AGENDA

REGULAR MEETING
OF THE
DESIGN REVIEW BOARD

7:30 p.m.
Wednesday, December 5, 2018
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call: Chair: Carl Groch; Board Members: Ben Chuaqui, Patrick Riley, and John Thompson.

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

2. Approval of Minutes
   Approval of the minutes of the November 7, 2018 meeting.

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

   Application: PL17-0028
   Applicant: Charles Oewel, 11965 San Pablo, LLC
   Location: 11965 San Pablo Ave
   APN: 513-340-059
   Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
   General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
   Request: Design Review Board consideration of Tier II Design Review, pursuant to the San
   Pablo Avenue Specific Plan, for a new 8-story building containing 144 residential
   units pursuant to the California Density Bonus Law (Government Code Sections
   65915 – 65918).
   CEQA: This project has been found to be consistent with the Program Environmental
   Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to
   CEQA Guidelines Sections 15168 and 15182.
5. Public Hearing: 10192 San Pablo Avenue – Tier II Design Review

Application: PL18-0068
Applicant: Lisa Vilhauer, Branagh Land, Inc.
Location: 10192 San Pablo Avenue
APN: 504-012-036 and -037
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
Request: Design Review Board consideration of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan, for the revised design review of a new 5-story building containing 26 residential units.

CEQA: The project is within the San Pablo Avenue Specific Plan area, for which a Programmatic Environmental Impact Report was certified. The project is exempt from environmental review pursuant to Government Code Section 65457(a), CEQA Guidelines Section 15182, and Public Resources Code Section 21155.4.

6. Staff Communications

7. Adjournment

Appeals:
A decision of the Design Review Board may be appealed to the Planning Commission, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of the applicable appeal fee 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 Design Review Board 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.
MINUTES

REGULAR MEETING
OF THE
DESIGN REVIEW BOARD

7:30 p.m.
Wednesday, November 7, 2018
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call: Chair: Carl Groch; Board Members: Ben Chuaqui, Patrick Riley, and John Thompson.

1. Comments from the Public
   No comments were received.

2. Approval of Minutes
   Motion to approve the minutes of the October 3, 2018 meeting: Thompson; second: Riley.
   Vote:
   Ayes: Chuaqui, Groch, Riley, Thompson
   Noes: None
   Abstain: None
   Absent: None

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

   Application: PL17-0107
   Applicant: Charles Oewel, 921 Kearney LLC
   Location: 921 Kearney St
   APN: 503-233-032 and 503-233-007
   Zoning: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
   General Plan: Transit-Oriented Mid-Intensity Mixed Use (TOMIMU)
   Request: Design Review Board consideration of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan, for a new 5-story building containing 69 residential units.
   CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168 and 15182.

Acting Planning Manager Sean Moss presented the staff report and answered questions from the Board.
City of El Cerrito
Design Review Board Meeting Minutes

The project architect, Joe DeCredico, and the applicant, Charles Oewel, presented the project and answered questions from the Board.

The public hearing was opened.

The following speakers addressed the Board:
Howdy Goudey
Robin Mitchell
Gina Calicura
Janice Woo
Mark Hartwell

The public hearing was closed.

Motion to continue the item to a date uncertain: Riley; second: Thompson.
Vote:
Ayes: Chuaqui, Groch, Riley, Thompson
Noes: None
Abstain: None
Absent: None

5. Public Hearing: Polaris Apartments (formerly Baxter Creek Apartments) – Tier II Design Review
Application: PL17-0028
Applicant: Charles Oewel, 11965 San Pablo, LLC
Location: 11965 San Pablo Ave
APN: 513-340-059
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU)
Request: Design Review Board consideration of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan, for a new 8-story building containing 144 residential units pursuant to the California Density Bonus Law (Government Code Sections 65915 – 65918).
CEQA: This project has been found to be consistent with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168 and 15182.

Acting Planning Manager Sean Moss presented the staff report and answered questions from the Board.

The applicant’s representative, Mark Rhoades, and the project architect, Joe DeCredico, presented the project and answered questions from the Board.

The public hearing was opened.

The following speakers addressed the Board:
Howdy Goudey
John Dalrymple
Robin Mitchell

The public hearing was closed.

Motion to continue the item to December 5, 2018: Thompson; second: Chuaqui.
Vote:
Ayes: Chuaqui, Groch, Riley, Thompson
Noes: None
Abstain: None
Absent: None

6. Staff Communications
   Staff updated the Board regarding an upcoming update to the San Pablo Avenue Specific Plan and upcoming agendas.

7. Adjournment
   10:46 p.m.
DETAILS

Application Number: PL17-0028

Applicant: Charles Oewel, 11965 San Pablo LLC

Location: 11965 San Pablo Avenue

APN: 513-340-059

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

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

Request: Design Review Board study session for a proposed 144-unit 8-story project.

CEQA: As part of the review of the project, the project will be evaluated for consistency with the Program Environmental Impact Report prepared for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168 and 15182.

EXECUTIVE SUMMARY

The proposed project is located on San Pablo Avenue at the extreme northwest of the City of El Cerrito. The project site abuts the City of Richmond, San Pablo Avenue, and the aerial BART tracks and Richmond Greenway, below. The project includes 144 residential units in an 8-story building with an underground parking garage. The building would face San Pablo Avenue and would feature an internal courtyard and a roof deck for residents of the building as well as three public open space areas.

The project qualifies for a density bonus and concessions pursuant to the State affordable Housing Density Bonus. The applicant has committed to providing 9% of the units in the “base project” as affordable to Very Low Income Households. The base project is a project that would be permitted without modifications to the development standards. This project qualifies for a 30% density bonus, based on the affordable housing provided. The applicant may also request “concessions” and/or “waivers” to provide relief to development standards and other regulations. The applicant is seeking waivers related to the building height and the ceiling height on upper floors and a concession related to the frontage standards along the Ohlone Greenway.

The project’s architecture features a range of exterior materials and is well-articulated. Due to required noise attenuation along the BART-facing façade, the applicant is proposing to provide articulation through a fabric system mounted over a metal frame.

The Design Review Board reviewed the project on November 7, 2018 and the project has been revised since this meeting, as noted in this report.

Based on the information and analysis in this report, staff recommends approval of the project.
Background

Site Location and Layout

The project site is located on San Pablo Avenue at the northernmost portion of the City. The site is bounded by San Pablo Avenue on the west, the city limits on the north and east, and the aerial BART tracks on the south. The site has frontage on San Pablo Avenue as well as the recently completed portion of the Richmond Greenway (located under the BART tracks). To the north of the site is land owned by the City of Richmond. The recently completed Richmond Greenway extension occupies a portion of this adjacent site and the City of Richmond has plans to develop the remaining area as open space. The site is 22,951 square feet (0.53 acres) in size.

Vicinity Map

The project site is designated Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) in the City’s General Plan, and is zoned as TOHIMU in the San Pablo Avenue Specific Plan as well.

Regional vehicular access to the project site is provided by Interstate 80 located to the west of the site; the El Cerrito del Norte BART Station is located 0.5 mile south of the site. A transit stop which provides access to AC Transit local, express, and Transbay bus service is located approximately 500 feet from the site.

Existing Public Right-of-Way

The site has street frontage on San Pablo Avenue to the east and the Richmond Greenway to the south. This portion of San Pablo Avenue currently features an approximately 10-foot sidewalk with tree wells.

Existing/Previous Land Use

The site previously housed a fast food restaurant and is developed with a building, parking lot, and landscaping. Historically, the site contained a nursery business.
Adjacent Land Uses

North: Open space in the City of Richmond.

East: San Pablo Avenue. Baxter Creek Gateway Park lies across San Pablo Avenue.

South: Aerial BART tracks and a large-format retail home improvement store beyond the BART tracks.

West: Open space in the City of Richmond.

Analysis

Project Description

The proposed project consists of 144 residential units contained in one 8-story building totaling 123,914 square feet. The project qualifies for a density bonus pursuant to the State affordable housing density bonus statute (see discussion below). The building would be located atop an underground parking garage containing 77 parking spaces. Street-facing uses along San Pablo Avenue include a lounge, leasing office, entrance lobby, access to the trash room and one residential unit. Behind these uses, would be located the remaining ground floor residential units, surrounding an internal common courtyard for the residents of the building. Vehicular access to the parking area would be provided from an existing driveway access from San Pablo Ave which previously served the fast food restaurant. The project would feature three public open space areas. A parcour and plaza area would be located of the south end of the site, adjacent to the Richmond Greenway. Two plazas would be located on property which the project site has easement rights to. One plaza would be located between the proposed building and the existing driveway and the other would be located across the driveway, adjacent to open space in the City of Richmond.
Compliance with the San Pablo Avenue Specific Plan

Chapter Two of the San Pablo Avenue Specific Plan establishes the land use regulations and development standards of the Specific Plan Area.

Some development standards apply throughout the Plan area. These include:
- Regulation by Street Type – which includes building placement, building form, and shadow analysis.
- Open Space Requirements – which includes private, common and public open spaces.

Other development standards vary by transect zone. The development standards that are related to the transect zone include:
- Use – types of land use permitted, conditionally permitted or prohibited.
- Building Height – the minimum and maximum heights allowed.
- Parking of motor vehicles – the minimum and maximum number of spaces allowed.
- Parking of bicycles- the minimum number of spaces allowed.

This project is located in the Transit-Oriented Higher-Intensity Mixed-Use (TOHIMU) Transect and meets all of the relevant development standards specified for its location in the Plan Area.

The tables below show the relevant Specific Plan standards and the compliance of the project with those standards. The project is located on a portion San Pablo Avenue which is designated as a Community Street in the San Pablo Avenue Specific Plan.

### Regulation by Street Type:

**SPA Community Street**

<table>
<thead>
<tr>
<th>Building Placement</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Amenity Zone</td>
<td>6 ft. min</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Sidewalk Pedestrian Zone</td>
<td>8 ft. min</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Sidewalk Activity Zone</td>
<td>0 ft. min</td>
<td>0 ft. min</td>
</tr>
<tr>
<td>Ground Floor Front Setback</td>
<td>Min: distance needed to accommodate required zones</td>
<td>3 ft.</td>
</tr>
<tr>
<td></td>
<td>Max: Up to 10 ft. for non-residential uses; up to 15 ft. for residential uses</td>
<td></td>
</tr>
<tr>
<td>Side Setback</td>
<td>0 ft. min.</td>
<td>0 ft. min.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>See Shadows</td>
<td>5 ft. (No applicable shadow standard at rear)</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td>Street facing ground floor units and spaces to have individual entries along front or side streets. Upper floor units and</td>
<td>Residential entry on San Pablo Avenue.</td>
</tr>
</tbody>
</table>
spaces to be accessed by common entry along the front or side streets.

**Vehicular Access**
- Max 20 ft. 2-way driveways, minimum 100 feet apart. Side access on corner lots.
- (1) 17 ft. driveway on San Pablo Avenue

### Building Form

<table>
<thead>
<tr>
<th>Specification</th>
<th>Requirement/Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper Floor Setbacks</strong></td>
<td>See Shadows</td>
</tr>
<tr>
<td><strong>Building</strong></td>
<td>Building is setback in compliance with required shadow standards.</td>
</tr>
<tr>
<td><strong>Ground Floor Ceiling Height</strong></td>
<td>14 ft. min clear</td>
</tr>
<tr>
<td><strong>Upper Floor Ceiling Height</strong></td>
<td>9 ft. min clear</td>
</tr>
<tr>
<td></td>
<td>8 ft. 6 in. min</td>
</tr>
<tr>
<td></td>
<td>Project seeks a concession pursuant to the State Affordable Housing Density Bonus (see discussion below)</td>
</tr>
<tr>
<td><strong>Building Length</strong></td>
<td>200 ft. max</td>
</tr>
<tr>
<td></td>
<td>153 ft. along street frontage</td>
</tr>
<tr>
<td><strong>Ground Floor Transparency</strong></td>
<td>Residential 40% min</td>
</tr>
<tr>
<td></td>
<td>53%</td>
</tr>
<tr>
<td><strong>Upper Floor Transparency</strong></td>
<td>30% min</td>
</tr>
<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td><strong>Front Encroachments</strong></td>
<td>4 ft. max</td>
</tr>
<tr>
<td></td>
<td>0 ft.</td>
</tr>
<tr>
<td><strong>Rear Encroachments</strong></td>
<td>4 ft. max</td>
</tr>
<tr>
<td></td>
<td>0 ft.</td>
</tr>
<tr>
<td><strong>Allowed Frontage Types</strong></td>
<td>Min: 50% Flex</td>
</tr>
<tr>
<td></td>
<td>Max. 50% Forecourt (NE side). Max: 100% Shop Front, Arcade (NE side SPA) or Ecofront</td>
</tr>
<tr>
<td></td>
<td>100% Flex Front</td>
</tr>
</tbody>
</table>

### Open Space Requirements

<table>
<thead>
<tr>
<th>Requirement/Detail</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private/Common Open Space</strong></td>
<td>80 sq. ft./unit min 144x80=11,520 sq. ft. (Excess public open space may count toward private/common open space at a ratio of 0.5:1)</td>
<td>9,153 private and common open space + (1,265.15 excess public open space * 2) = 11,683.3 sq. ft.</td>
</tr>
<tr>
<td><strong>Public Open Space</strong></td>
<td>25 sq. ft./1,000 sq. ft. of building for buildings &gt;25,000 sq. ft. (Total of 3,097.85 sq. ft. required)</td>
<td>4,363 sq. ft. (excess of 1,265.15 sq. ft.)</td>
</tr>
</tbody>
</table>
Transit-Oriented Higher-Intensity Mixed Use Zone

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Parking</td>
<td>Up to 1.0 spaces/unit (Reductions and increases allowed with Zoning Administrator approval)</td>
<td>0.53 space per unit (total of 77 garage spaces)</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>Min 1 short-term space/10 units 144/10=14.4 (14) spaces</td>
<td>8 racks = 16 short-term bike spaces</td>
</tr>
<tr>
<td></td>
<td>Min 1.5 long-term spaces/unit 144x1.5=216 spaces</td>
<td>220 long-term spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum Height</th>
<th>Minimum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85 ft. max for affordable housing projects, as defined by State law</td>
<td>3 stories residential, 2 stories commercial</td>
</tr>
<tr>
<td></td>
<td>Project seeks a waiver pursuant to the State Affordable Housing Density Bonus (see discussion below)</td>
<td>85 ft.</td>
</tr>
</tbody>
</table>

State Affordable Housing Density Bonus

Based on the applicant’s commitment to include 10 qualifying Very Low Income units in the project, the project is eligible for a density bonus pursuant to California Government Code Section 65915. Using the project plans, staff calculated a “base project” of 77,938 square feet, with a total of 111 “base” dwelling units. The Base Project is the version of the project that could be built without modification of the development standards. In order to ensure the accuracy and feasibility of the base project, staff utilized a base project with a 65-foot height limit (as permitted under the TOHIMU development standards), and ensured that the average unit size in the Base Project and the average unit size in the proposed project were consistent.

Based on the applicant’s commitment to provide 9% (10 out of 111) of units in the base project as units affordable to Very Low Income households (≤50% Area Median Income) the project qualifies for a 30% density bonus. 30% of the 111-unit base project is 33 bonus units. Adding the bonus units to the base project results in 144 total units. Further, the San Pablo Avenue Specific Plan identified a maximum height of 85-feet (in the TOHIMU district) which is permitted under the affordable housing density bonus. The project proposes to provide the bonus units within this height limit.

Pursuant to the density bonus law, the applicant is permitted to request one “concession” or “incentive” and an unlimited number of “waivers”. Concessions or incentives can include modifications to development standards, zoning standards, and architectural or design standards, or other regulatory concession or incentives which result in “identifiable and actual cost reductions to provide for affordable housing.” Waivers are available for development standards that physically preclude the construction of the project that qualifies for a density bonus or incentive. In the case of this project, the applicant is seeking one concession and two waivers.
The concession seeks relief from the Ohlone Greenway frontage standards. Due to measures that are required to attenuate the existing noise conditions, providing openings along the Ohlone Greenway, if possible, would be costly. In order to provide the required noise attenuation and to reduce the cost of constructing the project, the applicant is seeking a concession to the frontage standards. Although the trail changes from the Ohlone Greenway to the Richmond Greenway when it crosses San Pablo Avenue, the San Pablo Avenue Specific Plan shows the Ohlone Greenway as crossing San Pablo Avenue. The Specific Plan incorrectly shows the Greenway on the north side of the site. However, staff determined conservatively, that the Ohlone Greenway designation is applicable to the south side of the site, where the Greenway exists in actuality.

The first waiver is an increase in the height limit, as previously discussed. This height increase is specifically permitted on FBC Table 05 of the San Pablo Avenue Specific Plan. “Affordable housing project[s], as defined by State law” are permitted at a maximum height of 85 feet in the TOHIMU district. The second waiver would allow the project to provide 8-foot, 6-inch ceiling heights on the upper floors, where 9-foot ceiling heights would normally be required. This will allow the project to provide the permitted bonus units within the 85-foot height limit identified in the San Pablo Avenue Specific Plan.

Architectural Design

The project features a contemporary architectural style. The San Pablo Avenue elevation features smooth stucco as the primary façade material. The stucco surface would be colored brown. The project would also feature large projecting bays clad in corrugated metal panels. The metal panels would be painted a gray color. The elevator shaft would be a prominent feature of the front elevation, and would be clad with dark bronze aluminum storefront windows. The ground floor façade would feature a similar aluminum storefront to the left of the elevator tower and a smooth, stained concrete surface, with windows, to the right of the elevator tower. Upper floor residential units would feature dark bronze vinyl windows. The north-facing building elevation would contain smaller projecting bays, clad in the same metal panels, with the smooth stucco surface dominating more of the north elevation.

In order to create the noise attenuation required for the project, the BART-facing façade will feature a building wall with no openings. At the October 2018 study session for the project, the applicant presented a plan with a flat surface facing the BART tracks where they proposed to place public art. The Design Review Board provided guidance to the applicant to incorporate an architectural treatment to this elevation to add interest to the building. In response, the applicant is proposing to utilize a Facid fabric system containing a durable polyester fabric that would be mounted over a metal frame and would provide a series of angled surfaces facing the BART tracks. The applicant has provided examples of similar installations in the project plan set. The manufacturer of the proposed Facid system offers a 10-year warranty for the product. In order to address any additional concerns about durability, staff is proposing a condition of approval that would require the applicant to enter into a maintenance agreement with the City that would allow the City to maintain the fabric system, if necessary. Below the fabric system would be a smaller mural (approximately 2 stories in height) facing the Richmond Greenway.
Landscape Design

As discussed above, the project contains a variety of open spaces, including a courtyard for residents of the project, a roof deck on the eighth floor, three public plaza areas and an active public parcourse area. The courtyard would feature common seating areas and a barbecue area, as well as a petanque court. The roof deck would feature seating areas and a barbecue area. The plazas would feature a mixture of hardscape and landscape areas, as well as amenities such as birdhouses, insect motels, and interpretive signage. The parcourse area would consist of a decomposed granite surface with parcourse equipment.

The plant palette features a mixture of drought-tolerant and native plants such as Manzanita, California Fuchsia, and California Grey Rush.

Design Review Process

Pursuant to Section 2.02.07.01.02.B of the San Pablo Avenue Specific Plan, Tier II Design Review is the entitlement process for new projects that have been designed in full-compliance with the design standards of the San Pablo Avenue Specific Plan.

The Design Review Board is the body of decision for Tier II Design Review. The discretionary scope of Tier II Design Review includes the following components:

- Exterior building colors, materials, and textures
- Landscaping
- Site Plan
- Building facades and articulation
- Relationship of the development to adjacent public rights-of-way
- Signs
- Locations and footprints of bioretention facilities as required for stormwater management
Design Review Board Comments

The Design Review Board reviewed the project on November 7, 2018 and gave comments to the applicant. The Board then continued the item to the December 5, 2018 meeting.

Comments from the Board and the applicant’s response to those comments are summarized below:

Comment:
There are inconsistencies between the elevations floor plans.

Response:
Revised project drawings have been provided. The floor plans and elevations have been created using the same software to avoid inconsistencies.

Comment:
The courtyard is not livable. The courtyard depth will prevent sunlight from reaching both the courtyard and the units which face the courtyard.

Response:
The courtyard has not been revised. The applicant has stated that the rooftop open space has been provided as an alternative to the courtyard.

Comment:
Put openings in stairways and corridors facing BART.

Response:
No additional openings have been provided.

Comment:
The garage gate should be perpendicular to the driveway.

Response:
The garage gate has been revised.

Comment:
Show additional renderings, including looking north from San Pablo.

Response:
The applicant has stated that additional renderings have been provided. However, no additional renderings are shown in the plan set.

Comment:
Redesign the stairway adjacent to the plaza along the Greenway to eliminate the hard corner. Perhaps utilize a triangular stairwell.

Response:
The stairwell has been reconfigured to lessen the visual impact from the Greenway, but it remains rectangular.

Other changes:
Wall section details have been added (Sheet A-302).
Art in Public Places

The project is required to comply with Chapter 13.50, Art in Public Places of the El Cerrito Municipal Code. The applicant is proposing to include art onsite. The project would include a mural facing the Richmond Greenway, as well as an art piece located at the corner of the building near San Pablo Avenue.

Monetary Contributions to the Community

To understand the direct and indirect contributions to the community, staff has created a list illustrating the financial contributions that will be made by the applicant related to this project. Some are directly submitted to the City of El Cerrito. Others are submitted to community agencies such as the West Contra Costa Unified School District and West County Transportation Advisory Committee. These contributions are over and above what is required for their fair share of impacts to: the Complete Streets component of the Specific Plan referenced below, any fees paid to the Stege Sanitary District and any building and planning user fees needed for processing the entitlement, plan review and inspection of the project during the construction phase.

1. Estimated* West Contra Costa Unified School District fee of $5.02 per square foot are assessed on gross square footage of the project. (123,914 sq. ft. x 5.02= $622,048.28) This money is collected by the School District to help fund both modernization and new construction of school facilities.

2. Estimated* West County Sub Regional Transportation Mitigation Program (STMP Fee) of $1,648 per multi-family dwelling unit. (144 du x $1,648=$237,312). This is collected by the City and transferred to West County Transportation Advisory Committee to assure that new development in West County pays its fair-share toward regional circulation and transit improvements that are proportional to the traffic impact the new development will generate. The local fees collected in West County provide congestion relief to mitigate traffic on regional routes and through improved transit service.

Total community contribution of this project is estimated to be $859,360.28

*Denotes that these fees change on a periodic basis and are due at building permit. As construction plans typically take 12 to 18 months to complete, these fees may have changed by the time payment is due.

Complete Streets Plan

The project will be required to make a fair-share contribution toward the improvements contained in the Complete Streets chapter of the San Pablo Avenue Specific Plan. These improvements will be made as funds become available.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times, mailed to owners of property within 300 feet of the project site and posted at the site on October 17, 2018.

Several public comments have been provided since the application was submitted. These comments are provided as Attachments 4-12.

In general, the comments raise concerns about the height of the project and its potential to block views from uphill properties. In response, staff points out that the height of the project is permitted under the TOHIMU zoning standards and the State affordable housing density bonus. In addition, the applicant has
provided view simulations from locations proscribed by the San Pablo Avenue Specific Plan which demonstrate that the project would not obstruct views of the key features identified in the Specific Plan.

In addition to these comments, City staff also sent the project plans to the City of Richmond for review. Richmond staff supplied a letter from Jonathan Livingston, Chair of the Richmond Design Review Board. This letter is included as Attachment 13.

In response to Mr. Livingston’s letter staff notes that the project meets all standards of San Pablo Avenue Specific Plan as permitted under the State affordable housing density bonus.

Environmental Review

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

An Initial Study Checklist has been prepared for this project (Attachment 3). The responses contained in the checklist confirm that the project is considered within the scope of the evaluation completed for the program EIR. No new impacts were identified and no new mitigation measures are required.

Several conditions of approval have been included in the draft resolution to ensure that key mitigation measures of the San Pablo Avenue Specific Plan Program EIR are implemented with regard to this project. The inclusion of these conditions ensures that the project will not have environmental effects which have not previously been addressed in the San Pablo Avenue Specific Plan EIR.

Intent of the Specific Plan

The project will implement the following strategies of the San Pablo Avenue Specific Plan:

**Strategy A.3:** Optimize Placemaking in all developments.

_The project addresses San Pablo Avenue with entries onto the street and landscaping improvements within the public-right-of-way. The project will also enhance the Richmond Greenway with additional public space. The project will continue to enhance the San Pablo Avenue corridor, as a place, by bringing more residential units to this location of El Cerrito._

**Strategy A.4:** Attract pedestrian activity to key nodes to foster community and identify places of interest.

_The project site fronts onto San Pablo Avenue, a Community Street. The proposed project will enhance the existing mixed-use node on San Pablo Avenue near MacDonald Avenue._

**Strategy B.1:** Maximize TOD potential (BART and AC Transit).

_The project will provide 144 new residential units in close proximity to existing AC Transit lines and the El Cerrito del Norte BART station. The project includes bike parking as required by the San_
Pablo Avenue Specific Plan and will provide a pleasant pedestrian environment along San Pablo Avenue and the Richmond Greenway.

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

The project will develop a vacant lot. The proposed project will provide 144 new residential units in close proximity to public transit on San Pablo Avenue, and the uptown-town district.

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

The applicant proposes to add 144 new residential units to a vacant parcel. The project will build upon the development of other projects in the San Pablo Avenue Specific Plan area, as well as recent public investment in improvements to San Pablo Avenue, and the Ohlone and Richmond Greenways.

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

The project will provide 144 new residential units by converting a vacant parcel into a new building in close proximity to existing public transit infrastructure.

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**General Plan Compliance**

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

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

*The project will provide 144 new housing units in the San Pablo Avenue Specific Plan Area with close proximity to public transportation and commercial uses.*

**LU2.1: San Pablo Avenue Specific Plan Area.** Promote retail, office, and mixed uses within the San Pablo Avenue Specific Plan Area to provide more tax revenues to the city.

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

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

*The proposed project will enhance the mixture of uses along San Pablo Avenue, which contains both residential and commercial land uses. The location of the project will provide the residents with convenient access to businesses, parks, schools, public transit, and the Ohlone and Richmond Greenways. The design of the project will allow for surveillance of the street, enhancing public safety.*

**LU6.2: Circulation Alternatives.** To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others. On San Pablo Avenue, in many
constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority.

The location of the project provides convenient access to frequent public transit along San Pablo Avenue as well as the El Cerrito del Norte BART station. The location also provides convenient walking access to local businesses.

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

The proposed residential use is compatible with the existing mix of land uses on San Pablo Avenue. The building is designed at a pedestrian scale, with units facing San Pablo Avenue. The building features a variety of colors and materials, and pop-outs and recesses, which create architectural interest.

CD2.1: Street Frontages. Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in the San Pablo Avenue Specific Plan area to be directly abutting sidewalks, with window openings, entries and high levels of transparency along the pedestrian frontage.

The building will abut the sidewalk on San Pablo Avenue and features pedestrian access to the street. The street-facing windows will allow surveillance of the street. The building features a high degree of glazing and transparency.

CD2.3: Streetscape Improvements. Maintain an active program of street tree planting and improved roadway landscaping through both public and private means. Design guidelines shall describe appropriate types of trees for commercial areas – to enhance the shopping experience rather than detract from it.

The project will provide new street trees and public improvements on San Pablo Avenue.

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

The project features common open space in the form of a courtyard and a rooftop deck with amenities. Private open space is being created with balconies on many of the units.

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

The project has provided landscaping in conformance with the standards in the San Pablo Avenue Specific Plan. New street trees will be installed on San Pablo Avenue, and new landscaping will be installed at the perimeter of the project and in the public and common open spaces.

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

The proposed plant palette includes native, drought-tolerance plants such as Manzanita, California Grey Rush, Yarrow, Flax, California Buckwheat and Dune Sedge.
CD4.2: Building Articulation. Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

The proposed building is articulated in compliance with the San Pablo Avenue Specific Plan. The building includes a varied façade and interesting building form. The building is designed at a human scale with a pedestrian entry on San Pablo Avenue. The Ohlone greenway frontage features a great degree of building articulation.

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

The proposed project requires Tier II Design Review approval from the Design Review Board in compliance with the San Pablo Avenue Specific Plan.

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

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

The project will provide 144 new residences in close proximity to public transportation and local businesses. In accordance with the goals of the San Pablo Avenue Specific Plan, the project will add housing units along San Pablo Avenue, a major transit corridor.

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

The building will abut the sidewalk on San Pablo Avenue and features pedestrian access onto the street via the lobby.

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

The project provides higher-density housing along a transit corridor consistent with the Transit-Oriented Higher-Intensity Mixed Use Transect Zone in the San Pablo Avenue Specific Plan.
H2.3: Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit, and enforce the San Pablo Avenue Specific Plan.

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

Required Findings
Pursuant to Section 2.02.07.01.02.B.3 of the San Pablo Avenue Specific Plan, in acting to approve or conditionally approve an application for a Tier II application, the Design Review Board shall make the following findings:

a. That the project complies with all applicable Specific Plan design standards;

As discussed in the staff report, the project complies with all standards of the San Pablo Avenue Specific Plan.

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

As discussed in this report, the proposed project will implement the following goals of the El Cerrito General Plan: LU1.5: Suitable Housing, LU2.1: San Pablo Avenue Specific Plan Area, LU4.1: Mixture of Uses, LU6.2: Circulation Alternatives, CD1.9: Building Design, CD2.1: Street Frontages, CD2.3: Streetscape Improvements, CD3.2: Usable Open Space, CD3.3: Site Landscaping, CD3.12, Landscape species; CD4.2 Building Articulation; CD5.1, Design Review Process; T2.1: Land Use Patterns, T2.2: Project Design, Policies H2.2, and H2.3.

Staff Recommendation
Based on the information contained in this report, staff recommends approval of Planning Application No. PL17-0028, as conditioned by the draft resolution in Attachment 1.

Proposed Motion
Move adoption of Design Review Board Resolution DRB 18-08 granting Tier II Design Review approval to Planning Application No. PL17-0028, a project that includes an 8-story residential building containing 144 dwelling units located at 11965 San Pablo Avenue.

Appeal Period
Within ten (10) calendar days after the date of the decision, the Design Review Board action may be appealed to the Planning Commission.
Attachments

1. Draft Resolution
2. Project Plans
3. Initial Study Checklist
4. Email from Marjorie Page, dated January 26, 2018
5. Email from Tracy Fortini, dated January 25, 2018
6. Email from Janaki Sullivan, dated January 25, 2018
7. Email from Robert Hopeman, dated January 25, 2018
8. Email correspondence with Brandon Mercer, dated December 20, 2017
9. Email from Kathy Kayhour, dated January 25, 2018
10. Notes from phone call with Pat Turnbull, dated January 29, 2018
11. Email from Ellen Spitalnik, dated December 15, 2017
12. Email from Garen Corbett, dated January 26, 2018
13. Letter from Jonathan Livingston, Chair of Richmond Design Review Board, dated June 29, 2018
APPLICATION NO. PL1-0107

A RESOLUTION OF THE CITY OF EL CERRITO DESIGN REVIEW BOARD GRANTING TIER II DESIGN REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW BUILDING CONTAINING 144 UNITS AT 11965 SAN PABLO AVENUE.

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

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

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

WHEREAS, the site is located at 11965 San Pablo Avenue;

WHEREAS, the existing Assessor’s Parcel Number of the site is 513-340-059;

WHEREAS, on March 1, 2017, the applicant submitted an application for Tier II Design Review;

WHEREAS, on March 16, 2018, the application was determined to be complete;

WHEREAS, on November 7, 2018, the Design Review Board, conducted a public hearing and continued the project to the December 5, 2018 meeting;

WHEREAS, on December 5, 2018, the Design Review Board, after due consideration of all evidence and reports offered for review, does find and determine the following:

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

2. The project complies with all applicable standards of the San Pablo Avenue Specific Plan. The project complies with the standards for the Community Street type, the standards for the Transit-Oriented Higher-Intensity Mixed Use district, and all other applicable standards of the San Pablo Avenue Specific 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. PL17-0028, subject to the following conditions:
Planning Division:

1. The project will be constructed substantially in conformance with the plans dated November 1, 2018. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If Applicant constructs the building or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

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

5. The applicant shall share the conditions of approval with their general contractor for the project. The general contractor shall sign a copy of the conditions of approval to acknowledge that he/she is aware of all these conditions of approval and will comply as directed.
   a. Prior to the issuance of a building permit, this signed copy shall be returned to the planning and building division and kept as part of the project file. The conditions of approval shall be reviewed at the mandatory pre-construction meeting held between the City and the General Contractor. A copy of the conditions of approval shall be maintained on the project site at all times during construction.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to issuance of building permit.

8. The cost of all automobile parking shall be separate from the sale or rental price of all residential units. All renters and/or buyers of market-rate residential units shall be free to not rent and/or purchase parking.

9. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit to allow this use.

10. Prior to the issuance of a building or demolition permit the Applicant/Developer shall submit a notice containing the following information to the satisfaction of the Zoning Administrator (text shown in quotes shall be reproduced verbatim on the notice.) Once approved, the text on this notice shall be transferred onto a 6 foot by 3-foot sign on the project site’s construction fence. This temporary sign shall be made of weather resistant materials and remain in place for the duration of the construction
of the project.
   a. “Emergency contact number: 9-1-1”.
      “This number should only be used in case of fire or criminal activity is observed.”
   b. “Urgent contact numbers:”
      “These numbers should be used for urgent issues such as dust and noise concerns.”
      The telephone number and name of person to contact (construction liaison) that is authorized
      to address urgent concerns on the project team’s team. “This person shall respond and take
      corrective action within 24 hours of receipt of complaint.”
   c. The Air District’s phone number:
      “Bay Area Air Quality Management District: 1-800-334-ODOR (6367) for any issue related to
dust and/or air quality”
   d. The number of the “Development Service Manager in El Cerrito (510) 215-4332 if any
community member has questions or concerns regarding the project.”
   e. A color rendering of the new project that has been approved for construction along with a
brief, factual project description. An interested party contact is also allowed in this section of
the notice.

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

11. Aesthetics and Visual Resources. (Mitigation 4.2): The project shall install landscaping and incorporate
other measures into and around parking structure(s) (light source shielding, etc.) as necessary to ensure
that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential
uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design
review process.

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

12. Air Quality (Mitigation Measure 5.1): Implement the following Bay Area Air Quality Management
District (BAAQMD) recommended measures to control particulate matter emissions during
construction. City staff will spot check that these measures are being implemented throughout the
construction phase of the project. These measures reduce diesel particulate matter PM2.5 and PM10
created from construction to ensure that short-term health impacts to nearby sensitive receptors are
avoided or reduced:

     Dust (PM2.5 and PM10) Control Measures:

     a. Water all active construction areas at least twice daily and more often during windy periods. Active
        areas adjacent to residences should be kept damp at all times.
     b. Cover all hauling trucks or maintain at least two feet of freeboard.
     c. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access
        roads, parking areas, and sweep daily (with water sweepers) all paved access roads, parking areas,
        and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited
        onto the adjacent roads.
     d. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded
        areas that are inactive for 10 days or more).
     e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
     f. Limit traffic speeds on any unpaved roads to 15 mph.
     g. Replant vegetation in disturbed areas as quickly as possible.
     h. Suspend construction activities that cause visible dust plumes to extend beyond the construction
        site.
i. Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

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

j. The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.

k. Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.

l. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

m. Properly tune and maintain equipment for low emissions.

13. Air Quality (Mitigation Measure 5.2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed to the satisfaction of the Zoning Administrator. This assessment shall be completed either through screening or refined modeling to identify impacts and, if necessary, include performance standards and industry-recognized measures to be accomplished through, though is not limited to, the following measures:
   a. Construction equipment selection.
   b. Use of alternative fuels and engine retrofits temporary line power or electric equipment.
   c. Modified construction schedule; and
   d. Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

14. Prior to the issuance of a building permit, the applicant shall implement a program, for review and approval of the Zoning Administrator, that includes the following elements:
   a. Archeological resource identification training procedures for construction personnel
   b. Procedures for reporting archeological discoveries

15. Biological Impacts (Mitigation Measure 6.1): Removal of trees, shrubs, or weedy vegetation between February 1 and August 31 shall require a survey for nesting birds by a qualified wildlife biologist to the satisfaction of the Zoning Administrator. The survey shall be conducted no sooner than 14 days prior to the start of removal of trees, shrubs, or weedy vegetation. Survey results shall be valid for 21 days following the survey. Any removal of trees, shrubs, or weedy vegetation more than 21 days after a survey shall require a new survey. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.
A qualified biologist shall conduct preconstruction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

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

16. Historic and Cultural Resources (Mitigation Measure 7.2): If subsurface archeological or cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist shall be retained to evaluate the finds following the procedures described in Mitigation Measure 7-3 of the San Pablo Avenue Specific Plan Environmental Impact Report. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been notified of the remains and has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

17. Paleontological Resources (Mitigation Measure 7.3): The applicant shall implement a program that includes the following elements:
   a. Paleontological resource identification training procedures for construction personnel
   b. Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface
   c. Procedures for reporting paleontological discoveries and their geologic context

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

18. Geology and Soils (Mitigation Measure 8.1): As required by the Building Official, subject to City review and approval, the applicant shall complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

19. Noise (Mitigation Measure 13.1): Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond General Plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA Ldn, the local established land use compatibility threshold. In areas where residential developments would be
exposed to an Ldn of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (Ldn) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.

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

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

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

d. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.

20. Noise (Mitigation 13.2): New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

a. Noise levels at residential property lines from commercial development shall be maintained not in excess of the General Plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business—including loading docks, refuse areas, and ventilation systems—would meet these requirements and would be consistent with the respective City’s noise standards.

b. Ensure that noise-generating activities, such as maintenance and loading and unloading, are limited to the hours of 7:00 AM to 9:00 PM.

21. Noise and Land Use Compatibility/Construction Noise (Mitigation Measure 13.3): Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures shall be implemented to reduce noise from construction activities:

a. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.

b. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

c. Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
d. Prohibit unnecessary idling of internal combustion engines.
e. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
f. Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.
g. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.
h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.
j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.
k. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

22. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:
   a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
   b. Avoid using vibratory rollers and tampers near sensitive areas.
   c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
      1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
      2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
      3. Design construction contingencies that would be implemented when vibration levels approached the limits.
      4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
      5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
      6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:
23. The BAAQMD’s Planning Healthy Places recommend installation of air filters rated at a minimum efficiency reporting value (MERV) 13 or higher in exposed buildings associated with sensitive land uses (e.g. schools, residences, hospitals). Increased cancer risks from I-80 traffic at the project site is significant. Cancer risks is mostly the result of exposure to diesel particulate matter, although, gasoline vehicle exhaust contributes. The project shall include the following measures, as a condition of approval, to minimize long-term diesel particulate matter exposure, which leads to increased cancer risk, for new project occupants:

- Install air filtration in residential buildings. Air filtration devises shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered.
- As part of implementing this measure, an ongoing maintenance plan for the buildings’ heating, ventilation, and air conditioning (HVAC) air filtration shall be required.
- Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

24. The project design shall implement the following measures to achieve an interior noise level of 45 dBA Ldn or less, in compliance with City noise standards:

a. South Façade:
   i. For units with no exterior windows or other openings on the southern façade, exterior walls must have a minimum STC rating of 61. Preliminary calculations indicate that the use of an internally insulated staggered wood stud assembly with two layers of 5/8” gypsum board at the interior face and 7/8” thick three coat stucco at the exterior would provide this STC rating; however, the STC rating may be achieved through other design approaches.
   ii. For units with windows or other glazing on the southern façade, exterior walls must have a minimum STC rating of 61, bedroom windows must have a minimum STC rating of 58, and all other south-facing windows (not in bedrooms) must have a minimum STC rating of 51. This STC rating can be achieved with the use of a secondary window or equally spaced glazed 2 to 4 inches back from the exterior window.

b. Western Façade:
   i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the western façade must have a minimum STC rating of 57, and all exterior doors on the western façade must have a minimum STC rating of 50. The STC rating for doors can be achieved with used of a standard sliding glass with secondary acoustical glazing spaced 4 inches off of the door face.

c. Eastern Façade:
   i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the eastern façade must have a minimum STC rating of 38, and all exterior doors on the eastern façade must have a minimum STC rating of 35.

d. Northern Façade:
i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the northern façade must have a minimum STC rating of 35, and all exterior doors on the northern façade must have a minimum STC rating of 32.

e. The STC ratings required by this condition shall be documented and submitted to the City for review before final building permits are granted.

25. Prior to issuance of a building permit, the applicant shall develop a construction noise control plan, including, but not limited to, the above mitigation measures provided by Mitigation 13-3 of the San Pablo Avenue Specific Plan EIR, and the following controls:

- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Locate staging areas and construction materials areas as far away as possible from adjacent land uses.

26. Prior to Certificate of Occupancy, the applicant shall provide mirrors at the driveway ramp curves to ensure adequate visibility between vehicles entering and exiting the project site to the satisfaction of the Public Works Director.

27. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit the necessary application to the Public Works Department to ensure that 20 feet of red curb be provided on San Pablo Avenue on both sides of the project driveway. The applicant shall ensure that the canopy of trees within the public right-of-way be maintained no lower than 6 feet from the ground on both sides of the project driveway.

28. Prior to issuance of a building permit, the project plans shall provide a minimum of an 8-foot wide clear pedestrian zone along San Pablo Avenue with no obstructions.

29. The applicant shall provide 10 units of Very Low Income affordable housing in the project for a minimum of 55 years.

30. Prior to the issuance of a building permit, the applicant shall enter into an Affordable Housing Agreement that implements El Cerrito Municipal Code Section 19.22 and California Government Code Sections 65915 - 65918. The Affordable Housing Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the Very Low Income affordable housing units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. In addition, the following provisions shall apply: Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5. Rent shall include a reasonable allowance for utilities, as published and updated by the Housing Authority of the County of Contra Costa, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service or cable TV. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.

31. Prior to the issuance of a building permit, the applicant shall enter into a Maintenance Agreement with the City for the fabric wall system on the southern façade of the project.

Public Works Department:
32. Prior to the Certificate of Occupancy, applicant shall provide an easement recorded by the county, for the proposed driveway and storm water drainage management facilities at the City of Richmond public right of way. The proposed storm water management facilities on this easement shall be described as perpetual facilities that City of Richmond would agree not to modify on its perpetuity.

33. Prior to the issuance of a building permit, applicant shall provide a detailed civil plan for off-site work (improvements in the PROW).

34. Prior to the issuance of a building permit, applicant shall provide an access circulation study for the proposed San Pablo Avenue driveway, completed by a traffic engineer in which provides any necessary signage and striping required to keep sight lines clear and safe movement in and out of the proposed driveway. Striping and signs changes on San Pablo Avenue and at along the property frontage may be required.

