

RESOLUTION NO. 2016-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING A TENTATIVE SUBDIVISION MAP CONSISTING OF 6 LOTS (3 RESIDENTIAL LOTS, 2 PRIVATE STREETS, AND ONE LOT FOR BIO-RETENTION/OPEN SPACE) FOR A PROJECT THAT INCLUDES 29 TOWNHOME CONDOMINIUM UNITS.

WHEREAS, the current addresses of the site are 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor's Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the title of the Tentative Subdivision Map is "El Dorado Townhomes"; and

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

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council conducted a public hearing for the project, and continued the item to the September 20, 2016 City Council meeting; and

WHEREAS, on September 20, 2016, the City Council, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The project will implement the following standards of the General Plan: LU1.2 Multifamily Neighborhoods, LU1.3 Quality of Development, LU1.5: Suitable Housing, LU1.7 Maximum Density, LU1.8 Neighborhood Maintenance, CD1.3 High-Quality Design, CD2.1: Street Frontages, CD3.2 Usable Open Spaces, CD3.3: Site Landscaping, CD3.4 Fencing, CD4.2: Building Articulation, CD4.3 Front Yards, CD4.5 Energy and Resources, CD5.1: Design Review Process, and H1.6, H2.1, H2.8, H5.2, and H5.5. The project is not within the area of any adopted specific plan.

2. This application was deemed complete on March 23, 2016, contingent upon the applicant providing a report on the impacts of closure of the RV park on the existing residents, discussed further below. Based on the analysis in the staff report, staff recommends that the project has been designed in accordance of the Zoning Ordinance and General Plan of the City of El Cerrito.
3. The applicant has exceeded the requirements for open space for the project. In addition, the applicant shall pay fees to the West Contra Costa Unified School District in accordance with District's Master Fee Schedule.
4. The proposed use of the site is 29 residential dwelling units that shall be constructed in compliance with the building code in place at the time of the submittal of the building plans. The use and condition of the property when the project is complete shall comply with the municipal code.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves the Tentative Subdivision Map of Planning Application PL14-0171 subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the City Council on September 20, 2016. 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 vested, this Tentative Subdivision Map approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.
5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list 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 list shall be returned to the planning and building division and kept as part of the project file:

- 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. 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. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- e. Replant vegetation in disturbed areas as quickly as possible.
- f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- g. Clear signage at all construction sites shall be posted indicating that diesel 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.
- h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- j. 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.
- k. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.
- l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the

noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

- m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.
- n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.
- o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.
- p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.
- q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include 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.
- r. 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.
- s. A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.
- t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds

following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

- u. Project personnel shall not collect cultural resources.
  - v. 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.
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. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.
  8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.
  9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.
  10. The applicant shall request a parking waiver and the Planning Commission shall consider the parking waiver prior to consideration of the project by the Design Review Board.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.
12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.
13. The applicant shall construct an ADA path of travel, including truncated domes, with a striped crosswalk, from the newly constructed sidewalk on Santa Clara Street to the park entrance prior to issuance of Certificate of Occupancy.
14. The applicant shall provide pedestrian safety measures for pedestrians crossing from the sidewalk to the park to the satisfaction of the Public Works Director. This may include but is not limited to a convex mirror, sensors, or similar device to alert drivers or pedestrians if there is a conflict.
15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.

16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.
17. Any new street trees to be installed shall be from the City Master Tree List and be approved by the City Arborist before installation.
18. For any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.
19. The applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees for all earthwork and grading operations in excess of 50 cubic yards.
20. The applicant shall provide drainage plan for new roof and any rain leaders. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.

Fire Department:

21. Building construction shall meet current Building, California Fire Codes, and the El Cerrito Fire Code.
22. Prior to the issuance of the building permit, the applicant is responsible to meet the following requirements to the satisfaction of the Fire Marshall:
  - a) Provide code analysis of required total firefighting water.
  - b) If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
  - c) Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.
  - d) Fire Department Connections (FDCs) shall be interconnected between all three buildings and shall be located on El Dorado and Avila.
  - e) All pathways required for Fire Department access shall remain open, clear and un gated.
  - f) "KNOX BOX" shall be installed with keys for all common areas.
  - g) Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
  - h) Smoke detectors shall be 120v powered with battery backup.
  - i) Smoke detectors shall be interconnected.
  - j) 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.

- k) Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
- l) Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
- m) All electrical breakers shall be labeled.
- n) Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property. Address shall be either internally or externally illuminated.
- o) Automatic Fire Sprinklers shall be installed throughout the Complex.
- p) Fire sprinkler plans shall be submitted for review, approval and permit under separate cover.
- q) Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.
- r) Escape or rescue windows shall be installed in accordance with CBC 310.4.

Stege Sanitary District:

- 23. The applicant shall submit a sewer capacity study to Stege Sanitary District for review and approval prior to issuance of building permit.

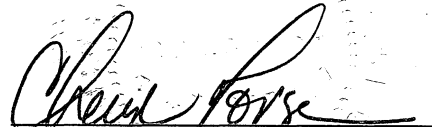
City Council:

- 24. The three properties containing Accessory Living Units (B Units) may be rented pursuant to the recorded declaration or agreement of restriction referring to the deed for each property, as required by El Cerrito Municipal Code section 19.20.190(l). No more than five of the remaining 26 units (A, C, and D Units) may be rented at any one time, which limitation the applicant shall include in the recorded covenants, restrictions, and conditions ("CC&R's") for the project properties. The CC&R's shall additionally state that the City of El Cerrito may but is not required to enforce the rental restrictions.

I CERTIFY that at a regular meeting on September 20, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

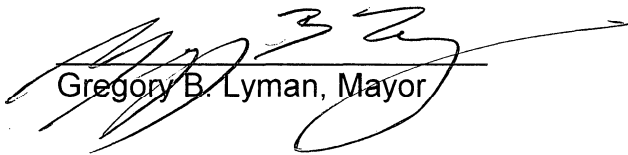
AYES: Councilmembers Abelson, Bridges, Quinto and Mayor Lyman  
NOES: Councilmember Friedman  
ABSTAIN: None  
ABSENT: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on September 22, 2016.



Cheryl Morse, City Clerk

APPROVED:



Gregory B. Lyman, Mayor