear higher Plan Maintenance fees. The work plan, therefore, will be scaled to match staff and budget capacity. As always, staff will work hard to seek outside funds to further the monitoring, maintenance and implementation work associated with achieving the goals of the SPASP. Maintenance and implementation work not paid for by fees would be covered by the General Fund and grants.

The fee currently being proposed is similar to the typical *Plan Maintenance* fees in other cities in the East Bay. **Table 4** provides a list of other *Plan Maintenance* fees in Northern California, with a concentration on cities that have such fees in the East Bay. Generally these fees are to cover General Plan updates, though many roll in the costs of Specific Plans as a component of the General Plan. Most fees are calculated as a percentage surcharge on building valuation and issued at the time of building permit issuance. Staff used a build-out calculation for the proposed SPASP Maintenance Fee instead, as there is currently not enough information on building valuation in the Plan Area for new development.

Table 4:

Other Cities Community Plan Maintenance Fees		
San Leandro	0.30%	of building valuation
Concord	0.25%	of building valuation
Davis	0.20%	of building valuation
So San Francisco	0.15%	of building valuation
Union City	0.10%	of building valuation
Oakland	0.10%	of building valuation
Walnut Creek	0.10%	of building valuation
Elk Grove	0.023%	of building valuation
Vallejo	7%	surcharge on permits
Hayward	12%	of building permit
Highest (Galt)	0.36%	of valuation
Lowest (Elk Grove)	0.023%	of valuation
Average	0.153%	of valuation

In order to compare the proposed fee with others in the area, staff applied different fees to a hypothetical 50-unit multi-family, mixed-use development project, using typical costs per square foot to calculate a building value. Staff also prepared two versions of the SPASP Maintenance Fee, one for the initial phase of partial cost recovery (Phase 1), another for full cost recover (Phase 2). **Table 5** compares how the following plan maintenance fees would apply to a hypothetical project: the proposed El Cerrito Phase 1 Fee; an El Cerrito Phase 2 Fee; typical *Plan Maintenance* fee in the East Bay (0.1% of valuation), and City of Concord fees (one of the higher rates at 0.25% of valuation). To perform the comparison, El Cerrito fees had to be converted to an equivalent of building valuation. The Phase 1 Fee, at 0.104% of valuation, is very similar to the typical East Bay fee, whereas the Phase 2 rate, at 0.213%, is similar to the higher end of plan maintenance fees included in the comparison.

Table 5

Impact of Various Plan Maintenance fees on a Hypothetical Multi-Family, Mixed-Use Development (50-Units with 20,000 Sq ft Commercial Space and Parking Garage)

Project Component	Value	Sqft	Units	El Cerrito Phase 1 Fee	El Cerrito Phase 2 Fee	Typical Fee in East Bay	Concord Fee
Residential	\$ 8,287,584	59,197	50	\$ 7,874	\$ 16,178	\$ 8,288	\$ 20,719
Commercial	\$ 650,000	5,000		\$ 665	\$ 1,366	\$ 650	\$ 1,625
Garage	\$ 1,200,000	15,000		\$ 1,995	\$ 4,099	\$ 1,200	\$ 3,000
Total	\$10,137,584			\$ 10,534	\$ 21,643	\$10,138	\$ 25,344
Percent of Valuation Equivalent				0.104%	0.213%	0.100%	0.250%

STRATEGIC PLAN CONSIDERATIONS

The proposed fees support the following Strategic Plan Goals:

- Goal B, “Achieve long-term financial sustainability,” contains the objective to “ensure that revenue meets the cost of providing the services identified in the Strategic Plan.”
- Goal C, “Deepen a sense of place and community identity,” contains the objective to “reimagine underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.”

CEQA CONSIDERATIONS

Approval of fees does not constitute a “project” and is, therefore, exempt from the California Environmental Quality Act (CEQA) according to Section 15601(b)(3) of the CEQA Guidelines. Additionally, pursuant to Section 15273 of the State CEQA Guidelines the establishment of fees for the purpose of meeting operating expenses is exempt.

FINANCIAL CONSIDERATIONS

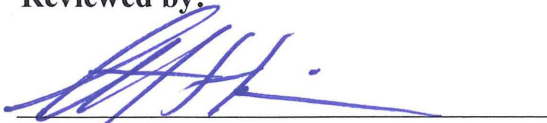
The proposed *Design Review* and *Use Permit* fees for SPASP projects allow for fees to be charged to cover the costs of entitlement for development projects and incorporate fees for larger projects than would be allowed to be collected under the City’s current fees. Current El Cerrito fees do not cover ongoing advanced planning activities, such as those required for the ongoing maintenance, monitoring and implementation of the San Pablo Avenue Specific Plan. The proposed *Specific Plan Maintenance* fee represents a source of revenue to help defray the on-going costs of maintaining the SPASP and implementing the policies and programs needed to make appropriate findings and determinations in the planning process.

LEGAL CONSIDERATIONS

The proposed Plan Maintenance fee is consistent with Government Code Section 66014, as it does not exceed the estimated reasonable costs for preparing and maintaining the SPASP.

