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February 28, 2019

Via Email and Overnight DeliveryMargaret Kavanaugh-Lynch
Development Services Manager
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Email: mkavanaugh-lynch@ci.el-cerrito.ca.usEl Cerrito Design Review Board Members
c/o Sean Moss
Staff Liaison to Design Review Board
City of El Cerrito
Community Development Dept.
10890 San Pablo Avenue
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Email: smoss@ci.el-cerrito.ca.us**Re: Comments on Polaris Apartments (formerly Baxter Creek Apartments) Project, 11965 San Pablo Avenue (PL17-0028); March 6, 2019 Design Review Board Hearing**

Dear Ms. Kavanaugh-Lynch and Design Review Board Members:

We are writing on behalf of **El Cerrito Residents for Responsible Development** ("El Cerrito Residents") with regard to the Polaris Apartments Project (formerly Baxter Creek Apartments) ("Project") proposed by Charles Oewel, 11965 San Pablo LLC ("Applicant"). The Project would include demolition of one existing structure and parking lot, and construction of an 8-story, 85-foot-tall multi-family residential building with 144 dwelling units and 77 parking spaces in an underground garage. The Project would be located at 11965 San Pablo Avenue in

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the City of El Cerrito. The Applicant is seeking Design Review Board Tier II approval for the Project at the upcoming Design Review Board (“DRB”) hearing on March 6, 2019.

We previously submitted a comment letter on the Project on November 7, 2018 (“November 2018 Comment Letter”). Attachment 1 to the November 2018 Comment Letter is an analysis of the Project’s environmental impacts prepared by technical experts Matthew Hagemann and Hadley Nolan of Soil Water Air Protection Enterprise (“SWAPE Report”). The November 2018 Comment Letter and SWAPE Report are attached here as **Exhibit A**.

First, we would like to thank the Community Development Department and the Applicant for considering our comments and community feedback concerning the Project’s impact on the existing visual character and quality of the site and its surroundings.¹ As originally conceived, the Project was rectangular, with an enclosed courtyard. An 85-foot wall, with no openings, ran along the Project’s southern border. The wall was directly parallel to the Ohlone Greenway (“Greenway”) and sandwiched the trail between the Project and the existing aerial BART track.² This created a “tunneling” effect, depriving the Greenway of light and air. This design conflicted with the Ohlone Master Plan and General Plan Land Use Policy LU5.6, which expresses the City’s intent to develop the Greenway in a manner that promotes visibility and improves pedestrian safety and security.³

The design plans released for review for consideration at the DRB’s February 6, 2019 study session reflect that the southern wall has been removed, with some reduction in the Project’s total square footage. The updated design opens up the previously enclosed interior court yard to the Greenway by changing the design of the building from a rectangle to a “V” shape, opening up the wall along the Greenway and reducing the tunneling effect. However, the height of the Building continues to create concerns regarding lighting and safety. In addition to this change, the Board should consider reducing the height of the building and ensure that the Project provides adequate lighting along the path and other safety measures such as security cameras.

¹ November 2018 Comment Letter, pp. 19-20.

² *Id.* at p. 20.

³ *Ibid.*

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In addition, we reiterate and resubmit our other concerns raised in the November 2018 Comment Letter and SWAPE Report.⁴ Specifically, further environmental review is required to analyze, evaluate and adequately mitigate soil hazards (pesticides and herbicides) and impacts from toxic air emissions from construction activities.⁵

As discussed in our prior attached comments, these impacts were neither disclosed nor analyzed in the San Pablo Specific Plan EIR, but instead were expressly deferred to later, project-specific review. Accordingly, the City's failure to prepare a project-level EIR for the Polaris Apartments Project violates CEQA. El Cerrito Residents urges the DRB to withhold approval of the Project and to direct City staff to prepare a project-level EIR which fully evaluates and mitigates the Project's health risks and hazard impacts.

Thank you for considering our comments.

Sincerely,



Sara Dudley

SFD:ljl

Enclosures

⁴ See generally, *id.* at pp. 1-19 and Attachment 1 (SWAPE Report).

⁵ See generally, *id.* at pp. 3-8 (project-level environmental review required); *id.* at pp. 8-15 (air quality); *id.* at pp. 11-12 (ineffectiveness and unenforceability of MM 5-1 and 5-2); *id.* at pp. 15-16 (failure to comply with MM 5-2); *id.* at pp. 16-19 (soil hazards).