



AGENDA

REGULAR CITY COUNCIL MEETING MARCH 15, 2022 – 7:00 p.m.

Members:

Mayor Gabe Quinto

Mayor Pro Tem Lisa Motoyama • Councilmember Janet Abelson
Councilmember Paul Fadelli • Councilmember Tessa Rudnick

Join Via Zoom:

<https://us06web.zoom.us/j/87044408294?pwd=ajY2VGIVRXU2cnRWaTJOKzFVdEZ3UT09>

Meeting ID: 870 4440 8294 **Password:** 073857
or Dial in: 1-408-638-0968

The City Council may continue to meet by teleconference, consistent with the Brown Act as amended by AB 361 (2021). Under the amended rules, the City will not provide a physical location for members of the public to participate in the teleconference meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the “[Raise Hand](#)” icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

A. City Council Financial Ad-Hoc Committee Update

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

5. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

A. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

Contact: Holly M. Charléty, City Clerk, City Management

B. Annual Progress Report for General Plan & Housing Element

Action Proposed: Receive and file the attached 2021 Annual Progress Report on the General Plan and Housing Element.

Contact: Diego Romero, Assistant Planner; Sean Moss, Planning Manager, Community Development Department

C. Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance

Activities for Fiscal Year 2022-23

Action Proposed: Adopt a resolution establishing the annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year (FY) 2022-23.

Contact: Will Provost, Operations + Environmental Services Division Manager, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

D. El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement Project - Cooperative Agreement No. 04-2847

Action Proposed: Adopt a resolution approving Cooperative Agreement No. 04-2847 (Agreement) between the State of California Department of Transportation (Caltrans) and the City of El Cerrito (City) for the Plans, Specifications and Estimate and Right-of-Way components of the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project and authorizing the City Manager to execute the Agreement.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

6. PRESENTATIONS

A. Proclamation for Officer of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Michael Olivieri as the 2021 Officer of the Year.

Contact: Paul Keith, Chief of Police, Police Department

B. Proclamation for Professional Staff of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Property and Evidence Specialist Kent Ringgenberg as the 2021 Professional Staff of the Year.

Contact: Paul Keith, Chief of Police, Police Department

C. Contra Costa County CORE Program Overview

Action Proposed: Receive and file a presentation and overview of the Contra Costa County Coordinated Outreach Referral, Engagement (C.O.R.E.) program and services provided in the City of El Cerrito.
Contact: Jenny Robbins, Chief of Programs, Contra Costa County Health and Homeless Services

D. Arts and Culture Commission Work Plan

Action Proposed: Receive and file a presentation from the Arts and Culture Commission on their 2021 accomplishments and 2022 Work Plan.
Contact: Alison Cooper, Chair; Alexandra Orologas, Assistant City Manager/Staff Liaison, City Management

7. PUBLIC HEARINGS

8. POLICY MATTERS

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, April 5, 2022 at 7:00 p.m.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. 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).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME

LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.

- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 11:00 p.m., unless extended to a specific time determined by a majority of the Council.



AGENDA BILL

Agenda Item No. 5.A.

Date: March 15, 2022
To: El Cerrito City Council
From: Holly M. Charl  ty, City Clerk, City Management
Subject: Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

ACTION PROPOSED

Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

BACKGROUND/ANALYSIS

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361") into law which provides the ability for legislative bodies to continue meetings via teleconferencing under specified conditions and includes a requirement that the legislative body make specified findings. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if certain conditions exist and the legislative body makes certain findings by a majority vote in order to use the bill's exemptions to the Brown Act teleconferencing rules. Any such findings are effective for a period of 30 days, after which such findings must again be declared in order to continue meeting under the provisions of AB 361.

To date, the City Council has adopted resolutions making the necessary findings for the period between October 5, 2021 through March 22, 2022. Staff is requesting that the City Council again adopt the proposed resolution, directing staff to continue facilitating all meetings of the City of El Cerrito and City Advisory Bodies pursuant to the requirements of AB 361 in order to better ensure the health and safety of the public. If adopted, this resolution would be in effect for the 30 day period of March 22, 2022 -

April 20, 2022. The attached resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution also authorizes hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

If a meeting is held via teleconference, including a hybrid meeting, the following requirements apply under AB 361:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

In order to continue to hold teleconference or hybrid meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

STRATEGIC PLAN CONSIDERATIONS

This action is aligned with Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Contra Costa County Recommendations for Safe Public Meetings

RESOLUTION 2022-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING MARCH 22, 2022 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, all meetings of the City of El Cerrito's legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, in addition to the City Council, the City's legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter "Advisory Bodies"); and

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic; and

WHEREAS, on March 10, 2020, the County of Contra Costa adopted Resolution 2020-92 declared a countywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-12 declaring a citywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the applicable provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that, if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, the legislative body shall make findings that it reconsidered the circumstances of the state of emergency and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, such conditions now exist in the City, specifically, a State of Emergency due to COVID-19 continues and on March 1, 2022, the Contra Costa County Health Officer issued updated recommendations for safely holding public meetings; and

WHEREAS, the Contra Costa County Health Officer's recommendations for safely holding public meetings include, but are not limited to, holding online meetings, as they present the lowest risk of virus transmission, and imposing social distancing measures for in-person meetings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, since issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State; and

WHEREAS, COVID-19 cases rates remain high with the Omicron variant being predominant, the City is concerned about the health and safety of all individuals who intend to attend City Council and Advisory Body meetings; and

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings, and that state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that all City Council and City Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and

- b. The state of emergency, as declared by the Governor, and the local emergency proclaimed by the City Council, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, from meeting safely in person; and
- c. The CDC and the Contra Costa County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta and Omicron variants, meeting in person would present imminent risks to the health or safety of attendees, the members of City Council and the City's Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall be in effect for the 30 day period of March 22, 2022 through April 20, 2022. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

I CERTIFY that at a regular meeting on March 15, 2022, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



RECOMMENDATIONS FOR SAFELY HOLDING PUBLIC MEETINGS

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are strongly recommended as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important in light of the current community prevalence rate as of March 1, 2022. Our current trends as of March 1, 2022 in Covid-19 case rate, Covid-19 test positivity, and Covid-19 hospitalizations are decreasing, but cases rates remain high with the Omicron variant of Covid-19 being the predominant variant identified, the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 3-1-2022

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County





AGENDA BILL

Agenda Item No. 5.B.

Date: March 15, 2022
To: El Cerrito City Council
From: Diego Romero, Assistant Planner; Sean Moss, Planning Manager,
Community Development Department
Subject: Annual Progress Report for General Plan & Housing Element

ACTION PROPOSED

Receive and file the attached 2021 Annual Progress Report on the General Plan and Housing Element.

BACKGROUND

Government Code Section 65400(b) requires that an annual General Plan progress report be provided to the local legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). The purpose of the report is to discuss the City's progress in implementing the General Plan, meeting its share of regional housing needs, and removing governmental constraints to the maintenance, improvement, and development of housing.

ANALYSIS

The progress report (Attachment 1) covers the period from January 1, 2021 to December 31, 2021, and reports on the progress the City made in 2021 toward achieving each policy identified in the General Plan.

The Housing Element is one of the seven required elements, or chapters, of the General Plan. HCD provides specific tables for jurisdictions to use for reporting on the progress of the Housing Element. The 2021 Housing Element Progress Report is included as Attachment 2. After the City Council's review, the reports will be forwarded to the Governor's Office of Planning and Research and the Department of Housing and Community Development.

STRATEGIC PLAN CONSIDERATIONS

The Strategic Plan establishes the vision and goals for El Cerrito which are consistent with the goals and policies of the General Plan. Each goal of the Strategic Plan is represented within the programs, policies, and efforts that have been identified in these reports.

ENVIRONMENTAL CONSIDERATIONS

Preparation and submission of this report is not a project pursuant to the California Environmental Quality Act and is therefore not subject to environmental review. All required environmental review of projects identified in the report will be conducted prior to commencing each project.

FINANCIAL CONSIDERATIONS

Any funds required for projects and efforts identified in these reports will be evaluated through the City's budget process as needed.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this agenda bill and the attached reports.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. 2021 Annual General Plan Progress Report
2. 2021 Housing Element Report



Annual Progress Report on the General Plan 2021

March 2021

City of El Cerrito
Community Development Department
10890 San Pablo Avenue
El Cerrito, CA 94530

INTRODUCTION

As required by Government Code Section 65400 (b), every city must submit an annual progress report to their legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) on the implementation status of their General Plan. The annual report must also include discussion on the City's progress in providing its required share of affordable housing pursuant to Government Code Section 65584 and its efforts to remove governmental constraints for the maintenance, improvement and development of affordable housing per Section 65583.c(3) of the California Government Code.

This General Plan Annual Progress Report covers the period from January 1, 2021 to December 31, 2021.

The purpose for the Annual Progress Report is to assess how the General Plan is being implemented in accordance with adopted goals, policies and implementation measures; identify any necessary adjustments or modifications to the General Plan as a means to improve local implementation; provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies and implementation measures contained in the General Plan; and, to provide information regarding local agency progress in meeting its share of regional housing needs.

BACKGROUND

On August 30, 1999, the El Cerrito City Council adopted the City's current General Plan for implementation. The General Plan has nine elements contained within four separate chapters: Community Development and Design, Transportation and Circulation, Public Facilities and Services, Resources and Hazards. The General Plan contains the seven state-required elements which are land use, circulation, housing, conservation, open space, safety and noise. The State allows the combining of elements or the addition of new elements as long as the required seven elements are present in some fashion.

The General Plan is the City's vision for achieving more balanced residential, commercial, and civic uses within the city. The process of preparing the General Plan took place in 1998 and 1999 as the City embarked on a program to bring its 1975 General Plan up to date so that it could better meet future challenges. The process resulted in the following ten key principles designed to improve the quality of development and the long-term fiscal health of the City so that it can remain an attractive place to live and work:

1. No major changes in land-use patterns are expected to occur.
2. Emphasis will be on quality of development.
3. Incentives, if used, will have clear criteria and limits.
4. Emphasis will be on impacts of development, not on the type of development itself.
5. Increased residential development, where allowed, must be done with care in order to enhance neighborhoods.
6. New development in the San Pablo Avenue Corridor will be encouraged to take place in mixed-use activity centers that may extend up selected perpendicular streets in order to allow a more pedestrian friendly environment.

7. The preservation and enhancement of natural features – trees, creeks, natural open space areas – and historical features will be a high priority for the City.
8. The City should have distinct destination areas, including commercial areas, a civic center and community meeting places.
9. Development should contribute to the fiscal health of the City while minimizing adverse impacts.
10. Access should be improved by balancing automobile use with improved transit, bicycle, and pedestrian opportunities.

The General Plan sets forth the City's policies regarding the types and locations of future land uses and activities. It describes the desired character and quality of development as well as the process for how development should proceed.

While this General Plan can address many City issues, factors beyond El Cerrito's control have significant influence over its future land use and development patterns:

- Market forces play an important role in determining what types of uses are economically feasible and, therefore, built.
- Land use and transportation decisions in other cities and counties, and by state and regional agencies, affect El Cerrito.
- Our system of property rights places certain limitations on what cities can do in prescribing future land uses.
- California environmental law requires that we designate land uses in accordance with available infrastructure capacity (streets, sewer, water, natural resources, etc.).

Thus, in creating the current General Plan, El Cerrito went through a process that ascertained the community's values for future land uses and activities, and balanced these values with market factors, city revenues, environmental constraints, and private property rights.

The El Cerrito General Plan reflects the aspirations and values of El Cerrito's residents and their elected representatives. The City Council, Planning Commission and staff use the Plan in considering land use and planning-related decisions. City staff uses the Plan on a day-to-day basis to administer and regulate land use and development activity. Citizens can use the Plan to understand the City's approach to regulating development, protecting resources, and upholding community values.

GENERAL PLAN ADOPTION AND AMENDMENTS

1. Adoption Dates of Mandatory General Plan Elements

General Plan Element	Latest Adoption
Land Use	1999
Circulation	1999
Housing	2015
Open Space	1999
Conservation	1999

Safety
Noise

1999
1999

2. List of General Plan Amendments

- The 2013 Growth Management Element Update.
- 2014 amendments to enable adoption of the San Pablo Avenue Specific Plan, including amendments to Chapter 2: Strategic Approach, Chapter 4: Community Development and Design, and Chapter 5: Transportation and Circulation and amendments to the General Plan land use map.
- The 2015-2023 Housing Element.

GENERAL PLAN UPDATES

Overall General Plan Update

At this time, funding for a General Plan update must be identified.

GENERAL PLAN IMPLEMENTATION

Chapter 4: Community Development and Design

Land Use

Goal LU1: A high-quality residential character within El Cerrito.

The City continued to implement the 2008 Zoning Ordinance and the 2014 San Pablo Avenue Specific Plan, which promote a high-quality of development. In 2021, the City issued 1,318 building permits, took in 1,460 building permit applications, conducted 6,684 building inspections, and 169 rental housing inspections. It also reviewed 180 planning entitlements.

