



AGENDA

SPECIAL MEETING OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD

7:45 p.m.
Wednesday, January 16, 2019
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call:

Planning Commission: Chair: Carla Hansen; Commissioners: Brendan Bloom, Greg Crump, Erin Gillett, Andrea Lucas, Leslie Mendez, and Joy Navarrete.

Design Review Board: Chair: Carl Groch; Board Members: Ben Chuaqui, Wenlin Li, Patrick Riley, and John Thompson.

1. Comments from the Public

(Each speaker is limited to a maximum of 3 minutes.)

2. Commissioner Communication/Conflict of Interest Disclosure

This time on the agenda is reserved for Board members and 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.

3. 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 updates to the San Pablo Avenue Specific Plan.

4. Staff Communications

5. Adjournment

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

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Any writings or documents provided to a majority of the Design Review Board and Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division office located at 10890 San Pablo Avenue during normal business hours.



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PLANNING COMMISSION/DESIGN REVIEW BOARD
STUDY SESSION STAFF REPORT
January 16, 2018

SAN PABLO AVENUE SPECIFIC PLAN UPDATE

DETAILS

Applicant: City of El Cerrito

Location: San Pablo Avenue Specific Plan Area

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

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

Request: A study session on updates to the San Pablo Avenue Specific Plan

EXECUTIVE SUMMARY

The San Pablo Avenue Specific Plan (Plan) was adopted by the El Cerrito City Council in 2014. The Plan has been successful in promoting and attracting development and investment in the San Pablo Avenue Corridor.

The Environmental Impact Report for the San Pablo Avenue Specific Plan assumed a development capacity of 1,706 new residential units and 243,110 square feet of new commercial space. Taking into account entitled projects and submitted applications, the development capacity for residential units has nearly been met and, based upon anticipated applications, the commercial capacity may also be substantially met within the next 1-2 years. In order to maintain momentum towards fulfilling the goals of the Plan, and continuing to attract investment, staff has secured grant funding from the Metropolitan Transportation Commission's Priority Development Area (PDA) Planning program to complete an amendment to the Plan's Environmental Impact Report (EIR) and complete minor revisions to the Plan.

Based on City staff's experience implementing the San Pablo Avenue Specific Plan and past input from the Planning Commission, Design Review Board and the public, staff has identified a series of areas of focus for discussion. These areas are described in more detail in this report.

This joint Study Session will be followed by a Study Session with City Council and public workshops.

Background

The San Pablo Avenue Specific Plan 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, 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.

As required by the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the San Pablo Avenue Specific Plan. On June 3, 2014, the Draft EIR was made available for public and agency review. The 45-day public comment period for the Draft EIR ended on July 21, 2014. All comments on the Draft EIR 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 Final EIR was adopted on October 7, 2014 along with the San Pablo Avenue Specific Plan.

The San Pablo Avenue Specific Plan EIR assumed a development capacity 1,706 new residential units and 243,112 of 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.”

To maintain both a short-term and long-term planning perspective for the San Pablo Avenue Specific Plan, the development capacity for the EIR included several projects in the plan area which were either anticipated, in the pipeline, or approved. Three projects were included in the City of El Cerrito for which an EIR had been certified and/or entitlements approved prior to the adoption of the Plan, but the projects had not yet submitted for building permits. These projects included Metro 510 (Creekside Walk), Ohlone Gardens, and Hana Gardens which have all now been constructed. The development capacity also included one project in the City of Richmond (5620 Central Avenue) for which an EIR had been certified prior to the adoption Specific Plan, but the project had also not yet begun the building phase, and still has not. It was noted in the Specific Plan EIR that, “each project proposal will need to undergo the City review process, including reviews related to the completeness of the project application, conformance with the Specific Plan, applicability of the Specific Plan EIR and the possible need for additional CEQA work or technical studies, and the City decision-making process, including public hearings.” Subsequently to the adoption of the San Pablo Avenue Specific Plan and EIR, project applications were submitted for 16 new development projects (The Plan also provides a process for upgrades to existing development of which there have been 29). Each project has been or is being evaluated for compliance with the Plan, and the appropriate environmental documentation has been or is being prepared to ensure compliance with the San Pablo Avenue Specific Plan EIR.

The table below shows an accounting of the units and commercial square footage represented by projects that have been entitled or submitted and provides the remaining development capacity allowed under the current EIR.