35. Prior to the Certificate of Occupancy, applicant shall remove and replace sidewalk, curb, gutter and curb ramps along the frontage of the property to current ADA and City standards.

36. Prior to the issuance of a building permit, applicant shall submit an estimate of grading and earthwork to be completed for the project. Any earthwork and/or grading operations in excess of 50 cubic yards will require the applicant to submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.

37. Prior to the start of ANY work in the public right-of-way, including any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.

38. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan, showing all planting in the right-of-way. All new street trees are to be installed, they must be selected from the City Master Tree List and approved by the City Arborist before installation. Tree species, location, spacing, tree well size, and planting details, are to be approved by the City Arborist before installation. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.

39. Prior to Certificate of Occupancy, applicant shall deactivate and remove traffic signal blankout head locates at the existing southern driveway for the site (former drive-thru) and return it to the City of El Cerrito Corporation Yard.

40. Improvements on the property frontage shall follow the adopted San Pablo Avenue Specific Plan Complete Streets Design Standards and Guidelines section. This also includes signage, striping and curb painting.

41. Prior to the Certificate of Occupancy, per the adopted San Pablo Avenue Specific Plan Complete Streets section and the adopted Active Transportation Plan, the Applicant shall update the two (2) curb ramps and associated crosswalks at the proposed driveway.

42. Installation of bike racks in the public right-of-way requires a Public Works Encroachment Permit. The locations of all bike racks in the public right-of-way shall be to the satisfaction of the Public Works Director.

43. Prior to the issuance of a building permit, applicant shall prepare an Erosion and Sediment Control Plan for construction.
44. Prior to issuance of a building permit, applicant shall complete the Stormwater Control Plan to demonstrate the infeasibility of implementing a LID on the entire site, as specified on the Contra Costa Clear Water program – Stormwater C.3 Guidebook -7th addition (under page 44).

45. Applicant shall complete a Stormwater O&M Agreement for the Public Works Department to review and approve prior to Certificate of Occupancy.

46. The City of Richmond and City of El Cerrito have just completed the restoration of the portion of the Baxter Creek immediately adjacent to proposed development and new vegetation has been installed along the restored creek banks. The shadow study shows a good portion of this recent installed vegetation being shadowed with the future building. Applicant shall prepare a report by a licensed landscaping architect on the impact that the reduced sunlight may cause to the newly installed creek bank vegetation to the satisfaction of the Public Works Director. This study may require replacement of new plant species in the future. Applicant shall be responsible for implementing the recommendations/findings of the report to the satisfaction of the Public Works Director.

47. Prior to issuance of the Building Permit, the project Applicant shall pay a fair share contribution towards the implementation of the multi-modal Complete Streets improvements identified by the Specific Plan as determined by the Public Works Director.

Building Division:

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

Fire Department:

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

a. Emergency Vehicle Access
   1. If gates are installed across EVA roads, gates shall be operable by the use of a Knox Key.
   2. A “KNOX BOX” shall be installed with keys for all common areas.

b. Fire Flow Requirements
   1. Provide code analysis of required total firefighting water.
   2. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
   3. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

c. Fire Riser Locations
   1. Fire FDC’s shall be in locations acceptable to the fire department for emergency operations.
   2. Fire FDC’s shall be interconnected between the two buildings.

d. Gates
   1. All gates shall be operable by the use of a Knox Key.
   2. A “KNOX BOX” shall be installed with keys for all common areas at all gates and doors.

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

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

g. Emergency Egress
1. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CFC 1030.
2. Escape or rescue windows shall be installed in accordance with CFC 1030.
3. Exit signs shall be internally or externally illuminated.
4. Emergency electrical system to automatically illuminate means of egress.

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

i. Standpipes
1. Standpipes shall be wet.
2. Standpipes shall extend to the roof where required.
3. Fire Department valve connections shall be in the intermediate landings of stairwells.
4. Standpipes shall be located in both stairwells.

j. Smoke & Heat Vents
1. Smoke & heat vents shall be installed on roof above each stairwell.
2. Smoke & heat vents shall be equipped with fusible link.
3. Smoke & heat vents shall be equipped with manual release for emergency operations.

k. Fire alarm System
1. Fire alarm plans shall be submitted for review and approval.

l. Smoke Detection
1. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
2. Smoke detectors shall be 120v powered with battery backup.
3. Smoke detectors shall be interconnected when more than one is required per sleeping area.
4. Single Station or Multiple-Station Smoke alarm(s) not required to activate fire alarm system outside of sleeping area.

m. Carbon Monoxide Detectors
1. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
2. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
3. Carbon Monoxide alarms shall be120 v Powered with battery backup and be interconnected with the smoke detectors.

n. Electrical
1. All electrical breakers shall be labeled.

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

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

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

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on December 5, 2018, upon motion of Boardmember _____, second by Boardmember ______:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Sean Moss, AICP
Senior Planner
The form-based code compliance data is as follows:

- **TRANSPORT ZONE**
  - **UPFainties**
    - **LOCATION**
      - **FABRIC HOUSING**
        - **LAND USE**
          - Proprietary, Multi-Family Residential, zoned P (permitted) or R (required) that require no discretionary review if in compliance with all standards.

- **INCLUSIONARY HOUSING**
  - Project is an affordable housing project as defined by state law.
  - Tenants renting to Low Income for the area (50% Average Median Income).

- **DEVELOPMENT STANDARDS**
  - **BUILDING HEIGHT**
    - Maximum 85'-0" as project is consistent as an affordable housing project, as defined by state law.
    - Project is an affordable housing project as defined by state law.

- **FORM BASED CODE COMPLIANCE DATA**
  - **BUILDING FORM**
    - Upper Floor Ceilings: 11'-0" min. - 11'-0" max.
    - Ground Floor Ceilings: 10'-0" min. - 11'-0" max.
    - Exterior Lighting: Dark Sky certified.
    - Ground Floor Par Front: 5'-0" min. - 6'-0" max.
    - Wall Offset at Street Front: 50% of Wall.

- **SUSTAINABLE DESIGN**
  - Building will comply with California Building Energy Efficiency Standards.
  - Entry Recesses: 1'-0" min. - 2'-0" max.
  - Bicycle Minimum: 77 auto spaces, 12' min. - 18' max.
  - Landscaping:
    - An art composition along the Ohlone Greenway face of the building will be custom designed and fabricated by a recognized artist.
    - The cost of the work will be 1% of the construction cost or $150K, whichever is less.
  - Entry:
    - Recess 1'-0" min. - 2'-0" max.
    - Height 12'-0" min. - 14'-0" max.
    - Depth 6'-0" min. - 6'-0" max.
    - Colors, Materials and Textures: Balanced.
    - Glazing: 75% clear glazing.

- **TIER 2 APPLICATION**
  - Issue Date: 02/22/17
  - Renewal Date: 03/28/19
  - Project will make use of the City of El Cerrito incentive to provide 85'-0" maximum building height (from 65'-0") if project is consistent as an affordable housing project, as defined by state law.
SAN PABLO AVENUE FACADE ARTICULATION DIAGRAM
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<th>Type</th>
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<th>Remarks</th>
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Total: 1,308.75 SF

Ground Floor and Upper Floor Transparency Calculations
SAN PABLO RIGHT OF WAY FROM CALTRANS DRAWING

SHADOW STUDY - DECEMBER 21ST @ 1:30 PM.
SAN PABLO AVE

EXISTING CONDITIONS

1. No existing buildings or structures on the site.
2. Existing utility lines and utilities, as indicated on the plan.

BASIS OF ELEVATION

Elevation measurements are based on the National Geodetic Vertical Datum of 1988 (NGVD88).

TOPOGRAPHIC SURVEY AND BOUNDARY

The topographic survey was conducted using high-precision surveying equipment, as indicated on the plan.

GENERAL NOTES

1. The project site is located at 11965 SAN PABLO AVE, EL CERRITO, CA.
2. The project is subject to local building codes and regulations.

FILE NO. 20175235
SHEET NO. 1 OF 3
COUNTY NO. OF BKF JOB NO.
DATESCALE 11-21-2018

D. M. THOMAS
M. THOMAS J. WHITE
J. YOUNG

BAXTER CREEK APARTMENTS
11965 SAN PABLO AVE, EL CERRITO, CA

DRAWN:
DESIGNED:
CHECKED:
APPROVED:

M. THOMAS
M. THOMAS J. WHITE
J. YOUNG

R. EXISTING CONDITIONS

C1.0
SOUTH ELEVATION - BART WALL - MURAL, PUBLIC ART, AND UNDULATING WALL FROM THE PEDESTRIAN EXPERIENCE.

PUBLIC ART CONCEPTS WRAPPING THE WALL.

FABRIC AND FACID WALL IMAGES.

SOUTH ELEVATION - BART WALL - MURAL AT THE PEDESTRIAN LEVEL TO 15 FEET ABOVE GRADE. FLOORS 2-7 ARE FACID FRAME PANELS WITH POLYESTER FABRIC IN AN UNDULATING PATTERN TO BE WORKED OUT WITH THE ARTISTS. PUBLIC ART PIECE WILL WRAP SAN PABLO AVENUE AND THE OHLINE GREENWAY ON THE BUILDING.
**W**ood Veneer Resin Panels at Recesses

**B**) Integral Color Smooth Stucco at Primary Facade

**C**) Smooth Stained Concrete at Building Base Walls

**D**) Metal Panel Siding at Exterior Facade Bays

**E**) Location of Public Art on Building Wall at Greenway

**F**) Horizontal Powder Coated Metal Guardrails at Balconies

**G**) Dark Bronze Anodized Aluminum Storefront and Doors

**H**) Dark Bronze Vinyl Windows and Doors, Typical
Along the water, look for mallard ducks -- males with bright green heads -- as well as pure white ducks. snowy egrets, the larger great egrets, and great blue herons.

Open space and varied habitats draw many birds to this area. Red-tailed hawks soar with hoarse whistles. The little kestrel often hovers, hunting insects.  The stubby-tailed grey bird calling nasally is a red-breasted nuthatch. hunting insects as it loops from low perches to catch insects.

On land, the black phoebe creeps and flutters along trunks and branches. A very small, plain grey bird is likely a bushtit or, if it has a slight crest, an oak titmouse. A few birds are colorful. A small all-yellow bird is likely a yellow warbler, particularly fond of willows and creeksides. A black-and-white crowned sparrow, another bird with a striped cap indicates a white-winter tanager.

Brownish birds blushing red on their wings may be a chestnut-backed chickadee has white cheeks and a black cap and chin. Along the water, the stubby-tailed grey bird that likes watersides may be a drab orange-crowned warbler, while the black phoebe flits among twigs hunting insects.

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COURTYARD PLANT PALETTE

- Aeonium 'Simsii'
- Lomandra longifolia 'Breeze'
- Phormium 'Jack Spratt'

SITE ELEMENTS

- Sofa seating
- Prefab planters
- Fireplaces
- Dining table and chairs
- Outdoor kitchen

SITE ELEMENTS

- Courtyard plant palette
- Prefab GFRP planters
- Outdoor kitchen
- Fireplace
- Wood decking
- Concrete pavers on pedestal
- Dining table and seating
- Outdoor kitchen (2) BBQ and sink

1/8" = 1'-0"
ENVIRONMENTAL COMPLIANCE CHECKLIST

Baxter Creek Apartments Project

Prepared for
City of El Cerrito

Prepared by
Circlepoint

October 2018
# Baxter Creek - 11965 San Pablo Avenue

**CEQA Environmental Checklist**

<table>
<thead>
<tr>
<th><strong>Project Title</strong></th>
<th>Baxter Creek Apartments at 11965 San Pablo Avenue</th>
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</thead>
</table>
| **Lead agency name and address:** | City of El Cerrito Planning Division  
10890 San Pablo Avenue  
El Cerrito, CA 94530 |
| **Contact person and phone number** | Sean Moss (510) 215-4359 |
| **Project Location:** | 11965 San Pablo Avenue  
El Cerrito, CA 94530 |
| **File Number:** | PL17-0028 |
| **Project sponsor’s name and address:** | Charlie Oewel, 11965 San Pablo, LLC  
1606 Juanita Lane, Suite A  
Tiburon, CA 94920 |
| **Property Owner:** | 11965 San Pablo, LLC  
1606 Juanita Lane, Suite A  
Tiburon, CA 94920 |
| **General Plan Designation:** | Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) |
| **Zoning:** | Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) |
| **Description of project:** | The project would include demolition of the one existing structure and parking lot and construction of a new 123,914 square foot, 8-story, 85-foot tall multi-family residential building with a total of 144 dwelling units and 77 parking spaces. |
| **Surrounding land uses and setting briefly describe the project’s surroundings:** | The project site is bordered by a trail to the north, which connects with the Ohlone Greenway across San Pablo Avenue. There are several commercial uses including a church and restaurant across the trail. San Pablo Avenue borders the project site to the east, across which there is a grocery store, associated parking lot, and laundromat, as well as the Baxter Creek Gateway Park and Ohlone Greenway. The project site is bordered to the south by the Richmond Greenway Trail and Bay Area Rapid Transit (BART) tracks, beyond which are commercial uses including big-box stores, undeveloped land, and Interstate 80 (I-80). |
| **Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):** | None. |

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1 Measured from the finished grade to bottom of parapet along San Pablo Avenue.
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Appendix F: Transportation Analysis
1 Introduction

This checklist and attached supporting documentation have been prepared to analyze the potential environmental impacts of the Baxter Creek Apartments (the project) in relationship to the prior environmental review conducted for the project site in the City of El Cerrito’s San Pablo Avenue Specific Plan Environmental Impact Report (Specific Plan EIR). This analysis considers whether the environmental impacts of the project have already been analyzed under the California Environmental Quality Act (CEQA) (Pub. Resources Code (PRC), Section 21000, et seq.).

This document has been prepared in accordance with the relevant provisions of CEQA and the CEQA Guidelines as implemented by the City of El Cerrito (City). According to Section 15168(c)(2) of the 2017 CEQA Guidelines, a program EIR can be used to address the effects of a subsequent activity so long as the activity is within the scope of the project covered by the program EIR, no new effects are found, and no new mitigation measures would be required. As supported by the analysis in this document, the project would not result in new or substantially more severe significant environmental effects than what was analyzed in the Specific Plan EIR.

1.1 Project Background and Prior CEQA Documentation

In 2007, the City began the process to prepare a Specific Plan for San Pablo Avenue. The major goals of the Specific Plan were to articulate a vision for the future of San Pablo Avenue, identify improvements, and adopt context-sensitive regulations that could be applied along its length and to adjacent areas.

In 2014, the City certified the Specific Plan EIR (State Clearinghouse #2014042025) and adopted the San Pablo Avenue Specific Plan. The Specific Plan includes (1) a Form-Based Code (FBC) to provide clear signals to developers as to the type, location, and shape of desired development; (2) multimodal transportation goals and policies including streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements to support new development.

1.2 CEQA Requirements

CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms the project at 11965 San Pablo Avenue would be within the planning area of the Specific Plan EIR and would have no new significant environmental effects nor substantially increase the severity of previously identified significant effects, and no new mitigation measures are required beyond those identified in the Specific Plan EIR. As such, the City finds that impacts resulting from implementation of the project would be within the scope of the Specific Plan EIR and no supplemental environmental document is required. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15168, the project does not require any further review under CEQA.
2 Project Description

2.1 Project Location and Setting

The project site is at 11965 San Pablo Avenue (APNs 513-340-059 and 513-340-046) within the cities of El Cerrito and Richmond, respectively, in Contra Costa County, California (Figure 1). The project site consists of two parcels located along the Municipal Boundaries of El Cerrito and Richmond, with a parcel in each city. El Cerrito is the project lead agency per the California Environmental Quality Act (CEQA). The 0.65 acre project site is largely flat. The eastern side of the project site has frontage on San Pablo Avenue, and the south and west sides of the project site abut elevated BART tracks. The El Cerrito parcel contains an existing one-story vacant commercial building built in 1998, an asphalt parking lot, and perimeter landscaping and has historically been part of a nursery operation. The Richmond parcel is developed with driveway access that serves the existing building on the El Cerrito parcel.

Commercial properties, including a take-out restaurant, church, and auto body shop, are located north of the project site. Across San Pablo Avenue, additional commercial properties are located in proximity to the project site including a grocery store to the northeast, a laundromat to the southeast, and a home improvement store to the south across the BART tracks. I-80 is located to the west of the site, and the Richmond parcel is bordered by vacant, undeveloped land. Surrounding land uses are depicted in Figure 2.

The project site is located within the Specific Plan area and has a land use designation of Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) as shown in Figure 3 and Figure 4. The zoning for the project site is also TOHIMU. Multi-family residential land use is permitted for TOHIMU per Section 2.03.03 of the Specific Plan. The El Cerrito Del Norte BART station is located 0.4 miles east of the project site, and the El Cerrito Plaza Bart Station is located 2.27 miles southeast. As described in further detail herewith, there have been no substantial changes in environmental circumstances at or around the project site since certification of the Specific Plan EIR.

The majority of project improvements would occur on the El Cerrito parcel (APN 513-340-059), including construction of the proposed residential building. Minor project improvements would occur within Richmond (APN 513-340-046) and would entail driveway reconfiguration and landscaping activities. The Richmond parcel is zoned CM-3, Commercial Mixed-Use, and the land use designation is Medium Intensity Mixed Use.

The Richmond Greenway Trail is south of the project site and connects to Baxter Creek Gateway Park and the Ohlone Greenway across San Pablo Avenue. An additional trail is located directly north of the project site which provides a connection to Baxter Creek Gateway Park and the Ohlone Greenway.

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2 Joe DeCredico Studio, project plans, 2017.
2.2 Specific Plan Development Capacity

The Specific Plan provides the framework for future development along San Pablo Avenue. As shown in Table 1, the Specific Plan EIR analyzed a maximum development capacity of 1,706 new residential units and 243,112 square feet of new commercial space. Since approval of the Specific Plan, 1,286 residential units and 63,893 square feet of commercial space are under construction, have been proposed, or are undergoing City approval process.

Table 1  San Pablo Avenue Specific Plan Area Development Capacity 2013-2040

<table>
<thead>
<tr>
<th></th>
<th>Residential Units</th>
<th>Commercial (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Plan Existing Conditions (2013)</td>
<td>1,340</td>
<td>2,016,370</td>
</tr>
<tr>
<td>Specific Plan Development – Net New (2040)</td>
<td>1,706</td>
<td>243,112</td>
</tr>
<tr>
<td>Total Future– Existing (2013) + Net New (2040)</td>
<td>3,046</td>
<td>2,259,482</td>
</tr>
<tr>
<td>Development Capacity Remaining (2017)</td>
<td>420</td>
<td>179,219</td>
</tr>
</tbody>
</table>

Source: San Pablo Avenue Specific Plan Area: Development Proposed, Under Construction or Recently Completed, City of El Cerrito, September 2018.

2.3 Project Characteristics

The project would include demolition of the one existing structure on site and construction of a new eight story, 85-foot tall multi-family residential building with a total of 144 dwelling units, as shown on Figure 5, Figure 6, and Figure 7. The project would be an affordable housing project, with 10 percent of the units rented to very low income tenants. This affordable housing component would allow the project to make use of the State Affordable Housing Density Bonus as implemented by the San Pablo Avenue Specific Plan, for a maximum permitted building height of 85 feet. The proposed residential units would include a combination of studios, 1-bedroom, and 2-bedroom units. The gross building area would be 123,914 square feet, plus a 16,420-square-foot underground parking garage. Implementation of the project would require removal of ten trees onsite. Construction of the project is expected to be completed in one phase and last approximately 20 months.

The parking garage would include 77 parking spaces, 220 long-term bicycle parking spaces, and 8 electric vehicle charging stations. Auto access to the project would be provided via an approximately 24-foot wide driveway along the northern side of the project site connecting to San Pablo Avenue. The 77 parking spaces would provide a parking ratio of 0.5 spaces per unit, consistent with TOHIMU regulations in the Specific Plan which set forth a parking maximum of 1 space per unit.

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3 Measured from the finished grade to bottom of parapet along San Pablo Avenue.
The project would be accessible by automobiles, public transit, bicycles, and walking. Bus stops are located at the corner of San Pablo Avenue and Macdonald Avenue, approximately 0.1 miles south of the project site, and the El Cerrito Del Norte BART station is located approximately 0.4 miles east. The project would enhance pedestrian and bicycle access by updating the sidewalk along the project perimeter on San Pablo Avenue and installing 220 long-term bicycle storage spaces for tenants. Eight short-term bicycle parking spaces would be provided along San Pablo Avenue.

The building would be set back a minimum of 14 feet from the curb line of San Pablo Avenue on the ground floor and would have a 10-foot set back from the property boundary along the BART tracks. All exterior lighting would be Dark Sky certified.4 Landscaping would be provided along San Pablo Avenue, along the perimeters of the project site, and in several public and private open spaces, as shown in Figure 8.

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4 The International Dark Sky Association (IDA) is a premier authority on light pollution. IDA maintains a database of lighting products certified to minimize glare, reduce light pollution, and protect the night sky.
Figure 1 Regional Location Map
Figure 2 Project Site Map
Figure 3 Land Use Map
Figure 4 Zoning Map
Figure 5 Site Plan
Figure 6 Elevations
Figure 7 Renderings
Figure 8 Landscaping and Planting Plan
3 Evaluation of Environmental Impacts

The following discussion addresses the potential level of impact relating to each aspect of the environment.

3.1 Aesthetics

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New 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

As noted in the Specific Plan EIR, implementation of the Specific Plan would enhance the visual and aesthetic character of the planning area by incorporating Form-Based Code and Complete Streets design guidelines and development standards. These guidelines and standards support and maintain a strong sense of place and visual identity on San Pablo Avenue. These design and development standards are included in Chapter 2, Form Based Code and Chapter 3, Complete Streets of the Specific Plan.

The City’s location between the I-80 freeway and the East Bay Hills affords views of the Golden Gate Bridge, San Francisco skyline, and Mt. Tamalpais. The primary potentially significant impact to scenic resources identified in the Specific Plan EIR was the potential for Specific Plan development to obstruct scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, East Bay Hills, and Albany Hill from public rights-of-way, and areas of lower elevation such as hillside homes in El Cerrito.

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and Richmond (Impact 4-1). This impact was determined to be significant and unavoidable; however, the Specific Plan EIR requires individual development projects to complete further evaluation to determine if they meet the standards and guidelines set forth in the Specific Plan.

As a result of the topography and surrounding land uses, the project site is not visible from local parks. Views of the project site from public areas in the hills, such as Tassajara Park, are likely blocked by intervening development. However, as generally demonstrated by the visual simulations below, the project site does not dominate viewsheds and the project would be consistent with existing development in the City of El Cerrito.

The Specific Plan identifies scenic views of the San Francisco Bay Area from public viewpoints. Key scenic views include Mt. Tamalpais, the Golden Gate Bridge, Albany Hill, and the San Francisco skyline. A view corridor analysis was prepared for the project in February 2018 and features visual simulations depicting four viewpoints from local streets near the project site. These photos and simulations show that views through the project site of scenic features described in the Specific Plan are very limited and would generally not be affected by the project. The Golden Gate Bridge and San Francisco skyline are not currently visible from nearby viewpoints. As depicted in the view corridor analysis, the project would be visible at Gatto Avenue, Hagen Boulevard, and Macdonald Avenue. The project would be fully obscured at Barrett Avenue.

The photo simulations depict the project from vantage points including the del Norte BART station platform and public rights-of-way which run east to west. The locations for these simulations were selected because the project site was visible and the locations represent views from surrounding residences and neighborhoods. From locations higher in elevation, visual presence of the project will be further limited, as the project will appear further below the horizon. As described above, the project would not have an impact on views of key features identified in the Specific Plan.

The Specific Plan EIR also determined potentially significant impacts could result from the introduction of new light and glare in the plan area (Impact 4-2), but concluded implementation of Mitigation Measure 4-2, which requires the installation of non-reflective building materials and windows, would reduce potential glare impacts of individual development projects to a less-than-significant level. With adherence to this mitigation measure, the project would not cause any new light and glare impacts.

**Applicable Mitigation**

Implementation of Mitigation Measure 4-2 would be required and would remain adequate to mitigate impacts as described in the Specific Plan EIR. No new mitigation measures would be required.

**Conclusion**

The project is generally consistent with the type and intensity of development analyzed in the Specific Plan EIR, is within the allowable height limits, would be consistent with policies related to visual character and design, and would not result in a substantial increase in light and glare. No substantial

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7 Joe DeCredico Studio, 2018. 11965 San Pablo Avenue View Corridor Memo, February 2018.
changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.2 Agriculture and Forest Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) 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 with 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

The Specific Plan EIR determined there are no agricultural or forestry resources located within or near the Specific Plan area. The Specific Plan area is predominantly urbanized and is classified as “Urban and Built-Up Land” by the State Department of Conservation. There is no land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Specific Plan area or the City. In addition, the City does not contain woodland, forestland cover, or land zoned for timberland production. The project is within the Specific Plan area and therefore is not located on land that is currently under a Williamson Act contract or any other type of agricultural or forestry land. Given this, no new impacts would occur.

3.3 Air Quality

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
</table>

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?  
   - No  -  -  -  

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  
   - No  -  -  -  

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?  
   - No  -  -  -  

d) Expose sensitive receptors to substantial pollutant concentrations?  
   - No  -  -  -  

e) Create objectionable odors affecting a substantial number of people?  
   - No  -  -  -  

Discussion

Specific Plan EIR Mitigation Measure 5-2 requires individual projects to undergo assessment for construction health risks, either through screening or refined modeling. Therefore, a project-specific Air Quality Analysis report was prepared for the project and included as Appendix A. The results of this analysis are provided below.

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and state air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if the project would conflict with or obstruct implementation of an applicable air quality plan, which for the Specific Plan EIR was the 2010 Bay Area Clean Air Plan (CAP). The Specific Plan EIR found that since the Specific Plan would not cause significant increases in vehicle miles traveled (VMT) compared to service population growth, and would not interfere with CAP control measures, implementation of the Specific Plan would result in a less-than-significant impact related to consistency with the applicable clean air plan.
BAAQMD’s current clean air plan is the 2017 CAP, which was adopted on April 19, 2017. The 2017 CAP provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how BAAQMD will continue progress toward attaining all State and federal air quality standards and eliminating health risk disparities caused by air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the Bay Area to a post-carbon economy and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents. Such pollutants include particulate matter, ozone, and toxic air contaminants (TACs). Additionally, the 2017 CAP includes measures to reduce emissions of carbon dioxide by reducing fossil fuel combustion, as well as methane and other “super-GHGs” that have a larger greenhouse gas effect than carbon dioxide in the near-term.

Consistency with the CAP is determined by whether or not a proposed project would result in significant and unavoidable air quality impacts or hinder implementation of control measures (e.g., excessive parking or preclude extension of transit lane or bicycle path).

Implementation of the project would locate future residents within walking distance of public transportation, jobs, restaurants, and services, all of which would individually and collectively encourage residents to reduce their VMT. In addition, dwelling units constructed under the project would fall within the total development anticipated in the Specific Plan EIR. As discussed in Section 2.0, Project Description and Section 3.13, Population and Housing, implementation of the project would not increase population, vehicle trips, or VMT above what was anticipated in the Specific Plan EIR. Trip generation anticipated under the project is discussed in detail in Section 3.16 Transportation/Traffic. Therefore, the project would support the goals of the CAP and would not conflict with any of the control measures identified in the CAP designed to bring the Bay Area into attainment. Consistent with the Specific Plan EIR, this impact would remain less than significant.

Construction-Related Impacts

The Specific Plan EIR determined construction from implementation of the Specific Plan would result in short-term emissions. Such activities would include site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust is generated when wheels or blades disturb surface materials and can become a nuisance and potential health hazard to those living and working nearby. The Specific Plan EIR identified Mitigation Measure 5-1 which would require BAAQMD-recommended measures to control particulate matter emissions during construction. Implementation of Mitigation Measure 5-1 would reduce construction impacts to a less-than-significant level.

Development of the project would result in similar construction-related, short-term air quality impacts as those impacts identified in the Specific Plan EIR. Therefore, implementation of Mitigation Measure 5-1 would be required. With adherence to the mitigation measures, the project would not result in any new or more significant construction-related air quality impacts than those identified in the Specific Plan EIR.
**Ambient Air Quality Impacts**

As described in the Specific Plan EIR, monitoring data from all ambient air quality monitoring stations in the Bay Area indicate existing carbon monoxide (CO) levels currently meet State and national ambient air quality standards. Therefore, the Bay Area has been designated as an attainment area for CO emissions. At the time the Specific Plan EIR was certified, the highest measured CO levels at the closest monitoring station to the Specific Plan area over the previous three years were 1.3 parts per million (ppm) for eight-hour averaging periods, compared with State and Federal criteria of 9.0 ppm. Monitored CO levels have decreased substantially since 1990 as newer vehicles with greatly improved exhaust emission control systems have replaced older vehicles.

Even though CO levels in the Bay Area are well below ambient air quality standards, elevated levels of CO still warrant analysis. CO hotspots (occurrences of localized high CO concentrations) can occur near busy, congested intersections. Recognizing the relatively low CO concentrations experienced in the Bay Area, BAAQMD’s CEQA Air Quality Guidelines state that a project would have a less-than-significant impact if it would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. As identified in the Specific Plan EIR, peak hour traffic volumes attributed to implementation of the Specific Plan would be far below this threshold. The project would not generate vehicle trips beyond what was considered and analyzed in the Specific Plan. Given this, impacts related to CO hotspots would remain less than significant. Further discussion of project trip generation is provided in **Section 3.16, Transportation/Traffic**.

**Short-Term Exposure of Sensitive Receptors to Toxic Air Contaminants**

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. The Specific Plan EIR determined construction activities could result in short-term emissions of diesel particulate matter (DPM), a known TAC. Individuals particularly vulnerable to DMP are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

The length of time sensitive receptors are exposed to TACs and the concentration of TACs during exposure are the primary factors used to determine health risk. Health risk is quantitatively evaluated by determining the potential for exposure to TAC emission levels that exceed applicable standards. Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area.

Construction of the project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement the best management practices (BMPs) during construction, as required by **Mitigation Measure 5-1**. With implementation of BAAQMD-recommended measures to control particulate matter emissions during construction, **Mitigation Measure 5-1** would ensure that project construction emissions would fall below BAAQMD’s significance thresholds as described in the Specific Plan EIR. Therefore, sensitive receptors would not be exposed to
substantial pollutant concentrations during project construction. The project would result in no new or more severe impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR, and further analysis is not required.

**Long-Term Exposure of Sensitive Receptors to Toxic Air Contaminants**

Implementation of the Specific Plan would result in the placement of new sensitive receptors in the Specific Plan area, as well as new non-residential land uses that would be potential new emissions sources. The roadway screening analysis tables from the Specific Plan EIR indicate health risk from high volume surface streets such as San Pablo Avenue, Central Avenue, Carlson Boulevard, and Potrero Avenue would be less than significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. The Specific Plan EIR determined that if individual projects are constructed under the Specific Plan in close proximity to surface streets with daily traffic volumes higher than 40,000 ADT, a potentially significant impact would occur. **Mitigation Measure 5-2** requires completion of a site-specific health risk assessment for projects within close proximity to these roadways.

The project site is located within 330 feet of I-80 and 25 feet of San Pablo Avenue. Therefore, to comply with **Mitigation Measure 5-3**, a project-specific health risk assessment was prepared in January 2018 (Appendix A).

According to BAAQMD, a project would result in a significant impact if it would:

- Individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in one million,
- Increase non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or
- Cause an annual average ambient particulate matter (PM$_{2.5}$) increase greater than 0.3 micrograms per cubic meter (μg/m$^3$).

A significant cumulative impact would occur if the project, in combination with other projects located within a 1,000-foot radius of the project site, would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient PM$_{2.5}$ increase greater than 0.8 μg/m$^3$ on an annual average basis. Impacts from substantial pollutant concentrations are discussed below.

The air quality assessment calculated TACs within a 1,000-foot radius of the project site. TAC emissions from traffic on nearby roadways including San Pablo Avenue and Macdonald Avenue, and TACs from stationary sources were calculated. Permitted stationary sources of air pollution near the project site were identified using BAAQMD’s Stationary Source Risk and Hazard Analysis Tool. This mapping tool identified the location of two stationary sources and their estimated risk and hazard impacts: a gasoline dispensing station approximately 350 feet north of the project site and a diesel generator approximately 100 feet west of the project site. The combined community risk levels at the project site from all sources (roadways and stationary sources) are summarized in Table 2.
Table 2  Community Risk Levels

<table>
<thead>
<tr>
<th>Source</th>
<th>Cancer Risk (per million)*</th>
<th>PM$_{2.5}$ Concentration (µg/m$^3$)</th>
<th>Acute and Chronic Hazard (HI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways – I-80 at 340 ft. west</td>
<td><strong>18.2</strong></td>
<td>0.25</td>
<td>0.02</td>
</tr>
<tr>
<td>Local Roadways – San Pablo Avenue at 35 ft., (2nd-story exposure)</td>
<td>4.5</td>
<td>0.17</td>
<td>0.01</td>
</tr>
<tr>
<td>Local Roadways – Macdonald Avenue at 330 ft., 9,205 ADT</td>
<td>0.5</td>
<td>0.02</td>
<td>&lt;0.01</td>
</tr>
<tr>
<td>Chevron gas station, at 4838 Macdonald Ave - 350 ft.</td>
<td>1.8</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Home Depot diesel generator at 11939 San Pablo Ave – 85 ft.</td>
<td><strong>12.5</strong></td>
<td>0.04</td>
<td>0.01</td>
</tr>
<tr>
<td>Total **</td>
<td>&lt;37.5</td>
<td>&lt;0.48</td>
<td>&lt;0.06</td>
</tr>
<tr>
<td>BAAQMD Thresholds –</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Source (Maximum)</td>
<td>10.0</td>
<td>0.3</td>
<td>1.0</td>
</tr>
<tr>
<td>Cumulative Source</td>
<td>100</td>
<td>0.8</td>
<td>10.0</td>
</tr>
<tr>
<td>Significant?</td>
<td>Yes – single source</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>No – cumulative source</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Cancer risk adjusted for the 2015 OEHHA methods
**Cumulative risks would be less than total since this table reports maximum impacts, which would not all occur at one location.

Combined health risks for all measured TACs are below BAAQMD cumulative thresholds. However, community risk levels from I-80 and Home Depot would exceed the single-source thresholds analyzed in the Specific Plan EIR. Therefore, additional mitigation measures are necessary.

1. **Project-Specific Condition of Approval:** The BAAQMD’s Planning Healthy Places recommend installation of air filters rated at a minimum efficiency reporting value (MERV) 13 or higher in exposed buildings associated with sensitive land uses (e.g. schools, residences, hospitals). Increased cancer risks from I-80 traffic at the project site is significant. Cancer risks is mostly the result of exposure to diesel particulate matter, although, gasoline vehicle exhaust contributes. The project shall include the following measures, as a condition of approval, to minimize long-term diesel particulate matter exposure, which leads to increased cancer risk, for new project occupants:
   - Install air filtration in residential buildings. Air filtration devises shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered.
• As part of implementing this measure, an ongoing maintenance plan for the buildings’ heating, ventilation, and air conditioning (HVAC) air filtration shall be required.

• Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

**Odors**

The Specific Plan EIR concluded the Specific Plan area includes potential odor sources that could affect new sensitive receptors. However, most of these major existing sources are already buffered by existing uses. Responses to odors are subjective, and vary by individual and type of use. Sensitive land uses that include outdoor uses, such as residences and possibly daycare facilities, are likely to be affected most by existing odors. According to the Specific Plan, several land use types within the City are known to produce objectionable odors, such as a wastewater treatment facility, landfill, food processing facility, or chemical plant. The project site is not located within 1.0 miles of such odor-generating properties or land-use types. Restaurants are generally not considered to be odor-generating in the same manner as food processing facilities. Given this, the project site would not be subject to potential odor complaints or associated impacts. Similarly, the project would entail residential development and would not create a new source of objectionable odors.

**Applicable Mitigation**

Implementation of Mitigation Measure 5-1 would be required and would remain adequate to mitigate impacts as described in the Specific Plan EIR. Mitigation Measures 5-2 and 5-3 have been fulfilled through preparation of the project air quality health risk assessment. No new mitigation measures would be required.

**Conclusion**

The project would be consistent with the development standards regarding air quality analyzed in the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
### 3.4 Biological Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
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<tr>
<td>Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
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<tr>
<td>Would the project have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
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</tr>
<tr>
<td>Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
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<tr>
<td>Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
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</tr>
<tr>
<td>Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
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</table>
Discussion

The Specific Plan EIR found that implementation of the Specific Plan would result in less-than-significant impacts to biological resources, because the Specific Plan area is almost entirely urbanized with approximately 90 percent of the land developed, recently disturbed, or ruderal. The Specific Plan EIR concluded the Plan area does not contain any plant or animal species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service (USFWS).

In addition, the Specific Plan area does not contain any federally protected wetlands. The only identified riparian habitat or other sensitive natural community within the Specific Plan area is riparian habitat adjacent to Cerrito Creek (near the El Cerrito Plaza Shopping Center parking lot and Ohlone Greenway) and Baxter Creek. Cerrito Creek is located approximately 2.43 miles south of the project site. Cerrito creek is separated from the project site by BART tracks, dense residential and commercial land uses and several local arterial roadways including Cutting Boulevard, Potrero Avenue, San Pablo Avenue, Carlson Boulevard, and Central Avenue, all of which have at least four travel lanes.

Baxter Creek at Gateway Park is located directly east of the project site, across the four-lane segment of San Pablo Avenue, a distance measuring approximately 88 feet. As discussed in the Specific Plan EIR, the Specific Plan area includes about 12 acres of park and open space. Much of the space is considered disturbed or ruderal, and often lacks necessary habitat characteristics suitable for special-status species.

Although Baxter Creek features lush greenery abutting the Ohlone Greenway as it travels southward, portions of the creek in proximity to Gateway Park are surrounded by commercial land uses. Gateway Park abuts a grocery store to the north and is bordered by a laundromat located approximately 28 feet south of the park. As discussed in the Specific Plan EIR, green spaces within the Specific Plan area often lack habitat characteristics suitable for special-status species. Due to the extremely small extent of such isolated vacant areas, they provide almost no permanent values to wildlife.9

As previously discussed, the realigned Richmond Greenway is located directly south of the project site, abutting the BART tracks. Given the developed nature and noise and vibration impacts associated with operation of the BART tracks, the paved trail does not likely feature any valuable habitat.

As it is unlikely for species to traverse the urban, built-up land uses and roadways between Cerrito Creek, Baxter Creek, and the project site, implementation of the project would not result in any direct or indirect impacts to these habitats or the species that may occur within these natural communities. The project site is covered in paved surfaces with no surface vegetation beyond street trees along the project perimeter. As such, the project site does not provide any valuable habitat beyond the street trees.

The Specific Plan EIR identified potential impacts associated with the removal of existing trees with implementation of the Specific Plan. Removal of existing trees containing nest or eggs of migratory birds, raptors or bird species during the nesting season would be considered an “unlawful take” under the federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. As

the project would require removal of ten trees, adherence to Specific Plan EIR Mitigation Measure 6-1 would be mandatory. Mitigation Measure 6-1 avoids the removal of trees, shrubs, or weedy vegetation during the bird nesting season spanning February 1 through August 31. Implementation of Mitigation Measure 6-1 would be required to adequately minimize potentially significant impacts associated with tree removal on nesting birds to less-than-significant levels.

Applicable Mitigation

Implementation of Mitigation Measure 6-1 would adequately mitigate impacts as described in the Specific Plan EIR. No new mitigation measures would be required.

Conclusion

The project would be consistent with the type of development analyzed within the Specific Plan EIR. Tree removal activities would be conducted in conformance with Mitigation Measure 6-1. No substantial changes in environmental circumstances have occurred for this topic, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.5 Cultural Resources

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<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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</table>

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5?

c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic features?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion

Historic Resources

The Specific Plan EIR identified properties or features within the Specific Plan area that may be eligible for listing in a local, State, or Federal register of historic resources. The Specific Plan EIR identified **Mitigation Measure 7-1** to be applied to any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource.\(^{10}\) Per **Mitigation Measure 7-1**, such a resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior’s Professional Qualifications Standards to determine whether or not the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historic resource.

The project site contains an existing one-story vacant commercial building constructed in 1998 that is proposed for demolition. Given the construction date, the structure located on the project site does not meet any of the criteria for listing in the NRHP or the CRHR, and is thus not considered a historical resource for the purposes of CEQA.

\(^{10}\) A potentially significant historic resource is defined as a property that is unrecorded and thus, has not been listed in or formally determined eligible or ineligible for listing in any local, state or federal register. Properties containing unrecorded buildings or structures over 45 years old are conservatively considered potentially significant and historic.
Archeological and Paleontological Resources

The Specific Plan EIR concluded potential impacts on cultural resources from development within the Specific Plan area, including archaeological and paleontological resources and human remains, would be less than significant with implementation of mitigation measures. Discovery and disturbance of previously unknown archaeological or paleontological resources, including human remains, could occur during grading and excavation at individual project sites. The Specific Plan EIR concluded Mitigation Measure 7-2 and Mitigation Measure 7-3 would reduce potential impacts on unknown cultural resources to less-than-significant levels.

In accordance with Specific Plan EIR Mitigation Measure 7-2, a non-confidential CHRIS records search was undertaken at the Northwest Information Center at Sonoma State University for the project site and vicinity (Included in Appendix B). The records search confirmed there are no recorded cultural resources on the project site, although several recorded sites are located within the project vicinity. The records search determined there is a moderately high potential of identifying Native American archaeological resources and a moderate potential of identifying historic-period archaeological resources within the project site and vicinity.

Implementation of Specific Plan EIR Mitigation Measure 7-2 and Mitigation Measure 7-3, which specify compliance with existing codes and regulations applicable to the accidental discovery of archaeological and paleontological resources and human remains during construction activities, would be required. These measures ensure that if archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. These mitigation measures would minimize any potentially significant impacts associated with accidental archaeological discoveries to a less-than-significant level.

Applicable Mitigation

Implementation of Mitigation Measure 7-2 and Mitigation Measure 7-3 would be required and would remain adequate to mitigate impacts as described in the Specific Plan EIR. Mitigation Measure 7-1 has been fulfilled upon results of the conducted project site CHRIS search. No new mitigation measures would be required.

Conclusion

The project would be consistent with the type of development analyzed within the Specific Plan EIR. Ground disturbing activities would be conducted in conformance with Specific Plan EIR Mitigation Measures 7-2 and Mitigation Measure 7-3. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.

11 11965 San Pablo Avenue CHRIS Request, 2018.
### 3.6 Geology and Soils

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<th>Less than Significant with Mitigation Incorporated</th>
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Would the project:

a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

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ii) Strong seismic ground shaking?

