AGENDA BILL

Agenda Item No. 3.A.

Date: December 6, 2022
To: El Cerrito City Council
From: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development
Subject: San Pablo Avenue Specific Plan Update - Continued Hearing

ACTION PROPOSED
Continue the public hearing and 1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

BACKGROUND/ANALYSIS
On November 15, 2022 the City Council received the staff presentation on the work completed and actions requested, opened the public hearing and passed a motion to continue the hearing to December 6, 2022 at 5:00 PM. The original staff report and attachments are available online at https://elcerritoca.portal.civicclerk.com/event/432/overview. Attachments included with the December 6, 2022 continued hearing are only those documents that have been modified due to the continuation.

Reviewed by:

Karen Pinkos, City Manager

Attachments:
1. Resolution (Certifying the SPASP Update SEIR)
2. Exhibit A to the Resolution (Findings for Certification )
3. Exhibit B to the Resolution (Mitigation Monitoring Plan)
4. Resolution (Adopting SPASP Update General Plan Amendment)
5. Exhibit A to the Resolution (General Plan Amendment Map)
6. Resolution (Adopting SPASP Update)
7. Exhibit A to Resolution (SPASP Update)
8. Exhibit B to Resolution (SPASP Update)
9. Ordinance
10. Exhibit A to Ordinance
RESOLUTION 2022-XX

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

WHEREAS, on November 20, 2020, the City circulated a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan (SPASP) update pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

WHEREAS, on December 3, 2020, a public Scoping Meeting for the SEIR was held; and

WHEREAS, on July 19, 2022 the Draft SEIR was circulated for public comment; and

WHEREAS, on August 9, 2022 the Planning Commission heard public comment on the Draft SEIR in a public meeting; and

WHEREAS, on September 2, 2022, the public comment period for the Draft SEIR closed; and

WHEREAS, on October 19, 2022 the Planning Commission recommended that the City Council certify the SEIR;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito finds that pursuant to CEQA Guidelines and Section 19.42 of the El Cerrito Municipal Code:

1. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation of an Environmental Impact Report was circulated on November 20, 2020. A scoping meeting was held at City Hall on December 3, 2020. The Draft Supplemental Environmental Impact Report (SEIR) was circulated on July 19, 2022 the public comment period on the Draft SEIR ended on September 2, 2022. Pursuant to CEQA, comments received during the comment period have been responded to in the Final SEIR which is now before the City Council for consideration.

2. The analysis contained in the SEIR has been developed using experts in related fields to professional standards stipulated by the CEQA Guidelines and by prevailing CEQA case law.

3. The Final SEIR was presented to the City Council prior to the November 15, 2022 meeting. The City Council reviewed the SEIR and has considered the analysis contained therein.
4. On November 15, 2022, the City Council opened a public hearing, continued the hearing to December 6, 2022, and heard public comments and testimony regarding the Final SEIR at the continued public hearing on December 6, 2022.

5. The Final SEIR has been developed by City of El Cerrito staff and the City’s consultant, using the analysis of experts in related fields. The final SEIR reflects independent expert analysis and the City of El Cerrito’s independent judgment.

6. The City Council certifies that the Supplemental Environmental Impact Report has been completed in compliance with CEQA and the CEQA Guidelines.

7. The City hereby makes the findings and adopts a statement of overriding considerations in compliance with Sections 15091, 15092, 15093, and 15097 of the CEQA Guidelines and Sections 21081, 21081.5, and 21081.6 of CEQA, as set forth in detail in the attached Exhibit A, and based on the above certified Final SEIR and substantial evidence in the record.

8. The City Council hereby adopts the mitigation measures and the Mitigation Monitoring and Reporting Program to be implemented for each mitigation measure as included in Exhibit B, in compliance with Section 15097 of the CEQA Guidelines.

9. The location of the documents that constitute the record of proceedings are available for public review during business hours at El Cerrito City Hall, Community Development Department, 10890 San Pablo Avenue, El Cerrito CA.

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

I CERTIFY that at a special meeting on December 6, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December __________, 2022.

Holly M. Charlety, City Clerk

APPROVED:

______________________________
Gabe Quinto, Mayor
Exhibit A
FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE
(Public Resources Code, section 21000 et. seq.)

I. INTRODUCTION

The San Pablo Avenue Specific Plan update ("project") represents an update to the San Pablo Avenue Specific Plan which was adopted in 2014. The Specific Plan contains the following elements: (1) a Form-Based Code (FBC); (2) multi-modal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The Specific Plan Update:

1. Form-Based Code

The Specific Plan Form-Based Code (FBC) supports the community vision of a vibrant, walkable, sustainable, and transit-oriented corridor that respects surrounding neighborhoods, by establishing development standards that further these goals.

2. Complete Streets Plan

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

3. Infrastructure Systems

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

Development Capacity Assumptions

The certified EIR notes, “When and if [the development capacity] numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted.” This SEIR is that new environmental analysis, documentation, and determination for the Specific Plan Update. No site-specific, individual
development proposals will be approved as part of the Specific Plan Update SEIR certification process. Any such individual project would be subject to its own CEQA review, including evaluation against the Specific Plan SEIR.

