



THE CITY OF  
**EL CERRITO**  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Staff Liaison  
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## AGENDA

### SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD

August 17, 2022 at 8:00 p.m. or Immediately Following the  
Adjournment of the 7:30 p.m. Regular Planning  
Commission Meeting

VIA TELECONFERENCE

<https://us06web.zoom.us/j/84812484654?pwd=am9WZHJVWHZ6WVpZbE9YWVFjcTB5dz09>

**Meeting ID:** 848 1248 4654

**Passcode:** 083052

**Or Join by Phone:** 408-638-0968

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#### 7:00 p.m. CONVENE SPECIAL MEETING

1. **ROLL CALL – Planning Commission:** Chair Daniel Hamilton; Members Brendan Bloom, Erin Gillett, Leslie Mendez and Joy Navarrete  
**Design Review Board:** Chair Wenlin Li; Members Ben Chuaqui, Andrea Lucas, and Gyan Singh
2. **ORAL COMMUNICATIONS FROM THE PUBLIC**  
*Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.*
3. **COMMISSIONER COMMUNICATION/CONFLICT OF INTEREST DISCLOSURE**  
This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item
4. **STUDY SESSION – SAN PABLO AVENUE SPECIFIC PLAN UPDATE**  
Applicant: City of El Cerrito  
Location: San Pablo Avenue Specific Plan area  
Zoning: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU), Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), and Theater District (TD).  
General Plan: Transit-Oriented Higher-Intensity Mixed Use (TOHIMU), Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), and Theater District (TD).  
Request: Planning Commission and Design Review Board study session on the San Pablo Avenue Specific Plan update.  
CEQA: A Draft Supplemental Environmental Impact Report has been prepared for this project and is currently within the public review period.
5. **STAFF COMMUNICATIONS**  
Informational reports on matters of general interest, presented by City staff.
6. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Sean Moss at (510) 215-4330. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection.



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## PLANNING COMMISSION AND DESIGN REVIEW BOARD STAFF REPORT August 17, 2022

### STUDY SESSION: SAN PABLO AVENUE SPECIFIC PLAN UPDATE AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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#### DETAILS

**Applicant:** City of El Cerrito

**Location:** San Pablo Avenue Specific Plan area

**Zoning:** Transit-Oriented Higher-Intensity Mixed Use (TOHIMU), Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), and Theater District (TD).

**General Plan:** Transit-Oriented Higher-Intensity Mixed Use (TOHIMU), Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), and Theater District (TD).

**Request:** Planning Commission review of the Draft Supplemental Environmental Impact Report for the San Pablo Avenue Specific Plan update

Planning Commission and Design Review Board study session on the San Pablo Avenue Specific Plan update.

**CEQA:** A Draft Supplemental Environmental Impact Report has been prepared for this project and is currently within the public review period.

#### EXECUTIVE SUMMARY

The San Pablo Avenue Specific Plan was adopted in 2014. The Environmental Impact Report (EIR) for the project analyzed a total of 1,706 new residential units and 243,110 square feet of new commercial space. As of 2022, the total unit count of entitled projects was approaching the development capacity. In order to continue the success of the Specific Plan, an update to the Plan and a Supplemental EIR were required.

The City commenced the Specific Plan update in 2019. At that time, The Planning Commission, the Design Review Board and the City Council reviewed and endorsed the scope of the Specific Plan update.

The draft update before the Planning Commission and Design Review Board for review is based on this scope. The focus areas of the Plan update are discussed in greater detail in this report.

City staff requests that the Planning Commission review the Draft SEIR, provide comments to staff, and receive public comments on the document.

City staff requests that the Planning Commission and Design Review Board review the Draft Specific Plan update, provide comments to staff, and receive public comments on the document.

# Background

In September 2014, City Council approved the San Pablo Avenue Specific Plan (Resolution 2014-52) and certified the Plan's Environmental Impact Report (Resolution 2014-50). The San Pablo Avenue Specific Plan ("Plan") guides the physical environment and character of San Pablo Avenue, supporting the vision to create a vibrant, walkable, sustainable, and transit-oriented corridor, and to attract new development and investment. The Plan includes a Form-Based Code (Chapter 2), which regulates the buildings or the "built environment" and a Complete Streets Plan (Chapter 3), which seeks to improve traffic circulation and make San Pablo Avenue more welcoming to bicyclists, pedestrians, and transit users. The Plan directly implements the City's General Plan, Strategic Plan, Climate Action Plan and Economic Development Action Plan by promoting transit-oriented and infill development, stimulating investment on underutilized and vacant parcels, and reducing per capita vehicle miles traveled. The Plan was developed after several years of community input, development feasibility studies, and public hearings.

