Date: November 15, 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

ACTION PROPOSED
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
The San Pablo Avenue Specific Plan (SPASP) process first began in 2007. The Plan began as a joint effort between the cities of El Cerrito and Richmond to create a shared vision and more standardized development standards along the stretch of the San Pablo Avenue corridor that is shared by both cities. The earliest efforts to create a San Pablo Avenue Specific Plan resulted in a draft document which was reviewed by the El Cerrito City Council in 2011. The El Cerrito City Council did not adopt the initial Plan and issued a series of recommendations, including increasing building heights and densities, providing more flexible parking standards and a more flexible approach to mixed-use development, including allowing ground-floor residential uses. In response to these comments, with grant funding, the Specific Plan process was restarted in 2013. At this time, the Plan was substantially overhauled and revised, a Complete Streets Plan was added, and the scope of the environmental review was expanded to include an Environmental Impact Report. The revised plan was adopted by the El Cerrito City Council on October 7, 2014. The Plan has not been amended since its adoption.

The Plan includes the following Chapters:

- **Chapter 1: Introduction**
  Establishes the framework and goals of the Specific Plan
- **Chapter 2: Form Based Code**
  Establishes regulations for the built environment
- **Chapter 3: Complete Streets**
  Establishes plans and policies to improve San Pablo Avenue for all modes and users
• Chapter 4: Infrastructure
  Evaluates the infrastructure needed to accommodate the development of the Specific Plan
• Program Environmental Impact Report (EIR)
  The program EIR established a streamlined, comprehensive CEQA process throughout the Plan area

As required by the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan EIR evaluated a development capacity 1,706 new residential units and 243,112 of net new square feet of commercial space within the Plan area by 2040. The EIR also noted that, “when and if these numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted.”

Between the Plan’s adoption and the beginning of 2019, over 1,400 residential units had been entitled or proposed, leaving only 282 units within the analyzed development capacity. Therefore, in order to continue the plan’s success, a Supplemental Environmental Impact Report was necessary in order to analyze additional development capacity.

City staff successfully applied for grants from both the Department of Housing and Community Development’s SB2 Planning Grant program and MTC’s Priority Development Area Planning Grant program to update the Plan, primarily the EIR in order to provide for additional capacity. From its inception, the San Pablo Avenue Specific Plan update has been undertaken as a limited update, to establish capacity in order to continue the Plan’s successes and incorporate changes needed due to lessons learned during 8 years of Plan implementation. The City commenced the Specific Plan update process in 2019. On January 16, 2019, a joint body of the Planning Commission and Design Review Board reviewed the proposed scope for the update. The proposed scope was presented in terms of a series of topics areas identified for inclusion in the Specific Plan update. The body provided feedback to City staff. On February 5, 2019, the City Council considered this scope which was modified based on feedback from the Planning Commission and Design Review Board. The Council directed staff to proceed with the proposed scope, as presented without modifications.

On November 20, 2020, the City issued a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan update. A public scoping meeting for the SEIR was held on December 3, 2020. As part of the scoping process for the SEIR, the El Cerrito Environmental Quality Committee (EQC) adopted and made recommendations to City staff and the Planning Commission regarding the Specific Plan update and the SEIR. These recommendations were forwarded to the Planning Commission and are included in the SEIR under NOP Comment Letters (EIR Appendix 24.1).
On March 31, 2021, a joint body of the Planning Commission and Design Review Board reviewed more detailed proposals for the topic areas identified in the scope for the Specific Plan update. The joint body provided feedback to City staff to assist City staff and the City’s consultant, MIG, in finalizing the detailed project description for the SEIR.

In July 2022, the City’s consultant completed the Draft SEIR and the document was circulated for a 45-day public review and comment period as required by the California Environmental Quality Act (CEQA) along with the draft of the Specific Plan update on July 19, 2022. On August 17, 2022, the Planning Commission conducted a meeting and received comments on the Draft SEIR. Immediately following this meeting, a joint body of the Planning Commission and Design Review Board reviewed the draft of the Specific Plan update.

On August 9, 2022, the Environmental Quality Committee (EQC) received a presentation from City staff on the Specific Plan Update and SEIR. At the conclusion of the presentation and discussion, the EQC passed a unanimous motion to recommend to the Planning Commission and Council that the SEIR not be certified without addressing additional climate actions to meet stated climate goals, including all-electric buildings, increased EV infrastructure readiness and reducing embodied GHG emissions associated with construction materials, and to recommend analysis of recent federal legislation, as well as state and regional funding opportunities supporting the funding of greenhouse gas emission reductions.

