AGENDA

REGULAR MEETING
OF THE
PLANNING COMMISSION

7:30 p.m.
Wednesday, March 18, 2015
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Andrea Lucas; Commissioners: Kevin Colin, Carla Hansen, Michael Iswalt, Bill Kuhlman, Lisa Motoyama and Tim Pine.

1. Council/Staff Liaison Announcements and Reports
   Staff and/or Councilmember Quinto may report on matters of general interest to the Planning Commission, Council policies, priorities and significant actions taken by the City Council.

2. Comments from the Public
   (Each speaker is limited to a maximum of 3 minutes.)

3. Approval of Minutes
   Approval of the January 21, 2015 meeting minutes.

4. Commissioner Communication/Conflict of Interest Disclosure
   This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.

5. Public Hearing - Appeal of Final Design Review for project located at 1715 Elm Street
   Application: PL14-0159
   Appellants: Howdy Goudey and Robin Mitchell
   Location: 1715 Elm Street
   Zoning: RM (Multi-Family Residential)
   General Plan: High-Density Residential
   APN: 502-112-038

COMMUNICATION ACCESS INFORMATION
To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

10890 San Pablo Avenue, El Cerrito, CA 94530  Tel: (510) 215-4330  E-mail: smoss@ci.el-cerrito.ca.us
City of El Cerrito
Planning Commission Meeting Agenda

Request: Planning Commission consideration of an appeal of the Design Review Board’s approval of the design review for the project proposed for the subject property.

CEQA: A Mitigated Negative Declaration has been approved for this project.


Applicant: City of El Cerrito
Location: Citywide
APN: Citywide
Request: Consideration of a Planning Commission recommendation to adopt the City of El Cerrito’s Housing Element update and Negative Declaration.

CEQA: Negative Declaration

7. Staff Communications

8. Adjournment

Appeals:
A decision of the Planning Commission may be appealed to the City Council, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of an appeal fee of $339 with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division office located at 10890 San Pablo Avenue during normal business hours.
Roll Call - Chair: Andrea Lucas; Commissioners: Carla Hansen, Michael Iswalt, Bill Kuhlman, and Tim Pine. Commissioner Motoyama arrived at 7:42 p.m.

1. Council/Staff Liaison Announcements and Reports
   No report was given.

2. Comments from the Public
   No comments were received.

3. Approval of Minutes
   Motion to approve the December 17, 2014 meeting minutes: Pine; 2nd: Iswalt.
   Vote:
   Ayes: Iswalt, Kuhlman, Lucas, Pine
   Noes: None
   Abstain: Hansen
   Absent: Motoyama

4. Commissioner Communication/Conflict of Interest Disclosure
   Nothing was reported.

5. Public Hearing - 1 Carmel – Mahaney Deck
   Application: PL14-0155
   Applicant: Mark and Jessica Mahaney
   Location: 1 Carmel Avenue
   Zoning: RS-5 (Single Family Residential)
   General Plan: Low Density Residential
   APN: 504-273-015

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10890 San Pablo Avenue, El Cerrito, CA 94530  Tel: (510) 215-4330  E-mail: smoss@ci.el-cerrito.ca.us
Request: Planning Commission consideration of a Conditional Use Permit (Chapter 19.34, ECMC) to extend a legal nonconforming structure. The applicant is proposing to expand an existing deck built over a creek an additional 21 square feet.

CEQA: Exempt, Section 15301 – Class 1 Existing Facilities

Senior Planner, Noel Ibalio presented the staff report and answered questions from the Commission.

The public hearing was opened.
The public hearing was closed.

Motion to deny the project: Kuhlman.
Motion failed for lack of a second.

Motion to approve application PL14-0155 with the additional condition of approval that the material for the deck expansion shall not be pressure-treated wood: Hansen; 2nd: Lucas.

Vote:
Ayes: Hansen, Iswalt, Lucas, Pine
Noes: Kuhlman, Motoyama
Abstain: None
Absent: None

6. Staff Communications
Staff updated the Commission regarding the Tobacco Retail License Ordinance and the presentation of the Annual Work Plan to the City Council.

7. Adjournment
8:57 p.m.
I. SUBJECT
Application: PL14-0159
Applicant: Edward Biggs
Appellant: Howdy Goudey and Robin Mitchell
Location: 1715 Elm Street
Zoning: RM Multi-family Residential
General Plan: High-Density Residential
APN: 502-112-038
Request: Planning Commission consideration of an appeal to the decision of the Design Review Board to approve of the final architectural review as it applies to aesthetic design of the structures, landscaping, lighting and other architectural features of the project proposed for 1715 Elm Street
CEQA: A Mitigated Negative Declaration has been approved for this project.

II. BACKGROUND
Entitlement History for the project:

March 19, 2014: Planning Commission – Study Session
April 16, 2014: Planning Commission – Public Hearing
May 21, 2014: Planning Commission – Public Hearing
June 2, 2014: City Council – Public Hearing
June 23, 2014: City Council – Public Hearing
August 19, 2014: City Council – Public Hearing

For all associated documents, including prior staff reports and CEQA documents, please see: www.elcerrito.org/1715Elm.

The overall project entitlement package was approved by the by the City Council on August 19, 2014. These entitlements included: Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment and a Use Permit. The project that is the subject of the appeal before the Planning Commission is the Final Design Review of the project, only.
III. DISCUSSION

The project was the subject of a public hearing before the Design Review Board on January 7, 2015. After review of the staff report, presentation from the applicant, and comments from the public, the Board unanimously approved the project. The staff report, the resolution which incorporates the findings and conditions of approval made by the Board and the Draft Minutes are all included in this report as Attachment 2, 3 and 4.

On January 20, 2015, Howdy Goudy filed an appeal of the Design Review decision. The complete appeal document is included in this report as Attachment 5.

Appeal

The legal framework for appeals is stated in several sections of the zoning ordinance. Specifically:

- Pursuant to Section 19.39.040.C. Decisions of the Design Review Board may be appealed to the Planning Commission by filing a written appeal with the Zoning Administrator.
- Pursuant to Section 19.38.070.A. Appeals of design review approvals shall be based on design issues that are within the scope of Chapter 19.38 (Design Review) and the purview of the design review unless the appellant asserts that the decision exceeds the authority of the decision-making body in conducting design review.
- Pursuant to 19.39.040 D. The authorized hearing body shall review the appeal, the record, and any written correspondence submitted after the appeal has been filed, and shall take one of the following actions:
  1. Conduct a public hearing and take action on the appeal; or
  2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.

Staff has noticed this meeting as a public hearing in order to allow the Commission the opportunity to take action on the appeal if the Commission chooses to do so. Pursuant to 19.39.050, when reviewing any decision on appeal, the hearing body shall use the same standards for decision-making required for the original decision. The hearing body may adopt the same decision and findings as were originally approved or different ones.

This language establishes that the Planning Commission must use the same findings as the Design Review Board when reviewing the application before them. However, the Commission is free to make a new decision based on the information in the record and any written correspondence submitted after the appeal has been filed. This style of appeal review is also known as a de novo hearing.

If the Commission chooses to take an action at tonight’s meeting, there are two options for the body to consider:

1. It may review the findings made by the Design Review Board and supported in the staff analysis below, in their approval of the project before them at the January meeting and affirm the decision of the Board, or
2. It may review the findings made by the Design Review Board and supported in the staff analysis below, in their approval of the project before them at the January meeting and uphold the appeal, effectively overturning the decision of the Board,
Staff Analysis of the Appeal

Staff has summarized the items in the appeal that fall within the purview of the project in the order that they appear in the appeal letter. As a frame for the analysis, for each issue of concern noted by the appellants, staff first lists the appropriate design review findings/criteria that pertain to the issues under discussion, then summarizes each point the appellants note related to that specific finding/criteria (staff quotes the appellants unless otherwise noted in these sections), and finally offers a response to each of these points.

The first four pages of the appeal notes many different aspects of the development project at 1715 Elm that fall outside of the scope of final design review purview of the project. No further staff analysis is offered to these components of the appeal.

Issue 1

Relevant Required Scope

Section 19.38.040 establishes the scope of final design review as the following:

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

A. Building articulation, facade treatment and architectural details.
B. Exterior colors and materials.
C. Character defining features and the relation to existing settings.
D. Design of fences, walls, and screen plantings, including but not limited to height of those structures, materials, colors, and type.
E. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.
F. The size, location, design, color, number, lighting, and materials of signs.
G. Design of the streetscape, including but not limited to landscaping, furniture and materials.

Appellant Concern:

The project specifically does not meet criterion c, listed above.

1. The 4 foot proximity of the buildings to the creek bank (especially a 40+ foot high building) breaks the aesthetic qualities of the creek and severely curtails the existing character and limits the potential character and the relation of the buildings to this important existing feature.
2. Diminishing the existing historic structure by positioning it in a rear corner 3 feet from the property line and overshadowing it by a building roughly twice as tall, is also an aesthetic disservice to the site and its historic context. The relative scale of the buildings makes the historic home look like a playhouse instead of respecting it as an important historic structure.
3. The tightness of the buildings to the creek corridor and the hardscape walking paths right up to the creek includes cement paths and tight cable guard rails with hard modern texture that is aesthetically inconsistent with the natural water course and the historic farmstead character of the site. It is particularly troubling that in areas with less constraint, such as the patios and walks, there is still unnecessary close imposition on the creek and the corridor that should be exploited to accentuate this unique existing natural feature and assure that it is properly uses as a harmonious asset of the landscape design.
4. This plan attempts to combine too much in too little space with large buildings and small setbacks. In an attempt to screen the inappropriate intrusion, trees that are too big for the remaining space are crammed in for good measure, but they cannot hide or remedy the discontinuity of the site.
Staff Response:
The scope of the entitlement is limited to the final aesthetic architectural review based on consideration of the requirements of Section 19.38.040 as they apply to design of the structures, landscaping, lighting and other architectural features of the application. The location and height of the new building, the historic structure and the rock lined channel were finalized in the approval of the Planned Development District by City Council on August 19, 2014. Therefore, the request that the buildings be moved away from the creek (point 1), to move the historic structure elsewhere on site (point 2) or raising concerns as to the relative height of the proposed new building (points 1 & 2) are all outside the scope of this project review. The issues regarding the landscape components including the patios, walking paths and cable railing are within the purview of the design review. The members of the Board did not find that the patios, walkways or railings were out of character with their settings. They did find that the project retains two existing historical resources, the historic structure and the rock lined channel. Further, the design of the new structure and the landscaping proposed complements and supports those historic resources on the site through architecture and plantings. Staff notes that while the Board did offer extensive modifications to some plantings, irrigation, the seating area, the light sconces, and the proposed gates, no concerns were expressed in area noted by the appellants.

Issue 2
Appellant Concern:
The project specifically does not meet criterion e, listed above.
1. California Bay Laurel is a lovely tree, however it is also the vector for Sudden Oak Death disease, so it might be worth consulting with the City Arborist and/or the Tree Committee about the wisdom of planting this tree in this location with surrounding oaks.
2. Many of the other perimeter trees are lovely in and of themselves, but potentially quite large and unnecessarily crowded in the narrow (10-15 foot) spaces between the building and property lines. Trees of this size will extend significantly over the property line and likely receive pruning by neighbors that is not holistically intended for the healthy management of the whole tree. Unbalanced and unhealthy trees may result. Light will be severely limited to lower living units in both the new construction and some of the neighboring properties.

Staff Response:
As the appellants noted in the appeal, the Board also had concerns regarding the canopy of the perimeter trees and the spread of sudden oak disease. They added conditions of approval to address each of these concerns. Specifically:
1. C. All of the proposed Oak trees on the plan set shall be removed and replaced with a more columnar shaped tree that will create a narrower canopy.
1.H. To avoid the unintentional spread of Sudden Oak Disease to Oak trees proposed on this site and in the area, no plant species that are known for the ability to serve as vectors for the disease shall be allowed on plant list. This list includes, but is not limited to: Bay Laurel and Azaleas.

Issue 3
Relevant Required Findings of Fact
Section 19.36.160 zoning ordinance lists the necessary findings that the Board must make to approve the project. The first finding is that the project is consistent with that the applicable standards and requirements of the Zoning Ordinance.

Appellant Concern:
It is factually inaccurate to say the project meets all relevant standards of the zoning ordinance. It was relieved from several standards by the Aug. 19th Council action, placing it in a planned development
designated zone.

Staff Response:
As the appellants noted in the appeal, this point was addressed in the approval of the Planned Development District by the City Council on August 19, 2014. With that approval in place, the project is consistent with the standards and requirements of the zoning ordinance.

**Issue 4**

**Relevant Required Findings of Fact**
Finding 4a states that the aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

Appellant Concern:
As expressed by the DRB during their work plan presentation to Council, vinyl framed windows are not a high quality attractive material and their texture does not support the historical context of the architecture. This architecturally inferior product should be replaced with a higher quality window that is more respectful of the classic look and texture of the historic building the architecture it aspires to echo.

Staff Response:
The Board found in its approval of this project that the aesthetic design of the project would provide an attractive and comfortable environment, in that the project provides for a high level of architectural interest, uses high quality materials and finishes and includes a diverse list of landscaping materials and plantings. Although, the Board is on record for generally discouraging the use of vinyl windows, in this case they noted that this is a relatively small project and were sensitive to the comments by the applicant that cost of other types of windows would be problematic when added to all the other costs associated with this project. The Board did add three additional conditions to the approval to ensure the appearance of the windows would provide a high level of architectural interest. Specifically:
1. I The type of windows along the ground elevation shall be specified in the plan set as either casement or slider windows.
1. J All windows on the new building shall not contain false muttons and shall use dark bronze vinyl framing.
1. K There shall be no bars on the ground floor windows.

It is within the purview of the Board to allow vinyl framed windows on a case by case basis. It should also be noted that the issue of vinyl windows only applies to the new building. The historic structure is required to have wood frame windows as existed in its original construction.

**Issue 5**

**Relevant Required Findings of Fact**
Finding 4c states that the project has been designed with consideration of neighboring development.

Appellant Concern:
1. Perimeter tree plantings are meant to buffer the impact of the imposing structure on neighbors, however the tight space available to these trees and the large species, will result in significant canopy overhang on neighboring properties (as pictured in the plan set). This is a different impact that may or may not be desirable. It is not clear that it is considerate of the neighbors to impose this condition without consultation. There is a potential burden of shading, pruning, leaf drop, etc, that might not be sought by the neighbors. (Although the appellants noted that the
Board addressed this concern, the appellants expressed concern as to how the modification would be implemented.

2. The height of the (new) structure is not considerate of the neighboring residents and it is out of character with the neighborhood and the scale of surrounding buildings.

3. The shading of neighboring buildings to the north (by the new structure) is not considerate of the neighborhood.

Staff Response:
The Board found that the project had been designed with extensive buffer style landscaping that will visually screen the project site from adjoining neighbors. The project will also be open for the neighbors to use whenever the historic structure is open, offering access to the site amenities and closer access to the rock lined channel.

In addition, specifically regarding point 1, the issue of the canopy size of the proposed perimeter trees was identified by the Board as a concern. They responded by adding condition of approval 1.C. that required the removal of the specified species of perimeter tree and the addition of a more columnar shaped tree that will create a narrower canopy. This is one of the many modifications that the Board required the applicant to address by submitting a revised set of plans prior to the submittal of building plans. They noted to the applicant that they have charged staff with the review of the revised plans to ensure that all noted modifications have been made as the Board requested. This requirement is stated in body of condition of approval #1 of the conditions of approval added by the Board and noted in Attachment 3.

Points 2 & 3 are issues related to the height of the proposed new building. As stated earlier in the report, the height of the buildings is not part of the purview of this project. Staff references points 2 and 3 to make clear that the issues were noted as part of the appeal document.

Issue 6
Relevant Required Findings of Fact
Finding 4d states that the project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

Appellant Concern:
1. The discontinuity of the scale of the two buildings on the site is not complimentary.
2. The distance for a pedestrian on sidewalks to the central entrance of Del Norte BART is about 1800 feet away from the site and the closest point on San Pablo Avenue is about 1300 feet away. (neither is 700 feet, as claimed, not even as the crow flies to the nearest point).

Staff Response:
Staff notes that neither of these points fall under the purview of the final design review purview of the project. Point 1 is again challenging discontinuity of the height of the existing and proposed buildings proposed for the site. The building height of the historic building is already established on site. The height of the proposed building was approved in the Planned Development District by City Council on August 19, 2014.

Point 2 is taking exception to a measurement offered by staff. Staff stands by the measurement as the crow flies. This measurement was taken using the City GIS system.
Staff references these points to make clear that the issues were noted as part of the appeal report.

**Issue 7**

**Relevant Required Findings of Fact**

Finding 4f states that the proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

**Appellant Concern:**

While the historic house is retained, its historic character, and particularly that of the historic site context called out in both the Corbett (2006) and VerPlank (2013) historical evaluations, is severely diminished by the crowding of the house in to the rear corner of the property and dwarfing it by a much larger adjacent building. This design destroys the historic context of the site and diminishes the third oldest house in El Cerrito, relegating it a much less interesting and valuable structure as a result of this mistreatment.