The Plan area development capacity assumptions used for the impact analyses in the 2014 EIR were first based on projections provided by the Association of Bay Area Governments (ABAG) for the Plan area, then on entitled and planned projects in the Plan area, and projections for the construction of projects consistent with the Form-Based Code development standards. For this SEIR, ABAG Plan Bay Area growth projections were applied to the development standards, including on-site parking, site layout, and height parameters, to forecast a realistic growth projection for the Specific Plan area. The development capacity assumptions also incorporate locally refined data of development feasibility that is more precise than regional projections.

The Specific Plan update requires the following approvals:

Implementation of the San Pablo Avenue Specific Plan update would require, but not be limited to, the following discretionary approvals:

- Certification of the Final Supplemental Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of amendments to the San Pablo Avenue Specific Plan (the Specific Plan update)
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency between the Specific Plan and the General Plan and Zoning Ordinance
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan area

II. PROJECT OBJECTIVES

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

**Goal A: Enliven San Pablo Avenue**

Strategy 1: Attract pedestrian activity, and increase residential population to foster community, support businesses and create places of interest.
Strategy 2: Attract new businesses and support existing businesses.
Strategy 3: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.
Strategy 4: Plan for all modes of travel.
Strategy 5: Require active ground-floor commercial uses at key nodes.
Strategy 6: Provide publicly-accessible open spaces in appropriate locations.
Strategy 7: Encourage dynamic public art.

**Goal B: Encourage Practical and Market Friendly Development**

Strategy 1: Provide development clarity and objective design standards to encourage investment.
Strategy 2: Incorporate flexible development codes processes and standards that respond to constrained parcels, surrounding context and the market.
Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area’s residential base.

**Goal C: Support Climate Action Goals**

Strategy 1: Encourage modern higher-density development in the Specific Plan area in order to increase resource efficiency of housing units.
Strategy 2: Reduce vehicle miles traveled by locating higher-density development in close proximity to transit and bicycle infrastructure and commercial and public-serving uses.
Strategy 3: Invest in public right-of-way improvements that enhance travel for transit users, pedestrians and bicyclists through public funding and private contributions.
Strategy 4: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile and to make development near transit more feasible.
Strategy 5: Incorporate Complete Streets that enhance the experience, safety, and efficiency of pedestrians, bicyclists, and transit users.

**Goal D: Create Housing That Supports a Diverse Population**

Strategy 1: Encourage a range of units types across the Specific Plan area.
Strategy 2: Promote the creation of affordable housing units through implementation of the City’s Inclusionary Zoning requirements and through partnering with affordable housing providers.
Strategy 3: Allow new development to provide housing that responds to market demands.
Strategy 4: Support diversified transportation options for residents by promoting housing development in proximity to existing or planned transportation investments.
Strategy 5: Continue to support a wide variety of community amenities to attract and maintain a diverse population.
Strategy 6: Allow sufficient housing in the Specific Plan area to accommodate the City’s required Regional Housing Needs Allocation at all income levels.

**III. GENERAL FINDINGS AND OVERVIEW**

**A. Procedural Background**

On September 22, 2014, the El Cerrito City Council adopted the San Pablo Avenue Specific Plan and certified the San Pablo Avenue Specific Plan Final Environmental Impact Report (State Clearinghouse Number 2014042025) (Specific Plan EIR), which assessed the potential environmental impacts of implementing the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report supplements the previously certified Specific Plan EIR per CEQA Guidelines Sections 15162 and 15163. This includes changes in the environmental and regulatory setting, potential environmental effects associated with the San Pablo Avenue Specific Plan update.

On November 20, 2020 the City circulated a Notice of Preparation ("NOP") for 30 calendar days to help identify the type of impacts that could result from the Specific Plan update, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices on the Plan. In addition, the NOP was posted on the City’s website. A public scoping meeting was held on December 3, 2020. Comments received by the City on the NOP and at the public scoping meeting were considered during preparation of the Draft SEIR.
The Draft SEIR was made available for public and agency review on July 19, 2022. Copies of the Notice of Availability ("NOA") of the Draft SEIR were mailed to public agencies (including the State Clearinghouse (SCH #2014042025)), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices about the Plan. In addition, copies of the Draft SEIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft SEIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A public comment session on the Draft SEIR was held before the Planning Commission on August 17, 2022. The CEQA-mandated 45-day public comment period for the Draft EIR ended on September 2, 2022. All comments on the Draft SEIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

The comments on the Draft SEIR, changes to the Draft SEIR, and the written responses were incorporated into a Final SEIR that was published on October 15, 2022. Copies of the Final EIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of El Cerrito on October 19, 2022, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to certify the Final SEIR.

A duly and properly noticed public hearing was scheduled before the City Council of the City of El Cerrito on November 15, 2022, and all persons interested and expressing a desire to comment were heard.