On October 19, 2022, the Planning Commission reviewed the final draft of the Specific Plan update. After receiving public comments, and discussing the proposed final draft, the Commission passed a motion unanimously with four Commissioners in attendance to recommend that the City Council certify the Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan update, adopt the update to the San Pablo Avenue Specific Plan with amendments to require building electrification for all new buildings subject to Tier II or Tier IV Design Review, and to increase the Electric Vehicle Supply Equipment (EVSE) requirement to 20% of parking spaces for all new buildings subject to Tier II or Tier IV Design Review, with potential appeals processes, waivers, and small projects and special cases clarifications as determined by staff.

**ANALYSIS**

The Specific Plan update has been developed according to the project scope that was endorsed by the City Council in February 2019. The sections below will discuss each of the topic areas identified in the 2019 project scope and will detail the changes that have been developed as part of the Specific Plan update to address each topic. The Specific Plan update is available for review at: [http://www.el-cerrito.org/SPASP](http://www.el-cerrito.org/SPASP).

**Chapter 1: Introduction**

The Introduction has been updated to reflect the 2022 Specific Plan update and changes that have been made regarding City policy documents and State regulations since 2014. Most notably, the goals and strategies of the Specific Plan have been
revised to reflect changes in State legislation, changes in City policies, and shifting community values since 2014.

Chapter 2: Form Based Code
The Form Based Code Chapter has been revised most substantially. The revisions are discussed below, organized by topic area.

Expand Commercial Requirements
Prior to the adoption of the San Pablo Avenue Specific Plan ("Plan" or "SPASP"), commercial uses were required on the ground floor of all development along San Pablo Avenue, although very little commercial development had occurred in many years and economic indicators were poor for new commercial development. Several economic studies commissioned by the City recommended a more strategic approach to the ground floor commercial requirement, e.g. focusing commercial requirements in "nodes" to create more pedestrian-oriented activity and to support transit-oriented development while allowing groundfloor residential elsewhere. Furthermore, studies confirmed that the City’s strongest path to economic development was to attract urban residential development. Currently, commercial uses are required for 50% of the ground floor frontage of projects located only on the San Pablo Avenue Commercial and Major Commercial Street types, e.g. commercial requirements were significantly reduced. These commercial street types are located near the two BART stations, at the Stockton Avenue and Moeser Lane commercial nodes, and along the portions of Fairmount Avenue, Stockton Avenue, and Hill Street that are within the San Pablo Avenue Specific Plan area.

While demand for retail real estate is overall declining throughout the region, as the Specific Plan area develops there will be continued need for new high-quality commercial spaces to support the overall goals of the Plan. In most places where the requirement to add commercial space has been added, it is either on existing commercial properties and represents an overall decrease in the required commercial square footage, and/or is at a key node. The goal is to have a variety of commercial spaces available to retain and attract new businesses, while not negatively impacting project feasibility. The changes to these designations can best be seen by comparing Figure 2.01.02 (page 02-2) to the crossed-out figure preceding it from the 2014 Plan.

The 2019 scope for the Specific Plan update included an evaluation of a Commercial Priority Overlay Zone to preserve commercial uses in limited areas that benefit from freeway access and proximity. Staff evaluated this potential revision and determined that the expansion of the Commercial Street types will achieve a similar goal of preserving commercial uses in key locations in the Plan area. Further, the recent adoption of SB 330 currently prevents cities from 'downzoning' property zoned for residential development. SB 330 makes implementation of a Commercial Priority Overlay Zone difficult to impossible since it would limit residential development within the zone. A Commercial Priority Overlay Zone has not been included in the Specific Plan update.
Daylight Plane and Shadow Standards
The shadow and daylight plane standards contained in SPASP Section 2.05.02.02.03 of the 2014 Specific Plan proved difficult to administer. As a result of confusion among these standards, the Zoning Administrator issued an interpretation on May 1, 2018 that was intended to clarify the application of the standards.

In addition, during the implementation of the Specific Plan and the Specific Plan update process, staff has heard input and concern from members of the public regarding the massing and scale of development on the Neighborhood Streets street type, especially adjacent to existing residential land uses.

In order to address these issues, the daylight plane and shadow standards have been clarified. Changes to these standards are best summarized as the following and can be seen in Section 2.05.02.02 (pages 02-73 through 02-75):

1. Standards for sites adjacent to existing residential uses have been revised in favor of daylight plane standards instead of shadow standards.
2. Standards along Neighborhood Streets have been clarified and revised in favor of shadow standards instead of daylight plane standards.
3. Shadow standards have been clarified to apply to multiple street types.