**Staff Response:**

The Board found that the project retains two existing historical resources, the historic structure and the rock lined channel. The design of the new structure and the landscaping proposed complements and supports those historic resources on the site through architecture and plantings. The location of the historic structure was part of the Planned Development District, approved by City Council on August 19, 2014. The architectural features of the new building were designed to complement the architecture of the existing structure. The horizontal siding, the shape of the roof form and the color palette of the new building were all chosen in consideration of this goal.

**Issue 8**

**Relevant Required Findings of Fact**

Finding 4g states that the aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

**Appellant Concern:**

Neighbors’ view of the East Bay hills will be impacted. This is a significant view shed. The site itself is open space and the view of it is enjoyed by the neighbors and those who pass Elm St. One neighbor who lives in an adjacent apartment reported that his only natural view from his balcony (an open view of the night sky to the hills) will be eclipsed by the tall new construction.

**Staff Response:**

The project will provide for a public view of the structure, the private open space directly in front of the structure and the rock lined channel from the right of way on Elm Street. It will enhance pedestrian activity by adding public access to these amenities as well. The goal of this finding is not to protect views from private property. It is to protect significant views as defined in the General Plan, from public streets and public open spaces. The east bay hills are significant, but their view from neighboring rights of way and public open space will not be impacted by the project. Further, because this project’s site plan and building heights were all finalized by the Planned Development District approval by City Council, this concern is beyond the purview of the final design review.

**Issue 9**

**Relevant Required Findings of Fact**

Finding 4i states that the project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.
Appellant Concern:
Shade from trees is not necessarily energy efficient in this climate. Natural ventilation can supply most cooling needs. The energy provided by passive solar gain to offset heating energy is a greater energy service to buildings in our climate and this requires no shading on windows in the winter when sun angles are low.

Staff Response:
The Board found that the proposed landscape is suitable for the type of project and provides an extensive plant palette that has many drought tolerant species listed. It also provides for quality open spaces, visual buffers and plants specifically valued for their bio-retention qualities. As conditioned by the Board, the project has been found to be an acceptable mix of plants that will serve the many goals of landscaping on residential properties in high density areas. Trees that provide shade are a necessary component of screening adjacent uses to allow for some privacy between residents. Staff also notes that the building will be required to meet the current California Building Code’s Energy Standards.

Issue 10
Relevant Required Findings of Fact
Finding 4j states that the project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

Appellant Concern:
The project does not in fact protect or restore the creek channel in a meaningful way. It leaves most of the creek channel untouched, however, this is not necessarily a good thing given the degraded condition of the stream and the proposal to introduce more peak storm water runoff and structure 4 feet from the bank. Hardscape sidewalks are located immediately adjacent to the bank and are an unacceptable imposition on the integrity of the waterway. The cable guard rails also marginalize and “wall off” the creek feature as an inconvenience to be dealt with rather than a unique and valuable feature that should be celebrated and enhanced to make the space more livable. The technical storm water aspects or the plan are of serious concern and need further review. The Regional Water Quality Board Permit has not yet been issued and they have expressed concerns about the plan in it’s current state.

Staff Response:
The Board found that the project design protects and integrates the existing rock lined channel that transects the site. Plantings are included that will benefit both this resource and provide for a rich palate in the open space areas throughout the project. The plantings near the rock lined channel and in the bio-retention area have been purposely selected to be both aesthetically pleasing and serve to have a positive impact on the habitat of the site. The cable guard rail has been added to prevent people from falling into the rock lined channel. The cables themselves are very thin and will create a minimal visual screening of the amenity. The City of El Cerrito has approved the C3 plans for this project. And, finally, the City of El Cerrito must process applications in a timely manner, once they are submitted to the city. The risk of submitting this project before the final action of the Regional Water Quality Board (RWQB) falls on the applicant. If the RWQB acts in a way that would require the applicant to amend the site plan, the costs of the modification would fall to the applicant, not the city.
Issue 11
Relevant Required Findings of Fact
Finding 6 states (the project is consistent with) any other relevant policies or regulations of the City.

Appellant Concern:
The project is not compliant with all the zoning and standards; it was explicitly relieved from some of them to be made possible as proposed. It is within your purview to assess whether the associated design impacts are acceptable.

Staff Response:
The Board found that the project is in compliance with the zoning requirements and the goals and policies outlined in the General Plan. As previously noted, this point was addressed in the approval of the Planned Development District by the City Council on August 19, 2014. With that approval in place, the project is consistent with the standards and requirements of the zoning ordinance.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT
An Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been approved for this project at the City Council meeting of August 19, 2014. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures.

VI. RECOMMENDATION
Staff recommends that the Planning Commission affirm the decision of the Design Review Board, approve the project and adopt Resolution 15-02.

Proposed Motion: Move adoption of Planning Commission Resolution 15-02 upholding the decision of the Design Review Board and approve the project located at 1715 Elm Street.

Alternative Motions:
1. Move to overturn the decision of the Board and uphold the appeal and deny the design review for the project located at 1715 Elm Street. (If this motion is selected, please assist staff to identify the findings created by the Planning Commission for the action).
2. Move to remand the project located at 1715 Elm Street back to the Design Review Board for consideration. (If this motion is selected, please assist staff to identify the issues identified by the Planning Commission that they felt the Board should reconsider at their next hearing).

Attachments:
1. Draft Resolution to upholding the decision of the Design Review Board and approve the project located at 1715 Elm Street.
7. Correspondence received subsequent to the preparation of the staff report.
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION GRANTING DESIGN REVIEW APPROVAL TO THE PROJECT AT 1715 ELM STREET

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

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

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

WHEREAS, on November 6, 2013, the Design Review Board reviewed the conceptual project proposed for 1715 Elm and provided feedback to the applicant;

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

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

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

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

WHEREAS on April 28, 2014, Howdy Goudey, Robin Mitchell, Jason Hasley, Keystone Montessori School, Linda Shehabi, Dan & Henia Pines, and Julia Lucia filed an appeal of the Planning Commission’s Planned Development Use Permit approval at 1715 Elm Street;

WHEREAS, on June 2, 2014, the City Council held a duly noticed public hearing to consider the appeal. The City Council closed the public hearing and continued consideration of the appeal to June 23;

WHEREAS on June 23, 2014, the City Council held a duly noticed public hearing and requested additional information and continued deliberations;

WHEREAS on August 19, 2014, the City Council reopened the hearing, received the additional information and based all the information before them and the testimony received voted to approve the project at 1715 Elm Street;

WHEREAS, on November 10, 2014, the applicant submitted Design Review application for 1715 Elm Street;
WHEREAS, on January 7, 2015, the Design Review Board held a duly noticed public hearing, received public testimony and adopted Resolution DRB 14-08, approving the final design review;

WHEREAS, on January 20, 2015 Howdy Goudey and Robin Mitchell filed an appeal of the decision of the Design Review Board’s approval of final design review application for 1715 Elm Street;

WHEREAS on March 18, 2015, the Planning Commission held a duly notified public hearing, after due consideration of all evidence and reports offered for review, does hereby find and determine the following:

The proposed development meets the Design Review criteria noted in Section 19.36.160 of the Zoning Ordinance. Findings for approval under Section 19.38.060 are listed below. The Planning Commission may only approve a final design application if it finds that the application is consistent with the purposes of this Chapter and is consistent with:

Section 19.36.160 ECMC

1. The applicable standards and requirements of this Zoning Ordinance;

   The project complies with all of the relevant standards of the El Cerrito Zoning Ordinance. It has received all other necessary land use approvals as stated in the Zoning Ordinance at the August 19, 2014 City Council meeting. The findings relevant to Design Review approval are listed below.

2. The design policies of the General Plan and specific plans adopted by City Council;

   Pursuant to the City of El Cerrito General Plan, the following policies are pertinent to the proposed project: CD1.2 Design Concept, CD1.3 High Quality Design, and CD5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   None

4. The design review criteria set forth in the following subsection;

   a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

   The aesthetic design of the project will provide an attractive and comfortable environment, in that the project provides for a high level of architectural interest, uses high quality materials and finishes and includes a diverse list of landscaping materials and plantings.

   b. Project details, colors, materials, and landscaping, are fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

   The project features a unified color scheme in an earth tone hue that is complementary to the historic building’s colors. It uses durable, long lasting materials such as cement siding on the
new building as well as quality historically appropriate materials on the historic building, such as wood siding. The overall design of the project, including the architectural details and the landscaping tie together well to appear as one unified project.

c. The project has been designed with consideration of neighboring development.

The project has been designed with extensive buffer style landscaping that will visually screen the project site from adjoining neighbors. The project will also be open for the neighbors to use whenever the historic building is open, offering access to the site amenities and view of the rock lined channel.

d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The project contributes to the creation of an attractive and visually interesting environment by providing well articulated new construction, a visually interesting color scheme, and varied facades with wood trellises and other detailing. The site has two pedestrian gateways leading to the public sidewalk and is 700 feet from Del Norte BART and San Pablo Avenue.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The street frontage is visually attractive with both a pedestrian and vehicular access offered through architecturally varied entrances and gates. The project also locates a door, windows and a patio on the Elm Street elevation, increasing ‘eyes on the street’ from both inside and outside of the new building.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

The project retains two existing historical resources, the historic structure and the rock lined channel. The design of the new structure and the landscaping proposed complements and supports those historic resources on the site through architecture and plantings.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

There are no significant views or open space visible from the site or on adjacent public right-of-way. However, the project retains a historic structure and provides for public access to the structure and the open space directly in front of the structure and beside the rock lined channel.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito’s climate.
The proposed landscape is suitable for the type of project and provides an extensive plant palette that has many drought tolerant species listed. It also provides for quality open spaces, visual buffers and plants specifically valued for their bio-retention qualities.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project will be consistent with Title 24 of the California Building Code. Further, the project is utilizing many plants that are drought tolerant; provide shade as well as plantings valued for their bio-retention qualities.

j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

The project design protects and integrates the existing rock lined channel that transects the site. Plantings are included that will benefit both this resource and provide for a rich palate in the open space areas throughout the project.

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

The project does not require any additional approval by the Planning Commission or the Zoning Administrator.

6. Any other relevant policies or regulations of the City.

The project is in compliance with the zoning requirements and the goals and policies outlined in the General Plan.

Now, therefore, be it resolved, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby approves Application No. PL14-0159, subject to the following conditions:

Planning Division:

1. The project shall be developed and maintained substantially in compliance with the plans dated November 10, 2014. Minor changes may be approved by the Zoning Administrator as noted in the El Cerrito Municipal Code Section 19.32.110.B.

2. If not used, this design review approval shall expire two years from the date of this action.

3. All previous conditions of approval included as part of the August 19th City Council public hearing remain a part of this project entitlement package, in addition to any conditions included herein.

Public Works:

1. This project shall confirm to its approved Storm Water Control Plan dated December 15, 2014.
At the January 7, 2015 public hearing, the Design Review Board added the following condition of approval:

1. The applicant shall submit a revised set of plans that illustrate compliance with the following modifications. This set of plans shall be submitted prior to the submittal of building plans and are subject to staff approval. The intent of this condition is that once this set of plans is approved by staff, they will be included in the building set of plans submitted to the city. The plan set submitted to staff shall include:

Landscape and Irrigation Plans:

- a) Revised Gates. Both sets of proposed gates shall be six feet wide. Each set of gates shall consist of two sets of three foot wide panels.
- b) The current lighting scones along interior paths shall be replaced by light stick-style lighting.
- c) All of the proposed Oak trees on the plan set shall be removed and replaced with a more columnar shaped tree that will create a narrower canopy.
- d) Sub surface irrigation system shall be added to the C3 area of the site plan and illustrate that proposed shrubs are located in way to not disrupt the adjacent irrigation pipe.
- e) Address the curved top of the raised bed and show the final design of the seating area.
- f) Show location of proposed vines on plan set. Ensure they are in areas that already provide irrigation.
- g) Specify appropriate location and type of groundcover in space immediately adjacent to creek.
- h) To avoid the unintentional spread of Sudden Oak Disease to Oak trees proposed on this site and in the area, no plant species that are known for the ability to serve as vectors for the disease shall be allowed on plant list. This list includes, but is not limited to: Bay Laurel and Azaleas.

Building Plans:

- i) The type of windows along the ground elevation shall be specified in the plan set as either casement or slider windows.
- j) All windows on the new building shall not contain false muttons and shall use dark bronze vinyl framing.
- k) There shall be no bars on the ground floor windows.
- l) The siding shall be Hardie Brand and type entitled “Artisan” lap siding with mitered corners.

1. On the east elevation, the horizontal band shall be removed and the windows on the central bay area shall be made thinner and taller.
CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on March 18, 2015, upon motion of Commission member _____, second by Commission member _____:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Margaret Kavanaugh-Lynch
Development Services Manager
I. SUBJECT
Application: 14-0159
Applicant: Edward Biggs
Location: 1715 Elm Street
Zoning: RM Multi-family Residential
General Plan: High-Density Residential
APN: 502-112-038
Request: Design Review Board consideration of final architectural review as it applies to aesthetic design of the structures, landscaping, lighting and other architectural features of the project proposed for 1715 Elm Street.

CEQA: A Mitigated Negative Declaration has been prepared for this project.

II. BACKGROUND
This project appeared at a public hearing before the Board in November, 2013. Since that time, it has been considered at the following agendized meetings:
March 19, 2014: Planning Commission – Study Session
April 16, 2014: Planning Commission – Public Hearing
May 21, 2014: Planning Commission – Public Hearing
June 2, 2014: City Council – Public Hearing
June 23, 2014: City Council – Public Hearing
August 19, 2014: City Council – Public Hearing

For all associated documents, including prior staff reports and CEQA documents, please see: www.elcerrito.org/1715Elm.

The project received approval by the by the City Council at the August 19, 2014 meeting. These entitlements included: Development Agreement, the creation of a Planned Development District including a Zoning Map Amendment and a Use Permit. The applicant will still need to secure a parcel map at a later date.
The purview of the Board this evening is the Final Design Review of the project. Section 19.38.040 establishes the scope of final design review as the following: The Zoning Administrator or Design Review Board shall approve, conditionally approve or deny, or make recommendations on applications for final aesthetic architectural review based on consideration of the requirements of this Chapter as they apply to design of the structures, landscaping, lighting and other architectural features of an application including:

A. Building articulation, facade treatment and architectural details.
B. Exterior colors and materials.
C. Character defining features and the relation to existing settings.
D. Design of fences, walls, and screen plantings, including but not limited to height of those structures, materials, colors, and type.
E. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.
F. The size, location, design, color, number, lighting, and materials of signs.
G. Design of the streetscape, including but not limited to landscaping, furniture and materials.

III. DISCUSSION

Site Description and Setting
The project site is a fairly level, rectangular 0.42-acre lot located at 1715 Elm Street. The site slopes from a high point along the Elm Street frontage to the western boundary, representing a 3 percent slope across the property. It currently includes a vacant two-story house built in 1897, a detached garage, a well house, and a shed. A rock lined channel runs east–west across the site along the southern edge of the property approximately 20 feet from the house. The project site is primarily surrounded by residential uses. Elm Street and residential properties are to the east, residential properties and Hill Street to the north, residential properties and Liberty Street to the west, and a day care and Blake Street are located to the south. A charter school campus is located approximately 700 feet to the northeast, while San Pablo Avenue and the Del Norte BART station is approximately one quarter mile to the northwest.

Development Proposal
The applicant proposes to construct a multi-unit development consisting of:
14 new dwelling units,
15 parking spaces tucked under the proposed main building,
1,548 square feet of private open space,
2,874 square feet of common open space
*The existing single family dwelling is being retained on site and relocated to the southeast corner of the subject property and will be used as a community center type use.

Building Design
Although not required as a strict condition of approval for this project, the Department of Interior Standards recommends that new buildings that share sites with historic buildings be designed to be compatible with the historic character of the historic building in terms of size, scale design, material, color, and texture. The applicant has designed the new construction to meet that recommendation, including a number of architectural features that reflect the style of the historic building. See page A-8, A-9 and A-10 of the plan set for details.
New Building
The new main building is proposed to be located on the north side of the site. It is three stories tall with a gable roofline. It has a high level of architectural interest and detail. The elevations on the main building include both vertical architectural elements and horizontal color bands. The proposed materials include fiber cement horizontal siding and brown asphalt shingle roofing. Detailing includes vinyl windows, wood awnings with shingle roofs, metal railings and wood trellises and pergolas. Please see Page A-8 and A-9 of the plan set for details of the proposed elevations. As noted on page A-13 and presented in color samples at the meeting, the paint palette contains three siding colors (Maybeck Muslin, Bungalow Brown and Wild Cattail), two trim colors (Daisy White and Americano) and one accent color (Drive-In Cherry). The window detail is shown on page A-16 of the plan set. The architect is calling out Milgard Montecito Series or equal in the color white.