Per California Government Code § 66016 and 66017(a), the City is required to conduct a public hearing prior to adopting planning, building, and other new fees or fee increases. This public hearing satisfies the Government Code requirement and notification of the hearing was made in accordance with the code section. However, development fees cannot become effective until 60 days after City Council approval. Thus, these fees will become effective on November 24, 2014.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A: San Pablo Avenue Specific Plan Area
2014-2015 Planning Fees
3. Exhibit B: Summary of SPASP Maintenance and
Implementation Costs and Calculation of Plan
Maintenance Fee

RESOLUTION 2014-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING
REVISIONS TO THE MASTER FEE SCHEDULE TO ADD PLANNING FEES RELATED
TO IMPLEMENTATION OF THE SAN PABLO AVENUE SPECIFIC PLAN**

WHEREAS, on September 22, 2014, the City Council amended the City of El Cerrito 1999 General Plan to provide for the creation of a specific plan for the development of property in the vicinity of San Pablo Avenue and approved the San Pablo Avenue Specific Plan; and

WHEREAS, the City Council's adoption of the San Pablo Avenue Specific Plan (SPASP) added new substantive requirements and administrative procedures governing development projects within the San Pablo Avenue Specific Plan Area. To approve development projects within the Specific Plan Area, the City must make findings and determinations that each project is consistent with the SPASP. The new administrative procedures necessitate new fees to cover the associated planning costs; and

WHEREAS, the City will need to prepare additional studies, implement programs, and update the SPASP in order to make findings and determinations consistent with the SPASP; and

WHEREAS, the City Council desires to establish new processing fees and a Specific Plan Maintenance Fee for projects in the Specific Plan Area to cover planning costs associated with implementation of the San Pablo Avenue Specific Plan. The anticipated costs of implementing and maintaining the SPASP are summarized and the method of calculating the Specific Plan Maintenance Fee is explained in Exhibit B; and

WHEREAS, the City may establish the Plan Maintenance Fees under the authority provided by Government Code Section 66014, enabling local governments to collect fees reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations; and

WHEREAS, the City's processing fees for development applications are calculated using a cost-based approach, as documented in the 2005 Citywide User Fee Study; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018. At least 10 days prior to the public hearing, the City made available to the public data indicating the estimated cost required to provide the service for which the fee and service charges are levied and the revenue sources anticipated to provide the service.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito finds that the San Pablo Avenue Planning Fees (as shown in Exhibit A) are a reasonable estimate of the costs of providing the services for which each fee will be charged.

BE IT FURTHER RESOLVED that the City Council hereby adopts the proposed addition of the San Pablo Avenue Planning Fees to the Master Fee Schedule for the City of El Cerrito (as shown in Exhibit A), which is hereby attached and by this reference made a part

hereof, for FY 2014-15. The San Pablo Avenue Specific Plan Maintenance Fee shall be applied to the types of projects, at the times, and in the amounts listed in Exhibit A.

BE IT FURTHER RESOLVED that the proposed fees, in the Master Fee Schedule will become effective on November 24, 2014, which is more than 60 days after adoption of this resolution required for development fees.

I CERTIFY that at the regular meeting on September 22, 2014 the El Cerrito City Council passed this resolution by the following vote:

AYES: Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson
NOES: None
ABSENT: None
ABSTAIN: None

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



Exhibit A:

SAN PABLO AVENUE SPECIFIC PLAN AREA

2014-2015 PLANNING FEES

INTERIM EFFECTIVE DATE: SEPTEMBER 23, 2014
EFFECTIVE DATE: NOVEMBER 24, 2014

This is the planning fee schedule for development projects in the San Pablo Avenue Specific Plan Area and therefore regulated by the San Pablo Avenue Specific Plan (SPASP) Form Based Code. If not noted below, all other relevant planning fees as listed in the City's Planning Fee Schedule shall also apply, including any applicable Development Permits. Fees listed below are generally standardized to cover applications for all projects.

Special Fees for Projects of Greater Complexity: Some projects may be determined by the Community Development Director to be more complex and consuming of staff time. The Community Development Director is authorized to require a deposit for estimated staff and consultant costs at the time of the application. Where a standard fee has been paid, the Community Development Director is authorized to require additional deposits to cover costs of extraordinary staff effort resulting from unforeseen complexities or time-consuming delays and extra meetings. Staff time will be calculated on an hourly basis, including full direct and indirect costs, as documented by the City of El Cerrito Citywide User Fee Study, 2005.

Item/ Description

SPA Specific Plan Fees	Amount
Design Review	
Tier 1 Residential and Non-Residential Projects	\$1,201
Tier 2 and Tier 3 Residential and Non-Residential Projects	
1. Up to 2,500 sqft	\$2,823
2. 2,501 - 10,000 sqft	\$3,842
1. 10,001 – 40,000 sqft	\$4,898
2. 40,001 – 100,000 sqft	\$6,171
3. 100,001+ sqft	\$7,776 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Tier 4 Residential and Non-Residential Projects	
1. Up to 10,000 sqft	\$7,578
2. 10,001 – 40,000 sqft	\$9,659
3. 40,001 – 100,000 sqft	\$11,796
4. 100,001 + sqft	\$14,694 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Use Permits (see FBC Table 02 in the SPASP Form Based Code for required use permits)	
Use Permits (All Tiers)	
1. Administrative Use Permit	\$905
2. Use Permit (up to 2,500 sqft)	\$3020



Exhibit A:
SAN PABLO AVENUE SPECIFIC PLAN AREA
2014-2015 PLANNING FEES
 INTERIM EFFECTIVE DATE: SEPTEMBER 23, 2014
 EFFECTIVE DATE: NOVEMBER 24, 2014

3. Use Permit (2,501 to 10,000 sqft)	\$3,736
4. Use Permit (10,001 – 40,000 sqft)	\$4,761
5. Use Permit (40,001 – 100,000 sqft)	\$5,625
6. Use Permit (100,001 + sqft)	\$6,918
Environmental Review and Special Studies	
1. Specific Plan Environmental Check List and Initial Study	Consultant costs, plus City administrative fee (30% of consultant cost)
2. Categorical Exemption	\$204
3. Negative Declaration (City Prepared)	\$3,669 (any consultant costs are additional)
4. Mitigated Negative Declaration (City Prepared)	\$10,641 (any consultant costs are additional)
5. Administrative Fee for consultant prepared environmental documents	30% of consultant cost
6. Administrative fee for consultant prepared special study	30% of consultant cost
Miscellaneous	
1. Staff time per hour	\$191
2. Pre-Application Review Meeting with Staff	\$0
3. Pre-Application Design Review with Written Comments (staff time per hour)	\$191
4. Pre-Application Study Session with Planning Commission or Design Review Board	\$1,985
5. Community Design Charrette (if City Hosted)	\$2,865
6. Public Notice Mailing List Generation	\$101
7. Public Notice Mailing Fee (per address)	1 st class postage, plus 7 cents per envelop
8. Laserfiche/ Archiving	\$3 per page