Project	Residential Units	Commercial S.F.
11795 San Pablo Ave (Wall Ave Studios)	130	3,695
11060 San Pablo Ave (Griffin)	173	-
10963 San Pablo Ave	50	3,000
10919 San Pablo Ave	90	2,998
921 Kearney Street	69	-
11965 San Pablo Ave (Baxter Creek)	144	-
11600-11690 San Pablo Ave (Mayfair)	223	8,893
11645 San Pablo Ave (Cutting Hotel)	-	80,060
10810 San Pablo Ave (Village at Town Center)	40	-
10300 San Pablo Ave	32	-
10290 San Pablo Ave	14	-
10192 San Pablo Ave*	26	-
10135 San Pablo Ave	72	4,435
10167 San Pablo Ave (Avenue Lofts)	62	-
10534 San Pablo Ave (Cinque Terre)	5	813
5620 Central Ave (Central Ave Housing - City of Richmond)**	46	-
10848-10860 San Pablo Ave (Hana Gardens)	63	2,300
Southeastern Corner of El Cerrito Plaza (Metro 510/Creekside Walk)	128	-
6431-6495 Portola Dr (Ohlone Gardens)	57	4,650
Total	1,424	110,844
Specific Plan EIR Development Capacity	1,706	243,110
Remaining Development Capacity	282***	132,268***

*This project was entitled as 21 units. The applicant has submitted a revised application to increase the project to 26 units.

** This Richmond project was initially entitled as 172 units but has been reduced to 46 townhomes. Staff doesn't know the current status of the project, but its eventual numbers will impact the remaining development capacity.

*** Staff is aware of a number of projects intending to submit over the next several months that would utilize portions of the remaining capacity.

- Submitted applications
- Entitled projects
- Entitled and under construction or completed

As demonstrated by the table, the development capacity analyzed in the San Pablo Avenue Specific Plan EIR has been nearly reached. In order to facilitate further development in the San Pablo Avenue Specific Plan area, and continue to pursue the goals of the Plan, subsequent environmental analysis is required.

Staff is preparing to commence work on a Subsequent Environmental Impact Report to analyze further development capacity within the San Pablo Avenue Specific Plan area. As part of this effort, staff is seeking to define the San Pablo Avenue Specific Plan Update project and is seeking the Planning Commission's and Design Review Board's input on incremental changes to the Specific Plan that can build on the Plan's success.

San Pablo Avenue Specific Plan Implementation Progress

To date, 9 new development projects (Tier II or Tier IV) have been approved in the San Pablo Avenue Specific Plan area since the Plan's adoption in 2014. These projects range in size from 5 residential units and 813 square feet of commercial space (Cinque Terre) to 223 residential units and 8,893 square feet of commercial space (Mayfair project). Additionally, another 7 projects in the Plan area have submitted applications that are currently being reviewed, and several others are pending. (Please note that although an application has been submitted for the project at 1711 Eastshore Boulevard, it is not included in the table above, because its proposed unit count is beyond the development capacity in the San Pablo Avenue Specific Plan EIR and therefore, staff anticipates the preparation of a separate environmental document when the project was submitted.) An additional 29 Tier I projects have been approved that do not increase square footage above the existing and are exempt from CEQA.

The approved and pending projects represent a broad diversity of characteristics, including unit count, provision of public open space, parking ratio, unit size, inclusion of commercial space, building height, etc. (*See Attachment 1: Summary Table*). For more information regarding approved and pending projects, please refer to the New Development/Major Projects page on the City's website: <http://www.el-cerrito.org/majorprojects>. Approved projects and projects with complete applications have a dedicated project page. These pages contain a brief project description, a brief description of the public process, a rendering, and links to the approved or current plans and other relevant documents.

Areas of Focus

As stated above, as the initial step in the subsequent environmental review process for the San Pablo Avenue Specific Plan, staff is seeking to define the project description for the update. The purpose of this study session is to receive input from the Planning Commission, the Design Review Board, and the public, regarding incremental changes to the Specific Plan that will aid in its implementation, further the goals of the Specific Plan and the General Plan, and build upon the success of the Specific Plan. Due to the numerous applications under review and/or approved, the City is able to evaluate the successes of the Plan as well as to identify needed modifications. Staff has identified a number of areas for discussion, described in more detail below. Additionally, staff is seeking further input on other areas that may need revision based on the Planning Commission's and Design Review Board's experiences reviewing projects, as well as observations from the public.