Historic Structure
The subject property currently contains a Queen Anne-style, single-family dwelling constructed in 1897. It is proposed to moved and retained on the southwest quadrant of the site. Pursuant to the Development Agreement, the applicant is required to complete the following improvements to the structure:

1. Restore all four side of the exterior of the building façade, including windows, the historic wood trim around the doors and windows, as well as the door in the main entrance to the Department of Interior Standards.
2. The historic structure shall be placed on a new foundation in the location shown on the site plan.
3. The plumbing and electrical will be updated in compliance with the current building code.
4. An Americans Disabilities Act compliant bathroom and exterior lift will be added the structure.

The lift has been proposed along the rear elevation as noted on page A-10. A new porch and railing based on the existing porch and railing is proposed for the front elevation. In addition, this building is proposed to retain the fish scale and horizontal wooden siding, painted Dove White. The new porch and railing is proposed to be painted Dove White, as well. And a trim color called Puritan Gray is proposed as an accent color on the building. The roof is proposed to consist of composition shingles in a dark grey color.

Landscaping Design
There are three common areas of open space represented on page L-1 of the plan. One is directly in front of the restored historic structure. It features a turf oval surrounded by a concrete walk that provides for public pedestrian entry from Elm Street. It is bounded by a six foot high board fence with two feet of lattice along the top on the southern elevation and an open cable guard rail on the north elevation, abutting the rock lined channel. A stone seatwall provides an entry marker to the stairs leading to the historic building. The area also includes three raised herb planting beds over a patio of decompressed granite, a picnic table and a BBQ. Plantings that are found in this area include five Leyland Cypresses, two orchard style trees and an Oregon Ash Tree. Between the walk and the rock lined channel, a row of snowberries, Pacific Coast Irises and Santa Barbara Sedge is planned. The Development Agreement reflects that the use of the open space in front of the historic structure will be available for public use during daylight hours when the structure is open to the public.
North of this larger area, there is a second area that is proposed to include the private pedestrian entry to the new main building, along with accent trees and brick-paved paths. This area also includes a peaked trellis with vines and a seating area. Plantings in this area include two Creek Dogwood and three Pink-Flowering Currants.

Project landscaping along the perimeter of the site includes densely planted landscape setbacks around the proposed buildings to provide a buffer between the project and adjacent residential sites. Landscape plantings in this area include: Valley Oak, Bigleaf Maple, California Bay Laurel. Also located in the landscape buffer area there are two storm water bio-retention areas. They are located along the eastern side of the property, one adjacent to the new building and one adjacent to the historic building. The landscape plan on page L-1 notes a list of infiltration plants and a bio-retention seed mix to be planted in these areas. The City Engineer has reviewed the C-3 plans submitted to the city and has approved the application with conditions.

All the land will be owned and maintained by the HOA created by the applicant for the 1715 Elm Street project.

Environmental Review

Pursuant to the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration has been approved for this project. This entitlement is found to be consistent with the project analyzed in the Initial Study, therefore no further environmental review is necessary.

Findings

The Design Review Board may only approve a final design application if it finds that the application is consistent with the purposes of this Chapter and is consistent with:

Section 19.36.160 ECMC

1. The applicable standards and requirements of this Zoning Ordinance;

   The project complies with all of the relevant standards of the El Cerrito Zoning Ordinance. It has received all other necessary land use approvals as stated in the Zoning Ordinance at the August 19, 2014 City Council meeting. The findings relevant to Design Review approval are listed below.

2. The design policies of the General Plan and specific plans adopted by City Council;

   Pursuant to the City of El Cerrito General Plan, the following policies are pertinent to the proposed project: CD1.2 Design Concept, CD1.3 High Quality Design, and CD5.1 Design Review Process.

3. Any applicable design guidelines adopted by the City Council;

   None.

4. The design review criteria set forth in the following subsection;

   a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
The aesthetic design of the project will provide an attractive and comfortable environment, in that the project provides for a high level of architectural interest, uses high quality materials and finishes and includes a diverse list of landscaping materials and plantings.

b. **Project details, colors, materials, and landscaping, are fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.**

The project features a unified color scheme in an earth tone hue that is complementary to the historic building’s colors. It uses durable, long lasting materials such as cement siding on the new building as well as quality historically appropriate materials on the historic building, such as wood siding. The overall design of the project, including the architectural details and the landscaping tie together well to appear as one unified project.

c. **The project has been designed with consideration of neighboring development.**

The project has been designed with extensive buffer style landscaping that will visually screen the project site from adjoining neighbors. The project will also be open for the neighbors to use whenever the historic building is open, offering access to the site amenities and view of the rock lined channel.

d. **The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.**

The project contributes to the creation of an attractive and visually interesting environment by providing well articulated new construction, a visually interesting color scheme, and varied facades with wood trellises and other detailing. The site has two pedestrian gateways leading to the public sidewalk and is 700 feet from Del Norte BART and San Pablo Avenue.

e. **Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.**

The street frontage is visually attractive with both a pedestrian and vehicular access offered through architecturally varied entrances and gates. The project also locates a door, windows and a patio on the Elm Street elevation, increasing ‘eyes on the street’ from both inside and outside of the new building.

f. **The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.**

The project retains two existing historical resources, the historic structure and the rock lined channel. The design of the new structure and the landscaping proposed complements and supports those historic resources on the site through architecture and plantings.

g. **The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.**
There are no significant views or open space visible from the site or on adjacent public right-of-way. However, the project retains a historic structure and provides for public access to the structure and the open space directly in front of the structure and beside the rock lined channel.

**h.** The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito’s climate.

The proposed landscape is suitable for the type of project and provides an extensive plant palette that has many drought tolerant species listed. It also provides for quality open spaces, visual buffers and plants specifically valued for their bio-retention qualities.

**i.** The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project will be consistent with Title 24 of the California Building Code. Further, the project is utilizing many plants that are drought tolerant; provide shade as well as plantings valued for their bio-retention qualities.

**j.** The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

The project design protects and integrates the existing rock lined channel that transects the site. Plantings are included that will benefit both this resource and provide for a rich palate in the open space areas throughout the project.

5. **Any planning or zoning approvals by the Planning Commission or Zoning Administrator;**

The project does not require any additional approval by the Planning Commission or the Zoning Administrator.

6. **Any other relevant policies or regulations of the City.**

The project is in compliance with the zoning requirements and the goals and policies outlined in the General Plan.

**IV. RECOMMENDATION**

Staff recommends approval of Planning Application No. PL14-0159 as conditioned by the draft resolution in Attachment 1, Resolution No. 14- granting Design Review approval the project at 1715 Elm Street

**Proposed Motion:** Move adoption of Design Review Board Resolution 14-0159 granting Design Review approval for the project located at 1715 Elm Street
Appeal Period: Within ten (10) working days after the date of the decision, the Design Review Board action may be appealed to the Planning Commission.

Attachments:

1) Draft Resolution
2) Plan Set dated November 10, 2014
A RESOLUTION OF THE CITY OF EL CERRITO DESIGN REVIEW BOARD GRANTING DESIGN REVIEW APPROVAL TO THE PROJECT AT 1715 ELM STREET

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

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

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

WHEREAS, on November 6, 2013, the Design Review Board reviewed the conceptual project proposed for 1715 Elm and provided feedback to the applicant;

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

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

WHEREAS on April 16, 2014 meeting, the Planning Commission held a duly noticed public hearing, received public testimony and adopted Resolution PC14-05, adopting an Initial Study and Mitigated Negative Declaration;

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

WHEREAS on April 28, 2014, Howdy Goudey, Robin Mitchell, Jason Hasley, Keystone Montessori School, Linda Shchabi, Dan & Henia Pines, and Julia Lucia filed an appeal of the Planning Commission’s Planned Development Use Permit approval at 1715 Elm Street;

WHEREAS, on June 2, 2014, the City Council held a duly noticed public hearing to consider the appeal. The City Council closed the public hearing and continued consideration of the appeal to June 23;

WHEREAS on June 23, 2014, the City Council held a duly noticed public hearing and requested additional information and continued deliberations;

WHEREAS on August 19, 2014, the City Council reopened the hearing, received the additional information and based all the information before them and the testimony received voted to approve the project at 1715 Elm Street;

WHEREAS, on November 10, 2014, the applicant submitted Design Review application for 1715 Elm Street;
WHEREAS, on January 7, 2015, the Design Review Board, after due consideration of all evidence and reports offered for review does find and determine the following:

The proposed development meets the Design Review criteria noted in Section 19.36.160 of the Zoning Ordinance. Findings for approval under Section 19.38.060 are listed below. The Design Review Board may only approve a final design application if it finds that the application is consistent with the purposes of this Chapter and is consistent with:

Section 19.36.160 ECMC

1. *The applicable standards and requirements of this Zoning Ordinance;*

   The project complies with all of the relevant standards of the El Cerrito Zoning Ordinance. It has received all other necessary land use approvals as stated in the Zoning Ordinance at the August 19, 2014 City Council meeting. The findings relevant to Design Review approval are listed below.

2. *The design policies of the General Plan and specific plans adopted by City Council;*

   Pursuant to the City of El Cerrito General Plan, the following policies are pertinent to the proposed project: CD1.2 Design Concept, CD1.3 High Quality Design, and CD5.1 Design Review Process.

3. *Any applicable design guidelines adopted by the City Council;*

   None

4. *The design review criteria set forth in the following subsection;

   a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

   The aesthetic design of the project will provide an attractive and comfortable environment, in that the project provides for a high level of architectural interest, uses high quality materials and finishes and includes a diverse list of landscaping materials and plantings.

   b. Project details, colors, materials, and landscaping, are fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

   The project features a unified color scheme in an earth tone hue that is complementary to the historic building’s colors. It uses durable, long lasting materials such as cement siding on the new building as well as quality historically appropriate materials on the historic building, such as wood siding. The overall design of the project, including the architectural details and the landscaping tie together well to appear as one unified project.

   c. The project has been designed with consideration of neighboring development.

   The project has been designed with extensive buffer style landscaping that will visually screen the project site from adjoining neighbors. The project will also be open for the neighbors to use whenever the historic building is open, offering access to the site amenities and view of the rock lined channel.
d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The project contributes to the creation of an attractive and visually interesting environment by providing well articulated new construction, a visually interesting color scheme, and varied facades with wood trellises and other detailing. The site has two pedestrian gateways leading to the public sidewalk and is 700 feet from Del Norte BART and San Pablo Avenue.

e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

The street frontage is visually attractive with both a pedestrian and vehicular access offered through architecturally varied entrances and gates. The project also locates a door, windows and a patio on the Elm Street elevation, increasing ‘eyes on the street’ from both inside and outside of the new building.

f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

The project retains two existing historical resources, the historic structure and the rock lined channel. The design of the new structure and the landscaping proposed complements and supports those historic resources on the site through architecture and plantings.

g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

There are no significant views or open space visible from the site or on adjacent public right-of-way. However, the project retains a historic structure and provides for public access to the structure and the open space directly in front of the structure and beside the rock lined channel.

h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with El Cerrito’s climate.

The proposed landscape is suitable for the type of project and provides an extensive plant palette that has many drought tolerant species listed. It also provides for quality open spaces, visual buffers and plants specifically valued for their bio-retention qualities.

i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

The project will be consistent with Title 24 of the California Building Code. Further, the project is utilizing many plants that are drought tolerant; provide shade as well as plantings valued for their bio-retention qualities.
The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.

The project design protects and integrates the existing rock lined channel that transects the site. Plantings are included that will benefit both this resource and provide for a rich palate in the open space areas throughout the project.

5. Any planning or zoning approvals by the Planning Commission or Zoning Administrator;

The project does not require any additional approval by the Planning Commission or the Zoning Administrator.

6. Any other relevant policies or regulations of the City.

The project is in compliance with the zoning requirements and the goals and policies outlined in the General Plan.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Design Review Board hereby approves Application No. PL14-0159, subject to the following conditions:

Planning Division:

1. The project shall be developed and maintained substantially in compliance with the plans dated November 10, 2014. Minor changes may be approved by the Zoning Administrator as noted in the El Cerrito Municipal Code Section 19.32.110.B.

2. If not used, this design review approval shall expire two years from the date of this action.

3. All previous conditions of approval included as part of the August 19th City Council public hearing remain a part of this project entitlement package, in addition to any conditions included herein.

Public Works:

1. This project shall confirm to its approved Storm Water Control Plan dated December 15, 2014.

The Board added the following condition of approval at the public hearing:

1. The applicant shall submit a revised set of plans that illustrate compliance with the following modifications. This set of plans shall be submitted prior to the submittal of building plans and are subject to staff approval. The intent of this condition is that once this set of plans is approved by staff, they will be included in the building set of plans submitted to the city. The plan set submitted to staff shall include:

Landscape and Irrigation Plans:
a) Revised Gates. Both sets of proposed gates shall be six feet wide. Each set of gates shall consist of two sets of three foot wide panels.
b) The current lighting scones along interior paths shall be replaced by light stick-style lighting.
c) All of the proposed Oak trees on the plan set shall be removed and replaced with a more columnnar shaped tree that will create a narrower canopy.
d) Sub surface irrigation system shall be added to the C3 area of the site plan and illustrate that proposed shrubs are located in way to not disrupt the adjacent irrigation pipe.
e) Address the curved top of the raised bed and show the final design of the seating area.
f) Show location of proposed vines on plan set. Ensure they are in areas that already provide irrigation.
g) Specify appropriate location and type of groundcover in space immediately adjacent to creek.
h) To avoid the unintentional spread of Sudden Oak Disease to Oak trees proposed on this site and in the area, no plant species that are known for the ability to serve as vectors for the disease shall be allowed on plant list. This list includes, but is not limited to: Bay Laurel and Azaleas.

Building Plans:
i) The type of windows along the ground elevation shall be specified in the plan set as either casement or slider windows.
j) All windows on the new building shall not contain false mutrons and shall use dark bronze vinyl framing.
k) There shall be no bars on the ground floor windows.
l) The siding shall be Hardie Brand and type entitled “Artisan” lap sicing with mitered corners.
   1. On the east elevation, the horizontal band shall be removed and the windows on the central bay area shall be made thinner and taller.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on January 7, 2015, upon motion of Boardmember Groch, second by Boardmember Thompson:

AYES:    Groch, Leigly, Thompson
NOES:    None
ABSTAIN: None
ABSENT:  Laverne

Margaret Kavanaugh-Lynch
Development Services Manager
Roll Call: Maggie Leighly, Carl Groch, and John Thompson.

Christophe Laverne had an excused absence.

1. Council/Staff Liaison Announcements and Reports
   No report was made.

2. Comments from the Public
   No comments were received.

3. Approval of Minutes
   Motion to approve the December 3, 2014 minutes: Groch, 2nd: Thompson.
   Vote:
   Ayes: Groch, Leighly, Thompson
   Noes: None
   Abstain: None
   Absent: Laverne

4. Board Member Communication/Conflict of Interest Disclosure
   Nothing was reported.

5. Public Hearing – Elm Street Condominiums
   Application: PL No 6133
   Applicant: Eddie Biggs
   Location: 1715 Elm Street
   APN: 502-112-038
   Zoning: RM (Multi-Family Residential)
   General Plan: High Density Residential
   Request: Design Review Board consideration of final architectural review as it applies to aesthetic design of the structures, landscaping, lighting and other architectural features of the project proposed for 1715 Elm Street.
   CEQA: A Mitigated Negative Declaration is being prepared for this project.

Development Services Manager, Margaret Kavanaugh-Lynch presented the project.
Carl Campos of LCA Architects gave a presentation of the project submittal.

The public hearing was opened

Howdy Goudey of 635 Elm Street addressed the Board and spoke in opposition, noting the project was not in scale with neighborhood and possibly premature to be in front of the Board for consideration.

Franklin Leong of Manor Circle addressed the Board and spoke in opposition, noting the number of variances needed for the project.

Robin Mitchell of 635 Elm Street addressed the Board and stated that dark vinyl was more subject to expansion due to heat than white vinyl.

The public hearing was closed.

Motion to approve the project at 1715 Elm Street: Groch, 2nd: Thompson.

Vote:
Ayes: Groch, Leighly, Thompson
Noes: None
Abstain: None
Absent: Laverne

The Board added the following condition of approval:

1. The applicant shall submit a revised set of plans that illustrate compliance with the following modifications. This set of plans shall be submitted prior to the submittal of building plans and are subject to staff approval. The intent of this condition is that once this set of plans is approved by staff, they will be included in the building set of plans submitted to the city. The plan set submitted to staff shall include:

   Landscape and Irrigation Plans:
   a) Revised Gates. Both sets of proposed gates shall be six feet wide. Each set of gates shall consist of two sets of three foot wide panels.
   b) The current lighting scones along interior paths shall be replaced by light stick-style lighting.
   c) All of the proposed Oak trees on the plan set shall be removed and replaced with a more columnar shaped tree that will create a narrower canopy.
   d) Sub surface irrigation system shall be added to the C3 area of the site plan and illustrate that proposed shrubs are located in way to not disrupt the adjacent irrigation pipe.
   e) Address the curved top of the raised bed and show the final design of the seating area.
   f) Show location of proposed vines on plan set. Ensure they are in areas that already provide irrigation.
   g) Specify appropriate location and type of groundcover in space immediately adjacent to creek.
   h) To avoid the unintentional spread of Sudden Oak Disease to Oak trees proposed on this site and in the area, no plant species that are known for the ability to serve as vectors for the disease shall be allowed on plant list. This list includes, but is not limited to: Bay Laurel and Azaleas.