The program Environmental Impact Report for the San Pablo Avenue Specific Plan analyzed a development capacity of 1,706 new residential units and 243,110 square feet of new commercial space. 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.

On January 16, 2019, the Planning Commission and the Design Review Board held a Special Joint Meeting to discuss the Specific Plan update. At this meeting, City staff identified the topic areas of focus for the Plan update, based on past feedback from the public, the Planning Commission, the Design Review Board; and Staff's experience implementing the Plan. The Commission and the Board provided feedback to City staff regarding the scope of the Plan update. On February 5, 2019, the City Council reviewed the scope for the Specific Plan update. City staff incorporated the Planning Commission's and the Design Review Board's comments into the presentation that was given to the City Council. The City Council endorsed the scope of the plan update without adding or subtracting any focus areas.

On November 20, 2020, the City circulated a Notice of Preparation for the Supplemental Environmental Impact Report.

Based on the scope of the of the update that had been endorsed by the Planning Commission, the Design Review Board, and the City Council, City staff worked with the City's consultant, MIG, to develop more detailed proposals for the topic areas identified in the scope. These refined proposals were shared with the Planning Commission, the Design Review Board, and the public at a Special Joint Meeting of the Planning Commission and the Design Review Board on March 31, 2021.

Since this time, City staff, have worked with the City's consultant, MIG, to develop draft language and revised maps and figures for the Specific Plan update; and to complete the Draft Supplemental Environmental Impact Report. Both Documents were published on the City's website and sent to the State Clearinghouse on July 19, 2022. The City also circulated a Notice of Availability to interested parties and posted it with the Contra Costa County Clerk and in the East Bay Times. The public review and comment period for the Draft SEIR will end on September 2, 2022.

# Analysis

As discussed above, the Planning Commission, Design Review Board, and the City Council endorsed the scope for the Specific Plan update based on a number of focus areas. Below is a summary of the changes to the plan organized by chapter and by focus area. The draft Plan update is presented as a red-lined version so that the changes can be clearly seen. The document will be finalized once it is adopted. The Specific Plan Update is available for review at: <http://www.el-cerrito.org/SPASP>

## Chapter 1: Introduction

The Introduction has been updated to reflect the 2022 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 highlighted below by focus area.

### *Expand Commercial Requirements*

The San Pablo Avenue Commercial and Major Commercial street designations have been extended. These designations require that 50% of the street frontage of new development be composed of commercial uses. 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.

### *Commercial Priority Overlay Zone*

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.

### *Daylight Plane and Shadow Standards*

Changes to daylight plane 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 plan standards instead of shadow standards.
2. Standards along Neighborhood streets have been clarified and revised in favor of shadow standards instead of daylight plan 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 are shadow standards that require that shadows not to extend past the curb line on the opposite side of the street on the Winter Solstice. In an oversight, the time-of-day standards for the Winter Solstice have been struck out. These will be clarified and added in the final version of the document.

#### *Design Review Process*

These revisions 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*

At the suggestion of the Planning Commission, Section 2.02.05.02 (page 02-19) has been revised to add a process that requires applicants of projects of more than five residential units to host a community meeting early in the design process.

#### *Land Use Regulations*

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.
2. Permitting accessory dwelling units and large-family daycare in all districts as required by 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 smaller 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.

#### *Major Commercial Street Standards*

The Major Commercial Street standards in Section 2.04.02.02 (pages 02-47a through 02-47d) have been revised to respect the smaller scale of these streets. In the current Specific Plan, the Major Commercial Street standards are identical to the San Pablo Avenue Commercial Street standards. This does not acknowledge the character of streets like Fairmount Avenue, Hill Street, and Stockton Avenue. The revised standards establish standards that are appropriate and achievable on these smaller commercial

streets. Additionally, the revised standards allow the continuation of the City's existing streetscape improvements on Fairmount Avenue.

### *Neighborhood Street Standards*

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 floor ceiling height for residential uses. Most locations on Neighborhood streets are, at best, marginal locations for commercial uses. The Neighborhood Street standards allow for residential frontage types, and these frontages are compatible with a lower, albeit still generous, ceiling height.

