



August 11, 2016

Carl Campos
LCA Architects
590 Ygnacio Valley Road, Suite 310
Walnut Creek, CA 94596

RE: Fairview Estates, Application PL16-0092, APN 505-040-006 (vacant parcel east of the intersection of Tamalpais Avenue and Fairview Drive)

Dear Mr. Campos:

I am acknowledging receipt of the above-referenced application, filed with this office on July 12, 2016. This letter is written in accordance with Government Code Section 65943(a) to inform you that I have determined that the application is **incomplete**. The elements needed to make the application complete are detailed in this letter.

At this point in the project review, staff has identified that the following entitlements needed for the proposed project:

1. Planned Development (PD) district, which includes a Zoning Text and Map Amendment; a Development Agreement;
2. Tentative Subdivision Map.

Due to the complexity of the proposal, staff reserves the right to identify additional entitlements needed as a result of the response from you to this letter.

The purpose of this letter is to identify the plans and information that are needed for the application. All references to section and chapter numbers are those of the El Cerrito Municipal Code (ECMC), the entire text of which is available at:

https://www.municode.com/library/ca/el_cerrito/codes/code_of_ordinances.

In addition to the entitlements addressed herein, staff notes that the project will likely require preparation of an Environmental Impact Report. Finally, though not required to be part of this application, a Design Review will also be needed for the design of the homes before building permits could be approved by the City.

General Requirements

The following general items are needed for your application in order to deem it complete:

Project Description. Please include a complete written description of the project. Such description shall include, at a minimum:

1. Project location and context.

2. Existing natural features, including creeks, wetlands, and trees and other vegetation, and how they will be incorporated, protected, modified, removed, or otherwise treated as part of the proposed project.
3. Proposed development and uses, including:
 - i. Land uses proposed, and area (acres or square feet) dedicated to each.
 - ii. Proposed net and gross residential density.
 - iii. Proposed lot areas. Include a summary of all proposed lot sizes.
 - iv. Proposed setbacks.
 - v. Proposed building heights.
 - vi. Proposed open spaces: area, access (public or private; means of access), use, ownership, management, maintenance, and facilities.
4. Permits Requested. Clarify which permits are sought at this time. For example, it appears that Design Review of the homes is being deferred until later, please confirm.
5. Requested Modifications to Standards. Clarify which development standards you seek to modify through the PD district and compare the proposed project to the RS-10 District standard. Section 19.14.020(C) lists standards that can be modified through a PD district. It appears that you need modification of the standards for lot area and building heights, and possibly of setbacks.

However, further information is needed:

- i. Area of each proposed parcel; average lot size for the development.
- ii. Proposed setbacks
- iii. Number of houses that will exceed the height limits and/or required daylight planes (See Section 19.06.030) and a quantification of the exceedance. Please note that height limits and daylight planes vary by lot slope, and this information will necessitate modeling the daylight plane on the proposed topography of each lot.

In addition, please clarify if you are requesting relief from the Creek Protection Ordinance. Specifically sections related to set back and stream alteration.

6. Development Within and Near Creek Setbacks. Describe the type and extent of development that will be within creeks and/or required creek setbacks. The proposed project is subject to the regulations of Chapter 19.12, Creek Protection Overlay District. Creek maps maintained by the City indicate the location of two tributaries of Baxter Creek on the property. Please carefully review Chapter 19.12 for regulations and submittal requirements. It appears that the project will involve development within the creek setbacks, which would require either the approval of a Conditional Use Permit for

an exception to the creek setbacks or consideration as part Planned Development District.

7. Streambed Alteration. In addition to development within creek setbacks, it appears that the proposed project will involve relocating the creek on the northern edge of the site. Section 19.12.040(A), General Prohibition of Fill or Obstruction of a Creek, states that it is unlawful to fill, obliterate, or in any manner interfere with or cause to be interfered with any creek in El Cerrito. Section 19.12.040(C), Exceptions, states that streambed alterations shall only be permitted subject to City Council approval and the approval of any applicable permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and the California State Water Resources Control Board, for creek restoration and public access projects. Is it part of this application proposal to request relief from this requirement as part of the Planned Development District? Please verify and if so, please address this request in the Project Description.
8. Streets. Indicate whether proposed streets will be public or private.
9. Statement of Project Compliance with Approval Criteria. This project requires several types of entitlements, each of which has approval criteria. Please include a statement of how the proposed project will meet these criteria. These statements can be included with the project description or as a separate document. The application includes a statement of how the project complies with criteria for a tentative subdivision map, but it also needs to state how the project will comply with the criteria found in the following sections of the El Cerrito Municipal Code (ECMC):
 - i. Section 19.14.040(A), Required Findings for a Planned Development District for each component that are requesting for consideration as part of this entitlement;
 - ii. Section 19.14.040(B), Required Findings for a Planned Development Use Permit;
 - iii. Section 19.34.040(A), Findings for Approval [of Conditional Use Permit] (note that these findings are included by reference in 19.14.040(B) and responses need not be repeated);
 - iv. Section 19.40.040(D), Findings for Zoning Map or Text Amendments;
 - v. *Section 19.12.060(C), Conditionally Permitted Uses Within Setback [findings for approval of a Conditional Use Permit for an exception to allow parking, private bridges, and private road approaches to bridges within a creek setback] if such development is proposed.
 - vi. *Section 19.12.060(F), Roofed Structures Within Setback [findings for approval of a Conditional Use Permit for an exception to allow roofed structures within a creek setback] if such development is proposed.