   Building Plans:
i) The type of windows along the ground elevation shall be specified in the plan set as either casement or slider windows.

j) All windows on the new building shall not contain false muttons and shall use dark bronze vinyl framing.

k) There shall be no bars on the ground floor windows.

l) The siding shall be Hardie Brand and type entitled “Artisan” lap siding with mitered corners.

1. On the east elevation, the horizontal band shall be removed and the windows on the central bay area shall be made thinner and taller.

6. Staff Communications
   None.

7. Adjournment
   9:15 p.m.
City of El Cerrito  
10890 San Pablo Avenue  
El Cerrito, CA 94530  

**RE: Appeal of the Jan. 7\(^{th}\) Design Review Board decision regarding the 1715 Elm Street Project**

Dear Planning Commissioners and Planning Department Staff,

Please consider the following appeal of the January 7\(^{th}\) decision of the Design Review Board (DRB) regarding the proposed development project for 1715 Elm Street. Three members (one absent and one awaiting reappointment) of the DRB unanimously approved the final architectural review at that meeting with a few minor conditions. This action followed the City Council action on August 19\(^{th}\) that fully entitled the project.

The Jan 7\(^{th}\) DRB consideration of this decision was initially scheduled for Dec. 3\(^{rd}\), 2014. It was postponed after an inquiry about the final design review proceeding without a permit from the Regional Water Quality Control Board (RWQCB), as well as whether the design incorporated any of the comments from the RWQCB. Resolution of these issues may change the final site plan and the final review should not be approved without greater certainty in the final design. It appears no changes were made in response to the RWQCB’s letter, nor any changes made to the plans between the December and January DRB meetings. The intended purpose of postponing the final design review of this project is unclear if there were no updates undertaken in the meantime.

A lengthy letter containing point by point concerns with the findings for this decision was presented to the DRB members at their Jan 7\(^{th}\) meeting. Apart from a couple of topics that DRB members already raised on their own, there was no consideration of the concerns presented in this letter during the meeting. DRB members did not engage a discussion of the merits of the project design regarding the findings. They introduced a few minor design changes as conditions of approval and otherwise relied upon the pre-written resolution in the staff report for the body of their decision, without ever discussing that content among the Board before the public.

The decision being appealed has the narrow purview associated with the DRB architectural review. The formal appeal that follows is therefore faithfully constrained within the findings discussed in the staff report to the DRB for the Jan 7\(^{th}\) meeting. However, for the purposes of this cover letter, it is important to include some of the background of what has transpired regarding this project since it was last before the Planning Commission in the spring of last year. I encourage Commissioners to review the Council video archive for the meetings involving this subject on June 2\(^{nd}\), June 23\(^{rd}\) and August 19\(^{th}\). Also, I have included attachments of the letter from the RWQCB dated Nov. 21\(^{st}\), as well as photos and video of the creek during the recent moderately heavy storm on December 11\(^{th}\), 2014 (https://vimeo.com/114303923). The current
plan is reckless and irresponsible with regards to placing buildings exceedingly close (about 4 feet from the creek bank) to an old, improvised channelized creek with dry stacked rock banks. The buildings will be subject to flooding risk, as well as contribute to the challenges of storm water management along this already highly impaired water way with increased hardscape runoff from the site.

It is understood that this is considered a very mature project and that there is considerable reluctance to introduce significant changes at this point in the process. However, this appeal is as much an appeal of the failure of that process to deliver an improved compromise design, as it is an appeal of the inadequate state of the design itself. The majority of the design is essentially unchanged from when it was first introduced to the Planning Commission Study Session on March 19th, 2014. There has been a concerted effort by El Cerrito residents to improve the project by providing feedback in over 7 public meetings during the past year, but the design remains the same.

During this process important direction was introduced by the Planning Commission and City Council. The May 21st Planning Commission recommendation to City Council to deny the planned development designation, general plan amendment and development agreement entitlements for the project, sent a strong message that changes were needed, but the design remains the same.

One significant concession offered by the developer did transpire as a result of the May 21st vote by the Planning Commission. The developer offered to donate the restored historic house to the City for the use by the public, sacrificing the proceeds from one of the potential units while still incurring the cost of moving and restoring the structure. Between these expenses and the deferred income from a sale, this donation probably amounts to about $500,000 of value, possibly more. As you will recall from testimony in earlier Planning Commission meetings, the developer insisted that the project wouldn’t pencil without all 15 units for sale, as initially proposed. This donation reveals that there was significantly more latitude in the economics of the project than he initially admitted. More importantly, the house donation was offered without a discussion whether this would be the most beneficial community amenity to improve the project. The cost of the creek restoration presented in the report to Council was similar to the value of the house donation. From the beginning, when this offer was introduced, it was pointed out that this was an opportunity to fund a better creek outcome on the site, by trading the value of the house donation for the increased creek setback and restoration. One or two housing units in the historic house could be preserved and serve to offset any loss of units in the larger structure required to support a wider creek corridor.

When the issue came before City Council, on June 23rd a majority of Council members voted to study a wider creek corridor that would support future restoration and a larger setback between buildings and the creek. The resulting report was inconsistent with the intention requested by Council and the authors of the report appeared to be biased by the developer’s preference not to change anything about the site plan. In the end, the same old plan was offered to Council without any substantive changes. An alternative “stream restoration”
scenario was included in the staff report, but this was constrained to the same tight corridor in the initial plan, as the study did not include consideration of modified building footprints that the Council had requested. In addition to presenting a restoration design with an inherently limited potential, the authors of the report panned the ecological value of their own flawed design as an excuse to proceed with the original plan without modification. Council presented largely prepared statements explaining their final voting position. There really wasn’t deliberation or discussion between Council members and despite one dissenting vote, there was no attempt to argue or defend the opposing positions before the public in a manner that intended to sway another Council member’s vote. The decisions appeared predetermined and largely independent of the testimony presented in that meeting.

The August 19th approval of the project is not a testament to the merits of the project, for it clearly fails to meet the standards and values of El Cerrito, as is. If anything, it appears to be an expedient acceptance of a design with considerable shortcomings, resulting from an impatience to get a transit oriented project under construction, independent of the unique context of the site and the unnecessary negative impacts on the historic and environmental community resources that do not have an equal anywhere else in El Cerrito. As a member of the public working to help make El Cerrito a better place, including new transit oriented development, but without unnecessarily sacrificing valuable community assets in the process, it is difficult to understand the rigidity of the developer and staff regarding the design of this project over the past year. There is no justification for this resistance and it has served to deliver an inferior project.

On Nov. 21st a letter from the Regional Water Quality Control Board was sent to the developer and the City regarding the project. Many questions were raised about the creek setback and storm water plan that would have been addressed by engaging these topics earlier in the process. Nothing was done to mitigate these impacts when raised by the public, Planning Commission and Council during project review and there continues to be no willingness to consider this feedback from the RWQCB to further inform the project toward a better outcome. The RWQCB has not issued their permit for this project and yet the unmodified development plan continues to proceed toward construction drawings without recognition that there are still open permits and deficiencies to address. Overall, there has been an unwillingness to incorporate the feedback from the public, the voting bodies of the City of El Cerrito, and State regulators, to be more consistent with existing standards and community values.

As you are well aware, development decisions have longstanding impacts. Despite the past year of review and public hearings, it is worth stepping back to make sure the process has resulted in an appropriate project for this site. Final design review is not just an opportunity to tweak a few finish details. It is the last opportunity for the design intentions and values of the community to be assured for a development project that might stand for 50-100 years, or more. Final design review should be open to asking the question “did we get this one right?” Two public appeals, a recommendation to deny the project from the Planning Commission and unresolved concerns voiced by the RWQCB should be an indication that improvement is still needed and the design should not be accepted, as is. Do we want an El Cerrito that unnecessarily sacrifices unique and
valuable community resources and doesn’t respond to earnest efforts to improve the outcome, or do we want an open and flexible process that resolves issues and facilitates meaningful compromise?

Some might satisfy their discomfort with a less than ideal outcome by pointing to the inevitable sacrifices associated with a compromise solution. Compromise does leave something to be desired on all sides, but this should not be considered a compromise solution. It is essentially what the developer introduced in the beginning of the process. There was no compromise toward the resolution of concerns voiced by the public, as well as the contradictions with the standards in the City’s creek ordinance.

Another rationalization for a less than perfect outcome is “we might not have an ideal solution this time, but we learned some lessons for next time.” There is no “next time” for his unique site. There is no other site in El Cerrito with this combination of valuable characteristics. It stands as the last remaining example of a turn of the century farmstead, including a creek that is not excessively constrained by the built environment, in the denser portion of the city. These are resources to be celebrated, protected and enhanced, not dismissed and imposed upon with a dense development that is better suited for a site without this unique context. It is possible to achieve both housing needs and environmental stewardship simultaneously, as well as the superior aesthetic design for high quality livability, but this design falls short of those goals. Please do not succumb to the momentum to proceed, and resign the current plan is “good enough.” The El Cerrito Strategic Plan inspires its voting officials to have the “courage to say no” when a decision does not live up to the standards and values of the community. We hope you take this opportunity to exercise that courage and defend the intentions and standards of the guiding City documents. This unique site deserves better. El Cerrito deserves better. The future quality of life of El Cerritans for years to come depends on your actions regarding this design.

Sincerely,

Howdy Goudey and Robin Mitchell

635 Elm St.
El Cerrito, CA 94530
howdy.goudey@gmail.com
(510) 684-9097
An appeal of the January 7th decision of the Design Review Board approving the final architectural review for the proposed project at 1715 Elm St.

Please consider the following comments presented in response to the individual final design review findings in the Jan. 7th staff report:

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

The 4 foot proximity of the buildings to the creek bank (especially a 40+ foot high building) breaks the aesthetic qualities of the creek and severely curtails the existing character and limits the potential character and the relation of the buildings to this important existing feature.

Diminishing the existing historic structure by positioning it in a rear corner 3 feet from the property line and overshadowing it by a building roughly twice as tall, is also an aesthetic disservice to the site and its historic context. The relative scale of the buildings makes the historic home look like a playhouse instead of respecting it as an important historic structure.

The tightness of the buildings to the creek corridor and the hardscape walking paths right up to the creek includes cement paths and tight cable guard rails with hard modern texture that is aesthetically inconsistent with the natural water course and the historic farmstead character of the site. This treatment is only necessary because of the attempt to squeeze too much into a tight space that does not honor and celebrate the creek. The proposed build environment alterations will contribute to a visual minimization, separation and exclusion of the creek rather than embracing and accentuating the special character of the creek as part of the landscaping plan. The guardrails could probably be almost entirely eliminated with more set back from the creek and they probably shouldn't be required in areas with a planted buffer. Extensive use of the cable guard rails will just visually divide the site and create an impediment to maintenance work.

While the tight setback of the buildings to the creek needs to be reconsidered to achieve a harmonious and pleasing site plan arrangement that exploits the existing character of features on the site, it is particularly troubling that in areas with less constraint, such as the patios and walks, there is still unnecessary close imposition on the creek and the corridor that should be exploited to accentuate this unique existing natural feature and assure that it is properly uses as a harmonious asset of the landscape design.

This plan attempts to combine too much in too little space with large buildings and small setbacks. In an attempt to screen the inappropriate intrusion, trees that are too big for the remaining space are crammed in for good measure, but they cannot hide or remedy the discontinuity of the site. (note DRB did advise against many of the oversized trees at the Jan 7th review)

19.38.040 E  Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.
California Bay Laurel is a lovely tree, however it is also the vector for Sudden Oak Death disease, so it might be worth consulting with the City Arborist and/or the Tree Committee about the wisdom of planting this tree in this location with surrounding oaks. (DRB also acknowledged this concern on Jan 7th and advised against planting vector species)

Many of the other perimeter trees are lovely in and of themselves, but potentially quite large and unnecessarily crowded in the narrow (10-15 foot) spaces between the building and property lines. Trees of this size will extend significantly over the property line and likely receive pruning by neighbors that is not holistically intended for the healthy management of the whole tree. Unbalanced and unhealthy trees may result. Light will be severely limited to lower living units in both the new construction and some of the neighboring properties. (DRB volunteered the same concerns and advised more columnar, rather than large, broad tree species. It is worth noting that while the landscaping plan regarding larger trees was deemed too dense and crowded for the site constraints, these are the renderings that were presented along the way, and those extra leafy images helped convey a buffering effect that may have comforted some of those who were considering the impact on the neighbors. That buffer was not going to work as proposed; however, aspects of the preceding review of the project may have been different if the understanding of the buffer and landscape plan were more realistically communicated at that time, such as a lesser leafy buffer.)

Comments related to findings 19.36.160 ECMC:

1. The applicable standards and requirements of this Zoning Ordinance

It is factually inaccurate to say the project meets all relevant standards of the zoning ordinance. It was relieved from several standards by the Aug. 19th Council action, placing it in a planned development designated zone. I do not believe it is out of DRB purview to comment and pass judgment on how the relief from these standards impacts design measures, such as in section 19.38.040-C (Character defining features and the relation to existing settings).

4a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community

As expressed by the DRB during their work plan presentation to Council, vinyl framed windows are not a high quality attractive material and their texture does not support the historical context of the architecture. I expected more reluctance to accept a lower grade building finish in this case. The only modification by DRB was to direct a darker color vinyl frame material. It is worth noting that all vinyl frames expand and contract a great deal with temperature swings, but darker colored vinyl frames are even more prone to this problem. The repeated cyclical expansion and contraction leads to premature seal failure, durability and operability issues. This architecturally inferior product should be replaced with a higher quality window that is more respectful of the classic look and texture of the historic building the architecture it aspires to echo.

4c. The project has been designed with consideration of neighboring development.
Perimeter tree plantings are meant to buffer the impact of the imposing structure on neighbors, however the tight space available to these trees and the large species, will result in significant canopy overhang on neighboring properties (as pictured in the plan set). This is a different impact that may or may not be desirable. It is not clear that it is considerate of the neighbors to impose this condition without consultation. There is a potential burden of shading, pruning, leaf drop, etc, that might not be sought by the neighbors. (This issue was addressed by the DRB conditions of approval, however it is unclear if a final plan with an alternative bordering landscape design will be presented in public before DRB to provide neighbors with an opportunity to review the plan).

The height of the structure is not considerate of the neighboring residents and it is out of character with the neighborhood and the scale of surrounding buildings. The zoning is high density but it should also be context sensitive. It is on the boarder of the zone and the character rapidly transitions to lower density. Independent of the compelling environmental and historic special consideration, this is a site that is appropriate for tapered, transitional density to maintain a harmonious neighborhood fabric. This concept was embraced by the Planning Commission during their May 21st deliberations, as well as being present in the desired urban design practices expressed in the new San Pablo Area Specific Plan. The unique existing features of the historic house and the open flowing creek also inherently limit the density potential of the site in the appropriate design context that embraces and supports these features.

The shading of neighboring buildings to the north is not considerate of the neighborhood. Significant losses of daylight, passive solar gain heating and openness are imposed on the neighboring property, severely reducing the quality of the living experience in the neighboring building. In addition to the quality of life there are economic impacts in the form of increased heating demand and an inability to exploit solar power generation.

4d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

The discontinuity of the scale of the two buildings on the site is not complimentary. The historic structure is disrespectfully diminished and relegated to back corner of the property. It is not being honored as a significant historical architectural asset that is being appropriated celebrated for the pleasure of pedestrians and passers-by.

According to Google maps walking directions, the distance for a pedestrian on sidewalks to the central entrance of Del Norte BART is about 1800 feet away from the site and the closest point on San Pablo Avenue is about 1300 feet away. (neither is 700 feet, as claimed, not even as the crow files to the nearest point). It is a desirable walkable location, but it is a misrepresentation to indicate distances to transit as short as 700 feet.

4f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.
While the historic house is retained, its historic character, and particularly that of the historic site context called out in both the Corbett (2006) and VerPlank (2013) historical evaluations, is severely diminished by the crowding of the house in to the rear corner of the property and dwarfing it by a much larger adjacent building. This design destroys the historic context of the site and diminishes the third oldest house in El Cerrito, relegating it a much less interesting and valuable structure as a result of this mistreatment. Both historic assessments call out the unique remaining intact historical agricultural context of the site, characteristic of early El Cerrito, which may only persist at one other site. This character is inadequately treated with a token couple of fruit trees when the rest of the landscaping has no continuity or respect of this important historic character.