The previous standards for sites adjacent to existing residential uses limited shadows to extending across a property line a maximum of 14 feet on parcels to the east. Parcels to the west were specifically excluded due to solar angle, and parcels to the north and south were previously not mentioned. In order to limit substantial changes in scale between existing and proposed development and to minimize shadows in more locations, staff developed a standard that will apply broadly to sites that are adjacent to existing residential uses, regardless of the direction of those uses. The standard includes a daylight plane that extends to 25 feet at the property line and then angles back at a 45-degree angle. The massing of new buildings adjacent to existing residential uses will be required to comply with this daylight plane. The standards along all other street types consist of shadow standards that require shadows not to extend past the curb line on the opposite side of the street on the Winter Solstice.

Design Review Process
The changes to the Design Review processes can be seen in Section 2.02.06.04 (pages 02-25 through 02-28). All Design Review Tiers have been revised to clarify the applicability of each tier. Tier III Design Review has been refined to make the threshold more qualitative (e.g. substantial exterior modification) rather than quantitative (e.g. 50% of the assessed value). These changes will make the Tier III Design Review process easier to administer. In addition, Tier IV Design Review has been revised to clarify the applicability and the scope of both the Planning Commission’s and the Design Review Board’s authority, and the required findings have been refined. Section 2.02.06.04 has been revised with heavy involvement of the City Attorney, in order to ensure that the process remains objective as required by State law.
Pre-application Process
Based on experience implementing the Specific Plan, City staff have found that opportunities for early public review and comment can strengthen project proposals. The 2014 Specific Plan contains an optional “community charrette” process. This process has not been utilized to date. During meetings in the Specific Plan update, the Planning Commission expressed a desire to require applicants of projects over a certain size to host a community meeting. As part of the Specific Plan update, Section 2.02.05.02 (page 02-19) has been revised to add a process that requires applicants for projects of more than five residential units to host a community meeting early in the design process. This meeting process (including public notice) would be conducted entirely by the applicant, with limited assistance from City staff, as necessary—to generate the mailing list for public notices, for example. The intent of the community meeting is to allow for the exchange of information and ideas early in the design process.

Land Use Regulations
The land use regulations in the Specific Plan update have been modified in several areas to be more consistent with the other City goals such as economic development, housing and complete streets goals. FBC Table 02 (pages 02-11 through 02-14), which regulates land uses in the Specific Plan area, has been revised. Notable changes include:

1. Removing the requirement for an Administrative Use Permit for restaurants that serve alcohol. All restaurants will now be treated the same. This change was made in consultation with the El Cerrito Police Department. (The 2014 Plan removed the requirement for a Use Permit for food uses.)
2. Permitting accessory dwelling units and large-family daycare in all districts as required by recent changes to State law.
3. Adding Low Barrier Navigation Center as a residential use, as required by State law.
4. Reclassifying Live-Work as a residential use so that it does not satisfy commercial frontage requirements on commercial street types.
5. Permitting General Markets in all districts. Currently all General Markets require an Administrative Use Permit.
6. Referencing the Tobacco Retailers Ordinance with regard to tobacco sales uses.
7. Requiring a Conditional Use Permit for Recycling Collection Points and Recycling Processing Facilities. Recycling Collection Points and Processing Facilities have been the subject of many code enforcement issues across the City and staff would like to ensure a higher level of review for these uses. In addition, changes in the recycling industry since the Specific Plan was first adopted have greatly reduced the utilization of privately operated Recycling Processing Facilities.
8. Processes for outdoor dining uses have been streamlined. Outdoor dining along public right-of-way frontages will be allowed by-right; however, permanent installations and installations on the street (e.g. a parklet) would be subject to the review of the Public Works Department. On private property, in areas other than
along a public-right-of-way frontage, in order to assure outdoor uses are managed to minimize impact to adjacent properties, an Administrative Use Permit will continue to be required (note: this has been suspended during the public health emergency and will be considered further by the City Council at a later time).

**Major Commercial Street Standards**
In the 2014 Specific Plan, the public-right-of-way and front setback standards are the same on both San Pablo Avenue Commercial and Major Commercial street types. Generally, the Major Commercial Streets (Fairmount Avenue, Stockton Avenue and Hill Street) have a different character and profile than San Pablo Avenue. Additionally, the City has made significant investments in Fairmount Avenue streetscape improvements which have improved the appearance and usability of Fairmount Avenue, but which are not consistent with the right-of-way standards for Major Commercial Streets. In acknowledgement of the scale of these streets, and the existing improvements on Fairmount Avenue, the Major Commercial Street standards in Section 2.04.02.02 (pages 02-47a through 02-47d) have been revised.