*If you are applying for these components as part of a Conditional Use Permit.

ADDITIONAL INFORMATION NEEDED

Although a partial submittal was received on the following items, additional information is needed to be submitted in order to consider the project complete:

Planned Development (PD) district

The application requirements for a Planned Development (PD) district are located in Section 19.14.030(F).

1. Project Boundaries. A map showing the proposed project boundaries, the perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking and open areas.

Staff notes that the "Civil Title Sheet" (Sheet 1 of 12 of civil drawings) shows proposed project boundaries and the location and dimensions of existing property lines. However, it does not state whether there any existing easements on the site. Please include this information on the plans and in the written application materials as part of the Title Report.

2. Topography. The existing and proposed changes in topography of the site, including the degree of land disturbance, the location of drainage channels or watercourses and the direction of drainage flow.

Staff notes that existing topography is shown on several plan sheets and the application includes a grading plan with an estimate of the volume of cut and fill. However, the plans do not make clear the direction of drainage flow, nor do they make explicit that the project involves relocation and partial culverting of an existing creek on the northern portion of the site.

3. Existing Structures and Trees. The location of any existing structures and trees on-site or in the adjoining right-of-way designated for retention or removal. For trees, include location, species, and size of each tree and whether it is designated for retention or removal.

Staff notes that the drawing titled "Existing Conditions" (Sheet 2 of 12 of the civil drawings) indicates existing trees on the northern portion of the site but does not include trees on the southern portion. It also does not indicate which of the existing trees will be removed and which will be retained.

4. Architectural Concepts. Plans showing architectural concepts of the proposed building, including heights, design, exterior materials of proposed buildings, other structures, fencing and signage.

Staff notes that the application includes architectural concept drawings. On some drawings, the height limit is indicated, but appears to be incorrect and/or mislabeled (e.g., base height is mislabeled as "daylight plan"). Height standards are specified in Section 19.06.030 and vary according to lot slope. If applicant is seeking additional building height as part of a PD district, this should be clearly stated in the

application. Additional specifications regarding materials and other elements will be needed at the time of Design Review.

5. Open Space Plan. A proposed open space plan, including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property and a description of intended improvements to the open area of the property.

Staff notes that the plan set includes an "Illustrative Landscape Plan" but not an open space plan that indicates recreation areas; parking, service and other public areas used in common on the property (if any); and a description of intended improvements to the open area of the property.

Exceptions to Creek Setbacks

Section 19.12.060(F) specifies submittal requirements for exceptions to creek setbacks:

The following information is needed in order for the City Engineer to make a creek determination as provided in Section 19.12.030:

1. Information to Support Creek Determination. Section 19.12.030, Creek Determinations, describes criteria for determining the location of creeks. In order for the City Engineer to make a creek determination, hydrology and biological studies are needed to document the location and extent of creeks shown on the plans.

Staff notes that the sheet titled "Existing Conditions" (Sheet 2 of 12 of civil drawings) indicates the centerlines of two creeks, a 35-foot setback parallel with these centerlines, and the extent of riparian corridors. However, information is needed to substantiate the location and extent of these features. Some of this information may coincide with that required for creek assessment report.

2. Creek Assessment Report. A creek assessment report that delineates the location of the creek centerline, the top of the creek bank and the creek setback area, includes a description of the needs and purposes of the proposed project, and includes a site plan of the proposed development that shows all pervious and impervious areas and percentages. The report shall describe the existing site conditions, the extent of riparian vegetation, including trees and other existing conditions that allow assessment of the impacts of the construction on the creek. The report shall be prepared by a licensed surveyor, civil engineer, or other licensed professional registered by the State of California, and approved by the Zoning Administrator.

Staff notes that the creek determination shall be based on biological and hydrological studies that are submitted with the application. Hydrological and biological studies shall be included with the application to document the location of the creek and riparian corridor.

3. Statement of Justification for Adjustment. Justification for seeking the adjustment, including why other alternative locations are infeasible and how setback encroachment will be minimized to the greatest extent possible.
4. Reports and Studies. Hydrology study, biological survey, soils report, and civil engineering drawings, as necessary to determine whether the proposed project will have

an adverse impact on the creek. Staff notes that the code states that soils reports, surveys, hydrology studies, or civil engineering drawings must be provided as required by Zoning Administrator.