Goal LU2: A land use pattern and mix of uses that contribute to the financial health and stability of the community.

The City continued to implement the San Pablo Avenue Specific Plan and processed several land use applications in the Specific Plan area that represented a range of land uses, including a preschool and mixed use project. This included eight Tier I Design Review applications that improved the façades, added signs and generally improved storefronts of many new and existing businesses. In 2021, two new applications were submitted to the City for new multifamily development projects, which propose 108 new dwelling units.

New developments often entail a transfer of property and are reassessed both at transfer and upon development and contribute substantially higher property taxes to the City than the previous uses, as well as providing both opportunities for new businesses (for properties containing commercial and/or live work space) and new customers and pedestrian-traffic for existing commercial properties and businesses.

In 2021, the City continued to use grant funding to assist in the preparation of program Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan update. In 2021, the City also initiated use of a Local Early Action Planning (LEAP) from the California Department of Housing and Community Development grant to help fund the City's Housing Element update. These upcoming updates will allow for continued development pursuant to the Specific Plan, building on the plan's success, to date.

Goal LU3: A development pattern that enhances a strong sense of community.

Implementation of the San Pablo Avenue Specific Plan continued to move forward. In 2021, the Design Review Board approved one new residential development project within the Specific Plan area. This project represents an entitlement of a total 45 new residential units and 1,841 square feet of ground floor commercial space. Five of these residential units will be affordable to moderate income households. This project at 6501 Fairmont Ave was approved by the Design Review Board on December 1, 2021.

The project at 6501 Fairmont Ave is expected to add activity to the City's Downtown area with a publicly accessible bike parking, a 16-foot sidewalk consisting of an 8-foot activity zone (e.g., outdoor seating, dining), and adjoining pedestrian path (widened to 8-feet), and new public 'parklet'. This project will enhance the sense of place along Fairmont Avenue and add activity to the City's major corridor. These new spaces will serve as important amenities for the community.

Goal LU4: A safe, attractive, and interesting community

The City continued to implement community policing to promote public safety.

The City's building projects, both large and small were subject to a vigorous review and inspection process.

The City's Arts and Culture Commission continued to promote efforts to support public art in the community.

In 2021, the Design Review Board approved one project (6501 Fairmont Ave) which will either provide public art as part of the project or make an in-lieu contribution equal to one percent of development cost.

Goal LU5: A land use pattern and types of development that support alternatives for the movement of people, goods, and ideas.

The City continued implementation of San Pablo Avenue Specific Plan including identifying sources of funding for the Complete Streets component of the Plan which addresses the safety and usability of streets in the plan area. The City's Transportation Impact Fee (TIF), which was adopted in January 2019, after a public hearing in December 2018 (see discussion under Goal GM4) will provide funding for improvements in the Complete Streets chapter of the Specific Plan. Notably, in 2021 the San Pablo Avenue Green Stormwater Spine Project was completed, adding a new separated bike lane along a small portion of San Pablo Avenue.

In addition, the City continued to implement the Active Transportation Plan, which promotes transportation modes that are alternatives to the automobile.

Goal LU6: Development patterns that promote energy efficiency, conservation of natural resources, and use of renewable rather than nonrenewable resources.

The City continued to implement the Zoning Ordinance, adopted in 2008, and the San Pablo Avenue Specific Plan, adopted in 2014. The Specific Plan puts a focus on more intense development within the Plan area and specifically near the City's two BART stations. By focusing development near existing public transportation infrastructure, the San Pablo Avenue Specific Plan aims to achieve mode shift, reduce dependence on automobile trips and increasing public transportation, bicycle and pedestrian trips.

The City continued to implement the Climate Action Plan which identifies encouraging higher-density, transit-oriented development and improving pedestrian and bicycle infrastructure to reduce overall vehicle miles traveled and resource conservation measures to achieve greater energy and water efficiency as methods to achieve the City's greenhouse gas reduction targets. The City also continued to monitor and evaluate energy use in the organization's operations to identify opportunities to reduce usage, greenhouse gas emissions, and costs.

The City continued to implement the California Green Building Standards Code, which requires high levels of energy efficiency in new construction.

In 2021, the City continued to implement a property transfer tax and offered a rebate program for qualifying energy and water conservation measures and for seismic upgrades. In 2021, 15 properties utilized this rebate.

Community Design

Goal CD1: A city organized and designed with an overall attractive, positive image and "sense of place."

The City continued to implement the San Pablo Avenue Specific Plan which promotes high-quality development along San Pablo Avenue in order to promote vibrant public spaces and enhance the sense of place. The Specific Plan also requires the provision of publicly accessible open space in larger projects, or payment of an in-lieu fee for the City to invest in open space. Development of new open spaces along San Pablo Avenue and improvements to adjacent open spaces, such as the Ohlone Greenway, will further enhance the attractiveness and sense of place along the City's primary mixed use corridor.

Goal CD2: A city with attractive, safe, and functional streets, parking areas, and pedestrian walkways.

In 2021, the City continued to implement the El Cerrito Active Transportation Plan. The plan provides a blueprint for continuing the City's investment in improving safety and providing facilities and infrastructure for bicyclists and pedestrians, based on the changing demands and standards as well as the current goals of the City.

The City has also continued implementation of the Green Infrastructure Plan, approved by the El Cerrito City Council in 2019, to add stormwater facilities to public spaces while making streets more attractive for pedestrians and cyclists. In 2021, construction was completed on the San Pablo Avenue Green Stormwater Spine Project, which was included in the Urban Greening Plan.

Projects within the Specific Plan area are required to improve their sidewalk frontages. The Mayfair development near del Norte which is nearly complete also adds a public pedestrian “mew” or mid-block walkway.

Goal CD3: A city with attractive landscaping of public and private properties, open space, and public gathering spaces.

The Design Review Board continued to review new landscaping plans on private properties with the Specific Plan area. Projects within the Plan area also are required to either contribute public open space, e.g. gathering places, or pay into an in-lieu fund.

Goal CD4: Well designed buildings that are compatible with their surroundings.

The City continued to implement the design review process pursuant to the Zoning Ordinance and the San Pablo Avenue Specific Plan to ensure that new development is well-designed.

In 2021, the Design Review Board approved a 45-unit condominium project was approved on Fairmount Avenue that will contribute open space through a public parklet, ground floor retail and help foster a pedestrian-oriented commercial street. A preschool was approved on Kearney Street that will be contained in an attractive prefabricated building the addresses Kearney Street and the surrounding area.

Goal CD5: A design process that achieves design objectives while being efficient and allowing for flexibility.

The City continued to utilize the design review process to achieve the General Plan goals above. Design review in the City of El Cerrito is intended to encourage high-quality design, well-crafted and maintained buildings and landscaping, the use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects. The San Pablo Avenue Specific Plan’s Tier IV Design Review process is intended to provide flexibility for projects that do not comply with all development standards in the Specific Plan.

Goal CD6: An urban form that sustains a vital commercial community to meet the diverse needs of the local and regional population.

The City continued to implement the San Pablo Avenue Specific Plan. It encourages mixed use development including commercial uses in addition to intensified residential uses along San Pablo Avenue. The plan strives to create a range of residential unit types which will provide diverse housing types along the Avenue. The new residents of these units will help support successful commercial businesses along San Pablo Avenue and contribute to more vitality in the commercial nodes along San Pablo Avenue.

Housing

See attachment for Housing Element annual report.

Growth Management

Goal GM1: A coordinated regional and sub-regional planning system that provides better service and less congestion for residents of El Cerrito.

The City continued to serve on the West Contra Costa Transportation Advisory Committee (WCCTAC), Technical Advisory Committee and Contra Costa Transportation Authority (CCTA), Technical Coordinating Committee on planning and funding efforts for regional transportation improvements in Contra Costa County. City staff provided input on various planning studies for the region including the WCCTAC's San Pablo Avenue Multimodal Corridor Study Phase 2 Study, the CCTA Growth Management Program's SB743 Update to integrate vehicle miles traveled (VMT) CEQA thresholds and Implementation Guide Update, and the CCTA's update to the West County Action Plan.

City staff continued to monitor and coordinate with Caltrans and other agencies on operations of the I-80 Integrated Corridor Mobility Project, a multi-agency effort to ease congestion on Interstate 80 and improve traffic flow on San Pablo Avenue. In addition, City staff is participating in the I-80 Design Assessment Alternative Study focusing on improving conditions for transit and HOVs.

Finally, City staff is participating in BART's Berkeley El Cerrito Corridor Access Plan a collaborative effort between BART and the cities along its R-line to identify station access strategies for communities served by the El Cerrito Plaza, North Berkeley, Downtown Berkeley, and Ashby BART stations before approximately 2500 mixed-income apartments are built on the three parking lots. The proposed development will change how BART customers in the surrounding communities get to and from the stations. The goal of the plan is to develop strategies that equitably distribute investments in walking, rolling, biking, riding transit, driving, and parking.

Goal GM2: Compliance with applicable level of service standards.

The City, through the CEQA review process, continued to ensure that new development meets the level of service standards in the General Plan and San Pablo Avenue Specific Plan.

The City continued to implement the San Pablo Avenue Specific Plan. The Plan adopted new service standards for streets within the plan area. These service standards are in greater compliance with the City's complete streets goals.

As noted above, City staff collaborated with other public agencies in Contra Costa County on the update to the CCTA Growth Management Program to implement SB743. This state legislation changed CEQA evaluation methods for transportation from level of service (LOS) to vehicle miles traveled (VMT). The CCTA, with input from local and sub-regional agencies, developed a countywide evaluation method and recommended VMT significance criteria, and is now working on a model mitigation program.

Goal GM3: Timely review of projects that are heavy traffic generators.

All development projects processed by the City are evaluated against and comply with applicable service standards. All applications, regardless of traffic generation, are processed in a timely fashion.

Goal GM4: Effective community-wide programs to reduce traffic impacts of new projects.

City staff developed and the City Council adopted the El Cerrito Transportation Impact Fee (TIF) Program in January 2019 to ensure new development pays its fair share of the transportation improvements needed to accommodate growth in El Cerrito. In Fiscal Year 2020-21, the City collected approximately \$15,988 in fees for the TIF Program. The list of potential capital improvements eligible for funding with the TIF is based on prior planning studies completed to support the City's growth and the impact of that growth on the transportation system, as well as to support the City's Climate Action and Active Transportation goals. The focus of these improvements is to connect El Cerrito residents to employment and activity centers and major transit facilities within the City and in neighboring jurisdictions. These improvements focus on San Pablo Avenue, the City's primary transportation corridor serving all modes. More specifically, the TIF project list is a selection of projects from the following City-Council adopted plans: San Pablo Avenue Specific Plan, Active Transportation Plan and Ohlone Greenway Master Plan.

Goal GM5: An effective system of providing urban services.

The City continued to offer a high-level of services to residents and the City continued to work with other agencies (such as the Stege Sanitary District) to ensure that services are provided effectively.

Chapter 5: Transportation and Circulation

Goal T1: A transportation system that allows safe and efficient travel by a variety of modes and promotes the use of alternatives to the single-occupant vehicle.

In 2021, the City continued implementation of the El Cerrito Active Transportation Plan. The Plan provides a blueprint for continuing the City's investment in improving safety and providing facilities and infrastructure for bicyclists and pedestrians, based on the changing demands and standards as well as the current goals of the City.

The City also continued to implement the San Pablo Avenue Specific Plan, specifically the Complete Streets component to encourage all modes of transportation and creates opportunities to maximize mode shift away from auto use and towards transit use, walking and biking.

These efforts included developing concept and detailed designs for projects in several areas of town as described below.

- Del Norte TOD Complete Streets Improvements – continued work on a comprehensive project development process under a Cooperative Agreement with Caltrans to develop a Project Study Report/Project Report in accordance with Caltrans requirements and successfully applied for several grants including from

the WCCTAC Subregional Transportation Mitigation Program and California Affordable Housing Sustainable Communities Grant in coordination with the Mayfair Bridge Affordable Housing development. The Del Norte TOD Complete Streets Improvements Project will implement multimodal transportation improvements identified in El Cerrito's San Pablo Avenue Specific Plan and Active Transportation Plan. The project consists of safety and circulation improvements for bicyclists, pedestrians, buses, and automobiles to support the El Cerrito del Norte BART Station and transit-oriented development in the San Pablo Avenue del Norte Area. The project limits span several streets including San Pablo Avenue from Ohlone Greenway near the northern city limit to Potrero Avenue, Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, Hill Street from San Pablo Avenue to Liberty Street, Cutting Boulevard from I-80 to Key Boulevard, and Knott Avenue from San Pablo Avenue to Key Boulevard. The Cooperative Agreement was fully executed in November 2020.