Commercial Land Uses – Street Types

Prior to the adoption of the Plan, commercial uses were required on the ground floor of all development along San Pablo Avenue, although very little commercial development had occurred and economic indicators were poor. 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. Furthermore, studies confirmed that the city's path to economic development was to attract residential development. Currently, commercial uses are required for 50% of the ground floor frontage of projects located on the San Pablo Avenue Commercial and Major Commercial street types. This requirement is contained in Section 2.04.02.01 as a requirement that a minimum of 50% of the frontage on these street

types utilize the 'Shop Front' frontage type. This is both to activate San Pablo Avenue and provide new commercial/retail opportunities. 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. Although only currently required in those specific locations, commercial ground floor uses are allowed throughout the Plan area, and have been provided in several proposed and approved applications where not required.

As the Plan proceeds, and commercial/retail demand increases due to the new nearby residences, and even with current demand, staff has noted a shortage of high quality and/or any commercial spaces for lease. In order to have a variety of commercial spaces available, and due to the anticipated continued success of the Plan, staff would like to explore expanding and modifying the boundaries of where commercial ground floor requirements apply.

In general, the approved and proposed San Pablo Avenue Specific Plan projects represent a healthy mixture of uses that encourage activity on the street, including residential common areas, live work units, public and private open space, and new commercial space. Staff would like to reexamine the placement of street type designations in the San Pablo Avenue Specific Plan, to ensure that the future mix of land uses continues to promote activity on San Pablo Avenue.

Commercial Land Uses – Commercial Priority Overlay Zone

Healthy commercial environments contain a variety of commercial uses and a range in the size and characteristics of commercial spaces. This variety provides spaces that meet the needs of a diverse range of commercial tenants and allows cities to foster business diversity by attracting local, regional, and national businesses. San Pablo Avenue currently contains a mixture of small, medium and large commercial spaces. Staff is seeking to ensure that this variety is maintained and expanded upon so that existing commercial tenants are not displaced from the City and so that new tenants may be attracted to the City.

In an effort to ensure ongoing commercial diversity, staff would like to evaluate the establishment of a Commercial Priority Overlay Zone that would require a substantial amount of commercial uses on the ground floor of certain areas. These larger commercial requirements may be most suitable for areas adjacent to the Interstate 80, which tend to attract businesses that draw from a larger area and benefit from freeway visibility.

Daylight Plane and Shadow Standards

The shadow and daylight plane standards contained in Section 2.05.02.02.03 have proved difficult to administer. As a result of confusion among these standards, the Zoning Administrator issued an interpretation on May 1, 2018. (Attachment 2) This interpretation was intended to clarify the application of the standards. Staff would like to reevaluate these standards with the goal of adding clarity and allowing the standard to be easily understood and consistently applied.

In addition, staff has heard input from members of the public regarding the massing and appropriate scale of development on Neighborhood Streets. Adjusting the shadow and/or daylight plane standards to be more sensitive to the context of Neighborhood Streets could address some of these concerns.

Finally, staff is in continuous conversation with the City of Richmond about how these standards should apply where the project cross jurisdictional boundaries and would like to formalize the process in the update. A Zoning Interpretation has been provided for this issue. (Attachment 4)

Tier IV Process

The Planning Commission has expressed that the Commission would like a more clear process to both qualitatively and quantitatively evaluate public benefits. Staff would like to examine refinements to this process in order to provide the Commission with the tools necessary to evaluate public benefits and also to provide staff and applicants with a more clear direction regarding the adequacy of public benefits. As one modification, staff proposes to create a worksheet for Tier IV projects that would ask applicants to place a value on each component of the public benefit which is proposed. This information, along with information regarding the qualitative value of the public benefit (e.g. activating the Ohlone Greenway) provided by staff would be presented to the Planning Commission to aid in the evaluation of the public benefit.

Submittal Requirements

The Design Review Board has expressed a desire to refine the submittal requirements for Design Review applications in order to achieve better quality submittals. Staff has attached the current submittal requirements and will work to refine these requirements, based on the Board's comments, before the Specific Plan update returns to the Board for consideration. (Attachment 3)

Land Use Regulations

Staff would like to reexamine the Specific Plan's land use table to ensure that uses are permitted appropriately in appropriate locations.

Major Commercial Street Standards

Currently, 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. Further incremental improvements, such as widening of sidewalks, may be desirable, while preserving much of the investment that has been made on Fairmount Avenue, yet some parcel sizes are small, often shallow. Staff would like to reevaluate the right-of-way and development standards along Major Commercial Streets to ensure that they are appropriately implementing the City's goals and achievable and feasible given the depths of smaller parcels.

Neighborhood Street Standards

Staff would like to reevaluate whether the development standards and building form requirements on Neighborhood Streets are adequate and appropriate and resulting in the type of development desired in established primarily residential neighborhoods.