SPA Specific Plan Maintenance Fee	Projects Applied To	Amount
Payable at time of building permit issuance	- Construction of new structures - Additions to existing structures	\$ 160 per residential unit \$0.13 per sq ft of non-residential

Exhibit B:

Summary of SPASP Maintenance and Implementation Costs and Calculation of Plan Maintenance Fee

1) Specific Plan Maintenance and Implementation Costs (2015-2025)

Studies & Plans (Yrs 1-5)	Costs	Notes
Sanitary Capacity Assessment	\$ 75,000	
Transportation Demand Mgmt. Plan	\$ 25,000	
Parking Demand Mgmt. Plan	\$ 50,000	
Telecommunications Assessment	\$ 25,000	
Open Space Assessment	\$ 10,000	
Staff time	\$ 93,113	.05 FTE over 5 years at current rates
Subtotal	\$ 278,113	
Yrs 6-10		
Transportation Mode Split Analysis	\$ 25,000	
Parking Capacity Analysis	\$ 25,000	
San Pablo Ave Specific Plan Update	\$ 100,000	
Parking Infrastructure CIP	\$ 50,000	
Staff time	\$ 93,113	.05 FTE over 5 years at current rates
Subtotal	\$ 293,113	
Grand Total	\$ 571,225	

2) San Pablo Avenue Development at Plan Build Out ~204

	Units	SQFT
Residential [1] [2]	1536	1,818,624
Commercial		243,112
Total Sqft		2,061,736.00

[1] The development capacity assumed in the Specific Plan EIR includes development in the City of Richmond, specifically 170 units at 5620 Central Ave. Technically, the number of residential units proposed in the City of El Cerrito is 1706-170 = 1536 units.

[2] Average sqft per residential unit = 1184
Average sqft per unit in recent mfd developments in El Cerrito, including circulation and common areas

3) Plan Maintenance Fee (Partial and Full Cost Recovery Scenarios)

a) Phase 1 Plan Maintenance Costs (Yrs 1-5) [1]	\$278,113
Plan Maintenance Cost per sqft [2]	\$0.13
Plan Maintenance Cost per Res Unit [3]	\$160
b) Phase 2 Plan Maintenance Costs (Yrs 6-10) [1]	\$571,225
Plan Maintenance Cost per sqft [4]	\$0.28
Plan Maintenance Cost per Res Unit [5]	\$328

- [1] From Table 1 Specific Plan Maintenance and Implementation Costs above
 [2] Phase 1 Plan Maintenance Costs divided by total new sqft of Plan build out
 [3] Average sqft per unit of 1184 multiplied by Plan Maintenance Cost per sqft or \$0.13
 [4] Phase 2 Plan Maintenance Costs divided by total new sqft of Plan build out
 [5] Average sqft per unit of 1184 multiplied by Plan Maintenance Cost per sqft or \$0.28

4) Other Cities Community Planning Recovery Fees (2013 or 2014)

City	Fee
San Leandro	0.30% of building valuation
Concord	0.25% of building valuation
Davis	0.20% of building valuation
So San Francisco	0.15% of building valuation
Union City	0.10% of building valuation
Oakland	0.10% of building valuation
Walnut Creek	0.10% of building valuation
Elk Grove	0.023% of building valuation
Vallejo	7% surcharge on permits
Hayward	12% of building permit
Highest (Galt)	0.36% of building valuation
Lowest (Elk Grove)	0.023% of building valuation
Average	0.153% of building valuation

5) Impact of Various Plan Maintenance Fees on Multi-Family Development (50-Units & 5,000 Sqft Commercial Space)

	Building Value	Sqft	Units	EC Phase 1	EC Phase 2	Typical Fee	Concord Fee
Residential [1]	\$ 8,288,000	59,200	50	\$ 7,985.63	\$ 16,401.96	\$ 8,288.00	\$ 20,720.00
Commercial [1]	\$ 650,000	5,000		\$ 674.46	\$ 1,385.30	\$ 650.00	\$ 1,625.00
Garage [1]	\$ 1,200,000	15,000		\$ 2,023.39	\$ 4,155.90	\$ 1,200.00	\$ 3,000.00
Total	\$ 10,138,000			\$ 10,683.48	\$ 21,943.17	\$ 10,138.00	\$ 25,345.00
		Building Valuation Equivalent [2]		0.105%	0.216%	0.100%	0.250%

- [1] Construction value based on estimated construction costs from recent multifamily developments in El Cerrito:
 a) Residential = \$140/sqft
 b) Commercial = \$130/sqft
 c) Garage = \$80/sqft
 [2] Building Valuation Equivalent is equal to Total Fees divided by Total Building Value



AGENDA BILL

Agenda Item No. 6(B)(3)

Date: September 22, 2014

To: El Cerrito City Council

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

Subject: Interim Adoption of San Pablo Avenue Specific Plan Fees as an Urgency Measure

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt an urgency resolution enacting the San Pablo Avenue Specific Plan Planning Fees on an interim basis for a period not to exceed 30 days.

BACKGROUND

The proposed *San Pablo Avenue Specific Plan (SPASP)* and Final Environmental Impact Report (EIR) creates the regulatory framework for residential and non-residential development in the San Pablo Avenue Specific Plan Area until 2040 or until the time in which the Plan Area reaches the projected build out of approximately 1,706 residential units¹ and 243,112 square feet of commercial space.