- Carlson Blvd & San Diego Street Crosswalk Improvements – completed construction of pedestrian safety improvements, specifically rapid rectangular flashing beacons and lighting enhancements at this intersection. The improvements at this intersection are part of the Cerrito Creek Trail/ BART to Bay Bicycle and Pedestrian Route in the ATP, which is in the highest priority category in the ATP. The project will enhance an existing high-visibility crosswalk on one of the busiest streets in the City.

In May 2021, the City continued its support of “Bike to Work Day” by promoting the regional “Bike to Wherever Day” initiative, a regional effort to increase bicycling.

The City continues to monitor opportunities to add bike-sharing and other “micro-mobility” infrastructure and programs to support alternatives to the single-occupant vehicle.

Goal T2: A land use pattern that encourages walking, bicycling, and public transit use.

The City continued to implement the San Pablo Avenue Specific Plan which includes a Complete Streets Plan. It serves to implement contemporary land use planning strategies near transit and amenities and thereby encourages walking, biking and public transit use. Those strategies include increased heights, lower parking minimums, a flexible approach to mixed-use development, and complete streets guidelines to accommodate all modes of transportation on San Pablo Avenue specifically prioritizing pedestrians and public transit along this corridor.

Goal T3: A transportation system that maintains and improves the livability of the City.

The City continued to implement the San Pablo Avenue Specific Plan which includes a Complete Streets Plan. The Complete Streets Plan includes facilities along San Pablo Avenue that will enhance the usability for pedestrians, transit riders and bicyclists. In 2021, the City approved one project along Fairmont Avenue which will be required to pay for a Transportation Impact Fee (TIF) that will fund improvements planned in the Complete Streets Plan. Other projects previously approved were either under construction or are still in the pipeline to be approved. They, too, will contribute to the TIF.

The City continued to implement the Urban Greening Plan, which identifies strategies for creating a greener, more environmentally sustainable and livable city. Key objectives and

strategies include Greener Gateways to reinforce community identity and sense of place that improve and highlight natural elements and Green Streets to continue to invest in making the public right-of-way more sustainable by reducing impervious surfaces, accommodating additional modes of transportation, adding landscaping and creating streets that are safe, comfortable and attractive for everyone. In 2021, construction was completed on the San Pablo Avenue Green Stormwater Spine Project, which was included in the Urban Greening Plan.

Goal T4: A minimum amount of land used for parking and minimal parking intrusion in neighborhoods.

The City continued to implement the San Pablo Avenue Specific Plan. The Plan adopted new parking standards for both commercial and residential development. It generally reduced parking requirements within the plan area, while ensuring that adequate parking is provided. Further reductions of parking require preparation of a parking study and may require enhanced transportation demand management, e.g. measures beyond those which are already required in the Specific Plan. The City continues to require parking studies for projects that seek additional parking reductions.

Additionally, in 2021, the City continued to implement the revised development standards for Accessory Dwelling Units (ADUs) which do not require off-street parking for ADUs. These standards allow for the development of additional housing units without requiring further land in residential areas be used for parking. In 2021, the City's Planning Division reviewed 34 applications for ADUs.

As part of BART's planned Transit-Oriented Development (TOD) project at the El Cerrito Plaza BART Station, BART staff, in collaboration with City staff, are developing the Berkeley-El Cerrito Corridor Access Plan and evaluating mobility and on-street parking management strategies. While pursuing TOD at the BART station helps to fulfill numerous local, regional, and state goals regarding housing, climate, and economic development, a key issue to be analyzed and addressed has to do with how to provide adequate access to BART stations as the current surface parking lots are converted to mixed-use, transit-oriented development. Currently, BART staff is comprehensively evaluating and identifying strategies to more equitably distribute BART's investments in walking, biking, riding transit, driving drop off, and parking for existing and future BART patrons using the stations along the corridor (including Ashby, North Berkeley, and El Cerrito Plaza). The Corridor Access Plan will consider the tradeoffs between providing homes and community amenities versus building structured parking spaces for BART riders who drive to the station(s). The Corridor Access Plan will help identify multimodal strategies and investments needed to facilitate getting to and from BART. One key near-term strategy is working with the City to develop on-street parking management strategies that will balance parking needs of many user groups. These strategies may include charging BART riders (e.g. full day users) to park on city streets as well as updating residential permit parking (RPP) programs.

Chapter 6: Public Facilities and Services

Parks, Recreations and Open Space

Goal PR1: Adequate, diverse, and accessible recreational opportunities for all residents – including children, youth, seniors, and others with special needs – in parks, school yards, and open space.

In 2021 the City was able to use proceeds from Measure H to fix several deficiencies in recreational facilities as well as improve fire roads and trails and increase vegetation management/fire prevention activities in the Hillside Natural Area.

The City raised funds for the City's David Hunter Memorial Scholarship Fund which helps families pay for classes and services for their children through the Recreation Department which they would otherwise not be able to afford.

Due to the COVID-19 pandemic, the City was not able to sponsor most special events including the popular world One 4th of July Festival at Cerrito Vista Park or the various community film events at the Rialto Cinemas Cerrito Theatre and City Hall. It is the intention of the City to continue to sponsor these events once it is again safe to do so.

The City hosted, supported, and participated in a number of environmental events and programs in 2021, even during the pandemic. These included: Bike to Wherever Day, the "Bringing Back the Natives" Virtual Garden Tour, support of the SunShares solar purchasing program, National Drive Electric Week virtual events, socially distanced work parties, and a virtual public meeting on a proposed Expanded Food Ware Ordinance and a "Mandatory Organics Recycling Ordinance" implementing the requirements of California State Senate Bill 1383.

Also during the COVID-19 pandemic, the City was able to offer modified programming in line with guidance from the California and Contra Costa County Health Departments. This included childcare, summer camp and enrichment and fitness classes in stable cohorts, delivering meals to seniors at their homes, providing virtual and take-home programs and projects for residents of all ages and utilizing a reservation system to provide safe access to the El Cerrito Swim Center.

In 2021, the City continued to offer a range of programs for seniors at the El Cerrito Midtown Activity Center as well as a range of programs for youth at various City facilities. Most programs will resume once the shelter-in-place restrictions are loosened and/or end.

Goal PR2: High quality open space protected for the benefit of present and future generations, reflecting a variety of important values: ecological, educational, aesthetic, economic and recreational. These values are interwoven throughout the community in numerous ways so that the preservation of open space is very important to the well being of the City.

The City has completed plans for additional new Wayfinding Signage in the Hillside Natural Area that will be installed in 2022. New Interpretive signs were also installed in 2020 by the El Cerrito Trail Trekkers in coordination with the City.

The Parks and Recreation Facilities Master Plan's (mentioned in Goal PR1) Goal E is to Improve Natural Areas and identifies a series of policies and actions based on previous City planning efforts and community engagement.

The City completed Phase I of improvements to Centennial Park (formerly Fairmont Park), which made much needed upgrades to the park, improving the park's usability for both active and passive recreation. Over the last few years, the City also rehabilitated pathways at Arlington Park, Castro Park, and Cerrito Vista, painted all the clubhouses, resurfaced multiple tennis courts, and completed a major roof repair at Harding Clubhouse. Utilizing Measure H, Proposition 68 funds and developer related fees, the City plans to continue improving City Parks including picnic areas at Arlington and Cerrito Vista Parks, Arlington Park Clubhouse renovation, Phase II of Centennial Park. Additionally Measure H continues to fund "Immediate Work Priority" projects identified in the Parks and Recreation Facilities Master Plan, and a number of small Immediate Work Priorities were completed in 2021.

The City continued to implement the Urban Greening Plan. The Hillside Natural Area (HNA) Pilot Project was identified in the Urban Greening Plan and included acquiring the 8-acre Madera property that became part of the HNA open space in 2015, as well as, improving vegetation management, trail rehabilitation, and development throughout.

As described in the Urban Greening Plan, the project provides multiple opportunities to increase service levels including "Connectivity" to improve trail connections between natural areas, schools and other community assets using best practice trail building techniques; "Park Expansion Integration" by integrating the Madera property, investigating opportunities to acquire additional property, and exploring other opportunities for access, recreation and/or conservation easements on adjacent properties; "Natural Amenities" by celebrating and preserving creek corridors, diverse plant and animal communities, forests, and grasslands; "Green Gateways/Trailheads" by creating more welcoming park gateways and trailheads; and "Active Recreation" by enhancing opportunities for active recreation through construction of bicycle trails, parks and other amenities.

The City continued to implement the San Pablo Avenue Specific Plan which requires that new projects greater than 25,000 square feet either provide public open space or contribute funds toward the creation or enhancement of open space. 10300 San Pablo Avenue, completed in 2021, contributed open space plus contributions towards Centennial Park. 6501 Fairmount Avenue will construct the City's first formal "parklet".

In 2021, the City continued to implement the expanded Public Tree and Shrub Ordinance, adopted by the City Council in 2019, providing greater protections for public trees throughout the community to support the long-term health of the urban forest.

Goal PR3: Public access to open space areas while protecting important habitats.

In 2021, the City continued design on wayfinding signage for trails within the Hillside Natural Area with installation planned for 2022. The overall goal of the project is to continue to enhance the City's largest open space, which is 102.5 acres in size and a home to small creeks, grasslands and forests. The Hillside Natural Area provides a very large active recreation space for hikers, bikers, and dog walkers who have easy access through several neighborhood entry points and enjoy the quiet oak groves, open fields, and expansive views of the San Francisco Bay. The project will increase visibility, access, and use of the city's existing network of trails, pathways, and stairs within the open space and improve connectivity between identified citywide bicycle and pedestrian routes, key community destinations, and existing trails. In 2020 several fire trails in the Hillside Natural Area were repaired using grants funds from FEMA and the final and sixth site was

completed in 2021. Utilizing Measure H funds, the City was able to almost double funding for fire mitigation projects in the HNA in 2020 and that level of funding continued in 2021.

The heavy rains in 2017 eroded and damaged the fire access road at several locations in the Hillside Natural Area. In late 2017, City staff applied for grants from the Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program and California Governor's Office of Emergency Services (Cal OES) California Disaster Assistance Act (CDAA) Program to repair fire road sites that were significantly damaged. In the summer of 2019, the City completed the repairs of the Hillside Natural Area fire roads, site 1 to 5. The repair consisted of minor re-grading of the earthen roads to fill washouts, restoring the road profile and cross-section, recompacting existing soils, and installing earthen water bars for erosion control. The design of the sixth site including a retaining wall was completed in 2020 and the construction is scheduled for early 2021.

The City also continued to organize and support volunteer work parties, led by the El Cerrito Green Teams, El Cerrito Trail Trekkers, and Friends of Five Creeks, throughout the year, to support and enhance habitats and wildlife throughout the City's owned and controlled open spaces. In 2021, these events were often either self-guided or socially distanced while still having significant turnout. The City will continue to support several annual events that increase public awareness and access to the Hillside Natural Area, including Earth Day and an Annual Hillside Festival each Spring.

Non-Recreational Facilities

Goal CF1: Safe and adequate community facilities that allow the City to offer better services and inspire a sense of community pride.

The City continued to enhance operations at the Recycling and Environmental Resources Center which was completed in 2012.

The City continued to serve the community from the City Hall facility which was completed in 2009.

Public Services and Infrastructure

Goal PS1: An adequate, comprehensive, coordinated law enforcement system consistent with the needs of the community.

The City continued its deployment of both patrol and specialty police units to address crime trends. These units coordinated their efforts internally, by sharing and collaborating on projects and investigations, and externally, with residents and community groups, to continue to meet the safety needs of the community.

Goal PS2: A community that has minimized the risks to lives and property due to fire hazards.

The City continues to minimize fire hazards by enforcing its comprehensive fire hazard reduction program that focuses upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property.

In 2021, the Fire Department continued to implement the Vegetation Management Policy which was rewritten in 2020 to make it easier to understand and align it with the State guidelines to create zones centered around structures on the property with goals to avoid home ignition from ember assault, reduce the heat and movement of the fire.

The history of the fire hazard abatement program was designed to reduce fire hazards on a large number of private properties with efforts concentrating during the spring and early summer months, prior to the State entering the annual "Fire Season". However, with climate change, continued below average rainfall and increasing northeast wind events leading to more Red Flag Warnings, the City faces fire season almost year-round.

A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots. These notices and public education are aimed at increasing the resident's knowledge and awareness of proper management of combustible materials on their property, especially within the first 5 feet of the structure.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. For the small number of property owners that do not abate the hazards, the City completes the necessary abatement and places the costs on the property owner's tax bill.

Based on lessons learned over the last 5 years of record fires in the State, improved efforts have been made for the incorporation of fire and ember resistant construction materials and careful selection of landscape material, proper placement and maintenance of residents landscaping. Further amendments will need to be incorporated into the vegetation management program to comply with AB3074, a state bill passed in 2020 addressing fire prevention, wildfire risk, defensible space, and ember-resistant zones requiring enforcement of more intense fuel reductions to create an ember resistant zone withing 5 feet of any structure

Over the past twenty-five years, the City's public education efforts and annual fire hazard abatement program has been very successful in reducing fire hazards throughout the hills which are designated Very High Fire Hazard Severity Zones.