B. Record of Proceedings and Custodian of Record

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

(a) The NOP, comments received on the NOP or at the scoping meeting, and all other public notices issued by the City in conjunction with the Plan;

(b) The Draft San Pablo Specific Plan update released for public review on July 19, 2022 and the revised Draft San Pablo Specific Plan released on October 15, 2022;

(c) The Draft SEIR for the Project (July, 19, 2022), appendices to the SEIR, and technical materials cited in the document;

(d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;

(e) The Final SEIR for the Specific Plan update, including comments received on the Draft SEIR, responses to those comments, text revisions to the Draft SEIR, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between July 19, 2022 and September 2, 2022;
(i) The Mitigation Monitoring and Reporting Program for the Plan;

(g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Specific Plan update prepared by the City, or consultants to the City with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the Plan;

(h) All documents submitted to the City (including the Design Review Board, the Planning Commission and the City Council) by other public agencies or members of the public in connection with the SEIR, up through the close of the public hearing on November 15, 2022;

(i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the SEIR;

(j) All matters of common knowledge to the Commission and Council, including, but not limited to:

   (i) The El Cerrito General Plan and other applicable policies;
   (ii) The El Cerrito Zoning Ordinance and other applicable ordinances;
   (iii) The 2014 San Pablo Avenue Specific Plan
   (iv) The 2014 EIR for the San Pablo Avenue Specific Plan
   (v) Information regarding the City’s fiscal status; and
   (vi) Applicable City policies and regulations; and

(k) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

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

C. Findings Are Determinative

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

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

The mitigation measures proposed in the SEIR have been adopted and included in the MMRP, substantially in the form proposed in the SEIR, with such clarifications and non-substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. The MMRP is expressly incorporated into the Project.

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

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

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

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. SCENIC VISTAS

Aesthetics Impact 4-1: Project Impacts on Scenic Vistas.
Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

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

**Findings.** These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. **Effects of Mitigation:** Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. Incorporation of this measure would reduce the impact on scenic vistas.

2. **Remaining Impacts:** Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed within the framework of this program SEIR, the impact is considered significant and unavoidable.

3. **Finding:** Because the outcome of future decision making process is cannot be guaranteed to work within the framework of the SEIR, No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3))

**CULTURAL AND HISTORIC RESOURCES.**

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

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

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

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

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

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

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

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

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

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

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

Mitigation Measure HR 7-1 has been incorporated into the MMRP.
Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. This SEIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level.

2. Remaining Impacts: The impacts to cultural and historic resources would remain significant and unavoidable.

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

NOISE

Impact 13-3: Construction Noise.
Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.

Mitigation 13-3.
Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational businesses, residences, or noise sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
• Route construction-related traffic along major roadways and as far as feasible from sensitive receptors
• Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
• Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
• Businesses, residences, or noise sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would address complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
• Conspicuously post a telephone number for the liaison at the construction site.

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

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Constraints to daily construction times have been noted and a list of ways to lessen noise impacts have been included. Changes or modifications have been incorporated into the project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance.

2. Remaining Impacts: The impact of increased noise on businesses and residences during construction is significant and unavoidable.

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

Impact 13-4: Construction-Related Vibration.
Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings.

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

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

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

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

2. **Remaining Impacts**: The Specific Plan update would have a significant and unavoidable impact resulting from construction related vibration.

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

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

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

4. AESTHETICS AND VISUAL RESOURCES

Impact 4-2: Project Light and Glare Impacts.
The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties.

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

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

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

1. Effects of Mitigation: The mitigation has been incorporated in the Mitigation Monitoring and Reporting Program ("MMRP") and it will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the utilizing the design review process and requiring facades to be constructed from non-reflective materials will cause the impact to be less than significant with implementation of the mitigation measure.

2. Remaining Impacts: Any remaining impacts related to impacts of light and glare would not be significant.

Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline- powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM10 and PM2.5 emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM10 and
PM2.5 emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO\textsubscript{X} emissions, in addition to PM\textsubscript{10} and PM2.5 emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO\textsubscript{X} emissions during grading and soil import/export for large projects may exceed the BAAQMD NO\textsubscript{X} emission thresholds.

**Mitigation 5-1.** Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter and PM\textsubscript{10} from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

**Dust (PM\textsubscript{10}) Control Measures:**

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.

- Cover all hauling trucks or maintain at least two feet of freeboard.

- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.

- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

- Hydrotech or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).

- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

- Limit traffic speeds on any unpaved roads to 5 mph.

- Replant vegetation in disturbed areas as quickly as possible.

- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

- Additional Measures to Reduce Diesel Particulate Matter and PM2.5 and other construction emissions:
  - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the
construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.

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

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

- Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure low emissions.

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

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP. The City finds that implementing the following BAAQMD-recommended measures to control particulate matter emissions during construction will reduce the impacts caused by diesel particulate matter and PM10 to ensure that short-term health impacts to nearby sensitive receptors are to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts related to impacts of diesel particulate matter and PM10 would not be significant.

Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors.
Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM2.5 exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce these impacts to less-than-significant.

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

- Construction equipment selection;
• Use of alternative fuels and engine retrofits, temporary line power or electric equipment;

• Modified construction schedule; and

• Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

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

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a project-level construction health risk assessment is feasible and will reduce the impacts of TACs of sensitive receptors during construction to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts related to impacts of TACs of sensitive receptors during construction would not be significant.

Impact 5-3: Toxic Air Contaminant Exposure - Long-Term Operations.
The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan area surface streets is not readily available, the roadway screening analysis tables indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than-significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a potentially significant impact.