Green Infrastructure

Public Works is currently working to develop a Green Infrastructure Plan which is anticipated for adoption in Summer 2019. Green infrastructure includes stormwater treatment facilities in the public right-of-way which treat runoff from public streets. Staff recommends incorporating references to the Green Infrastructure Plan in the San Pablo Avenue Specific Plan, and evaluating incentives and requirement to promote the development of green infrastructure as part of private development projects.

Open Space Standards (SPASP 2.05.06)

Projects larger than 25,000 square feet are required to provide 25 square feet of public open space for every 1,000 square feet of building area. Several types of open space are noted in the San Pablo Avenue Specific Plan. Submitted and approved projects have included a range of private and public open space types. Applicants are also permitted to apply to pay an in-lieu fee which assists the City in enhancing existing open spaces and creating new open spaces. City staff prioritizes the creation of new open spaces in areas where the Urban Greening Plan has identified opportunities (Form Based Code Figure 88). The Parks and Facilities Master Plan currently under development has built upon the Specific Plan and Urban Greening Plan framework. Staff has made presentations on this item to the Parks and Recreation Commission, Planning Commission and Design Review Board, and would like to evaluate the open space standards again as a part of this update to ensure that the requirements are adequate to result in the transformation of San Pablo Avenue into a more livable and attract corridor and consistent with the Parks and Facilities Master Plan.

Inclusionary Zoning

Staff would like to reference the recently adopted Inclusionary Zoning Ordinance in the San Pablo Avenue Specific Plan so that the requirements are clear to applicants.

Tier III Design Review Process

Tier III Design Review was intended as a process for substantial renovations to existing buildings, where opportunities to bring the site into better conformance with the Plan's objectives might arise. It differs from a Tier I Design Review, in that projects subject to Tier III are brought to the Planning Commission for review (rather than administrative review that is conducted for Tier I projects) and more can be required in regards to site plan etc. The process currently applies to exterior renovations which exceed 50% of the appraised value of improvements on the property and to major additions and alterations to the exterior of existing buildings which significantly alter the visual character of function of a building, as defined by the Zoning Administrator. This process has not been utilized, to date. Additionally, it has been observed that the current Tier III Design Review process might provide applicants an incentive to reduce the value of improvements to avoid review by the Design Review Board. Finally, owners of property may not permit significant improvements to the entire site by a tenant, for example, despite the re-tenanting of their property requiring significant tenant improvements. Staff would like to reevaluate the Tier III Design Review process, and potentially modify the conditions under which it applies.

Parking

Currently, the Plan allows parking within a range by right (1 to 1.5 space per unit in the TOMIMU district and 0.5 to 1 space per unit in the TOHIMU district). For projects with lower parking ratios, the Zoning Administrator requires a parking study and additional Transportation Demand Management TDM measures. (See Attachment 1 for a summary of parking provided by projects and whether an additional TDM Plan was required.) City staff is currently working with Nelson/Nygaard to evaluate the most appropriate and effective TDM measures for the City's context and current phase of development. Staff would like to reevaluate and strengthen the TDM/parking modification process to make it clearer for applicants and the public.

Pre-Application Process

Currently, the Plan includes processes for community charrettes and pre-application review by the Planning Commission and/or Design Review Board. Staff has heard positive feedback from the Board, Commission, public and development community, in cases where project applicants have opted for, or agreed to, study sessions. Staff would like to discuss thresholds at which this might be a requirement. Additionally, at a previous Planning Commission meeting, the Commission expressed interest in requiring a process where the applicant would be required to meet with neighbors of a project prior to completion of an application. Staff would like to discuss the pros and cons of this approach further.

Next Steps

Staff anticipates conducting a study session with the City Council on the San Pablo Avenue Specific Plan Update on February 5. Staff will synthesize the input from both study sessions and develop a project description for the required environmental analysis. Staff will then further refine the Specific Plan updates and hold community meetings and stakeholder sessions to gain further public input. Once the draft updates have been completed, the updated Specific Plan will return to the Planning Commission, Design Review Board and City Council along with a completed draft environmental document.