Goal PS3: Safe and adequate public infrastructure to serve El Cerrito's residents, now and in the future.

In addition to the projects noted under Goal T1, the City continued implementation of the Annual Street Improvement Program funded by Measure A and the Access Modifications (Streets) Program funded by SB 1. Also, as a result of new transportation funding provided by SB 1, the City has continued funding a new Sidewalk Repair Program to repair tripping hazards throughout the City with a robust project completed in 2021.

In 2021, the City completed construction of the Carlson Boulevard and Central Avenue Pavement Rehabilitation Project. The project rehabilitated the roadway pavement, replaced traffic signal loop detectors, and enhanced traffic striping. The project location is on Central Avenue from Santa Clara Avenue to San Pablo Avenue and Carlson

Boulevard from the north City Limits to Central Avenue. The project was the second component of the Central Avenue and Carlson Boulevard Street Improvements Project in the Capital Improvement Program. The first component consisting of curb ramp and sidewalk work was completed as part of the 2018 Curb Ramp and Sidewalk Repair Project in 2019. The project was largely funded by a federal One Bay Area Grant (OBAG) Program grant with additional funding from the State's SB 1 Local Partnership Program (LPP) grant and the City's Measure A Street Improvement funds. Both roadways carry a significant volume of traffic and are classified as arterial streets. The pavement on these roadways currently has several areas with cracking and potholes due to the amount and type of traffic, including trucks and buses, as well as prior heavy rainy seasons. The project will benefit the many commuters, transit services and bicyclists who utilize these roadways on a daily basis.

In 2021, the City began construction of the Gladys-El Dorado-B Street Improvements Project. The project will rehabilitate the roadway pavement; reconstruct sections of sidewalk, curb, and gutter; install new and modified curb ramps; reconstruct valley gutters; and install enhanced traffic signing and pavement markings. The project is located on Gladys Avenue from Lexington Avenue to Richmond Street, on El Dorado Street from Carlson Boulevard to San Pablo Avenue, and on B Street from Behrens Street to Ashbury Avenue. The pavement on these roadways is currently in poor condition, three of the lowest in the City. In addition, street trees have severely displaced sections of pavement, sidewalk, curb and gutter, and a valley gutter facility within the roadway is damaged and needs repairs to facilitate stormwater drainage across B Street. The project will benefit residents and the community in general by providing safe and accessible walking, biking, and driving routes to important destinations in this area. The project is funded by the City's Measure A Street Improvement funds with additional funding from the SB 1 LPP.

Implementation of the Complete Streets component of the San Pablo Avenue Specific Plan and implementation of the Active Transportation Plan will enhance pedestrian and bicycle safety throughout the City and provide infrastructure which accommodate all modes of transportation. Implementation of these plans will continue to occur as new development occurs and as funding is secured.

Goal PS4: An adequate storm drainage system to serve existing and future planned development

In March 1993, the voters of the City of El Cerrito approved the issuance of \$6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee and provided that the fees are collected through the property tax based on amounts specified in an annual Engineer's report. This Engineer's report contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel.

In 2021, the City continued its collaboration with the SF Estuary Partnership to construct and coordinate with utilities for the San Pablo Avenue Green Stormwater Spine Project. The demonstration Project in El Cerrito was completed in June 2021, retrofitting portions of the public right-of-way to install green infrastructure. Green infrastructure is a landscape-based stormwater treatment approach that uses natural processes to infiltrate,

retain, re-use, and filter stormwater runoff to reduce the amount of pollutants that reach local waterways and ultimately the San Francisco Bay.

Also in 2020, the City completed construction of the 2019 Storm Drain Repair Project which restored the drainage facilities on the 700 block of Hancock Way and 1000 Block of King Drive. On Hancock Way, the project replaced two storm drain inlets, the storm drainpipe crossing the street, and replaced sections of the road and reconstructed a long stretch of curb and gutter that had been lifted by the on-going settlement on the area. On King Dr, the project upgraded two storm drain inlets and restored the west side of the road right to re-establish the flowline. Minor storm drain repairs were also completed on King Court next to the Hillside Natural Area.

The City actively participated in the Contra Costa Clean Water Program to implement the National Pollution Discharge Elimination System (NPDES), Municipal Regional Permit Order No. R2-2015-0049 (MRP 2.0) which became effective January 1, 2016. This included taking specific stormwater management actions to control trash litter, 303(d) listed pollutants, other pollutants of concern (POCs), and Total Maximum Daily Load (TMDL) limits. In compliance with the MRP, the City developed a Green Infrastructure Plan, adopted by the City Council in 2019. In 2020, the City completed a thorough inventory and installation effort to install hundreds of new markers educating residents about stormwater at each storm drain inlet.

The City also continued to develop an update to the City's Storm Drain Master Plan, which was last updated in 1999. The scope considers the green infrastructure requirements and is expected to be adopted in 2022. Moreover, it will identify opportunities to improve the City's Storm Drain system by improving the condition and capacity of the storm sewer network.

Goal PS5: A system that minimizes the City's generation and disposal of solid waste materials by providing an adequate and integrated waste management program and related facilities to serve existing and future planned development.

In 2012, the City completed construction of a new state-of-the-art Recycling + Environmental Resource Center. In addition to the City's continued curb-side pickup program, the Recycling + Environmental Resource Center (RERC) provides convenient drop-off facilities for a wide array of items. The Center allows the City to expand the range of items accepted for disposal, improving collection options for all constituents and for many residents of surrounding communities. The Center has expanded the items that the City is able to accept, including compact fluorescent light bulbs, books, sharps, expired medications, and scrap textiles. The Center has been designed as a facility that will provide maximum flexibility to meet future, changing waste disposal needs. In 2018, the City began to collect household hazardous waste at the Recycling + Environmental Resources Center with a popular once per week collection event. Notably, in 2020, the RERC was one of the first City facilities to reopen to the public after the first COVID-19-related shelter at home order, with safety protocols in place.

Additionally, in 2021, the City Council adopted two ordinances moving related goals forward. The City Council adopted an updated Foodware Ordinance that will require all foodware (e.g., cups, plates, utensils, etc.) served by food providers in El Cerrito to be either reusable or compostable, starting July 1, 2022. This Ordinance will serve to

significantly reduce the amount of single-use plastic waste in El Cerrito and increase waste diversion. In 2021, the City Council also adopted a “Mandatory Organics Recycling” Ordinance, implementing the requirements of California Senate Bill (SB) 1383 and requiring participation in the City’s recycling and composting programs with limited exceptions.

In 2021, City Staff also worked closely on a draft amended and restated franchise agreement with the City’s garbage and green waste hauler, which is anticipated to add integrated waste management services to the community, likely to be considered by the City of El Cerrito City Council in 2022. Staff is also moving forward with other programs to implement SB 1383 and to increase composting and recycling in El Cerrito.

In 2021, the El Cerrito City Council also approved of the purchase of two new recycling trucks to support ongoing and expanded collection of recycling by the City’s recycling operation.

Chapter 7: Resources and Hazards

Natural and Historic Resources

Goal R1: Protected natural resources (important habitat, ecological resources, key visual resources, ridges and ridgelines, creeks and streambanks, steeper slopes, vista points, and major features), and clean air and water.

The City continued to implement the Zoning Ordinance, which contains specific standards aimed at protecting creeks and hillside areas.

In 2021, the City continued to implement Chapter 13.28 of the El Cerrito Municipal Code, the Public Tree and Shrub Ordinance. This primary purpose of this Ordinance is to preserve and protect public trees.

For Clean Water activities, see Goal PS4.

Goal R2: Protected and rehabilitated architectural, historical, cultural, and archaeological resources that are of local, state, or federal significance.

In 2014, the City Council approved the 1715 Elm Street project. As part of the project, the existing house will be relocated on the property and rehabilitated to the Department of the Interior’s standards. In 2021, the City issued the building permit application which will allow the construction of the project and the relocation and rehabilitation of the existing house.

Hazards

Goal H1: Minimal potential for loss of life, injury, damage to property, economic and social dislocation and unusual public expense due to natural and man-made hazards, including protection from the risk of flood damage, hazards of soil erosion, fire hazards, weak and expansive soils, potentially hazardous soils materials, other hazardous materials, geologic instability, seismic activity, and release of hazardous materials from refineries and chemical plants in West County.

The City continued to oversee the residential rental inspection program.

The City continued implementation of the Unreinforced Masonry (URM) building hazard mitigation ordinance. The last URM building was demolished in 2021 to prepare for development of a new mixed use project at 10919 San Pablo Avenue.

In 2021, the City initiated work on the Soft-Story Inventory through a Soft-Story Retrofit Planning Grant from Cal OES. This grant funds the City to identify/inventory at-risk buildings and provide data to inform future policy direction in consideration with the needs of the City, its residents and property owners. This program aims to reduce risks to human life, structures and infrastructure in the event of a powerful earthquake. This project is anticipated to be completed in Spring 2021.

Goal H2: Government agencies, citizens and businesses are prepared for an effective response and recovery in the event of emergencies or disasters.

The City Council declared a local state of emergency on March 13, 2020 due to the global COVID-19 pandemic. Due to Contra Costa County public health orders, many City facilities, including City Hall, were closed to the public for part of 2021 to prevent transmission of COVID-19. Throughout 2021 and the global pandemic, the City has adapted and provided new ways of delivering service to be able to continue providing excellent emergency services to the community while adapting to public health rules and guidelines.

Due to the COVID-19 pandemic the City was not able to continue the very popular Community Emergency Response Team (CERT) program. The program teaches neighbors to help themselves and help each other. Through CERT, citizens receive hands-on training in Disaster First Aid, Disaster Preparedness, Basic Firefighting, Light Search and Rescue, Damage Assessment, and How to Turn Off Utilities. The City hopes to offer this program once it is safe again to do so.

Due to the COVID-19 pandemic the City was also not able to continue internal National Incident Management System (NIMS) and the Incident Command System (ICS) training for City staff. Through the training, staff members directly involved in managing an emergency would understand command reporting structures, common terminology, and roles and responsibilities inherent in a response operation. The City hopes to offer this program once it is safe again to do so.

On March 25, 2020, the City Council adopted an Urgency Ordinance enacting a temporary moratorium to halt evictions for residential and commercial tenants financially impacted by COVID-19, which continued into 2021. The Ordinance does not establish rent forgiveness but provides temporary rent forbearance to those who qualify by providing 180 days, from the Ordinance expiration date, to catch up on unpaid rent and suspends late fees from being charged for qualified residential and commercial tenants who can demonstrate loss of income or revenue due to COVID-19.

Goal H3: New development complies with the noise standards established in the General Plan, all new noise sources are within acceptable standards, and existing objectionable noise sources are reduced or eliminated.

All new development is evaluated under CEQA using the noise standards currently in the General Plan. These noise standards were incorporated into updated Zoning Ordinance in 2008 as performance standards required of all development.

CONCLUSION

To date, staff believes the City has continued to faithfully implement the City's 1999 General Plan as the actions, plans, programs and projects documented in this report represent the City's commitment to achieve the goals and objectives set forth in the elements of the El Cerrito General Plan.