4g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

Neighbors’ view of the East Bay hills will be impacted. This is a significant view shed. The site itself is open space and the view of it is enjoyed by the neighbors and those who pass Elm St. One neighbor who lives in an adjacent apartment reported that his only natural view from his balcony (an open view of the night sky to the hills) will be eclipsed by the tall new construction.

4i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

Shade from trees is not necessarily energy efficient in this climate. Rarely do El Cerrito homes air condition or even have air conditioning systems. Natural ventilation can supply most cooling needs. The energy provided by passive solar gain to offset heating energy is a greater energy service to buildings in our climate and this requires no shading on windows in the winter when sun angles are low. The ecological treatment of the creek resource is not adequate as this feature is far too marginalized in an insufficient corridor with hardscape directly up to most of the bank. “Not touching” the existing state of the creek should not be confused with protection or preservation. Despite the historic attributes, sometimes the environment trumps poor stewardship decisions in the past. The degraded creek channel actually needs restoration to fulfill its ecological potential and provide superior storm water management services. A portion of historical rock wall could be retained for the historical context, but the creek, the site, and the City would benefit from a meaningful restoration of the creek. Most of our urban watersheds are heavily impacted by development. We should not take lightly any development that proposes more of the same imposition. The norm, as stated in City documents, should be restoration (and preservation of restoration potential) of degraded creeks whenever possible.

4j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features. Projects along the Ohlone Greenway shall enhance the usability and aesthetic appeal of the Greenway by integrating it into the fabric of the City through building designs that include entries, yards, patios, and windows that open onto and face the Ohlone Greenway.
The project does not in fact protect or restore the creek channel in a meaningful way. It leaves most of the creek channel untouched, however, this is not necessarily a good thing given the degraded condition of the stream and the proposal to introduce more peak storm water runoff and structure 4 feet from the bank. Hardscape sidewalks are located immediately adjacent to the bank and are an unacceptable imposition on the integrity of the waterway. The cable guard rails also marginalize and “wall off” the creek feature as an inconvenience to be dealt with rather than a unique and valuable feature that should be celebrated and enhanced to make the space more livable. The technical storm water aspects or the plan are of serious concern and need further review. The Regional Water Quality Board Permit has not yet been issued and they have expressed concerns about the plan its current state.

6. **Any other relevant policies or regulations of the City.**

Again, the project is not compliant with all the zoning and standards, it was explicitly relieved from some of them to be made possible as proposed. It is within your purview to assess whether the associated design impacts are acceptable.

**Additional questions for the developer to clarify regarding the plans:**

1. Permeable pavement is included as an example material, but is not explicitly called out in drawings. Are all the herringbone brick paved areas constructed as permeable brick surfaces? Are all the other walks including those directly adjacent to the creek impermeable?

2. What change accounts for the roughly 1 foot change in the minimum setback between the historic house and the creek? What accounts for the roughly 300 sq ft change in the reported area of the historic house roof? There are no other dimension changes apparent in the plan that would be consistent with these changes. Was there an error in earlier drawings?

3. Why does the plan still reflect a 48” box culvert at the property line when this is not the existing condition? Will this project install new facilities on the adjacent property?

4. The rectangular storm water catchment basins with visible (raised?) concrete curbs are less naturalized and aesthetic than previous depictions of these facilities. What accounts for the change of construction and appearance?

5. There has been no formal plan offered by the developer to indicate how they will manage ongoing maintenance of the creek and proper operation of the storm water treatment facilities on site in the long run. As an HOA the landscaping maintenance will likely fall to a gardening service that may have no expertise in riparian maintenance and water quality issues. The dry-stacked rock lined creek channel is inherently difficult to maintain with regard to interstitial vegetation. It is currently covered in invasive ivy. A maintenance company without better guidance might resort to inappropriate herbicide and pesticide use around the creek, as well as introduce cut vegetation to the stream flow that could exacerbate clogging downstream.
Mike,

This email is in follow-up to correspondence between you and the Water Board regarding the proposed condominium development project at 1715 Elm Street (Project) in El Cerrito.

We recognize that the City of El Cerrito’s review of the subject project has moved forward, with several review steps remaining, and that you were not anticipating further comment from the Water Board on the proposed Project. However, it has come to our attention that (1) the proposed development, including the relocated house, is situated within the creek setback limits established by the City of El Cerrito in their 2008 Creek Ordinance, and (2) that there may be a reasonable alternative for development that would provide for increased creek setback and an opportunity to enhance the degraded creek channel that will be vulnerable to deterioration in the future.

We have received written comments and questions from a number of concerned citizens in the community regarding the creek set back issue, and also about opportunities to restore and enhance the creek corridor. In order for us to better understand these issues and appropriately respond to these concerns, we would like to inquire about site options that have been or could be explored.

Although the Project itself does not involve a significant amount of creek fill, the surrounding development located immediately adjacent to the banks of the creek will prevent the natural evolution of the channel if/when the existing rock structures fail, and implementation of enhancement and restorative efforts that would improve water quality and riparian habitat in the stream reach. Although the current property owner/developer may not engage in creek enhancement and restoration efforts at this time, it would be most beneficial if the Project could be designed to allow for future creek restoration work to occur. As currently planned, there is no space available to allow for development of a more natural stream form with greater instream complexity and riparian habitat, or to address bank instability under the current conditions as the existing rock structures deteriorate over time.

We have recently had the opportunity to review a report that we understand was prepared for the Project applicant for presentation at one of the City Council meetings. This report, 1715 Elm Street, El Cerrito, California, Channel Restoration Feasibility Analysis Memorandum (Restoration Design Group, LLC (RDG), July 25, 2014), provides some background information on the creek and watershed for development of conceptual designs for enhancement or restoration of the creek on the site. This analysis indicates that the creek channel could be accommodated within a roughly 20 foot wide corridor that would pass through the development.

In order for us to effectively respond to concerns expressed by the local community, the Water Board would like some additional information. In particular, we would like to know the basis for the City of El Cerrito’s decision to allow the current Project design that is not in conformance with the
Creek Ordinance. Please also discuss variations that were, or could have been considered if the 30-foot to centerline and 15-foot to top of bank setback requirements made development on the parcel infeasible. Were alternative setbacks considered, such as a 10-foot setback from the top of the bank? Also, given that the RDG report indicated that the site could be developed with a roughly 20-foot corridor retained for a meandering creek (with retaining walls in some locations with minimal setbacks), why did the City of El Cerrito reject this option considering the water quality, riparian habitat, aesthetic, and educational benefits that could be realized as an amenity to the community?

If a site design that allows for the retention of a roughly 20-foot wide meandering creek restoration corridor similar to that described in the RDG report (or one similar with even greater creek setbacks and no retaining walls) are not feasible, then please explain in detail why they are not feasible. While we understand that development options on the site may be more limited if the City’s 30-foot setback from the centerline of the creek is to be honored, we suggest that at a minimum, site plans maintaining a 15-foot setback from the top of the bank be considered. Note that in order to preserve creek restoration opportunities, the Water Board would consider location of the stormwater treatment facilities within a 15-foot setback to be acceptable.

In addition, please note that the Stormwater Management Plan for the Project will need to be revised to include the additional area required for hydromodification control. The creek immediately downstream of the proposed headwall is also lined with vertically stacked rock, which may be representative of the conditions beyond this area where I understand the creek is covered with wooden walkway, and any additional erosive forces need to be addressed. The fact that the overall site is less than one acre does not apply to this site where a 401 water quality certification is needed for development. Under the 401 program, we are required to certify that all water quality standards will be met, and minimizing the potential for downstream erosion or incision is one of the issues that we have to address.

We look forward to hearing from you.

Sincerely,

Katie Hart, P.E.
Water Resource Control Engineer
Watershed Protection Division
San Francisco Bay Regional Water Quality Control Board
(510) 622-2355
Appendix II – December 11th storm performance

Thurs. Dec 11th, ~12:00pm (less than one foot from top of bank through 1715 Elm parcel)
See video https://vimeo.com/114303923

Thurs. Dec 11th, ~12:00pm, down stream from 1715 Elm at Ohlone Greenway (culvert entrance behind Safeway covered, not much more margin here before flooding)

Dec. 15th, 2014 ~10:00am (still strong flow flowing some rain, but grate exposed, yellow line is approximately where the water line was on Dec 11th, as shown in previous photo)
City of El Cerrito  
10890 San Pablo Avenue  
El Cerrito, CA 94530  

RE: Appeal of the Jan. 7th Design Review Board decision regarding the 1715 Elm Street Project  

Dear Planning Commissioners and Planning Department Staff,  

Please consider the following additional supporting documents to accompany the previously submitted appeal of the January 7th DRB decision regarding the proposed development at 1715 Elm St.  

Sincerely,  

Howdy Goudey and Robin Mitchell  

635 Elm St.  
El Cerrito, CA 94530
Appendix III – Alternative alignment and approx. 20 foot riparian corridor proposed by Council member Lyman that was presented with the Council request (by three vote majority) for the study of the restoration potential of the creek through the 1715 Elm Property

3.2. Restoration Design

Figure 7: Concept Plan
Appendix V – Annotated (by appellants) version of the trade off matrix prepared for Council regarding the current plan versus a more complete creek restoration option (original matrix from the Aug. 19th Council meeting, agenda item 6, attachment 13, page 230)

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<th>&quot;Restoration&quot; Approach</th>
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<td>4 Channel Surface</td>
<td>575 sf</td>
<td>1,150 sf</td>
</tr>
<tr>
<td>Area</td>
<td>575 sf</td>
<td></td>
</tr>
<tr>
<td>5 Long-term Channel</td>
<td>Unknown (no signs of instability identified)</td>
<td>Unknown (no signs of instability identified)</td>
</tr>
<tr>
<td>Stability</td>
<td></td>
<td>Good</td>
</tr>
<tr>
<td>6 Provides</td>
<td>Yes</td>
<td>Yes, Minor Improvement</td>
</tr>
<tr>
<td>Groundwater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infiltration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Promotes Riparian</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Plant Species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diversity</td>
<td></td>
<td></td>
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<tr>
<td>8 Retains Historic</td>
<td>Yes</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Channel Walls</td>
<td></td>
<td></td>
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<tr>
<td>9 Improves Stormwater</td>
<td>NA</td>
<td>Minor</td>
</tr>
<tr>
<td>Capacity*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* A comparative hydraulic model has not been conducted.

Perhaps more sensitive to construction impacts because of the extremely close structure construction proximity to unimproved channels. The restored creek would be an integral subject of the construction impacts could be more easily controlled and avoided.

By significant increase in area, sinuosity, ponding, etc. it does not seem fair to classify this as a minor improvement. Everything from the larger adjacent natural planting zone to the size and flow characteristics of the channel suggest this will be a significant improvement.

The planting on the existing channel will pale in comparison to the quality possible with a full restoration. The stacked rocks inhibit naturalized planting and significantly complicate maintenance.

The high quality creek restoration would provide a large improvement to stormwater management and capacity. The existing narrow, straight channel is a significant detriment and shouldn’t be maintained as is.

No mention of frog, dragonfly, butterfly, insect, bird habitat and species diversity on this chart. The restoration approach would be far superior to the proposed project in terms of both plant and animal species diversity.

No instability as is, but the plan proposes to build within 3-5 feet of the stacked stone walls rather than engineered retaining walls.

There is no reason a portion of the historic rock walls of the channel can’t be retained as a feature, whether part of the wetted system or not.

1715 Elm Street, Project Alternative Comparison Chart
Appendix VI – Architect’s cost estimate of the creek restoration presented in the study. $415,000 is likely on par with the fiscal impact associated with the loss of a housing unit for sale when the developer offered to donated the historic house to the City rather than retain it as a housing unit. There has been no demonstrated user for, or interest in, the donated facility. This donation could be swapped for creek design improvements that have been called out in public testimony and would be more consistent with the City’s creek policies. There would also be grant opportunities that the City could help to raise funds for creek restoration. (from the Aug. 19th Council meeting (agenda item 6, attachment 14, page 231)

The following is our preliminary assessment of the financial impact of introducing a Meandering Creek into the project to replace the existing rock lined channel:

-Construction of new creek, including backfilling existing channel.  
(budget provided by Restoration Design Group)  
130,000

-Construction Contingency  
26,000

-Feasibility study  
7,000

-Design Fees and permits  
25,000

-Construction Admin and project management  
12,000

-5 year monitoring  
10,000

-legal costs  
4,000

-property tax and insurance  
6,000

-EIR Consultants  
100,000

-City review  
30,000

-Owners admin of the EIR  
40,000

-Redesign Fees  
25,000

$ 415,000

In addition to the direct costs we anticipate the project will be delayed by 12 to 18 months. While it is not possible to allocate cost to such a delay, it will inevitably have implications.
Appendix VII – The San Pablo Avenue Specific Plan calls out a design intention for creeks (in higher density transit oriented zoning than that of 1715 Elm) to include a wider continuous planted riparian corridor than is being proposed at 1715 Elm. While the area beyond the central 20-40 foot Swale and open space might not be relevant to this site, it is clear that the design intentions of the City even in highly dense transit oriented zoning is to provide adequate room around the creek to allow it to function properly and embrace it as a valuable site amenity. (1715 Elm is not in the Specific Plan area and the 1715 Elm application predates the adoption of this plan. Still, this is the design philosophy that the City has demonstrated in numerous documents, even in highly dense development areas.)

“Open-air creeks are a public good. Development should strongly consider daylighting creeks where they are buried, enhancing or restoring creeks where feasible and integrating them into a project as a site amenity” (San Pablo Specific Plan Chapter 2.01)
I. SUBJECT
Project: 2015-2023 Housing Element Update
Applicant: City of El Cerrito, Community Development Department
Location: Citywide
Request: Planning Commission consideration of the 2015-2023 Housing Element Update and related Negative Declaration for recommendation to the City Council.

II. BACKGROUND
Purpose
California Government Code Section 65300 requires each city and county to adopt a General Plan to guide the physical development of the jurisdiction. The El Cerrito General Plan establishes a vision for the City’s long-term growth and enhancement, and provides strategies and implementing actions to achieve this vision. State law requires that General Plans address seven topics (or “elements”): Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. The City of El Cerrito Housing Element was last adopted and certified in 2012.

The Housing Element is the only General Plan element that must be reviewed and certified by the state and the only element with a regulated update cycle. Along with all other Bay Area jurisdictions, the City must complete an update to its Housing Element by January 2015 (the element must be adopted by City Council by May 31, 2015) for the 2015 to 2023 planning period.

The Housing Element describes housing-related needs and resources in the community, particularly the availability, affordability, and adequacy of housing, and establishes a strategy to address housing needs for community members across the economic and social spectrum.

Housing Element Components
To meet statutory requirements, housing elements must include the following components:

- **Review and evaluation of the current Housing Element:** a detailed description of accomplishments toward implementing the programs from the City’s current Housing Element, as well as an analysis of the continued appropriateness and feasibility of each program for the new planning cycle.

- **Needs assessment:** a detailed analysis of demographic and employment/income trends, housing conditions and affordability, and special housing needs.
• **Constraints analysis:** an examination of potential constraints to housing development including governmental factors such as land use regulations and non-governmental factors such as the cost of land and availability of financing.

• **Resources:** a detailed inventory of land available for housing development and a demonstration of the City’s capacity to meet its Regional Housing Needs Allocation (RHNA), as well as a description of administrative and financial resources available to assist with the development, improvement, and preservation of housing in the community.

• **Policies, programs and quantified objectives:** a plan to address the City’s identified housing needs, and mitigate and remove (to the extent feasible) constraints to housing development.

### III. DISCUSSION

#### Update Process

City staff and the housing element consultant, Mintier Harnish, initiated work on an update to the Housing Element for the 2015 to 2023 planning period in July 2014 and completed a draft for the Planning Commission’s consideration, review, and comment. City staff and the consultant completed a public outreach process that included an online survey, two public workshops (held on July 19, 2014 and August 13, 2014) and a stakeholder round table discussion (held on November 20, 2014).

As detailed in the schedule in Table 1, the Draft 2015-2023 Housing Element Update was released for public review on November 10, 2014, and presented to the Planning Commission on December 4, 2014 and the City Council on December 16, 2014. Following these meetings staff made revisions based on direction from City Council. These changes are described below. The draft was submitted to the California Department of Housing and Community Development (HCD) for review on December 24, 2014. On February 12, 2015, the City received a letter from HCD confirming that the draft Housing Element was conditionally compliant with state housing law.

Following a recommendation from the Planning Commission, the Housing Element Update will be presented to the City Council for adoption on April 21, 2015, and will then be resubmitted to HCD for final review and certification.