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iii) Seismic-related ground failure, including liquefaction?

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iv) Landslides?

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b) Would the project result in substantial soil erosion or the loss of topsoil?

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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?

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d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?

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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?

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Discussion

The Specific Plan EIR concluded that geologic and soil impacts would be primarily related to potential ground shaking during seismic events and associated impacts related to ground failure. Since the Specific Plan area is not located within an Earthquake Fault Hazard Zone, the likelihood of surface fault rupture is minimal. The Specific Plan EIR determined slope instability hazards are minimal due to the absence of appreciable slopes in the Specific Plan area.

The Specific Plan area is susceptible to ground shaking from the Hayward Fault or one of the other active faults in the region. The Hayward Fault is the nearest active fault to the Specific Plan area, approximately 1 mile to the east. However, the Specific Plan EIR determined impacts related to ground shaking would be less than significant with compliance with the latest California Building Standards Code. The project would be designed and constructed in accordance with these requirements.

The Specific Plan EIR concluded grading and construction activities within the Specific Plan area may result in minor erosion or the minor loss of some topsoil. Although the project site is entirely covered in paved surfaces, and would be excavated to construct an underground parking garage, the Foundation Investigation and Recommendations report completed for the project (included in this document as Appendix C) determined that there are no areas of mass instability at or near the building site. Furthermore, implementation of City-required grading and construction-period erosion control techniques would mitigate potential impacts to a less-than-significant level.

Implementation of the Specific Plan would have potentially significant impacts related to earthquake-induced on-site liquefaction, differential settlement, lateral spreading, and subsidence, and associated damage to project buildings and other improvements within the Specific Plan area. However, potential impacts would be reduced to less-than-significant levels with implementation of Mitigation Measure 8-1, which requires preparation and implementation of the recommended measures of a site-specific design-level geotechnical study for individual development projects.

Expansive soil or soil with shrink-swell potential and low strength with variations in moisture content is a common cause of foundation distress. As indicated by the Foundation Investigation and Recommendation report completed for the project site in June 2017 (Appendix C), the project site is largely underlain by soils that are not susceptible to liquefaction, therefore, the soils at the project site would not pose a risk to new structures from liquefaction. Furthermore, with implementation of Mitigation Measure 8-1, the foundation recommendations of the site-specific geotechnical study will be implemented, reducing this potential impact to a less-than-significant level.

Liquefaction is a phenomenon where soils are subject to a loss of strength because of pressure from earthquakes. Soils found at the project site are a type generally not susceptible to liquefaction. Lateral spreading is a failure within a nearly horizontal soil layer that could occur due to liquefaction. Effects of lateral spreading from ground shaking would be reduced or avoided by designing structures to resist lateral forces in accordance with the 2016 California Building Code.

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12 Lawrence B. Karp, 2017. 11965 San Pablo Avenue Foundation Investigation and Recommendations. June 2017
Applicable Mitigation

Implementation of Mitigation Measure 8-1 would be required and would remain adequate to mitigate impacts as described in the Specific Plan EIR. No new mitigation measures would be required.

Conclusion

The project design plans are consistent with development standards analyzed in the Specific Plan EIR and would be required to comply with the California Building Code, City-required erosion control techniques, and Specific Plan EIR Mitigation Measure 8-1. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.7 Greenhouse Gas Emissions

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<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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</table>

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☐ ☒

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☐ ☐ ☐ ☒

Discussion

As identified in the Specific Plan EIR, BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating GHG emissions. BAAQMD suggests applying a specific plan-level GHG efficiency threshold of 4.6 metric tons (MT) per year per capita. Specific plans with emissions above the threshold would be considered to have an impact that, cumulatively, would be significant.

To calculate GHG emissions, Specific Plan land use types, total square footage of anticipated development, and trip generation rates were input to CalEEMod. CalEEMod predicts emissions of GHGs in the form of equivalent carbon dioxide emissions (CO$_2$e). Specific Plan GHG emissions were computed using the California Emissions Estimator Model (CalEEMod) using projected operational emissions in 2040.

CalEEMod results showed that in the cumulative scenario year (2040), development under the Specific Plan would have per capita emissions between 3.9 and 3.7 MT of CO$_2$e per year. The modeled per capita emissions for the Specific Plan would not exceed BAAQMD specific plan-level threshold of 4.6 MT of CO$_2$e/year. Therefore, this impact was determined to be less than significant.

BAAQMD does not have adopted thresholds of significance for construction-related GHG emissions. Instead, BAAQMD encourages the incorporation of BMPs to reduce GHG emissions during construction where feasible and applicable, including, but not limited to: using local building materials of at least 10 percent, and recycling or reusing at least 50 percent of construction waste or demolition materials. The 2016 California Green Building Standards Code (CALGreen) requires a diversion rate of at least 65 percent of construction waste or demolition materials.
As documented in the Specific Plan EIR, implementation of the Specific Plan would be subject to new requirements under rule making developed at the State and local level regarding GHG emissions. The Specific Plan is also subject to local and General Plan policies aimed at reducing GHG emissions, including policies in the El Cerrito Climate Action Plan. Given this, the Specific Plan is consistent with and conforms to applicable GHG emission reduction plans.

The project would be required to adhere to the building guidelines in the Specific Plan, would be consistent with the El Cerrito Climate Action Plan, and would promote reductions in GHG emissions through mixed-use development in close proximity to transit. The project would result in no new or more severe impacts related to GHG emissions than analyzed in the Specific Plan EIR and further analysis is not required.

**Applicable Mitigation**

The Specific Plan EIR did not identify any mitigation measures for greenhouse gas impacts, and no new mitigation measures would be required.

**Conclusion**

The project is consistent with the type of development analyzed in the Specific Plan EIR and would be required to comply with the 2016 California Green Building Standards Code and El Cerrito Climate Action Plan. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
### 3.8 Hazards and Hazardous Materials

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<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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<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>
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<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
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<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>
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<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?</td>
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<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>
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<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>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<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>
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Discussion

The Specific Plan EIR concluded no significant impacts associated with hazards and hazardous materials would occur. The Specific Plan EIR did identify the potential for development to expose construction workers to existing spilled, leaked, or otherwise discharged hazardous materials or wastes during project construction due to the large number of auto-related businesses that previously operated in the Specific Plan area, including the project site. However, the Specific Plan EIR determined that compliance with all applicable City, regional, and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination would ensure potential impacts are less than significant.

The Specific Plan EIR determined residential, commercial, and open space uses proposed as part of the Specific Plan would not involve the routine transport, use, storage, or disposal of hazardous materials to the extent that a significant public or environmental hazard would occur. Operations in the Specific Plan area may involve the occasional transport, use, storage, or disposal of common hazardous substances such as fuel, paint, and solvents. These operations would be subject to local, state, and federal regulations. The Specific Plan EIR determined that implementation of these standard regulations would ensure potential impacts would be less than significant.

A Phase I Environmental Site Assessment (ESA) was prepared for the project site in January 2017 and is included as Appendix D.13 As part of the Phase I ESA, a close review of records obtained from Contra Costa County was completed along with searches of online databases maintained by the Department of Toxic Substances Control and the Water Board, and agency list searches were conducted. No agency listings were found for the project site. Nearby listed sites include but are not limited to the adjacent Home Depot property (11939 San Pablo Ave), Chevron gas station (4838 Macdonald Ave), the former dry-cleaning facility located at Bishop Center (now vacant), and a nearby manufacturing and auto repair facility. The Phase I ESA determined that based on distance apart, gradients and case closure status, there is a low potential that contamination from these facilities has impacted the project site.

Due to the long-term use of the subject site as part of a nursery operation, soil at the property may have been impacted by pesticides and herbicides. However, as documented in the ESA, it is likely that the issue of potential residual pesticide concentrations in shallow soils at the site would have been resolved during construction of the Taco Bell restaurant and associated parking areas when areas of soil were redistributed across the site during the construction and grading activities. Given this, the Phase I ESA recommended no further environmental investigations at the project site.

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The nearest school to the project site is King Elementary School located approximately 0.46 miles southwest of the project site.\textsuperscript{14} As the project site is located further than 0.25 miles from the school, no impacts related to handling hazardous materials in such close proximity to a school would occur. The project site is located approximately 14.22 miles northwest of the nearest public airport, Oakland International Airport. As the project site is not located within the Oakland International Airport Influence Area, no airport safety hazards would occur.\textsuperscript{15} According to the Specific Plan EIR, no private airstrips are located in the plan area vicinity. In addition, the Specific Plan area, including the project site, is not within or adjacent to wildland area and would not be subject to wildland fire risks.

**Applicable Mitigation**

The Specific Plan EIR did not identify any mitigation measures for hazards or hazardous material impacts, and no new mitigation measures would be required.

**Conclusion**

The project is consistent with the development standards regarding hazards and hazardous materials analyzed in the Specific Plan EIR. The project would be required to comply with existing regulations related to hazardous soil or groundwater conditions at the site during ground disturbing activities. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.


### 3.9 Hydrology and Water Quality

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<th>Would the project:</th>
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<th>Less-than-Significant Impact</th>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
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<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 e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?</td>
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<td>c) Substantially alter the existing drainage patterns 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>
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<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>
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<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 run-off?</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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</table>
### Discussion

The Specific Plan EIR determined long-term water quality impacts associated with implementation of the Specific Plan could result in stormwater runoff contamination from petroleum and other motor vehicle contaminants. However, compliance with Water Board and jurisdictional City-required post-construction, non-point source pollution control measures would ensure that such impacts would be reduced to a less-than-significant level. In addition, the Specific Plan EIR determined compliance with applicable Water Board and City of El Cerrito water quality protection requirements and conditions of approval would ensure any potential construction-period and post-construction water quality impacts are less than significant.

Construction projects are required to prepare a Stormwater Control Plan, which requires implementation of BMPs to control stormwater peak flows and pollutant levels. This requirement is stipulated in Provision C.3 of the Contra Costa County National Pollutant Discharge Elimination System (NPDES) permit. El Cerrito Municipal Code section 8.40.050 states that every application for a development project is required to submit a Stormwater Control Plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3 Guidebook. Consistent with Provision C.3 requirements, the project applicant has already submitted a Stormwater Control Plan as part of the project application materials. If the project is approved, the City will confirm that this plan conforms to all applicable local and State requirements as part of the development review process.

The project would include 26,555 square feet of impervious surface area once implemented. Therefore, the 10,000 square foot threshold would be triggered and the project must comply with C.3 requirements. Further, the City’s General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would include specifications for BMPs that would be implemented during project construction to control contamination of surface water flows and the potential discharge of pollutants. In addition, full compliance with the Contra Costa County NPDES permit guidelines for stormwater discharge would ensure that pollutant levels in stormwater runoff would be less than significant.

<table>
<thead>
<tr>
<th>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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<tr>
<th>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?</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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<tr>
<th>j) Inundation by seiche, tsunami, or mudflow?</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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The Specific Plan EIR identified that a small portion of the southwest part of the plan area, near Central Avenue and I-80, is within a 100-year flood zone. The project site however is located within Zone X, an area of minimal flood hazard.\footnote{FEMA, 2015. Flood Insurance Rate Maps (FIRM) Flood Map. September 2015. Available: \url{https://msc.fema.gov/portal/search#searchresultsanchor}. Accessed January 2018.} Given this, implementation of the project would not place people or structures in a 100-year flood zone. The Specific Plan EIR determined the Specific Plan area is not subject to inundation by seiche or mudflow. The southwest portion of the Specific Plan along Central Avenue in the City of Richmond is located near a Tsunami Inundation Zone; however, the project site is approximately 2.3 miles from this area.

**Applicable Mitigation**

The Specific Plan EIR did not identify any mitigation measures for hydrology or water quality impacts, and no new mitigation measures would be required.

**Conclusion**

The project is consistent with the type of development analyzed in the Specific Plan EIR and would be consistent with the development standards required in the Specific Plan. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.10 Land Use and Planning

<table>
<thead>
<tr>
<th>Would the project:</th>
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<tbody>
<tr>
<td>a) Physically divide an established community?</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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</table>

Discussion

The Specific Plan EIR concluded implementation of the Specific Plan would provide for the expansion of housing choices by encouraging compact, transit-accessible, pedestrian-oriented housing and mixed-use development in the Plan area at densities and heights greater than currently permitted. The Specific Plan EIR determined implementation of the Specific Plan would result in beneficial effects related to land use and planning by revitalizing the San Pablo Avenue corridor. The Specific Plan facilitates development where services and infrastructure can be most efficiently provided by promoting higher residential densities near or within an existing shopping, service, employment, infrastructure, and public transportation centers.

The Specific Plan would not include construction of any new roadway systems or physical barriers, and would promote connectivity along the San Pablo Avenue corridor by encouraging compact, transit-accessible, pedestrian-oriented housing. Accordingly, implementation of the Specific Plan would not result in the division of an established community.

As previously discussed, the project site is designated TOHIMU in the City’s General Plan and Specific Plan. In addition, the site is also zoned as TOHIMU. The intent of the TOHIMU designation is to provide for a vibrant, walkable, transit-oriented higher density area within a half mile of Bay Area Rapid Transit.
(BART) that allows a variety of uses including retail, commercial, residential, and public uses in the Downtown and Uptown areas.\textsuperscript{18} The TOHIMU designation allows for a 65-foot height limit (85 feet is permissible for projects subject to the State affordable housing bonus program) and requires a minimum height of three stories for residential uses. The project would comply with the standards of the TOHIMU designation and would develop the site with high-density residential uses in close proximity to transit as envisioned in the Specific Plan EIR, thus being consistent with the underlying zoning and land use of the project site.

The project would include construction of an 85-foot tall multi-family residential building. The project would include an affordable housing component, with 10 percent of the units rented to low income tenants. Including this affordable housing component would allow the project to make use of the City’s incentive for a maximum permitted building height of 85 feet. The City’s Design Review Board will consider the project site plan and make findings related to any project design elements, as contemplated by the form based code guidelines articulated in the Specific Plan.

The El Cerrito Del Norte BART station is located approximately 0.4 miles east of the project site, and the El Cerrito Plaza Bart Station is located approximately 2.27 miles southeast. Two bus stops are located within 0.10 miles of the project site, one located at the corner of Macdonald Avenue and the other at the intersection of Conlon Avenue and San Pablo Avenue.

\textbf{Applicable Mitigation}

As concluded in the Specific Plan EIR, the Specific Plan would result in beneficial land use and planning effects. The Specific Plan EIR did not identify any mitigation measures for land use and planning impacts, and no new mitigation measures would be required.

\textbf{Conclusion}

The project is consistent with the type of development analyzed in the Specific Plan EIR and would be consistent with the development standards envisioned in the Specific Plan. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.

3.11 Mineral Resources

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<tr>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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</table>

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☑

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☑

Discussion

As stated in the Specific Plan EIR, the El Cerrito General Plan determined that there are no mineral resources within the Specific Plan area. Accordingly, there are no identified resources in proximity to the project site. Given this, implementation of the project would have no impact on mineral resources.

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3.12 Noise

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<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
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<tr>
<td>a) Result in exposure of persons to or generation of noise levels in excess of</td>
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<td>standards established in the local general plan or noise ordinance, or applicable</td>
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<td>standards of the other agencies?</td>
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<td>b) Result in exposure of persons to or generation of excessive ground borne</td>
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<td>vibration or ground borne noise levels?</td>
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<td>c) Result in a substantial permanent increase in ambient noise levels in the</td>
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<td>project vicinity above levels existing without the project?</td>
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<td>d) Result in a substantial temporary or periodic increase in ambient noise levels</td>
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<td>in the project vicinity above levels existing without the project?</td>
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<td>e) For a project located within an airport land use plan or, where such a plan</td>
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<td>has not been adopted, within two miles of a public airport or public use airport,</td>
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<td>would the project expose people residing or working in the project area to</td>
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<td>excessive noise levels?</td>
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<td>f) For a project located within the vicinity of a private airstrip, would the</td>
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<tr>
<td>project expose people residing or working in the project area to excessive noise</td>
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<td>levels?</td>
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Discussion

This section compares construction and operational noise impacts from the project with impacts identified in the Specific Plan EIR. While the Specific Plan EIR addressed noise and vibration impacts more generally, a Noise Impact Study was completed for the project in October 2018.

Operational noise can be categorized as mobile source noise and stationary source noise. Mobile source noise would be attributable to the additional trips that would be generated by the project. Stationary source noise includes noise generated by the residential land use such as exterior mechanical
equipment (air conditioning systems, fans, etc.) Given the nature of the project, proposed dwelling units are not anticipated to introduce long-term operational vibration impacts to the surrounding area. In turn, existing sources of vibration within the project vicinity would not result in adverse impacts to residents.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is located within the San Pablo Avenue corridor that is predominantly developed with commercial, retail uses and multi-family residential uses. The closest sensitive receptors include a residence located approximately 250 feet southeast of the project site, opposite San Pablo Avenue. The project proposes the construction of 144 dwelling units, therefore introducing sensitive receptors to the project site.

**Exterior Noise Environment**

The Specific Plan EIR determined new residential land uses developed under the Specific Plan would be exposed to exterior noise levels of 70 A-weighted decibels (dBA) or greater, which exceed El Cerrito’s noise and land use compatibility standards. This was identified as a potentially significant impact. The Specific Plan EIR identified **Mitigation Measure 13-1**, which requires project-specific acoustical analyses to determine future exterior and interior noise levels and mitigate where possible. **Mitigation Measure 13-1** requires projects to utilize site planning to minimize noise in residential outdoor activity areas by locating recreation areas “behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible”. The mitigation measure sets a goal of a maximum exterior noise level of 70 dBA from BART noise. The Specific Plan EIR concluded Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.

A Noise Impact Study was conducted for the project in October 2018 to satisfy the City’s requirement for a project-specific noise impact analysis, per Specific Plan EIR **Mitigation Measure 13-1**. Future noise levels were estimated based on noise measurement data gathered at the project site and the surrounding area from January 29, 2018 and February 1, 2018. Future noise levels were also informed by peak hour trip generations for the proposed project. Noise measurement details are provided in **Appendix E**.

Under existing conditions, the exterior noise environment ranges from 74 to 87 dBA during the day and 59 to 85 dBA at night. This is based on long-term noise measurements taken at the project site in January and February 2018.

The project would include three public open spaces, one private podium-level courtyard open space, and a roof deck. Two of the public open spaces would be north of the building and the third would be south of the building adjacent to San Pablo Avenue. While these areas are identified as public open space, outdoor seating or other activities intended for extended outdoor use are not proposed in these spaces, and therefore they would not be subject to the City’s exterior noise thresholds.

The podium-level private courtyard would be in the center of the site with building facades on all sides. This outdoor space would be well shielded from traffic noise along San Pablo Avenue and fully shielded from BART pass-by noise. Considering the noise shielding from these intervening structures, the future exterior noise levels at this outdoor use space are expected to be 60 dBA Ldn or less.
Considering height and distance relationships to the BART tracks, the center of the 8th level roof deck would be approximately 80 feet from the centerline of the BART tracks. A large portion of the roof deck would receive significant noise shielding from the roof edge and building structure, such that rooftop areas 5 feet from the edge of the roof will be exposed to future exterior noise levels below the conditionally acceptable threshold of 65 dBA Ldn or less, and areas greater than 10 feet from the roof edge will be exposed to the normally acceptable threshold of 60 dBA Ldn or less.

Private decks along the western façade would have a direct line-of-sight to the BART tracks and would be exposed to future exterior noise levels in excess of 75 dBA Ldn, however, these private outdoor spaces are not required to meet the City’s General Plan standards. **Interior Noise Environment**

Interior noise levels within new multi-family residential units are required to be maintained at or below 45 dBA by City standards and below an annual average of 45 dBA community noise equivalent level under State standards. Additionally, the City of El Cerrito requires the interior noise levels of new residential units exposed to 60 dBA or greater should be limited to a maximum instantaneous noise level of 50 dBA in the bedrooms and 55 dBA in other rooms. Though the City does not specify whether these maximum levels absolute or recurring maximum levels, in keeping with accepted acoustical practice in areas where the noise sources which produce maximum noise events are relatively constant and repetitive in nature (such as BART pass-bys) this analysis considers the City standards to apply to the recurring maximum noise levels from passing BART trains.

Residences on the southwestern façade of the building will be the nearest to the BART tracks at a setback of about 25 feet from the track centerline. Considering that the tracks are elevated, exterior-facing residential units on each floor would be exposed to future exterior noise levels of 89 dBA Ldn and recurring maximum instantaneous (Lmax30) noise levels ranging from 106 to 108 dBA. Some units on this side of the building would have windows or other glazing facing the BART tracks, while others would not. Based on typical construction materials and techniques in California, it is assumed that exterior walls will provide up to 44 dBA of sound attenuation. Thus, residential units without any exterior windows would be exposed to interior noise levels of 45 dBA Ldn and recurring maximum noise levels of 62 to 64 dBA. While the 45 dBA Ldn levels would be in compliance with General Plan Noise standards, the interior recurring maximum instantaneous noise levels would exceed interior maximum noise levels standards by 12 to 14 dBA in bedrooms and 7 to 9 dBA in other rooms. For units with south-facing windows, it was assumed windows would be standard thermal insulating windows. This would result in interior noise levels of 59 dBA Ldn and recurring maximum noise levels of 76 to 78 dBA in the living room and interior noise levels of 55 to 60 dBA Ldn and recurring maximum noise levels of 72 to 79 dBA in the bedrooms. These levels would exceed General Plan average and maximum instantaneous noise standards.

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20 Though the current project drawings do not give the exterior wall assemblies, it is expected that they would be single stud wood framed with cavity insulation and a single layer of gypsum board at the interior face, based on typical California construction techniques. Based on this and that the building elevations indicate that this façade will have a stucco exterior finish, the sound isolation rating of these exterior wall assemblies would be STC 46 for walls with 7/8" thick stucco (based on laboratory test number W-50-71 published by the U.S. National Bureau of Standards). Such a wall assembly, without window or door openings, would be expected to reduce exterior noise levels within residential interiors by 44 dBA.
Residences on the western facing building façade would be shielded from vehicular traffic along San Pablo Avenue but would have direct line-of-sight to BART train pass-bys. The exterior-facing units on the western façade would have setbacks from the centerline of the BART tracks ranging from 30 to 85 feet. At these distances, residences would be exposed to future exterior noise levels ranging from an Ldn of 83 to 88 dBA, and recurring instantaneous maximum noise levels ranging from 99 to 107 dBA. This façade would have units with exterior windows similar to those described above for the south side of the building. Additionally, the western side of the building would include units with exterior doors. Based on the standard construction described above and the typical percentage of exterior wall, window, and door areas for these units shown on project plans, the units would be exposed to interior noise levels of 51 to 55 dBA Ldn and recurring instantaneous maximum noise levels of 68 to 73 dBA in living rooms. Interior noise levels would range from 52 to 54 dBA Ldn in bedrooms, and maximum instantaneous noise levels in bedrooms would range from 70 to 72 dBA.

Exterior-facing residential units along the eastern building façade would have some exposure to BART pass-bys due to the elevation and alignment of the tracks and distance of 90 to 250 feet from the track centerline. Additionally, these building façades will have direct line-of-sight to vehicular traffic noise along San Pablo Avenue, with units set back approximately 45 feet from the roadway centerline. At these distances, the future exterior noise levels along the eastern building façade are expected to range from 73 to 80 dBA Ldn, with recurring instantaneous maximum noise levels ranging from 83 to 94 dBA. Based on project plans and typical construction assumptions, the eastern units would have interior noise levels of up to 50 dBA Ldn and would experience recurring instantaneous maximum noise levels of up to 67 dBA in living rooms, along with interior noise levels of up to 51 dBA Ldn and recurring instantaneous maximum noise levels of up to 68 dBA in bedrooms.

Exterior-facing residential units along the northern building façades would have limited exposure to BART pass-by noise and direct line-of-sight noise exposure to vehicular roadway traffic on San Pablo Avenue. This façade would be setback approximately 45 to 195 feet from the centerline of San Pablo Avenue, and approximately 75 to 135 feet from the center of the BART tracks. Noise from BART pass-bys would be significantly reduced due to noise shielding from the building. Considering these distances, the future exterior noise levels on the northern building façade is expected to range from 66 to 69 dBA Ldn, with recurring maximum instantaneous noise levels ranging from 81 to 87 dBA. In living rooms along this facade, interior noise levels would be 41 dBA Ldn and recurring maximum instantaneous noise would be up to 59 dBA. In bedrooms, interior noise levels would be 39 dBA Ldn and recurring maximum instantaneous noise levels would be 57 dBA.

Based on the projected interior noise levels, additional noise reduction beyond the attenuation provided by standard construction would be needed to ensure average interior noise levels and instantaneous noise levels meet the applicable standards. To reduce interior noise, the following project-specific condition of approval is required:

2. **Project-Specific Condition of Approval:** The project design shall implement the following measures to achieve an interior noise level of 45 dBA Ldn or less, in compliance with City noise standards:
   a. **South Façade:**
      i. For units with no exterior windows or other openings on the southern façade, exterior walls must have a minimum STC rating of 61. Preliminary calculations
indicate that the use of an internally insulated staggered wood stud assembly with two layers of 5/8” gypsum board at the interior face and 7/8” thick three coat stucco at the exterior would provide this STC rating; however, the STC rating may be achieved through other design approaches.

ii. For units with windows or other glazing on the southern façade, exterior walls must have a minimum STC rating of 61, bedroom windows must have a minimum STC rating of 58, and all other south-facing windows (not in bedrooms) must have a minimum STC rating of 51. This STC rating can be achieved with the use of a secondary window or equally spaced glazing 2 to 4 inches back from the exterior window.

b. **Western Façade:**
   i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the western façade must have a minimum STC rating of 57, and all exterior doors on the western façade must have a minimum STC rating of 50. The STC rating for doors can be achieved with used of a standard sliding glass with secondary acoustical glazing spaced 4 inches off of the door face.

c. **Eastern Façade:**
   i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the eastern façade must have a minimum STC rating of 38, and all exterior doors on the eastern façade must have a minimum STC rating of 35.

d. **Northern Façade:**
   i. Exterior walls must have a minimum STC rating of 61, all exterior windows on the northern façade must have a minimum STC rating of 35, and all exterior doors on the northern façade must have a minimum STC rating of 32.

e. The STC ratings required by this condition shall be documented and submitted to the City for review before final building permits are granted.

**Construction Noise**

Construction is permitted by the City between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday. No construction activity is allowed on Sundays or holidays. The highest construction noise levels would be generated during grading and excavation, with lower noise levels occurring during other construction activities. Large pieces of earth-moving equipment such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are about 65 to 88 dBA measured at a distance of 50 feet from the site during busy construction periods. These noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor. Intervening structures or terrain attenuate the noise, resulting in lower noise levels.

The Specific Plan EIR concluded that while construction noise would be temporary and localized to individual project sites, existing businesses and residences would be intermittently exposed to high levels of noise throughout Specific Plan implementation. The Specific Plan EIR concluded individual project construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or higher. Such a large increase in noise levels, although short-term in duration, was determined to be a
potentially significant impact. The Specific Plan EIR identified Mitigation Measure 13-3, which provides mitigation for temporary construction noise at residential and commercial land uses. However, construction noise impacts remain significant and unavoidable.

Daytime ambient noise levels at the existing residence located southeast of the project site and the existing commercial uses located to the east, opposite San Pablo Avenue, range from 74 to 77 dBA Leq. The existing commercial uses located to the north range from 76 to 80 dBA Leq, and the commercial use located southwest, opposite the BART tracks, have daytime ambient noise levels ranging from 84 to 87 dBA Leq.

Noise generated by construction equipment would at times exceed 60 dBA at the existing residence and would at times exceed 70 dBA at commercial land uses. However, due to the high ambient levels at each existing land use surrounding the project site, construction noise levels are not expected to exceed daytime ambient noise levels by 5 dBA or more.

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Mitigation Measure 13-3 of the SPASP DEIR provides mitigation for temporary construction noise where noise levels would exceed 60 dBA Leq at residential land uses or exceed 70 dBA Leq at commercial land uses when the noise would exceed the ambient noise environment by 5 dBA Leq or more for more than one year.

In addition to Mitigation Measure 13-3, implementation of the following condition of approval would further reduce noise levels in the vicinity of the construction site.

3. **Project-Specific Condition of Approval:** Develop a construction noise control plan, including, but not limited to, the above mitigation measures provided by Mitigation 13-3 of the Specific Plan EIR, and the following controls:
   - Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
   - Locate staging areas and construction materials areas as far away as possible from adjacent land uses.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, the project would not result in a temporary increase in ambient noise levels beyond what was analyzed in the Specific Plan EIR.

**Construction-Related Vibration**

The Specific Plan EIR determined construction under the Specific Plan would in some cases be located directly adjacent to existing weakened structures. Depending on the proximity of existing structures to the construction site, the structural soundness of the surrounding existing buildings, and the methods of construction used, construction may cause vibration levels high enough to damage existing structures.

The Specific Plan EIR determined construction-related vibration impacts would be potentially significant and identified Mitigation Measure 13-4, which requires projects to avoid pile driving, vibratory rolling, and tampers wherever feasible, and requires site-specific vibration studies in areas where project
construction is anticipated to include vibration-generating activities. Since avoiding all use of vibration-generating construction equipment may not be feasible, even with mitigation, this impact was found to be significant and unavoidable.

Implementation of Mitigation Measure 13-4 would be required for the project. No historic buildings or buildings that are documented to be structurally weakened are adjacent to or adjoin the project site. Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. Construction of the project would also involve demolition of one small concrete structure and excavation for an underground parking structure. Pile driving, which can cause excessive vibration, is not anticipated to be required or used during project construction.

The nearest existing residential structure would be approximately 250 feet southeast of the project’s boundary. At this distance, vibration levels would be at or below 0.02 in/sec PPV, which is below the 0.3 in/sec PPV threshold. Additionally, commercial buildings surround the site to the north, opposite the BART tracks to the southwest, and opposite San Pablo Avenue to the east. The commercial buildings to the north would be 145 feet or more from the site, exposing these structures to vibration levels at or below 0.03 in/sec PPV. The commercial building to the southwest would be approximately 65 feet from the project site. At this distance, vibration levels would be up to 0.07 in/sec PPV. The commercial buildings to the east range from 115 to 215 feet from the project site, and at these distances, vibration levels would be at or below 0.04 in/sec PPV.

Therefore, vibration levels due to the use of construction equipment would not exceed the 0.3 in/sec PPV vibration threshold. The project would not result in any new or more significant construction-period vibration impacts than were described in the Specific Plan EIR.

**Permanent Stationary Source Noise Impacts**

The Specific Plan EIR determined new permanent mechanical equipment installed as a part of Specific Plan commercial development would generate noise, further increase the ambient noise environment and result in a potentially significant noise impact. The Specific Plan EIR identified Mitigation Measure 13-2, which requires site-specific analysis for proposed commercial uses to reduce long-term noise impacts to a less-than-significant level. The project would not introduce new commercial uses; therefore, this mitigation measure would not apply.

Multi-family residential buildings typically require various mechanical equipment including air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings. A mechanical equipment room would be located in the basement level garage of the project building, and mechanical equipment would also be located on the rooftop.

According to the City’s General Plan, mechanical equipment noise must be maintained at or below 55 dBA Leq during daytime hours (7:00 a.m. to 10:00 p.m.) and at or below 45 dBA Leq during nighttime hours (10:00 p.m. to 7:00 a.m.) at sensitive receptors.

As described in the General Plan, if ambient noise levels exceed acceptable levels, the threshold for impacts to the noise environment shall be an increase in the ambient noise environment. Therefore, operation of the project must maintain an ambient noise level of 60 dBA Leq during daytime hours and
at or below 56 dBA Leq during nighttime hours at the adjacent residences to meet the City’s stationary noise requirements.

The daytime ambient noise levels measured at the nearest residential receptor ranged from 74 to 77 dBA (average of 75 dBA), and the nighttime ambient noise levels ranged from 59 to 75 dBA (average of 68 dBA). The Maximum Allowable Noise Exposure Table for Stationary Noise Sources states in the notes that if the ambient noise levels exceed the stated thresholds then the ambient noise levels shall be used as the threshold. Therefore, for the nearest residence located southeast of the project site, mechanical equipment noise must be at or below 75 dBA during daytime hours and at or below 68 dBA during nighttime hours to meet the City’s stationary noise requirements.

Due to the high ambient noise levels generated by BART train passbys and the distance from the project site to the nearest noise-sensitive receptor, mechanical equipment noise is not expected to exceed the City’s daytime or nighttime thresholds at the nearest sensitive use. Given this, the project would not result in any new or more significant permanent noise impacts than were described in the Specific Plan EIR.

Mobile Source Noise Impacts

Implementation of the project would result in new daily trips on local roadways in the project site vicinity. The Specific Plan EIR found that cumulative traffic noise levels, with or without implementation of the Specific Plan, would not increase substantially along the roadways serving the Specific Plan area.

According to the City’s General Plan, a substantial increase would occur if a project would result in a 3 dBA increase over existing conditions or if any increase would result in noise levels greater than 60 dBA. Since existing ambient noise levels in the project vicinity exceeds 60 dBA, a significant impact would occur if traffic from the project would permanently increase ambient levels by 3 dBA.

For reference, a 3 dBA noise increase would be expected if the project would double existing traffic volumes along a roadway. During the peak AM hour, the project would generate 41 trips. During the peak PM hour, the project would generate 65 trips. Compared to the existing traffic volumes along San Pablo Avenue, this would be an increase in peak hour traffic volumes of less than 4 percent. This would result in a traffic noise increase of less than 1 dBA. Therefore, the project would not result in a permanent noise increase of 3 dBA or more.

Cumulative traffic noise increases would not be considered substantial, and the project would not make a cumulatively considerable contribution to increased noise levels. Therefore, this impact would remain less than significant and the project would not result in any new or more significant permanent noise impacts than were described in the Specific Plan EIR.

Aircraft Noise

The Specific Plan EIR did not address potential aircraft noise impacts because the Specific Plan area is not located within 2 miles of a public or public use airport. Oakland International Airport is the closest airport and is located approximately 14 miles southeast of the project site. Aircraft noise is occasionally audible at the project site; however, no portion of the project site lies within the 65 dBA CNEL noise contours of any public airport, and no portion of the project site is within 2 miles of any private airfield or heliport. Therefore, consistent with the Specific Plan EIR, the project would not result in the exposure of sensitive receptors to the excessive noise levels from aircraft noise sources.
Applicable Mitigation

Implementation of Mitigation Measure 13-3, Mitigation Measure 13-4, and the project-specific condition of approval would be required. Mitigation Measure 13-1 has been fulfilled through preparation of the project Noise Impact Study (Appendix E). No new mitigation would be required.

Conclusion

The project would be consistent with the type of development analyzed the Specific Plan EIR and consistent with development standards required in the Specific Plan. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
### 3.13 Population and Housing

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
</table>

Would the project:

a) Induce substantial population growth in an area, either directly, (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?  
   [ ] Significant Impact [ ] Less than Significant with Mitigation Incorporated [ ] Less-than-Significant Impact [ ] No New Impact

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  
   [ ] Significant Impact [ ] Less than Significant with Mitigation Incorporated [ ] Less-than-Significant Impact [ ] No New Impact

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  
   [ ] Significant Impact [ ] Less than Significant with Mitigation Incorporated [ ] Less-than-Significant Impact [ ] No New Impact

### Discussion

The Specific Plan EIR evaluated potential environmental impacts from a maximum buildout of approximately 243,112 net new square feet of commercial space, 1,706 units of residential development, and 3,840 new residents. Such growth is consistent with local and regional plans, as detailed below.

The General Plan identifies the San Pablo Avenue corridor as the focus of new housing and population growth in the City, due its proximity to existing services, including public transportation infrastructure, and the opportunities for increased land use intensity afforded by underutilized land and surface parking lots.

Further, the Association of Bay Area Governments and the Metropolitan Transportation Commission have collaboratively adopted Plan Bay Area: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2012-2040 (Plan Bay Area). The San Pablo Avenue Specific Plan area is identified as a "Priority Development Area" in Plan Bay Area, where “infill development and intensification is envisioned.” Plan Bay Area forecasted an increase of 2,350 housing units in the Specific Plan area by 2040. While projections included in Plan Bay Area are not mandates, the 1,706 housing units proposed under the project would be consistent with local and regional plans for housing and population growth.
The Specific Plan EIR concluded population growth associated with the Specific Plan will not directly or indirectly induce substantial population growth beyond the Specific Plan boundaries. Rather, Specific Plan implementation will facilitate residential and commercial growth within a transit-rich, mixed use area identified for such growth in both local and regional plans and forecasts. Therefore, the Specific Plan’s direct and indirect impact on population growth was determined to be less than significant.

As discussed in the Specific Plan EIR, implementation of the Specific Plan will not require or induce the displacement of housing. Over time, existing residential units may be voluntarily replaced by property owners in accordance with Specific Plan provisions and allowable land uses. However, the residential and mixed-use focus of the Specific Plan provides for the addition of approximately 1,706 net new residential units in the Specific Plan area, offsetting any loss of housing. Accordingly, impacts associated with displacement from the Specific Plan were found to be less than significant.

Implementation of the project would introduce 144 new residential units, which is consistent with development anticipated for the project site in the Specific Plan. For these reasons, implementation of the project would not result in any impacts related to population and housing beyond those identified in the Specific Plan EIR.

**Applicable Mitigation**

The Specific Plan EIR did not identify any mitigation measures for population and housing impacts, and no new mitigation measures would be required.

**Conclusion**

The project is consistent with the type of development analyzed in the Specific Plan EIR and would be within the growth projections evaluated in regional planning documents and the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.14 Public Services

Would the project:

a) 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:

   i) Fire protection?  
      ![Significant Impact]  ![Less than Significant with Mitigation Incorporated]  ![Less-than-Significant Impact]  ![No New Impact]

   ii) Police protection?  
      ![Significant Impact]  ![Less than Significant with Mitigation Incorporated]  ![Less-than-Significant Impact]  ![No New Impact]

   iii) Schools?  
      ![Significant Impact]  ![Less than Significant with Mitigation Incorporated]  ![Less-than-Significant Impact]  ![No New Impact]

   iv) Parks?  
      ![Significant Impact]  ![Less than Significant with Mitigation Incorporated]  ![Less-than-Significant Impact]  ![No New Impact]

   v) Other public facilities?  
      ![Significant Impact]  ![Less than Significant with Mitigation Incorporated]  ![Less-than-Significant Impact]  ![No New Impact]

Discussion

Schools

The Specific Plan area is located within the West Contra Costa Unified School District (WCCUSD). According to the Specific Plan EIR, WCCUSD student yield factors for multi-family units indicated that the addition of 1,706 new residences would generate approximately 1,147 new students in the District schools over the approximately 25-year planning horizon of the Specific Plan. The Specific Plan EIR concluded new students would be accommodated in existing WCCUSD schools, and Specific Plan implementation would not result in the need for new or expanded school facilities. As the population and housing units proposed under the project would fall within the total development anticipated by the Specific Plan EIR (Table 1), new students generated by the addition of 144 new dwelling units are within the assumptions of the Specific Plan EIR, which envisioned up to 1,706 new dwelling units. As such, existing school facilities could accommodate the project.
Fire
The Specific Plan EIR concluded additional demand associated with buildout of the Specific Plan could be accommodated by the existing El Cerrito Fire Department fire protection facilities and personnel. Specifically, the Specific Plan EIR determined any demand for additional fire protection personnel or equipment resulting from Specific Plan buildout would be funded by the annual budget review and allocation in El Cerrito. Given this, impacts to fire protection services were determined to be less than significant. As the 144 dwelling units proposed under the project would fall within the total development anticipated by the Specific Plan EIR, the project would result in no new impacts associated with fire services.

Police
The Specific Plan EIR determined increased demand for police services associated with buildout of the Specific Plan would not require new or physically altered police protection facilities. The Specific Plan EIR reasoned that implementation of the Specific Plan would result in more “eyes-on-the-street” through creation of a more pedestrian-friendly corridor, which would in turn provide a safer public environment. The Specific Plan EIR identified police department approvals that would be required on a project-by-project basis to ensure the department is equipped and has the ability to maintain acceptable levels of service. The project would add 144 new dwelling units, which is consistent with the total development anticipated in the Specific Plan EIR. Therefore, implementation of the project would not result in new impacts to police services.

Parks and Other Public Facilities
The Specific Plan EIR determined implementation of the Specific Plan would not create a need for new or physically altered government facilities. Further discussion of parks and recreation resources is provided in Section 3.15, Parks and Recreation.

Applicable Mitigation
The Specific Plan EIR did not identify any mitigation measures for impacts to public services, and no new mitigation measures would be required.

Conclusion
Development of the project would be within the development assumptions evaluated in the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
### 3.15 Parks and Recreation

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
</table>

Would the project:

a) 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?

- [ ] Significant Impact
- [ ] Less than Significant with Mitigation Incorporated
- [ ] Less-than-Significant Impact
- ✗ No New Impact

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

- [ ] Significant Impact
- [ ] Less than Significant with Mitigation Incorporated
- [ ] Less-than-Significant Impact
- ✗ No New Impact

**Discussion**

Buildout of the Specific Plan would generate 1,706 new residences and increase the local population by 3,840 people. The increased local population would create an increased demand on parks and recreational facilities. The City’s General Plan establishes a ratio of 5 acres of parks and recreational facilities per 1,000 residents as the level of service standard. In 2010, the City had a ratio of 6.67 acres per 1,000 residents. With full buildout of the Specific Plan, which includes plans for new open space areas, the ratio within the City would be 5.85 acres of parks and recreational facilities per 1,000 residents. Therefore, the ratio of 5.85 acres per 1,000 residents would be above the adopted level of service standard. The Specific Plan EIR concluded the combination of existing and proposed parks and greenways within the Specific Plan area and its vicinity would meet the City’s requirements for parks and open space.

The project would add 144 new residential units to the site, which falls within the anticipated population increase analyzed in the Specific Plan EIR. Although 917 residential units are currently undergoing City approval, implementation of the project would still not exceed projected growth for the area. As previously discussed, a trail existing just north of the project site currently provides a crossing to the Baxter Creek Gateway Park. Once implemented, the project would improve the alternate crossing providing access to the Ohlone Greenway and the park across San Pablo Avenue. Therefore, the project would not result in additional demand for parks and recreational facilities beyond what was analyzed in the Specific Plan EIR.

**Applicable Mitigation**

The Specific Plan EIR did not identify any mitigation measures for impacts to parks and recreation resources.
Conclusion

Development of the project would fall within the development assumptions evaluated within the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
### 3.16 Transportation/Traffic

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New 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

This section compares traffic impacts that would result from implementation of the project with impacts identified in the Specific Plan EIR. A Preliminary Transportation Impact Analysis (TIA) was completed for the project in January 2018 and is included as Appendix F.