**Neighborhood Streets**
As mentioned in the discussion on Daylight Plane and Shadow Standards, staff has received feedback during the implementation of the Specific Plan about the scale of proposed development along Neighborhood Streets. The intent of the Neighborhood Street standards in the 2014 Specific Plan was to allow denser development while preserving the existing character and scale of Neighborhood Streets. The Neighborhood Street standards in Section 2.04.02.04 (pages 02-56 through 02-59) have been revised to add a 10-foot Activity Zone. This zone is appropriate for Neighborhood Streets which are smaller streets with a more neighborhood scale. Additionally, a note has been added that clarifies that private front yards are permitted in the Activity Zone. The standards have also been revised to reduce the ground floorCEILING height for residential uses. The intent of the higher ceiling height was to allow residential uses to more easily convert to commercial uses in the future. Most locations on Neighborhood Streets are, at best, marginal locations for commercial uses and are not envisioned to convert to commercial uses in the foreseeable future. The Neighborhood Street standards allow for residential frontage types, and these frontages are compatible with a lower, albeit still generous, ceiling height.

**Green Infrastructure (Stormwater Infrastructure)**
The City Council adopted the City’s Green Infrastructure Plan in 2019. Green infrastructure refers to the construction and retrofit of storm drainage to reduce public runoff volumes, disperse runoff to vegetated areas, promote infiltration and evapotranspiration, and the use of bioretention and other natural systems to detain and treat runoff before it reaches our creeks and San Francisco Bay. Green infrastructure differs from the bioretention requirement on private property ("C.3") that requires all new development to treat its own stormwater runoff. Green infrastructure can be incorporated into construction on new and previously developed parcels, as well as new and rebuilt streets, roads, and other infrastructure within the public right-of-way.
References to the Green Infrastructure Plan have been incorporated throughout the San Pablo Avenue Specific Plan as part of the update and projects are required to evaluate opportunities for Green Infrastructure. Notably, the Green Infrastructure Opportunity Sites have been added to the Open Space Map on page 02-5.

Open Space Standards
The Specific Plan requires new development to provide different types of open space. New residential development must provide common/private open space in the ratio 80 square feet/unit. Private open space is private to a particular unit (e.g., a private yard or balcony). Common open space is typically for the exclusive use of residents of a building and is shared among those residents. The 2014 Specific Plan allowed a project applicant to divide the required open space between private and common open space as they saw fit. In addition, buildings over 25,000 square feet are required to provide 25 square feet of publicly accessible open space for every 1,000 square feet of building area, or to pay a fee in-lieu of providing public open space on a project site. Publicly accessible open space remains privately owned and maintained by the project, but is available for public use, typically during daylight hours, at a minimum. As part of the San Pablo Avenue Specific Plan update, the open space standards have been revised in the following ways:

1. Requiring 30% of the required common/private open space square footage to be allocated to individual, private open spaces (page 02-97).
2. Requiring the provision of onsite public open space for larger projects, with more than 150 units on sites larger than 1 acre (page 02-97). (Also see discussion of the waiver to this requirement in the Waivers section.)
3. The balcony requirements have been revised to require balconies on street facing elevations. (Also see discussion of the waiver to this requirement in the Waivers section.)
4. Minimum dimensions have been established for private open spaces. The adopted San Pablo Avenue Specific Plan does not contain minimum dimensions for such spaces. In some circumstances, staff had to refer to standards in the Zoning Ordinance. Adopting these standards as part of the Specific Plan update will make their implementation much clearer. (Section 2.05.06.02.01.03 on page 02-98a.)

Parking/Transportation Demand Management (TDM)
The Specific Plan allows parking within a range by right (1 to 1.5 space per unit in the Transit Oriented Mid Intensity Mixed Use district and 0.5 to 1 space per unit in the Transit Oriented High Intensity Mixed Use district). Currently, for projects with lower parking ratios, the Zoning Administrator requires a parking study and additional Transportation Demand Management (TDM) measures. Section 2.05.08.05 (page 02-116) has been revised to clarify the process for requesting automobile and bike parking reductions. The parking reduction process for projects that qualify for a State Density Bonus has also been clarified. Staff notes that these changes may be largely mooted in January 2023 when the recently signed AB 2097 takes effect. AB 2097 prohibits cities from imposing minimum parking requirements within ½ mile of public transit.
Light and Air Exposure to Units
The Design Review Board has expressed interest in evaluating requirements related to the dimension of courtyards which are internal to a project to ensure appropriate dimensions (length, width and height) to create usable open spaces and provide sufficient light and air to adjacent residential units.

Requirements or internal courtyards have been added to the Specific Plan as part of the update (Section 2.05.06.03, page 02-98b). In order to preserve light and air exposure to courtyards and adjacent units, these requirements establish minimum dimensions for interior courtyards based on the depth of the courtyard.