#### Table 1. Housing Element Update Schedule

<table>
<thead>
<tr>
<th>Stage</th>
<th>Time Frame</th>
<th>Event/Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gather information and develop draft</td>
<td>July 1, 2014</td>
<td>Launched web page and online survey</td>
</tr>
<tr>
<td></td>
<td>July 19, 2014</td>
<td>Public workshop</td>
</tr>
<tr>
<td></td>
<td>August 13, 2014</td>
<td>Public workshop</td>
</tr>
<tr>
<td>Release and refine draft</td>
<td>November 10, 2014</td>
<td>Release of draft Housing Element</td>
</tr>
<tr>
<td></td>
<td>November 20, 2014</td>
<td>Stakeholder round table meeting</td>
</tr>
<tr>
<td></td>
<td>December 4, 2014</td>
<td>Planning Commission special meeting</td>
</tr>
<tr>
<td></td>
<td>December 16, 2014</td>
<td>City Council meeting</td>
</tr>
<tr>
<td>HCD Review</td>
<td>December 24 - February 12</td>
<td>Initial HCD review (letter of conditional compliance dated February 12)</td>
</tr>
<tr>
<td>CEQA Document</td>
<td>January 9 - February 9</td>
<td>Circulation of Initial Study/Negative Declaration</td>
</tr>
<tr>
<td>Finalize and adopt</td>
<td>March 18, 2015</td>
<td>Planning Commission adoption hearing</td>
</tr>
<tr>
<td>Housing Element</td>
<td>April 21, 2015</td>
<td>City Council adoption hearing</td>
</tr>
<tr>
<td>Certification</td>
<td>June - July</td>
<td>Final HCD review and certification (up to 90 days)</td>
</tr>
</tbody>
</table>
Revisions to the Draft Housing Element

Since the Draft Housing Element Update was last presented to the Planning Commission on December 4, 2014, changes have been made to the document. Following guidance from City Council at the December 16th meeting, staff made revisions as indicated below:

A. Policy and Program Revisions

- Modified Policy H3.5 to indicate policy goal to encourage housing to match housing needs established by local and regional entities for persons with developmental disabilities.
- Modified Program H1.6 (formerly H1.5) – Eviction for Good Cause Ordinance was modified to indicate the ordinance would be vetted.
- Modified Table A4 – Potential Sites to reinstate site 67, Madera property, and indicate that the property has been purchased for open space.

B. Housing Needs Analysis, Formatting and Grammatical Revisions

City Council recommended incorporation of the changes requested by the Planning Commission as indicated below:

- Modified Section I.E.2 discussion of Housing Needs Survey to add discussion of survey response rate and omit discussion of findings;
- Modified Section II.B.1.a discussion of Historical, Existing and Forecast Growth to clarify discussion of historical population trends; and
- Modified Figure II-1 Population Trends to revise the y-axis of the table to zero.

In addition, staff and the consultant made several technical, formatting and grammatical corrections including: 1) the addition of Table II-15 Employment Projections on page 25; 2) the correction of the order of Section III table numbers, 3) the correction of the site identification numbers on the sites inventory map; and 4) text updates to reflect the final reading and adoption on January 6, 2015 of Zoning Ordinance amendments related to transitional and supportive housing.

HCD Review

As previously noted, the Draft Housing Element Update was submitted to HCD for the initial compliance review on December 24, 2014. Based on work previously completed to comply with state housing law, the draft Housing Element qualified for HCD’s streamlined review process. Under streamlined review, HCD reviews only areas of the document in which there have been substantive changes from the previous certified Housing Element, resulting in a reduced turnaround time. Following a brief period of correspondence with HCD in which staff and the consultant provided responses to questions to confirm HCD’s understanding of City policies, the City received a letter of conditional compliance on February 12, 2014 (Attachment 5). HCD was complimentary of the City’s land use policies and housing programs and initiatives.

During review, HCD offered comments that were addressed by staff in the Draft Housing Element as indicated below:

Added New Program H1.4 – Evaluate Displacement – to help support the goals of H1.1 and H1.2 to conserve and improve the City’s existing supply of housing, the City will participate, as
appropriate, in studies of regional housing need and displacement, and consider policies or programs to address the displacement of lower income residents.

**Modified Program H1.5** – Monitoring of Assisted Units – to clarify the notification provisions to tenants of at-risk housing and to detail City efforts to preserve at-risk units and outreach to tenants.

**Modified Program H2.6** – Assist in Affordable Housing Development – to specify an annual review of funding opportunities.

**Added New Program H2.11** – Plan for Infrastructure to Support Development – to reinforce City’s efforts in the San Pablo Avenue Specific Plan Area to partner with other public agencies to plan for infrastructure improvements to support future development.

Staff is supportive of the above revisions as consistent with the vision and intent of the adopted San Pablo Avenue Specific Plan and the goals of the Plan Bay Area, which is the region’s Sustainable Communities Strategy. Staff is recommending the inclusion of the revisions in the Housing Element. HCD reviewed the proposed program revisions and will maintain conditional approval if they are included in the Housing Element.

If no substantive changes, other than those discussed above, are made to the Housing Element during the adoption process, HCD will certify the 2015-2023 Housing Element without comment during its final review of the adopted document. The certification review may take up to 90 days.

**IV. CONSISTENCY WITH STRATEGIC PLAN**

Updating the City’s Housing Element is consistent with Goal C - Deepen Sense of Place and Community Identity. One of the strategies of this goal is to “Adopt a revised General Plan that meets the needs of the community now and in the future”. While not a complete General Plan Update, completing an up-to-date Housing Element that reflects the community’s vision for housing-related needs as well as a strategy to address housing issues for community members is consistent with this strategy.

**V. ENVIRONMENTAL REVIEW**

Adoption of the 2015-2023 Housing Element Update requires review under the California Environmental Quality Act (“CEQA”).

The Initial Study and Negative Declaration prepared for the City’s 2015-2023 Housing Element Update (Attachment 4) identified no significant impacts. The 2015-2023 Housing Element is a policy document consistent with the City’s General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development based on existing land use designations and zoning. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan Environmental Impact Report (EIR) and the SPASP EIR. The 2015-2023 Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

**VI. RECOMMENDATION**

Staff recommends that the Planning Commission review the 2015–2023 Housing Element Update and Initial Study/Negative Declaration and recommend that City Council adopt the Initial Study/Negative Declaration and approve the 2015-2-23 Housing Element Update.
Proposed Motions:
1. Move adoption of Planning Commission Resolution (15-03) to recommend to the City Council the adoption of Initial Study/Negative Declaration prepared for the Housing Element Update.
2. Move adoption of Planning Commission Resolution (15-04) to recommend to the City Council the approval of the Housing Element Update.

Attachments:
1) Final Draft 2015-2023 El Cerrito Housing Element Update
2) Draft Resolution 1 Recommendation of Adoption of the Initial Study/Negative Declaration
3) Draft Resolution 2 Recommendation of Approval of the Housing Element Update
4) Initial Study/Negative Declaration
5) HCD Conditional Approval Letter
Agenda Item No. 6

Attachment 1: El Cerrito Final Draft 2015-2023 Housing Element Update (March 2015)

can be viewed at:

http://www.el-cerrito.org/HousingElement
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING ADOPTION OF THE INITIAL STUDY/NEGATIVE DECLARATION FOR THE 2015-2023 HOUSING ELEMENT UPDATE OF THE CITY’S GENERAL PLAN TO CITY COUNCIL.

WHEREAS, in connection with the preparation of the 2015-2023 Housing Element Update, the City prepared and circulated an Initial Study and proposed Negative Declaration, finding that no significant impacts would result from its policies and programs; and

WHEREAS, the Initial Study and proposed Negative Declaration have been submitted to the Contra Costa County Recorder’s Office and the State Clearinghouse in accordance with Article 6, Section 15073 of the CEQA Guidelines; and

WHEREAS, the public review period for the proposed Negative Declaration ended on February 9, 2015; and

WHEREAS, on March 18, the Planning Commission held a duly noticed public hearing, and has reviewed and considered the staff report and attachments thereto, the 2015-2023 Housing Element Update, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony.

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

1. The proposed Negative Declaration has been prepared in accordance with the California Environmental Quality Act.
2. The proposed Negative Declaration adequately addresses the impacts of the project and all public comments have been addressed.
3. The proposed Negative Declaration has been considered pursuant to the Article 6, Sections 15070, 15072 and 15074 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the El Cerrito Planning Commission does hereby recommend that the El Cerrito City Council adopt the Negative Declaration for the 2015-2023 Housing Element Update.
CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on March 18, 2015 upon motion of Commissioner ____, second by Commissioner ______.

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
Margaret Kavanaugh-Lynch
Development Services Manager
A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING ADOPTION OF THE 2015-2023 HOUSING ELEMENT UPDATE TO CITY COUNCIL.

WHEREAS, California Government Code Section 65300 requires each city and county to adopt a General Plan including seven mandatory elements, one of which is the Housing Element; and

WHEREAS, state law requires cities to revise the housing elements of their General Plans periodically and Bay Area housing elements are due by May 31, 2015, for the 2015 to 2023 planning period; and

WHEREAS, the City of El Cerrito held public meetings on July 19, 2014 and August 13, 2014 to discuss revising the Housing Element of the General Plan; and

WHEREAS, the City of El Cerrito prepared and circulated a Draft 2015-2023 Housing Element Update to the general public and local agencies and organizations for public review; and

WHEREAS, on December 24, 2014, the Draft 2015-2023 Housing Element Update of the General Plan was submitted to the California Department of Housing and Community Development (HCD) for initial compliance review as required by state law; and

WHEREAS, on February 12, 2015, the City received a response letter from HCD indicating that the 2015-2023 Housing Element Update was in conditional compliance with state law; and

WHEREAS, notice for the Planning Commission’s consideration of the 2015-2023 Housing Element was provided pursuant to Government Code Section 65090; 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 2015; and

WHEREAS, in connection with the preparation of the 2015-2023 Housing Element, the City prepared and circulated an Initial Study/Negative Declaration, finding that no significant impacts would result from its policies and programs; and

WHEREAS, on March 18, 2015, the Planning Commission held a duly noticed public hearing, and has reviewed and considered the staff report and attachments thereto, the 2015-2023 Housing Element, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony.

NOW THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of El Cerrito finds that:
1. *The proposed amendment is deemed to be in the public interest.*

   The proposed General Plan amendment will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

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

   The proposed General Plan Amendment retains internal consistency with other General Plan elements and the City’s Planning Regulations. Policies and programs in the Housing Element do not call for changes to land use regulations or other measures that would require revisions to existing plans.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

   The proposed General Plan amendment will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

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).*

   The policies and implementation programs in the Housing Element will not have a significant adverse impact on the environment. No significant impacts were identified in the Initial Study completed for this project. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

   AND, BE IT FURTHER RESOLVED, that after careful consideration of facts, exhibits, correspondence, testimony and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby recommends that the City Council adopt the Draft 2015-2023 Housing Element.
CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on March 18, 2015 upon motion of Commissioner ____, second by Commissioner ________.

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
Margaret Kavanaugh-Lynch
Development Services Manager
General Plan Amendment
2015-2023 Housing Element Update
INITIAL STUDY & NEGATIVE DECLARATION
December 2014
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### A BACKGROUND

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<table>
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<tr>
<td>1.</td>
<td>Project Title: City of El Cerrito 2015-2023 Housing Element Update</td>
</tr>
<tr>
<td>2.</td>
<td>Lead Agency Name and Address: City of El Cerrito Community Development Department 10890 San Pablo Ave. El Cerrito, CA 94530</td>
</tr>
<tr>
<td>3.</td>
<td>Contact Person and Phone Number: Margaret Kavanaugh-Lynch Development Services Manager City of El Cerrito (510) 215-4330</td>
</tr>
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<td>4.</td>
<td>Project Location: Citywide</td>
</tr>
<tr>
<td>5.</td>
<td>Project Sponsor's Name and Address: City of El Cerrito Community Development Department 10890 San Pablo Ave. El Cerrito, CA 94530</td>
</tr>
<tr>
<td>6.</td>
<td>General Plan Designation: N/A</td>
</tr>
<tr>
<td>7.</td>
<td>Zoning: N/A</td>
</tr>
<tr>
<td>8.</td>
<td>Project Description Summary: The proposed project is an update of the Housing Element of the City of El Cerrito General Plan. See further discussion that follows in the “Description of Project” section.</td>
</tr>
</tbody>
</table>
**B DESCRIPTION OF PROJECT**

This Initial Study provides environmental analysis pursuant to the California Environmental Quality Act (CEQA) for the proposed City of El Cerrito General Plan Housing Element Update (proposed project). The project site to be affected by the Housing Element Update is the area within the city limits.

State law requires this Housing Element Update (California Government Code Section 65580 – 65589.8). The Draft Housing Element identifies residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups defined under State law (California Government Code Section 65583); analyzes governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of the existing affordable housing stock; and outlines policies to promote housing opportunities for all persons.

The Initial Study focuses on whether the proposed project may cause significant effects on the environment. In particular, consistent with CEQA Guidelines Section 21083.3, this Initial Study is intended to assess any effects on the environment that are peculiar to the proposed project or to the parcels on which the project would be located that were not addressed or analyzed as significant effects in an environmental impact report (EIR), or which substantial new information shows will be more significant than described in the General Plan EIR or a more recent specific plan or planned development EIR.

The Housing Element is adopted as part of the General Plan. The City of El Cerrito adopted its current General Plan in 1999. The 1999 General Plan underwent extensive environmental review in the form of an EIR. Since 1999, the City has adopted one specific plan consistent with the General Plan: the San Pablo Avenue Specific Plan (SPASP). The SPASP has been adopted and its EIR contains a comprehensive evaluation of the effects of implementing the El Cerrito General Plan as amended by the SPASP. The SPASP amends the City’s General Plan for the Specific Plan Area and the SPASP EIR supersedes the 1999 General Plan EIR within the Specific Plan Area. The General Plan EIR and SPASP EIR are comprehensive in their analysis of the environmental impacts associated with future development in the city, based on specified land use designations and related densities and population projections. This includes discussion of a full range of alternatives and growth inducing impacts associated with urban development in the city. The EIRs for the El Cerrito General Plan and SPASP are comprehensive documents and are hereby incorporated by reference pursuant to State CEQA Guidelines Section 15150.

The Housing Element is a policy document consistent with the General Plan and adopted specific plan. The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

**Housing Element Overview**

The Housing Element is one of seven mandatory elements to a local jurisdiction's General Plan. Jurisdictions in the nine-county San Francisco Bay Area, including El Cerrito, must update their housing elements based on an eight year planning period that begins in 2015. California Government Code Section 65583 requires a jurisdiction’s Housing Element include the following components:
- A review of the previous Element's goals, policies, objectives, and programs to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element.
- An assessment of housing need and an inventory of resources and constraints related to meeting these needs.
- A statement of goals, policies, and quantified objectives related to the maintenance, preservation, improvement, and development of housing.
- A policy program that provides a schedule of actions that the City is undertaking or intends to undertake to implement the policies set forth in the Housing Element.

The housing element must address the City's fair share of the regional housing need and specific State statutory requirements, but it ultimately should reflect the vision and priorities of the local community. The Regional Housing Needs Allocation (RHNA) planning period (January 1, 2014 to October 31, 2022) is slightly different from the Housing Element planning period of January 31, 2015 to January 31, 2023. The 2014-2022 RHNA, prepared by ABAG, assigns El Cerrito a need for 398 housing units, including 100 very low-income units, 63 low-income units, 69 moderate-income units, and 166 above moderate-income units. The City is mandated by State Housing Element Law to demonstrate it has adequate sites available through appropriate zoning and development standards and with the required infrastructure for a variety of housing types and income levels. The City must demonstrate it has capacity or adequate sites to accommodate the projected need for housing through the 2014-2022 RHNA planning period.

The City has ample capacity to accommodate these units as demonstrated by the site inventory found in Appendix A of the Housing Element. New housing that is at various stages of planning, approval, and construction will offer 251 units that will count towards meeting the City’s RHNA in the 2014-2022 period. Vacant and underutilized sites can accommodate an additional 943 units. After accounting for capacity from units under construction, approved projects, and potential sites, El Cerrito has a surplus of 810 lower-income units, 25 above moderate-income units, and 796 total units. There is a deficit of 39 moderate-income units, but this need is covered by the surplus in the lower-income categories.

The El Cerrito Housing Element is organized into four parts:

- Introduction - Explains the purpose, process, and contents of the Housing Element.
- Housing Needs Assessment and Inventory - Describes the demographic, economic, and housing characteristics of El Cerrito and analyzes the current and projected housing needs in El Cerrito.
- Resources and Constraints - Analyzes the actual and potential governmental and nongovernmental constraints to the rehabilitation, preservation, conservation, and construction of housing.
- Housing Policy Program - Details specific policies and programs the City of El Cerrito will carry out over the planning period to address the City’s housing goals.

Supporting background material is included in the following appendices:

- Appendix A: Sites Inventory
- Appendix B: At-Risk Assisted Units
- Appendix C: Review of Past Performance
• Appendix D: Summary of Community Outreach
• Appendix E: Consistency with State Law
• Appendix F: Glossary of Terms
C DETERMINATION

On the basis of this initial study:

☒ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier General Plan EIR and San Pablo Avenue Specific Plan EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier General Plan EIR or San Pablo Avenue Specific Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Margaret Kavanaugh-Lynch

Date

1/6/15

For

City of El Cerrito
D PROJECT SETTING

The Housing Element will be the adopted policy and program document applicable to housing issues throughout the incorporated city limits of El Cerrito.