ATTACHMENTS

1. Summary Table
2. Daylight Plane Interpretation
3. Submittal Requirements
4. Cross Jurisdictional Boundaries Interpretation

Location	Brief PD + # of Units	Approved or Active	Type of Project	Zoning	Lot Size (Sq ft)	Commercial Required?	New Commercial	Number of Units	Unit Breakdown (studio, 1bd, 2bd, 3bd)	Average Unit Size	Public Art?	Public Open Space Ft	Open Space In-Lieu Amount	Res. Parking Spaces	Res. Parking Ratio	Extra TDM	Comm. Parking Spaces	Comm. Parking Ratio (per 1,000 sq ft)
10963 San Pablo	50 units	Approved	Tier II	TOMIMU	18,259	No	2,989	50	4/20/20/6	788	On-Site	1,427	\$14,471	34	0.68	Y	N/A	N/A
10810 San Pablo Ave	40 units infill	Approved	Tier IV	TOMIMU	60,060	No	-	40	0/30/10/0	Unknown	In-Lieu	-	N/A	32	0.80	Y	N/A	N/A
10919 San Pablo	92 units	Active	Tier IV	TOMIMU	22,804	Yes	2,313	90	74/0/16/0	523	On-Site	1,585	\$6,120.00	78	0.87	Y	N/A	N/A
11615/11645 San Pablo	116 room hotel + 2,500 gf commercial	Active	Tier II	TOHIMU	34,236	No	80,060	N/A	N/A	N/A	On-Site	4,400	N/A	N/A	N/A	N	90	1.12
10135 San Pablo	72 units & 4,413 of retail	Active	Tier II	TOHIMU	21,809	No	4,435	72	Not Sure	814	On-Site	2,334	N/A	41	0.57	N	4	0.90
11600/11690 San Pablo	223 units	Approved	Tier IV	TOHIMU	64,489	No	8,894	223	42/137/36/8	693	On-Site	3,945	N/A	145	0.65	N	5	0.56
921 Kearney	72 units of multi-family housing	Active	Tier II	TOMIMU	13,359	No	-	69	12/47/12/0	625	On-Site		\$128,808	51	0.74	Y	N/A	N/A
11965 San Pablo	146 units Density Bonus	Active	Tier II	TOHIMU	22,951	No	-	144	38/68/38/0	700	On-Site	4,363*	N/A	75	0.52	N	N/A	N/A
11060 San Pablo	170 Units. Bike station on Greenway	Active	Tier IV	TOMIMU	64446	No	1,500	173	4/110/49/10	807	On-Site	6,427	N/A	185	1.07	N	N/A	N/A
1711 Eastshore	100% affordable project	Active	Tier II	TOHIMU	168577	No	3,150	631	382/206/45/0	524	Not Sure	11,198	N/A	0	0.00	TBD	0	0
10192 San Pablo	Amedment to add 5th floor +5 units	Active	Tier II	TOHIMU	18400	No	-	26	0/0/16/10	1022	In-Lieu	in-lieu	\$99,552	23	0.88	N	N/A	N/A

Location	Brief PD + # of Units	Approved or Active	Type of Project	Zoning	Lot Size (Sq ft)	Commercial Required?	New Commercial	Number of Units	Unit Breakdown (studio, 1bd, 2bd, 3bd)	Average Unit Size	Public Art?	Public Open Space Ft	Open Space In-Lieu Amount	Res. Parking Spaces	Res. Parking Ratio	Extra TDM	Comm. Parking Spaces	Comm. Parking Ratio (per 1,000 sq ft)
10167 San Pablo Avenue	62 units	Approved	Tier II	TOHIMU	11144	No	-	62	27/9/13/13	663	On-Site	in-lieu	\$123,836	31	0.50	N	N/A	N/A
10300 San Pablo	30 Multi family housing + 2 live work	Approved	Tier IV	TOMIMU	24958	Yes	2 live-work units	30	0/0/16/14	1094	On-Site	1,596	N/A	32	1.07	N	N/A	N/A
10290 San Pablo	14 units	Approved	Tier II	TOHIMU	12500	No	-	14	0/0/12/2	1000	In-Lieu	1120	N/A	15	1.07	N	N/A	N/A
10192 San Pablo	21 units	Approved	Tier II	TOHIMU	18400	No	-	21	0/0/18/3	1033	In-Lieu	1680	\$80,274	22	1.05	N	N/A	N/A
10534 San Pablo	5 units	Approved	Tier II	TOMIMU	10180	No	813	5	unknown	unknown	Not Sure		N/A	8	1.60	N	N/A	N/A
Totals		8 approved 8 active					20,944			791	10 Onsite 4 In-Lieu	35,712	\$453,060.54		0.8	4	99	
							Plus Hotel & Live Work											



Memorandum

Date: May 1, 2018

To: Interested Parties

From: Margaret Kavanaugh-Lynch, Zoning Administrator

Subject: Interpretation of San Pablo Avenue Specific Plan Section of 2.05.02.02.06, Front and Upper Floor Setback along Neighborhood Street and Abutting Residential Districts.