Waivers
Section 2.02.07.04 of the 2014 Specific Plan (renumbered as Section 2.02.06.07 in the Specific Plan update) creates a process for waivers to certain standards. The waivers process allows a decision-making body for a project to consider waivers to specific standards that are listed in the Section. This process is distinct from the Tier IV Design Review process which allows the Planning Commission to grant exceptions to standards that are not listed in the Waivers section. At the August 17, 2022 joint Planning Commission and Design Review Board meeting, the joint body expressed a desire to add flexibility to the standards of the Specific Plan in several areas. To address these comments, the Specific Plan update has expanded the list of standards that qualify for waivers. The expanded list of waivers can be found in Section 2.02.06.07 on page 02-30.

Specific Plan Area Boundary
The development of transit-oriented development (TOD) on the surface parking lots at the El Cerrito Plaza BART station is moving forward, as previously discussed by the City Council. Most of the project site lies within the Specific Plan area. However, the BART-owned parking lot bounded by Richmond Street, Central Avenue, the Ohlone Greenway, and Willow Street is outside the area of the 2014 Specific Plan and is currently a remnant of the City’s Transit Oriented Mixed Use (TOM) zoning district that was in place in the San Pablo Avenue corridor prior to the adoption of the Specific Plan. In order to bring the entire development site into the Specific Plan area, a boundary change to the Specific Plan boundary is proposed. This change requires rezoning through an ordinance, which is attached to this report. This rezoning brings the site into compliance with AB 2923, which requires minimum zoning on BART-owned properties.

Planning Commission Recommendation
As discussed above in the Background section, the Planning Commission recommended that the City Council adopt the Specific Plan update with amendments to the Plan regarding building electrification and EV charging. The building electrification and EV charging requirements recommended by the Planning Commission are outside the scope of the Specific Plan update that was reviewed by the Planning Commission and Design Review Board and endorsed by the City Council in 2019. However, City staff have drafted modifications that could be included in the Specific Plan update if the City Council wishes to incorporate the Planning Commission’s recommendation with
respect to building electrification and EV charging. The City is also preparing an update to the City’s Climate Action Plan (CAP) at this time. Based on previous direction from the City Council and the City Council Climate Action Subcommittee, staff had planned to include building electrification as part of the CAP update. The Request for Proposals for the Climate Action Plan included identification of an “early-win” climate strategy that could be implemented ahead of the adoption of the CAP update. However, based on the Planning Commission’s recommendation, building electrification could be included in the Specific Plan update. As noted below, the inclusion of electrification requirements and increased EV charging requirements is being incorporated into the Plan with exceptions, because the two requirements were not able to be fully vetted for their impact on the other goals of the Plan, e.g., financial feasibility of private commercial and residential development projects.

**Building Electrification**

Building Electrification means a prohibition on the use of natural gas as a fuel source in new buildings. As electricity generation becomes less carbon-emitting, building electrification can reduce the carbon emissions of buildings. In California, to date, natural gas is commonly used for water heating, space heating, and cooking purposes in residential units. These natural gas uses can be substituted with electric heat pumps, induction cooktops, and other appliances that run on electricity. The 2022 California Green Building Standards Code (CalGreen Building Code) requires all new units to be “electric ready,” meaning that electrical systems be provided to an area that has natural gas appliances so that an electric appliance could be substituted in the future. The Planning Commission’s recommendation would go beyond this new CalGreen requirement and would prohibit natural gas in new buildings.

The Planning Commission’s recommendation allowed City staff to develop building electrification requirements with waivers and clarifications for small projects and special cases. Accordingly, staff has developed language banning the use of natural gas which applies to new residential units in projects of 5 units or more throughout the Plan area and with exemptions for technical infeasibility and financial infeasibility. Natural gas prohibition for commercial uses can be challenging because there are not always viable substitutes for natural gas use in a commercial setting (certain types of cooking processes in a commercial kitchen, for example) and there may be other commercial projects similarly negatively impacted by such a prohibition. The City of Berkeley has been sued by the California Restaurant Association over the City of Berkeley’s natural gas ban in restaurants. The case is currently pending before the Ninth Circuit Court of Appeals.

**EV Charging**

The 2022 CalGreen building code will require new multi-family projects of 20 units and hotels and motels with 20 or more guest rooms to equip 5% of parking spaces with Level 2 Electric Vehicle Supply Equipment (EVSE). EVSE is all of the equipment needed to charge an electric vehicle and is often referred to as an EV charger. Additionally, the 2022 CalGreen code requires that 25% of parking spaces be EV
ready, e.g. that the spaces are equipped with low power Level 2 charging receptacles to support future chargers. The 2022 CalGreen code also requires that 10% of parking spaces be EV capable, meaning that a raceway (conduit) is provided from the electric panel to each EV capable parking space and electric panel capacity is provided to support future charging.