In a related Agenda Bill considered this evening, staff has recommended the adoption of planning fees so that the City can provide the services needed to adequately process development project applications in the Plan Area. These fees include additions to the current planning fee schedule and addition of a Specific Plan Maintenance Fee. These fees are necessary to make the required findings and determinations outlined in the San Pablo Avenue Specific Plan and to ensure that development applicants pay their fair share of costs to make these determinations. In accordance with Government Code Sections 66017, a public hearing was noticed and held prior to adoption of these fees. The anticipated costs of processing applications for development projects in the Specific Plan Area and the method of calculating the proposed Maintenance Fee are explained in the Agenda Bill and Resolution adopting the fees.

¹ Approximately 1,540 units to be located within El Cerrito City limits and 170 units located in Richmond.

ANALYSIS

If tonight's related City Council Resolution is approved, the proposed planning fees needed to implement the *San Pablo Avenue Specific Plan* (SPASP) will not be effective until November 24, 2014, in accordance with Government Code Section 66017(a) which institutes a 60-day waiting period before development fees can become effective. However, per California Government Code Section 66017(b), the City has the authority to adopt an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. Proper notice and a public hearing are required prior to adopting the urgency measure.

Potential applicants have informed the City that they would like to submit applications for projects in the Specific Plan Area as soon as possible, which is before the fees would normally go into effect. Without the new fees effective during the interim period, staff is concerned that the City's ability to process those applications and fund implementation and administration of the Specific Plan would be compromised. During this interim period, the City would have the choice to not accept applications, or to use the General Fund to subsidize the cost of these applications.

Neither of the options are acceptable. The California Permit Streamlining act stipulates that if a local agency fails to approve or disapprove the permit within 30 days, the permit is subject to being "deemed approved" per Government Code Section 65956(b). A deemed-approved permit confers the same privileges and entitlements as a regularly issued permit. This option would seriously jeopardize the public health and safety by not providing the proper level of review. Thus, the most likely option is for the General Fund to subsidize the cost of these applications. This last option would mean that development applicants would avoid the responsibility to pay their fair share of costs necessary to bring their projects through the entitlement process. This shifting of costs to the General Fund would frustrate the intent of the City's Strategic Plan objective to balance revenue with the cost of new services. This is compounded by the fact that the General Fund is currently fully burdened.

For these reasons, staff recommends adopting an urgency resolution approving fee changes on an interim basis, effective September 23, 2014 and not to exceed 30 days. Per California Government Code Section 66017(b), the City has the authority to adopt an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. Proper notice and a public hearing are required prior to adopting the urgency measure and have been given. Prior to the end of the initial 30-day interim adoption period, the City Council may extend the interim fees for an additional 30 days, as provided for in Section 66017(b). The two 30-day periods will cover the period until the fees would normally go into effect.

STRATEGIC PLAN CONSIDERATIONS

The proposed fees support the following Strategic Plan Goals:

Agenda Item No. 6(B)(3)

- Goal B, “Achieve long-term financial sustainability,” contains the objective to “ensure that revenue meets the cost of providing the services identified in the Strategic Plan.”
- Goal C, “Deepen a sense of place and community identity,” contains the objective to “re-imagine underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.”

By adopting this urgency measure, the City Council can ensure that development applications filed prior to the 60-day effective date will pay their fair share of costs to process planning applications and not shift the burden of bearing these costs onto the General Fund.

CEQA CONSIDERATIONS

Approval of fees does not constitute a “project” and is, therefore, exempt from the California Environmental Quality Act (CEQA) according to Section 15601(b)(3) of the CEQA Guidelines. Additionally, pursuant to Section 15273 of the State CEQA Guidelines the establishment of fees for the purpose of meeting operating expenses is exempt.

FINANCIAL CONSIDERATIONS

Current El Cerrito fees do not adequately cover the types of administrative or planning activities called for in the San Pablo Avenue Specific Plan. The new fees are needed to make appropriate findings and determinations in the planning process in order to protect the public health, safety and welfare of the community. Without these fees, such costs would be borne by the General Fund, which is currently fully burdened.

LEGAL CONSIDERATIONS

Per California Government Code §66017(b), the City has the authority to adopt an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. After notice and a public hearing, the City may extend the interim authority for an additional 30 days.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A: Interim San Pablo Avenue Specific Plan
Area Planning Fees

RESOLUTION 2014-XX

**EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
ESTABLISHING INTERIM PLANNING FEES RELATED TO IMPLEMENTATION OF THE
SAN PABLO AVENUE SPECIFIC PLAN**

WHEREAS, on September 22, 2014 the City Council adopted the San Pablo Avenue Specific Plan (SPASP) which is predicated on the goals of the El Cerrito Strategic Plan; and

WHEREAS, this same day, the City Council adopted new development fees for projects in the Specific Plan Area because the current planning fees are insufficient to address the new administrative procedures and advanced planning needs of the SPASP. The anticipated costs of processing applications for development projects in the Specific Plan Area and of implementing and maintaining the SPASP are summarized and the method of calculating the Specific Plan Maintenance Fee is explained in Resolution 2014-XX, which adopted the SPASP Planning Fees; and

WHEREAS, these new development fees are necessary to make the required findings and determinations outlined in the San Pablo Avenue Specific Plan in order to protect the public health, safety, and welfare of the community; and

WHEREAS, a public hearing was noticed and held prior to adoption of these fees in accordance with Government Code Sections 6062a, 66016, 66017 and 66018; and

WHEREAS, in accordance with Government Code Section 66017(a) which institutes a 60-day waiting period before development fees can become effective, the new SPASP planning fees will not be effective until November 24, 2014; and