Mitigation 5-3. Implement the following measures in site planning and building designs to reduce TAC and PM2.5 exposure where new receptors are located within the overlay distances identified above:

• Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM2.5 exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.
• Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual PM2.5 exposures greater than 0.3 μg/m³, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0 or annual PM2.5 exposures greater than 0.8 μg/m³.

• For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).

• Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.

• Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best-suited to trapping particulate matter shall be planted, including the following: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid poplar (Populus deltoides X trichocarpa), and Redwoods (Sequoia sempervirens).

• Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.

• Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

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

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for the following measures in site planning and building designs will reduce the impacts of TACs to a less-than-significant level.

2. Remaining Impacts: Any remaining long term impacts related to TACs would not be significant.

B. BIOLOGICAL RESOURCES

Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.
The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take"
under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed.

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

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

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

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

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

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the pre-construction surveys and measures for the avoidance of active nests and bats are feasible and will reduce potential impacts to nesting birds and bats to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts to nesting birds and bats would not be significant.

C. CULTURAL AND HISTORIC RESOURCES


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

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

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

Preservation may be accomplished by:

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

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

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

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

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.
If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

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

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

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

Impact 7-3: Potential for Disturbance of Paleontological Resources.
Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.

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

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

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

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

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

1. **Effects of Mitigation:** The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to educate earth moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less-than- significant level.

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

**Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.**

Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA.

**Supplemental Mitigation 7-1.**

During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts ("tribal finds") shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation.

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

1. **Effects of Mitigation:** The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as
identified in the SEIR. The City finds that the requirement to notify appropriate tribal contacts and engage in consultation if tribal findings are encountered will reduce potential impacts to tribal resources to a less-than-significant level.

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

### D. GEOLOGY AND SOILS

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

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

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

1. **Effects of Mitigation:** The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for site-specific geotechnical investigations and engineering studies would reduce potential impacts related to geologic stability to a less-than-significant level.

2. **Remaining Impacts:** Any remaining impacts related to geologic stability resources would not be significant.

### E. NOISE

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

**Mitigation 13-1.** Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito General Plan. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA 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.
- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA $L_{dn}$ from roadway traffic and 70 dBA $L_{dn}$ from BART noise.

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

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

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

1. **Effects of Mitigation:** The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific consideration outside noise levels and appropriate requirement of project-specific acoustical analyses would reduce potential impacts to noise and land use compatibility to a less-than-significant level.

2. **Remaining Impacts:** Any remaining impacts to noise and land use compatibility resources would not be significant.

**Impact 13-2: Commercial Development Noise.** The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact.
Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

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

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

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

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for approval of commercial development near residences to complete a noise study ensuring that the business would be consistent with the City’s noise standards and reduce potential impacts to commercial development noise to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts related to commercial development noise would not be significant.

VI. GROWTH INDUCING EFFECTS

The City Council finds that implementation of the Specific Plan update could result in a net increase in housing and population in the Specific Plan area over existing conditions, as explained in Section 3.6 (Development Capacity Assumptions) and Chapter 14 (Population and Housing) of this SEIR. The net increases through the horizon year of 2040 would be approximately 2,500 residential units. The direct increase in residential units and population could have an indirect economic “multiplier” effect, generating additional employment in the broader region.

No substantial, detrimental, growth-inducing effect is expected. Specific Plan update implementation would not extend roads or infrastructure through undeveloped or low-density areas; one of the main objectives of the Specific Plan update is to facilitate new development efficiently and effectively in an area where roads and infrastructure already exist (see Chapter 3, Project Description). Any future individual development proposals outside the Plan area would require standard local review of associated development applications, including CEQA-mandated development specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to avoid or reduce the potential environmental impacts of such secondary growth inducement associated with the Specific Plan to less-than-significant levels, except where specific CEQA statements of overriding consideration are adopted.
VII. PROJECT ALTERNATIVES

The potential environmental consequences of the San Pablo Avenue Specific Plan were analyzed in detail in the 2014 San Pablo Avenue Specific Plan EIR (2014 EIR). After considering a reasonable range of potentially feasible alternatives, including a No Project alternative, the City chose to adopt the Specific Plan project as proposed. This SEIR is intended to supplement the City-certified 2014 EIR; it is not intended to be a completely new EIR. As required under CEQA Guidelines Section 15163, the scope and content of this supplement to the 2014 EIR is limited to additions and changes necessary to make the previous EIR adequate for the project as revised.

Consequently, this SEIR addresses only the environmental issues that are raised by the differences between the approved 2014 Specific Plan and the proposed Specific Plan Update project (which includes a Specific Plan Amendment to increase the development cap allowance, expand the 2014 Plan Area, and revise and refine various Plan components to clarify and improve implementation of the Specific Plan). The scope of any further alternatives analysis would therefore be limited to a discussion of alternatives to the proposed Specific Plan Update project that would avoid or substantially lessen the significant effects resulting from the project above and beyond the 2014 EIR alternatives analysis. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Specific Plan Update project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). Therefore, no further discussion of alternatives to the proposed Specific Plan Update project is required.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). The significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for this Project due to the change in metric from Level of Service (LOS)/Multi-Modal Level of Service (MMLOS) in the 2014 EIR to Vehicle Miles Traveled (VMT) in the SEIR. After review of the entire administrative record, the City Council finds that, pursuant to CEQA section 21081(b) and CEQA Guidelines section 15093, specific economic, legal, social, technological and other benefits of the Project outweigh the Project’s unavoidable adverse impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project’s benefits.