Prior to the Planning Commission’s recommendation, the Specific Plan update included a requirement that all parking spaces include a conduit from the electric panel to each parking space. This requirement is contained in Section 2.05.08.07(O) on page 02-120. Based on the Planning Commission’s recommendation, City staff have drafted language that would increase the EVSE requirement to 20% of parking spaces for parking serving new projects of 5 units or more, or 6,000 square feet of commercial space or more, with exceptions for technical infeasibility and financial infeasibility.

Chapter 3: Complete Streets
The only revision to the Compete Streets Chapter is a note that states that the Chapter has not been revised as part of the 2022 Specific Plan update. The Complete Streets Chapter will continue to be implemented as funding becomes available and through required frontage improvements through private development. Notably, the El Cerrito del Norte Transit Oriented Development (TOD) Complete Streets Improvements project which is currently in the design phase will implement key components of the Complete Streets Chapter and is funded through a variety of sources, including developer impact fees and grants.

Chapter 4: Infrastructure
The Infrastructure Chapter has been revised to accommodate changes since 2014 and to address infrastructure needs in terms of the increased development capacity.

Supplemental Environmental Impact Report (SEIR)
Pursuant to Sections 15162 and 15163 of the California Environmental Quality Act (CEQA) Guidelines, a Supplemental Environmental Impact Report has been prepared for the San Pablo Avenue Specific Plan Update. The scope of the SEIR is limited to environmental issues raised by the differences between the Specific Plan Update and the 2014 adopted Specific Plan described and evaluated in the 2014 Specific Plan EIR.

The SEIR is available for review at: http://www.el-cerrito.org/SPASP. The SEIR consists of two volumes: the Draft SEIR and the Final SEIR. The Draft SEIR contains the project description and the environmental analysis described below. The Final SEIR contains the comments received during the public review period and the responses to those comments.

The SEIR analyzes a total of 14 environmental topic areas. Each chapter analyzes an environmental topic area and describes the environmental setting and the regulatory setting for the topic. The chapter then describes any potential supplemental impact of the plan update that exceeds the analysis in the 2014 EIR. Each chapter goes on to conclude whether the impacts remain less-than-significant with implementation of the
mitigation measures in the 2014 EIR or whether supplemental mitigation measures are required to reduce the impact of the Specific Plan update to a less-than-significant level.

Throughout the SEIR, only one supplemental impact was identified that required supplemental mitigation. This supplemental impact is in the area of Tribal Resources (Chapter 7). The addition of the supplemental impact and mitigation mainly stem from the fact the Tribal Resources was a topic area added to the Appendix G CEQA Checklist after 2014, and was not explicitly analyzed in the 2014 EIR. Supplemental Mitigation Measure 7-1 requires notification of the Native American Heritage Commission in the event of an archeologic discovery that appears to be Native American in nature. It also requires the City to conduct consultation with appropriate tribal contacts in the event of such a discovery.

The SEIR also concludes that the Significant and Unavoidable Impacts identified in the 2014 EIR remain unchanged with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for the Specific Plan Update. This is 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. This change in metric is required by changes to the CEQA Guidelines as a result of SB 743.

STRATEGIC PLAN CONSIDERATIONS
The SPASP directly implements several of the goals and strategies, and is consistent with, the overall Strategic Plan. The primary goals and strategies furthered by the SPASP include:

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

ENVIRONMENTAL CONSIDERATIONS
In accordance with the California Environmental Quality Act (CEQA), a Supplemental Environmental Impact Report (SEIR) has been prepared for the San Pablo Avenue Specific Plan update. A Notice of Preparation was issued on November 20, 2020. The Draft SEIR was circulated for public review and comment and a Notice of Availability was published with the Contra Costa County Clerk and the State Clearinghouse on July
19, 2022. The Final SEIR with response to the comments received during the public review period has been prepared in accordance with the CEQA Guidelines.

FINANCIAL CONSIDERATIONS
Preparation of the San Pablo Avenue Specific Plan update and Supplemental Environmental Impact Report have been funded by two grants: a Metropolitan Transportation Commission Priority Development Area Planning Grant and a State SB 2 Grant totaling $468,000.

The costs of processing entitlement applications in the Specific Plan area will continue to be paid by project applicants. Implementation of the Complete Streets chapter of the San Pablo Avenue Specific Plan will be funded by developer contributions (e.g. the City’s Transportation Impact Fee), grants, and available City, Regional, State and Federal funds. Infrastructure identified in the Infrastructure chapter of the San Pablo Avenue Specific Plan will be funded by a variety of mechanisms, including developer impact fees.