ATTACHMENTS:

1. HCD - Housing Element Annual Report

Agenda Item No. 5.B.
Attachment 2

Jurisdiction	El Cerrito	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

Table A
Housing Development Applications Submitted

[illegible]

Jurisdiction	El Cerrito	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	100	-	-	62	-	-	-	-	-	-	62	38
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	63	6	-	-	-	-	-	-	-	-	6	57
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	69	13	-	-	-	-	-	-	-	-	13	56
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Above Moderate		166	120	9	12	18	136	171	56	-	-	522	-
Total RHNA		398											
Total Units			139	9	74	18	136	171	56	-	-	603	151

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	El Cerrito		
Reporting Year	2021	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program 1.1	Continue to implement the Residential Rental Inspection Program	Ongoing	The Residential Rental Inspection Program (RRIP) continued in 2021. Staff operated the program at modified levels due to COVID-19. 17 initial RRIP inspections and 13 reinspections were conducted in 2021.
Program 1.2	Continue to investigate complaints and take action about rental housing code violations	Ongoing	The City continued investigations in 2021.
Program 1.3	Continue to encourage the rehabilitation of existing housing units by providing program information	Ongoing	Information available to the public at the front counter
Program 1.4	Evaluate displacement, as appropriate in studies of regional housing needs and displacement	2016, then Annual	In 2017, the City Council adopted an Affordable Housing Strategy which identified tactics to address displacement and ranked the priority for such actions. In 2021, the City implmented the third cycle El Cerrito Rent Regsitry Program to collect local rental data. The Cilty also tracks regional/state legislation and posts information to the public.
Program 1.5	Continue to regularly monitor assisted housing units to help preserve existing stock of affordable housing	Annual	The City continues to work with other regulatory agencies and non-profit developers to monitor assisted housing units.
Program 1.6	Vet and consider adopting a Good Cause for Eviction Ordinance	2016	On May 21, 2019, the City Council adopted the Just Cause for Eviction and Prohibition on Harassment of Tenants Ordinance, El Cerrito Municipal Code Chapter 10.300 (Ordinance No. 2019-04), which was to become effective June 20, 2019. On June 10, 2019, a referendum petition was filed with the City Clerk related to Just Cause for Eviction and Prohibition on Harassment of Tenants Ordinance. This process, allowed by California Elections Code, suspended implementation of the ordinance. On June 27, 2019, the Contra Costa County Elections Office determined that petition contained the required valid voter signatures. At a Special Meeting on July 31, 2019, the City Council passed a motion to repeal the Just Cause for Eviction and Prohibition on Harassment of Tenants Ordinance and also passed a motion to amended the duties and responsibilities of the Tenant Protections Task Force to include the Just Cause for Eviction policy. In August 2019, the City Council appointed an adhoc Tenant Protections Task Force made up equally of tenants and landlords to make policy recommendations for the Council. The Task Force convened five times and completed their workplan in Dec. 2020 which included a final report to the City Council on March 2, 2021. On March 25, 2020, the City Council adopted an Urgency Ordinance enacting a temporary moratorium to halt evictions for residential and commercial tenants financially impacted by COVID-19. As of Jan. 2022, the City's local ordinance remains in place through the duration City's Local Emergency Declaration.
Program 1.7	Annual review of the City Capital Improvements Program (CIP)	Annual	The CIP Program was reviewed in 2021.
Program 1.8	Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings.	2017	In 2021, City staff issued a Request for Qualifcations for seeking qualified engineers/consultants to complete an inventory and analysis of soft story residential buildings in El Cerrito and develop program recommendations. This analysis will be utlized to inform future policy consideration with the needs of the City, its residents and property owners. This project is funded by a Cal OES/FEMA grant and will be completed in 2022.
Program 2.1	Conduct an annual evaluation of the City's inventory of available sites	Ongoing	In 2018, the City received grant funding to update the San Pablo Avenue Specific Plan which will include an amendment to the EIR and an analysis of opportunity sites. The SEIR is slated to be final/adopted in Spring 2022. In 2021, the City issued a RFP to complete the 6th Cycle Housing Element update using LEAP funds. The site inventory analysis will be undertaken and adopted by 1/31/2023.
Program 2.2	Promote development of mixed-use and high-density residential housing in development nodes of the city	Ongoing	Allowed for by San Pablo Ave Specific Plan
Program 2.3	Continue to fast track processing for second units meeting established City standards	Ongoing	In 2021, the City implemented new standards for Accessory Dwelling Units to further streamline this process, consistent with State laws adopted in 2019.
Program 2.4	During the annual Master Fee Schedule revision, evaluate development fees.	Annual	Fees were updated with Master Fee Schedule as part of 2021 budget.
Program 2.5	Streamline the application process by continuing to offer interdepartmental team meetings for applicants	Ongoing	The City conducted several such meetings in the reporting period
Program 2.6	Assist developers in obtaining state and federal funding available to develop affordable housing	Ongoing	In 2021, the City provided BRIDGE Housing \$150K in pre-development funding to assist and support the development of 69 affordable units for the Mayfair project. This project also received a funding award of \$500K from HUD's Hope IV Main Street Grant in April 2021. The City, BRIDGE and BART applied for additional funding in June 2021 through the Affordable Housing Sustainable Communities Program (\$27M).
Program 2.7	Look for opportunities with non-profits and other agencies to expand supply of affordable housing	Ongoing	The City continues to explore programs - with the County, CDFI's, non-profit developers, etc. - for preserving existing affordable units as well as purchasing existing multi-family building(s) and converting them to affordable units.
Program 2.8	Study the feasibility of an inclusionary housing ordinance	2016	The City adopted an inclusionary housing ordinance in 2018 and staff is currently implementing it.
Program 2.9	Investigate potential local financing sources that could be used to develop affordable housing	2016	The City continues to work with County stakeholders to assess the opportunity for a Countywide affordable housing bond.
Program 2.10	Use existing zoning regulations to allow innovative approaches to increasing affordable housing.	Ongoing	The San Pablo Avenue Specific Plan's Tier IV Design Review process can provide flexibility to projects to implement innovative approaches.
Program 2.11	Pursue funding for infrastructure improvements to accommodate future transitoriented development	Ongoing	The City coodinated with the Stege Sanitary District to develop a fee program to fund sewer improvements necessary to support future development.
Program 3.1	Pursue funding for special needs housing	Ongong	Ongoing

Jurisdiction	El Cerrito	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F									
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)									
Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.									
Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	El Cerrito	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		56
Total Units		56

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	10	8
SFD	5	1	3
2 to 4	0	0	0
5+	45	20	82
ADU	7	25	3
MH	0	0	0
Total	57	56	96

Housing Applications Summary	
Total Housing Applications Submitted:	13
Number of Proposed Units in All Applications Received:	57
Total Housing Units Approved:	57
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	El Cerrito	
Reporting Year	2021	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT					
Local Early Action Planning (LEAP) Reporting					
(CCR Title 25 §6202)					
Please update the status of the proposed uses listed in the entity’s application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.					
Total Award Amount	\$ 150,000.00		Total award amount is auto-populated based on amounts entered in rows 15-26.		
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
HE 2022-2030: Public Outreach	10,000	0	In Progress	Other	Spring - Winter 2022
HE 2022-2030: Draft Housing Element	50,000	0	In Progress	Other	Spring - Summer 2022
HE 2022-2030:HE 2022-2030: Public Hearings	10,000	0	In Progress	Other	Fall - Winter 2022
HE 2022-2030: Final Housing Element	50,000	0	In Progress	Other	Jan-23
Technology Upgrade	15,000	9265.66	Completed	Local General Fund	Completed January 2022
ADU Plans - Draft Plans	10,000	0	In Progress	None	Scheduled to begin late 2022
ADU - Plans Final Plans	5,000	0	In Progress	None	Scheduled to begin late 2022

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	5
	Non-Deed Restricted	0
Above Moderate		52
Total Units		57

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		56
Total Units		56

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		96
Total Units		96



AGENDA BILL

Agenda Item No. 5.C.

Date: March 15, 2022
To: El Cerrito City Council
From: Will Provost, Operations + Environmental Services Division Manager,
Public Works Department; Yvetteh Ortiz, Public Works Director/City
Engineer, Public Works Department
Subject: Annual Parcel Assessment for the National Pollutant Discharge
Elimination System (NPDES) Program and Drainage Maintenance
Activities for Fiscal Year 2022-23

ACTION PROPOSED

Adopt a resolution establishing the annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year (FY) 2022-23.

BACKGROUND - CLEAN WATER PROGRAM UPDATE

Under the 1987 amendments to the Federal Water Pollution Control Act (Clean Water Act), all jurisdictions in the United States are responsible for ensuring compliance with the National Pollutant Discharge Elimination System (NPDES) program. The State Water Resources Control Board grants regulatory responsibilities for water quality to the Regional Water Quality Control Boards in nine regions throughout California. In the Bay Area, the San Francisco Bay Regional Water Quality Control Board (Water Board) regulates the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4) draining into San Francisco Bay through a Municipal Regional Permit (MRP). The MRP covers Alameda, Contra Costa, Santa Clara and San Mateo counties, as well as the cities of Fairfield, Suisun, and Vallejo. In Contra Costa County, the Contra Costa Clean Water Program (CWP) coordinates compliance and collaborates on programmatic components of the MRP. The CWP is comprised of Contra Costa County, its 19 incorporated cities and towns, and the County Flood Control and Water Conservation District. Working with the member jurisdictions, the CWP provides services designed to protect water quality by keeping trash and other pollutants from entering drainage systems that ultimately make their way into local creeks, reservoirs, lakes, and the Bay.

Municipal Regional Permit

The City's Clean Water Program is currently governed by the Municipal Regional Permit Order No. R2-2015-0049, which became effective January 1, 2016, superseding the previous MRP (2009). The current permit ("MRP 2.0") expanded upon previous permit requirements to conduct specific stormwater management actions regarding trash load reduction, pollutant monitoring, and an increased focus on reducing other pollutants of concern (POCs). With the permit term coming to an end, the Water Board is on track to

issue a new permit (“MRP 3.0”), effective in mid-2022, likely including a number of additional compliance requirements for local governments. In late 2021, the CWP in coordination with members cities, reviewed the Water Board’s Tentative Order and provided verbal and written comments to the Water Board outlining concerns from City Staff regarding the cost and feasibility of implementing certain new requirements. The Final Order is expected to be released for a hearing in May, with an effective date of July 1, 2022. Based on the Tentative Order and current conversations between the Water Board and the Contra Costa Clean Water Program, the new MRP may include costly new mandates relating to:

- Tracking encampments and addressing illegal dumping, illicit discharges, and other stormwater concerns stemming from unsheltered populations
- Developing and implementing the use of new expansive asset management programs and software for stormwater assets
- Constructing rain gardens and other green infrastructure at higher levels, including in roads and transportation projects, potentially crowding out funding for street maintenance
- Reducing trash reduction credits for existing source control policies (e.g., single-use bag ban) and creek cleanups, while maintaining the target to achieve a 100% trash load reduction, thereby making it more expensive and challenging to maintain compliance
- Including some new single-family homes as regulated development projects that require stormwater control plans and ongoing inspections
- Implementing new best management practices, standard operating procedures, and reporting for discharges of water and foam used in emergency firefighting applications
- Increased water quality monitoring region-wide with an estimated cost of as high as approximately \$9 million over the course of the MRP 3.0 permit term
- And, increased reporting requirements in almost all sections of the MRP. The Tentative Order for MRP 3.0 included 127 new reporting or submittal requirements above and beyond what’s required under the current permit.

As noted, City Staff, in coordination with the Contra Costa Clean Water Program (CWP) and other stormwater agencies, have provided feedback to the Water Board on the cost implications of some of the proposed requirements and practical challenges to implementation. After working with member cities, on November 15, 2021, the CWP sent a 67-page comment letter outlining all of the concerns and changes requested in the Tentative Order. Prior to sending that letter, in coordination with several other local agency members of the CWP, the City’s Operations + Environmental Services Division Manager, Will Provost, provided testimony regarding these issues at the Water Board Public Workshop on October 12, 2021. Staff is hopeful that the Final Order to be released in May will incorporate feedback received from municipalities and is nonetheless preparing for the likely possibility that many of the proposed changes will become effective July 1 of this year. City Staff continues to stay engaged in this process and in coordination with the CWP have already started planning for implementation of new programs to meet new requirements as soon as this calendar year.

Annual Report and Recent Highlights

At the end of September, Public Works Staff submitted the FY 2020-21 Annual Report for the City's Clean Water Program to the Regional Water Quality Control Board. The report highlighted El Cerrito's continued efforts to meet and exceed the requirements of the current NPDES permit. Notable highlights included: Completion of the grant-funded San Pablo Avenue Green Stormwater Spine Project, which added a new green infrastructure facility on San Pablo Avenue at Moeser Lane; Continuation of the City's moratorium on the use of glyphosate in all city landscapes; Reviewing and monitoring a growing number of stormwater projects built alongside new development, which now number in the double digits; and a robust public outreach and education campaign even through the COVID-19 pandemic. The report also documented the City's challenges with conducting construction inspections as a result of the COVID-19 pandemic and the City's fiscal crisis. Every year, this report highlights the significant efforts undertaken by the City to meet the requirements of our permit through public outreach, municipal operations, trash reduction, green infrastructure, illicit discharge detection and elimination, and new development and construction review. The City's entire FY 2020-21 Annual Report, along with those of other jurisdictions in Contra Costa County, is available for viewing on the CWP website at cccleanwater.org/about/reports.

The City actively complies with all existing MRP requirements, including those related to Municipal Operations and Integrated Pest Management, Illicit Discharge Detection and Elimination, New Development and Redevelopment, Public Outreach and Education, Construction Site Controls, Industrial and Commercial Site Controls, and managing pollutants of concern (e.g., PCBs). Specific Clean Water Program activities are coordinated and carried out primarily by the Public Works Department, with assistance from the Community Development Department.

Current Compliance and Anticipated Changes

El Cerrito has been reaching the compliance targets under the existing permit. However, based on the Tentative Order and expected changes to the MRP, the new permit requirements may be costly and challenging to meet in a variety of areas. It is expected that additional funding and staffing resources may be needed to deliver the newly required programs and reports. For example, while the City has been able to maintain strong compliance in meeting the trash load reduction requirements in recent years, the new permit is expected to eliminate the credit municipalities receive for source control policies (e.g., single-use plastic bans) and volunteer cleanups. That one change may require the City to install a variety of expensive new infrastructure or implement other cleanup programs with diminishing returns. Moreover, to maintain compliance, a new trash load management plan may be required to be developed with consultant support and/or the City may have to pursue new ordinances, which could include a requirement for private property parking lots to install and maintain trash capture devices. There are many proposed changes in MRP 3.0 that may require similar or greater new levels of effort from the City.