A. Significant Unavoidable Impacts

24
With respect to the foregoing findings and in recognition of those facts that are included in the entire administrative record, the City has determined that the Project would result in significant unavoidable transportation impacts, as described in Section IV of these Findings.

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

B. Overriding Considerations

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the SEIR that could not be feasibly mitigated to a level of insignificance. The City Council finds that each of the specific environmental, economic, fiscal, social, housing and other overriding considerations set forth below constitutes a separate and independent ground for a finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. With the exception of Impact 16-1 (no longer an impact), the significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, and therefore the overriding considerations remain unchanged. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project.

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

1. The Project is the product of a transparent, multi-year process designed to develop community consensus. The Project has benefitted from unprecedented levels of public outreach and participation, and has been informed by appropriate analyses. In addition to large attendance at the community workshops, the Planning Commission and City Council both conducted a detailed and public review of the Draft Specific Plan update and provided clear direction that has been comprehensively addressed. As a result, the Project is reflective of the community’s diverse preferences and goals.

2. The Project will enhance the public realm, through an integrated network of public spaces, including widened sidewalks, plazas and parks, that invites strolling and public gathering and allows for community life, identity and sense of place. The Project’s comprehensive public space network supports a more active, vibrant downtown and healthier living by encouraging walking, biking and social gathering.

3. The Project will create a more active, vibrant urban area, with a mix of commercial and residential uses that complement and support one another and bring vitality, including increased retail sales, to the area. In addition, the Project will establish standards and guidelines that encourage development of underutilized and vacant land on San Pablo Avenue while ensuring a building character that is modulated visually interesting.
4. The Project recognizes and promotes healthy living and activity by encouraging walking, biking and access to transit as alternatives to vehicular use, supported by widened sidewalks and new bicycle facilities; enhanced public spaces; development intensity focusing on the two BART stations; and a greater mix and diversity of uses. The Project takes a comprehensive approach to sustainability and carbon emissions reduction, utilizing standards integrated with best practices and guidelines for both public and private improvements. The Project also encourages context sensitive design.

X. SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Plan, shall continue in full force and effect unless amended or modified by the City.
### MITIGATION MONITORING CHECKLIST--SAN PABLO AVENUE SPECIFIC PLAN UPDATE

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

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<td>Implementation Entity</td>
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<td><strong>AESTHETICS AND VISUAL RESOURCES</strong></td>
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<td>Impact 4-1: Project Impacts on Scenic Vistas. Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond. This is considered a potentially significant impact.</td>
<td>Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02. Incorporation of this measure would reduce the impact on scenic vistas. However, because the outcome of this decision-making process for any individual, future proposal cannot be guaranteed within the framework of this program EIR, the impact is considered significant and unavoidable.</td>
<td>City; Individual project applicants</td>
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<td>Impact 4-2: Project Light and Glare Impacts</td>
<td>Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process. With this requirement incorporated into the local design review process, the light and glare impact of future parking structures would be less-than-significant. Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating. This requirement would reduce potential glare impacts of building materials to a less-than-significant level.</td>
<td>Implementation Entity: Individual project applicants</td>
<td>Monitoring and Verification Entity: City</td>
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<td><strong>AIR QUALITY</strong></td>
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<td><strong>Impact 5-1: Construction Period Emissions.</strong> Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM10 and PM2.5 emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM10 and PM2.5 emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NOx emissions in addition to PM10 and PM2.5 emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NOx emissions during grading and soil import/export for large projects may exceed the BAAQMD</td>
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<td><strong>Mitigation 5-1.</strong> Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM10, and PM2.5 from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:</td>
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<td>Dust (PM10 and PM2.5) Control Measures:</td>
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<td>- 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.</td>
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<td>- Cover all hauling trucks or maintain at least two feet of freeboard.</td>
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<td>- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</td>
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<td>- 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.</td>
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<td>- Hydrosow or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are</td>
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**Implementation Entity:**