LEGAL CONSIDERATIONS
The City Attorney has been involved throughout the San Pablo Avenue Specific Plan update process and has reviewed the San Pablo Avenue Specific Plan update and Supplemental Environmental Impact Report for compliance with applicable laws.

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 SPASP Update Revision Regarding Natural Gas Prohibition
8. Exhibit B to SPASP Update Revision Regarding EVSE Requirements
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 held a public hearing and heard public comments and testimony regarding the Final SEIR.

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 regular meeting on November 15, 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 November ________, 2022.

                               ____________________________
                               Holly M. Charléty, 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 94533. 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 Regulations 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 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 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-TAN-SIGNIFICANT LEVEL**

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

A. AESTHETICS AND VISUAL RESOURCES

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

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

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

Findings. Based upon the 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
PM$_{2.5}$ emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO$_X$ emissions, in addition to PM$_{10}$ and PM$_{2.5}$ emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO$_X$ emissions during grading and soil import/export for large projects may exceed the BAAQMD NO$_X$ emission thresholds.

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

**Dust (PM$_{10}$) 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.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 5 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- Additional Measures to Reduce Diesel Particulate Matter and PM$_{2.5}$ and other construction emissions:
  - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the
construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide 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 those impacts to less-than-significant.

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

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

- Modified construction schedule; and

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

Findings. Based upon the 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 PM$_{2.5}$ exposure where new receptors are located within the overlay distances identified above:

- Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM$_{2.5}$ exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.
- Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual 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. maritime), 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**

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

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

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

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

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

Preservation may be accomplished by:

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

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

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

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

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

Findings. Based upon the 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 finds 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 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 OVERRING 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
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.
**EXHIBIT B**

**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><strong>AESTHETICS AND VISUAL RESOURCES</strong></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>
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<td>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.</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 <strong>less-than-significant</strong>. 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 <strong>less-than-significant level</strong>.</td>
<td>Implementation Entity: Individual project applicants</td>
<td>Monitoring and Verification Entity: City</td>
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These impacts related to light and glare are considered a **potentially significant**.
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| **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 PM<sub>10</sub> and PM<sub>2.5</sub> 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 PM<sub>10</sub> and PM<sub>2.5</sub> emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO<sub>x</sub> emissions, in addition to PM<sub>10</sub> and PM<sub>2.5</sub> 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<sub>x</sub> emissions during grading and soil import/export for large projects may exceed the BAAQMD standards. | Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM<sub>10</sub>, and PM<sub>2.5</sub> from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced: **Dust (PM<sub>10</sub> and PM<sub>2.5</sub>) 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.  
- Hydrosed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are | Individual project applicants | City | Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction |
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| 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 publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.  
Additional Measures to Reduce Diesel Particulate Matter and PM$_{2.5}$ and other construction emissions:  
- The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent | Implementation Entity | Monitoring and Verification Entity | Timing Requirements | Signature | Date |
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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>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:</td>
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<td>Individual project applicants</td>
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<td><strong>BIOLOGICAL RESOURCES</strong></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>
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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 USFWS 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>Individual project applicants</td>
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<td>Condition of grading permit issuance; Field verify implementation during grading</td>
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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 <em>less-than-significant level.</em></td>
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<td>Actions (1) and (2) can be implemented simultaneously.</td>
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<td><strong>CULTURAL AND HISTORIC RESOURCES</strong></td>
<td><strong>Mitigation 7-1.</strong> 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:</td>
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<td><strong>Impact 7-1: Destruction/Degradation of Historic Resources.</strong> 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.</td>
<td>City; Individual project applicants</td>
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<td>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</td>
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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 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;</td>
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<td>(c)</td>
<td>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)</td>
<td>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)</td>
<td>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)</td>
<td>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 City; Individual project applicants</td>
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|                  | 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 | Implementation Entity | Monitoring and Verification Entity | Timing Requirements | Signature | Date |
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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. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines Section 15126.4(b)). In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15126.4(b) shall</td>
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<td>apply. Implementation of this measure would reduce the impact to a <strong>less-than-significant level</strong>.</td>
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<td><strong>Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.</strong></td>
<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. <strong>Certified 2014 EIR Mitigation 7-2 (see above) shall apply.</strong> 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. Implementation of this measure would reduce the impact to a <strong>less-than-significant level</strong>.</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><strong>Mitigation 8-1.</strong> 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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| **Impact 8-2: Paleontological Resources Impacts (formerly Impact 7-3: Potential for Disturbance of Paleontological Resources).** The certified 2014 EIR determined that this impact would be potentially significant because the San Pablo Avenue Specific Plan 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. | **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: (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. | City; Individual project applicants | City | During individual project review; Condition of grading permit issuance; Field verify implementation during grading |
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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, &quot;standard&quot; 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 curatorialship 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>
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**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 potentially significant impact.