### *Light and Air Exposure*

The daylight plane requirements discussed above will have a substantial effect on light and air access to units. Additionally, the Specific Plan update includes new courtyard standards in Section 2.05.06.03 (page 02-98b) that require interior courtyards to be at least as wide as the height of the lower wall adjacent to the courtyard. This standard will ensure that courtyards are a minimum width and will provide additional air and light into courtyards and the adjacent units.

### *Open Space Provisions*

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 or on sites larger than 1 acre (page 02-97).

### *TDM Measures/Parking Adjustments*

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.

### *Other Changes*

#### *Specific Plan Area*

One small change has been made with regard to the boundary of the Specific Plan area. The El Cerrito Plaza BART station parking lot parcel that is bounded by Central Avenue, Richmond Street, Willow Street, and the Ohlone Greenway has been added to the Specific Plan area in order to conform with the minimum density and height requirements stipulated in AB 2923.

#### *Master Site Plan Review*

A process has been created for review of site plans for larger sites that include multiple buildings in Section 2.02.06.04.02(E) (page 02-28). Although the development process for the forthcoming El Cerrito Plaza BART station TOD project is stipulated by AB 2923, staff is currently in the process of memorializing the process with the development team. The process for review of the project's site plan is modeled after the Master Site Plan review process in the Specific Plan Update.

### *Unit Mix Requirements*

At the Planning Commission's request, minimum unit mix requirements have been added on page 02-38. The standards require a minimum of two or three different unit types, depending on the size of the project.

### *Mechanical Shafts*

A requirement for ground floor spaces to have mechanical shafts that vent to the roof has been added to Section 2.05.04.03.02 (page 02-83). This will provide the infrastructure necessary for ground floor spaces to accommodate future food service uses.

### *Three Stream Waste Requirement*

A requirement for to make provision for three separate waste streams (recycling, compost and trash) has been added to Section 2.05.05.02.04 (page 02-94).

### *Energy Policies*

Section 2.05.05.01 (page 02-92) contains two notable additions:

1. A policy strongly encouraging applicants and building operators to commit to an energy program that maximizes the use of renewable energy (such as MCE's Deep Green program).
2. A requirement that project applicants evaluate the cost of constructing buildings as all-electric.

### *Signage Standards*

Signage standards in Section 2.05.10 (pages 02-125 through 02-149) have been refined based on staff's experience implementing the standards. The revised standards provide additional clarity.

## Chapter 3: Complete Streets

The only revision to the Complete 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. 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.

## 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.

## SEIR

Pursuant to Sections 15162 and 15163 of the California Environmental Quality Act (CEQA) Guidelines, a Draft Supplemental Environmental Impact Report (Draft SEIR) 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 Draft SEIR is available for review at: <http://www.el-cerrito.org/SPASP>

The SEIR analyzes a total of 14 environmental topic areas. Each chapter the analyzes an environmental topic area 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 Draft SEIR, only one supplemental impact was identified which 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 Draft 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.

#### *EQC Recommendation on the SEIR*

The El Cerrito Environmental Quality Committee (EQC) previously adopted recommendations to City staff and the Planning Commission regarding the Specific Plan update and the SEIR. These recommendations were previously forwarded to the Planning Commission and are included in the SEIR under NOP Comment Letters (Appendix 24.1).

On August 9, 2022, the EQC received a presentation from City staff on the Specific Plan Update at SEIR. Staff detailed the environmental components of the Specific Plan update and highlighted the SEIR. At the conclusion of the presentation and discussion, the EQC passed a unanimous motion to recommend that the Planning Commission and the City Council not certify the SEIR unless the SEIR and the Specific Plan Update require new development to be all-electric.

In response, City staff notes that the Specific Plan Update includes the requirement, discussed above, that new development applications evaluate the cost of all-electric construction. Additionally, building electrification ordinances are technical local amendments to the California Building Code and are rarely implemented through land use plans. These types of ordinances are best developed through a separate public process that can focus specifically on this issue and give the issue the appropriate technical analysis.

## Next Steps

The public comment period for the Draft SEIR ends on September 2, 2022.

City staff and the City's consultant, MIG, will review comments given by the Planning Commission, Design Review Board and the public and will complete the Final SEIR and finalize the Specific Plan update. Staff expects the Specific Plan update and SEIR to return to the Planning Commission at

the October 19, 2022 meeting for consideration of recommendations to the City Council on both documents.