Simultaneously, the NPDES funds the City has dedicated to fund these activities are relatively flat, with the General Fund already funding Clean Water Program activities by an estimated \$87,000 annually as further described in Financial Considerations section.

To meet the new requirements, it is expected that additional revenues or General Fund support may be needed in the coming years; once resource needs are clearer, proposed budget increases will be brought forward by City Staff to be considered by the City Council as part of the normal budgeting process.

ANALYSIS – STORMWATER UTILITY AREA ASSESSMENT

Currently, El Cerrito's NPDES compliance activities are funded by a combination of a countywide Stormwater Utility Area (SUA) assessment funds, the City's Measure J Storm Drain funds, and the General Fund. The SUA is levied by the County in most CWP jurisdictions and provides funds for clean water activities in the member jurisdictions, as well as activities at the countywide level. The total annual amount generated countywide by the SUA is approximately \$15.9 million (Attachment 2).

Each year the per parcel rate for the SUA must be re-established by the County Board of Supervisors, which acts as the governing body for the Flood Control and Water Conservation District and, thus, the CWP. Each local jurisdiction must first adopt a resolution determining the appropriate assessment for its jurisdiction and then forward that instructing resolution to the Contra Costa County Flood Control and Water Conservation District. The Flood Control and Water Conservation District has requested the resolution be adopted by the City and sent no later than April 1, 2022, so that the County has sufficient time to place the assessment on the property tax rolls for the upcoming fiscal year.

Specific SUA assessments are calculated through determining Equivalent Runoff Units (ERUs). An ERU is a value that reflects the amount of impervious (paved) surface of a given parcel. Impervious surfaces result in stormwater runoff to the storm drain system, which potentially carries pollutants to the Bay and into the groundwater. Parcels that contain large areas of paved surfaces are assigned a greater number of ERUs. Residential lots in El Cerrito between 5,000 to 20,000 square feet in size are assigned one (1) ERU. Industrial or commercial parcels with paved parking or other impervious surfaces are assigned two (2) or more ERUs depending on their size.

In 1993, when the County SUA was established, El Cerrito's assessment was \$14 per ERU (Attachment 4). The City's current rate of \$38 per ERU was approved by the El Cerrito City Council in Fiscal Year (FY) 2004-05. Per the County Ordinance which adopted the SUA, \$38 is the maximum rate that can be assessed in El Cerrito. All municipalities in Contra Costa County have reached their maximum rates allowed.

In FY 2022-23, the County estimates that El Cerrito's rate of \$38 will generate \$414,004 for NPDES compliance (Attachment 2), based on data from the current Fiscal Year, FY 2021-22. Of these revenues, an estimated \$75,366 (18.2%) is allocated for CWP regional compliance activities and \$338,638 (81.8%) is allocated to El Cerrito to fund

local compliance activities. The City's share of the CWP's total program costs is 2.15% (Attachment 3).

The CWP uses its portion of the SUA funds to assist local jurisdictions with MRP compliance by performing work that is more cost-effective when done at the countywide level. Examples include regional public outreach campaigns, regional water quality and creeks monitoring, development of Geographical Information System tracking tools for reporting pollutant load reductions, development of the C.3 Guidebook for developers and City Staff, municipal Staff training, support in development and submittal of the Annual Report, and other activities that assist member agencies in complying with the MRP. The CWP also pays dues, on behalf of the local jurisdictions, to the San Francisco Bay Regional Monitoring Program for Trace Substances and to the California Stormwater Quality Association. These groups provide training, monitoring, and research activities that are mandated under the MRP.

After increasing over the course of the current permit term, the City's allocation for the CWP has remained level over the last two years. However, costs of compliance are expected to rise in the next permit term and are already rising as the CWP begins activities to meet the expected requirements that could take effect July 1, 2022. The CWP, with guidance from the Permittees, has been focused on maintaining relatively constant levels of funding from municipalities. Due to the need for additional countywide efforts to meet permit requirements, including efforts that are more cost-effective on a regional scale, the CWP is focusing on using the CWP's currently healthy reserve fund in the coming year, in order to maintain the amounts returned to cities at the current level. Moving forward, the CWP will likely have to either continue using reserves as long as possible or it may be in the best interest of the City and all Permittees to support decreasing the amount returned to local jurisdictions in future years. This matter will require careful consideration. As noted, with SUA funding relatively flat, increasing costs to implement mandated programs as a City, and potentially a reduced amount of SUA funds returned to the City due to the need for greater Countywide efforts, additional resources to fund the required activities may need to be identified. City Staff will update the City Council as part of the Fiscal Year 2022-23 and Fiscal Year 2023-24 budget processes as resource needs become clearer.

STRATEGIC PLAN CONSIDERATIONS

Maintaining existing funding for the City's Clean Water Program activities fulfills Strategic Plan Goal E to "Ensure the public's health and safety" and Goal F to "Foster environmental sustainability citywide." These activities are mandated by both Federal and State regulations to help maintain clean water standards. Implementation of the Clean Water Program not only promotes good water quality, it also protects the health and sustainability of the City's waterways and ecology. Non-compliance with the Municipal Regional NPDES Permit exposes jurisdictions to penalties, fines, and other enforcement actions.

ENVIRONMENTAL CONSIDERATIONS

Establishing the annual amount and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt SUA levies does not constitute a “project” as defined in the California Environmental Quality Act (CEQA) and its Guidelines, under the general rule that CEQA applies only to actions that have the potential to cause a significant effect on the environment. In this case, the City of El Cerrito City Council is only authorizing the amount of the annual parcel assessment for the NPDES program. Additionally, pursuant to Section 15273 of the CEQA Guidelines, the establishment of charges for the purpose of meeting operating expenses is categorically exempt. Any potential project funded by the annual assessment will be reviewed under CEQA prior to approval.

FINANCIAL CONSIDERATIONS

Staff is requesting adoption of the maximum rate of \$38.00 per ERU for FY 2022-23, which would generate an estimated \$414,004, of which \$338,638 will be returned to the City and included in the FY 2022-23 budget under the NPDES Fund (202). If adopted by the City Council, the Contra Costa County Board of Supervisors will adopt the annual property assessments for the FY 2022-23 tax rolls. The City Council appropriates expenditures of these funds as part of its annual budget process. The funds are used to perform clean water activities as described above, which include Engineering and Maintenance personnel, professional and technical services for monitoring, testing and assessments, State permitting fees, specialized maintenance services, and City administration.

City Funding Efforts

As the MRP requirements and expenses have increased over the years, the relatively flat revenues generated by the fixed ERU rate established in FY 2004-05 have not kept pace. Various efforts have been made by the City, CWP, and others to increase funding for clean water activities of local governments. For example, in FY 2014-2015, the City identified additional funding for trash and litter collection, which are required for MRP compliance. On November 19, 2013, the City Council adopted a resolution approving an increase in the Franchise Fee, paid by East Bay Sanitary under the Franchise Agreement, from 12% to 15% in order to generate revenue to cover the cost of street sweeping collection and disposal in the City. Beginning in January 2015, as these additional revenues began to be collected, the street sweeping expenses were moved from the NPDES Fund to the General Fund. Currently, the additional 3% Franchise Fee generates approximately \$190,000 per fiscal year and covers street sweeping and other trash mitigation expenses. In all, clean water activities are estimated to cost the City approximately \$615,000 and earmarked revenues for these activities total approximately \$528,000, resulting in General Fund support of approximately \$87,000.

Regional and Statewide Funding Efforts

In 2012, the CWP attempted to raise new clean water funds through a countywide property-owner mail-in ballot election. Although this initiative failed on a countywide basis, support in El Cerrito was 54 percent, demonstrating some local support for clean water activities. Subsequently, a coalition of various agencies sought a legislative

solution to bridge the funding gap between increasing NPDES compliance requirements and the lack of funding sources available to pay for them. In October 2017, Governor Brown signed Senate Bill 231 (Hertzberg) Local Government: Fees and Charges, which provides local governments with greater authority to fund stormwater improvements. (The El Cerrito City Council approved a recommendation authorizing the Mayor to send a letter in support of the bill.) The legislature did this by clarifying, and thereby expanding the definition of “sewer” under Proposition 218, allowing cities to fund stormwater projects in the same manner as other public works utilities, such as water, sanitary sewer, and solid waste. However, local governments are proceeding cautiously in implementing any related fees, as the new law has yet to be tested in the courts.

Given the anticipated escalation of MRP requirements, additional funding sources will likely need to be identified by FY 2023-24 if the City is to stay in compliance during the next permit term. Driving this anticipated need for additional funding are the increasing Permit requirements, while SUA funding has not been increasing, coupled with increasing costs to implement mandated programs as a City, and potentially a reduced amount of SUA funds returned to the City due to the need for greater Countywide efforts. Once resource needs are determined, Staff will return to City Council for approval as part of the normal budgeting process. While City Staff continue to actively monitor and, in coordination with the CWP, oppose increasing State mandates that require local government compliance without a dedicated funding source, the potential cost and fines associated with non-compliance are significant. For this reason, City Staff has kept program costs at the lowest possible level while still meeting MRP requirements to date.

LEGAL CONSIDERATIONS

The proposed actions are consistent with established processes for City adoption of the annual ERU rate. The City Attorney has reviewed and approved the proposed action.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Contra Costa Clean Water Program Return to Source Percentages
3. Contra Costa Clean Water Program Group Costs Methodology and Allocation
4. Stormwater Utility Area Formation County Engineer Report

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING THE ANNUAL PARCEL ASSESSMENT FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM AND DRAINAGE MAINTENANCE ACTIVITIES AT THE CURRENT RATE OF \$38.00 PER EQUIVALENT RUNOFF UNIT AND AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ADOPT STORMWATER UTILITY AREA LEVIES BASED ON SAID AMOUNT IN FISCAL YEAR 2022-23.

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, Order No. R2-2015-0049, NPDES Permit No. CAS612008, issuing waste discharge requirements under the San Francisco Bay Municipal Regional Stormwater Permit (MRP) to the Cities, Flood Control Districts and County agencies located in Alameda, Contra Costa, Santa Clara, and San Mateo Counties, as well as the cities of Fairfield, Suisun and Vallejo, includes the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, at the request of the City of El Cerrito, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of a Stormwater Utility Area (SUA), including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, it is the intent of the City of El Cerrito to utilize funds received from its SUA for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of El Cerrito and the District requires that the City of El Cerrito annually determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year and the District has requested the approved resolutions by April 1, 2022.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does determine that the rate to be assigned to a single ERU for Fiscal Year 2022-23 shall be set at \$38.00.

BE IT FURTHER RESOLVED, the City Council of the City of El Cerrito does hereby request the District to adopt SUA levies based on said amount.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on March 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Agenda Item No. 5.C. Attachment 2