**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 SN4.1, new noise-sensitive uses that are located in an area with day-night average sound levels (L_{dn}) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.

- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.
- The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and

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<td>the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{eq} 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_{eq} 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_{eq}. 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 those would adequately reduce interior noise levels to 45 dBA L_{eq} 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 less-than-significant level.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td><strong>Impact 13-2: Commercial Development Noise.</strong> 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 potentially significant impact.</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.</td>
<td>Individual project applicants</td>
<td>City</td>
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<td>- 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 less-than-significant level.</td>
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### Identified Impact

**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.**

### Related Mitigation Measure

**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.

### Monitoring

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### Verification

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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 &quot;construction liaison&quot; 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 would reduce noise generated by construction, the impact would remain <strong>significant and unavoidable</strong> as a result of the extended period of time that adjacent receivers could be exposed to construction noise.</td>
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| **Impact 13-4: Construction-Related Vibration.** Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a **significant impact.** | **Mitigation 13-4.** The following measures are recommended to reduce vibration from construction activities:  
  - Avoid 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 | | |
<p>| | Individual project applicants | City | Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction | |</p>
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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 significant and unavoidable.</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 regular meeting on November 15, 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 November _________, 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.

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 and Exhibit B, 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 regular meeting on November 15, 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 November ________, 2022.

Holly M. Charléty, City Clerk

APPROVED:

____________________
Gabe Quinto, Mayor
2.05.05.01.04 All-Electric Residential Units

A. Applicability
1. The requirements of this Section shall apply to all new residential dwelling units located in projects that include 5 residential dwelling units or more and are subject to Tier II or Tier IV Design Review.
2. This Section shall not apply to non-residential land uses and non-residential components of a mixed use project.
3. The requirements of this Section shall not apply to the use of portable propane appliances for outdoor cooking or heating.
4. This Section shall in no way be construed as amending California Energy Code requirements under California Code of Regulations, Title 24, Part 6, nor as requiring the use or installation of any specific appliance or system as a condition of approval.
5. The requirements of this Section shall be incorporated into conditions of approval for Tier II and Tier IV Design Review for projects subject to this Section.

B. Definitions
For the purposes of this Section:
1. “Fuel gas” shall be defined as natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.
2. “Fuel gas infrastructure” shall be defined as fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

C. Prohibited Fuel Gas Infrastructure in Newly Constructed Residential Dwelling Units
1. Fuel gas infrastructure shall be prohibited from serving new residential dwelling units that are subject to this Section. For the purposes of this Section, “serving new residential dwelling units” means, providing fuel gas infrastructure directly to a residential dwelling unit or otherwise conditioning the residential dwelling unit through the use of fuel gas infrastructure.
2. Existing fuel gas infrastructure shall not be extended to any system or device within a new residential dwelling unit that is subject to this Section. Inactive fuel gas infrastructure shall not be activated or otherwise operated to serve new residential dwelling units.
3. The requirements of this Section shall be deemed objective planning standards under Government Code Section 65913.4 and objective development standards under Government Code Section 65589.5.

D. Exceptions
The following exceptions may apply to a project otherwise subject to this Section:
1. Significant Hardship or Technical Infeasibility. If an applicant for new residential dwelling units 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 in the event of an electric grid outage 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.

2. Financial Infeasibility. If an applicant for new residential dwelling units subject to this Section believes that the prohibition on fuel gas infrastructure in newly constructed residential dwelling units 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.

E. Process for consideration of exemption applications.

1. 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.

2. 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 electrical readiness requirements in the El Cerrito Municipal Code.

3. 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.

4. The Zoning Administrator’s decision shall be mailed or electronically mailed to the applicant to the address shown on the application.

NOTE: The City of Berkeley adopted a similar prohibition on fuel gas infrastructure in new buildings that is currently being challenged in federal court. The trial court upheld Berkeley’s ordinance in California Restaurant Association v. City of Berkeley (N.D. Cal. 2021) 547 F.Supp.3d 878. That decision is on appeal to the Ninth Circuit Court of Appeals, which heard oral arguments in the summer of 2022. The City will review this Section in light of any Ninth Circuit decision and may suspend enforcement of this Section, issue administrative regulations for the administration of this Section, or other appropriate actions that might alter or limit the application of this Section.
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 regular meeting of the City Council on November 15, 2022 and passed by the following vote:

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

ADOPTED AND ORDERED published at a regular 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