WHEREAS, should a development application be made before the effective date of November 24, 2014, the entity or person filing the development application would avoid the responsibility to pay their fair share of costs necessary to process their applications and to administer and implement the SPASP. Administration and implementation of the SPASP benefits projects within the Specific Plan Area by ensuring that necessary studies have been completed and the SPASP remains up-to-date. Approval of projects within the Specific Plan Area requires the City to make the appropriate findings and determinations required by the SPASP. Regular updating of the SPASP and completion of required studies is necessary to make those findings; and

WHEREAS, failure of applicants to pay their fair share of the costs of processing their applications and to administer and implement the SPASP would shift these costs to the General Fund and frustrate the intent of the El Cerrito Strategic Plan to balance revenue with costs of new services; and

WHEREAS, pursuant to the authority granted under Government Code Section 66017(b), a local agency may adopt an urgency measure approving fee changes on an interim basis not to exceed 30 days; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Section 66017.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby adopts as an urgency measure the San Pablo Avenue Specific Plan Area Planning Fees (as shown in Exhibit A) on an interim basis for a period not to exceed 30 days. The San Pablo Avenue Specific Plan Maintenance Fee shall be applied to the types of projects, at the times, and in the amounts listed in Exhibit A.

BE IT FURTHER RESOLVED that the facts constituting the urgency justifying the adoption of the San Pablo Avenue Specific Plan Area Planning Fees on an interim basis are the following: the fees imposed by this resolution recover the costs of processing development applications within the SPASP Area and of administering and implementing the SPASP. The SPASP includes new procedures for approving development with the SPASP Area for which the City does not have established fees. It also requires additional studies and regular updating to provide an appropriate regulatory framework for development projects. Potential applicants for development projects within the Specific Plan Area have informed the City of their intent to submit applications shortly after the SPASP is in effect and before the SPASP Planning Fees will be effective. Without authority to impose appropriate fees for applications for development within the Specific Plan Area, the City would have to pay the costs of processing those applications and of administering and implementing the SPASP from the General Fund. Use of the General Fund to cover those costs would constrain the City's ability to fund other programs and services that protect the general health, safety, and welfare and would frustrate the policies expressed in the City's Strategic Plan to balance revenue with the costs of new services.

BE IT FURTHER RESOLVED that this urgency measure will become effective on September 23, 2014 and expire on close of business on October 22, 2014.

I CERTIFY that at the regular meeting on September 22, 2014 the El Cerrito City Council passed this resolution by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on September 22, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



Exhibit A:

SAN PABLO AVENUE SPECIFIC PLAN AREA

2014-2015 PLANNING FEES

INTERIM EFFECTIVE DATE: SEPTEMBER 23, 2014
EFFECTIVE DATE: NOVEMBER 24, 2014

This is the planning fee schedule for development projects in the San Pablo Avenue Specific Plan Area and therefore regulated by the San Pablo Avenue Specific Plan (SPASP) Form Based Code. If not noted below, all other relevant planning fees as listed in the City's Planning Fee Schedule shall also apply, including any applicable Development Permits. Fees listed below are generally standardized to cover applications for all projects.

Special Fees for Projects of Greater Complexity: Some projects may be determined by the Community Development Director to be more complex and consuming of staff time. The Community Development Director is authorized to require a deposit for estimated staff and consultant costs at the time of the application. Where a standard fee has been paid, the Community Development Director is authorized to require additional deposits to cover costs of extraordinary staff effort resulting from unforeseen complexities or time-consuming delays and extra meetings. Staff time will be calculated on an hourly basis, including full direct and indirect costs, as documented by the City of El Cerrito Citywide User Fee Study, 2005.

Item/ Description

SPA Specific Plan Fees	Amount
Design Review	
Tier 1 Residential and Non-Residential Projects	\$1,201
Tier 2 and Tier 3 Residential and Non-Residential Projects	
1. Up to 2,500 sqft	\$2,823
2. 2,501 - 10,000 sqft	\$3,842
1. 10,001 – 40,000 sqft	\$4,898
2. 40,001 – 100,000 sqft	\$6,171
3. 100,001+ sqft	\$7,776 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Tier 4 Residential and Non-Residential Projects	
1. Up to 10,000 sqft	\$7,578
2. 10,001 – 40,000 sqft	\$9,659
3. 40,001 – 100,000 sqft	\$11,796
4. 100,001 + sqft	\$14,694 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Use Permits (see FBC Table 02 in the SPASP Form Based Code for required use permits)	
Use Permits (All Tiers)	
1. Administrative Use Permit	\$905
2. Use Permit (up to 2,500 sqft)	\$3020



Exhibit A:
SAN PABLO AVENUE SPECIFIC PLAN AREA
2014-2015 PLANNING FEES
 INTERIM EFFECTIVE DATE: SEPTEMBER 23, 2014
 EFFECTIVE DATE: NOVEMBER 24, 2014

3. Use Permit (2,501 to 10,000 sqft)	\$3,736
4. Use Permit (10,001 – 40,000 sqft)	\$4,761
5. Use Permit (40,001 – 100,000 sqft)	\$5,625
6. Use Permit (100,001 + sqft)	\$6,918
Environmental Review and Special Studies	
1. Specific Plan Environmental Check List and Initial Study	Consultant costs, plus City administrative fee (30% of consultant cost)
2. Categorical Exemption	\$204
3. Negative Declaration (City Prepared)	\$3,669 (any consultant costs are additional)
4. Mitigated Negative Declaration (City Prepared)	\$10,641 (any consultant costs are additional)
5. Administrative Fee for consultant prepared environmental documents	30% of consultant cost
6. Administrative fee for consultant prepared special study	30% of consultant cost
Miscellaneous	
1. Staff time per hour	\$191
2. Pre-Application Review Meeting with Staff	\$0
3. Pre-Application Design Review with Written Comments (staff time per hour)	\$191
4. Pre-Application Study Session with Planning Commission or Design Review Board	\$1,985
5. Community Design Charrette (if City Hosted)	\$2,865
6. Public Notice Mailing List Generation	\$101
7. Public Notice Mailing Fee (per address)	1 st class postage, plus 7 cents per envelop
8. Laserfiche/ Archiving	\$3 per page