The Specific Plan EIR determined buildout of the Specific Plan would cause the intersection at San Pablo Avenue/Cutting Boulevard to fall from LOS D to an unacceptable LOS E when considered cumulatively with existing conditions all other planned and reasonably foreseeable projects in the cumulative scenario year 2040. The Specific Plan EIR identified Mitigation Measure 16-1, which required adoption and implementation of the San Pablo Avenue Complete Streets Plan to reduce vehicle trips and change the City’s standard for acceptable LOS from D to E. However, because the projected mode shift associated with the Complete Streets Plan could not be assured, the impact was concluded to be significant and unavoidable after mitigation.

The Specific Plan assumed several roadway improvements would occur as part of the Specific Plan buildout. In the vicinity of the project, several roadway modifications along San Pablo Avenue in the downtown area were included to improve circulation for all modes. The City of El Cerrito is currently in the process of refining the multimodal improvements identified in the Specific Plan. The City is also developing a Transportation Impact Fee (TIF) program to determine fair-share payment for individual development projects to finance the implementation of these improvements. The TIA determined that the additional traffic associated with the project would require fair-share mitigation fee payment, to be determined by the City. This requirement would be applied to the project as a condition of approval:

**Project Specific Condition of Approval:** Applicant shall pay a fair share contribution towards the implementation of the multi-modal Complete Streets improvements identified by the Specific Plan as determined by the Public Works Director.

Trip Generation

Using the same trip generation methodology used in the Specific Plan EIR, the transportation analysis estimated the project would generate 41 AM peak-hour and 65 PM peak-hour trips (See Table 3).

Table 3  Project Trip Generation

<table>
<thead>
<tr>
<th>Project/Plan</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>11965 San Pablo Avenue (Proposed Project)</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Specific Plan EIR Trip Generation for</td>
<td>284</td>
<td>460</td>
</tr>
<tr>
<td>High Priority Opportunity Sites</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Complete</td>
<td>34%</td>
<td>35%</td>
</tr>
</tbody>
</table>

Source: Fehr & Peers, 2018

Since the certification of the Specific Plan EIR, 20 developments, including this project, have been proposed and are in some stage of the City’s approval process. Table 4 summarizes the total trip generation for 14 developments within the high opportunity sites, including this project. Compared to
the Specific Plan EIR, the combined trip generation for all 14 projects would fall below the total trip generation estimated for high-opportunity areas within the Specific Plan EIR. Thus, the project cumulatively combined with all planned, approved, and under construction projects in the Specific Plan area would not result in significant traffic impacts beyond those identified in the Specific Plan EIR.

Table 4  Trip Generation for Proposed High Opportunity Sites in the Specific Plan Area

<table>
<thead>
<tr>
<th>Project</th>
<th>AM/PM Peak Hour Trips</th>
<th>AM In</th>
<th>AM Out</th>
<th>PM In</th>
<th>PM Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Proposed Project Trips</td>
<td></td>
<td>97</td>
<td>160</td>
<td>148</td>
<td>349</td>
</tr>
<tr>
<td>Specific Plan EIR Trip Generation for High Opportunity Sites</td>
<td></td>
<td>284</td>
<td>460</td>
<td>729</td>
<td>1,584</td>
</tr>
<tr>
<td>Percent Built Out</td>
<td></td>
<td>34%</td>
<td>35%</td>
<td>20%</td>
<td>22%</td>
</tr>
</tbody>
</table>

Source: Fehr & Peers, 2018

Vehicle Access and On-site Circulation

The TIA concluded residents and visitors of the project would access the project site via a full-access approximately 24-foot wide driveway on San Pablo Avenue at the northeast corner of the project site. The driveway would provide access to an underground parking garage.

The project proposes 77 stacked parking spaces (0.5 spaces per unit), including eight electric vehicle charging stations and 3 Americans with Disabilities Act-compliant spaces. The TIA provided project design recommendations to improve on-site circulation.

1. **Project Specific Condition of Approval**: Applicant shall provide mirrors at the driveway ramp curves to ensure adequate visibility between vehicles entering and exiting the project site.

Project Driveway Site Distance

The TIA provided project design recommendations to improve project driveway site distance. Vehicles parked on either side of the San Pablo Avenue driveway may block the sight distance between vehicles exiting the driveway and vehicles traveling northbound or southbound on San Pablo Avenue. Trees that currently exist on either side of the driveway may also affect visibility of exiting vehicles if the tree canopy is lower than six feet from the ground.

1. **Project Specific Conditions of Approval**: Applicant shall ensure that on-street parking and trees on both sides of the project driveway on San Pablo Avenue would not restrict sight distances for existing vehicles by providing at least 20 feet of red curb and ensuring that the tree canopies are higher than six feet from the ground on both sides of the driveway.

Bicycle Parking, Access and On-Site Circulation

Section 2.05.07.04 of the Specific Plan Form-Based Code requires bicycle parking for residential and commercial uses. Based on the proposed number of units, 219 long-term bicycle parking spaces and 7 short-term bicycle parking spaces would be required. The Project would provide 220 long-term bicycle parking spaces and eight short-term bicycle parking spaces, meeting Specific Plan requirements. Long-
term bicycle parking would be provided in secured rooms located at the northwest end of the underground garage, and along the stairwell located at the southwest corner of the underground garage. Short-term bicycle parking would be located along the building frontage on San Pablo Avenue.

**Pedestrian Access and On-Site Circulation**

Pedestrians would access the building via a lobby entrance along San Pablo Avenue. The lobby entrance would provide direct access to units on the first floor, as well as stair and elevator access to the upper floor units. Pedestrian access between the parking garage and the building would be provided via stairs and elevator to the lobby entrance in the front of the building. The Specific Plan Form Based Code requires a minimum a 14-foot public realm along community streets, including 8 feet of clear pedestrian right-of-way and 6 feet of amenity space, which includes landscaping. The project would provide an eight-foot pedestrian zone and a six-foot amenity zone, meeting Specific Plan requirements.

**Transit Access**

AC Transit provides nearby transit service to the project site with a bus stops along both northbound and southbound San Pablo Avenue, at the San Pablo Avenue/Macdonald Avenue intersection, about 700 feet north of the project and at the San Pablo Avenue/Conlon Avenue intersection, about 600 feet south of the project. The San Pablo Avenue/Macdonald Avenue bus stops provide a bench and bus shelter. The San Pablo Avenue/Conlon Avenue intersection bus stops provide a bench and no bus shelter. Both the San Pablo Avenue/Macdonald Avenue and San Pablo Avenue/Conlon Avenue intersections are signalized, providing a protected crossing for pedestrians crossing San Pablo Avenue to walk between the northbound bus stops and the project site.

**Parking and TDM Requirements**

The Specific Plan Form-Based Code requirements for the TOHIMU zoning district apply to the project site. TOHIMU zoning requires a maximum of 1.0 automobile parking space per dwelling unit and a basic Transportation Demand Management (TDM) plan.

The project would provide a ratio of 0.5 spaces per unit; 77 parking spaces in the underground parking garage for a total of 144 dwelling units. This would be consistent with Specific Plan parking standards.

**Applicable Mitigation**

Implementation of **Mitigation Measure 16-1** would be required along with implementation of the project-specific conditions of approval. No new mitigation measures would be required.

**Conclusion**

The project is consistent with the type, density, and intensity of development analyzed in the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.
3.17 Tribal Cultural Resources

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
</table>

Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

   i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

   [ ] Yes [ ] No [ ] Not Applicable

   ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

   [ ] Yes [ ] No [ ] Not Applicable

Discussion

As confirmed in the CHRIS records search, there are no recorded cultural resources onsite, although several recorded sites are located in close proximity. As previously discussed in Section 3.5, Cultural Resources, implementation of Mitigation Measure 7-2 would be required; this mitigation measure will protect previously unrecorded or unknown cultural resources, including Native American artifacts and human remains.

AB 52

Subsequent to certification of the Specific Plan EIR, the California Legislature passed Assembly Bill (AB) 52, which provides for consultation between lead agencies and Native American tribal organizations.
during the CEQA process. Effective July 1, 2015, AB 52 states that prior to the release of an EIR or negative declaration/mitigated negative declaration for public review, a lead agency must provide the opportunity to consult with local tribes. Formal consultation under AB 52 is not required for this project per Section 15162, which exempts project CEQA documents that do not require public review.21

**Native American Sacred Lands File Search**

A Sacred Lands File search for the project site was submitted to the Native American Heritage Commission (NAHC) on January 24, 2018 (included as Appendix G).22 The results of the NAHC Sacred Lands File Search showed tribal cultural resources exist at the project site or its vicinity. As recommended by the NAHC, letters notifying tribes were sent out on March 2, 2018. As previously discussed, the project will implement Mitigation Measure 7-2, thus, protecting previously unrecorded or unknown cultural resources, including Native American artifacts and human remains.

**Applicable Mitigation**

Implementation of Mitigation Measure 7-2 would be required and would remain adequate to mitigate impacts as described in the Specific Plan EIR. No new mitigation measures would be required.

**Conclusion**

The Specific Plan EIR adequately evaluated the potential impacts to cultural resources. Project-specific research and Native American contact for the project has confirmed the Specific Plan EIR adequately evaluated the potential tribal cultural resource impacts that would occur with implementation of the project. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts. Therefore, the Specific Plan EIR adequately evaluated impacts that would occur with implementation of the project and no new or more severe impacts would occur.

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21 As the Specific Plan EIR was certified prior to July, 2015, and as this Program EIR Checklist supports the findings that, pursuant to CEQA Guidelines Section 15132, there are no new or substantially more severe significant effects and mitigation required, the project is within scope and is not subject to AB 52.

# 3.18 Utilities and Service Systems

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No New 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 stormwater 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>
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## Discussion

The Specific Plan EIR determined water demand would increase as a result of buildout of the Specific Plan. Average daily demand was projected to be 882,720 gallons per day (gpd), which represents approximately 0.38 percent of the water demand forecasted in the Urban Water Management Plan (UWMP) for the year 2040.
The Specific Plan EIR also noted development within the Specific Plan area would incorporate the City’s requirements for providing adequate water supply, including compliance with adopted performance standards, application of these standards in each jurisdictional City’s development review process, coordination of development review with East Bay Municipal Utility District (EBMUD) including consistency with the UWMP, and the requirement that new development pay a fair share of the costs associated with provision of water facilities as required by the City’s conditions of approval.

The Specific Plan EIR concluded that since development facilitated by the Specific Plan would require about 0.38 percent of EBMUD's forecasted planning level water demand for its service area by the year 2040, and would be subject to EBMUD and jurisdictional City plans, regulations, and ordinances regarding water supply, the impact on water supply would be less than significant.

The Specific Plan EIR concluded development associated with the Specific Plan would result in less-than-significant impacts on utilities and service systems, including wastewater treatment, stormwater drainage, and solid waste disposal. However, the Specific Plan EIR determined wastewater and storm drainage infrastructure systems would require improvements, including the upgrading of existing deficiencies, in order to accommodate new development facilitated by the Specific Plan. The Specific Plan EIR provided recommendations and design considerations for proposed infrastructure improvements.

The Stege Sanitary District provides wastewater service to properties along San Pablo Avenue, including the project site. This project applicant will participate in the San Pablo Avenue Sewer Capacity Improvement Fee Program.

The Specific Plan EIR determined that significant, unavoidable construction-related noise and vibration impacts would result from construction of the identified infrastructure improvements required to meet the Specific Plan buildout capacity.

Dwelling units constructed under the project would fall within the total development anticipated in the Specific Plan EIR. As such, the project would not increase demand on the wastewater infrastructure beyond that analyzed in the Specific Plan EIR. Given this, the project would not result in any impacts from expanded utility infrastructure beyond what was identified in the Specific Plan EIR.

The increase in commercial and residential density under the Specific Plan would result in an increase in the amount of solid waste generated within the Specific Plan area. The Specific Plan EIR concluded the increase in solid waste generation would not exceed acceptable rates established by plans, policies, and regulation. Solid waste generated by the occupation and operation of Specific Plan development would be served by solid waste and recycling facilities with sufficient long-term capacities to accommodate residential and commercial development of the Specific Plan development, including the project. Solid waste in El Cerrito is collected by the East Bay Sanitary Company and processed at the Golden Bear Transfer Station in Richmond. After processing, landfill materials are transferred to the Keller Canyon Landfill in Contra Costa County. As such, solid waste impacts were determined to be less than significant.
Pacific Gas & Electricity would provide gas and electric services to the project site, Stege Sanitary District would provide sewer services, and EBMUD would provide water services.23

Applicable Mitigation
The Specific Plan EIR did not identify any mitigation measures for utility impacts. No new mitigation measures would be required.

Conclusion
The project is consistent with the type of development analyzed in the Specific Plan EIR. No substantial changes in environmental circumstances have occurred, and no new information that could not have been known at the time the Specific Plan EIR was certified has been identified which would lead to new or more severe significant impacts, and no new mitigation measures, beyond implementation of the project-specific condition of approval, would be required. The project would not result in new significant or more severe impacts related to utilities. Therefore, the Specific Plan EIR adequately evaluated the utilities and service systems impacts of the project and no new impacts related to utilities would result.

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# 4 Reference Documents


## Technical Appendices

The following resources were prepared in order to further identify project specific parameters. Copies of these technical documents are incorporated herein by reference and are available for review during normal business hours at the City of El Cerrito.

Dear Mr. Moss,

I read about the proposed 8-story building to be built near Home Depot. This would fall exactly where our view of the Golden Gate bridge is -- and we bought our house largely for that beautiful view. I support high-density housing throughout urban areas, but could the city council instead plan a larger 4-story building so it wouldn't ruin the views for thousands of residents (who also probably bought their homes -- or chose to rent there -- because of that view)? I understand from a neighbor who seems more knowledgable about things that El Cerrito has already added a number of higher-density apartment buildings.

Thank you for your consideration.

Respectfully,

Marjorie Page
Dear Mr. Moss,

I am vehemently opposed to the plan for this building at 11965 San Pablo Avenue, next to Home Depot, which will block the beautiful bay views for thousands of residents, as well as blocking the sun from Baxter Creek. With only 10 units of affordable housing, this seems indefensible. I am thankfully not one of the residents who would be affected, but if this passes, it will only be a matter of time before other similar projects are railroaded through, one of which may well block my view one day. Aside from the obvious downside of losing our beautiful views, the long term ramifications are even worse. The impact on the resale value of our homes will be significant, and for many of us, our home is our biggest investment and will be needed to fund our retirement. A loss in resale value would be devastating for my husband and me, and I know countless others would be in the same boat.

Please let me know how to make my voice heard. This is not what El Cerrito is about. It would be the beginning of the end of our nice little city.

Sincerely,
Tracy Fortini
7436 Potrero Ave
As a life-long East Bay native and an El Cerrito homeowner who was fortunate enough to be able to purchase my house during the housing crash, I enthusiastically support adding more high-capacity housing near transit hubs. We desperately need high-capacity multi-story housing to relieve some of the incredible pressure of the housing market, and we need it as close to transit as possible to reduce traffic congestion. Even market rate units help relieve the overall housing market pressure. While I am fortunate enough to own my own home, many of my friends and neighbors are struggling--teachers and nurses and other folks our community needs cannot afford to live here. If the city were to propose a high-rise housing unit next door to my house, I would cheer. YIMBY!!!

Please let me know if you have any questions. Thanks for all your work to support housing needs in our community.

Best,
Janaki Sullivan
Dear Mr. Moss,

I am writing to express my concern over the eight-story building that is proposed for 11965 San Pablo Avenue.

I understand the need for high density housing near transit centers but the height of this proposed building is unacceptable. There are no other buildings of this height anywhere in El Cerrito or the surrounding communities. This building would block the views of thousands of residents as well as drastically alter and disrupt the skyline. The introduction of a high rise building in an area where none exist would forever negatively impact the nature of the neighborhood and community.

Please reconsider the height of the proposed building at 11965 San Pablo Avenue.

Thank you,

Robert Hopeman
2209 Mono Ave,
El Cerrito, 94530
Hey Sean. I looked for the plans online three times, but can't find them. Can you send me a link or a PDF for the plans for the unusually tall building planned near Home Depot? I think it's 11965 San Pablo or so. (Old Taco Bell site). Thank you, and happy holidays.

Brandon M. Mercer
BrandonMMercer@gmail.com
415-636-1912
LinkedIn: https://www.linkedin.com/in/mercerbrandon

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Subject: RE: 8-story building near Home Depot on the Taco Bell site? (11695 San Pablo, I think)?

Hi Brandon,

Welcome back to El Cerrito!

Unfortunately, I do need to clarify. Regular, market rate projects are allowed to go to 65 ft, but projects which qualify as affordable housing projects under State Law are allowed to go higher as an incentive. The project at the Taco Bell site is utilizing this incentive, and is providing the required percentage of affordable housing units; which in this case is 10 units, although we are still confirming this number. Again, the plans are available at City Hall and will soon be posted online. I understand that height is the concern, but I hope when you see the project plans, including view analyses, it will look less alarming to you. Again, the project will be schedule in the next couple/few months for the Design Review Board, and although they cannot comment on height, as it is allowed by-right, they do evaluate the project’s architecture to assure that it is an overall enhancement and furthers the goals of making San Pablo Avenue a more attractive and livable corridor.

Again, feel free to swing by City Hall or we’ll notify you when the Plans are posted online.

Melanie

Melanie Mintz
Community Development Director
City of El Cerrito
510.215.4339
www.el-cerrito.org/CommDev
Wow, thank you so much for the incredible response!

This is one of the reasons why I love living in El Cerrito. (We’ve lived here twice... we moved back to El Cerrito after my work took me to Sacramento).

64 feet makes sense..... the height of the El Cerrito Plaza apartments seems reasonable. 80 or 90 feet is what would concern me!

--B

BRANDON M. MERCER

SFGATE | SeattlePI

PLEASE CALL OR TEXT IF YOU NEED A QUICK RESPONSE:

C 415-636-1912

Hello Brandon,

Yes, the City is reviewing an application for 11965 San Pablo Avenue for a residential project of 146 units. I am cc’ing Sean Moss, the City’s Senior Planner, who is overseeing the project’s application, and Margaret Kavanaugh-Lynch, the City’s Development Services Manager. The project’s application is not complete, but when it is, which is anticipated in the next week or so, it will be put on our webpage for viewing at www.el-cerrito.org/majorprojects. In the meantime, you are welcome to come to City Hall to review the proposed project or contact Sean at 215-4359. Sean can also let you know once the project has been posted to the City’s Major Projects web page. Once the application is complete, it will be scheduled for a public hearing at the Design Review Board.

The San Pablo Avenue Specific Plan does allow projects of up to 65 feet by right in locations within the San Pablo Avenue Specific Plan area within ¼ mile of BART, and increased height for projects that qualify for the State’s Density Bonus Law by providing some percentage of affordable housing. A view
Hey Melanie. I left you a voicemail, and then realized this email didn't go through, so I'm re-sending.

My wife just told me about the plans to build the tallest building in El Cerrito at the site of the old Taco Bell near Home Depot and the BART tracks.

I wanted to let you know that my neighbors and I are very concerned about the height of this structure. If I heard right, it's going to be 8 stories? Eight stories is appropriate in San Francisco, but not in our community. A building of that height is out of character for El Cerrito. The entire reason we moved back to the city is because of the small town feel, and an eight story building might as well make us Oakland.

My understanding is the city has an ordinance that prevents neighbors' trees from growing up and blocking views. To allow a building of this size would be far worse
than a forest of trees. The site would have a significant impact on the views of my neighbors and I, and cause hundreds of thousands dollars in loss to the value of our homes and their views. To put a building like that there would completely block the view of Mount Tam from the MacDonald Avenue area and the homes near Canyon Trails Park. Also, there are no buildings over 2 stories for several blocks from that location.

All of our homes are oriented toward a view of Mount Tam and the Bay. This proposed building completely blocks any glimpse of Mount Tam at that height. Please see attached photos for an example of the current view and how this would destroy it.

Could you guide me toward where I can learn more about the actual plans, so I can make sure I have the correct information? Thank you so much!

Brandon M. Mercer
BrandonMMercer@gmail.com
Google Voice: (916) 572-8721
LinkedIn: https://www.linkedin.com/in/mercerbrandon
Hello,

Thanks to a neighbor on NextDoor, I was just informed that plans are in place to build a 10 story housing unit near Home Depot. As a resident of 5508 Macdonald Ave for 7 years, the views of the Golden Gate Bridge were one of the biggest selling points in our decision to move from San Francisco to El Cerrito. I really urge your advisory team to reconsider any plans that would obstruct residents views and diminish property values.

Thank You,

Kathy Kayhour

iPhone. iTypos. iApologize.
Public Comment via phone:

1/29/18: Pat Trumbull, 833 Balra. Opposed to height of project.
Thanks Sean!

Sent from my iPhone

> On Dec 15, 2017, at 9:47 AM, Sean Moss <SMoss@ci.el-cerrito.ca.us> wrote:
> Hi Ellen,
> I have received your email. Thanks for your comments. Your comments will be forwarded to the Design Review Board when they consider the project.
> You are welcome to come review the application any time City Hall is open. We hope to post it on the website soon. I also hope to have additional photo simulations soon which will provide a better indication of the view. I can let you know when I receive those.
> I hope you have a wonderful holiday season.
> Best,
> Sean Moss, AICP
> Senior Planner
> CITY OF EL CERRITO
> 10890 San Pablo Avenue * El Cerrito, CA 94530
> Direct | 510.215.4359
> On Fri, Dec 15, 2017 at 8:23 AM -0800, "Ellen Spitalnik" <ellenspitalnik@gmail.com> wrote:
> Hi. Please confirm receipt.
> Sent from my iPhone
> Begin forwarded message:
> From: Ellen Spitalnik <e.spitalnik@yahoo.com>
> Date: December 7, 2017 at 7:30:57 AM PST
> To: SMoss@ci.el-cerrito.ca.us
> Cc: Janet Abelson <jabelson@ci.el-cerrito.ca.us>
> Subject: Taco Bell site
> Hi
> I am opposed to a multi story building that blocks my view.
> The reason I chose my home on 6457 hagen blvd is the wonderful view of Mt Tam.
> I encourage you to revise the plan so as to prevent what will be the tallest building invading the beautiful view
scape of so many El Cerrito residents in the del Norte area.
>
> Have you consulted with local realtors about the economic loss to value of many of our homes once the full view
scape is taken away with this proposal? Does this figure get accounted for in your planning for height of proposed
building?
>
> Is there a city planning requirement to do such an accounting?
>
> If not, can you do so prior to finalizing?
>
> Thanks
> Ellen Spitalnik.
>
> Sent from my iPhone
Dear Sean,

For this year, while our house in Kensington is getting renovated, my family and I are El Cerrito residents. So I am taking the liberty to support the development proposal at 11965 San Pablo Avenue, next to Home Depot, where BART crosses the road at the Baxter Creek greenway.

This looks like a good project, in the San Pablo corridor, near transit. Some residents are fretting about lost views, traffic, and so on. Change is hard, I get that. But this is where development needs to happen, and if our kids are to ever have hope of staying in the area, we have to support sensible building in areas that can support density. While I would have loved to see more affordable units in this project, I believe this is a good project and is a necessary one.

Thanks very much.
Sincerely,
Garen Corbett
704 Midcrest Way
El Cerrito, CA 94530

--

Garen Corbett
about.me/glcorbett
RE: Baxter Creek Apartments
El Cerrito, CA

Dear Hector,

Thank you for sending the plans to a representative of the Richmond Design Review Board. I need to thank the City of El Cerrito for sharing their review of this application with their neighbors. I was part of the Richmond / El Cerrito -San Pablo Ave redevelopment committee that examined ways to transform this vital corridor into an inviting and thriving street for all of our citizens to come to and be proud of. The Form Based Code that the City of El Cerrito has adopted is a successful tool that I have used before and believe in.

Comments:

In the El Cerrito Form Based Code there is a section devoted to shadow standards.

2.05.02.02 Shadow Standards

2.05.02.02.01 Intent

To minimize impacts of shadows on public right-of-ways and open space and adjacent residential lots through leveraging creative design solutions, establishing context-sensitive setbacks and height guidelines. Shadows shall be measured on Winter Solstice (December 21) to ensure compliance with the upper floor setback and height regulations outlined in the following section except along local residential streets. For more information on administrative process and exceptions for constrained lots see Section 2.02 Administration of Regulating Code.

Although our lands are not in the city of El Cerrito, the above intent is what I want to overlay onto the future of a City of Richmond Parcel to the North. I am going to assume that this parcel to the north will be perhaps a mixed-use medium to high density development sharing the same access easement thence to parking. The best place for outdoor useable open space would be toward the south with the bulk of the building to the north. The proposed building is 84 feet tall and will cast a huge shadow over the useable open space of this future mixed use building. I would strongly encourage the City of El Cerrito to honor the intent of this part of
their Form Based Code and encourage the architect to step down the proposed north facing wall to be in general conformance with 2.05.02.02.01.

**Site Planning / Architecture:**

This site has an awkward shape and is a difficult site because of its shape. The shape of this lot only gives the architect a few options in terms of where to put the buildings. There are two options.

1: Building mass as proposed

2. Align the building mass to the south following the BART R/W

Both options have their good points and bad points.

In the proposed plan the useable open space is to the south which is a great place for it; However the intense screeching of the bart trains every 7 – 10 minutes makes this open space a space to avoid making it a useless appendage. The shifting of the mass to the north to provide a useable open space to the south only works if the open space to the south is hospitable. The straight line of North building wall 84 feet tall and a few hundred feet long is a problem for us in Richmond. Our design standards are like yours, and we require a building mass like this to be articulated to reduce the mass and bulk. Perhaps the answer lies in stepping the building down to avoid shadows on our lands and in that process the mass and bulk are reduced. . (bad news might be the lower unit count)

Option 2 – move building mass to the south. This option moves the building mass away from San Pablo and our property to the North and allows for a tall building that does not cast harmful shadows or long un-articulated massive walls. (bad news might be the lower unit count)

The Street level seems devoid of the intended shop front vitality that the city of Richmond wants as well as the City of El Cerrito. There is a lounge and a leasing office and then units facing the street. There is not attention paid to creating inviting public spaces for gathering or dining. There is no attention paid to how the signage might work, no forms that say “shop front here”… The apartment entry is nice, but the remaining ground floor space is utilitarian and uninviting to the public.
The exterior materials are ill suited for this sort of building. Corrugated metal is more suited for a quasi industrial zoning district. Suggest a rainscreen system like Trespa or Equitone or other panels. The stucco combined with the window fenestration produces a chaotic and ponderous composition. Perhaps create base layer of cut stone and differentiate the commercial / pedestrian ground plane with that of the residential zone above. This will help the massing problem.

The Courtyard to the south:

When A Screeching bart train rolls past, the 84 foot tall U shape building will act like an echo chamber and make life in those units unbearable. Windows will need to be closed all the time and shades over those windows will need to be closed to keep your neighbor -25 feet away - from looking at you... So, the quality of life that we in Richmond are bound to protect as part of our pledge to protect the health safety and welfare of our citizens comes into play here....We in the city of Richmond would not want that for our citizens.

Summary:

I think this parcel is a good parcel to develop, but not at the density proposed and not with the current architecture and building configuration. Quality of life is a big issue for us- as is this building contribution to the prosperity and vitality of the San Pablo Ave Corridor. This building should not be built as proposed.

Respectfully.

Jonathan Livingston DRB Chair
November 7, 2018

Via Email and Hand Delivery

Margaret Kavanaugh-Lynch  
Development Services Manager  
City of El Cerrito  
Community Development Dept.  
Email: mkavanaugh-lynch@ci.el-cerrito.ca.us

Sean Moss  
Senior Planner  
City of El Cerrito  
Community Development Dept.  
Email: smoss@ci.el-cerrito.ca.us

Re: Comments on Polaris Apartments (formerly Baxter Creek Apartments) Project, 11965 San Pablo Avenue (PL17-0028)

Dear Ms. Kavanaugh-Lynch and Mr. Moss:

We are writing on behalf of El Cerrito Residents for Responsible Development (“El Cerrito Residents”) in regard to the Polaris Apartments Project (formerly Baxter Creek Apartments) (“Project”) proposed by Charles Oewel, 11965 San Pablo LLC (“Applicant”). The Project would include demolition of one existing structure and parking lot and construction of a new 123,914 square foot, 8-story, 85-foot-tall multi-family residential building with a total of 144 dwelling units and 77 parking spaces in an underground garage. The Project would be located at 11965 San Pablo Avenue in the City of El Cerrito. The Applicant is seeking Design Review Board Tier II approval for the Project.

We have reviewed the City’s CEQA Environmental Checklist, the San Pablo Avenue Specific Plan Environmental Impact Report, and related Project documents

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and determined that the City has failed to comply with the California Environmental Quality Act ("CEQA") by failing to prepare a subsequent or supplemental Environmental Impact Report ("EIR") for the Project. Rather than preparing an EIR for this Project, the City has incorrectly assumed that the Project’s impacts have been already adequately evaluated in the San Pablo Avenue Specific Plan Program EIR ("Specific Plan EIR") and thus are exempt from further CEQA review. This is incorrect for two reasons. First, the Specific Plan EIR expressly deferred evaluation of the Project’s construction health risk impacts from toxic air contaminants ("TACs") to project-specific review. As a result, this potential impact was never evaluated in the Specific Plan EIR. Because substantial evidence exists that this impact may be significant, a supplemental environmental review document prepared and circulated for public review and comment. Second, the CEQA Environmental Checklist identifies new information regarding the Project’s potential to expose construction workers and nearby residents to contaminated soils. Rather than evaluating this potential impact in a supplemental EIR, the City improperly assumes, with no supporting evidence, that this contamination has already been remediated. Finally, the City must evaluate the potentially significant visual and aesthetic impacts the Project will have on the Ohlone/Richmond Greenbelt.

The City must prepare an EIR to disclose and evaluate each of these issues before it may approve the Project. Where potential impacts are identified, the City must address these impacts through the imposition of feasible mitigation measures.

These comments were prepared with the assistance of technical experts Matthew Hagemann and Hadley Nolan of Soil Water Air Protection Enterprise. SWAPE’s technical comments and curriculum vitae are attached as Attachment 1 and submitted to the City in addition to the comments contained herein.¹

I. Statement of Interest

El Cerrito Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety standards and environmental impacts associated with Project

¹ Attachment 1: Letter from Matthew Hagemann and Hadley Nolan, SWAPE, to Collin S. McCarthy, Adams Broadwell Joseph & Cardozo re: Comments on the Baxter Creek Apartments Project (Nov. 7, 2018) ("SWAPE Comments").
development. El Cerrito Residents includes the International Brotherhood of Electrical Workers Local 595, Plumbers & Steamfitters Local 342, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, and their members and families; and other individuals that live and/or work in the City of El Cerrito and Contra Costa County, including El Cerrito resident Nicholas Albon.

Individual members of El Cerrito Residents and the affiliated labor organizations live, work, recreate and raise their families in the City of El Cerrito and Contra Costa County. These members would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. Accordingly, they will be first in line to be exposed to any health and safety hazards that exist onsite. El Cerrito Residents have a strong interest in enforcing the State’s environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by causing building moratoriums or restrictions, making it more difficult and more expensive for business and industry to expand in the region, and making it less desirable for businesses to locate and people to live there.

II. The City Must Prepare A Subsequent or Supplemental EIR to Disclose and Analyze the Project’s Significant Impacts

CEQA has two basic purposes, neither of which the City has satisfied in this case. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental impacts of a project before harm is done to the environment. The EIR is the “heart” of this requirement, and has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological

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3 No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 84.
points of no return.” To fulfill this purpose, the discussion of impacts in an EIR must be detailed, complete, and “reflect a good faith effort at full disclosure.” An adequate EIR must contain facts and analysis, not just an agency’s conclusions.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring imposition of mitigation measures and by requiring the consideration of environmentally superior alternatives. If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts. CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures. Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

Under CEQA, an EIR must not only discuss measures to avoid or minimize adverse impacts, but must ensure that mitigation conditions are fully enforceable through permit conditions, agreements or other legally binding instruments. A CEQA lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. This approach helps “insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.”

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7 CEQA Guidelines § 15002(a)(2) and (3); Berkeley Jets, 91 Cal.App.4th at 1354; Laurel Heights Improvement Ass’n v. Regents of the University of Cal. (1998) 47 Cal.3d 376, 400.
8 PRC, §§ 21002.1(a), 21100(b)(3).
9 Id., §§ 21002-21002.1.
10 CEQA Guidelines § 15126.4(a)(2).
11 Kings County Farm Bur. v. County of Hanford (1990) 221 Cal.App.3d 692, 727-28 (a groundwater purchase agreement found to be inadequate mitigation because there was no record evidence that replacement water was available).
Following preliminary review of a project to determine whether an activity is subject to CEQA, a lead agency is required to prepare an initial study to determine whether to prepare an EIR or negative declaration, identify whether a program EIR, tiering, or other appropriate process can be used for analysis of the project’s environmental effects, or determine whether a previously prepared EIR could be used with the project, among other purposes.\(^\text{13}\) CEQA requires an agency to analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances.\(^\text{14}\) A negative declaration may be prepared instead of an EIR when, after preparing an initial study, a lead agency determines that a project “would not have a significant effect on the environment.”\(^\text{15}\)

In situations such as the one here, where a program EIR has been prepared that could apply to a later project, CEQA requires the lead agency to conduct a two-step process to examine the later project to determine whether additional environmental review is required.\(^\text{16}\) First, the agency must consider whether the project will result in environmental effects that were not examined in the program EIR.\(^\text{17}\) If the agency finds the activity would have environmental effects that were not examined in the program EIR, it must then prepare an initial study to determine whether to prepare an EIR or negative declaration to address those effects.\(^\text{18}\)

Second, if the agency determines the project is covered by the program EIR, it must then consider whether any new or more significant environmental effects could occur due to changes in circumstances or project scope, or new information that could not have been considered in the program EIR.\(^\text{19}\) More specifically, pursuant to Public Resources Code section 21166, subsequent or supplemental environmental review is required when one or more of the following events occur:

\(^{13}\) CEQA Guidelines §§ 15060, 15063(c).
\(^{14}\) See, e.g., PRC, § 21100.
\(^{16}\) See CEQA Guidelines 15168(c); S. Kostka & M. Zischke, Practice Under the California Environmental Quality Act 2d, § 10.16 (Mar. 2018).
\(^{17}\) CEQA Guidelines § 15168(c)(1).
\(^{18}\) Id.
\(^{19}\) CEQA Guidelines § 15168(c)(2).
(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.20

CEQA Guidelines section 15162 elaborates on this requirement and explains that the lead agency must determine, based on substantial evidence in light of the whole record, if one or more of the following events has occurred:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

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20 PRC, § 21166.

4382-002j
(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.21

Only where none of the conditions described above calling for preparation of a subsequent or supplemental EIR have occurred may the lead agency consider preparing a subsequent negative declaration, an addendum or no further documentation.22 The City’s decision not prepare a subsequent or supplemental EIR must be supported by substantial evidence.23

Here, by failing to prepare and circulate a subsequent or supplemental environmental review document, the City has failed to comply with CEQA. First, because the Specific Plan EIR expressly deferred the evaluation of construction health risk impacts from TAC emissions, this impact was never examined in the program EIR (and could not have been examined). There is substantial evidence Project construction emissions will result in significant health risk impacts from exposure to TAC emissions. As a result, the City has failed to comply with its obligations to prepare and circulate for review an EIR disclosing and analyzing the Project’s significant health risk impacts. New information resulting from project-analysis, which was not known and could not have known at the time the Specific Plan EIR was certified, shows the Project will result in significant health risk impacts.

Second, there is substantial evidence that Project construction activities may expose construction workers and nearby residents to pesticide-contaminated soils at the Project site. Again, this impact was never examined in the Specific Plan EIR. Indeed, it could not have been as the Phase I ESA and Project application occurred after certification of the EIR.

21 CEQA Guidelines § 15162(a)(1)-(3).
22 CEQA Guidelines § 15162(b).
23 CEQA Guidelines §§ 15162 (a), 15164(e), and 15168(c)(4).
CEQA requires that the City prepare a subsequent or supplemental EIR to disclose and analyze each of these impacts, and the City may not approve the Project until that EIR is circulated for public review and comment.

III. THE CITY MUST PREPARE AN EIR TO DISCLOSE AND ANALYZE POTENTIALLY SIGNIFICANT HEALTH RISK IMPACTS RESULTING FROM PROJECT CONSTRUCTION

a. The SPA Specific Plan Program EIR Did Not Analyze Air Quality Impacts from Emissions of Toxic Air Contaminants at the Project-Level

The City is required to prepare and circulate for public review and comment an EIR for the Project because the Specific Plan EIR did not examine the health risk impacts of toxic air contaminant emissions at the project-level and there is substantial evidence impacts may be significant. As explained above, CEQA Guidelines section 15168 governs the use of program EIRs with later activities. Section 15168, subsection (c), provides that “[s]ubsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.”

“If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a Negative Declaration.”

In 2014, the City certified a program EIR for the San Pablo Avenue Specific Plan. In the Specific Plan EIR, the City acknowledged that health risks associated with construction-related emissions of TACs are a potentially significant impact. The Specific Plan EIR generally discussed the risks of construction TAC emissions


\[25\] CEQA Guidelines § 15168(c).

\[26\] CEQA Guidelines § 15168(c).

and the potential for impacts to occur, however, in Impact 5-2, “Impacts of Toxic Air Contaminants (TACs) On Sensitive Receptors,” the EIR expressly stated that “cancer risk and PM2.5 exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant.” Recognizing that such analysis could not be performed at the program level, the City adopted Mitigation Measure 5-2 which expressly requires that construction health risk assessments be performed on a project-by-project basis for projects in the Specific Plan area:

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

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

As the City’s own discussion of the issue demonstrates, construction health risk impacts from individual development projects in the Specific Plan area were not, and could not have been, examined in the Specific Plan EIR. Under CEQA Guidelines section 15168(d), the City may use the Program EIR to simplify preparing environmental documents on later parts of the program, to include preparing a focused EIR on new effects which had not been considered before. However, where the program EIR expressly states that a particular effect was not examined, the City cannot find that the project will have no new effects not examined in the program EIR. Furthermore, as discussed further below, SWAPE’s expert comments provide substantial evidence Project construction emissions may result in a significant public health impact. Accordingly, the City must prepare an EIR.
b. New Information Has Become Available Since the Certification of the San Pablo Avenue Specific Plan Programmatic EIR Showing Construction Health Risks from TAC Emissions Are Significant

Even assuming, arguendo, that the City’s general discussion of TAC emissions from construction activities and associated impacts in the Specific Plan EIR constitutes a sufficient examination of health risk impacts to bring the Project within the scope of the program EIR, new information concerning the Project’s significant impacts from construction nonetheless requires that the City prepare a supplemental EIR in this case.28 When evaluating whether additional review is required later activity covered by a program EIR, CEQA requires the lead agency to consider whether any of the events in CEQA Guidelines Section 15162 have occurred.29 Guidelines Section 15162 states, in relevant part:

(a) When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

... 

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

Here, because the City did not (and could not) prepare a construction health risk assessment for the Project at the time the Specific Plan EIR was prepared, any information relating to the Project’s specific impacts in this area is by definition new information, which was not known and could not have been known. Moreover,

28 See PRC § 21166; CEQA Guidelines §§ 15162, 15168.
29 CEQA Guidelines § 15168(c)(2).
as SWAPE’s analysis shows, there is substantial evidence that project construction will have significant health risk effects on nearby receptors, which is information of substantial importance. While this information was not discussed in the EIR, to the extent Specific Plan EIR recognized construction TAC emissions as a potentially significant effect, SWAPE’s analysis demonstrates these impacts will be substantially more severe than shown in the Specific Plan EIR.

i. The City’s conclusion that the project would result in no new impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR is not supported by substantial evidence

With regard to the issue of short term TAC exposure, the City’s CEQA Checklist prepared for the Project asserts that “with implementation of BAAQMD-recommended measures to control particulate matter emissions during construction, Mitigation Measure 5-1 would ensure that project construction emissions would fall below BAAQMD’s significance threshold as described in the Specific Plan EIR. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations during project construction. The project would result in no new or more severe impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR, and further analysis is not required.”

The City’s conclusion that the Project would result in no new impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR is not supported by substantial evidence. The Specific Plan EIR does not analyze impacts related to short-term TAC exposure resulting from this Project. While the Specific Plan EIR identifies construction related TAC emissions as a potential impact, it expressly defers analysis and mitigation of this impact to subsequent project-specific review.

The City’s reliance on Mitigation Measure 5-1 also fails to support its conclusion. Mitigation Measure 5-1 requires the Applicant to incorporate additional measures to reduce diesel particulate matter and PM2.5, to include providing a plan that heavy-duty vehicles will achieve certain percent reductions in NOx and

30 See SWAPE Comments at pp. 3-8.
31 CEQA Checklist at p. 19.
32 Specific Plan DEIR at pp. 5-15 – 5-27.
particulate emissions. It does not, however, address localized TAC impacts. Until project emissions are quantified and a health risk assessment performed, the City has no basis to conclude the construction equipment requirements in MM 5-1 would reduce localized TAC impacts to a less than significant level. Similarly, while MM5-2 states that “performance standards and industry recognized measures” shall be required “to reduce to exposure,” this alone fails to ensure that impacts will be mitigated to a less than significant level. MM5-2 does not identify any specific performance standards or measures that must be implemented. Instead, it merely lists potential options that could be used. MM5-1 and MM5-2 thus do not provide substantial evidence that construction TAC impacts would be reduced to a less than significant level.

ii. There is Substantial Evidence Health Impacts from Project Construction Emissions May Be Significant

As part of its attached comments, SWAPE prepared a screening-level construction HRA based on the Project size, type, and location.\(^{33}\) Using Google Earth, SWAPE determined the nearest residential receptor to the Project site is located approximately 450 feet from the site.\(^{34}\) Consistent with Office of Environmental Health Hazards Assessment guidance, SWAPE’s HRA was prepared assuming exposure begins during the 3rd trimester of pregnancy, and that once the baby is born it is exposed to the construction emissions over the course of the 20-month construction period.\(^{35}\) SWAPE’s analysis concludes that the excess cancer posed to such receptors (i.e., beginning at the third trimester and into infancy) is approximately 44 in one million, and thus exceeds the BAAQMD threshold of 10 in one million.\(^{36}\)

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\(^{33}\) SWAPE Comments at pp. 3-8.
\(^{34}\) SWAPE Comments at p. 5.
\(^{35}\) SWAPE Comments at p. 6.
\(^{36}\) SWAPE Comments at p. 7.
This risk increases dramatically when existing TAC conditions in the area are taken into account. Nearby sources of significant TAC emissions include Interstate 80 and the Home Depot diesel generator. When these additional existing sources are taken into account, the actual excess cancer risk posed to infants during the 20-month construction duration is approximately 54.01 in one million, which is significantly higher than the cancer risk posed from construction of the Project alone.