Contra Costa Clean Water Program Stormwater Utility Assessment (SUA) Revenue, Cost Allocations, and SUA Revenue Return-to-Source (RTS) Percentages (Created 2/16/2022)															
Stormwater Utility Assessment (SUA) Revenue ¹ (FY 2021/22)		Adopted												Proposed	
		FY 16/17 Net Budget \$2,625,516		FY 17/18 Net Budget \$3,053,432		FY 18/19 Net Budget \$3,085,545		FY 19/20 Net Budget \$3,499,213		FY 20/21 Net Budget \$3,473,097		FY 21/22 Budget Cap \$3,500,000		FY 22/23 Budget Cap \$3,500,000	
		Allocation ²	% RTS ⁹	Allocation ³	% RTS ⁹	Allocation ⁴	% RTS ⁹	Allocation ⁵	% RTS ⁹	Allocation ⁶	% RTS ⁹	Allocation ⁷	% RTS ⁹	Allocation ⁸	% RTS ⁹
Antioch	\$ 1,248,044	\$ 257,816	78.1	\$ 307,042	73.9	\$306,747	73.9	\$344,212	72.2	\$342,241	72.6	\$341,395	72.6	\$342,303	72.6
Brentwood		\$ 134,488		\$ 159,772		\$163,938		\$191,930		\$191,287		\$197,573		\$200,493	
Clayton	\$ 127,691	\$ 26,872	78.7	\$ 30,466	75.9	\$30,299	76.0	\$34,801	72.4	\$35,014	72.6	\$34,397	73.1	\$34,179	73.2
Concord	\$ 2,105,993	\$ 300,122	85.3	\$ 352,538	82.8	\$344,685	83.2	\$393,222	80.9	\$390,281	81.5	\$394,865	81.3	\$392,125	81.4
Danville	\$ 571,583	\$ 104,012	81.6	\$ 116,505	79.4	\$116,412	79.4	\$135,163	76.0	\$136,024	76.2	\$133,123	76.7	\$133,181	76.7
El Cerrito	\$ 414,004	\$ 57,820	85.6	\$ 66,258	83.5	\$66,053	83.6	\$75,926	81.3	\$76,497	81.5	\$75,709	81.7	\$75,366	81.8
Hercules	\$ 320,943	\$ 58,980	81.8	\$ 67,381	79.5	\$68,940	79.1	\$80,122	75.7	\$78,796	75.4	\$77,460	75.9	\$78,454	75.6
Lafayette	\$ 472,499	\$ 59,882	86.9	\$ 67,742	85.3	\$67,662	85.3	\$78,106	83.0	\$79,105	83.3	\$77,685	83.6	\$76,919	83.7
Martinez	\$ 705,727	\$ 88,997	85.8	\$ 100,719	83.9	\$101,115	83.9	\$115,986	82.3	\$115,652	83.6	\$112,583	84.0	\$111,708	84.2
Moraga	\$ 293,026	\$ 39,199	86.4	\$ 44,882	87.4	\$44,777	87.4	\$51,729	82.2	\$50,897	82.6	\$51,416	82.5	\$51,020	82.6
Oakley	\$ 504,346	\$ 92,342	81.4	\$ 109,102	78.4	\$110,623	78.1	\$127,083	75.8	\$125,474	75.1	\$128,830	74.5	\$130,114	74.2
Orinda	\$ 387,524	\$ 44,308	88.4	\$ 50,959	86.7	\$50,842	86.7	\$58,451	84.6	\$58,517	84.9	\$57,675	85.1	\$57,870	85.1
Pinole	\$ 324,107	\$ 45,103	85.7	\$ 50,932	84.0	\$50,950	84.0	\$58,564	81.7	\$58,586	81.9	\$59,180	81.7	\$58,752	81.9
Pittsburg	\$ 1,260,260	\$ 160,997	85.5	\$ 184,324	83.5	\$187,468	83.2	\$221,172	81.5	\$217,966	82.7	\$225,496	82.1	\$225,976	82.1
Pleasant Hill	\$ 501,418	\$ 81,327	83.5	\$ 92,620	81.2	\$93,057	81.1	\$106,764	78.3	\$105,331	79.0	\$103,969	79.3	\$103,536	79.4
Richmond		\$ 255,550		\$ 300,003		\$300,153		\$337,837		\$331,830		\$337,442		\$334,059	
San Pablo	\$ 432,966	\$ 70,776	83.2	\$ 83,792	80.1	\$83,380	80.2	\$96,184	77.4	\$95,601	77.9	\$95,310	78.0	\$94,157	78.3
San Ramon	\$ 1,236,547	\$ 187,024	84.2	\$ 212,987	82.3	\$216,284	82.0	\$251,605	78.4	\$252,268	79.6	\$252,187	79.6	\$254,383	79.4
Walnut Creek	\$ 1,305,162	\$ 159,187	86.6	\$ 190,306	84.0	\$190,571	84.0	\$215,144	82.0	\$210,694	83.9	\$214,995	83.5	\$216,327	83.4
CC County	\$ 3,661,896	\$ 400,713	88.3	\$ 465,102	87.0	\$465,739	87.0	\$525,212	84.9	\$521,037	85.8	\$528,710	85.6	\$529,080	85.6
Total	\$ 15,873,736														
¹ . Total Stormwater Utility Assessment (SUA) revenue based on FY 2021/22. SUA revenue may increase annually due to new development activity.															
² . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2015.															
³ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2016.															
⁴ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2017.															
⁵ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2018.															
⁶ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2019.															
⁷ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2020.															
⁸ . Allocation of costs based on CA Department of Finance Population Figures - January 1, 2021.															
⁹ . Percentage of Stormwater Utility Assessment (SUA) revenue Returned-to-Source (RTS).															
	= No SUA. Stormwater funding from other sources.														

**GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2022/23**

City/County/State	January 1, 2021	January 1, 2022 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	SUA Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,149,853	1,153,854	0.35%		\$ 3,500,000
ANTIOCH	112,236	112,848	0.55%	9.78%	\$ 342,303
BRENTWOOD	65,263	66,097	1.28%	5.73%	\$ 200,493
CLAYTON	11,290	11,268	-0.19%	0.98%	\$ 34,179
CONCORD	129,453	129,273	-0.14%	11.20%	\$ 392,125
DANVILLE	43,840	43,906	0.15%	3.81%	\$ 133,181
EL CERRITO	24,835	24,846	0.04%	2.15%	\$ 75,366
HERCULES	25,494	25,864	1.45%	2.24%	\$ 78,454
LAFAYETTE	25,321	25,358	0.15%	2.20%	\$ 76,919
MARTINEZ	36,946	36,827	-0.32%	3.19%	\$ 111,708
MORAGA	16,756	16,820	0.38%	1.46%	\$ 51,020
OAKLEY	42,268	42,895	1.48%	3.72%	\$ 130,114
ORINDA	18,984	19,078	0.50%	1.65%	\$ 57,870
PINOLE	19,390	19,369	-0.11%	1.68%	\$ 58,752
PITTSBURG	74,501	74,498	0.00%	6.46%	\$ 225,976
PLEASANT HILL	34,127	34,133	0.02%	2.96%	\$ 103,536
RICHMOND	110,288	110,130	-0.14%	9.54%	\$ 334,059
SAN PABLO	31,078	31,041	-0.12%	2.69%	\$ 94,157
SAN RAMON	83,376	83,863	0.58%	7.27%	\$ 254,383
WALNUT CREEK	70,592	71,317	1.03%	6.18%	\$ 216,327
UNINCORP. COUNTY	173,815	174,423	0.35%	15.12%	\$ 529,080
				<u>100.00%</u>	<u>\$ 3,500,000</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2022.
Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. SUA funds allocated for budget purposes, which by policy is set at \$3.5M

TO: BOARD OF SUPERVISORS, AS THE GOVERNING BODY OF CONTRA COSTA
COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

FROM: J. MICHAEL WALFORD, CHIEF ENGINEER

DATE: June 22, 1993

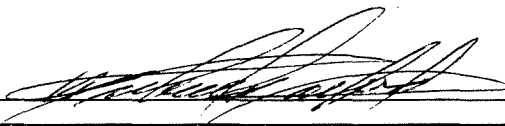
SUBJECT: CHIEF ENGINEER'S REPORT ON FORMATION OF STORMWATER UTILITY AREAS AND
ADOPTION OF ANNUAL ASSESSMENTS

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. **Recommended Action:**

1. ACCEPT Chief Engineer's report on the tabulation of the protests against the proposed Stormwater Utility Assessments;
2. FIND that the number of protests received for each Stormwater Utility Area represent less than fifty (50) percent of the area;
3. DETERMINE the formation of the Stormwater Utility Areas is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) Article 5, CEQA Guidelines. DIRECT the Community Development Director to file a notice of Exemption.
4. APPROVE the resolutions establishing the seventeen (17) Stormwater Utility Areas; and
5. ADOPT the Ordinance establishing Stormwater Utility Assessments in the seventeen (17) Stormwater Utility Areas with the stipulation that the Equivalent Runoff Unit (ERU) rate for the unincorporated County area shall be \$16.20 for Fiscal Year 1993-94 (a ten percent reduction from the proposed rate of \$18/ERU.)

Continued on Attachment: X

SIGNATURE: 

☐ RECOMMENDATION OF COUNTY ADMINISTRATOR
☐ RECOMMENDATION OF BOARD COMMITTEE
☐ APPROVE ☐ OTHER

SIGNATURE(S):

ACTION OF BOARD ON JUN 22 1993 APPROVED AS RECOMMENDED X OTHER ☐

VOTE OF SUPERVISORS

X UNANIMOUS (ABSENT ☐)
AYES: ☐ NOES: ☐
ABSENT: ☐ ABSTAIN: ☐

MFK:lv:fp:sj
c:NPDES\22.t6

Orig. Div: Public Works (FC)
Contact: Milton Kubicek, 313-2203
cc: County Administrator
County Auditor
County Counsel
PW - Flood Control

I hereby certify that this is a true and correct copy of
an action taken and entered on the minutes of the
Board of Supervisors on the date shown.

ATTESTED: JUN 22 1993
PHIL BATCHELOR, Clerk of the Board
of Supervisors and County Administrator

By Barbara Sidari, Deputy

II. Financial Impact:

The proposed Stormwater Utility Assessments will raise approximately \$8,052,900 to fund the National Pollutant Discharge Elimination System (NPDES) permit activities including drainage system maintenance for the following cities and unincorporated Contra Costa County areas:

Antioch	El Cerrito	Moraga	Pleasant Hill
Clayton	Hercules	Orinda	San Pablo
Concord	Lafayette	Pinole	San Ramon
Danville	Martinez	Pittsburg	Walnut Creek

III. Reasons for Recommendations and Background:

Contra Costa County, its incorporated cities and the Contra Costa County Flood Control and Water Conservation District decided approximately two years ago to collectively apply for a Joint Municipal National Pollutant Discharge Elimination System (NPDES) Permit. This is federally mandated through the Clean Water Act which was amended in 1987 to specifically address stormwater pollution. There are three parts to the Permit. The Part I Application representing reconnaissance level activities by each municipality was submitted to the San Francisco Bay and Central Valley Regional Water Quality Control Boards on May 18, 1992. The Part II Application represented the development of each municipality's Stormwater Management Plan which was submitted to the Regional Boards on May 17, 1993. The Stormwater Management Plan seeks to reduce or radically eliminate pollutants from entering or reaching the storm sewer system. The third phase of the process is the actual promulgation of the Permit.

The Permit is for five years (1993 to 1998) requiring each municipality to implement their approved Stormwater Management Plan. The Regional Boards have indicated the need for a "restricted" funding source to finance implementation costs. Therefore, Contra Costa County proposed legislation providing a financing option for municipalities to use through the Contra Costa County Flood Control and Water Conservation District. The bill, AB 2768 (Campbell), was passed by the legislature and signed by Governor Pete Wilson on August 30, 1992. The legislation specifically allows a municipality to request formation of a Stormwater Utility Area within their incorporated boundaries and establish an assessment to pay for implementation costs.

The Board of Supervisors, acting as the Contra Costa County Flood Control and Water Conservation District, provided public notice to all affected property owners before considering the establishment of the Stormwater Utility Areas and assessments. The Board of Supervisors acting on behalf of Contra Costa County has also taken specific actions establishing the Stormwater Utility Area and assessment for the unincorporated portion of the County. Should there be a fifty percent (50%) protest against the Stormwater Utility Areas formations and assessments, the Board of Supervisors would have to abandon this form of financing. Due to the inability to create any new assessments for the 1993-94 Fiscal Year, the likely alternative funding source would be the General Fund.

Public notices were sent to approximately 238,234 parcel owners. State legislation (SB1977 - Bergeson) requires at least 45 day notice to parcel owners before the governing board considers any new or increased assessments. This requirement was met and informed parcel owners of two public hearings which were held on June 10 and 15, 1993. Approximately 28,170 recorded protests have been received. This represents approximately 11.8% of the total number of parcel owners who received public notices. The recorded protest includes those legally acceptable and those that appear acceptable but presently are questionable. The reason this figure is used is to provide a "worse case" scenario to the Board of Supervisors regarding the amount of protests per stormwater utility area. A copy of all written protests are retained in the office of the Contra Costa County Clerk of the Board located at 651 Pine Street, Martinez, California. A majority protest by the owners of more than 50% in area of the territories to be included in the stormwater utility area would cause the assessment to be abandoned for that particular area. This has not occurred. The following two charts highlight the total "assessable" and "total" area per stormwater utility area:

Tax Rate Area	Area Protested	Total Assessable Area	Percentage*
01 City of Antioch	806	5,542	14.5
02 City of Concord	1,278	8,235	15.5
03 City of El Cerrito	150	1,801	8.3
04 City of Hercules	165	1,380	12.0
05 City of Martinez	703	3,392	20.7
06 City of Pinole	191	1,570	12.2
07 City of Pittsburg	775	3,964	19.5
09 City of Walnut Creek	785	5,979	13.1
11 City of San Pablo	194	1,408	13.8
12 City of Pleasant Hill	419	2,830	14.8
13 City of Clayton	138	1,307	10.5
14 City of Lafayette	587	4,833	12.1
15 Town of Moraga	599	2,386	25.1
16 Town of Danville	501	4,548	11.0
17 City of San Ramon	577	3,677	15.7
18 City of Orinda	361	3,440	10.5
50 Unincorporated County	5,358	31,050	17.2

Tax Rate Area	Area Protested	Total Area	Percentage*
01 City of Antioch	806	18,000	4.4
02 City of Concord	1,278	14,954	8.5
03 City of El Cerrito	150	2,706	5.5
04 City of Hercules	165	4,115	4.0
05 City of Martinez	703	7,196	9.7
06 City of Pinole	191	3,105	6.1
07 City of Pittsburg	775	10,221	7.5
09 City of Walnut Creek	785	14,511	5.4
11 City of San Pablo	194	1,711	11.3
12 City of Pleasant Hill	419	3,708	11.3
13 City of Clayton	138	3,185	4.3
14 City of Lafayette	587	9,583	6.1
15 Town of Moraga	599	9,579	6.2
16 Town of Danville	501	11,037	4.5
17 City of San Ramon	577	9,351	6.1
18 City of Orinda	361	10,521	3.4
50 Unincorporated County	5,358	417,315	1.2

The "total assessable area" provides the worse case scenario for determining if a majority protest exists. Based on these amounts, a majority protest does not exist for any stormwater utility area.