SPA Specific Plan Maintenance Fee	Projects Applied To	Amount
Payable at time of building permit issuance	- Construction of new structures - Additions to existing structures	\$ 160 per residential unit \$0.13 per sq ft of non-residential



AGENDA BILL

Agenda Item No. 7(A)

Date: September 22, 2014

To: City Council of the City of El Cerrito
El Cerrito Redevelopment Successor Agency

From: Hilde Myall, Senior Program Manager, Community Development
Lisa Malek-Zadeh, Finance Director

Subject: Review and authorization to submit the draft Recognized Obligations Payment Schedule 14-15B (January – June 2015)

ACTION REQUESTED

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 14-15B covering the period January to June 2015.

BACKGROUND

ABx1 26 (“Dissolution Act”) dissolved the El Cerrito Redevelopment Agency (“RDA”) and established the El Cerrito Redevelopment Successor Agency (“Successor Agency”) on February 1, 2012. Under the Dissolution Act, the portion of property tax revenues collected in the City of El Cerrito Redevelopment Project Area (“Project Area”) that was considered Tax Increment prior to the RDA’s dissolution are called Redevelopment Property Tax and are deposited by the County Auditor-Controller (“Auditor-Controller”) into the Redevelopment Property Tax Trust Fund (“RPTTF”). The Auditor-Controller distributes the funds in the RPTTF with the following priority:

1. Auditor-Controller’s administrative costs
2. Pass-through payments to the taxing entities affected by the Redevelopment Plan for the Project Area, calculated the same as prior to RDA dissolution
3. Distribution to the Successor Agency to retire the former RDA’s obligations
4. Repayment of loans from the Housing Fund (starting in FY 2014-15)
5. Distribution of residual funds to taxing entities

The Successor Agency must review and authorize submittal of a Recognized Obligation Schedule (“ROPS”) for each six-month period. Each ROPS must then be approved by the Oversight Board to the Successor Agency (“Oversight Board”) and the California Department of Finance (“DOF”) before the Auditor-Controller disburses funding for payments on the approved ROPS.

The schedule being reviewed this evening is the draft ROPS 14-15B covering payments due during the period of January to June 2015. The Successor Agency must submit ROPS 14-15B approved by the Oversight Board to DOF no later than October 3, 2014. The Oversight Board is scheduled to consider ROPS 14-15B at its upcoming special

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meeting. After submittal, DOF then has 45 days to review the ROPS and approve or disapprove of any items. The Successor Agency can request additional review by DOF and an opportunity to meet and confer on disputed items, and must make that request within five business days of receiving a DOF determination. The DOF is required to notify the Successor Agency and Auditor-Controller of its final determination of the approved payments at least 15 days prior to the date of distributions from the RPTTF. For ROPS 14-15B, the notification date is December 18, 2014 for the January 2, 2015 disbursement.

ROPS 14-15B

The proposed ROPS 14-15A is Exhibit A to the attached Successor Agency resolution, reviewing and authorizing its submittal. It includes: 1) A summary of the funding request; 2) An itemized listing of obligations; 3) A report of cash balances; 4) A reconciliation of prior payments and resulting adjustments; and 5) Notes of explanation.

Obligations with remaining outstanding balances are included on ROPS 14-15B, whether previously approved by DOF or in dispute. They are as follows:

- Tax Allocation Bond Debt Service. Payments are due to the trustee Union Bank by June 27, 2015.
- Valente Note. The annual payment of \$288,215 is due during the ROPS 14-15B period.
- Litigation Costs. The Successor Agency's litigation expenses are an enforceable obligation. The Successor Agency received \$90,000 on ROPS 14-15A for litigation expenses during the July through December 2014 period. The Successor Agency is estimating litigation costs of \$45,000 in the January through June 2015 period. The Successor Agency is requesting \$45,000 of ROPS 14-15B RPTTF to cover a portion of these costs and approval to fund the remainder from Successor Agency reserve balance and interest earnings of \$16,630.
- Eden Housing Loan Agreement Post-DDA. While the Oversight Board has repeatedly approved obligations to Eden Housing, DOF has continued to deny that portion of the loan agreement that was contingent on negotiation of a Disposition and Development Agreement (DDA) with Eden, in the amount of \$250,000, stating that the Successor Agency did not have the authority to negotiate a DDA. However, the City as Housing Successor does have the authority to negotiate a DDA with Eden Housing on a property that was listed on the DOF-approved Housing Asset Transfer List and the Successor Agency retained the obligation to fund the loan agreement. DOF stated that the Successor Agency can terminate the agreement due to dissolution, but the Successor Agency is not required to terminate under the Dissolution Act and the DOF cannot require the Successor Agency to do so. Eden Housing and the City as Housing Successor entered into a DDA as of April 2014 and therefore this obligation is included on ROPS 14-15B for funding.

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- San Pablo Avenue Streetscape and Streetlights. In the process of closing out multi-year capital improvement projects, it was determined that commitments of tax increment by the RDA to the City were not transferred to the Capital Improvement Fund, but were relied upon for letting construction contracts. While the commitment of tax increment not transferred by the RDA totaled \$956,511, the City was able to reduce project costs and only \$431,559 of the commitment remains outstanding.
- FY 2014-15 Administrative Allowance. One half of the Successor Agency's administrative allowance is included on the ROPS.