As SWAPE’s analysis demonstrates, the City’s determination that the project would result in no new impacts related to short-term exposure to TACs is not supported by substantial evidence. Moreover, SWAPE’s comments provide substantial evidence that the Project will have new significant impacts as a result of construction TAC emissions which were not known at the time Specific Plan EIR was adopted. The City must prepare an EIR to disclose and analyze this significant health risk impact and identify and require all feasible mitigation.

iii. The City’s conclusion that the project would result in no more severe impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR is not supported by substantial evidence

While the Specific Plan EIR plainly shows that the Project’s construction impacts from TAC emissions were not examined as a part of the program EIR process, the Specific Plan EIR did acknowledge construction TAC emissions may have potentially significant impacts on nearby receptors. However, even if construction emissions were previously identified as a potentially significant impact in the Specific Plan EIR, SWAPE’s analysis of Project construction emissions and health risk impacts constitutes new information that the effects previously examined will be substantially more severe than shown in the Specific Plan EIR. Under CEQA Guidelines section 15162, the City must prepare an EIR where there is new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, that significant effects previously examined will be substantially more severe than shown in the previous EIR.

37 SWAPE Comments at pp. 7-9.
38 CEQA Checklist, Appendix A, 11965 San Pablo Ave. TAC Assessment, at p. 6.
39 SWAPE Comments a p. 9.
iv. The Project Is Not Exempt from Further CEQA Review
Under CEQA Guidelines Section 15182

The City’s staff report notes that the CEQA Checklist was prepared to evaluate the Project’s consistency with the Specific Plan EIR, “pursuant to CEQA Guidelines 15168 and 15182.” CEQA Guidelines section 15182 provides an exemption from further CEQA review where a public agency has prepared an EIR on a specific plan and the project under review is a residential project undertaken pursuant to and in conformity with the specific plan. Subsection (c) sets forth the primary limitation on the use of the section 15182 exemption and states:

This section is subject to the limitation that if after the adoption of the specific plan, an event described in Section 15162 should occur, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan.

As outlined in sections III(b)(i)-(iii) above, events described in CEQA Guidelines Section 15162 have occurred since the adoption of the Specific Plan EIR which require a subsequent or supplemental EIR be prepared. First, new information of substantial importance shows that the Project may result in significant health risks to nearby receptors due to TAC emissions. This information was not, and could have been, known at the time the Specific Plan EIR was certified and was therefore never examined in the Specific Plan EIR. Second, even if the Specific Plan EIR’s discussion of the potential construction health risk impacts applied to the Project, new information of substantial importance shows that impact will be substantially more severe than previously disclosed. Because two events described in CEQA Guidelines section 15162 have occurred, the Project is not exempt from further CEQA review under Guidelines section 15182. The City may not rely on Section 15182 until a subsequent or supplemental EIR is prepared.

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41 CEQA Guidelines § 15182.
c. The City Failed to Comply With Mitigation Measure 5-2

In addition to the errors in the City’s analysis which require preparation of a supplemental EIR to disclose and analyze the Project’s construction emissions, even more basically, the City has failed to comply with the Specific Plan EIR Mitigation Measure 5-2. Mitigation Measure 5-2 requires that the City prepare a construction health risk assessment for the Project, either through screening or refined modeling, to identify impacts, and if necessary, include performance standards and industry recognized measures to reduce exposure. Inexplicably, however, the City failed to perform a construction HRA, and instead improperly defers analysis of the Project’s construction impacts by proposing as a condition of approval a requirement that a construction HRA be performed prior to the issuance of a building permit.  

When relying on a program EIR for the approval of subsequent activities, CEQA requires that the lead agency incorporate feasible mitigation measures developed in the program EIR into subsequent actions. In this case, the Specific Plan EIR determined that construction emissions of TACs could result in a potentially significant cancer risk and adopted Mitigation Measure 5-2 to support its conclusion that impacts would be less than significant with mitigation. By failing to perform a construction HRA as required by Mitigation Measure 5-2, the City’s determination that the Project would not expose sensitive receptors to substantial pollutant concentrations during project construction is not supported by substantial evidence.

In this case, the City’s own analysis of community health risk impacts demonstrates that Mitigation Measure 5-2 requires preparation of construction HRA prior to project approval. Like Mitigation Measure 5-2, Mitigation Measure 5-3 provides that certain future development projects under the Specific Plan “shall require site-specific analysis to determine the level of TAC and PM2.5 exposure . . . .” In other words, both Mitigation Measure 5-2 and 5-3 use the same language and provide that project-level analysis “shall be required.” There is no basis for the City’s decision to defer preparation of a construction HRA until after Project approval.

42 See City of El Cerrito, Design Review Board Tier II Staff Report (Nov. 7, 2018) Polaris Apartments, Attachment 1, at p. 4 (Draft resolution, condition of approval #13).
43 CEQA Guidelines § 15168(c)(3).
44 Specific Plan DEIR at pp. 5-24 – 5-25.
45 Specific Plan DEIR at p. 5-29.
IV. THE DETERMINATION THAT THE PROJECT WILL HAVE NO HAZARD OR HAZARDOUS MATERIALS IMPACTS IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

The CEQA Checklist concludes that the Specific Plan EIR adequately evaluated impacts from hazards and hazardous materials that would occur with implementation of the Project and that no new or more severe impacts would occur with implementation of the Project.\(^{46}\) The City’s determination is not supported by substantial evidence.

As discussed further in the attached SWAPE Comments, the Phase I Environmental Site Assessment (“Phase I ESA”) prepared for the project site acknowledged that, due to the long-term use of the site as part of a nursery operation, soil at the property may have been impacted by pesticides and herbicides.\(^{47}\) Without performing any soil sampling to determine the presence of pesticides or herbicides, however, the authors of the Phase I ESA speculate that “it is likely that the issue of potential residual pesticide concentration in shallow soils at the site would have been resolved during the building of the Taco Bell restaurant . . . .”\(^{48}\) Mere speculation that residual soil contaminants were cleaned up prior to previous activities on the site is not sufficient to support a finding that no impacts from soil contamination would occur as a result of Project activities. Speculation and unsubstantiated opinion do not constitute substantial evidence under CEQA.\(^{49}\)

SWAPE’s expert comments provide substantial evidence that construction workers, nearby residents and future occupants may be exposed to pesticide-containing soils and dust and that Project construction activities will exacerbate this risk.\(^{50}\) Because the presence of contaminants at the Project site and the potential for those contaminants to be disturbed in Project construction was not evaluated or disclosed in the Specific Plan EIR, CEQA requires evaluation of this potential impact in a project-specific EIR.

\(^{46}\) CEQA Checklist at p. 35.
\(^{47}\) SWAPE Comments at p. 2
\(^{48}\) SWAPE Comments at p. 2 (citing Phase I ESA, p. 2)
\(^{49}\) CEQA Guidelines § 15064(f)(5) (Speculation and unsubstantiated opinion shall not constitute substantial evidence).
\(^{50}\) SWAPE Comments at pp. 1-3.
a. The Presence of Hazardous Contaminants at the Project Site Was Not Evaluated in the Specific Plan EIR

Because it is a high level plan, the Specific Plan EIR provides just a high-level discussion of soil contamination and remediation practices generally, not an examination of potential contamination issues on each individual project site from any type of potential future project. The Specific Plan EIR stated that “[e]ach project applicant in the plan area would be required to comply with all applicable, existing jurisdictional City-, regional- and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and or groundwater contamination.”\(^\text{51}\) The Specific Plan EIR then outlined the typical procedures for evaluating soil contamination and concluded that “implementation of these required, standard procedures would result in a less-than-significant impact associated with potential soil and surface/groundwater contamination.”\(^\text{52}\)

The Specific Plan EIR thus merely addresses contamination that is assessed and remediated pursuant to City or State oversight. The EIR does not address potential contamination that has not been previously disclose or identified or that has not been assessed and remediated pursuant to City or State oversight. Here, the City identifies potential contamination on the site that was not disclosed or evaluated in the Specific Plan EIR and fails to identify any remediation or clean-up activities that were performed with City or State oversight.

Under CEQA Guidelines section 15168(d), the City may use the Program EIR to simplify preparing environmental documents on later parts of the program, to include preparing a focused EIR on new effects which had not been considered before. However, where the program EIR plainly shows that a particular effect of future activities was not examined, the City cannot properly find that the Project will have no new effects not examined in the program EIR where the City’s own analysis shows a potential for harmful soil contaminants to exist on the Project site. SWAPE’s comments provide expert testimony that the Project may create significant health and safety risks as a result of the potential soil contamination. The City must disclose and evaluate this impact in a supplemental CEQA document.

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\(^{51}\) Specific Plan DEIR at p. 10-10.

\(^{52}\) Specific Plan DEIR at p. 10-10.
b. New Information Has Become Available Since the Certification of the San Pablo Avenue Specific Plan Programmatic EIR Showing Hazard Impacts from Project Construction May Be Significant

Even if the Specific Plan EIR’s discussion of possible soil contamination and worker exposure from future activities constitutes an examination of hazard impacts for future activities within the program, the potential for Project construction activities to expose construction workers and nearby residents to residual pesticide contamination identified in the Phase I ESA constitutes new information of substantial importance that was not known at the time the Program EIR was certified. Pursuant to CEQA Guidelines section 15162, a subsequent or supplemental EIR is required when new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, shows the project will have one or more significant effects not discussed in the previous EIR or negative declaration.

In this case, the information regarding the potential to expose construction workers and residents to contaminated soil at the Project site constitutes new information. This information was brought to light through the Phase I ESA prepared in 2017 and the Project application. While the City may have been aware of the Project site’s history of agricultural uses at the time the Specific Plan EIR was certified, it was not known at that time construction of the Project would require large scale disturbance of soils at the Project site. It was also not known that a project which includes large areas of unpaved open space and a public play area would be developed at the site, potentially bringing future occupants and visitors into direct contact with recently-disturbed, contaminated soil.

As explained further in the attached SWAPE comments, this new information that Project activities may expose construction workers and residents to soils impacted by pesticides and herbicides from long history of agricultural use is of substantial importance.53 SWAPE explains:

\[\text{SWAPE Comments at pp. 1-3.}\]
Because agriculture was practiced on the Project site prior to 1972, pesticides, including dichloro-diphenyl-trichloroethane (DDT), may be present in Project site soils from the application of pesticides. Organochlorine pesticides, such as DDT, 1,1-Dichloro-2,2-bis(p-chlorophenyl)-ethylene (DDE), and Chlordane, were used from the 1940s until they were banned in the 1972. Despite being banned for almost 50 years, these compounds can persist in soil for hundreds of years.

Exposure to DDT can result in headaches, nausea, and convulsions. The U.S. EPA identifies DDT and DDE as probable human carcinogens. Chlordane has also been classified as a probable human carcinogen by the U.S. EPA.

In light of the new information of substantial importance that Project construction and subsequent use may expose construction workers, residents, future occupants, and visitors to soils containing DDT or other harmful pesticides, the City must prepare an EIR to disclose and analyze the Project’s potentially significant hazard impacts. The speculation in the Phase I ESA that soil contamination was previously cleaned up is without basis and does not provide substantial evidence that no impacts would occur.

V. THE CITY MUST EVALUATE THE PROJECT’S IMPACTS ON THE EXISTING VISUAL CHARACTER AND QUALITY OF THE SITE AND SURROUNDINGS

While the CEQA Checklist and Specific Plan EIR examine potential impacts on scenic views such as the Golden Gate Bridge from public rights away and nearby homes, the City has failed to adequately evaluate the Project’s potential impacts on the existing visual character or quality of the Project site’s surroundings, namely the Ohlone/Richmond Greenway. The CEQA Checklist omits any discussion of this impact area but ultimately concludes that the Project would be consistent with policies related to visual character and design and that all aesthetic impacts were adequately evaluated in the EIR. However, the Project design was not known at the time the Specific Plan EIR was prepared, and single conclusory statement that the

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56 SWAPE Comments at p. 3.
Project would be “consistent with policies” is insufficient to conclude that impacts would be less than significant. The Project’s large massing and close proximity to the aerial BART tracks will effectively enclose the nearby section of the Greenbelt, resulting in a tunneling effect between BART and the Project’s 85-foot tall structure.

According to the project description, the Project will include one 8-story, 85-foot-tall residential building. The Project directly abuts the Ohlone/Richmond Greenway, which runs between the building’s southern elevation wall and the Bay Area Rapid Transit (BART) track. The Project’s southern wall is a large flat, 85-foot tall surface with no openings. The aerial BART track is just feet away from the Project site on the other side of the trail.

Due to the large scaling of the building, the Project will significantly darken the Greenway and decrease visibility along the trail, creating an effective tunnel along this section of the Greenway. The Project’s design is in conflict with a number of City policies including those articulated in the City’s General Plan and Ohlone Greenway Master Plan. Specifically, the General Plan Land Use Policy LU5.6 provides that new development abutting the Ohlone Greenway must be evaluated with respect to how the development enhances the aesthetics and ambiance of the Greenway. Furthermore, the Ohlone Greenway Master Plan expresses the City’s intent to develop the Greenway in a manner that promotes visibility and improves safety and security. Creating a closed off tunnel with low visibility between the Project structure and BART tracks neither enhances the aesthetics or ambiance of the Greenway nor promotes safety and security to users of the Greenway.

The City should further evaluate the Project design and incorporate feasible measures to lessen adverse impacts to the Greenway, promote visibility and safety for users.

VI. CONCLUSION

The City’s reliance on a Specific Plan EIR for the evaluation of impacts that were neither disclosed or analyzed in that document and that were expressly deferred to project-specific review violates CEQA. A supplemental EIR must be

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prepared prior to approval of this Project in order to ensure that the Project’s impacts are fully disclosed and are mitigated to the extent feasible. El Cerrito Residents urges the Design Review Board to withhold approval of the Project and direct City staff to prepare an EIR to fully disclose and analyze the Project’s health risk, hazard, and aesthetic impacts.

Sincerely,

[Signature]

Collin S. McCarthy

CSM:ljl
ATTACHMENT 1
November 7, 2018

Collin McCarthy
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Baxter Creek Apartments Project

Dear Mr. McCarthy,

We have reviewed the October 2018 Environmental Compliance Checklist (“Checklist”) prepared for the Baxter Creek Apartments Project (“Project”) located in the Cities of El Cerrito and Richmond. We also reviewed the August 2014 San Pablo Avenue Specific Plan Environmental Impact Report (Specific Plan) and the June 2014 Specific Plan Draft Environmental Impact Report (DEIR). The Project proposes to demolish an existing one-story vacant commercial building and asphalt parking lot in order to construct an eight-story residential building with 144 dwelling units across the 0.65-acre Project site. Additionally, the Project proposes to construct 77-spaces of underground parking.

Our review concludes that the Checklist fails to adequately evaluate the Project’s Hazards and Hazardous Waste and Air Quality impacts. As a result, the health impacts associated with construction of the proposed Project are underestimated and inadequately addressed. An Environmental Impact Report (EIR) should be prepared to adequately assess and mitigate the potential health risk the Project may have on the surrounding environment.

Hazards and Hazardous Waste

Failed to Adequately Disclose Former Land Uses

We have found the Checklist to inadequately disclose the potential that former agricultural use on the Project site may have resulted in residual pesticide soil contamination. An EIR needs to be prepared to evaluate the potential for pesticide contamination through a program of soil sampling. The soil sampling results need to be disclosed in the EIR along with mitigation measures that would be necessary to address risks from residual pesticides that might be posed to construction workers, future residents and neighboring residents.
A 2017 Phase I Environmental Site Assessment prepared for the Project Site states:

Sanborn maps and aerial photographs depicted the subject property as part of a plant nursery operation from at least 1926 to 1958. Although the site was shown during this time period as open, undeveloped land, it is possible that the site area was used for plant cultivation during this 30-year period (p. 2).

The Phase I concluded:

It is the opinion of SCHUTZE & Associates, Inc. that, due to the long-term use of the subject site as part of a nursery operation, soil at the property may have been impacted by pesticides and herbicides. However, it is likely that the issue of potential residual pesticide concentrations in shallow soils at the site would have been resolved during the building of the Taco Bell restaurant when areas of soil were redistributed across the site during the construction and grading activities (p. 2).

No sampling was conducted in the Phase I ESA to confirm the presence of pesticides, unlike due diligence efforts made for other projects undergoing CEQA review in Contra Costa County. For example, a DEIR for the Tassajara Parks Project included soil sampling results to determine if pesticides were present. A DEIR for the Emerson project in Oakley also evaluated the potential for pesticides to be present in soil. Another Oakley project (River Oaks Crossing), looked at pesticides in soil through a program of sampling.

Because agriculture was practiced on the Project site prior to 1972, pesticides, including dichlorodiphenyl-trichloroethane (DDT), may be present in Project site soils from the application of pesticides. Organochlorine pesticides, such as DDT, 1,1-Dichloro-2,2-bis(p-chlorophenyl)-ethylene (DDE), and Chlordane, were used from the 1940s until they were banned in the 1972. Despite being banned for almost 50 years, these compounds can persist in soil for hundreds of years.

The California Department of Toxic Substances Control (DTSC) states:

DDT is ubiquitous to California soil due to heavy agricultural usage prior to cancellation in 1972. Therefore, agricultural land which is currently being developed or considered for new uses [...] frequently contains DDT.

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1 Phase I Environmental Site Assessment, Former Taco Bell Property, 11965 San Pablo Avenue, El Cerrito, Contra Costa County, California. SCHUTZE & Associates, Inc., January 31, 2017
2 http://www.co.contra-costacounty.us/DocumentCenter/View/42492/Sec03-07-Hazards?bidId=
Exposure to DDT can result in headaches, nausea, and convulsions. The U.S. EPA identifies DDT and DDE as probable human carcinogens. Chlordane has also been classified as a probable human carcinogen by the U.S. EPA.

Construction workers and nearby residents may be exposed to pesticide-containing soils and dust when the Project site is developed and earth moving activities commence. Sensitive residential receptors are located 450 feet to the east of the Project boundaries according to a review of Google Earth images.

Pesticide sampling in soil should be conducted site-wide. The sampling should adhere to guidance published by the DTSC, entitled “Interim Guidance for Sampling Agricultural Properties.” The results of the sampling should be evaluated for health risks and any mitigation that would be necessary to protect construction worker health and health of adjacent residents should be identified in the DEIR. Additional mitigation, for handling any soil that would contain concentrations of pesticides at hazardous waste levels, should also be identified in the DEIR.

**Air Quality**

**Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated**

The Project Applicant determines that the construction health risk will be less than significant without conducting a quantitative health risk assessment (Checklist, p. 19). The Checklist states,

> “Construction of the project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement the best management practices (BMPs) during construction, as required by Mitigation Measure 5-1. With implementation of BAAQMD recommended measures to control particulate matter emissions during construction, Mitigation Measure 5-1 would ensure that project construction emissions would fall below BAAQMD’s significance thresholds as described in the Specific Plan EIR. Therefore, sensitive receptors would not be exposed to October 2018 Baxter Creek Apartments Project substantial pollutant concentrations during project construction. The project would result in no new or more severe impacts related to short-term exposure to TACs than analyzed in the Specific Plan EIR, and further analysis is not required.” (p. 19-20).

This justification for failing to conduct a construction-related health risk, however, is entirely incorrect for several reasons.

First, the Specific Plan DEIR requires that new development projects within its boundaries determine the project-level health risk posed to the community during construction. The Specific Plan’s Mitigation Measure 5-2 states (emphasis added),

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11 [https://www.dtsc.ca.gov/Schools/upload/Ag-Guidance-Rev-3-August-7-2008-2.pdf](https://www.dtsc.ca.gov/Schools/upload/Ag-Guidance-Rev-3-August-7-2008-2.pdf)
“Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors.” Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in a short-term emissions of diesel particulate matter (DPM), a TAC. Cancer risk and PM2.5 exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant. Health risks associated with temporary construction, would, therefore, be considered a potentially significant impact” (Specific Plan DEIR, p. 2-8 - 2-9).

Mitigation Measure 5-2 specifically states that a project-level analysis should be conducted in order to determine the excess cancer risk and that mitigation should be identified in order to reduce that risk to less-than-significant levels. Since the proposed Project is subject to the San Pablo Avenue Specific Plan, the Project Applicant is required to conduct a construction HRA. Even though the Project complies with the Specific Plan’s Mitigation Measure 5-1, which provides recommended mitigation to reduce diesel particulate matter (DPM) emissions, there is no way of knowing if these mitigation measures would effectively reduce the potential excess cancer risk posed to nearby sensitive receptors to less than significant levels unless a proper HRA is conducted. Therefore, as is required by the Specific Plan DEIR, the Project should not be approved until a construction HRA is conducted.

Second, the omission of a quantified HRA is inconsistent with the most recent guidance published by Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations and guidance on how to conduct HRAs in California. In February of 2015, OEHHA released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, which was formally adopted in March of 2015.12 This guidance document describes the types of projects that warrant the preparation of an HRA. Grading and construction activities for the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over an approximate 20-month period (Checklist, p. 3). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.13 Therefore, per OEHHA guidelines, health risk impacts from Project construction should have been evaluated in an HRA. These recommendations reflect the most recent HRA policy, and as such, an assessment of health risks to nearby sensitive receptors from construction should be included in an EIR.

In an effort to demonstrate the potential risk posed by Project construction to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project’s construction DPM emissions may result in a potentially significant health risk impact that was not previously identified.

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In order to conduct our screening level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.\textsuperscript{14} The model replaced SCREEN3, and AERSCREEN is included in the OEHHA\textsuperscript{15} and the California Air Pollution Control Officers Associated (CAPCOA)\textsuperscript{16} guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSAs”). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary construction HRA to evaluate the Project’s health-related impact to sensitive receptors using annual PM10 exhaust estimates from the California Emissions Estimator Model Version CalEEMod.2016.3.2 (“CalEEMod”)\textsuperscript{17} prepared by SWAPE. The model was prepared based on Project specific inputs found within the Checklist and relied on CalEEMod defaults when Project-specific information was not provided. The CalEEMod output files are attached to this letter for reference.

According to Google Earth, the closest sensitive residential receptor is approximately 450 feet, or 137 meters, from the Project site. Consistent with recommendations set forth by OEHHA, we assumed exposure began at the 3rd trimester stage of life. Our CalEEMod annual emission calculations indicate that construction activities will generate approximately 161 pounds of DPM over the 20-month, or approximately 600-day, construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation.

\[
\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}}\right) = \frac{161 \text{ lbs}}{600 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.001405 \text{ g/s}
\]

Using this equation, we estimated a construction emission rate of 0.001405 grams per second (g/s). Construction activity was simulated as a 0.65-acre rectangular area source in AERSCREEN with dimensions of 55 meters by 48 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. As rural meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average

\textsuperscript{17} CalEEMod website, available at: http://www.caleemod.com/
concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%. For example, for the MEIR the single-hour concentration estimated by AERSCREEN for Project construction is approximately $2.107 \, \mu g/m^3 \text{DPM}$ at approximately 125 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of $0.2107 \, \mu g/m^3$ for Project construction at the MEIR.

We calculated the excess cancer risk to the residential receptor located closest to the Project site during construction using applicable health risk assessment methodologies prescribed by OEHHA and the Bay Area Air Quality Management District (BAAQMD). Consistent with the construction schedule proposed by the Checklist, the annualized average concentration for construction was used for the first trimester of life (0.25 years) and the first 1.4-years of the infantile stage of life (0-2 years). Consistent with OEHHA guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution. According to the updated guidance, quantified cancer risk should be multiplied by a factor of ten during the 3rd trimester and first two years of life (infant). Furthermore, in accordance with guidance set forth by OEHHA, we used 95th percentile breathing rates for the 3rd trimester and infant receptors. We used a cancer potency factor of 1.1 (mg/kg-day)$^{-1}$ and an averaging time of 25,550 days. Finally, we used the fraction of time at home (FAH) value of 0.85 set by BAAQMD for the 3rd trimester and infant receptors. The results of our calculations are shown below.

---

The excess cancer risk posed to infants and during the third trimester of pregnancy at the MEIR located approximately 125 meters away, over the course of Project construction are 41 and 2.4 in one million, respectively. Furthermore, the excess cancer risk over the course of Project construction at the MEIR is approximately 44 in one million. Consistent with OEHHA guidance, exposure was assumed to begin at the 3rd trimester of pregnancy to provide the most conservative estimates of air quality hazards. The infant and total construction cancer risks exceed the BAAQMD threshold of 10 in one million. It should be noted that our analysis represents a screening-level health risk assessment, which is known to be more conservative, and tends to err on the side of health protection. The purpose of a screening-level health risk assessment, however, is to determine if a more refined health risk assessment needs to be conducted. If the results of a screening-level health risk are above applicable thresholds, then the Project needs to conduct a more refined health risk assessment that is more representative of site-specific concentrations. Our screening-level health risk assessment demonstrates that construction of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. As a result, a refined health risk assessment must be prepared to examine air quality impacts generated by Project construction using site-specific meteorology and specific equipment usage schedules. A project specific EIR must be prepared to adequately evaluate the Project’s health risk impact, and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

Our analysis demonstrates that construction of the Project, alone, may have a significant impact on the health of the nearest sensitive receptor. However, it should be noted that construction of the Baxter Creek Apartments Project will occur in an area with pre-existing health risk impacts as a result of substantial emissions generated by nearby roadways and stationary sources. The TAC Assessment, found in Appendix A, identifies several roadways and stationary sources that will create a significant health risk to new, on-site sensitive receptors. However, the Applicant fails to address how the emissions generated by nearby roadways, in conjunction with the emissions generated by Project

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construction activities, will impact the existing sensitive receptors during the 20-month construction duration. It is critical that the existing emissions generated by sources already established near the Project site, in particular the emissions resulting from the I-80 and the HomeDepot diesel generator, which the Project Applicant has already determined to be potentially significant, are being taken into consideration when evaluating the health risk impact posed by construction of the Project to existing sensitive receptors. In order to demonstrate the actual excess health risk posed to the nearest sensitive receptor from all new and existing sources during the 20-month construction duration, we conducted a simple analysis. As you can see in the excerpt below, the nearest sensitive receptor to the Project site is within 1,000 feet of the same roadways (I-80, San Pablo Avenue, and Macdonald Avenue) and stationary sources (Plant #8175 and Plant #8605)\(^\text{23}\) as the Project site:

![Map showing Project Site and Nearest Residential Receiver](image)

Consistent with the methodology used by Illingworth & Rodkin, Inc. in the TAC Assessment and risk analysis tools provided by the BAAQMD, we determined the actual health risk posed to the nearest sensitive receptor from each of these existing sources and Project construction. In order to determine the cancer risk posed to the nearest sensitive receptor from Interstate 80, we used the BAAQMD’s Highway Screening Tool for Contra Costa County, assuming that the MEIR would be at ground-level and approximately 1,000 feet from the highway.\(^\text{24}\) Furthermore, we used the Roadway Screening Analysis Calculator\(^\text{25}\), with inputs from the TAC Assessment, to estimate the cancer risk from San Pablo Avenue and Macdonald Avenue for the MEIR based on the MEIR’s respective distance from both roadways. Finally, the Stationary Source Screening Analysis Tool\(^\text{26}\) provides an estimate of the cancer risk for the existing stationary sources near the Project site and the MEIR. In an attachment to this comment letter, we provided screenshots from these screening tools.

\(^{23}\) Plant #6502 is also within 1,000 feet of the Project Site and the nearest sensitive receptor, however, the BAAQMD states that the cancer risk posed from this facility is 0, therefore it is not included in this analysis.


\(^{25}\) Ibid.

\(^{26}\) Ibid.
In the table below, we adjusted these cancer risks in order to account for the estimated reduction in DPM emissions in diesel trucks on the roadways in 2020 as well as to account for the MEIR’s distance from these sources. Furthermore, since the BAAQMD estimated the cancer risk posed from these roadways and stationary sources prior to OEHHA’s most recent 2015 guidance, an adjustment factor multiplier of 1.3744 (Appendix A, p. 3) was incorporated to more accurately determine the health risk (see table below).

<table>
<thead>
<tr>
<th>Source</th>
<th>Distance to Receptor (ft)</th>
<th>Cancer Risk (in a Million)</th>
<th>Emission Reductions Factor/Distance Multiplier</th>
<th>2015 OEHHA Adjustment Factor</th>
<th>2015 Adjusted Cancer Risk (in a Million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction</td>
<td>450</td>
<td>44</td>
<td>-</td>
<td>-</td>
<td>44</td>
</tr>
<tr>
<td>Interstate 80 using Link 848 (6 ft elevation)</td>
<td>975</td>
<td>7.82</td>
<td>0.5(^1)</td>
<td>1.3744</td>
<td>5.37</td>
</tr>
<tr>
<td>Local Roadways - San Pablo Avenue</td>
<td>368</td>
<td>0.93</td>
<td>0.32(^2)</td>
<td>1.3744</td>
<td>0.41</td>
</tr>
<tr>
<td>Local Roadways - MacDonald Avenue</td>
<td>209</td>
<td>1.01</td>
<td>0.32(^2)</td>
<td>1.3744</td>
<td>0.44</td>
</tr>
<tr>
<td>Plant 8175, Home Depot Diesel Generator</td>
<td>600</td>
<td>27.08</td>
<td>0.09(^3)</td>
<td>1.3744</td>
<td>3.35</td>
</tr>
<tr>
<td>Plant #G8605, Sunny Chevron GDF</td>
<td>792</td>
<td>14.476</td>
<td>0.022(^4)</td>
<td>1.3744</td>
<td>0.44</td>
</tr>
</tbody>
</table>

**Cumulative Cancer Risk (in one million):** 54.01

\(^1\) Interstate 80 has an emission reduction factor of 50%, consistent with the TAC Assessment (Appendix A, p. 3).
\(^2\) The TAC Assessment states that emissions from these roadways will be reduced by approximately 68% by 2020 (Appendix A, p. 11).
\(^3\) An adjustment factor of 0.09 was applied consistent with the BAAQMD’s Diesel IC Engine Multiplier Tool, designed to refine the cancer risk found in the Stationary Sources Screening Analysis Tool based on the receptors distance (600 feet) from the diesel engine source, available at: [http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools](http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools)

\(^4\) An adjustment factor of 0.22 was applied consistent with the BAAQMD’s GDF Distance Multiplier Tool, designed to refine the cancer risk found in the Stationary Sources Screening Analysis Tool based on the receptors distance (792 feet) from the gasoline dispensing facility, available at: [http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools](http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools)

As you can see in the excerpt above, the actual excess cancer risk posed to the nearest sensitive receptor during the 20-month construction duration is approximately 54.01 in one million, which is significantly higher than the cancer risk posed from construction of the Project alone. Therefore, not only should the Project Applicant conduct a construction HRA, as is required by Mitigation Measure 5-2 in the Specific Plan, but the Project Applicant should also analyze how the Project’s health risk will create an additive negative effect to the health of the sensitive receptors in the community as well. An HRA that quantitatively assesses the Project’s construction impacts should be provided in the project-specific EIR prior to Project Approval.

Sincerely,

Matt Hagemann, P.G., C.Hg.
Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:
M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:
California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:
Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA’s Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:
- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);
• Executive Director, Orange Coast Watch (2001 – 2004);
• Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
• Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
• Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 –1998);
• Instructor, College of Marin, Department of Science (1990 – 1995);
• Geologist, U.S. Forest Service (1986 – 1998); and

**Senior Regulatory and Litigation Support Analyst:**
With SWAPE, Matt’s responsibilities have included:

• Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
• Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
• Expert witness on numerous cases including, for example, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
• Technical assistance and litigation support for vapor intrusion concerns.
• Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
• Manager of a project to evaluate numerous formerly used military sites in the western U.S.
• Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
• Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

• Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
• Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
• Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
• Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
• Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
• Expert witness testimony in a case of oil production-related contamination in Mississippi.
• Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
• Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:
As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:
As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:
• Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
• Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
• Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:
• Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
• Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted
public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor’s investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA’s national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA’s scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region’s 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific
principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

**Geology:**
With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

**Teaching:**
From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

**Invited Testimony, Reports, Papers and Presentations:**


**Hagemann, M.F.,** 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).
Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.


Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.


Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.


Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.


Other Experience:
Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.
EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES  B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY  JUNE 2016

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE  SANTA MONICA, CA

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District’s (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

ACCOMPLISHMENTS

- Academic Honoree, Dean’s List, University of California, Los Angeles  MAR 2013, MAR 2014, JAN 2015, JAN 2016
Start date and time  11/06/18 16:47:41

AERSCREEN 16216

BAXTER CREEK APARTMENTS CONSTRUCTION

----------------- DATA ENTRY VALIDATION -----------------

** AREADATA **

METRIC         ENGLISH

Emission Rate:  0.140E-02 g/s         0.112E-01 lb/hr
Area Height:    3.00 meters           9.84 feet
Area Source Length:  55.00 meters       180.45 feet
Area Source Width:  48.00 meters       157.48 feet
Vertical Dimension:  1.50 meters        4.92 feet
Model Mode:       URBAN
Population:       25515
Dist to Ambient Air:  1.0 meters        3. feet

** BUILDING DATA **

No Building Downwash Parameters

** TERRAIN DATA **

No Terrain Elevations
Source Base Elevation:  0.0 meters        0.0 feet

Probe distance:  5000. meters       16404. feet

Page 1
No flagpole receptors

No discrete receptors used

** FUMIGATION DATA **

No fumigation requested

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K  -9.7 /  98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

Dominant Surface Profile: Urban
Dominant Climate Type: Average Moisture

Surface friction velocity (u*): not adjusted

DEBUG OPTION OFF

AERSCREEN output file:
BAXTERCREEK.OUT
*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run
**************************************************
SURFACE CHARACTERISTICS & MAKEMET
Obtaining surface characteristics...

Using AERMET seasonal surface characteristics for Urban with Average Moisture

<table>
<thead>
<tr>
<th>Season</th>
<th>Albedo</th>
<th>Bo</th>
<th>zo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winter</td>
<td>0.35</td>
<td>1.50</td>
<td>1.00</td>
</tr>
<tr>
<td>Spring</td>
<td>0.14</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Summer</td>
<td>0.16</td>
<td>2.00</td>
<td>1.00</td>
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<tr>
<td>Autumn</td>
<td>0.18</td>
<td>2.00</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 11/06/18 16:47:59
**************************************************

Running AERMOD
BAXTERCREEK.log

Processing Winter

Processing surface roughness sector 1

******************************************************************************
Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 0

******** WARNING MESSAGES ********
*** NONE ***

******************************************************************************
Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 5

******** WARNING MESSAGES ********
*** NONE ***

******************************************************************************
Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 10

******** WARNING MESSAGES ********
*** NONE ***

******************************************************************************
Processing wind flow sector 4

Page 4
BAXTERCREEK.log

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 15

********** WARNING MESSAGES **********
*** NONE ***

******************************************************************************
Processing wind flow sector  5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 20

********** WARNING MESSAGES **********
*** NONE ***

******************************************************************************
Processing wind flow sector  6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 25

********** WARNING MESSAGES **********
*** NONE ***

******************************************************************************
Processing wind flow sector  7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 30

********** WARNING MESSAGES **********
*** NONE ***

******************************************************************************
Processing wind flow sector  8
BAXTERCREEK.log

AERMOD Finishes Successfully for FLOWSECTOR stage 2 winter sector  35

********** WARNING MESSAGES **********
***  NONE  ***

*****************************************************
Processing wind flow sector   9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 winter sector  40

********** WARNING MESSAGES **********
***  NONE  ***

*****************************************************
Processing wind flow sector  10

AERMOD Finishes Successfully for FLOWSECTOR stage 2 winter sector  45

********** WARNING MESSAGES **********
***  NONE  ***

*****************************************************

Running AERMOD
Processing Spring

Processing surface roughness sector  1

*****************************************************
Processing wind flow sector   1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   0
Processing wind flow sector  2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   5

Processing wind flow sector  3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   10

Processing wind flow sector  4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   15

Processing wind flow sector  5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   20
BAXTERCREEK.log

******** WARNING MESSAGES ********
***  NONE  ***

******************************************************************************
Processing wind flow sector   6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   25

******** WARNING MESSAGES ********
***  NONE  ***

******************************************************************************
Processing wind flow sector   7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   30

******** WARNING MESSAGES ********
***  NONE  ***

******************************************************************************
Processing wind flow sector   8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   35

******** WARNING MESSAGES ********
***  NONE  ***

******************************************************************************
Processing wind flow sector   9

Page 8
BAXTERCREEK.log

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 40

******** WARNING MESSAGES ********
*** NONE ***

**************************************************************************
Processing wind flow sector 10

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 45

******** WARNING MESSAGES ********
*** NONE ***
**************************************************************************

Running AERMOD
Processing Summer

Processing surface roughness sector 1

**************************************************************************
Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 0

******** WARNING MESSAGES ********
*** NONE ***

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Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 5
******** WARNING MESSAGES ********
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Processing wind flow sector  3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  10

******** WARNING MESSAGES ********
***   NONE   ***

Processing wind flow sector  4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  15

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Processing wind flow sector  5

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******** WARNING MESSAGES ********
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Processing wind flow sector  6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  25
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Processing wind flow sector  7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  30

********  WARNING MESSAGES  ********
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Processing wind flow sector  8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  35

********  WARNING MESSAGES  ********
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Processing wind flow sector  9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  40

********  WARNING MESSAGES  ********
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Processing wind flow sector  10

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  45
Running AERMOD
Processing Autumn

Processing surface roughness sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 0

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 5

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 10

Processing wind flow sector 3
Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 15

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 20

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 25

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 30
BAXTERCREEK.log

******** WARNING MESSAGES ********
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Processing wind flow sector  8

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  35

******** WARNING MESSAGES ********
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Processing wind flow sector  9

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  40

******** WARNING MESSAGES ********
***  NONE  ***

Processing wind flow sector  10

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  45

******** WARNING MESSAGES ********
***  NONE  ***

FLOWSECTOR ended 11/06/18 16:48:16

REFINE started 11/06/18 16:48:16
AERMOD Finishes Successfully for REFINE stage 3 winter sector

********** WARNING MESSAGES **********
*** NONE ***

REFINE ended 11/06/18 16:48:17

AERSCREEN Finished Successfully
With no errors or warnings
Check log file for details

Ending date and time 11/06/18 16:48:18
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Screenshot from BAAQMD's Highway Screening Tool for Contra Costa County for Link 848 of Interstate 80

Screenshot from BAAQMD's Roadway Screening Analysis Calculator for San Pablo Avenue
Screenshot from BAAQMD’s Roadway Screening Analysis Calculator for Macdonald Avenue

Screenshot from BAAQMD’s Stationary Source Screening Analysis Tool for Plant #8175 Home Depot Diesel Generator
Screenshot from BAAQMD's Stationary Source Screening Analysis Tool for Plant #G8605 Sunny Chevron GDF
1.0 Project Characteristics

1.1 Land Usage

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1.2 Other Project Characteristics

- Urbanization: Urban
- Wind Speed (m/s): 2.2
- Precipitation Freq (Days): 58
- Climate Zone: 5
- Operational Year: 2021
- Utility Company: Pacific Gas & Electric Company

1.3 User Entered Comments & Non-Default Data

Project Characteristics -
Land Use - land use size per the Checklist
Construction Phase - construction schedule adjusted to reflect an approximate 20-month schedule
Grading - used Project size as estimate of total acres to be graded during site preparation phase
Demolition - estimated demolition debris from Google Earth, 7,150 square feet of asphalt and 2,250 square feet of the existing commercial building
### Baxter Creek Apartments - Contra Costa County, Annual

#### 2.0 Emissions Summary

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### 2.1 Overall Construction

#### Unmitigated Construction

| Year | ROG tons/yr | NOx MT/yr | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio-CO2 MT/yr | NBio-CO2 MT/yr | Total CO2 MT/yr | CH4 MT/yr | N2O MT/yr | CO2e MT/yr |
|------|--------------|-----------|----|-----|---------------|--------------|-------------|----------------|--------------|-------------|---------------|----------------|------------------|----------------|-----------|-----------|----------|
| 2019 | 0.1805       | 1.5528    | 1.4007 | 3.0400e-003 | 0.1181        | 0.0803      | 0.1984      | 0.0319         | 0.0743       | 0.1062      | 0.0000        | 275.9626       | 275.9626         | 0.0451         | 0.0000    | 277.0890  |
| 2020 | 0.9794       | 0.8809    | 0.8551 | 1.9300e-003 | 0.0743        | 0.0431      | 0.1174      | 0.0200         | 0.0398       | 0.0597      | 0.0000        | 173.5927       | 173.5927        | 0.0288         | 0.0000    | 174.3139  |
| Maximum | 0.9794 | 1.5528 | 1.4007 | 3.0400e-003 | 0.1181        | 0.0803      | 0.1984      | 0.0319         | 0.0743       | 0.1062      | 0.0000        | 275.9626       | 275.9626        | 0.0451         | 0.0000    | 277.0890  |

#### Mitigated Construction

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<th>SO2</th>
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<th>Exhaust PM10</th>
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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio-CO2 MT/yr</th>
<th>NBio-CO2 MT/yr</th>
<th>Total CO2 MT/yr</th>
<th>CH4 MT/yr</th>
<th>N2O MT/yr</th>
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### Percent Reduction

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### 2.2 Overall Operational

#### Unmitigated Operational

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#### Baxter Creek Apartments - Contra Costa County, Annual

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2.2 Overall Operational

Mitigated Operational

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3.0 Construction Detail

Construction Phase
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Acres of Grading (Site Preparation Phase): 0.65

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 250,926; Residential Outdoor: 83,642; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 985
(Architectural Coating – sqft)

OffRoad Equipment
### Offroad Equipment Table

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<th>Phase Name</th>
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<td>Tractors/Loaders/Backhoes</td>
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### Trips and VMT Table

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### 3.1 Mitigation Measures Construction

### 3.2 Demolition - 2019

#### Unmitigated Construction On-Site

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<th>Category</th>
<th>ROG</th>
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<th>SO2</th>
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<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<td>0.1685</td>
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### 3.2 Demolition - 2019

#### Unmitigated Construction Off-Site

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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio-CO2</th>
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<th>Total CO2</th>
<th>CH4</th>
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#### Mitigated Construction On-Site

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<th>PM2.5 Total</th>
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<th>NBio-CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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### 3.2 Demolition - 2019

#### Mitigated Construction Off-Site

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<th>PM2.5 Total</th>
<th>Bio- CO2</th>
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<th>Total CO2</th>
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<th>CO2e</th>
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### 3.3 Site Preparation - 2019

#### Unmitigated Construction On-Site

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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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### 3.3 Site Preparation - 2019

#### Unmitigated Construction Off-Site

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### 3.5 Building Construction - 2019

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### 3.5 Building Construction - 2020

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### Mitigated Construction On-Site