E OTHER PUBLIC AGENCIES APPROVAL

None

F ENVIRONMENTAL IMPACTS

The following section adapts and completes the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist is used to describe the impacts of the proposed project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant With Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.
I. AESTHETICS

*Would the project:*

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:** The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to scenic vistas, scenic resources, or visual character, and will not create sources of substantial light or glare that adversely affect views. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential aesthetic-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The Housing Element will not result in effects upon scenic vistas. Any specific housing project that might result in a physical change to a scenic vista will be subject to the CEQA review process.

b: Policies and programs in the Housing Element will not damage or affect scenic resources as they are consistent with other General Plan policies and programs established to preserve natural features. The City of El Cerrito is not located within a State-designated scenic highway and therefore the Housing Element would not result in impacts to historic buildings within a State scenic highway.

c: The Housing Element will not alter or reduce City standards and guidelines for visual quality. Other General Plan policies and planning programs are established to achieve high visual and design standards in the community.
The Housing Element will not, in and of itself, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

a-c: The City of El Cerrito is an established urbanized area. The Housing Element will have no impact regarding agricultural resources. The El Cerrito General Plan Land Use and Circulation Diagram (page 4-13), indicates that no land in El Cerrito is designated for agricultural uses. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.
The Housing Element will not, in and of itself, result in impacts to farmland, forestland, Williamson Act contracts, timberland, or timberland-zoned Timberland Production. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential agriculture- and forestry-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

**Would the project:**

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

*a-e:* Ambient air quality is described in terms of compliance with State and Federal standards, and the levels of air pollutant concentrations considered safe to protect the public health and welfare. These standards are designed to protect people most sensitive to respiratory distress, such as the elderly, very young children, persons with asthma or other illnesses, and persons engaged in strenuous work or exercise. The EPA has established national ambient air quality standards (NAAQS) for seven air pollution constituents. As permitted by the Clean Air Act, California has adopted more stringent air emissions standards and expanded the number of regulated air constituents.
The California Air Resources Board (CARB) is required to designate areas of the state as attainment, nonattainment, or unclassified for any state standard. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once. Contra Costa County is currently (2014) in nonattainment for ozone and particulate matter, 2.5 microns (PM$_{2.5}$).

The City of El Cerrito is located in Contra Costa County, which falls within the San Francisco Bay Area Air Basin, along with Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties. The Bay Area Air Quality Management District (BAAQMD) is the agency responsible for monitoring air quality conditions in Contra Costa County, including the City of El Cerrito, and for carrying out enforcement activities to maintain air quality with applicable State and Federal standards. BAAQMD’s duties include: adopting and enforcing rules and regulations concerning air pollutant sources, permitting and inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, and conducting public education campaigns.

The Housing Element has a policy encouraging development near existing transit facilities, thus contributing to mitigation of air quality impacts. Housing Element Policy H5.4 states that the City will “encourage the location of multifamily 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.” General Plan policies identified in the General Plan EIR as mitigation for air quality include LU5.5 Pedestrians and Bicycles, T1.3 Bicycle Circulation, T1.4 Pedestrian Circulation, and T2.2 Transit First Policy. These policies will be enhanced by the development patterns supported by Housing Element Policy H5.4, above.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to air quality or plans for air quality, or produce pollutants or odors. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential air quality-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact. Short-term air quality impacts resulting from construction of the sites, such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers will be subject to BAAQMD rules/protocols.
IV. BIOLOGICAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
<tr>
<td>b.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
<tr>
<td>c.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
<tr>
<td>d.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
<tr>
<td>e.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
<tr>
<td>f.</td>
<td>≥</td>
<td>≥</td>
<td>≤</td>
<td>x</td>
</tr>
</tbody>
</table>

Discussion:

a-f: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. Policies and implementation measures contained in the General Plan EIR as mitigation measures include LU6.1 Natural Features, R1.1 Habitat Protection, R1.2 Rare and Endangered Species, R1.3 Potential Environmental Impacts, R1.7 Creek Protection, R1.8 Creek Improvements, and R1.9 Cerrito Creek. In addition, Mitigation Measure 6-1 of the SPASP EIR ensures development within the Specific Plan Area will avoid the removal of trees, shrubs, or weedy vegetation during the bird nesting period. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.
The Housing Element will not, in and of itself, result in impacts to biological habitats. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

V. CULTURAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

Discussion: Any evidence of cultural resources that might be unearthed in the process of construction becomes immediate grounds for the halting all construction until the extent and significant of any find is properly catalogued and evaluated by archaeological and cultural resource authorities recognized as having competence by the State of California. Furthermore, if it can be concluded that a project will cause damage to a unique archaeological or paleontological resource, appropriate mitigation measures shall be required to preserve the resource in-place, in an undisturbed state. Mitigation measures may include, but are not limited to, planning construction to avoid the site, deeding conservation easements, or capping the site prior to construction.

Adoption of the 2015-2023 Housing Element will not have an impact on any cultural resources, as the Housing Element does not propose any development. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The pattern, distribution, and intensity of development within the City of El Cerrito will be consistent with the City’s General Plan and with the SPASP. Potential impacts upon cultural resources are addressed through the implementation of General Plan policy R1.3, which encourages development patterns that minimize impacts on the City’s biological, visual and cultural resources. In addition, Mitigation Measures 7-1, 7-2, and 7-3 of the SPASP EIR ensure that the City will determine the possible presence and impacts of the action on historic, archaeological, and paleontological resources. Implementation of these measures reduced impacts to cultural resources within the Specific Plan area to less-than-significant. The Housing Element Update does not include
any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to cultural resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

**VI. GEOLOGY AND SOILS**

*Would the project:*

**Issues** | **Potentially Significant Impact** | **Potentially Significant With Mitigation Incorporated** | **Less-Than-Significant Impact** | **No Impact**
--- | --- | --- | --- | ---

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?
   
   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

   ii. Strong seismic ground shaking?
   
   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

   iii. Seismic-related ground failure, including liquefaction?
   
   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

   iv. Landslides?
   
   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

b. Result in substantial soil erosion or the loss of topsoil?

   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?

   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

   ![ ]
   ![ ]
   ![ ]
   ![ ]
   ![ ]

**Discussion:** Soils, geology, and seismicity conditions are important aspects of all development projects in the San Francisco Bay Area. Although most projects have little or no effect on geology, any project involving construction will have some effect on soils and topography; and all may be
affected by certain geologic events, such as earthquakes, and are protected through existing building codes and regulations. Adoption of the 2015-2023 Housing Element will not have an impact on any geological or soil resources, as the Housing Element does not propose any development.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to geology and soils. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a.i, a.ii, a.iii, a.iv: With respect to seismic-related hazard of ground rupture, ground failure/liquefaction, and landslide, the Housing Element will have no impact. Development approved under the auspices of the Housing Element, as part of the overall General Plan, will be consistent with the mitigation measures contained in the General Plan, resulting in a less-than-significant level of impact.

b: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in substantial soil erosion or loss of topsoil. The General Plan EIR identifies policies which mitigate potential impacts regarding soil erosion: H1.1 Location of Future Development, H1.2 Development Review, H1.3 Geotechnical Review, H1.4 Soils and Geologic Review, and R1.6 Runoff Water Quality. The Housing Element is consistent with the referenced policies and other elements of the El Cerrito General Plan.

c and d: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in a project on unstable or expansive sites. Specific development proposals would be subject to CEQA analysis of site-specific geotechnical investigation.

e: Sewer systems are available for the disposal of wastewater. New development is not allowed to use septic tanks or alternative wastewater disposal systems.
VII. GREENHOUSE GAS EMISSIONS

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the atmosphere?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

Discussion:

**a-b:** It is widely recognized that anthropogenic emissions of greenhouse gases and aerosols are contributing to changes in the global climate, and that such changes could have adverse effects on the environment, the economy, and public health. Under CEQA, an analysis of the physical and environmental consequences of climate change and the contributions of individual development projects to this cumulative effect is therefore required. General guidelines for preparing CEQA climate change analyses were released by the California Office of Planning and Research (OPR). The GHG analysis can also use approaches prepared by a number of professional associations and agencies that have published suggested approaches and strategies for complying with CEQA’s environmental disclosure requirements. Such organizations include the California Attorney General’s Office (AGO), the California Air Pollution Control Officers Association (CAPCOA), the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), and the Association of Environmental Professionals (AEP).

In September 2006, the Governor signed AB 32, the California Global Warming Solutions Act (Health and Safety Code Section 38500 et. seq.). The Act codifies the executive order reduction of statewide GHG emissions to 1990 levels by the year 2020. This change, which is estimated to be a 25 to 35 percent reduction from current emission levels, will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012.

On September 30, 2008, Governor Schwarzenegger signed Senate Bill (SB) 375 into law. This legislation links transportation and land use planning with the CEQA process to help achieve the GHG emission reduction targets set by AB 32. Regional transportation planning agencies are required to include a sustainable community strategy (SCS) in regional transportation plans. The SCS must contain a planned growth scenario that is integrated with the transportation network and policies in such a way that it is feasible to achieve AB 32 goals on a regional level. SB 375 also identifies new CEQA exemptions and stream lining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). TPPs must meet three requirements: 1) contain at least 50 percent residential use; commercial use must have floor area ratio (FAR) or not less than 0.75; 2) have a minimum net density of 20 units per acre; and 3) be located within one-half mile of a major transit stop or high quality transit corridor included in the regional transportation plan.

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments’ (ABAG) Plan Bay Area is the Bay Area’s Regional Transportation Plan (RTP)/Sustainable
Community Strategy (SCS). The Final Plan Bay Area was adopted on July 18, 2013. The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. According to Plan Bay Area, the Plan meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

In 2008, MTC and ABAG initiated a regional effort (FOCUS) to link local planned development with regional land use and transportation planning objectives. Through this initiative, local governments identified Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). PDAs and PCAs form the implementing framework for Plan Bay Area.

- PDAs are transit-oriented, infill development opportunity areas within existing communities that are expected to host the majority of future development.
- PCAs are regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure.

Overall, well over two-thirds of all regional growth by 2040 is allocated within PDAs. PDAs are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs. The City’s housing goals and policies are consistent with ABAG’s vision for concentrated growth within the region’s PDAs. There is one PDA within the El Cerrito City Limits: the San Pablo Avenue Corridor. The boundaries of the San Pablo Avenue Specific Plan match the boundaries of El Cerrito’s only PDA, the San Pablo Avenue Corridor PDA. Many of the sites that are included in the Housing Element adequate sites analysis are located within this area. After accounting for capacity from units under construction, approved projects, and potential sites approximately 85 percent of the units included in the sites inventory are within the San Pablo Avenue Corridor PDA.

Energy conservation standards for new residential and commercial buildings were originally adopted by the California Energy Resources Conservation and Development Commission in June 1977 and most recently revised in 2008 (Title 24, Part 6 of the California Code of Regulations [CCR]). In general, Title 24 requires the design of building shells and building components to conserve energy. On July 17, 2008, the California Building Standards Commission adopted the nation’s first green building standards. The California Green Building Standards Code (Part 11, Title 24) was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations). Part 11 establishes voluntary standards on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Some of these standards have become mandatory in the 2010 edition of the Part 11 code.

City Action

Since 2006, the El Cerrito City Council has consistently supported local, regional, and state initiatives to reduce greenhouse gas (GHG) emissions. In February 2011 the City Council passed Resolution 2011-12 adopting GHG emission reduction targets of 15 percent below 2005 levels by the year 2020 and 30 percent below 2005 levels by 2035 for both municipal operations and the El Cerrito community. The City also adopted a Climate Action Plan (CAP). In addition to providing leadership on this important issue, development of a CAP helps prepare El Cerrito for a quickly evolving legislative framework set by the State as part of its implementation of AB 32.

Since 2005, the City has undertaken the following activities to pursue a more sustainable urban form.
• Completed 158 units and entitled 185 units of multifamily housing along the San Pablo Avenue corridor, including 56 affordable units;
• Worked with Caltrans to take possession of sidewalks on San Pablo Avenue, aka State Route 123;
• Completed the award-winning San Pablo Avenue Streetscape Improvement Program, including improved pedestrian access and street furniture, upgraded bus stops, 75 new bicycle racks, new Bay-Friendly median and sidewalk plantings that save 1.5 million gallons of water per year, and new rain gardens to clean storm water run-off;
• Leveraged the restoration of the Cerrito Theater to catalyze private investment on the “Theater Block;”
• Restored Baxter Creek and created Baxter Creek Gateway Park;
• Extended Ohlone Greenway to connect with the Richmond Greenway;
• Adopted the Ohlone Greenway Master Plan;
• Secured funding to construct the Ohlone Greenway Nature Play Park near the El Cerrito BART Station;
• Adopted El Cerrito’s first Circulation Plan for Bicyclists and Pedestrians;
• Completed 75 percent of bike facility improvements identified in the Circulation Plan;
• Adopted a Bicycle Parking Ordinance for new development;
• Worked with El Cerrito Trail Trekkers to restore and extend the City’s network of public paths and trails;
• Planted 1,160 street trees;
• Adopted the San Pablo Avenue Specific Plan in partnership with the City of Richmond in September 2014;
• Secured funding to develop a comprehensive Urban Greening Plan.

Existing regulations and standards that would apply to any future residential development, summarized above, would significantly reduce GHG emissions associated with future projects. The actions that the City has taken show a commitment to reducing GHG emissions through green design, energy efficiency, and transit-oriented development. Adoption and implementation of the 2015-2023 Housing Element would follow applicable City policies and programs, which support the implementation of AB 32 and SB 375.

While future projects will still emit greenhouse gases, the Housing Element demonstrates adequate sites to meet the RHNA. As a policy document, the Housing Element will not, in and of itself, result in the emission of greenhouse gasses. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential GHG-related impacts cannot be assessed in a meaningful way until the type and location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.
VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts from hazardous materials, airports, toxic emissions, wildfires, and other emergencies. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential hazards-related impacts are location-specific and cannot be assessed in a meaningful way.
until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a through c: Residential development or conservation of the city’s existing housing supply would not involve hazardous materials or processes that would result in creating hazardous material exposure or emissions within quarter mile of a school.

d: The Housing Element is a policy and action document, and does not in itself involve development proposals on specific sites. As such, there is no significant impact with respect to the list of hazardous sites compiled pursuant to Government Code Section 65962.5.

e: The project will not result in safety hazards related to aviation because the project does not in itself involve development proposals on specific sites. In addition, the nearest airport to El Cerrito is approximately 25 miles to the south, in Oakland, California.

f: The Housing Element will not result in hazards due to proximity to a private airstrip because the Housing Element does not in itself involve development proposals on specific sites. In addition, there are no private airstrips in the vicinity of the City of El Cerrito.

g: The project does not in itself involve development proposals on specific sites, and thus will not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan.

h: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in exposure of people or structures to risk involving wildland fires. The General Plan EIR identifies 16 fire/emergency response policies that mitigate potential impacts of demand for fire protection. Of these, the following address wildland/urban interface fire protection specifically: Public Services policies PS2.10 and PS2.11, and Health and Safety policies H1.19, H1.20, and H1.21.
IX. HYDROLOGY AND WATER QUALITY

Would the project:

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

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element
Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to water resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential water-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

**a through e:** The potential for environmental impacts due to development was addressed in the General Plan EIR. The potential impacts were determined to be mitigated to a less-than-significant level by the following policies: GM5.1 Local Development Mitigation Program, GM5.2 Performance Standard Review, GM5.3 Capital Improvement Program, GM5.4 Contributions to Improvement, PS 3.5 Coordination with Service Providers, PS1.1 Development Review, PS4.1 Monitoring Storm Drain Needs, and R1.6 Runoff Water Quality.

**f.** The Housing Element will not result in hazards due to location of development within flood plains. The General Plan includes Policy H1.5 Flood Hazards that previously mitigated this potential impact to a less-than-significant level.
X. LAND USE AND PLANNING

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in physically dividing the community or conflict with any applicable habitat conservation plan or natural communities conservation plan. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential land use-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in potential adverse impacts that may physically divide an established community.

b: The Housing Element is part of the General Plan. It has been analyzed and found to be consistent with the rest of the General Plan elements. The Housing Element is specifically consistent with the Land Use Diagram of the General Plan, as the potential for new housing production identified in the Regional Housing Needs Allocation can be accommodated with sites currently zoned to allow residential and/or mixed use development including residences.

c: No Habitat Conservation Plans or Natural Community Conservation Plans will be affected by the Housing Element, because none are in effect within the City of El Cerrito City Limits.
XI. MINERAL RESOURCES

Would the project:

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

a-b: The project will have no effect upon mineral resources as there are no mineral extraction activities or mineral resources in the vicinity of the project (which is City-wide in scope). The City of El Cerrito General Plan, Chapter 7, Resources and Hazards does not identify any mineral resources. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to mineral resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential mineral-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

XII. NOISE

Would the project result in:

<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to noise. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential noise-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

The Housing Element will not result in exposure of persons to noise in excess of established standards or excessive vibration or groundborne noise, nor will there be permanent or temporary increases in ambient noise levels within the citywide project area. Any project proposals will be reviewed for conformance with the General Plan policies which mitigate potential noise impacts: H3.1, H3.2, H3.3, H3.4, H3.5, H3.7, and H3.8.