The total amount of RPTTF funding required for ROPS 14-15B is estimated to be \$2,203,430. The total ROPS 14-15B period funding request, including RPTTF and use of existing fund balance, is \$2,220,060. Based on the amount received during the prior ROPS period, the estimated amount to be distributed from the RPTTF is about \$2.1 million. There may be insufficient RPTTF for all obligations due during the ROPS 14-15B period.

FINANCIAL CONSIDERATIONS

The Dissolution Act made clear that the Successor Agency is a separate public entity from the City. The obligations listed on the ROPS are obligations of the Successor Agency and are not those of the City.

LEGAL CONSIDERATIONS

All actions being requested are consistent with the Dissolution Act, as amended.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Successor Agency Resolution reviewing and authorizing submittal of the draft Recognized Obligation Payment Schedule 14-15B

SUCCESSOR AGENCY RESOLUTION 2014-XX

RESOLUTION OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AUTHORIZING SUBMITTAL OF THE DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE 14-15B, AS REQUIRED UNDER THE DISSOLUTION ACT

WHEREAS, pursuant to the California Community Redevelopment Law (the “Redevelopment Law”), the City Council (the “City Council”) of the City of El Cerrito (the “City”) adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, as amended by Ordinances No. 80-13; No. 89-5; No. 94-4; No. 2004-3; No. 2005-01; and No. 2006-10 (collectively, the “Redevelopment Plan”); and

WHEREAS, the El Cerrito Redevelopment Agency (the “RDA”) was responsible for implementation of the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, ABx1 26 (the “Dissolution Act”) was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies’ affairs; and

WHEREAS, on August 15, 2011, pursuant to the Dissolution Act, the City elected to serve as the El Cerrito Redevelopment Agency Successor Agency (the “Successor Agency”), should the RDA be dissolved; and

WHEREAS, California redevelopment agencies were dissolved on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Act, upon dissolution, the RDA transferred as a matter of law all remaining liabilities, debts and obligations to the Successor Agency; and transferred all unencumbered funds and assets to the Successor Agency’s Redevelopment Obligation Retirement Fund (the “RORF”), for disposition and/or use by the Successor Agency to retire RDA debt and pay for RDA obligations; and

WHEREAS, pursuant to the Dissolution Act, the Contra Costa County Auditor Controller (the “Auditor-Controller”) established the Redevelopment Property Tax Trust Fund (the “RPTTF”) to hold Redevelopment Property Tax collected from the City of El Cerrito Redevelopment Project Area to be disbursed to the Successor Agency for payment of its enforceable obligations and to taxing entities affected by the Redevelopment Plan; and

WHEREAS, AB 1484 (the “Trailer Bill”) was enacted on July 1, 2012 modifying the Dissolution Act to require the Successor Agency to submit an oversight board-approved Recognized Obligations Payment Schedule 14-15A (“ROPS 14-15A”) covering the period July through December, 2014 to the Department of Finance (the “DOF”) by March 3, 2014; and

WHEREAS, the Trailer Bill made clear that the Successor Agency is a separate public entity from the City; and

Agenda Item No. 7(A)
Attachment 1

WHEREAS, the Oversight Board to the Successor Agency to the El Cerrito Redevelopment Agency (the "Oversight Board") was formed on April 4, 2012; and

WHEREAS, the Successor Agency has reviewed the draft ROPS 14-15B that was prepared pursuant to the Dissolution Act and the Trailer Bill, which is attached and incorporated as Exhibit A to this Resolution, for submittal to the Oversight Board, the Auditor-Controller, and DOF; and

WHEREAS, the Successor Agency wishes to authorize Successor Agency staff to amend the ROPS 14-15B administratively to account for any additional changes made by the DOF to the ROPS form that occur after the Successor Agency's consideration; and

WHEREAS, the Successor Agency is not a component unit of the City, but the City is providing administrative services for the Successor Agency; and

NOW THEREFORE, BE IT RESOLVED that the City El Cerrito Redevelopment Agency Successor Agency hereby finds the above recitals to be true and accurate.

BE IT FURTHER RESOLVED that the El Cerrito Redevelopment Agency Successor Agency authorizes the submittal of the draft Recognized Obligation Payment Schedule 14-15B as required under the Dissolution Act, subject to such changes as may be necessary to accommodate changes in the DOF approved form, any such changes to be approved by the City Manager.

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

I CERTIFY that at the special meeting on September 22, 2014, the City Council of the City of El Cerrito acting as the El Cerrito Redevelopment Agency Successor Agency passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document on September __, 2014.

APPROVED:

Cheryl Morse, City Clerk

Janet Abelson, Successor Agency Chair/Mayor

Recognized Obligation Payment Schedule (ROPS 14-15B) - Summary

Filed for the January 1, 2015 through June 30, 2015 Period

Name of Successor Agency:	<u>El Cerrito</u>
Name of County:	<u>Contra Costa</u>

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A Sources (B+C+D):		\$ 16,630
B Bond Proceeds Funding (ROPS Detail)		-
C Reserve Balance Funding (ROPS Detail)		15,455
D Other Funding (ROPS Detail)		1,175
E Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 2,203,430
F Non-Administrative Costs (ROPS Detail)		2,078,430
G Administrative Costs (ROPS Detail)		125,000
H Current Period Enforceable Obligations (A+E):		\$ 2,220,060

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I Enforceable Obligations funded with RPTTF (E):		2,203,430
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		-
K Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 2,203,430

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L Enforceable Obligations funded with RPTTF (E):		2,203,430
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
N Adjusted Current Period RPTTF Requested Funding (L-M)		2,203,430

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Agenda Item No.
Attachment 1 - Exhibit A