**Monitoring and Verification Entity:**

**Timing Requirements:**

**Signature:**

**Date:**

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*Agenda Packet Page 38 of 253*
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| NOx emission thresholds. Without application of appropriate control measures to reduce construction dust and exhaust, construction period impacts would be considered a potentially significant impact. | inactive for 10 days or more).  
  - Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.  
  - Limit traffic speeds on any unpaved roads to 15 mph.  
  - Replant vegetation in disturbed areas as quickly as possible.  
  - Suspend construction activities that cause visible dust plumes to extend beyond the construction site.  
  - 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. | Implementation Entity | Monitoring and Verification Entity | Timing Requirements | Signature | Date |
<p>| Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions: | The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (&gt;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 |</p>
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<td>particulate reduction compared to the most recent CARB fleet average for the year 2011.</td>
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<td>• 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.</td>
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<td>• The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).</td>
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<td>• Properly tune and maintain equipment for low emissions.</td>
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<td>Implementation of these measures would reduce project construction-related air quality impacts to a less-than-significant level.</td>
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<td>Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors. Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and 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.</td>
<td><strong>Mitigation 5-2.</strong> Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures: * Construction equipment selection; * Use of alternative fuels and engine retrofits, temporary line power or electric equipment; * Modified construction schedule; and * Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. Implementation of these industry-recognized measures would reduce TAC construction impacts to a less-than-significant level.</td>
<td>Implementation Entity: Individual project applicants</td>
<td>Monitoring and Verification Entity: City</td>
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<td><strong>Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.</strong> The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an &quot;unlawful take&quot; under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed. This is considered a potentially significant impact.</td>
<td>Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. Implementation of this measure would reduce the impact to a less-than-significant level.</td>
<td>Individual project applicants</td>
<td>City</td>
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| | | Implementation Entity | Monitoring and Verification Entity | Timing Requirements | Signature | Date |

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<td>(2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring. Implementation of this measure would reduce the impact to a less-than-significant level. Actions (1) and (2) can be implemented simultaneously.</td>
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| Impact 7-1: Destruction/Depredation of Historic Resources. There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines Section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a **significant impact.** | Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards:  
  - Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or  
  - Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings | City; Individual project applicants | City | During individual project review;  
Condition of grading permit issuance;  
Condition of building permit issuance; Field verify implementation during grading and construction;  
Condition of occupancy permit issuance |
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<td>The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a <strong>less-than-significant level</strong> (CEQA Guidelines Section 15064.5).&lt;br&gt;&lt;br&gt;(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.&lt;br&gt;&lt;br&gt;If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:</td>
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<td>(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior’s Standards for Architectural and Engineering Documentation. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society.</td>
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<td>(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior’s Standards to the maximum feasible extent in all alterations, additions, and new construction.</td>
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<td>(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.</td>
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<td>(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.</td>
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<td>Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources. However, this program EIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level. Consequently, this impact may remain significant and unavoidable.</td>
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<td>Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains. Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area. This possibility represents a potentially significant impact.</td>
<td>Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area—i.e., on or adjoining an identified archaeological site—shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures. In general, to make an adequate determination in these instances, the</td>
<td>City; Individual project applicants</td>
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<td>archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching). If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by:</td>
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<td>Planning construction to avoid the archaeological site;</td>
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<td>Incorporating the site within a park, green space, or other open space element;</td>
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<td>Covering the site with a layer of chemically stable soil; or</td>
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<td>Deeding the site into a permanent conservation easement.</td>
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<td>When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of culturally or</td>
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<td>historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission.</td>
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<td>Monitoring and Verification Entity</td>
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<td>Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities.</td>
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<td>A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines Section 15126.4(b)).</td>
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<td>In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.</td>
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<td>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</td>
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<td>apply. Implementation of this measure would</td>
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<td>reduce the impact to a <strong>less-than-significant</strong> level.</td>
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<td><strong>Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.</strong> Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA. These possibilities represent a <strong>potentially significant impact.</strong> This is a new impact not identified in the 2014 Specific Plan EIR because this new CEQA criterion was added after the 2014 EIR was certified.</td>
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<td><strong>Supplemental Mitigation 7-1.</strong> During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts (&quot;tribal finds&quot;) shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply.</td>
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<td>In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation.</td>
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<td>Implementation of this measure would reduce the impact to a <strong>less-than-significant level.</strong></td>
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<td>City: Individual project applicants</td>
<td>During individual project review; Condition of grading permit issuance; Field verify implementation during grading</td>
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<td><strong>GEOLOGY AND SOILS</strong></td>
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<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td><strong>Impact 8-1: Potential Ground Instability Impacts.</strong> The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements, representing a potentially significant impact.</td>
<td>Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards. Project incorporation of this mitigation requirement would reduce this impact to a less-than-significant level.</td>
<td>Individual project applicants</td>
<td>City</td>
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<td><strong>Impact 8-2: Paleontological Resources Impacts (formerly Impact 7-3: Potential for Disturbance of Paleontological Resources).</strong> The certified 2014 EIR determined that this impact could be potentially significant because the San Pablo Avenue Specific Plan area would allow development in areas that may include unrecorded paleontological resources. The 2014 EIR found that the alluvium that underlies the plan area has a high potential for containing fossil resources, and it is possible that significant paleontological resources could be discovered during ground-disturbing activities. The Plan Update Area would include these soils with the potential for unrecorded paleontological resources, as the geological conditions have not changed since the 2014 EIR was certified. This possibility represents a potentially significant impact.</td>
<td>Mitigation 8-2 (formerly Mitigation 7-3). During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:</td>
<td>City; Individual project applicants</td>
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(1) Education Program. Project applicants shall implement a program that includes the following elements:
- Resource identification training procedures for construction personnel;
- Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and
- Procedures for reporting discoveries and their geologic context.
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<td>(2) Procedures for Resources Encountered. If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a less-than-significant level.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>NOISE</td>
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<td>Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA $L_{dn}$ from traffic noise and 70 dBA $L_{dn}$ from BART noise. Future noise levels would exceed both El Cerrito's and Richmond's noise and land use compatibility standards. This is a <strong>potentially significant impact</strong>.</td>
<td>Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond general plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA $L_{dn}$, the local established land use compatibility threshold. In areas where residential developments would be exposed to an $L_{dn}$ of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.4A, new noise-sensitive uses that are located in an area with day-night average sound levels ($L_{dn}$) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.</td>
<td>Individual project applicants</td>
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<td>the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA $L_n$ should not exceed 50 dBA $L_{max}$ in bedrooms and 55 dBA $L_{max}$ in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA $L_n$, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA $L_n$. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA $L_n$ or lower and meet instantaneous noise limits.</td>
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<td>• Similar to above, noise insulation features shall be considered on a</td>
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<td>case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA $L_{eq}$ in order to meet adopted noise standards. Implementation of these measures would reduce potential noise and land use compatibility impacts to a <strong>less-than-significant level</strong>.</td>
<td>Implementation Entity: Monitoring and Verification Entity: Timing Requirements: Signature: Date:</td>
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<td>Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact. This is a <strong>potentially significant impact</strong>.</td>
<td>Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards. • Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business – including loading docks, refuse areas, and ventilation systems – would meet these requirements and would be consistent with the respective City’s noise standards. • Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities, are limited to the hours of 7:00 AM to 9:00 PM. Implementation of these measures would reduce the potential commercial development noise impacts to a <strong>less-than-significant level</strong>.</td>
<td>Individual project applicants: City:</td>
<td>During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance:</td>
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| Impact 13-3: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is a significant impact. | Mitigation 13-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:  
  - Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.  
  - Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.  
  - Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.  
  - Prohibit unnecessary idling of internal combustion engines.  
  - Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.  
  - Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses.  
  - A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred. | Implementation Entity: Individual project applicants  
Monitoring and Verification Entity: City | Monitoring: Condition of grading permit issuance;  
Timing Requirements: Condition of building permit issuance; Field verify implementation during grading and construction | Signature | Date |
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<td>which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.</td>
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<td>• Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.</td>
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<td>• Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays.</td>
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<td>• Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays.</td>
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<td>• Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would 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</td>
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<td>construction site. Although the above measures</td>
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<td>would reduce noise generated by construction,</td>
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<td>the impact would remain **significant and</td>
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<td>unavoidable** as a result of the extended</td>
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<td>period of time that adjacent receivers could be</td>
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<td>exposed to construction noise.</td>
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<td>Impact 13-4:</td>
<td><strong>Construction-Related Vibration.</strong> Residences,</td>
<td>Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities:</td>
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<td>Construction-Related Vibration.</td>
<td>businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a <strong>significant impact.</strong></td>
<td>- Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.</td>
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<td>- Avoid using vibratory rollers and tampers near sensitive areas.</td>
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<td>- 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:</td>
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<td>- 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</td>
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<td>be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.</td>
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<td>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.</td>
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<td>Design construction contingencies that would be implemented when vibration levels approached the limits.</td>
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<td>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.</td>
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<td>When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.</td>
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<td>Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels</td>
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<td>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.</td>
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<td>Monitoring and Verification Entity</td>
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<td>It may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be <strong>significant and unavoidable.</strong></td>
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RESOLUTION 2022-XX