And

Additional Direction Regarding All Development Sites Abutting Residential Districts in terms of Daylight Plane Establishing Setback Requirements for the Upper Floors of Buildings on Project Sites That Abut Residential Zoning Districts

EXECUTIVE SUMMARY

The purpose of this memorandum is to provide a Zoning Administrator interpretation of the development standard called out in Section of 2.05.02.02.06 of the San Pablo Avenue Specific Plan.

The heading of this section shall now read, "Upper Floor Setbacks for Buildings on Project Sites That Abut Residential Zoning Districts". The text of the section shall read, "On a project site that abuts a residential zoning district, any side of a building that faces an abutting residential zoning district shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line."

Height in this setting shall mean the top of the roof plate. Items such as parapets and other miscellaneous roof elements are not included in the height of a building for the purpose of implementing the daylight plane regulation.

Under the rule, as interpreted, if a project site abuts a residential zoning district on any side, then the proposed building shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line on any side of the building that faces an abutting residential zoning district.

Figure FBC 49, which is intended to illustrate this section of the Plan, should be disregarded until the City prepares a replacement figure.

BACKGROUND

The Title of Section of 2.05.02.02.06 states, “Front and Upper Floor Setback along Neighborhood Street and Abutting Residential Districts”. This language has been interpreted to mean that, if a development project is abutting a residential district and a Neighborhood Street (meaning both conditions are true), then the new building shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line.

However, the text of the section also states, “Buildings along neighborhood streets and buildings abutting residential districts shall not intercept a 45-degree daylight plane inclined inward starting from a height of 3 feet above existing grade at the setback line.” That text suggests that the daylight plane regulation would apply if either condition were true.

This internal contradiction has caused confusion regarding the meaning of the daylight plane section of the Specific Plan. Further, staff has identified instances where a residential district abuts a development project site on the site’s south or west side, and the Specific Plan is silent on this type of condition.

INTERPRETATION

Section of 2.05.02.02.06 is located in the Supplemental General Development Standards (2.05). The purpose of this chapter states, “These standards are intended to ensure development that employs context-sensitive design that strengthens a sense of place, ensures return on investment, encourages practical and market friendly development, enhances and humanizes the public realm, and positions the Avenue as an environmental and ecological destination of the Bay Area.”

The intent of the Shadow Standards (2.05.02.02) reads in part, “To minimize impacts of shadows on public right-of-ways and open space and adjacent residential lot through leveraging creative design solutions, establishing context sensitive setbacks and height guidelines.” The Plan increased the overall allowable height of buildings in the Plan area from 35 feet to 55/ 65 feet to facilitate the addition of housing within the Plan area. However, staff noted that there are places where these heights may not be context sensitive without some consideration of surrounding uses and districts already in place.

The Zoning Administrator concludes that the goal of the section in question is to offer guidance as to the proposed building and site layout related to the massing and height of new buildings based on their context. A significant part of their context is

their interaction with neighboring uses and zoning districts. It contains guidance by setting limits in both the casting of shadows and daylight plane implementation.

The first four of the sections address shadow impacts on:

- Existing neighboring residential uses,
- The Ohlone Greenway,
- Property past the curb line on sidewalks on the opposite side of Commercial streets to the north and east; and
- On commercial or mixed uses across Neighborhood streets.

The final section addresses limits to the daylight plane. The primary reason for focusing on the daylight plane is to address the massing of the new development in the Plan area as it relates to an existing residential zoning district immediately abutting it. When the Plan was drafted, staff felt that existing homes in a residential zoning district should reasonably expect that abutting buildings in adjacent districts will not extend up more than three stories before they step back at a 45% angle. One the main reasons for that expectation is that the zoning in effect before the Plan held that same development standard. The purpose for bringing this standard forward was to strike a contextual balance between existing residential districts and the new, taller height standards afforded in the Plan. Simply stated, the daylight plane allows for light and air to infiltrate to the existing residence located in a residential district.

It was not the intent of this section to extend that design detail to residences across streets that can be approximately 60 feet wide or greater. With these types of buffer distances, the massing itself becomes a much smaller concern, as light and air is easily able to enter into such an area. Once a street is located between a new development and a residence, shadow is a much more useful consideration for the existing resident. That is why both daylight plane and shadows are discussed separately in this chapter.