No airport is located in proximity to the project area.

No private airstrip is located in proximity to the project area.
XIII. POPULATION AND HOUSING

Would the project:

<table>
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<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion: The Association of Bay Area Governments (ABAG) is tasked with allocating regional housing needs amongst the jurisdictions in the nine Bay Area counties, including those in Contra Costa County. El Cerrito’s Regional Housing Needs Allocation (RHNA) is 398 housing units. As part of the 2015-2023 Housing Element update, a housing sites inventory was created to demonstrate El Cerrito’s ability to fulfill its RHNA on sites already zoned for residential development. The Housing Element recommends various housing programs to assist in providing housing for all income levels including extremely low-, very low-, low-, moderate-, and above moderate-income households. The Housing Element sets forth programs and policies to facilitate housing conservation, maintenance, and diversity, and no aspect of the project involves the displacement of existing residents.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts from population and housing. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The housing element is one part of the General Plan, which establishes policy to guide the orderly development of the community. El Cerrito is in an urbanized area and does not have any geographic areas where substantial growth-inducing impacts could be caused. Population growth foreseen by the General Plan and the SPASP is not a substantial increase that could result in a significant impact, because the growth contemplated is mitigated through all the general plan policies identified in the General Plan Final EIR and SPASP EIR.
b & c: The housing element will mitigate this potential impact of growth, in that several Housing Element policies address conservation and retention of housing stock:

H1.1 Encourage neighborhood preservation and housing rehabilitation of viable older housing to preserve neighborhood character and, where possible, retain a supply of very low-, low-, and moderate-income units.

H1.2 Discourage the conversion of residential uses to non-residential uses, unless there is a finding of clear public benefit and equivalent housing can be provided for those who would be displaced by the proposed conversion.

H1.3 Maintain housing supply and reduce the loss of life and property caused by earthquakes by encouraging structural strengthening and hazard mitigation in all housing types.

H1.5 Continue to regulate condominium conversions in accordance with Chapter 19.45 of the Zoning Ordinance.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>b. Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>c. Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>d. Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

Discussion: The Housing Element will not, in and of itself, result in environmental impacts associated with the construction of new or additional facilities, needed as a result of reduced public service performance objectives. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential public services-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.
a: Adoption of the 2015-2023 Housing Element would not impact police protection services in a way that would require the construction or modification of public facilities. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to fire protection to be mitigated to a less than Significant level with the following mitigating policies: PS2.1, PS2.2, PS2.3, PS2.4, PS2.5, PS2.6, PS2.7, PS2.8, PS2.9, PS2.10, PS2.11, PS2.12, H1.17, H1.18, H1.19, and H2.1.

b: Adoption of the 2015-2023 Housing Element would not impact police protection services in a way that would require the construction or modification of public facilities. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to police services to be mitigated to a Less than Significant level with the following mitigating policies: LU4.6, CED 2.4, PS1.7, PS1.1, PS1.2, PS1.3, PS1.4, PS2.1, PS3.1, and PS5.3.

c: School-related impacts depend upon the location and intensity of a project, by students generated per household, and the capacity of facilities in a given attendance area. Legislative requirements for school development fees ensure that new development will provide necessary facilities to meet projected needs, should housing projects be ensure. However, State law does not require developers to provide for school sites within their developments. Any development project will be conditioned to pay current school impact fees in effect at the time of building permit issuance. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to schools to be mitigated to a Less than Significant level with the following mitigating policies: CF1.8, PR1.6, and PS3.5. In addition, Section 15.3.3 of the SPASP EIR determines that impacts to public schools within the Specific Plan Area would be considered less-than-significant and no mitigation is required.

d: Park-related impacts also depend upon the location and intensity of a project. The purpose of park fees is to fund the design and construction of parks and park improvements required to mitigate the impact of new development. Any future residential development will be subject to applicable park improvement fees in effect at the time of building permit issuance. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to parks to be mitigated to a less than Significant level with the following mitigating policies: PR1.1, PR1.2, PR1.3, PR1.4, PR1.5, PR1.6, PR1.7, PR1.8, PR1.9, PR1.10, PR1.11, PR1.12, PR1.14, PR2.1, PR2.2, and PR2.3. In addition, Section 15.3.3 of the SPASP EIR determines that impacts on parks and recreation facilities within the Specific Plan Area would be considered less-than-significant and no mitigation is required.


XV. RECREATION

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
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<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

a and b:

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to parks or recreational facilities. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential recreation-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to recreation to be mitigated to a less than Significant level with the following mitigating policies: PR1.1, PR1.2, PR1.3, PR1.4, PR1.5, PR1.6, PR1.7, PR1.8, PR1.9, PR1.11, PR1.12.
XVI. TRANSPORTATION AND CIRCULATION

Would the project:

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

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to traffic load or capacity, levels of service, air traffic patterns, or adopted policies relating to alternative transportation, and would not increase hazards due to design features or result in poor emergency access. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential traffic-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.
a-b: The project will have no adverse affect, such as substantial increase in traffic or traffic in excess of an established level of service standard, because the project will generate no new vehicular traffic.

c. The Housing Element will have no effect upon air traffic patterns, as the amount of housing growth contemplated by the City’s General Plan will not result in changes to patterns of air traffic. Nor will the Housing Element involve locational changes that result in safety risks, because the plan does not address specific development proposals.

d. Normal City review procedures address conformance with safety standards, reducing potential impact to a less-than-significant level.

e. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to emergency access to be mitigated to a less than significant level with the following mitigating policies: Policy PS2.11, PS2.12.

f: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to parking capacity to be mitigated to a less than Significant level with the following mitigating policies: T4.1, T4.2, T4.3, and T4.4.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g. Comply with federal, State, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to public utilities service for communication, water, sewer, solid waste disposal, and storm drainage. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential utilities-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to wastewater treatment requirements to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, PS2.8, and PS3.5.

b: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to wastewater treatment facilities to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, and PS3.5

c: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to new stormwater drainage facilities to be mitigated to a less than significant level with the following mitigating policies: S4.1, PR2.3, PS4.1, R1.6, R1.7, R1.8, R1.9, H1.14, and H1.15.

d: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to water supplies to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, PS2.8, and PS3.5

e: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to adequate capacity to provide wastewater treatment to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, and PS3.5.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant With Mitigation Incorporated</th>
<th>Less-Than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐                               | ☐                                                  | ☐             | ☒         |
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | ☐                               | ☐                                                  | ☐             | ☒         |
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐                               | ☐                                                  | ☐             | ☒         |
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐                               | ☐                                                  | ☐             | ☒         |

Implementation of the Housing Element will not create any significant or adverse impacts. Potential site-specific impacts that cannot be known at this time will be addressed in conjunction with any development proposal submitted for the individual project sites. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

G DISCUSSION OF ENVIRONMENTAL EVALUATION

The project provides substantial benefits, including environmental benefits, to the community. Following are discussions of the project’s environmental benefits.

Environmental benefits: Adoption of the Housing Element is part of the ongoing planning process for orderly, rational development of the community. As such, the Housing Element does not have specific environmental benefits, but will result in beneficial effects of contributing to environmentally beneficial aspects of the General Plan, such as establishing policy and programs “to assure that future development responds to neighborhood character, site features, environmental constraints and the availability of public services and adequate roadway capacity” (General Plan EIR, page 5-1). The General Plan will also “allow the development of additional housing, including affordable housing, which could have a beneficial impact of increasing affordable housing opportunities and
creating an environment where housing is combined successfully with office, retail and transit uses. The policies in the Draft Plan would reduce potential impacts related to population growth, and concentration to a less than significant level…” (General Plan EIR, page 5-1).

**Potential Adverse Impacts:** The project will not have any potentially significant adverse impacts. The Housing Element does not control density or location of development. As discussed in the project description, the Housing Element must be consistent with the other General Plan elements. As required by State law, the Housing Element addresses internal consistency of the General Plan. The 2014-2022 RHNA, prepared by ABAG, assigns El Cerrito a need for 398 housing units, including 100 very low-income units, 63 low-income units, 69 moderate-income units, and 166 above moderate-income units. The City has ample capacity to accommodate these units as demonstrated by the site inventory found in Appendix A of the Housing Element. New housing that is at various stages of planning, approval, and construction will offer 251 units that will count towards meeting the City’s RHNA in the 2014-2022 period. Vacant and underutilized sites can accommodate an additional 946 units. After accounting for capacity from units under construction, approved projects, and potential sites, El Cerrito has a surplus of 810 lower-income units, 25 above moderate-income units, and 796 total units. There is a deficit of 39 moderate-income units, but this need is covered by the surplus in the lower-income categories. As a policy and action document, the Housing Element is consistent with the rest of the General Plan adopted in 1999 and with the San Pablo Avenue Specific Plan adopted in 2014. The General Plan EIR prepared for the 1999 General Plan Update is relied upon for its identification of mitigation measures applicable to the General Plan as a whole, which are referenced in the General Plan Final EIR, pages 2-2 through 2-10. The SPASP amends the City’s General Plan for the Specific Plan Area and the SPASP EIR supersedes the 1999 General Plan EIR within the Specific Plan Area and is relied upon for its identification of mitigation measures associated with development within the Specific Plan Area, which are referenced in the SPASP EIR, pages 2-4 through 2-31.

**H POTENTIALLY SIGNIFICANT IMPACTS**

There are no potentially significant impacts as a result of this project.

**I MITIGATION OF POTENTIALLY SIGNIFICANT IMPACTS**

No mitigation measures are proposed to be adopted with the Negative Declaration for the City of El Cerrito General Plan Housing Element.

**J REFERENCES**

City of El Cerrito General Plan, 1999

City of El Cerrito General Plan Final EIR, 1999

San Pablo Avenue Specific Plan, 2014

San Pablo Avenue Specific Plan EIR, 2014

El Cerrito Climate Action Plan, 2013

**K EXHIBITS**

Draft 2015-2023 El Cerrito Housing Element
February 12, 2015

Ms. Hilde Myall, Housing Program Manager
Community Development Department
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Ms. Myall:

RE: City of El Cerrito's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of El Cerrito's draft housing element update which was received for review on December 24, 2014, along with additional revisions received on February 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on January 30, 2015 with you and your consultant, Ms. Chelsey Norton Payne.

The draft housing element with revisions meets the statutory requirements of State housing element law. The draft housing element with revisions will comply with State housing element law (GC, Article 10.6) when they are adopted and submitted to the Department, in accordance with GC Section 65585(g).

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department’s Housing Element Update Guidance. The City utilized ABAG’s pre-approved housing element data.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department’s website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.
Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates your efforts and dedication of Ms. Chelsey Norton Payne in preparation of the housing element and looks forward to receiving El Cerrito’s adopted housing element. If you have any questions or need additional technical assistance, please contact Mario Angel, of our staff, at (916) 263-7442.

Sincerely,

[Signature]

Paul McDougall
Housing Policy Manager
**PROJECT TEAM**

**ARCHITECT:** 151 ARCHITECTS
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FAIRFAX, CA 94930
PH. 707-187-0492

**ENGINEER:** MICHAEL HOFFMANN
MICHAEL HOFFMANN & ASSOC.
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**CMIL:** SITTER, SITTER & RIES INC
2540 10TH AVE
FRESNO, CA 93727
PH. 559-233-3311

**LANDSCAPES:** GARDEN DESIGN ASSOC
913 W. 12TH ST
SAN JOSE, CA 95116
PH. 408-974-7598

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**VICTORY MAP**

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**PROJECT LOCATION**

---

**1715 Elm Street**

**EL CERRITO, CALIFORNIA**

---

**SHEET INDEX**

- **A1:** COVER SHEET
- **A2:** CONCEPTUAL SITE PLAN
- **A3:** CONCEPTUAL SITE FLOOR PLAN
- **A4:** CONCEPTUAL SITE SECTION PLAN
- **A5:** CONCEPTUAL SITE ELEVATION PLAN
- **A6:** CONCEPTUAL SITE LIGHT PLAN
- **A7:** CONCEPTUAL SITE DETAIL PLAN
- **A8:** CONCEPTUAL SITE SECTION PLAN
- **A9:** CONCEPTUAL SITE ELEVATION PLAN
- **A10:** CONCEPTUAL SITE LIGHT PLAN
- **A11:** CONCEPTUAL SITE DETAIL PLAN
- **A12:** CONCEPTUAL SITE SECTION PLAN
- **A13:** CONCEPTUAL SITE ELEVATION PLAN
- **A14:** CONCEPTUAL SITE LIGHT PLAN
- **A15:** CONCEPTUAL SITE DETAIL PLAN
- **A16:** CONCEPTUAL SITE SECTION PLAN
- **A17:** CONCEPTUAL SITE ELEVATION PLAN
- **A18:** CONCEPTUAL SITE LIGHT PLAN
- **A19:** CONCEPTUAL SITE DETAIL PLAN
- **A20:** CONCEPTUAL SITE SECTION PLAN
- **A21:** CONCEPTUAL SITE ELEVATION PLAN
- **A22:** CONCEPTUAL SITE LIGHT PLAN
- **A23:** CONCEPTUAL SITE DETAIL PLAN

---

**PROJECT DATA**

**ADDRESS:** 1715 ELM STREET

**SUMMARY - RESIDENTIAL UNITS**

<table>
<thead>
<tr>
<th>TOTAL UNIT COUNT</th>
<th>UNIT TYP</th>
<th>TOTAL RESIDENTIAL UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>13</td>
</tr>
</tbody>
</table>

**PRIVATE OPEN SPACE**

<table>
<thead>
<tr>
<th>UNIT TYP</th>
<th>TOTAL PRIVATE OPEN SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>152.50 SF</td>
</tr>
</tbody>
</table>

**COMMON OPEN SPACE**

<table>
<thead>
<tr>
<th>UNIT TYP</th>
<th>TOTAL COMMON OPEN SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,065.62 SF</td>
</tr>
</tbody>
</table>

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**COVER PAGE**

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**SCALE:** 1/100

---

**COVER SHEET**

---

**PROJECT NO.** A-1

---

**SHEET 01/01**
1. NORTH ELEVATION

2. SOUTH ELEVATION

CONCEPTUAL ELEVATIONS
AERIAL VIEW

VIEWS OF EXISTING HOUSE FROM ELM ST.
EXISTING HOUSE COLORS AND MATERIALS

EXISTING COMP SHINGLES TO REMAIN

SIDING COLOR #1
MANUFACTURER: BENJAMIN MOORE
COLOR: WHITE DOVE

TRIM/RAILING COLOR #1
MANUFACTURER: BENJAMIN MOORE
COLOR: WHITE DOVE

ACCENT COLOR #1
MANUFACTURER: BENJAMIN MOORE
COLOR: PURITAN GRAY HC-164

NOTE: Paint chip colors/numbers, material and manufacturer shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for final review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as shown.
CONCEPTUAL BUILDING MATERIALS

EXTERIOR WALL MOUNTED LIGHT
ULTRALIGHT "PROFILES OUTDOOR WALL SCONCE"
OR EQUAL
COLOR.

FIBER CEMENT SIDING
HARDIE-PLANK OR EQUAL

WINDOW & DOOR TRIM
HARDIE-TRIM OR EQUAL

 ASPHALT SHINGLE ROOFING
GAF TIMBERLINE "LIFETIME"
HIGH DEFINITION SHINGLES
OR EQUAL
COLOR: BARKWOOD
CONCEPTUAL WINDOW & DOOR DETAILS

VINYL WINDOWS
MILGARD MONTECITO SERIES
OR EQUAL
COLOR: WHITE

PROPOSED MILGARD MONTECITO
VINYL WINDOW

WINDOW JAMB SECTIONS COMPARING PROPOSED
VINYL WINDOW PROFILE VS. TYPICAL WOOD WINDOW
PROFILE

TYPICAL WINDOW TRIM DETAILS
(Doors similar)
Drought tolerant Mediterranean Planting

Grass Oval

Decomposed Granite Paving

Permeable paving Eco Priora - Herringbone Pattern

Border Herbs

Dwarf Fruit Orchard

Edible Landscape Features

Metal Picket Fence
Open Greenhouse Trellis  Entry Trellis

Bench - Country Casual  Dumor-Table

Architectural Pottery Planters  Raised Garden Beds

Stone  Stone Seatwall

Tumbled McGregor-Lake-Ledge with French Limestone

Cable Guardrail