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

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, and associated Final Supplemental Environmental Impact Report, and all public testimony, adopts the General Plan amendment for the San Pablo Avenue Specific Plan update as detailed in Exhibit A and finds as follows:

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

The SPASP update is in the public interest because it adopts context-sensitive regulations to be applied throughout the Plan area.
2. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The SPASP update is consistent in all significant respects with the General Plan; in that supports the spirit and intent of all of the existing goals and policies in the General Plan related to the San Pablo Avenue corridor.

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

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

4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

A Supplemental Environmental Impact Report (SEIR) was prepared for the San Pablo Specific Plan update in full compliance with applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA) and the Planning Commission recommended that the City Council certify the SEIR on October 19, 2022, and the City Council certified the SEIR, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.

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

I CERTIFY that at a special meeting on December 6, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

<table>
<thead>
<tr>
<th>AYES:</th>
<th>COUNCILMEMBERS:</th>
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<tr>
<td>NOES:</td>
<td>COUNCILMEMBERS:</td>
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<td>ABSTAIN:</td>
<td>COUNCILMEMBERS:</td>
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<tr>
<td>ABSENT:</td>
<td>COUNCILMEMBERS:</td>
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</tbody>
</table>

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December __________, 2022.

__________________________
Holly M. Charléty, City Clerk

APPROVED:

__________________________
Gabe Quinto, Mayor
RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ADOPTING THE UPDATED SAN PABLO AVENUE SPECIFIC PLAN WITH AMENDMENTS REGARDING BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE CHARGING

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging; and

WHEREAS, building electrification reduces carbon emissions and staff will provide additional information supporting the building electrification amendments referenced herein.
WHEREAS, scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.

WHEREAS, Section 2.05.05.01.04 of the San Pablo Avenue Specific Plan update is reasonably necessary because of local climatic, geologic and topographical conditions as listed below:

1. As a coastal city located on the San Francisco Bay, El Cerrito is vulnerable to sea level rise, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water—resulting in rising sea levels.