Finally, while researching this issue, it became apparent to the Zoning Administrator that the Plan was silent on the issue of residential zoning districts to the south and west of development projects. Therefore, this interpretation clarifies that this context sensitive design element is intended to serve residential zoning districts on all sides of a development project, in either El Cerrito or the City of Richmond.



Regular Design Review— Submittal Requirements

The following materials must be included in any application for Design Review that will be decided by the Design Review Board or Planning Commission. In the San Pablo Avenue Specific Plan area, this includes Tier II, Tier III, and Tier IV Design Review. **All materials shall be provided in both paper and digital form.** Depending on the nature of the proposed project, the Planning Division may require additional materials not on this list that are needed to conduct the review.

Required Application Materials
<p>Development Review Application. This is the basic application form, available at http://www.el-cerrito.org/planningforms. It must include the property owner's signature.</p>
<p>Fees. See the Planning Division Fee Schedule (available at http://www.el-cerrito.org/planningforms). Fees can be paid via cash, check, or card.</p>
<p>Project Summary. Letter describing the proposed project. Include a statement of how the proposal will meet required findings for approval. (See Section 19.38.060 of the El Cerrito Municipal Code or Section 2.02 of the San Pablo Avenue Specific Plan, as applicable, for the findings for approval.)</p>
<p>Plans. Please initially submit Five full-size copies (<i>no larger than 24" x 36"</i>) and four scalable reduced copies (half the size of the original scale) of each of the following plans. (After the Planning Division has reviewed the plans and you have made any needed revisions, staff will request additional copies for the Design Review Board and/or Planning Commission.) All drawings shall be to scale and indicate the scale used.</p> <ul style="list-style-type: none"> □ Project Information Table. The project information table is typically located on the first page of the plans. It should include: <ul style="list-style-type: none"> - Lot area - Floor area, existing and proposed - Lot coverage, existing and proposed - Number of residential units, existing and proposed - Floor area ratio, existing and proposed (only needed for non-residential projects located in commercial districts outside of the San Pablo Avenue Specific Plan area) - Height and number of stories, existing and proposed - Parking spaces, existing and proposed - Required and proposed open space (multi-family residential projects) - Percentage of site covered with impervious surface, existing and proposed - Percentage of site to be landscaped, existing and proposed □ Site Plan. A site plan shows the entire property on which the project will be located. A site plan shall include: <ul style="list-style-type: none"> - Scale (e.g., 1" = 20', 1" = 10') and north arrow - Vicinity map showing the location of the property in relation to the surrounding area - Property lines, with length of each property line labeled - Adjacent streets, with street names labeled - Any proposed improvements in the public right-of-way, including as required in the San Pablo Avenue Specific Plan - Any easements on the property - Footprints (outlines) of all existing and proposed buildings, including accessory buildings, on the subject property - Footprints of nearest buildings on adjacent properties - Setbacks (distances from buildings and other structures to the property lines) - Parking stalls and parking aisles - Driveways and pedestrian walkways

Required Application Materials

- **Site Plan *continued*:**
 - Landscaped areas
 - Bicycle parking locations – long and short term, as needed
 - Any ground-level open space to be provided (multi-family residential projects)
 - Trash receptacles and enclosures
 - Fences and retaining walls

- **Floor Plan.** A floor plan shows the layout of the proposed building walls and interiors. Floor plans shall include, at a minimum:
 - Scale (e.g., 1' = 1/8" or 1' = 1/4") and north arrow
 - All walls, doors, and windows
 - All rooms, with the use of each room labeled
 - General layout of installations/furnishings (e.g., display shelving, check-out counter, customer seating areas) for stores, restaurants, and other commercial uses
 - Any proposed construction or tenant improvements
 - Any balconies or other upper-level open space to be provided (multi-family residential projects)

- **Elevation Drawings.** Elevation drawings show the sides of the building(s) or structure(s). Elevation drawings shall be included for all sides of a building and include:
 - Scale (e.g., 1' = 1/8" or 1' = 1/4")
 - Existing and proposed building forms and dimensions
 - Finished grade
 - Maximum allowed height and proposed height (see Section 19.03.050 of the El Cerrito Municipal Code for how to measure height)
 - Exterior materials and colors
 - Type of windows (e.g., casement, slider, single- or double-hung), type of muntins, depth of window recessing from surrounding walls, dimensions of any surrounding sills or trim
 - Any architectural trim or detailing
 - Any mechanical equipment or other exterior equipment
 - Any exterior lighting that will be attached to or directed at the building
 - Any proposed signs (See also the sheet "Design Review for Signs—Submittal Requirements")