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### 3.6 Paving - 2020
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### 3.7 Architectural Coating - 2020
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<th>PM2.5 Total</th>
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<th>NBio- CO2</th>
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<th>N2O</th>
<th>CO2e</th>
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<tr>
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</tr>
<tr>
<td>Off-Road</td>
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<td>0.0165</td>
<td>3.0000e-005</td>
<td>1.0000e-003</td>
<td>1.0000e-003</td>
<td>1.0000e-003</td>
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</table>
3.7 Architectural Coating - 2020

Unmitigated Construction Off-Site

| Category  | ROG tons/yr | NOx tons/yr | CO tons/yr | SO2 tons/yr | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio-CO2 MT/yr | NBio-CO2 MT/yr | Total CO2 MT/yr | CH4 MT/yr | N2O MT/yr | CO2e MT/yr |
|-----------|-------------|-------------|------------|-------------|---------------|--------------|------------|---------------|--------------|------------|---------------|----------------|----------------|----------------|------------|-----------|------------|
| Hauling   | 0.0000      | 0.0000      | 0.0000     | 0.0000      | 0.0000        | 0.0000       | 0.0000     | 0.0000        | 0.0000       | 0.0000     | 0.0000        | 0.0000          | 0.0000          | 0.0000        | 0.0000    | 0.0000    | 0.0000    |
| Vendor    | 0.0000      | 0.0000      | 0.0000     | 0.0000      | 0.0000        | 0.0000       | 0.0000     | 0.0000        | 0.0000       | 0.0000     | 0.0000        | 0.0000          | 0.0000          | 0.0000        | 0.0000    | 0.0000    | 0.0000    |
| Worker    | 6.6000e-004| 4.8000e-004| 4.9700e-003| 2.0000e-005| 1.5700e-003  | 1.5800e-003  | 1.0000e-005| 4.2000e-004  | 1.0000e-004  | 4.3000e-004| 0.0000        | 1.3777          | 1.3777          | 3.0000e-005 | 0.0000    | 1.3785    | 1.3785    |
| Total     | 6.6000e-004| 4.8000e-004| 4.9700e-003| 2.0000e-005| 1.5700e-003  | 1.5800e-003  | 1.0000e-005| 4.2000e-004  | 1.0000e-004  | 4.3000e-004| 0.0000        | 1.3777          | 1.3777          | 3.0000e-005 | 0.0000    | 1.3785    | 1.3785    |

Mitigated Construction On-Site

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<th>CO tons/yr</th>
<th>SO2 tons/yr</th>
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<th>Exhaust PM10</th>
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<th>Fugitive PM2.5</th>
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<th>PM2.5 Total</th>
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<th>CH4 MT/yr</th>
<th>N2O MT/yr</th>
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### 3.7 Architectural Coating - 2020

**Mitigated Construction Off-Site**

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<th>Exhaust PM10</th>
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<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio-CO2</th>
<th>NBio-CO2</th>
<th>Total CO2</th>
<th>CH4</th>
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### 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile
### 4.2 Trip Summary Information

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<th>Average Daily Trip Rate (Miles)</th>
<th>Unmitigated VMT</th>
<th>Mitigated VMT</th>
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### 4.3 Trip Type Information

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### 4.4 Fleet Mix

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<th>MDV</th>
<th>LHD1</th>
<th>LHD2</th>
<th>MHD</th>
<th>HDD</th>
<th>OBUS</th>
<th>UBUS</th>
<th>MCY</th>
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## 5.0 Energy Detail

### 5.1 Mitigation Measures Energy

| Category         | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|------------------|-----|-----|----|-----|----------------|-------------|------------|----------------|--------------|------------|----------|----------|-----------|--------|-----|-----|------|
| Electricity      |     |     |    |     | 0.0000         | 0.0000      | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 204.863  | 204.863  | 9.260e-003 | 1.920e-003 | 205.686 |
| Mitigated        |     |     |    |     | 0.0000         | 0.0000      | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 204.863  | 204.863  | 9.260e-003 | 1.920e-003 | 205.686 |
| Electricity      |     |     |    |     | 0.0000         | 0.0000      | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 204.863  | 204.863  | 9.260e-003 | 1.920e-003 | 205.686 |
| Unmitigated      |     |     |    |     | 0.0000         | 0.0000      | 0.0000     | 0.0000         | 0.0000       | 0.0000     | 204.863  | 204.863  | 9.260e-003 | 1.920e-003 | 205.686 |
### 5.2 Energy by Land Use - NaturalGas

#### Unmitigated

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<th>Fugitive PM2.5</th>
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<th>PM2.5 Total</th>
<th>Bio-CO2</th>
<th>NBio-CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
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<tbody>
<tr>
<td>Apartments Mid Rise</td>
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<td>6.7800e-003</td>
<td>0.0579</td>
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#### Mitigated

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<th>Land Use</th>
<th>NaturalGas Use</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio-CO2</th>
<th>NBio-CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments Mid Rise</td>
<td>1.25718e+006</td>
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<td>4.6800e-003</td>
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<td>67.0880</td>
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<tr>
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</table>
5.3 Energy by Land Use - Electricity

### Unmitigated

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Electricity Use kWh/yr</th>
<th>Total CO2 MT/yr</th>
<th>CH4 MT/yr</th>
<th>N2O MT/yr</th>
<th>CO2e MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments Mid Rise</td>
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<td>8.0000e-03</td>
<td>1.6500e-03</td>
<td>177.5575</td>
</tr>
<tr>
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<td>27.9919</td>
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<td>2.6000e-04</td>
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</tr>
<tr>
<td>Total</td>
<td></td>
<td>204.8563</td>
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<td>205.6590</td>
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### Mitigated

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Electricity Use kWh/yr</th>
<th>Total CO2 MT/yr</th>
<th>CH4 MT/yr</th>
<th>N2O MT/yr</th>
<th>CO2e MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments Mid Rise</td>
<td>607967</td>
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<td>8.0000e-03</td>
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<td>27.9919</td>
<td>1.2700e-03</td>
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<td>28.1015</td>
</tr>
<tr>
<td>Total</td>
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<td>9.2700e-03</td>
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</tr>
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</table>

6.0 Area Detail

6.1 Mitigation Measures Area
### 6.2 Area by SubCategory

**Unmitigated**

<table>
<thead>
<tr>
<th>SubCategory</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Coating</td>
<td>0.0876</td>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
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<tr>
<td>Consumer Products</td>
<td>0.4850</td>
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<td></td>
<td></td>
<td>0.0000</td>
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6.2 Area by SubCategory

Mitigated

<table>
<thead>
<tr>
<th>SubCategory</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>Fugitive PM10</th>
<th>Exhaust PM10</th>
<th>PM10 Total</th>
<th>Fugitive PM2.5</th>
<th>Exhaust PM2.5</th>
<th>PM2.5 Total</th>
<th>Bio- CO2</th>
<th>NBio- CO2</th>
<th>Total CO2</th>
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<tr>
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<tr>
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<td>1.0723</td>
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7.0 Water Detail

7.1 Mitigation Measures Water
### 7.2 Water by Land Use

#### Unmitigated

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Indoor/Outdoor Use</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments Mid Rise</td>
<td>9.38218 / 5.91485</td>
<td>23.7677</td>
<td>0.3067</td>
<td>7.4100e-003</td>
<td>33.6433</td>
</tr>
<tr>
<td>Enclosed Parking with Elevator</td>
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<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>23.7677</td>
<td>0.3067</td>
<td>7.4100e-003</td>
<td>33.6433</td>
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</tbody>
</table>
7.2 Water by Land Use

Mitigated

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Indoor/Outdoor Use</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
</tr>
</thead>
<tbody>
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<tr>
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<td>0.0000</td>
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<tr>
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8.0 Waste Detail

8.1 Mitigation Measures Waste

<table>
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<tr>
<th>Category/Year</th>
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<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
<th>MT/yr</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
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<td>33.3122</td>
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</table>
### 8.2 Waste by Land Use

#### Unmitigated

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<tr>
<th>Land Use</th>
<th>Waste Disposed</th>
<th>Total CO2</th>
<th>CH4</th>
<th>N2O</th>
<th>CO2e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments Mid Rise</td>
<td>66.24</td>
<td>13.4461</td>
<td>0.7946</td>
<td>0.0000</td>
<td>33.3122</td>
</tr>
<tr>
<td>Enclosed Parking with Elevator</td>
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<tr>
<td><strong>Total</strong></td>
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#### Mitigated

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<thead>
<tr>
<th>Land Use</th>
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<th>CH4</th>
<th>N2O</th>
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<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td>0.7946</td>
<td>0.0000</td>
<td>33.3122</td>
<td></td>
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### 9.0 Operational Offroad

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<thead>
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<th>Equipment Type</th>
<th>Number</th>
<th>Hours/Day</th>
<th>Days/Year</th>
<th>Horse Power</th>
<th>Load Factor</th>
<th>Fuel Type</th>
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</thead>
</table>
## 10.0 Stationary Equipment

### Fire Pumps and Emergency Generators

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<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
<th>Hours/Day</th>
<th>Hours/Year</th>
<th>Horse Power</th>
<th>Load Factor</th>
<th>Fuel Type</th>
</tr>
</thead>
</table>

### Boilers

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
<th>Heat Input/Day</th>
<th>Heat Input/Year</th>
<th>Boiler Rating</th>
<th>Fuel Type</th>
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</table>

### User Defined Equipment

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Number</th>
</tr>
</thead>
</table>

## 11.0 Vegetation
Application Number: PL18-0068

Applicant: Lisa Vilhauer, Branagh Land, Inc.

Location: 10192 San Pablo Avenue

APNs: 504-012-036 and -037

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

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

Request: Design Review Board consideration of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan, for a new 5-story building containing 26 residential units.

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

EXECUTIVE SUMMARY

The requested entitlement for Design Review Board review consists of a Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan.

The proposed project includes 26 new residential units in one 5-story building, with parking located behind the building.

The project requires Tier II Design Review approval from the Design Review Board. This review includes authority over the following elements only:

- Exterior building colors, materials, and textures
- Landscaping
- Site Plan
- Building facades and articulation
- Relationship of the development to adjacent public rights-of-way
- Signs
- Locations and footprints of bioretention facilities as required for stormwater management

The project was originally considered by the Design Review Board on July 5, 2017 and then approved on August 2, 2017. In May 2018, the applicant submitted a revised project with an increased height of 5 stories and 5 additional units. The design was also revised to include new colors and materials.

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

Site Location and Layout

The project site is located at the southeast corner of San Pablo Avenue and Lincoln Avenue. The site is comprised of two parcels (APNs 504-012-036 and 504-012-037). The combined site is a total of 18,400 square feet (0.42 acres). The site is 100 feet deep, extending halfway through the block that extends back to Kearney Street. The site slopes up gently from San Pablo Avenue. The adjacent properties on Kearney Street sit at a slightly higher elevation than the site. The project site is within the San Pablo Avenue Specific Plan area.

Vicinity Map

Existing Public Right-of-Way

The site has 184 feet of street frontage along San Pablo Avenue and 100 feet of street frontage along Lincoln Avenue. The street frontage on San Pablo Avenue features an existing AC Transit bus stop (Lines 72 and 72M). This stop is planned to be relocated to the north side of the intersection in the Complete Streets Chapter of the San Pablo Avenue Specific Plan. The existing right-of-way improvements feature one bike rack, two granite blocks and a bench at the bus stop, which were installed as part of the San Pablo Avenue streetscape project. In addition, a historical paver, adjacent to the site, commemorates the location and history of Violet’s Dining Room near the project site.

The existing public right-of-way on Lincoln Avenue contains a sidewalk which appears to be about 5.5 feet wide and a landscape strip between the sidewalk and the curb which appears to be about 7.5 feet wide.

Existing/Previous Land Use

The site has been utilized as an auto repair shop (Rob’s Auto) for the last several years. The site is currently vacant.
Adjacent Land Uses

North: Lincoln Avenue. (Across Lincoln Avenue sits an automotive sales business.) (TOHIMU)

East: Single-family residences on Kearney Street. (RM - Multi-family residential)

South: Commercial uses (Peppermint Tree Plaza shopping center) (TOHIMU)

West: San Pablo Avenue. (Across San Pablo Avenue sits an automotive service business.) (TOHIMU)

Analysis

Project Description

The proposed project consists of a 39,052 square foot building containing 26 residential units. The building would front onto San Pablo Avenue with three entries onto the street. Behind the building would be a parking area consisting of 10 surface parking spaces and 13 parking spaces in garages at the back of the proposed building. The parking area would be accessed from Lincoln Avenue. One building entry would also be present on the backside of the building from the parking area.

The building would feature a combination of flats and two-story units. The project contains ten three-bedroom units and sixteen two-bedroom units. The two-story units would be located on the ground floor, while the flats would be located on the 2\textsuperscript{nd}, 3\textsuperscript{rd}, 4\textsuperscript{th}, and 5\textsuperscript{th} floors. There are two stairways and one elevator to serve the residents of this building.

19 long term bicycle parking spaces would be accommodated with vertical racks in the in the garages. An additional 20 bike parking spaces would be accommodated in the covered bicycle parking area at the rear of the site.

A trash enclosure accommodating the required bins would be located near the entrance to the parking area and would be accessed from Lincoln Avenue.
Prior Approval

The project was originally considered by the Design Review Board on July 5, 2017 and approved by the Board on August 2, 2017. This previously approved project included a 4-story residential building containing 21 dwelling units. In May 2018, the applicant submitted a revised project with an increased height of 5 stories and 5 additional units. The design was also revised to include new colors and materials.

Compliance with the San Pablo Avenue Specific Plan

Chapter Two of the San Pablo Avenue Specific Plan establishes the land use regulations and development standards of the Specific Plan Area.

Some development standards apply throughout the Plan area. These include:

- Regulation by Street Type – which includes building placement, building form, and shadow analysis.
- Open Space Requirements – which include private, common and public types of open space.

Other development standards vary by transect zone. The development standards that are related to the transect zone include:

- Use-Types of land use permitted, conditionally permitted or prohibited.
- Building Height- the minimums and maximums heights allowed.
- Parking of vehicles – the minimum and maximum number of spaces allowed.
- Parking of bicycles- the minimum number of spaces allowed.

This project is located in the Transit-Oriented High Intensity Mixed-Use (TOHIMU) Transect and meets all of the relevant development standards specified for its location in the Plan Area.

The tables below show the relevant Specific Plan standards and the compliance of the project with those standards.

The project is located on the corner of San Pablo Avenue and Lincoln Avenue. This section of San Pablo Avenue is designated a Community Street. Lincoln Avenue is a Neighborhood Street.

**Regulation by Street Type:**

<table>
<thead>
<tr>
<th>SPA Community Street</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Placement</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalk Amenity Zone</td>
<td>6 ft. min</td>
<td>7 ft.</td>
</tr>
<tr>
<td>Sidewalk Pedestrian Zone</td>
<td>8 ft. min</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Sidewalk Activity Zone</td>
<td>0 ft. min</td>
<td>5 ft.</td>
</tr>
<tr>
<td><strong>Ground Floor Front Setback</strong></td>
<td>Min: distance needed to accommodate required zones Max: 10 ft. for non-residential uses, 15 ft. for residential uses</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Side Setback</td>
<td>0 ft.</td>
<td>9 ft. min on Lincoln Ave side, 5 ft. on interior side</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>See Shadows</td>
<td>50 ft. (Meets shadow standards)</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td>Entries on front or side streets</td>
<td>2 building entries on San Pablo</td>
</tr>
<tr>
<td><strong>Vehicular Access</strong></td>
<td>Max 20 ft. 2-way driveways. Side access on corner lots</td>
<td>Avenue (0) 20 ft. driveway (side access)</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td><strong>Building Form</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Upper Floor Setbacks</strong></td>
<td>See Shadows</td>
<td>Building is setback in compliance with required shadow standards.</td>
</tr>
<tr>
<td><strong>Ground Floor Ceiling Height</strong></td>
<td>14 ft. min clear</td>
<td>14 ft. min</td>
</tr>
<tr>
<td><strong>Upper Floor Ceiling Height</strong></td>
<td>9 ft. min clear</td>
<td>9 ft. min</td>
</tr>
<tr>
<td><strong>Building Length</strong></td>
<td>200 ft. max</td>
<td>170 ft.</td>
</tr>
<tr>
<td><strong>Ground Floor Transparency</strong></td>
<td>Non-residential 75% min, Residential 40% min.</td>
<td>40%</td>
</tr>
<tr>
<td><strong>Upper Floor Transparency</strong></td>
<td>30% min</td>
<td>31%</td>
</tr>
<tr>
<td><strong>Front Encroachments</strong></td>
<td>4 ft. max</td>
<td>1 ft. 10 in. max</td>
</tr>
<tr>
<td><strong>Rear Encroachments</strong></td>
<td>4 ft. max</td>
<td>0 ft.</td>
</tr>
<tr>
<td><strong>Allowed Frontage Types</strong></td>
<td>Min: 50% Flex Max: 50% Forecourt Max: 100% Shop Front, Arcade</td>
<td>Flex Front (100%)</td>
</tr>
</tbody>
</table>

### Neighborhood Street

<table>
<thead>
<tr>
<th><strong>Building Placement</strong></th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Amenity Zone</td>
<td>5 ft. min</td>
<td>5 ft. min</td>
</tr>
<tr>
<td>Sidewalk Pedestrian Zone</td>
<td>6 ft. min adjacent to commercial uses, 5 ft. min adjacent to residential uses</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Sidewalk Activity Zone</td>
<td>0 ft. min</td>
<td>3.8 ft.</td>
</tr>
<tr>
<td>Ground Floor Front Setback</td>
<td>Min: distance needed to accommodate required zones Max: 10 ft. for non-residential uses, 15 ft. for residential uses</td>
<td>9 ft. min</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td>Entries on front or side streets</td>
<td>3 building entries on San Pablo Avenue</td>
</tr>
<tr>
<td>Vehicular Access</td>
<td>Max 20 ft. 2-way driveways. Side access on corner lots</td>
<td>(0) 20 ft. driveway (side access)</td>
</tr>
<tr>
<td><strong>Building Form</strong></td>
<td>See Shadows</td>
<td>Building is setback in compliance with required daylight plane.</td>
</tr>
<tr>
<td><strong>Upper Floor Setbacks</strong></td>
<td>See Shadows</td>
<td>Building is setback in compliance with required shadow standards.</td>
</tr>
<tr>
<td><strong>Ground Floor Ceiling Height</strong></td>
<td>14 ft. min clear</td>
<td>14 ft. min</td>
</tr>
<tr>
<td><strong>Upper Floor Ceiling Height</strong></td>
<td>9 ft. min clear</td>
<td>9 ft. min</td>
</tr>
<tr>
<td><strong>Building Length</strong></td>
<td>200 ft. max</td>
<td>49 ft. 6 in.</td>
</tr>
<tr>
<td><strong>Ground Floor Transparency</strong></td>
<td>Non-residential 50% min, Residential 30% min.</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Upper Floor Transparency</strong></td>
<td>25% min</td>
<td>25%</td>
</tr>
<tr>
<td><strong>Front Encroachments</strong></td>
<td>4 ft. max</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Rear Encroachments</td>
<td>4 ft. max</td>
<td>0 ft.</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------</td>
<td>-------</td>
</tr>
<tr>
<td><strong>Allowed Frontage Types</strong></td>
<td>Front Yard, Forecourt (NE side), Flex (commercial), Shop Front (commercial)</td>
<td>Front Yard</td>
</tr>
</tbody>
</table>

Note: For the purposes of administering the development standards detailed above, the Zoning Administrator has determined that San Pablo Avenue is the front of the project site, and in the event of a conflict, the San Pablo Avenue Community Street standards prevail.

**Open Space Requirements**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private/Common Open Space</strong></td>
<td>80 sq. ft./unit min</td>
<td>Min 80 sq. ft. deck/unit</td>
</tr>
<tr>
<td><strong>Public Open Space</strong></td>
<td>25 sq. ft./1,000 sq. ft. of building for buildings &gt;25,000 sq. ft. May pay fee in-lieu of providing public open space on site.</td>
<td>In-lieu fee for 976 sq. ft. of public open space</td>
</tr>
</tbody>
</table>

**Transit-Oriented Higher-Intensity Mixed Use Zone**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Auto Parking</strong></td>
<td>Up to 1 space/unit (Reductions and increases allowed with Zoning Administrator approval)</td>
<td>0.85 space per unit plus one accessible space (total of 23 spaces)</td>
</tr>
<tr>
<td><strong>Bicycle Parking</strong></td>
<td>Min 1 short-term space/10 units Min 1.5 long-term spaces/unit</td>
<td>3 short-term spaces 39 long-term spaces</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>65 ft. max</td>
<td>64.5 ft.</td>
</tr>
<tr>
<td><strong>Minimum Height</strong></td>
<td>3 stories residential, 2 stories commercial</td>
<td>5 residential stories</td>
</tr>
</tbody>
</table>

In addition, the project will implement the following strategies of the San Pablo Avenue Specific Plan:

**Strategy A.3:** Optimize Placemaking in all developments.

*The project addresses San Pablo Avenue with entries onto the street and improvements within the public-right-of-way. The project will enhance San Pablo Avenue, as a place, in conformance with the San Pablo Avenue Specific Plan.*

**Strategy B.1:** Maximize TOD potential (BART and AC Transit).

*The project will provide 26 new housing units in close proximity to existing AC Transit lines and the El Cerrito Plaza BART station. The project includes bike parking as required by the San Pablo Avenue Specific Plan and will face San Pablo Avenue, providing a pleasant pedestrian environment along the street.*
Strategy B.2: Stimulate investment in vacant/underutilized sites at key focus areas.

The project utilizes an underutilized site. The site is currently vacant. Previously, the site contained one business located in a small building, with most of the site devoted to surface parking and auto circulation. The proposed project will provide 26 new housing units in close proximity to public transit.

Strategy C.3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area’s residential base.

The project proposes ground floor residential units and will expand the residential base within the San Pablo Avenue Specific Plan Area.

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

The project will provide 26 new housing units on an underutilized site, in close proximity to existing public transit infrastructure.

Design Review Process

Pursuant to Section 2.03.08.01.02.B of the San Pablo Avenue Specific Plan, Tier II Design Review is the entitlement process for new projects that have been designed in full-compliance with the design standards of the San Pablo Avenue Specific Plan.

The Design Review Board is the body of decision for Tier II Design Review. The discretionary scope of Tier II Design Review includes the following components:

- Exterior building colors, materials, and textures
- Landscaping
- Site Plan
- Building facades and articulation
- Relationship of the development to adjacent public rights-of-way
- Signs
- Locations and footprints of bioretention facilities as required for stormwater management

Revised Architectural Design

The project has been revised since the August 2, 2017 Design Review Board meeting. Since then, the applicant has added a 5th story and 5 additional units. The project site plan remains largely the same as the site plan that was approved on August 2. However, the exterior architecture has changed since the project was approved.

In consultation with a color consultant, the applicant has redesigned the building to have a more ‘timeless’ look given that these will be condominiums. The previous design was purely contemporary in style. The revised design combines some traditional and contemporary elements.

The building form remains the same with architectural recesses and pop-outs that are carried down to the base of the building. The siding accent has changed from Resysta composite wood siding to porcelain tile in a reddish gray (Iron Mass) color in the recessed stairwell areas.
The balconies still have Bok Modern perforated metal railings. In addition, the corner balconies on the upper floors would extend beyond their structural columns giving them the appearance of projecting beyond the building.

Large windows (VPI Black vinyl windows) have been added to the stairwell areas to provide ample light to the stairwells and to emphasize the verticality and function of the stairwells.

The color scheme of building still incorporates a light gray (‘San Francisco Fog’) and dark gray (‘Charcoal Slate’) but the yellow (‘Semolina’) accents were removed. These colors would be utilized on plaster surfaces which would encompass the majority of building surfaces. The dark gray would be located on the architectural pop-outs and the light gray would be utilized on the recessed areas. The light and dark gray areas have generally been reversed from what was previously approved, as shown in the renderings below.

Revised Project Rendering
Landscape Design

The landscape design remains the same as previously approved. All proposed trees are 24” box. The stormwater planter areas contain only *Muhlenbergia Rigens* (Deer Grass) and *Frangula California ‘Eve Castle’* (Coffeeberry).

The plant selection along the front of the building adjacent to the entries include *Rhaphilolepis ‘Elenor Tabor’* (Indian Hawthorn) near the building entries.

Art in Public Places

The project is required to comply with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code. Provision of public art onsite has not been included as part of the project submittal. The applicant will, therefore, be required to pay an in-lieu fee of one percent of the development costs to a public art fund for the commission of public art throughout the city.

Required Monetary Contributions to the Community

To understand the direct and indirect contributions to the community, staff has created a list illustrating the financial contributions that are required as part of the development of the project. Some are directly submitted to the City of El Cerrito. Others are submitted to community agencies such as the West Contra Costa Unified School District and West County Transportation Advisory Committee. These contributions are over and above what is required for their fair share of impacts to: the Complete Streets component of the Specific Plan referenced below, any fees paid to the Stege Sanitary District and any building and planning user fees needed for processing the entitlement, plan review and inspection of the project during the construction phase.

1. Estimated* West Contra Costa Unified School District fee of $5.02 per square foot are assessed on gross square footage of the project. (39,052 sq. ft. x 5.02= $196,041.04) This money is collected by the School District to help fund both modernization and new construction of school facilities.
2. Estimated* West County Sub Regional Transportation Mitigation Program (STMP Fee) of $1,648 per multi-family dwelling unit. (26 du x $1,648=$42,848). This is collected by the City and transferred to West County Transportation Advisory Committee to assure that new development in West County pays its fair-share toward regional circulation and transit improvements that are proportional to the traffic impact the new development will generate. The local fees collected in West County provide congestion relief to mitigate traffic on regional routes and through improved transit service.

Total community contribution of this project is estimated to be $238,889.04

*Denotes that these fees change on a periodic basis and are due at building permit. As construction plans typically take 12 to 18 months to complete, these fees may have changed by the time payment is due.

Complete Streets Plan

The project will be required to make a fair-share contribution toward the improvements contained in the Complete Streets chapter of the San Pablo Avenue Specific Plan. These improvements will be made as funds become available. For the section of San Pablo Avenue south of Lincoln Avenue, the improvements include pedestrian bulb-outs at intersections, bulb-outs at bus stops, and a ‘Super Sharrow’ in the right-most travel lane. Street parking will be preserved. At Lincoln Avenue, the exiting AC Transit bus stop is planned to be relocated to the north side of Lincoln Avenue to allow more efficient transit operation.

Public Notice and Comment

The required public notice for the project was published in the East Bay Times, posted on the site on November 13, 2018, and mailed to owners of property within 300 feet of the project site on November 14, 2018.

Environmental Review

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

An Initial Study Checklist has been prepared for this project (Attachment 3). The responses contained in the checklist confirm that the project is considered within the scope of the evaluation completed for the program EIR. No new impacts were identified and no new mitigation measures are required.

Several conditions of approval have been included in the draft resolution to ensure that key mitigation measures of the San Pablo Avenue Specific Plan Program EIR are implemented with regard to this project. The inclusion of these conditions ensure that the project will not have environmental effects which have not previously been addressed in the San Pablo Avenue Specific Plan EIR.
Compliance with the General Plan

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

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

*The project will provide 26 new housing units on San Pablo Avenue, with close proximity to public transportation and commercial uses. The infill project contains ground-floor residential units in a location adjacent to an existing bus stop.*

**LU2.1: San Pablo Avenue Specific Plan Area.** Promote retail, office, and mixed uses within the San Pablo Avenue Specific Plan Area to provide more tax revenues to the city.

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

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

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

**LU6.2: Circulation Alternatives.** To the extent possible, encourage alternatives to the use of private automobiles. Encourage a full range of transportation options – driving, transit, walking and biking – without allowing any one to preclude the others. On San Pablo Avenue, in many constrained right-of-ways, it is not possible to provide optimum facilities for all user groups and in the event that trade-offs are necessary, transit users and pedestrians are the highest priority.

*The location of the project provides convenient access to frequent public transit along San Pablo Avenue as well as the El Cerrito Plaza BART station. The location also provides convenient walking access to local businesses.*

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

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

**CD2.1: Street Frontages.** Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in the San Pablo Avenue Specific Plan area to be directly abutting sidewalks, with window openings, entries and high levels of transparency along the pedestrian frontage.

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

**CD2.3: Streetscape Improvements.** Maintain an active program of street tree planting and improved roadway landscaping through both public and private means. Design guidelines shall describe appropriate types of trees for commercial areas – to enhance the shopping experience rather than detract from it.

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

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

The project features decks on both ground floor and upper floor units.

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

The project has provided landscaping in conformance with the standards in the San Pablo Avenue Specific Plan. Landscaping will be provided to soften the building edge along San Pablo Avenue, and landscaping is provided as a buffer between the parking area and adjacent properties.

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

The proposed plant palette includes native, drought-tolerance plants such as Manzanita, Coffeeberry, Deer Grass, and Gray Rush.

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

The proposed building is articulated in compliance with the San Pablo Avenue Specific Plan. The building includes a varied roofline and interesting building form. The project meets or exceeds the transparency standards of the San Pablo Avenue Specific Plan. The building is designed at a human scale with building entries along San Pablo Avenue.

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

The proposed project requires Tier II Design Review approval from the Design Review Board in compliance with the San Pablo Avenue Specific Plan.

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

1. Promote conveniently located neighborhood complexes that provide housing and commercial services near employment centers and within transit corridors.

2. Promote land use patterns that maximize trip-linking opportunities by assembling uses that allow people to take care of a variety of daily needs.

3. Encourage pedestrian-oriented land use and urban design that can have a demonstrable effect on transportation choices.

4. Direct growth to occur along transit corridors.

5. Encourage retail, commercial, and office uses in ground floor space in combination with upper-floor housing along San Pablo Avenue.

The project will provide 26 new residences in close proximity to public transportation and local businesses. In accordance with the goals of the San Pablo Avenue Specific Plan, the project will add housing units along San Pablo Avenue, a major transit corridor.

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

The project will have building entries directly onto San Pablo Avenue that provide convenient access to the adjacent bus stop.

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

The project provides high-density housing along a transit corridor consistent with the Transit-Oriented Higher-Intensity Mixed Use Transect Zone in the San Pablo Avenue Specific Plan.

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

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

Required Findings

Pursuant to Section 2.03.08.01.02.B.3 of the San Pablo Avenue Specific Plan, in acting to approve or conditionally approve an application for the Design Component of a Tier II Site Plan and Design Review, the Design Review Board shall make the following findings:

a. That the project complies with all applicable Specific Plan design standards; and
As discussed in this report, the project complies with all standards of the San Pablo Avenue Specific Plan.

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


Staff Recommendation

Based on the information contained in this report, staff recommends approval of Planning Application No. PL18-0068, as conditioned by the draft resolution in Attachment 1.

Proposed Motion

Move adoption of Design Review Board Resolution DRB18-09 granting Tier II Design Review approval to Planning Application No. PL18-0068: a project that includes a 5-story residential building containing 26 dwelling units located at 10192 San Pablo Avenue.

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. Project Plans, dated November 28, 2018
3. Color rendering and materials page (samples will be provided at the meeting)
4. Initial Study Checklist and appendices
A RESOLUTION OF THE CITY OF EL CERRITO DESIGN REVIEW BOARD GRANTING TIER II DESIGN REVIEW APPROVAL FOR CONSTRUCTION OF A NEW BUILDING CONTAINING 26 RESIDENTIAL UNITS AT 10192 SAN PABLO AVENUE.

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

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

WHEREAS, the zoning district of the site is Transit-Oriented Higher-Intensity Mixed Use and the project is located on the San Pablo Avenue Community Street and Neighborhood Street designations;

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

WHEREAS, the site is located at 10192 San Pablo Avenue;

WHEREAS, the existing Assessor’s Parcel Numbers of the site are 504-012-036 and 504-012-037;

WHEREAS, on May 15, 2018, the applicant submitted an application for Tier II Design Review;

WHEREAS, on June 8, 2018, the application was determined to be complete; and

WHEREAS, on December 5, 2018, the Design Review Board, after due consideration of all evidence and reports offered for review does find and determine the following:

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

2. The project complies with all applicable standards of the San Pablo Avenue Specific Plan. The project complies with the standards for the San Pablo Avenue Community Street type and Neighborhood Street type, the standards for the Transit-Oriented Higher-Intensity Mixed Use district, and all other applicable standards of the San Pablo Avenue Specific 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. PL18-0068, subject to the following conditions:
Planning Division:

1. The project will be constructed substantially in conformance with the plans dated November 28, 2018. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.

2. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

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

5. The applicant shall share the conditions of approval with their general contractor for the project. The general contractor shall sign a copy of the conditions of approval to acknowledge that he/she is aware of all these conditions of approval and will comply as directed. Prior to the issuance of a building permit, this signed copy shall be returned to the planning and building division and kept as part of the project file. The conditions of approval shall be reviewed at the mandatory pre-construction meeting held between the City and the General Contractor. A copy of the conditions of approval shall be maintained on the project site at all times during construction.

6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.

7. Prior to issuance of a building permit, the applicant shall pay the required fee ($99,552) in-lieu of providing public open space on the project site.

8. In compliance with Chapter 16.34 of the El Cerrito Municipal Code, the applicant shall submit plans for undergrounding of utilities adjacent to the project to the satisfaction of the Building Official prior to issuance of building permit.

9. The cost of all automobile parking shall be separate from the sale or rental price of all residential units. All renters and/or buyers of residential units shall be free to not rent and/or purchase parking.

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

10. Aesthetics and Visual Resources. (Mitigation 4.2): The project shall install landscaping and incorporate other measures into and around parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating.
11. Air Quality (Mitigation Measure 5.1): Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. City staff will spot check that these measures are being implemented throughout the construction phase of the project. These measures reduce diesel particulate matter PM2.5 and PM10 created from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

_Dust (PM2.5 and PM10) Control Measures:_

a. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
b. Cover all hauling trucks or maintain at least two feet of freeboard.
c. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
d. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
f. Limit traffic speeds on any unpaved roads to 15 mph.
g. Replant vegetation in disturbed areas as quickly as possible.
h. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
i. Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

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

j. The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.
k. Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
l. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
m. Properly tune and maintain equipment for low emissions.

12. Air Quality (Mitigation Measure 5.2): Prior to issuance of building permit the applicant shall require project-level construction health risk assessment shall be completed to the satisfaction of the Zoning Administrator. This assessment shall be completed either through screening or refined modeling to identify impacts and, if necessary, include performance standards and industry-recognized measures to be accomplished through, though is not limited to, the following measures:

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

13. Biological Impacts (Mitigation Measure 6.1): Removal of trees, shrubs, or weedy vegetation between February 1 and August 31 shall require a survey for nesting birds by a qualified wildlife biologist to the satisfaction of the Zoning Administrator. The survey shall be conducted no sooner than 14 days prior to the start of removal of trees, shrubs, or weedy vegetation. Survey results shall be valid for 21 days following the survey. Any removal of trees, shrubs, or weedy vegetation more than 21 days after a survey shall require a new survey. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

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

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

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

14. Prior to the issuance of a building permit, the applicant shall implement a program that includes the following elements:
   a. Archeological resource identification training procedures for construction personnel
   b. Procedures for reporting archeological discoveries

15. Historic and Cultural Resources (Mitigation Measure 7.2): If subsurface archeological or cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist shall be retained to evaluate the finds following the procedures described in Mitigation Measure 7-3 of the San Pablo Avenue Specific Plan Environmental Impact Report. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been notified of the remains and has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

16. Paleontological Resources (Mitigation Measure 7.3): The applicant shall implement a program that includes the following elements:
   c. Paleontological resource identification training procedures for construction personnel
   d. Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface

e. Procedures for reporting paleontological discoveries and their geologic context

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

17. Geology and Soils (Mitigation Measure 8.1): As required by the Building Official, subject to City review and approval, the applicant shall complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

18. Noise (Mitigation 13.2): New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

   a. Noise levels at residential property lines from commercial development shall be maintained not in excess of the General Plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business—including loading docks, refuse areas, and ventilation systems—would meet these requirements and would be consistent with the respective City’s noise standards.

   b. Ensure that noise-generating activities, such as maintenance and loading and unloading, are limited to the hours of 7:00 AM to 9:00 PM.

19. Noise and Land Use Compatibility/ Construction Noise (Mitigation Measure 13.3): Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures shall be implemented to reduce noise from construction activities:

   a. Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.

   b. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

   c. Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.

   d. Prohibit unnecessary idling of internal combustion engines.

   e. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

   f. Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.

   g. If noise conflicts occur which are not irresolvable by proper scheduling, a temporary noise control blanket barrier shall be erected, as determined to be necessary by the Zoning Administrator, along building facades facing construction sites.

   h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
i. Construction activities (including the loading and unloading of materials and truck movements) and excavating, grading, and filling activities (including warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and to the hours of 9:00 AM and 5:00 PM on Saturdays. Work shall be prohibited on Sundays and Holidays.

j. Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing.

k. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

20. Noise and Land Use Compatibility/Construction Noise (Mitigation 13-4): The following measures are recommended to reduce vibration from construction activities:
   a. Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
   b. Avoid using vibratory rollers and tampers near sensitive areas.
   c. In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
      1. Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
      2. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
      3. Design construction contingencies that would be implemented when vibration levels approached the limits.
      4. At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
      5. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
      6. Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Project Specific Conditions of Approval:

21. The following interior noise reduction measures shall be included for all west facing (facing San Pablo Avenue) units:
   a. Living room and bedroom windows shall have a sound transmission class (STC) rating of 38.
   b. Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
   c. Interior gypsum at exterior walls shall be 5/8” Type X or Type C hung on resilient channel (RC);
   d. Ceiling gypsum shall be 5/8” type X or Type C;
e. Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.

As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise control measures once building plans become available. The analysis shall be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City’s 45 dB Ldn and 50-55 dBA Lmax, interior noise level standards. The Zoning Administrator shall approve any substitute measures or alternatives to the measures detailed above.

22. Prior to issuance of building permit, the project applicant shall revise plans to show 3 short-term bicycle parking spaces.

23. Prior to issuance of building permit, the applicant shall include on the plans a trellis or covering located at the bus stop adjacent to the project (subject to approval by the Public Works Director and any other applicable agencies). The intent of the trellis or covering shall be to cover the bus stop or provide a covered waiting area for bus riders.

Public Works Department:

24. Storm water control plan and all C.3 measures shall be re-submitted with the Building Plan set to confirm that the plans dated November 28, 2018 comply with most recently adopted Municipal Regional Permit. Applicant shall use the updated version of the storm water control report as the last submittal was using the old template. See the following links for reference: [http://www.cccleanwater.org/new-development-c-3/](http://www.cccleanwater.org/new-development-c-3/).

25. Prior to issuance of building permit the applicant shall submit a request to the Public Works Department for at least 10 feet of red curb on both sides of the project driveway on Lincoln Avenue.

26. The existing granite blocks and street furniture along the project frontage shall remain in place or shall be relocated consistent with the public right-of-way improvement standards of the San Pablo Avenue Specific Plan to the satisfaction of the Public Works Director.

27. Prior to the issuance of a building permit, the applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit, and pay all associated fees for earthwork and grading operations in excess of 50 cubic yards.

28. Prior to the issuance of a building permit, the applicant shall provide a drainage plan for new roof and any rain leaders. All drainage shall stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.

29. The building plans shall note that all sidewalk, curb and gutter along the development’s public right-of-way frontages shall be replaced to meet current City and ADA standards to the satisfaction of the Public Works Director.

30. Prior to the issuance of the Certificate of Occupancy, the applicant shall replace the existing flashing crossing signs at the intersection of Lincoln Avenue and San Pablo Avenue with standard Rapid Rectangular Flashing Beacons on both sides of San Pablo Avenue in both the northbound and southbound approaches.

31. All improvements on the property frontage shall comply with the standards of the San Pablo Avenue Specific Plan, including the Complete Streets chapter to the satisfaction of the Public Works Director.
32. Before any work commences related to any street tree, sidewalk and driveway, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.

33. New street trees must be from the City Master Tree List and approved by the City Arborist before issuance of the building permit. Any new street trees are required to have irrigation and an establishment period of 3 years prior to acceptance by the City.

34. Prior to issuance of building permit, the project Applicant shall pay a fair share contribution towards the implementation of the multi-modal Complete Streets improvements identified by the Specific Plan as determined by the Public Works Director.

35. Bike racks to be installed shall meet the current standards and details to the satisfaction of the Public Works Director.

36. Prior to the issuance of a building permit, the Applicant shall provide a detailed Erosion and Sediment Control Plan.

**Building Department:**

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

**Fire Department:**

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

a. Emergency Vehicle Access
   1. Provide code analysis and show on plans how “Emergency Vehicle Access” requirements are met to get within 150 feet of all portions of exterior walls of the first story.

b. Fire Flow Requirements
   1. Provide code analysis of required total firefighting water.
   2. Based on required fire flow, show on plans the number of fire hydrants required and locations based on maximum spacing requirements.
   3. If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.

c. Fire Riser Locations
   1. Fire FDC’s shall be in locations acceptable to the fire department for emergency operations.
   2. Fire FDC’s shall be interconnected between the two buildings.

d. Gates
   1. All gates shall be operable by the use of a Knox Key.
   2. A “KNOX BOX” shall be installed with keys for all common areas at all gates and doors.

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

f. Automatic Fire Sprinklers
   1. Automatic Fire Sprinklers shall be installed throughout the Complex.
   2. Fire sprinkler plans shall be submitted for review, approval and permit.
g. Emergency Egress
   1. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.
   2. Escape or rescue windows shall be installed in accordance with CBC 310.4.

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

i. Standpipes
   1. Standpipes shall be wet.
   2. Standpipes shall extend to the roof where required.
   3. Fire Department valve connections shall be in the intermediate landings of stairwells.

j. Smoke & Heat Vents
   1. Smoke & heat vents shall be installed on roof above each stairwell.
   2. Smoke & heat vents shall be equipped with fusible link.
   3. Smoke & heat vents shall be equipped with manual release for emergency operations.

k. Fire alarm System
   1. Fire alarm plans shall be submitted for review and approval.

l. Smoke Detection
   1. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
   2. Smoke detectors shall be 120v powered with battery backup.
   3. Smoke detectors shall be interconnected.