Recognized Obligation Payment Schedule (ROPS 14-15B) - ROPS Detail January 1, 2015 through June 30, 2015 (Report Amounts in Whole Dollars)															
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 26,034,111		\$ -	\$ 15,455	\$ 1,175	\$ 2,078,430	\$ 125,000	\$ 2,220,060
1	Tax Allocation Bonds 1997 A	Bonds Issued On or Before 12/31/10	12/17/1997	7/1/2019	Union Bank	Refunding of prior TAB for Redev	City of El Cerrito	2,530,375	N				281,125		281,125
2	Tax Allocation Bonds 1998 B	Bonds Issued On or Before 12/31/10	12/17/1997	7/1/2015	Union Bank	Refunding of prior TAB for L&M Hsg Projs	City of El Cerrito	220,644	N				113,144		113,144
3	Tax Allocation Bonds 2004 A	Bonds Issued On or Before 12/31/10	10/21/2004	7/1/2023	Union Bank	Tax-exempt TAB for Infrastructure Projs	City of El Cerrito	11,242,184	N				535,249		535,249
5	Tax Allocation Bonds 2004 B Hsg	Bonds Issued On or Before 12/31/10	10/21/2004	7/1/2023	Union Bank	Taxable TAB for L&M Hsg Projs	City of El Cerrito	4,614,887	N				134,098		134,098
6	2009-10 SERAF Loan	SERAF/ERAF	2/16/2010	11/24/2024	City L&M Housing Fund	Funds advanced for SERAF payment	City of El Cerrito		N						-
7	2005-06 ERAF Loan	SERAF/ERAF	4/17/2006	11/24/2024	City L&M Housing Fund	Funds advanced for ERAF payment	City of El Cerrito		N						-
9	Valente Promissory Note	Third-Party Loans	3/5/2009	3/5/2024	George Valente	Loan for land acquisition	City of El Cerrito	2,047,907	N				288,215		288,215
11	Eden Housing Loan Agreement	OPA/DDA/Construction	5/17/2011	11/24/2024	Eden Housing	Undisbursed loan commitment	City of El Cerrito		N						-
12	Cooperation Agreement	Project Management Costs	3/7/2011	11/24/2024	El Cerrito MSC	Implementation of City of El Cerrito Redevelopment Plan	City of El Cerrito		N						-
18	Eden Housing Loan Agreement Post DDA	OPA/DDA/Construction	5/17/2011	11/24/2024	Eden Housing	Undisbursed loan commitment contingent on DDA	City of El Cerrito		N						-
19	Cooperation Agreement	Project Management Costs	3/7/2011	11/24/2024	El Cerrito MSC	Implementation of Redevelopment Plan	City of El Cerrito		N						-
21	Litigation Cost/Cash Flow Loan Agreement	Legal	10/1/2013	6/30/2014	City of El Cerrito	Successor Agency litigation costs funded by ROPS 13-14B RPT and/or by City of El Cerrito Cash Flow Loan pursuant to H&S Code Section 34173(h).	City of El Cerrito	62,000	N		15,455	1,175	45,000		61,630
22	Eden Housing Loan Agreement Post DDA	OPA/DDA/Construction	5/17/2011	11/24/2024	Eden Housing	Undisbursed loan commitment contingent on DDA		250,000	N				250,000		250,000
23	Cooperation Agreement	Project Management Costs	3/7/2011	11/24/2024	El Cerrito MSC	Implementation of Redevelopment Plan		3,287,000	N						-
24	San Pablo Avenue Streetscape	OPA/DDA/Construction	7/1/2004	11/24/2024	City of El Cerrito	Undisbursed commitment for public improvements constructed in 2004-2011		431,599	N				431,599		431,599
25	FY 14-15 Administrative Allowance	Admin Costs	6/1/2014	7/31/2015	City of El Cerrito	Annual allowance		125,000	N					125,000	125,000
26	2009-10 SERAF Loan	SERAF/ERAF	2/16/2010	11/24/2024	City L&M Housing Fund	Funds advanced for SERAF payment		975,941	N						-
27	2005-06 ERAF Loan	SERAF/ERAF	4/17/2006	11/24/2024	City L&M Housing Fund	Funds advanced for ERAF payment		246,574	N						-
28									N						-
29									N						-
30									N						-
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Recognized Obligation Payment Schedule (ROPS 14-15B) - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	
ROPS 13-14B Actuals (01/01/14 - 06/30/14)								
1	Beginning Available Cash Balance (Actual 01/01/14)			15,455		1,174		Balances reflect actual balances held by Successor Agency net of transfers to trustees.
2	Revenue/Income (Actual 06/30/14) RPTTF amounts should tie to the ROPS 13-14B distribution from the County Auditor-Controller during January 2014					1	2,072,483	
3	Expenditures for ROPS 13-14B Enforceable Obligations (Actual 06/30/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q						2,072,483	
4	Retention of Available Cash Balance (Actual 06/30/14) RPTTF amount retained should only include the amounts distributed for debt service reserve(s) approved in ROPS 13-14B							
5	ROPS 13-14B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 13-14B PPA in the Report of PPA, Column S	No entry required					-	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	-	-	15,455	-	1,175	-	
ROPS 14-15A Estimate (07/01/14 - 12/31/14)								
7	Beginning Available Cash Balance (Actual 07/01/14) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	-	-	15,455	-	1,175	-	
8	Revenue/Income (Estimate 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014						1,303,419	
9	Expenditures for ROPS 14-15A Enforceable Obligations (Estimate 12/31/14)						590,919	
10	Retention of Available Cash Balance (Estimate 12/31/14) RPTTF amount retained should only include the amount distributed for debt service reserve(s) approved in ROPS 14-15A						712,500	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 -10)	-	-	15,455	-	1,175	-	

[illegible]

Recognized Obligation Payment Schedule (ROPS 14-15B) - Notes

January 1, 2015 through June 30, 2015

[illegible]