- **Landscaping Plan.** Indicate any of the following features that will be included within proposed landscaped areas:
 - Scale (e.g., 1" = 20', 1" = 10') and north arrow
 - Areas (location and dimensions) of the site to be landscaped
 - How landscaped areas will be defined or protected (e.g., planters, curbs)
 - All proposed plants, common and botanical names
 - Container size of proposed plants
 - If total landscape area is greater than 500 feet, provide proof of WELO compliance. (See Additional Material Requirement, below.)
 - Existing mature trees over 24" in diameter
 - Any walkways or pavers that will be part of landscaped areas
 - Any amenities and features (e.g., benches, fountains) that will be part of landscaped areas
 - Any lighting that will be part of landscaped areas
 - Irrigation plan

Color and Materials Board. One materials board showing the proposed colors (including paint brands and chips), window manufacturer and models with specification sheets and samples of exterior materials.

Photos. Photos of the existing project site and building(s).

Required Application Materials

Additional Materials. In addition to the basic requirements listed above, the following plans and materials may be required, depending on the nature of the project:

- **Stormwater Plan:** Projects that create or replace 2,500 square feet or more of impervious surface (roofs or pavement) must incorporate one or more specified measures to reduce runoff. (See <http://cccleanwater.org/Publications/Guidebook/2012/StormwaterControlPlanforSmallLandDevelopmentProjects2012-12-01.pdf>. For projects that create 10,000 square feet or more of impervious surface, (See http://www.cccleanwater.org/Publications/Guidebook/Stormwater_C3_Guidebook_6th_Edition.pdf.)
- **Water Efficient Landscape:** New construction with landscape area equal or greater to 500 square feet and rehabilitated landscape projects equal or greater to 2,500 square feet must comply to state regulation. (See <http://www.water.ca.gov/wateruseefficiency/landscapeordinance>)
- **Shadow Study.** For projects located in the San Pablo Avenue Specific Plan area.
- **View Study.** For projects located in the San Pablo Avenue Specific Plan area.
- **Title Report.** A title report prepared within three months of the date of the application submittal.
- **Site Survey.** Conducted by licensed surveyor.
- **Solid Waste Collection Plan (multi-family residential, mixed-use and commercial projects)**
A written narrative explaining the amount and size of solid waste, recycling and green waste receptacles needed; the size and location of their storage rooms and explanation of how the contents will be collected.

Format for Digital Versions of Application Materials

- Please include a digital copy of the project application, project summary, all plans and drawings (site plan, floor plan, elevation drawings), and any supporting materials. These documents shall be in "portable document format" (PDF), version 7 or later. Each PDF file must not exceed 25 MB. **Please submit digital documents on a flash drive or provide a link (such as to an FTP site) where the files can be readily downloaded.**



Memorandum

Date: June 21, 2018

To: Interested Parties

From: Margaret Kavanaugh-Lynch, Zoning Administrator

Subject: Guidance regarding the setback of new development on project sites that either cross the jurisdictional boundaries of El Cerrito and Richmond or abut the jurisdictional boundary of the City of Richmond.

Scenario 1: Development sites that cross the jurisdictional boundaries of both El Cerrito and Richmond:

Any part of a development site in the City of El Cerrito that extends past the jurisdictional boundaries and into the City of Richmond and abuts a residential district in the City of Richmond, is strongly encouraged to observe a ten foot side and/or rear yard setback buffer along the portion of the development site which abut the residential district.

In addition, the project may also be subject to any of the applicable components of the Shadow and Daylight Plane regulations as established in Section 2.05.02.02 of the San Pablo Avenue Specific Plan. It is noted that these standards are subject to Tier IV Design Review and may be lessened or relieved if the Tier IV Design Review findings can be made in respect to the development project.

The development project shall also be forwarded to the City of Richmond Planning for any additional comments. The staff of the two cities will work collaboratively to ensure that a reasonable design is identified.

Scenario 2: Development site that is wholly in El Cerrito and is immediately adjacent (abuts) the jurisdictional boundary of the City of Richmond.

Any development site in the City of El Cerrito that abuts the City of Richmond but does not extend across the jurisdictional boundary between the two cities shall be routed to the City of Richmond Planning for comments. The staff of the two cities will work collaboratively to ensure that a reasonable design is identified.

It may also be subject to any of the applicable components of the Shadow and Daylight Plane regulations as established in Section 2.05.02.02 of the San Pablo Avenue Specific Plan. However, these standards are subject to Tier IV Design Review and may be lessened or relieved if the Tier IV finding can be made in respect to the development project.