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

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

Stege Sanitary District:
40. This applicant shall participate in the San Pablo Avenue Sewer Capacity Improvement Fee Program, and pay all applicable fees. This fee is intended to satisfy the requirement for a Sewer Capacity Study.
CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Design Review Board at a regular meeting held on December 5, 2018, upon motion of Boardmember ________, second by Boardmember ________:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
Sean Moss, AICP
Acting Planning Manager
## Site Zoning Information

<table>
<thead>
<tr>
<th>District &amp; Transient Type</th>
<th>Ground Floor</th>
<th>1st &amp; 2nd Story</th>
<th>3rd &amp; 4th Story</th>
<th>5th Story</th>
<th>Proposed</th>
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<tr>
<td>Typology</td>
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<td>Residential</td>
<td>Residential</td>
<td>Residential</td>
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<tr>
<td>Type</td>
<td>Lot With</td>
<td>Lot With</td>
<td>Lot With</td>
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<tr>
<td>Lot Area</td>
<td>18,423 SF</td>
<td>0.42 ACRES +/-</td>
<td>0.42 ACRES +/-</td>
<td>0.42 ACRES +/-</td>
<td>0.42 ACRES +/-</td>
<td>0.42 ACRES +/-</td>
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<tr>
<td>Number of Units</td>
<td>26</td>
<td>26</td>
<td>26</td>
<td>26</td>
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<td>26</td>
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<tr>
<td>Allowable Floor Area</td>
<td>1,765 SF</td>
<td>39,052 SF</td>
<td>9,764 SF</td>
<td>9,764 SF</td>
<td>9,764 SF</td>
<td>9,764 SF</td>
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<tr>
<td>Minimum Height</td>
<td>14 FEET</td>
<td>9 FEET</td>
<td>65' MAXIMUM</td>
<td>65' MAXIMUM</td>
<td>65' MAXIMUM</td>
<td>65' MAXIMUM</td>
</tr>
<tr>
<td>Side Walk Activity Zone</td>
<td>6' MIN.</td>
<td>0' MIN.</td>
<td>15' MAX.</td>
<td>15' MAX.</td>
<td>15' MAX.</td>
<td>15' MAX.</td>
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<tr>
<td>Abutting Street</td>
<td>26 SPACES MAX.</td>
<td>26 SPACES MAX.</td>
<td>26 SPACES MAX.</td>
<td>26 SPACES MAX.</td>
<td>26 SPACES MAX.</td>
<td>26 SPACES MAX.</td>
</tr>
</tbody>
</table>

## Project Information

**Owner/Developer:**
- Branagh Land, Inc.
  - 2633 Camino Ramon, Suite 350
  - Lafayette, CA 94549
  - Phone: (925) 743-9500
  - Email: lisav@branagh.com
- Thomas Baa & Associates, LLP
  - 2633 Camino Ramon, Suite 350
  - Walnut Creek, CA 94596
  - Phone: (925) 297-5688
  - Email: aobertello@cbandg.com
- Left Coast Architecture
  - 10192 San Pablo Ave. El Cerrito
  - Walnut Creek, CA 94596
  - Phone: (925) 743-9500
  - Email: aobertello@cbandg.com

**Architect:**
- Left Coast Architecture

**Civil Engineer:**
- Angelo Oberto
  - 10192 San Pablo Ave. El Cerrito
  - Walnut Creek, CA 94596
  - Phone: (925) 932-2300
  - Email: aobertello@cbandg.com

**Landscape:**
- Angelo Oberto
  - 10192 San Pablo Ave. El Cerrito
  - Walnut Creek, CA 94596
  - Phone: (925) 932-2300
  - Email: aobertello@cbandg.com

**General:**
- Sheet A0.1: Coversheet
- Sheet A0.2: Zoning Information
- Sheet A0.3: Visibility Study

**Sizing:**
- Exploded Site

**Existing Site Conditions:**
- Sheet A1.1: Site Plan
- Sheet A1.2: Shadow Study
- Sheet A1.3: Site Plan

**Architectural:**
- Sheet A1.1: Site Plan
- Sheet A1.2: Shadow Study
- Sheet A1.3: Shadow Study - 2DAM
- Sheet A1.4: Shadow Study - 1GAM

**Business/Commercial Occupancy:**
- Sheet A2.1: 1st & 2nd Level Floor Plan
- Sheet A2.2: 3rd & 4th Level Floor Plan
- Sheet A2.3: 5th Level Floor Plan

**Infrastructure:**
- Sheet A3.1: Exterior Elevations
- Sheet A3.2: Exterior Elevations
- Sheet A3.3: Exterior Elevations
- Sheet A3.4: Exterior Elevations
- Sheet A3.5: Exterior Elevations
- Sheet A3.6: Exterior Elevations
- Sheet A3.7: Exterior Elevations
- Sheet A3.8: Exterior Elevations
- Sheet A3.9: Exterior Elevations
- Sheet A3.10: Exterior Elevations

**Sheet Index:**
- General
- A1.1: Coversheet
- A1.2: Zoning Information
- A1.3: Visibility Study
- A2: Tentative Parcel Map
- A3: Existing Site Conditions
- A4: Preliminary Grading and Drainage Plan
- A5: Preliminary Utility Plan
- A6: Bioretention Details and Grading Sections
- A7: Preliminary Erosion Control Plan
- A8: Preliminary Landscape Plan
- A9: Preliminary Irrigation Plan
- A10: Bike Storage Enclosure

**Project Location:**
- 10192 San Pablo Ave. El Cerrito

**SEPARATE PERMITS OR DEFERRED APPROVALS:**
1. Fire Alarm and Fire Extinguishing Systems
2. Structural Engineering
PROVIDED STREET ZONES

LINCOLN AVE. STREET ZONES (NEIGHBORHOOD):

ZONE REQS PROVIDED
(A) AMENITY 5'-0" Min. 5'-0"
(B) PEDESTRIAN 6'-0" Clear/5' Res. 6'-0" Clear
(C) ACTIVITY 0'-0" 12'-0"

SAN PABLO AVE. STREET ZONES (COMMUNITY):

ZONE REQS PROVIDED
(A) AMENITY 6'-0" Min. 7'-0"
(B) PEDESTRIAN 8'-0" Clear 8'-0" Clear
(C) ACTIVITY 0'-0" 5'-0"

PROPERTY LINE

NO PARKING

5'-0" 6'-0" 12'-0"

FACADE TRANSPARENCY CALC. (SPA COMMUNITY ZONE):

LEVEL REQS PROVIDED
GROUND FLOOR 40% MIN. (RES.) 40%
UPPER FLOORS 30% MIN. 31%

PROPERTY LINE

1ST LEVEL
37'-6"
5TH LEVEL T.O.P.
93'-5 1/4"

FACADE TRANSPARENCY CALC. (NEIGHBORHOOD ZONE):

LEVEL REQS PROVIDED
GROUND FLOOR 30% MIN. 30%
UPPER FLOOR 25% MIN. 25%

GROUND FLOOR GLAZING = 211sf
GROUND FLOOR FACADE = 697sf
UPPER FLOOR GLAZING = 442sf
UPPER FLOOR FACADE = 1,757sf

GROUND FLOOR GLAZING = 970sf
GROUND FLOOR FACADE = 2,496sf
UPPER FLOORS GLAZING = 1,744sf
UPPER FLOORS FACADE = 5,560sf

SHEET TITLE
SCALE
DATE
Planning Dept. Submittal

A0.2
ZONING INFORMATION

10192 San Pablo Ave. El Cerrito
Planning Dept. Submittal
HYDROZONE DESCRIPTION
PLANT FACTOR (PF)
IRRIGATION METHOD
IRRIGATION EFFICIENCY (IE)
ETAF (PF / IE)
LANDSCAPE AREA (sq. ft.) ETAF x AREA
ESTIMATED TOTAL WATER USE (ETWU)

LOW WATER USE 0.3 DRIP 0.81 0.3703703 3719 1377.407146 38344.3
MEDIUM WATER USE 0.5 DRIP 0.81 0.6172839 470 290.123433 0.0
MEDIUM WATER USE 0.5 BUBBLER 0.81 0.6172839 117 72.2222163 2010.5

TOTALS:
4306 1740

REC. AREA 00 0 0
WATER FEATURE 1 00 0 0
WATER FEATURE 2 00 0 0
TOTALS:
00

40,355
53,942
1,740
4,306
0.40
1,740
4,306
0.40

REFERENCE EVAPOTRANSPIRATION (ETo):

REGULAR LANDSCAPE AREAS:

SPECIAL LANDSCAPE AREAS:

MAXIMUM ALLOWED WATER ALLOWANCE (MAWA):

ETWU TOTAL:

TOTAL ETAF x AREA
TOTAL LANDSCAPE AREA
SITEWIDE ETAF

NOTE: AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS MUST BE 0.55 OR BELOW FOR RESIDENTIAL AREAS, AND 0.45 OR BELOW FOR NON-RESIDENTIAL AREAS.

ETAF CALCULATIONS:

REGULAR LANDSCAPE AREAS:

TOTAL ETAF x AREA
TOTAL LANDSCAPE AREA
AVERAGE ETAF

ALL LANDSCAPE AREAS:

TOTAL ETAF x AREA
TOTAL LANDSCAPE AREA
AVERAGE ETAF

GENERAL NOTES:

ALL PLANTED AREAS MUST BE WATERED BY A FULLY AUTOMATIC WATERING SYSTEM IN ACCORDANCE WITH LOCAL WATER METER METERING STANDARDS. EXISTING WATER METER IS CAPABLE OF ACCURATE METERING OF IRREGULAR FLOW PATTERNS.

WATER EFFICIENT LANDSCAPE WORKSHEET

HYDROZONE DEFINITIONS

LOW WATER USE; DRIP IRRIGATION APPLICATION
MEDIUM WATER USE; DRIP IRRIGATION APPLICATION
MEDIUM WATER USE; TREE BUBBLERS
10192 San Pablo Ave. El Cerrito
Planning Dept. Submittal
Unit Breakdown
26 Units:
(10) 3-bedroom Flat (+/-1,042sf - 1,210sf)
(10) 2-bedroom Flat (+/-798sf - 966sf)
(6) 2-bedroom 2-Story (+/-942sf - 1,064sf)

Vehicle Parking Count
23 Parking Spaces:
(9 Covered Regular Spaces + 13 Garage Spaces + 1 Covered ADA Space)
(3 Spaces Pre-wired for Electric Vehicles)

Bicycle Parking Count
39 Covered Long-term Bike Parking:
(20 Outside Bike Corral + 19 Inside Vertical Racks at Garages)
4 Short-term Bike Parking
(see landscape drawings for location)
10192 San Pablo Ave. El Cerrito
Planning Dept. Submittal
SHADOW STUDY MEASURED ON WINTER SOLSTICE (DECEMBER 21) AT 10AM
SHADOW ENCROACHMENT OVER CURB @ 10AM FROM OCTOBER - FEBRUARY

10192 San Pablo Ave. El Cerrito
Planning Dept. Submittal
10192 San Pablo Ave. El Cerrito
Planning Dept. Submittal

EXISTING CONDITIONS
MAY 17, 2018

VIEW OF EXISTING PROJECT SITE FROM CORNER OF SAN PABLO AVE. AND LINCOLN AVE.

VIEW OF EXISTING PROJECT SITE FROM SAN PABLO AVE.

VIEW OF EXISTING PROJECT SITE FROM LINCOLN AVE.

VIEW OF EXISTING PROJECT SITE FROM LINCOLN AVE.

VIEW OF EXISTING PROJECT SITE FROM LINCOLN AVE.

PHOTO KEY
**MATERIALS & COLORS**

**SIDING**
- **S1**
  - Material: 7/8” Cement Plaster System
  - Finish: Fine Sand
  - Color: KM - Volcanic Rock (5826)

- **S2**
  - Material: 7/8” Cement Plaster System
  - Finish: Fine Sand
  - Color: KM - San Francisco Fog (5822)

- **S3**
  - Material: Procelain Tile
  - Manufacturer: Neolith
  - Color: Iron Corten, Satin

- **S4**
  - Material: Procelain Tile
  - Manufacturer: Neolith
  - Color: Basal Grey, Silk

**SIDING (ACCENT)**
- **R1**
  - Material: Perforated Corten AZP
  - Manufacturer: Western States Metal Roofing
  - Style: Raw Flat

**WINDOWS & DOORS**
- **W1**
  - Material: Vinyl
  - Manufacturer: VPI Quality Windows
  - Color: Black

- **W2**
  - Material: Thermalplastic Polyolefin (TPO)
  - Manufacturer: TBD
  - Color: White

**ROOF**
- **R2**
  - Material: Procelain Tile
  - Manufacturer: Neolith
  - Color: Basal Grey, Silk

**PLANNING DEPT. SUBMITTAL**
10192 San Pablo Ave. El Cerrito

**SCALE DATE**
1/2" = 1'-0"
**Manufacture:** Eurofase  
**Model:** Kilo LED Wall Sconce  
**Shade Size:** 4.75"W X 4.75"H X 2.5"D  
**Color:** Marine Grey

**Manufacture:** Philips Lightolier  
**Model:** Slim Surface LED  
**Shade Size:** 7" round  
**Finish:** Aluminum

**Manufacture:** RAB Lighting  
**Model:** ALED4T78  
**Shade Size:** 4.5"H X 23.4"L X 15"W  
**Finish:** Bronze

**LIGHT FIXTURES**

**WALL MOUNTED (UNIT ENTRY)**

- **Symbol:** L1
- **Type:** Slim LED Wall Sconce
- **Lamp Type:** LED
- **ADA Compliant:** Yes
- **Listing:** cETL & listed for wet locations

**CEILING MOUNTED**

- **Symbol:** L2
- **Type:** Slim LED Downlight
- **Lamp Type:** LED
- **Listing:** UL Listed for wet locations

**POLE MOUNTED LIGHT (PARKING)**

- **Symbol:** L3
- **Type:** Slim LED Pole Light
- **Lamp Type:** LED
- **Listing:** UL listed for wet locations

---

10192 San Pablo Ave. El Cerrito  
Planning Dept. Submittal
SAN PABLO AVENUE SPECIFIC PLAN
ENVIRONMENTAL COMPLIANCE CHECKLIST

10192 San Pablo Avenue

PREPARED BY:

METROPOLITAN PLANNING GROUP
22561 MAIN STREET, SUITE 200
HAYWARD, CALIFORNIA 94541
510.634.8443

October 2018
# 10192 SAN PABLO AVENUE
## CEQA ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

<table>
<thead>
<tr>
<th><strong>Project Title:</strong></th>
<th>10192 San Pablo Avenue</th>
</tr>
</thead>
</table>
| **Lead agency name and address:** | City of El Cerrito Planning Division  
10890 San Pablo Avenue  
El Cerrito, CA 94530 |
| **Contact person and phone number:** | Sean Moss (510) 215-4359 |
| **Project Location:** | City of El Cerrito – San Pablo Avenue Specific Plan Area |
| **File Number:** | PL16-0137 |
| **Project sponsor’s name and address:** | Lisa Vilhauer  
Winfield Development L.L.C.  
3800 Mount Diablo Blvd., Suite 200  
Lafayette, CA 94549 |
| **Property Owner:** | The Botto Trust  
PO Box 20067  
Piedmont, CA 94620 |
| **General Plan Designation:** | Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) |
| **Zoning:** | Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) |
| **Description of project:** | The project site is located in the southern portion of the City of El Cerrito, Contra Costa County, California at the southeast corner of the San Pablo Avenue and Lincoln Avenue intersection on an 18,423 square-foot site (0.42 acres). The site is mostly flat from San Pablo Avenue, gently sloping upward to the east and north portions of the project site. The project site includes a vacant 1,765 square foot single-story building and parking lot. The building was originally constructed in 1951 by the Union Oil and Gas Company for use as an automotive repair facility and gasoline filling station. The existing building was previously used as an auto body shop. The proposed project would demolish the existing building and parking lot and construct a new 39,052 square-foot, five-story, 64.5-foot tall multi-family residential building with a total of 26 dwelling units. Pedestrian access would be provided at three entrances along San Pablo Avenue and three entrances from the parking lot at the rear of the project site. Vehicle access would be provided via a full-access driveway on Lincoln Avenue leading to surface parking stalls and garages. The proposed residential units include a combination of two-story, 2-bedroom units and 2- to 3-bedroom flats. |
| **Surrounding land uses and setting; briefly describe the project’s surroundings:** | North of the project site and across Lincoln Avenue there is an existing used car lot. East of the project site are single-family residences. South of the project site is a commercial property, and west of the project site across San Pablo Avenue are commercial properties within the City of Richmond. |
| **Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):** | None |
10192 SAN PABLO AVENUE

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1. INTRODUCTION
This checklist and attached supporting documentation have been prepared to analyze the potential environmental impacts of the 10192 San Pablo Avenue development (project or proposed project) in relationship to the prior environmental review conducted for the site in the City of El Cerrito San Pablo Avenue Specific Plan EIR. The analysis considers whether the environmental impacts of the project have already been analyzed under the California Environmental Quality Act (CEQA) (Pub. Resources Code (PRC), Section 21000, et seq.).

This document is an Environmental Compliance Checklist to examine the environmental effects of the proposed 10192 San Pablo Avenue Project ("project"). This document has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines as implemented by the City of El Cerrito. According to Section 15168(c)(2) of the State CEQA Guidelines, a program Environmental Impact Report (EIR) can be used in compliance with CEQA to address the effects of a subsequent activity so long as the activity is within the scope of the project covered by the program EIR and no new effects are found and no new mitigation measures would be required. As supported by the analysis in this document, the 10192 San Pablo Avenue Project would not result in new or substantially more severe significant environmental effects than what was analyzed in the San Pablo Avenue Specific Plan EIR.

1.1. PROJECT BACKGROUND AND PRIOR CEQA DOCUMENTATION
In 2014, the City of El Cerrito adopted the San Pablo Avenue Specific Plan ("SPASP FEIR") and certified the accompanying EIR (State Clearinghouse #2014042025). The Specific Plan represents a planning effort to identify a vision for the future of San Pablo Avenue, identify improvement needs, and adopt implementing regulations that can be applied consistently in the planning area. A major goal of the planning effort is to achieve a coordinated, cohesive environment and character in the Specific Plan area through (1) a Form-Based Code (FBC); (2) multimodal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The former El Cerrito Redevelopment Agency undertook development of the Specific Plan beginning in 2007 to develop a vision for the future of San Pablo Avenue. On April 2, 2013, City Council received an update on the Specific Plan, including a staff recommendation to add a Complete Streets Element and Programmatic Environmental Impact Report (EIR). Community Development and Public Works Staff worked with consultants to update and complete the draft Specific Plan in response to Council comments and to develop a more implementation-focused, market-driven Specific Plan that better incorporates contemporary land use planning and transportation strategies. Additionally, the Specific Plan included incorporation of recent Council adopted policies, including the 2013-2017 Strategic Plan (adopted April 2, 2013), the Climate Action Plan (adopted May 21, 2013) and Plan Bay Area (adopted by MTC and ABAG on July 18, 2013). The San Pablo Avenue Specific Plan was adopted and the Final Environmental Impact Report was certified by the City in December 2014.

1.2. CEQA REQUIREMENTS
CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program Environmental Impact Report (EIR). This checklist confirms that the proposed 10192 San Pablo Avenue Project is within the planning area for the San Pablo Avenue Specific Plan Final EIR and will have no new significant environmental effects nor substantially increase the severity of previously identified significant effects, and no new mitigation measures are required beyond those identified in the SPASP FEIR and, as such, the City of El Cerrito (City) can approve the 10192 San Pablo Avenue Project as being within the scope of the SPASP covered by its EIR and no new environmental document is required. Pursuant to Public Resources Code
Section 21166 and CEQA Guidelines Section 15168, the 10192 San Pablo Avenue Project does not require any further review under CEQA.

2. PROJECT DESCRIPTION

2.1. PROJECT LOCATION AND SETTING
The project site (APN 504-012-037 & 504-012-036) is located in the southern portion of the City of El Cerrito, Contra Costa County, California (See Figure 1: Regional Map) at the southeast corner of the San Pablo Avenue and Lincoln Avenue intersection (See Figure 2: Site Vicinity Map) on an 18,423 square-foot site. The site is mostly flat from San Pablo Avenue gently sloping upward to the east and north portions of the project site. The project site includes a vacant 1,765 square foot single-story building and parking lot. The building was originally constructed in 1951 by the Union Oil and Gas Company for use as an automotive repair facility and gasoline filling station. The existing building was previously used as an auto body shop (See Figure 3: Project Site Map).

The project site has General Plan Land Use designation of Transit Oriented Higher-Intensity Mixed Use through the San Pablo Avenue Specific Plan (See Figure 4: General Plan Land Use Designation Map) – and is located within the San Pablo Avenue Specific Plan area (See Figure 5: San Pablo Avenue Specific Plan Map). The San Pablo Specific Plan designates this property as within the Transit Oriented Higher-Intensity Mixed Use (TOHIMU) zoning district. San Pablo Avenue is designated as a San Pablo Avenue (SPA) Community Street and Lincoln Avenue is designated as a Neighborhood Street. The proposed project would be compliant with all zoning requirements for the TOHIMU district, SPA Community Street classification and Neighborhood Street. North of the project site and across Lincoln Avenue there is an existing used car lot. East of the project site are single-family residences. South of the project site is a commercial property, and west of the project site across San Pablo Avenue are commercial properties within the City of Richmond.

2.2. PROJECT CHARACTERISTICS
The proposed project would demolish the existing building and parking lot and construct a new 39,052 square-foot, five-story, 64.5-foot tall multi-family residential building with a total of 26 dwelling units, and parking (See Figure 6: Project Site Plan). Pedestrian access to the proposed residential units is provided at three entrances along San Pablo Avenue and three entrances from the parking lot at the rear of the project site. The proposed residential units include a combination of two-story, 2-bedroom units and 2- and 3-bedroom flats as summarized in Table 1 below (See Figures 7 through 9: Floor Plans).

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Area</th>
<th>Unit Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st/2nd</td>
<td>2 Story Unit – 2 bedroom/2.5 Bath</td>
<td>1,064 Square Feet</td>
<td>2</td>
</tr>
<tr>
<td>1st/2nd</td>
<td>2 Story Unit – 2 bedroom/1.5 Bath</td>
<td>942 Square Feet</td>
<td>4</td>
</tr>
<tr>
<td>2nd</td>
<td>1 Story Unit – 3 bedroom/2 Bath</td>
<td>1,102 Square Feet</td>
<td>2</td>
</tr>
<tr>
<td>2nd</td>
<td>1 Story Unit – 3 bedroom/2 Bath</td>
<td>1,119 Square Feet</td>
<td>1</td>
</tr>
<tr>
<td>3rd/4th/5th</td>
<td>1 Story Unit – 2 bedroom/2 Bath</td>
<td>966 Square Feet</td>
<td>6</td>
</tr>
<tr>
<td>3rd/4th</td>
<td>1 Story Unit – 3 bedroom/2 Bath</td>
<td>1,042 Square Feet</td>
<td>3</td>
</tr>
<tr>
<td>4th</td>
<td>1 Story Unit – 2 bedroom/1 Bath</td>
<td>798 Square Feet</td>
<td>1</td>
</tr>
<tr>
<td>5th</td>
<td>1 Story Unit – 2 bedroom/2 Bath</td>
<td>924 Square Feet</td>
<td>1</td>
</tr>
<tr>
<td>3rd/4th</td>
<td>1 Story Unit – 3 bedroom/2 Bath</td>
<td>1,210 Square Feet</td>
<td>4</td>
</tr>
<tr>
<td>5th</td>
<td>1 Story Unit – 2 bedroom/2 Bath</td>
<td>938 Square Feet</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>****</td>
<td><strong>26</strong></td>
<td>****</td>
</tr>
</tbody>
</table>

Site Plans, prepared by Left Coast Architecture and Branagh, May 17, 2018.
The project is designed to front onto San Pablo Avenue with a driveway entrance to the unit garages and parking lot off Lincoln Avenue. The front of the building along San Pablo Avenue has front doors for the first-floor units, these units are designed to appear as storefronts with large glazing areas. They upper floor units are accessed from common staircases within the building that can be accessed from the San Pablo Avenue entrances and the entrances located at the rear of the property in the parking lot.

The project is accessible by auto, public transit, bicycle and walking. A bus stop is located at the corner of San Pablo Avenue and Lincoln Avenue. The El Cerrito Plaza Bart station is located approximately 0.5 miles away from the project site. Long term bicycle storage for 39 bicycles will be provided either within the proposed garages or within the common entryway to the building. Four (4) short-term bicycle parking spaces will be provided for the project along San Pablo Avenue. Because of the close proximity to transit, the project parking spaces have been reduced to just one space per unit. The project would provide nine (9) surface parking spaces, 13 individual garage parking spaces, and one ADA accessible space, for a total of 23 parking spaces, which is consistent with the Specific Plan. Three parking spaces would be pre-wired for electric vehicles. Vehicles would access the site through a full-access driveway on Lincoln Avenue.

Landscaping onsite will be provided along San Pablo Avenue, Lincoln Avenue, and within the surface parking lot. The streetscape along San Pablo Avenue and Lincoln Avenue will comply with the San Pablo Avenue Specific Plan streetscape designs for a SPA Community Street and a Neighborhood Street. San Pablo Avenue will have a 7-foot wide "amenity zone" which will include landscaping and street trees. There will be an 8-foot wide pedestrian walkway space and a 5-foot wide activity zone.

The proposed project is designed to be a sustainable community. The site plan has been designed to integrate the architecture into the natural topography of the site, and the buildings are oriented to take advantage of solar exposure and shading. The proposed project will enhance pedestrian access to the surrounding community by updating the sidewalks fronting the project site. The proximity to downtown as well as the pedestrian and bicycle access to and from the site will help reduce vehicle trips generated by the project. The project has been designed to meet all required stormwater quality standards and best management practices. As proposed, the project will reduce impervious surfaces relative to the existing condition. As such, the project would result in an overall decrease in stormwater runoff from what currently exists on the project site today. As well as integrating stormwater runoff treatment into the overall landscape design. Landscaping for the proposed project has been designed with drought-tolerant and mostly native Californian plants to reduce the water demand. Construction of the proposed project is expected to last approximately 12 months.
FIGURE 1: REGIONAL LOCATION MAP
FIGURE 2: SITE VICINITY MAP
FIGURE 3: PROJECT SITE MAP
FIGURE 4: GENERAL PLAN LAND USE DESIGNATION MAP
FIGURE 6: PROJECT SITE PLAN
FIGURE 7: 1ST & 2ND FLOOR PLANS
Source: Project Plans
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FIGURE 9: 5TH FLOOR PLAN
Source: Project Plans
3. EVALUATION OF ENVIRONMENTAL IMPACTS

The following discussion addresses the potential level of impact relating to each aspect of the environment.

3.1. AESTHETICS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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>

Sources: San Pablo Avenue Specific Plan EIR; Sean Moss, City of El Cerrito Planning Division, Email Communication, May 4, 2017; and Visibility Study, prepared by Left Coast Architecture and Branagh, May 17, 2018.

DISCUSSION

As noted in the SPASP FEIR, implementation of the SPASP would enhance the visual and aesthetic character of the planning area by incorporating Form-Based Code (FBC) and Complete Streets design and development standards that support and maintain a strong sense of place and visual identity on San Pablo Avenue. These design and development standards are included in Chapter 2, Form Based Code and Chapter 3, Complete Streets of the SPASP.

The primary potentially significant impact to scenic resources identified in the SPASP FEIR was the potential for implementation of the SPASP to obstruct scenic views of Mt. Tamalpais, the Golden Gate Bridge, San Francisco skyline, East Bay Hills, and Albany Hill from public rights-of-way including roadways and sidewalks, BART station platforms, and areas of lower elevation hillside homes in El Cerrito and Richmond (Impact 4-1). This impact was determined to be significant and unavoidable; however, it was determined that the individual development projects would be subject to further evaluation to determine if they meet the standards and guidelines set forth in the SPASP related to visual resources (Mitigation Measure 4-1). The mitigation measure requires preparation of a viewshed analysis to determine if the proposed building meets the standards set forth in the SPASP. However, the El Cerrito Zoning Administrator determined that a visual analysis was not required for the proposed project for the following reasons:

- Due to the orientation of the project site, any potential view impacts would be limited to Kearney Street.
Due to the relatively low elevation of Kearney Street, the Golden Gate Bridge, Mt. Tamalpais and the San Francisco skyline are not generally visible adjacent to the project site.

Albany Hill is visible from Kearney Street. However, from the public street, existing buildings block much of the view and only intermittent views of Albany Hill are present along Kearney Street.

Kearney Street and the properties that face it are at a higher elevation than properties on San Pablo Avenue, including the project site. The grade difference will limit any visual impact of the project from adjacent properties and from Kearney Street.

The San Pablo Avenue Specific Plan limited building lengths to 200 feet in order to preserve intermittent views. The proposed project would be less than 200 feet in length.

A visibility study was prepared by Left Coast Architecture and Branagh. As shown in the visibility study, views of Mount Tamalpais (as viewed from the BART station platform) and Albany Hill (as viewed from Lincoln and Kearney) would not be obscured by the proposed building. Therefore, impacts to scenic resources would be less than significant.

The SPASP FEIR also found that potentially significant impacts could result from the introduction of new light and glare in the plan area (Impact 4-2), but concluded that implementation of Mitigation Measure 4-2, which requires the installation of non-reflective building materials and windows, would reduce potential glare impacts of individual development projects to a less-than-significant level. The proposed project would not cause any new light and glare impacts.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures, beyond implementation of SPASP Mitigation Measure 4-2, are required.

CONCLUSION

The proposed project is generally consistent with the type and intensity of development analyzed in the SPASP FEIR; it is within the allowable height limits, would be consistent with policies related visual character and design, and would not result in a substantial increase in light and glare. As such, the SPASP FEIR adequately evaluated the potential aesthetic impacts related to the proposed project and there is no new impact on visual and aesthetic resources.

### 3.2. AGRICULTURAL AND FORESTRY RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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>
</tbody>
</table>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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))? □ □ □ ☒

d) Result in the loss of forest land or conversion of forest land to non-forest use? □ □ □ ☒

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? □ □ □ ☒

Sources: San Pablo Avenue Specific Plan EIR.

There are no agricultural or forestry resources located within or near the project site. The SPASP area is predominantly urbanized and is classified as “Urban and Built-Up Land” by the State Department of Conservation. The City of El Cerrito, and the SPASP area, does not contain any land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project is also not located on land that is currently under a Williamson Act contract. In addition, the City does not contain woodland or forestland cover, nor land zoned for timberland production. Therefore, the proposed project would not result in a significant impact to agriculture or forestry resources.

3.3. AIR QUALITY

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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>☒</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>☒</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in 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>☒</td>
</tr>
</tbody>
</table>
d) Exposure of sensitive receptors to substantial pollutant concentrations?

☐ ☐ ☐ ☒

e) Create objectionable odors affecting a substantial number of people?

☐ ☐ ☐ ☒

Sources: San Pablo Avenue Specific Plan EIR; Sean Moss, City of El Cerrito Planning Division, Email Communication, May 4, 2017; Bay Area Air Quality Management District, 2017. Final 2017 Bay Area Clean Air Plan.

DISCUSSION

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if the project would conflict with or obstruct implementation of an applicable air quality plan, which for the SPASP FEIR was the 2010 Bay Area Clean Air Plan. The SPASP FEIR found that vehicle miles traveled (VMT) would increase at a lower rate under the SPASP than population or service population growth, thus resulting in a less-than-significant impact related to consistency with the applicable clean air plan.

The BAAQMD's current clean air plan is the 2017 Clean Air Plan, which was adopted on April 19, 2017. The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve greenhouse gas (GHG) reduction targets.

The 2017 Clean Air Plan (CAP) includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants, to reduce emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. The proposed project would develop high-intensity residential uses on the site, similar to what the SPASP envisioned. In addition, the population and housing units included in the proposed project would fall within the total development anticipated by the SPASP FEIR. The proposed project would not result in new or more significant population growth impacts than were analyzed and described in the SPASP FEIR. Therefore, the population growth associated with the proposed project is consistent with the SPASP.

Consistency with the CAP is determined by whether or not the proposed project would result in significant and unavoidable air quality impacts or hinder implementation of control measures (e.g., excessive parking or preclude extension of transit lane or bicycle path). As discussed above, implementation of the proposed project would not substantially increase population, vehicle trips, or vehicle miles traveled. Therefore, the project would support the goals of the CAP and would not conflict with any of the control measures identified.
in the plan or designed to bring the region into attainment. This impact would remain less than significant as identified in the SPASP FEIR.

**Construction-Related Impacts**
The SPASP FEIR identified that construction activities associated with implementation of the SPASP would result in short-term emissions from construction activities including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction fugitive dust is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The SPASP FEIR identified Mitigation Measure 5-1 to reduce construction impacts to a less-than-significant level.

Development of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the SPASP FEIR. Therefore, the proposed project would not result in any new or more significant construction-related air quality impacts than were evaluated in the SPASP FEIR. This impact would remain less than significant with mitigation as identified in the SPASP FEIR.

**Ambient Air Quality Impacts**
The SPASP FEIR identified that monitoring data from all ambient air quality monitoring stations in the Bay Area indicate that existing carbon monoxide levels are currently below national and California ambient air quality standards. Monitored carbon monoxide (CO) levels have decreased substantially since 1990 as newer vehicles with greatly improved exhaust emission control systems have replaced older vehicles. The Bay Area has been designated as an attainment area for the CO standards. At the time that the SPASP FEIR was certified, the highest measured levels in San Pablo (the closest monitoring station to the plan area) during the past three years were 1.3 ppm (parts per million) for eight-hour averaging periods, compared with state and federal criteria of 9.0 ppm.

Even though CO levels in the Bay Area are well below ambient air quality standards, and there have been no exceedances of CO standards in the Bay Area since 1991, elevated levels of CO still warrant analysis. CO hotspots (occurrences of localized high CO concentrations) could still occur near busy congested intersections. Recognizing the relatively low CO concentrations experienced in the Bay Area, the BAAQMD’s CEQA Air Quality Guidelines state that a project would have a less-than-significant impact if it would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. As identified in the SPASP, peak hour traffic volumes attributed to implementation of the SPASP would be far below this threshold. Since intersections affected by the project would have volumes less than the threshold of 44,000 vehicles per hour, the impact of the project related to localized CO concentrations would therefore be less than significant.

The proposed project would generate fewer vehicle trips than the uses assumed for this project site in the SPASP FEIR. Therefore, impacts related to CO hotspots would remain less-than-significant.

**Short-Term Exposure of Sensitive Receptors to Toxic Air Contaminants**
Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.
According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to toxic air contaminants (TACs) resulting in an increased cancer risk greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient PM2.5 increase greater than 0.3 micrograms per cubic meter (µg/m3). A significant cumulative impact would occur if the project in combination with other projects located within a 1,000-foot radius of the project site would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient PM2.5 increase greater than 0.8 µg/m3 on an annual average basis. Impacts from substantial pollutant concentrations are discussed below.

The SPASP FEIR determined that construction activities could result in short-term emissions of diesel particulate matter (DPM), a known TAC. Construction could result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. The SPASP FEIR determined that implementation of Mitigation Measure 5-2 would be required to reduce potential impacts associated with TAC exposure. Mitigation Measure 5-2 requires individual projects to undergo individual assessment for construction health risks, either through screening or refined modeling.

Sensitive receptors are located adjacent to the project site. Construction of the proposed project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement the best management practices during construction, as required by Mitigation Measure 5-1. With implementation of Mitigation Measure 5-1, project construction emissions would be below the BAAQMD's significance thresholds as described above. Therefore, sensitive receptors would not be expected to be exposed to substantial pollutant concentrations during project construction. The proposed project would result in no new or more severe impacts related to short term exposure to TACs than analyzed in the TASP FEIR and further analysis is not required.

**Long-Term Exposure of Sensitive Receptors to Toxic Air Contaminants**

Implementation of the SPASP would allow new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. The roadway screening analysis tables from the SPASP FEIR indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than-significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. The SPASP FEIR determined that if projects under the SPASP are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT, this would represent a potentially significant impact; however, the project site is not located within close proximity to any of these roadways (Carlson Boulevard is the closest to the project site, at a distance of approximately 500 feet). The proposed project would result in no new or more severe impacts related to long term exposure to TACs than analyzed in the TASP FEIR and further analysis is not required.

**Odors**

The SPASP FEIR identified that the SPASP area would include potential odor sources that could affect new sensitive receptors. Most of these major existing sources are however already buffered by existing uses. Responses to odors are subjective, and vary by individual and type of use. Sensitive land uses that include
outdoor uses, such as residences and possibly daycare facilities, are likely to be affected most by existing odors. Consistent with SPASP policies and SPASP FEIR Mitigation Measure 5-4, the proposed project would be located in an area surrounded by commercial uses and would not be located in an area where substantial odors (such as those associated with industrial, manufacturing, processing, or treatment uses) are generated.

**APPLICABLE MITIGATION**
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures, beyond implementation of SPASP Mitigation Measure 5-1, are required.

**CONCLUSION**
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and construction activities would be required to comply with SPASP Mitigation Measure 5-1. As such, the SPASP FEIR adequately evaluated the potential air quality impacts of the proposed project there would be no new impact associated with air quality.

### 3.4. BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (Formerly Fish and Game) or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife (formerly Fish and Game) or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Sources: San Pablo Avenue Specific Plan EIR.

**DISCUSSION**

The SPASP FEIR found that implementation of the SPASP would largely result in minimal impacts to biological resources because the SPASP area is a highly developed urban area with approximately 90 percent of the land developed, recently disturbed, or ruderal. The SPASP FEIR concluded that the plan area does not contain any plant or animal species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS), nor does the plan area contain any federally protected wetlands. The only identified riparian habitat or other sensitive natural community in the plan area is riparian habitat adjacent to Cerrito Creek (near the El Cerrito Plaza Shopping Center parking lot and Ohlone Greenway) and Baxter Creek. However, the project is not located within the vicinity of either of these resources and therefore would not result in any impacts to these habitats.

The SPASP FEIR identified potential impacts associated with the removal of existing trees with implementation of the SPASP. Removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season could be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. The proposed project would result in the removal of existing trees and shrubs on the project site. However, tree removal would comply with all City requirements to minimize impacts on biological resources during removal. The FEIR identified Mitigation Measure 6-1 to minimize potentially significant impacts associated with tree removal on nesting birds to less-than-significant levels.

**APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures, beyond implementation of SPASP Mitigation Measure 6-1, are required.

**CONCLUSION**

The proposed project would be consistent with the type of development analyzed within the SPASP FEIR. Tree removal activities would be conducted in conformance with SPASP Mitigation Measure 6-1. As such, the SPASP FEIR adequately evaluated the potential biological impacts of the proposed project there would be no new impact on biological resources.

3.5. CULTURAL RESOURCES
Would the project: | Potentially Significant Impact | Less Than Significant Impact with Mitigation | Less Than Significant Impact | No New Impact
---|---|---|---|---

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? ☒ ☒ ☒ ☒

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? ☒ ☒ ☒ ☒

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☒ ☒ ☒ ☒

d) Disturb any human remains, including those interred outside of formal cemeteries? ☒ ☒ ☒ ☒

Sources: San Pablo Avenue Specific Plan EIR; LSA, Historical Resource Evaluation of 10192 San Pablo Avenue/State Route 123, El Cerrito, Contra Costa County, California, January 26, 2017.

DISCUSSION
The SPASP FEIR identified properties or features within the SPASP area that may be eligible for listing in a local, State, or Federal register of historic resources (Impact 7-1). The SPASP FEIR identified Mitigation Measure 7-1 to be applied to any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 45 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior’s Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource.

The one-story former filling station/auto repair garage at 10192 San Pablo Avenue was constructed in 1951. The Historic Resource Evaluation (HRE) conducted for the proposed project concluded that the building does not appear eligible for inclusion in the California Registry of Historic Resources under any significance criteria. The building is not a notable example of Vernacular architecture, and background research did not identify any persons associated with the building important to the past. For these reasons, this building does not appear to qualify as a “historical resource” for the purposes of CEQA (Public Resources Code Section 21084.1).

The SPASP FEIR concluded that the potential impact of development within the plan area on cultural resources, including historic, archaeological and paleontological resources and human remains would be less than significant with implementation of recommended mitigation measures. Specifically, disturbance of previously unknown archaeological or paleontological resources, including human remains, could occur during grading and development of individual project sites within the SPASP area, and there is a reasonable possibility that archaeological and paleontological resources could be uncovered during these activities (Impacts 7-2 and 7-3). The SPASP FEIR identifies Mitigation Measures 7-2 and 7-3 that would reduce the potential impacts on known or undisclosed cultural resources to less-than-significant levels.
In compliance with SPASP FEIR Mitigation Measure 7-2, a records search was undertaken at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University in Rohnert Park for the project site and vicinity. Based on the records search, there are no known historic or archeological resources located within the immediate project site or vicinity. Nevertheless, the potential exists for previously unknown cultural resources to be encountered during ground disturbing activities at the site. Implementation of Mitigation Measures 7-2 and 7-3, which specify compliance with existing codes and regulations applicable to the accidental discovery of archeological and paleontological resources and human remains during construction activities, would be required to be implemented.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures, beyond implementation of SPASP Mitigation Measures 7-2 and 7-3, are required.

CONCLUSION
The proposed project would be consistent with the type of development analyzed within the SPASP FEIR. Ground disturbing activities would be conducted in conformance with SPASP Mitigation Measures 7-2 and 7-3. As such, the SPASP FEIR adequately evaluated the potential cultural resource impacts of the proposed project there would be no new impact on cultural resources.

3.6. ENERGY

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Sources: San Pablo Avenue Specific Plan EIR; El Cerrito Climate Action Plan May 21, 2013.

DISCUSSION
As discussed in the SPASP FEIR, implementation of the SPASP would generally change the Plan Area from an auto-oriented corridor to a multi-modal (auto, transit, bicycle, pedestrian) oriented community, with related energy conservation resulting from the more efficient use of transportation, circulation, and infrastructure systems.

The SPASP FEIR refers to the Form-Based Code (2.05.05.01), which contains topics to reduce energy usage such as passive heating and cooling techniques, Zero-Net Energy buildings, solar power, wind power, and other related topics.
Last, the SPASP FEIR found that the SPASP would also be subject to local and General Plan policies, including the El Cerrito Climate Action Plan, that are expected to reduce energy consumption. Therefore, the SPASP FEIR concluded that implementation of the SPASP would not cause inefficient, wasteful, and unnecessary consumption of energy.

The proposed project adheres to the building guidelines of the SPASP, is consistent with the El Cerrito Climate Action Plan, and promotes energy conservation through mixed-use development in close proximity to transit. The project will also enhance pedestrian and bicycle access to the surrounding community to help reduce vehicle trips generated by the project. The proposed project would result in no new or more severe impacts related to Energy than analyzed in the SPASP FEIR and further analysis is not required.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be required to comply with the 2016 California Green Building Standards Code and El Cerrito Climate Action Plan. As such, the SPASP FEIR adequately evaluated Energy in accordance with CEQA Guidelines Appendix F for the proposed project, and there would be no new impact associated with Energy.

3.7. GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>ii. Strong Seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iii. Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iv. Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

☐ ☐ ☐ ☒

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☐ ☐ ☐ ☒

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

☐ ☐ ☐ ☒

Sources: San Pablo Avenue Specific Plan EIR; Friar and Associates, Inc., Geotechnical Investigation Proposed Multi-Purpose Development 10192 San Pablo Avenue El Cerrito, California, December 2016.