2. El Cerrito is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons.

3. Structures in El Cerrito are located along or near the Hayward fault, which is likely to produce a large earthquake in the Bay Area.

WHEREAS, substitute electric heating and cooling infrastructure in new buildings fueled by less greenhouse gas intensive electricity is linked to significantly lower greenhouse gas emissions and is cost competitive because of the aggregate cost savings associated with all electric designs that avoid new gas infrastructure and increasing natural gas fuel prices.

WHEREAS, reducing natural gas infrastructure benefits the health, welfare, and resiliency of El Cerrito and its residents.

WHEREAS, the most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems inasmuch as projects can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and equipment venting systems.

WHEREAS, it is the intent of the San Pablo Avenue Specific Plan to reduce obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where electric infrastructure can be most practically integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, associated Final Supplemental Environmental Impact Report, and all other information and testimony, hereby adopts the San Pablo Avenue Specific Plan update, with amendments as set forth in Exhibit A, Exhibit B, and the Errata Memorandum dated November 15, 2022, and finds as follows:
1. The San Pablo Avenue Specific Plan update is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.

2. The San Pablo Avenue Specific Plan update is consistent with the El Cerrito General Plan.

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

I CERTIFY that at a special meeting on December 6, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December ________, 2022.

_______________________________
Holly M. Charléty, City Clerk

APPROVED:

_______________________________
Gabe Quinto, Mayor
O. Electric Vehicle Charging

All parking spaces shall be equipped with a raceway that originates at the main electric service or subpanel.

When parking is provided for a project containing 5 or more residential dwelling units and/or 6,000 square feet or more of commercial space, a minimum of 20 percent of the parking spaces, but not less than one parking space, shall be installed with Level 2 Electric Vehicle Supply Equipment (EVSE). For the purposes of this Section, “EVSE” shall be as defined by the California Green Building Standards Code. An automatic load management system (ALMS) shall be permitted to reduce load when multiple vehicles are charging. For the purposes of this Section, “ALMS” shall be as defined by the California Green Building Standards Code.

1. Exceptions
   a. Significant Hardship or Technical Infeasibility. If an applicant for a project subject to this Section believes that the type of project or physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare make it a hardship or infeasible to meet the requirements of this Chapter, or the project meets any City-adopted sustainability and environmental policies, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.

   b. Financial Infeasibility. If an applicant for a new project subject to this Section believes that the amount of EVSE required by this Section will render the project as a whole financially infeasible, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.

2. Process for consideration of exemption applications.
   a. To assist the Zoning Administrator in evaluating an exemption request, the City may retain one or more consultants to peer review information submitted by the applicant. The applicant shall reimburse the City for the costs of the consultants retained, plus the City’s standard charge for administrative overhead as set forth in the City’s Master Fee Schedule.

   b. In making a determination in response to an exemption application under this Section, the Zoning Administrator shall determine that the facts offered in support of an application demonstrate both that substantial evidence in the record supports the exemption request, and that the purposes of this Section will have been achieved to the maximum extent reasonably allowed by the circumstances. Any exemption granted shall require the applicant to comply with the requirements of this Section to the fullest extent reasonably achievable given the circumstances, provided such requirements meet or exceed the EVSE requirements in the El Cerrito Municipal Code.

   c. The Zoning Administrator’s decision shall contain a statement of the facts upon which the decision was based, as well as the reduced compliance level requirements
that must be achieved. The Zoning Administrator’s decision shall become a condition of the development or building permit issued for the project.

d. The Zoning Administrator’s decision shall be mailed or electronically mailed to the applicant to the address shown on the application.
ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF EL CERRITO REZONING PROPERTIES
LOCATED IN THE SAN PABLO AVENUE SPECIFIC PLAN AREA

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1: Rezone The zoning map of the City of El Cerrito is
hereby amended such that certain real property currently zoned/described as: the 2.28-
acre area bounded by Central Avenue, Richmond Street, the Ohlone Greenway, and
Willow Street; and more particularly described in Exhibit A, are rezoned to San Pablo
Avenue Specific Plan.

Section 2: Severability. If any section, subsection, sentence, clause or phrase
of this chapter is for any reason held to be invalid or unconstitutional by a decision of any
court of competent jurisdiction, such decision shall not affect the validity of the remaining
portions of this chapter. The city council hereby declares that it would have passed the
ordinance codified in this chapter, and each and every section, subsection, sentence,
clause or phrase not declared invalid or unconstitutional without regard to whether any
portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 3: Effective Date. This Ordinance shall take effect and be enforced
thirty days after the date of its adoption. Prior to the expiration of fifteen days from the
passage thereof, the ordinance or a summary thereof shall be posted or published as
may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a special meeting of the City
Council on December 6, 2022 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

ADOPTED AND ORDERED published at a special meeting of the City Council held
on (Month, DD, YYYY) and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

APPROVED:

Gabe Quinto, Mayor
ATTEST:

__________________________
Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. (2022-XX) of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the (DD day of Month, 2022); and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ______ day of (Month), 2022.

__________________________
Holly M. Charléty, City Clerk

Exhibit A: Amended Zoning Map