The Zoning Administrator requires all of these studies. Application does not include a hydrology study. Application includes a soils report that evaluates the stability of the site for construction of a residential subdivision. Report makes some general recommendations regarding site drainage but does not analyze whether project will have an adverse impact on creek.

5. Creek Protection and Riparian Habitat Plan. A creek protection and riparian habitat plan, prepared by a landscape architect, hydrologist, biologist, environmental review professional, or other professional approved by the Zoning Administrator, that that meets all of the following requirements:
 1. Site development plan that minimizes impervious surfaces, vegetation loss and site disturbance to the maximum extent feasible;
 2. The volume and velocity of storm water runoff to creeks or storm drains is not increased by the project. Storm water detention and treatment facilities are incorporated, such as: permeable products such as porous pavement, modular pavers and decks instead of asphalt or concrete; installation of vegetation and vegetated swales, bio-filtering, infiltrative landscaping, etc.; cistern or other detention/retention structure; infiltration trench; storm drain energy dissipaters; and runoff routed to landscaped areas;
 3. Erosion control and slope stability measures are incorporated, such as native tree and vegetation planting; erosion control fabric such as jute netting; terracing or berms; and crib walls with slope stabilization native vegetation planting. Slope stabilization both along and within creek channels use bio-engineering techniques rather than concrete, metal, and grouted rock elements;
 4. Best management practices will be employed to assure that construction activity will not adversely impact creek bank, riparian corridor, water flow, or water quality. Such practices shall address issues including, but not limited to: protection of trees and riparian vegetation to be retained, including physical barriers; location of debris and construction materials away from the creek; erosion control devices around construction areas; dust control; litter control; and prohibition of use of hazardous materials;
 5. The plan provides for vegetation indigenous to the site or plant community to be restored, enhanced and monitored in areas affected by construction activities. Plans shall describe all restoration and enhancement vegetation proposed for all surfaces to be exposed during development activities, including any graded areas. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. Plants which minimize fire hazards shall be utilized adjacent to buildings and structures and new plantings shall be given sufficient water, fertilizer and protection to ensure re-establishment. Protection of tree crowns and root zones shall be required for all trees planned for retention.

The project appears to involve culverting the existing stream on the northern part of the site where the creek would pass under proposed roads. Section 19.12.070, Culverts, Walls, and Other Structures Within Creeks states that culverting and riprapping is prohibited unless there is strong evidence that there is no other reasonable means to prevent the erosion of adjacent supports, foundations, or property. It states that a permit from the City Engineer and Zoning Administrator is required to construct any culvert or other structure in any natural watercourse or creek. The following materials are required:

6. Plans and Specifications. Plans and specifications for any wall, bulkhead, culvert, drain, structure or bank protection work that is proposed within a creek. Plans shall specify the exact location and extent of the project.
7. Statement of Justification. Section 19.12.070(C) states that a permit to construct any wall, culvert, drain, bulkhead or other structure shall not be granted if an alternative is available to solve the problem. Alternatives listed include changes in site design. Please submit information to demonstrate that no alternative to culverting is available.

Tentative Subdivision Map

Section 18.12.080 specifies the required information for a tentative subdivision map. The following items listed in this section are missing from the application and must be provided:


1. Address of Owner and Subdivider. *Staff notes that the map shows the name but not address of record of the property owner and subdivider.*
2. Easements. The approximate widths, location and purpose of all existing or proposed easements contiguous to and necessary to the proposed subdivision.

Staff notes that the application indicates proposed easements with a symbol on the map. However, it does not state the purpose or width of the proposed easements. The application does not state whether there are existing easements.
3. Areas Subject to Inundation or Stormwater Overflow; Watercourses. Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses;
4. Significant Features (if applicable). Location and description of significant features such as rock outcroppings, wells and any utility structures and whether or not they are to be retained.
5. Street Information. The location, grade, centerline radius, and arc length of curves and tangents, right-of-way widths, and preliminary names of all streets. The location and radius of all curb returns and cul-de-sacs. The angle of intersection streets if such angle deviates from a right angle by more than four degrees. Please also indicate whether streets are proposed to be public or private rights-of-way and denote this information clearly on the plans. *Staff notes that the plans include a typical street section. Please also include a street profile.*
6. Recreation and Open Space. Proposed recreation sites, trails, and parks for private and public use.

7. Street Lighting. Location, height and type of street lighting.

Your application will be considered incomplete until the information identified above is submitted to the Planning Division. The application will be re-reviewed for completeness upon receipt of the requested materials. If you have questions, please contact me at (510) 215-4332 or MKavanaugh-Lynch@ci.el-cerrito.ca.us.

Sincerely,



Margaret Kavanaugh-Lynch,
Development Services Manager