DISCUSSION

The SPASP FEIR concluded that the geologic and soil impacts in the plan area are primarily related to potential ground shaking and associated impacts related to ground failure. Since the SPASP is not located within an Earthquake Fault Hazard Zone, the likelihood of surface fault rupture is minimal. In addition, the SPASP FEIR found that the slope instability hazards are also minimal due to the absence of appreciable slopes in the SPASP area. Furthermore, the SPASP area is served by a comprehensive, integrated wastewater collection, treatment, and disposal system. Neither septic tank systems nor alternative wastewater disposal systems are proposed as part of the SPASP, including the proposed project.

The Hayward Fault is the nearest active fault to the plan area and is approximately 1 mile to the east. The SPASP area is susceptible to ground shaking from the Hayward Fault or one of the other active faults in the region. However, the SPASP FEIR determined that impacts related to ground shaking would be less than significant with compliance with the latest California Building Standards Code. The proposed project would be designed and constructed in accordance with these requirements.

The SPASP FEIR concluded that grading and construction activities within the SPASP area may result in minor erosion or the minor loss of some topsoil. However, implementation of City-required grading and construction-period erosion control techniques would mitigate the potential impact to a less-than-significant level.

The SPASP FEIR determined that implementation of the SPASP would have potentially significant impacts related to earthquake-induced on-site liquefaction, differential settlement, lateral spreading, and subsidence, and associated damage to project buildings and other improvements within the SPASP area. However, potential impacts would be reduced to less-than-significant levels with implementation of Mitigation Measure 8-1, which requires preparation and implementation of the recommended measures of a site-specific design-level geotechnical study for individual development projects.

The proposed project’s incorporation of the recommended mitigations outlined in the Friar and Associates Geotechnical Investigation report would ensure that potential impacts related geological conditions are
reduced to less-than-significant levels. Therefore, the project would not result in significant impacts related to geology and soils that were not identified in the SPASP FEIR.

**APPLICABLE MITIGATION**

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures, beyond implementation of SPASP Mitigation Measure 8-1, are required.

**CONCLUSION**

The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be required to comply with the California Building Code, City-required erosion control techniques, and SPASP Mitigation Measure 8-1. As such, the SPASP FEIR adequately evaluated the potential geology and soil impacts of the proposed project there would be no new impact associated with geology and soils.

### 3.8. GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Sources: San Pablo Avenue Specific Plan EIR; El Cerrito Climate Action Plan May 21, 2013.

**DISCUSSION**

As identified in the SPASP FEIR, the BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating GHG emissions. The BAAQMD suggests applying a specific plan-level GHG efficiency threshold of 4.6 MT per year per capita. Specific plans with emissions above the threshold would be considered to have an impact that, cumulatively, would be significant.

For the SPASP, GHG emissions were computed for both traffic scenarios, Without Mode Shift and With Mode Shift, with operational emissions in 2040 using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2. SPASP land use types and size, plus trip generation rates, were input to CalEEMod. CalEEMod predicts emissions of GHGs in the form of equivalent carbon dioxide emissions (CO2e).

For construction-related GHG emissions, the BAAQMD does not have an adopted threshold of significance. The BAAQMD encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable, including, but not limited to: using local building materials of at least 10 percent, and recycling or reusing at least 50 percent of construction waste or demolition materials. The 2016 California Green Building Standards Code (CALGreen) requires a diversion rate of at least 65 percent of construction waste or demolition materials.
The SPASP FEIR found that 2040 full development capacity associated with development under the SPASP would have per capita emissions of 3.9 and 3.7 metric tons (MT) of CO2e per year under Without Mode Shift and With Mode Shift cases, respectively, which would not exceed the BAAQMD specific plan-level threshold of 4.6 MT CO2e/year. Therefore, this impact is considered less-than-significant.

In addition, the SPASP FEIR found that the SPASP would be subject to new requirements under rule making developed at the State and local level regarding GHG emissions. The SPASP would also be subject to local and General Plan policies, including the El Cerrito Climate Action Plan, that are expected to reduce GHG emissions. Therefore, this impact is considered less-than-significant.

The proposed project adheres to the building guidelines of the SPASP, is consistent with the El Cerrito Climate Action Plan, and promotes reductions in GHG emissions through mixed-use development in close proximity to transit. The proposed project would result in no new or more severe impacts related to GHG emissions than analyzed in the TASP FEIR and further analysis is not required.

**APPLICABLE MITIGATION**
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

**CONCLUSION**
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be required to comply with the 2016 California Green Building Standards Code and El Cerrito Climate Action Plan. As such, the SPASP FEIR adequately evaluated the potential GHG emissions impacts of the proposed project there would be no new impact associated with GHG emissions.

**3.9. HAZARDS/HAZARDOUS MATERIALS**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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 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>
</tbody>
</table>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment? □ □ □ ☒

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 of public use airport, would the project result in a safety hazard for people residing or working in the project area? □ □ □ ☒

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? □ □ □ ☒

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? □ □ □ ☒

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? □ □ □ ☒

Sources: San Pablo Avenue Specific Plan EIR; AEI Consultants, Phase I Environmental Site Assessment of a Commercial Property at 10192 San Pablo Avenue El Cerrito, California 94530, September 29, 2015; AEI Consultants, Limited Phase II Subsurface Investigation at 10192 San Pablo Avenue El Cerrito, California 94530, June 10, 2016.

DISCUSSION
The SPASP FEIR concluded that there are no significant impacts associated with hazards and hazardous materials within the SPASP plan area. The SPASP did identify the potential to expose construction workers to existing spilled, leaked, or otherwise discharged hazardous materials or wastes during project construction due to the large number of auto-related businesses in the SPASP area. However, the SPASP FEIR determined that compliance with all applicable, existing jurisdictional City-, regional- and State-mandated site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination would ensure potential impacts are less than significant. Specifically, compliance with City, the Regional Water Quality Control Board (Water Board), and the California Department of Toxic Substances Control (DTSC) requirements would ensure that health and safety impacts associated with implementation of individual development projects are less than significant.

Based on the Phase I Environmental Site Assessment (ESA) for the project, the subject property has been used as a gas station since 1933. There has been multiple underground storage tanks (USTs) removed and installed at the property since 1933. According to available information reviewed, there have been at least 11 USTs on the property: two diesel tanks to the north, four fuel (assumed gasoline) USTs on the western border (on or near the sidewalk), and four gasoline USTs to the south, and one waste oil tank adjacent to the southwest corner of the building. There are building permits for the installation four of the tanks (both diesel tanks and the larger tanks to the south) and removal permits for 7 (both diesel tanks and all tanks to the south).
Information in the El Cerrito Fire Department records includes a map showing the building plans related to the 1977 installation of the 10,000 gallon UST, shows the removal of the four USTs on the western border. No other information was available. In addition, according to the site operator, a small diesel UST was removed from property in 1979. None of these USTs have information related to condition or sampling upon removal. Additional information concerning the date of installation of the tanks removed in 1995 was inconsistent between city and County files. According to the Water Board, the cleanup has been completed, and the case is now closed.¹

The Phase II subsurface investigation was conducted to evaluate baseline conditions relative to former and current operations at the subject property. During this investigation, five (5) exploratory borings were advanced for the collection and analyses of soil and soil gas samples. The soil gas samples were analyzed for VOCs, TPH-g, CO₂, and O₂. The soil samples were analyzed for CAM 17 metals. Analytical results for soil vapor did not show VOC or TPH-g concentrations above their established RWQCB Environmental Screening Levels (ESLs). In addition, analytical results for soil did not show metal concentrations above their established RWQCB ESLs except for arsenic. Based upon our review of available literature, the range of arsenic concentrations detected in soil beneath the subject property appears to be representative of naturally-occurring background conditions throughout the Bay Area.

The SPASP FEIR determined that the residential, commercial, and open space uses proposed as part of the SPASP would not involve the routine transport, use, storage, or disposal of hazardous materials to the extent that a significant public or environmental hazard would occur. Operations in the SPASP area may involve the occasional transport, use, storage, or disposal of common hazardous substance such as fuel, pain, and solvents but would be subject to local, State, and Federal regulations. The SPASP determined that implementation of these standard regulations would ensure potential impacts would be less than significant.

The nearest school to the project site is Fairmont Elementary School located 0.3 miles east of the project site. Since there are no schools within 0.25 mile from the project site, no impacts related to handling hazardous materials near a school would occur. The project site is located approximately 30 miles northwest of the nearest public airport, Oakland International Airport. As the project is not located within the Oakland International Airport Influence Area,²³ no safety hazards would be anticipated. No private airstrips are located in the project vicinity. In addition, the SPASP area, including the project site, is not within or adjacent to wildland area and would not be subject to wildland fire risks.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be required to comply with existing regulations related to hazardous soil or groundwater conditions at the site during ground disturbing activities. As such, the SPASP FEIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting the proposed project site and there would be no new impact associated with hazards and hazardous materials.

² Alameda County Airport Land Use Commission, 2010. Oakland International Airport, Airport Land Use Compatibility Plan, Figure3-2. September.
### 3.10. HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner that 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 on the site or area, including through the alteration of the course of a stream 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 that 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 flood hazard area 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 flood hazard area structures that 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>
</tbody>
</table>
Inundation by seiche, tsunami, or mudflow?


DISCUSSION

The SPASP FEIR determined that long-term water quality impacts associated with implementation of the SPASP could result in contamination of plan area stormwater runoff with petroleum and other contaminants from motor vehicles; however, the compliance with Water Board and jurisdictional City-required post-construction, non-point source pollution control measures would ensure that such impacts would be reduced to a less-than-significant level. In addition, the SPASP FEIR determined that compliance with applicable Water Board, City of El Cerrito, and City of Richmond water quality protection requirements and conditions would ensure any potential construction period and post-construction water quality impacts to a less-than-significant level.

In addition, construction projects are required to prepare a Stormwater Control Plan, which requires implementation of Best Management Practices (BMPs) to control stormwater peak flows and pollutant levels. This requirement is stipulated in Provision C.3 of the Contra Costa County National Pollutant Discharge Elimination System (NPDES). All projects within the SPASP area must comply with NPDES requirements, including the proposed project. The applicant submitted a Stormwater Control Plan as part of the project application materials. The City will confirm that this plan conforms to all applicable local and State requirements as part of the development review process.

The proposed increase in population and traffic associated with the project could increase discharge of pollutants in stormwater runoff beyond current levels after partial or full build-out of the SPASP. However, the proposed project would increase the amount of pervious surface on the site by replacing existing impervious surfaces on the site (14,449 square feet) with 10,229 square feet of impervious and 5,362 square feet of pervious surfaces. In addition, full compliance with the Contra Costa County NPDES permit guidelines for stormwater discharge would ensure impacts would be less than significant.

The SPASP FEIR identified that portions of the plan area in Richmond along Central Avenue are located within a 100-year flood zone. However, the proposed project site is not located within this zone and would therefore not result in any impacts related to flooding. Furthermore, the SPASP area is also not subject to inundation by seiche or mudflow. The southwest portion of the SPASP along Central Avenue in the City of Richmond is located near a Tsunami Inundation Zone; however, the proposed project is not located near this area.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be required to comply with existing regulations related to stormwater discharge. As such, the SPASP FEIR adequately evaluated the hydrology and water quality impacts of the proposed project and here would be no new impact associated with hydrology and water quality.
3.11. LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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 plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Sources: San Pablo Avenue Specific Plan EIR.

DISCUSSION

The SPASP FEIR concluded that implementation of the SPASP would provide for the expansion of housing choices by encouraging compact, transit-accessible, pedestrian-oriented housing and mixed-use (commercial/housing) development in the plan area at densities and heights greater than currently permitted. Implementation of the SPASP would not result in the division of an established community because the area was primarily developed prior to completion of the SPASP. The SPASP FEIR determined that implementation of the SPASP would result in beneficial effects related to land use and planning by revitalizing the San Pablo Avenue corridor; facilitating development where services and infrastructure can be most efficiently provided by promoting higher residential densities near or within an existing shopping, service, employment, and public transportation centers; and promoting compact, transit-accessible, pedestrian-oriented, mixed-use development patterns and land uses.

The project site is designated TOHIMU in the City's General Plan and SPASP. In addition, the site is also zoned as TOHIMU. The intent of the TOHIMU designation is to provide for a vibrant, walkable, transit-oriented higher density area within ½ mile of BART that allows a variety of uses including retail, commercial, residential, and public uses in the Downtown and Uptown areas. The TOHIMU designation allows for a 65-foot height limit (85 feet is permissible for affordable housing projects) and requires a minimum height limit of three stories for residential uses. The proposed project is consistent with the mix, intensity, and scale of development contemplated by the SPASP in this location.

The City's Planning Commission will consider the proposed project site plan and make findings related to any project design elements that do not specifically conform to SPASP development standards, as contemplated by the form based code guidelines articulated in the SPASP. The proposed project would comply with the standards of the TOHIMU designation and would develop the site with high density residential uses in close proximity to transit as envisioned in the SPASP FEIR.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be generally consistent with the development standards envisioned in the SPASP FEIR; therefore, the SPASP FEIR adequately evaluated the land use impacts of the proposed project and no new impacts related to land use and planning would result.

3.12. MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</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>

Sources: San Pablo Avenue Specific Plan EIR.

The City of El Cerrito General Plan does not identify mineral resources within the Specific Plan area. Therefore, the proposed project would have no new impacts on mineral resources.

3.13. NOISE

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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>
</tbody>
</table>
DISCUSSION
This section compares noise impacts from the proposed project with impacts identified in the SPASP FEIR.
The proposed project would include residential uses in a developed area in the City of El Cerrito. Operational noise can be categorized as mobile source noise and stationary source noise. Mobile source noise would be attributable to the additional trips that would be a result of the proposed project. Stationary source noise includes noise generated by the residential land uses.

An Environmental Noise Assessment was conducted for the proposed project and is referenced in this section. The Noise Assessment is intended to satisfy the City’s requirement for a project-specific noise impact analysis, per SPASP Mitigation Measure 13-1, to reduce potential noise and land use compatibility impacts to a less-than-significant level.

The existing noise environment in the project area is defined primarily by the local roadway network, existing residential uses, and pedestrian activity. The Bay Area Rapid Transit (BART) tracks are located approximately 700 feet east of the project site and influences the ambient noise environment in the project vicinity. Traffic on Central Avenue and San Pablo Avenue contribute to the ambient noise environment. In addition, operational noise from the adjacent commercials uses (e.g., parking lot activities and people talking) is part of the existing noise environment at the project site.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is located within the San Pablo Avenue corridor that is predominantly developed with commercial, retail uses and multi-family residential uses. In the vicinity of the project site, sensitive land uses include single-family residential uses to the east, along Kearney Street.

Noise and Land Use Compatibility
The SPASP FEIR found that residential land uses facilitated by the SPASP would be exposed to exterior noise levels exceeding 70 dBA Ldn from traffic and BART noise. Future noise levels would exceed both El Cerrito’s and Richmond’s noise and land use compatibility standards. This was identified as a potentially significant impact. The SPASP FEIR identified Mitigation Measure 13-1, which requires project-specific acoustical analyses, to reduce potential noise and land use compatibility impacts to a less-than-significant level.

As described in the Environmental Noise Assessment prepared, traffic noise from San Pablo Avenue is predicted to be 70 dBA Ldn at the façade of the proposed building. Based upon a typical 25 dB exterior-to-interior noise level reduction achieved by modern building construction, an interior noise level of 45 dBA Ldn would be expected. This would meet the City’s 45 dB Ldn interior noise level standard. The City also applies an interior maximum noise level standard of 50 dBA Lmax to bedrooms and 55 dBA Lmax to other occupied rooms. Based upon a typical 25 dB noise level reduction and the predicted exterior noise level range of 78-79 dBA Lmax, maximum interior noise levels are predicted to range between 53-54 dBA Lmax. Therefore, interior noise control measures would be required to achieve compliance with the City’s interior noise level standards for bedrooms only.

Implementation of the following interior noise reduction measure for all units facing San Pablo Avenue, consistent with the recommendations of SPASP FEIR Mitigation Measure 13-1, would be required to reduce interior noise impacts to a less-than-significant level.

**Project-Specific Condition of Approval:** Consistent with SPASP Mitigation Measures 13-1, the project design shall implement the following measures for all west facing (facing San Pablo Avenue) units to reduce interior noise impacts in compliance with City noise standards:

- **Interior Noise Control Measures:**
  - Bedroom windows shall have a sound transmission class (STC) rating of 36.
  - Exterior finish shall be three-coat stucco or system with equivalent weight per square foot;
  - Interior gypsum at exterior walls shall be 5/8” Type X or Type C hung on resilient channel (RC);
  - Ceiling gypsum shall be 5/8” type X or Type C;
  - Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation.

- As an alternative to the above-listed interior noise control measures, the applicant may provide a detailed analysis of interior noise control measures once building plans become available. The analysis should be prepared by a qualified noise control engineer and shall outline the specific measures required to meet the City’s 45 dB Ldn and 50-55 dBA Lmax, interior noise level standards.

**Stationary Source Noise Impacts**

The SPASP FEIR identified that implementation of the SPASP would introduce commercial uses adjacent to residential land uses. New commercial development proposed adjacent to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact. The SPASP FEIR identified this as a potentially significant impact and identified Mitigation Measure 13-2, which requires site-specific analysis for proposed commercial uses to reduce long-term noise impacts to a less-than-significant level. The proposed project would not introduce new commercial uses as part of the project.

Implementation of the proposed project would generate various on-site stationary noise sources, including heating, ventilation, and air conditioning (HVAC) equipment, and parking lot activities. HVAC equipment could be a primary noise source associated with residential uses. HVAC equipment is often mounted on rooftops,
located on the ground, or located within mechanical rooms. The noise sources could take the form of fans, pumps, air compressors, chillers, or cooling towers. HVAC operations would be required to meet all noise standards.

The proposed building will include rooftop mechanical equipment consisting of 26 individual condensers located in the proposed rooftop mechanical well, one for each proposed unit. Typical rooftop condensers for residential use would be expected to have a sound power rating of approximately 75 dBA. The total sound power level assuming simultaneous operation of all 26 units would be 89 dBA.

Based upon the project site plan, the center of the mechanical rooftop well would be located approximately 70 feet from the nearest residential property line to the east. Based upon this distance and screening due to the proposed rooftop well, HVAC noise levels are predicted to be 39 dBA Leq, or less, at the nearest sensitive receptor. These noise levels would comply with the City of El Cerrito 45 dBA Leq nighttime exterior noise level standard. Therefore, operations associated with the HVAC equipment would be in compliance with the City’s exterior daytime and nighttime noise standards for residential uses.

**Parking Area Noise Impacts**

Parking lot noise, including engine sounds, car doors slamming, car alarms, loud music, and people conversing, would occur as a result of the proposed project at the project site and on nearby streets. Typical parking lot activities, such as people conversing or doors slamming, generates approximately 60 dBA to 70 dBA Lmax at 50 feet. Existing sensitive receptors are located approximately 50 feet from the proposed parking lot. Adjusted for distance, the nearest off-site residences would be exposed to a noise level of 60 to 70 dBA Lmax generated by parking lot activities. This noise level would not exceed the City’s maximum allowable noise level standards of 70 Lmax during the day and 60 dBA Lmax during the night.

Additional noise sources associated with the parking area would include delivery trucks and loading. Delivery truck loading and unloading activities would result in maximum noise levels from 75 dBA to 85 dBA Lmax at 50 feet. There are generally two types of loading that would occur on the site: small deliveries like parcels and packages. The former are typically made via passenger car, van, or single-unit truck. These activities are potential noise sources that could affect noise-sensitive receptors in the project site vicinity.

This analysis assumes a worst case scenario of noise levels from 73 to 83 dBA Lmax at the closest off-site receptor, which is above the City’s maximum allowable noise level standards of 70 Lmax during the day. However, as a residential use, nighttime loading activity will not be routine, a deliveries predominantly occur during daytime hours. As such, the nighttime maximum noise level standard is not expected to be violated. In addition, peak noise levels from loading and unloading would be intermittent and when averaged over a one hour period would be much lower than the peak noise levels. In accordance with SPASP Mitigation Measure 13-2, as identified in the SPASP FEIR, to reduce loading and delivery noise levels at nearby sensitive receptors, design considerations and shielding must be implemented to ensure that the loading and delivery activities are located in areas that would create the greatest possible distance between loading- and delivery-related noise sources and nearest off-site sensitive receptors. In addition, noise-generating activities, such as maintenance activities and loading and unloading activities, are required to be limited to the hours of 7:00 a.m. to 9:00 p.m.

**Mobile Source Noise Impacts**

Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity. A characteristic of sound
is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level.

The SPASP FEIR found that cumulative traffic noise levels, with or without implementation of the SPASP, are not anticipated to increase substantially along the roadways serving the Specific Plan area, and the project’s contribution to cumulative traffic noise level increases was not predicted to result in an appreciable increase in traffic noise levels. Cumulative traffic noise increases would not be considered substantial, and the project would not make a cumulatively considerable contribution to increased noise levels. Therefore, this impact is considered less-than-significant.

Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity, resulting in an increase in noise levels from traffic sources along affected segments. The Environmental Noise Assessment modeled traffic noise levels at the nearest sensitive receptors along each roadway segment in the project area, and concluded that the proposed project is not predicted to result in an appreciable increase in traffic noise levels. Therefore, this impact is considered less-than-significant.

Construction Noise

The highest construction noise levels would be generated during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are about 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. In addition, pile driving may occur at some of the project sites. This type of construction activity can produce very high noise levels of approximately 105 dBA at 50 feet, which are difficult to control. These noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor. Intervening structures or terrain would result in lower noise levels.

The SPASP identified that although construction noise would be localized to the individual site location, businesses and residences would be intermittently exposed to high levels of noise throughout the plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or higher. Such a large increase in noise levels, although short-term in duration, would be a potentially significant impact. The SPASP identified Mitigation Measure 13-3, but identified that construction noise impacts would remain significant and unavoidable.

The Environmental Noise Assessment assumed a typical maximum noise level of 76 to 90 dBA at a distance of 50 feet. The nearest residential receptors would be located 50 feet or further from typical construction activities. Project construction would result in short-term noise impacts on these adjacent uses. Therefore, the closest off-site sensitive receptors may be subject to short-term construction noise reaching 90 dBA when construction is occurring at the project site boundary. Construction is permitted by the City when activities occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday. No construction activity is allowed on Sundays and holidays.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the SPASP FEIR. The proposed project would require the implementation of the Municipal Code, the City of El Cerrito General Plan, and Mitigation Measure 13-3, as included in the SPASP FEIR.

Construction-Related Vibration

The SPASP FEIR identified that construction projects within the SPASP area may, in some cases, be located directly adjacent to existing structures, including weakened structures. Construction activities may include demolition of existing structures, site preparation work, excavation of below-grade levels, foundation work, pile driving, and new building erection. Demolition for an individual site may last several weeks and at times
may produce substantial vibration. Excavation for underground levels would also occur on some project sites and vibratory pile driving could be used to stabilize the walls of the excavated area. Piles or drilled caissons may also be used to support building foundations.

Depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels may be high enough to damage existing structures. Given the scope of the SPASP and the close proximity of many existing structures, ground-borne vibration impacts would be potentially significant.

As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high power tools) would be intermittent and would only occur for short periods of time for any individual project site. By use of administrative controls such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with least potential to affect nearby businesses, perceptible vibration can be kept to a minimum and would not result in a physical or perceived significant impact.

The SPASP FEIR found construction-related vibration impacts to be potentially significant. The SPASP FEIR identified Mitigation Measure 13-4 to reduce vibration from construction activities. However, it may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction associated with the SPASP. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, Mitigation Measure 13-4 may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be significant and unavoidable.

Common sources of ground-borne vibration and noise include trains and construction activities such as blasting, pile driving and operating heavy earthmoving equipment. Construction of the proposed project would involve grading, site preparation, and construction activities but would not involve the use of construction equipment that would result in substantial ground-borne vibration or ground-borne noise on properties near to the project site. No pile driving, blasting, or significant grading activities are proposed. The Environmental Noise Assessment indicates that construction vibration levels anticipated for the project are less than the 0.2 in/sec peak particle velocity (PPV) threshold of damage to buildings and less than the 0.1 in/sec PPV threshold of annoyance criteria at distances of 50 feet. Sensitive receptors, which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located approximately 50 feet, or further, from construction activities associated with the project. At these distances, construction vibrations are not predicted to exceed acceptable levels. Therefore, the proposed project would not result in any new or more significant construction-period vibration impacts than were described in the SPASP FEIR. The proposed project would require the implementation of the Mitigation Measure 13-4, as included in the SPASP FEIR.

**Aircraft Noise**

The SPASP FEIR did not address potential aircraft noise impacts for the proposed project. The proposed project is not located within 2 miles of a public or public use airport. Oakland International Airport is the closest airport and is located approximately 20 miles southeast of the project site. Aircraft noise is occasionally audible at the project site; however, no portion of the project site lies within the 65 dBA CNEL noise contours of any public airport nor does any portion of the project site lie within 2 miles of any private airfield or heliport. Therefore, the proposed project would not result in the exposure of sensitive receptors to the excessive noise levels form aircraft noise sources.

**APPLICABLE MITIGATION**
Implementation of measures detailed in project-specific condition of approval, would reduce potential operational noise impacts on future sensitive receptors to less-than-significant levels. With implementation of this measure, SPASP Mitigation Measure 13-1 is satisfied, and no further analysis is required. Implementation of SPASP Mitigation Measures 13-2, 13-3, and 13-4 are also applicable to the proposed project.

**CONCLUSION**

The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be generally consistent with the development standards envisioned in the SPASP FEIR. With implementation of the project-specific condition of approval and SPASP Mitigation Measures 13-2, 13-3, and 13-4, the proposed project would not result in a significant increase in noise levels. Therefore, the SPASP FEIR adequately evaluated the noise impacts of the proposed project and no new impacts related to noise would result.

3.14. **POPULATION AND HOUSING:**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other 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>
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</tr>
</tbody>
</table>

Sources: San Pablo Avenue Specific Plan EIR.

The SPASP FEIR evaluated potential environmental impacts that could associated with approximately 243,112 net new square feet of commercial space, 1,706 units of residential development, and 3,840 new residents. The SPASP FEIR concluded that the population growth associated with the SPASP would not directly or indirectly induce substantial population growth beyond the SPASP boundaries. SPASP implementation would facilitate the projected residential and commercial growth within a transit-rich, mixed-use plan area identified for such growth in both local and regional plans and forecasts.

The project would introduce 26 dwelling units and have a population size of 64 people,\(^4\) which is consistent with what was anticipated by the Specific Plan and analyzed in the Specific Plan EIR. For these reasons, implementation of the proposed project would not result in significant impacts related to population and housing that were not identified in the San Pablo Avenue Specific Plan EIR.

\(^4\) Assumes 2.46 persons per household per U.S. Census Bureau, [https://www.census.gov/quickfacts/fact/elcerritocitycalifornia/PST045217](https://www.census.gov/quickfacts/fact/elcerritocitycalifornia/PST045217), accessed August 8, 2018.
APPLICABLE MITIGATIONS
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be within the growth projections evaluated in the SPASP; therefore, the SPASP FEIR adequately evaluated the population and housing impacts of the proposed project and no new impacts would result.

3.15. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
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<tr>
<td>a) Fire protection?</td>
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<tr>
<td>b) Police protection?</td>
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<td>◯</td>
<td>☒</td>
</tr>
<tr>
<td>c) Schools?</td>
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<td>☒</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>☒</td>
</tr>
<tr>
<td>e) Other public facilities?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>☒</td>
</tr>
</tbody>
</table>

Sources: San Pablo Avenue Specific Plan EIR.

DISCUSSION
The SPASP area is located within the West Contra Costa Unified School District (WCCUSD). The SPASP FEIR evaluated the impact that the SPASP’s anticipated 1,706 new residences, and associated increase in expected student population, would have on the services provided and facilities operated by the WCCUSD. The SPASP FEIR concluded that the new residences would generate approximately 1,147 new students in the District schools over the approximately 25-year horizon of the SPASP implementation. The SPASP FEIR concluded that new students would be accommodated in existing schools, and plan implementation would not result in the need for new or expanded school facilities. As the population and housing units proposed by the project
would fall within the total development anticipated by the SPASP FEIR, the project would also generate students within the assumptions of the SPASP FEIR. As such, existing school facilities could accommodate the proposed project.

The SPASP FEIR concluded that the El Cerrito Fire Department and Richmond Fire Department would not need to expand fire protection facilities and personnel to accommodate additional demand associated with implementation of the SPASP. Specifically, the SPASP FEIR identified that any demand for additional fire protection personnel or equipment resulting from SPASP implementation would be funded by currently adopted public facility fees levied on the new development (in Richmond) and by the annual budget review and allocation (in El Cerrito). Given this, impacts to fire protection services are anticipated to be less than significant. As the population and housing units would fall within the total development anticipated by the SPASP FEIR, the project would result in no new impacts associated with fire services.

As noted in the SPASP FEIR, the increased demand associated with implementation of the SPASP would not require new or physically altered police protection facilities. The SPASP FEIR also determined that implementation of the SPASP would result in more “eyes-on-the-street” by facilitating a more pedestrian-friendly plan area which would provide a safer public environment. The SPASP identified police department approvals that would be required on a project-by-project basis that would ensure the department is equipped and has the ability to maintain acceptable levels of service. In addition, the proposed project would fall within the total development anticipated by the SPASP FEIR and would not result in new impacts associated with police services.

The SPASP FEIR concluded that the combination of parks and recreation facilities meets the expected park requirements for the SPASP area given the anticipated population associated with implementation of the SPASP. The SPASP FEIR concludes that the impacts to parks and recreation would be less than significant with compliance with plan provisions for new open spaces. In addition, the SPASP FEIR determined that implementation of the SPASP would not facilitate the need for new or physically altered government facilities.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The SPASP FEIR adequately evaluates public service impacts and the proposed project’s impacts are included in and analyzed by the SPASP FEIR. Development of the proposed project would fall within the development assumptions evaluated within the SPASP FEIR. Therefore, the proposed project has no new impacts on public services.

3.16. RECREATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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</td>
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</tbody>
</table>
physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Sources: San Pablo Avenue Specific Plan EIR.

DISCUSSION
The SPASP FEIR concluded that the combination of parks and greenways within the SPASP area would meet the expected park requirements for the SPASP area given the anticipated population at full implementation of the SPASP. Specifically, implementation of the SPASP would generate 1,706 new residences and increase the local population by 3,840 people. The increase in residents in the area would increase the demand for parks and recreational facilities, reducing the City's level of service to 5.85 acres per 1,000 residents (below the 2010 level of 6.67 acres per 1,000 residents) with no increase in acreage of parks or open spaces; however, this ratio is above the level of service standard adopted under the City's General Plan.

As the population and housing units would fall within the total development anticipated by the SPASP FEIR, and the project would conform to SPASP open space standards, the project would result in no new impacts associated with parks and recreational facilities.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The SPASP FEIR adequately evaluated the environmental impacts associated with implementation of the SPASP, including parks and recreations impacts. Development of the proposed project would fall within the development assumptions evaluated within the SPASP FEIR. Therefore, the proposed project has no new impacts on parks and recreation.

3.17. TRANSPORTATION AND CIRCULATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New 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>
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</tr>
</tbody>
</table>
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?  

   □ □ □ □ ☒

c) Result in a change in air traffic patterns, including
either an increase in traffic levels or a change in location that results in substantial safety risks?  

   □ □ □ □ ☒

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous
intersections) or incompatible uses (e.g., farm equipment)?  

   □ □ □ □ ☒

e) Result in inadequate emergency access?  

   □ □ □ □ ☒

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  

   □ □ □ □ ☒

Sources: San Pablo Avenue Specific Plan EIR; Fehr and Peers, 10192 San Pablo Avenue Preliminary Transportation Analysis, September 3, 2018.

DISCUSSION
This section compares traffic impacts from the proposed project with impacts identified in the SPASP FEIR. A Preliminary Transportation Analysis (TIA) was conducted for the proposed project and is referenced in this section. The report includes an analysis to ensure that sufficient traffic operations are maintained with the construction of the proposed project.

Trip Generation
Using the same trip generation methodology used in the SPASP FEIR, the transportation analysis conducted for the proposed project estimated that the proposed project would generate seven AM peak-hour and 11 PM peak-hour trips. Thus, the proposed project would not result in significant impacts related to project trip generation beyond those identified in the SPASP EIR.

Vehicle Access
The Project would provide nine surface parking spaces, 13 individual garage spaces, and one accessible space, for a total of 23 parking spaces. Vehicles would access the site through a full-access driveway on Lincoln Avenue.

Project Driveway Site Distance
The project-specific transportation analysis conducted for the proposed project included recommendations to improve project site circulation. The driveway on Lincoln Avenue would provide adequate sight distance between vehicles exiting the driveway and pedestrians on the adjacent sidewalk. Vehicles parked on both sides of the driveway may block sight distance between vehicles exiting the driveway and vehicles on Lincoln Avenue. Trees planted on both sides of the driveway may also affect visibility of exiting vehicles if the tree canopy is lower than six feet from the ground. Therefore, the transportation analysis recommendation would
be applied to the project as a condition of approval to ensure adequate sight distance for vehicles to avoid impacts with pedestrians on the adjacent sidewalk.

**Project Specific Condition of Approval:** Ensure that on-street parking on both sides of the Project driveway on Lincoln Avenue would not restrict sight distance for exiting vehicles by providing at least 10 feet of red curb on both sides of the driveway.

**Bicycle Parking, Access and On-Site Circulation**
Section 2.05.07.04 of the SPASP Form-Based Code requires bicycle parking for residential and commercial uses. The Project would consist of 26 residential units, requiring 39 long-term bicycle parking spaces and two short-term bicycle parking spaces. The Project would provide 39 covered long-term bicycle parking spaces, 20 would be located in the outside covered bicycle corral just south of the project driveway and 19 would be located inside individual garages as vertical racks. The Project would also provide two short-term spaces along the building frontage on San Pablo Avenue, meeting City requirements.

**Pedestrian Access and On-Site Circulation**
Pedestrians can access the building via multiple lobby entrances along San Pablo Avenue. The lobby entrances would provide direct access to units on the first floor, as well as stair access to the second and third floor units. Pedestrian access between the parking lot and the building would be provided via multiple lobby entrances in the rear of the building, adjacent to the parking lot. Individual garages would also provide pedestrian access to the lobbies.

The SPASP Form-Based Code (2.04.02) requires a minimum clear space of eight feet on all sidewalks in commercial zones and six feet clear space in neighborhood zones. The Project would provide eight feet of clear sidewalk space for pedestrians along San Pablo Avenue and six feet of clear sidewalk space along Lincoln Avenue, meeting City requirements.

**Transit Access**
AC Transit (as well as WestCAT, Soltrans, and FAST Transit) provides bus service to the project site with bus stops at the El Cerrito del Norte BART Station and on northbound and southbound San Pablo Avenue, south of the Cutting Boulevard intersection. The bus stops at the BART station provide bus shelters and benches, as well as BART station amenities such as bicycle parking. Both bus stops on San Pablo Avenue provide a bench but do not include a bus shelter.

AC Transit provides nearby transit service to the Project site with a bus stop on northbound San Pablo Avenue, directly in front of the project site at Lincoln Avenue. Currently, the bus stop provides a bench and no shelter.

**Project Specific Condition of Approval:** Consider providing a bus shelter at the AC Transit bus stop on northbound San Pablo Avenue directly adjacent to the Project.

**Parking and TDM Requirements**
The San Pablo Avenue Specific Plan Form-Based Code requirements for the TOHIMU zoning district apply to the project site. TOHIMU zoning requires a maximum of 1.0 automobile parking spaces per dwelling unit and a basic Transportation Demand Management (TDM) plan. For projects proposing a parking ratio between zero and 0.5 spaces per unit, a parking study and additional TDM measures may be required.

The project would provide nine surface parking spaces, 13 individual garage spaces, and one accessible space, for a total of 23 parking spaces. The project would not exceed the maximum of 26 off-street residential parking spaces and proposes a parking ratio of approximately 0.9 spaces per unit. As such, the project is in compliance with the Specific Plan parking standards related to the number of automobile parking spaces.
In order to meet parking requirements described in the Code, the project must also provide the basic TDM measures required in the standards of the San Pablo Avenue Specific Plan. Therefore, the following condition of approval has been included in the project’s design.

**Project Specific Condition of Approval:** Implement a basic Transportation Demand Management (TDM) plan to encourage residents to use other travel modes, as required by the San Pablo Avenue Specific Plan.

**APPLICABLE MITIGATION**
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be generally consistent with the development standards envisioned in the SPASP FEIR. With implementation of the project-specific conditions of approvals, the proposed project would not result in new impacts related to transportation. Therefore, the SPASP FEIR adequately evaluated the transportation impacts of the proposed project and no new impacts related to transportation would result.

**CONCLUSION**
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and with implementation of the project-specific condition of approvals, no new impacts related to transportation would result.

### 3.18. TRIBAL CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
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</tr>
<tr>
<td>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
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<tr>
<td>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the</td>
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DISCUSSION
As previously discussed in the Cultural Resources section of this checklist, Mitigation Measure 7-2 applies to the proposed project; this mitigation will protect previously unrecorded or unknown cultural resources, including Native American artifacts and human remains.

In addition, subsequent to certification of the SPASP FEIR, the California Legislature passed Assembly Bill (AB) 52, which provides for consultation between lead agencies and Native American tribal organizations during the CEQA process. Effective July 1, 2015, AB 52 states that prior to the release of an environmental impact report or negative declaration/mitigated negative declaration for public review, a lead agency must provide the opportunity to consult with local tribes. However, the SPASP FEIR was certified prior to July 1, 2015, and because (a) this Program EIR Checklist supports the findings that, pursuant to CEQA Guidelines Section 15162, (b) no new or substantially more severe significant effects could occur under the proposed project, (c) no new mitigation measures would be required, (d) the project is within the scope of the environmental review of the SPASP FEIR, and (e) no further review under CEQA is required, then the City is not required to conduct formal consultation under AB 52 for this project. However, as stated above, SPASP FEIR Mitigation Measure 7-2 applies to the project, and will protect previously unrecorded or unknown cultural resources, including Native American artifacts and human remains.

APPLICABLE MITIGATION
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION
The SPASP FEIR adequately evaluated the potential cultural resources impacts (and by extension, impacts to tribal cultural resources) of the proposed project and no new impacts would result.

3.19. UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No New Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable San Francisco Bay Regional Quality Control Board?</td>
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</tbody>
</table>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  
☐ ☐ ☐ ☒

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  
☐ ☐ ☐ ☒

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  
☐ ☐ ☐ ☒

e) Result in a determination by the wastewater treatment provider 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?  
☐ ☐ ☐ ☒

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  
☐ ☐ ☐ ☒

g) Comply with federal, state, and local statutes and regulations related to solid waste?  
☐ ☐ ☐ ☒

Sources: San Pablo Avenue Specific Plan EIR.

DISCUSSION:
The SPASP FEIR determined that there would be an increase in water demand as a result of build-out of the SPASP – average daily demand would be 882,720 gallons per day (gpd) which represents approximately 0.38 percent of the planning level water demand forecasted in the Urban Water Management Plan (UWMP). The SPASP FEIR concluded that this represents a small increase and is considered a less-than-significant impact on water supply. The SPASP FEIR also noted that development within the SPASP would incorporate the City's requirements for providing adequate water supply, including compliance with adopted performance standards, application of these standards in each jurisdictional City's development review process, coordination of development review with EBMUD (including consistency with the UWMP), and the requirement that new development pay its share of the costs associated with provision of water facilities through project-specific mitigations required as conditions of approval. The SPASP FEIR concluded that since future development facilitated by the SPASP, including the proposed project, would require about 0.38 percent of EBMUD's forecasted planning level water demand for its service area by the year 2040, and would be subject to EBMUD and jurisdictional City plans, regulations, and ordinances regarding water supply, the impact on water supply is considered less than significant.

The SPASP FEIR concluded that development associated with the SPASP would result in less-than-significant impacts on utilities and service systems, including wastewater treatment, stormwater drainage, and solid waste disposal. However, the SPASP FEIR determined that the wastewater, and storm drainage infrastructure systems would require improvements, including the upgrading of existing deficiencies, in order to accommodate new development facilitated by the SPASP. The SPASP FEIR provided recommendations and design considerations for proposed infrastructure improvements. The construction of the project-related
utility infrastructure would be temporary and would occur within existing public rights-of-way, City property, a project development site, or private property subject to a municipal easement.

The Stege Sanitary District (SSD) provides wastewater service to businesses along San Pablo Avenue, including the proposed project site. This project has agreed to participate in the San Pablo Avenue Sewer Capacity Improvement Fee Program. This fee is intended to satisfy the requirement for a Sewer Capacity Study.

**Project-Specific Condition of Approval:** Participate in the implementation of San Pablo Avenue Sewer Capacity Improvement Fee Program. This fee is intended to satisfy the requirement for a Sewer Capacity Study.

The increase in commercial and residential density under the SPASP would result in an increase in the amount of solid waste generated within the SPASP area. The SPASP FEIR concluded that the increase in solid waste generation would be incremental but would not exceed acceptable rates established by plans, policies, and regulation. Moreover, the projected solid waste would be served by solid waste and recycling facilities with sufficient capacities to accommodate development included as part of the SPASP, including the proposed project. As such, solid waste impacts would remain less than significant.

**APPLICABLE MITIGATION**
The proposed project is consistent with the type of development analyzed within the SPASP FEIR and would be generally consistent with the development standards envisioned in the SPASP FEIR. With implementation of the project-specific condition of approval, the proposed project would not result in new impacts related to utilities and service systems. Therefore, the SPASP FEIR adequately evaluated the utilities and service systems impacts of the proposed project and no new impacts related to transportation would result.

**CONCLUSION**
No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the SPASP FEIR was certified leading to new or more severe significant impacts, and with implementation of the project-specific mitigation measure, no new impacts related to utilities and service systems would result.
4. REFERENCE DOCUMENTS

Technical Appendices

The following resources were prepared in order to further identify project specific parameters. Copies of these technical documents are incorporated herein by reference and are available for review during normal business hours at the City of El Cerrito.

1) Site Plans, prepared by Left Coast Architecture and Branagh, May 17, 2018.

2) LSA, Historical Resource Evaluation of 10192 San Pablo Avenue/State Route 123, El Cerrito, Contra Costa County, California, January 26, 2017.


4) AEI Consultants, Phase I Environmental Site Assessment of a Commercial Property at 10192 San Pablo Avenue El Cerrito, California 94530, June 8, 2016.

5) AEI Consultants, Limited Phase II Subsurface Investigation at 10192 San Pablo Avenue El Cerrito, California 94530, June 10, 2016.