The process used to record protests included a specific database based on the 1992 equalized tax roll indicating parcel ownership, address, notification address, acreage, land use, proposed assessment, etc. Two "hotlines" were established so the general public could have immediate access to information. During the ten weeks between mailing of the public notices and the June 15th public hearing, approximately 500 telephone call were received. Two trained operators were able to handle the majority of the problems. Questions that were encountered were based primarily on the accuracy of the Land Information and the Public Works Automated Mapping Systems. These included problems dealing with parcel ownership, acreage of the parcel and the appropriate land use. Should the Board of Supervisors approve the Stormwater Utility Areas and Assessments than field inspection activities would immediately commence. All known problems will be reviewed and corrections made prior to the promulgation of the assessments for the 1993-94 Fiscal Year. Specific problems pertaining to reclamation districts, the Oakley-Knightsen area and St. Mary's College will be resolved prior to this promulgation.

IV. Consequences of Negative Action:

The Environmental Protection Agency promulgated the National Pollutant Discharge Elimination Discharge System (NPDES) Permit Application Regulations for stormwater discharges on November 16, 1990 (40 CFR Parts 122, 123 and 124). Contra Costa County and the City of Concord were specifically identified in the Federal Register as needing a Municipal NPDES Permit. The legislation also permitted the State of California to make a finding if stormwater discharge was a "... significant contributor of pollutants to the waters of the United States" then these municipalities would also need to obtain a Municipal NPDES Permit. Such a finding was made requiring all municipalities within the San Francisco Bay Regional Water Quality Control Board's jurisdiction in Contra Costa County to obtain Municipal NPDES Permits.

All affected municipalities excluding the City of Richmond have opted to utilize the financing method contained in Assembly Bill 2768 (Campbell). This means each municipality is specifically requesting the formation of a Stormwater Utility Area within their incorporated boundaries, have established an assessment for Fiscal Year 1993-94 and set a maximum rate of assessment. Should the Board of Supervisors acting as the Contra Costa County Flood Control and Water Conservation District fail to proceed with this assessment, then it would create immediate financial chaos. All participating municipalities are expecting the Board of Supervisors to approve the formation of Stormwater Utility Areas and assessments if a majority protest does not materialize. If the AB 2768 financing mechanism is not implemented, then municipalities would need to resort to general revenue financing. This would further exasperate the financial dilemma all municipalities are facing with cut-backs from the State to local governments.

ORDINANCE NO. 93-47

AN ORDINANCE OF THE CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
IMPOSING STORM WATER UTILITY ASSESSMENTS FOR
STORMWATER UTILITY AREAS:

1-(Antioch), 2-(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito),
6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda),
11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo),
15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County)

The Board of Supervisors of Contra Costa County, acting as the governing board of the Contra Costa County Flood Control and Water Conservation District, ordains as follows:

ARTICLE I

Section 1. Title.

This Ordinance shall be known as the "Stormwater Utility Assessment Ordinance" of the Contra Costa County Flood Control and Water Conservation District.

Section 2. Purpose.

The United States Environmental Protection Agency (the "EPA") has, consistent with Section 402 of the Federal Clean Water Act, as amended, promulgated the National Pollutant Discharge Elimination System Regulations (the "NPDES Regulations") pursuant to which the EPA, through the appropriate California Regional Water Quality Control Board (the "CRWQCB"), has required the Contra Costa County Flood Control and Water Conservation District (the "District") and other affected public entities to secure a National Pollutant Discharge Elimination System Stormwater Permit (the "NPDES Permit") and to develop, implement and manage identified programs dealing with stormwater runoff. The parcels of land within the respective watersheds within the District's jurisdiction for which a NPDES Permit is required will benefit from these programs. Further, the local drainage facilities falling under the NPDES program requires routine maintenance if they are to continue to serve the developed areas for which they were installed. Collectively, these two activities, NPDES and general drainage maintenance, represent the city's and County's stormwater management Programs. The Board of Supervisors of the District has determined, pursuant to the Contra Costa County Flood Control and Water Conservation Act (the "District Act"), which is Chapter 63, Section 12.8, as amended, of the California Water Code Appendix, to form certain Stormwater Utility Areas in which the

District will annually levy assessments to pay the cost of these programs required by the NPDES Permit. The Board of Supervisors of the District, consistent with Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, held noticed public hearings at which time all testimony, oral and written, was considered. At the conclusion of the public hearings, the Board of Supervisors of the District adopted resolutions forming the Stormwater Utility Areas. The provisions of this Ordinance confirming the formation of the Stormwater Utility Areas and providing for the annual levy of a Utility Assessment are consistent with the District Act and the reports prepared by the Chief Engineer of the District and accepted by the Board of Supervisors of the District.

The Board of Supervisors of the District finds that the Utility Assessment to be annually levied shall be based on the proportional amount of impervious surface on each lot or Parcel within the Stormwater Utility Area. Revenues derived from the Utility Assessments shall be applied exclusively to pay the District's administrative costs in collecting the assessments and the respective city or County stormwater management Program costs for the Stormwater Utility Area in which they are collected.

ARTICLE II

DEFINITIONS

Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have the meanings set forth below:

- a. "Board of Supervisors" means the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District.
- b. "Chief Engineer" means the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District.
- c. "County" means the County of Contra Costa, State of California.
- d. "CRWQCB" means the California Regional Water Quality Control Board for the region in which the Stormwater Utility Area has been formed.
- e. "District" means the Contra Costa County Flood Control and Water Conservation District.
- f. "District Act" means the Contra Costa County Flood Control and Water Conservation District Act, which is codified in West's California Water Code Appendix, Chapter 63, as amended from time to time.

- g. "EPA" means the United States Environmental Protection Agency, which pursuant to the Clean Water Act of 1972, as amended by the Water Quality Act of 1987, has jurisdiction to establish the National Pollutant Discharge Elimination System (NPDES) and promulgate regulations pursuant thereto.
- h. "NPDES Permit" means the permit, issued by the CRWQCB, dealing with stormwater runoff in association with the National Pollutant Discharge Elimination System (NPDES) and the regulations promulgated by the EPA.
- i. "NPDES Regulations" means the final regulations dated November 16, 1990, and any subsequent amendments thereto promulgated by the EPA governing the National Pollutant Discharge Elimination System (NPDES).
- j. "Ordinance" means this Ordinance No. 93-47 of the Contra Costa County Flood Control and Water Conservation District.
- k. "Parcel" means a parcel of property identified by Assessor parcel number as shown on the equalized tax rolls of the County of Contra Costa, State of California.
- l. "Program" means all the activities required under or in connection with the NPDES Permit, including without limitation drainage system maintenance and Program administration.
- m. "Stormwater Utility Area" means a benefit assessment area formed pursuant to Section 12.8 of the District Act by the Board of Supervisors and identified in Article III of this Ordinance.
- n. "Utility Assessment" means the annual assessment to be levied on each Parcel within a Stormwater Utility Area pursuant to Article V of this Ordinance.

ARTICLE III

FORMATION OF STORMWATER UTILITY AREAS

Section 1. Formation of Stormwater Utility Areas.

Pursuant to Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, the Board of Supervisors noticed public hearings to consider the establishment of individual Stormwater Utility Areas for each of the 16 cities and the unincorporated County area to fund Program costs. At the conclusion of the hearings, the Board of Supervisors adopted Resolutions Nos. 93/352, 93/353, 93/354, 93/355, 93/356, 93/357, 93/358, 93/359, 93/360, 93/361, 93/362, 93/363, 93/364, 93/365, 93/366, 93/367, and 93/368, which formed, respectively, Stormwater Utility Areas 1-(Antioch), 2-

(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito), 6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda), 11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo), 15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County). The legal boundary of each Stormwater Utility Area shall be congruent with the legal boundary of the associated city or County entity as of July 1st of each year in which a Utility Assessment is levied.

Section 2. Additional Stormwater Utility Areas.

The District may form additional Stormwater Utility Areas, if requested by resolution of the governing board of the area to be formed. To form an additional Stormwater Utility Area, the District shall comply with provisions of the District Act then governing the formation of a Stormwater Utility Area.

ARTICLE IV

**REPORT OF CHIEF ENGINEER; HEARING THEREON;
CONFIRMATION OF UTILITY ASSESSMENT BY THE
BOARD OF SUPERVISORS**

Section 1. Report.

The Chief Engineer shall cause to be prepared annually a written report indicating, for each Stormwater Utility Area, the Utility Assessment to be levied, as requested by the city or County governing board having jurisdiction over the area defined by the Stormwater Utility Area and shall file the report with the Clerk of the Board of Supervisors.

Section 2. Content of the Report.

The report shall contain the District's estimate of its administrative costs and the Program costs for the respective city or County agency for each of the Stormwater Utility Areas for the ensuing fiscal year. Said estimate of costs shall be apportioned to each Parcel on the basis of proportionate impervious surface assignable to each Parcel to be assessed. Only Parcels not otherwise exempted by this Ordinance or the NPDES Regulations shall have a Utility Assessment levied on them. The report shall identify all Parcels by Assessor parcel number on which a Utility Assessment is to be levied and the amount of the assessment.

Section 3. Resolution Accepting Report and Noticing Public Hearing.

Upon the report being filed with the Clerk of the Board of Supervisors, the Board of Supervisors is, by resolution, to accept, if appropriate, the report and to set a date, time

and place for a hearing on said report. Notice of the hearing date shall be given as required by applicable law.

Section 4. Hearing.

The Board of Supervisors shall hear the matter on the date and at the time specified in the notice, or as continued for good cause. At the hearing, the Board of Supervisors shall hear and consider all testimony, oral and written, presented, including all written protests. At the conclusion of the hearing, the Board of Supervisors may revise, change, reduce or modify any Utility Assessment and shall determine an appropriate rate for each Stormwater Utility Area identified in the report. Thereafter, by resolution, it shall confirm the assessments. Such confirming resolutions shall be adopted no later than August 10 of each fiscal year in which the Utility Assessment is to be levied and collected.

Section 5. Enrollment.

The District shall provide certified copies of the confirming resolutions and the roll of confirmed Utility Assessments, in an acceptable format, to the Auditor-Controller of the County on or before August 10 of each fiscal year.

ARTICLE V

LEVY OF UTILITY ASSESSMENT

Section 1. Determination of the Amount to Be Assessed.

The District shall estimate, for the fiscal year in which the Utility Assessment is to be levied, the total number of Equivalent Runoff Units and the administrative costs for each Stormwater Utility Area. The administrative costs shall be combined with the costs of implementing the city or County Program for the various Stormwater Utility Areas. This total cost is to be apportioned among the Parcels within each respective Stormwater Utility Area in direct proportion to the number of Equivalent Runoff Units assigned to each Parcel. The Utility Assessment levied and collected within each Stormwater Utility Area may only be applied toward the costs incurred for Program costs for the Stormwater Utility Area. If, at the conclusion of any fiscal year, there remains in the account for a Stormwater Utility Area unexpended funds, the remaining balance shall be applied toward the estimated costs for the next fiscal year. Utility Assessments levied and collected pursuant to this Ordinance may not be applied toward any other costs or expenses of the District or the city or County receiving funds from the Stormwater Utility Area nor may they be applied to the costs of a Stormwater Utility Area other than the Stormwater Utility Area for which they were levied and collected.

Section 2. Determination of Equivalent Runoff Unit and Amount of Utility Assessment to Be Levied.

- a. Equivalent Runoff Unit. The Chief Engineer has submitted a report entitled "Report on Stormwater Utility Assessment" and dated March 1993. The report establishes standard impervious surface amounts for various land uses and Parcel sizes and establishes Equivalent Runoff Units (ERUs) for each type of land use. The report and the standard amounts specified therein are adopted by the Board and are incorporated herein by reference. The standard against which all property is to be measured shall be a single-family residential Parcel of 8,900 square feet in size to which a standard of 3,300 square feet of impervious surface is ascribed and shall be called a Equivalent Runoff Unit (ERU). All other land uses shall be compared to this standard and the number of Equivalent Runoff Units assigned to the Parcel shall be in direct proportion to 3,300 square feet of impervious surface (SFIS). The number of Equivalent Runoff Units per Parcel for each of the classes listed in subsection (b) below are as follows:

Group A	1.0 ERU/unit	Group G	7 ERU/acre
Group B	.7 ERU/unit	Group H	9 ERU/acre
Group C	1.7 ERU/unit	Group I	10 ERU/acre
Group D	.2 ERU/acre	Group J	12 ERU/acre
Group E	1.5 ERU/acre	Group K	1 ERU/3,300 SFIS
Group F	4.5 ERU/acre	Group L	Exempt

- b. Classification of Parcels. All Parcels shall be assigned to one of the following classifications based on land use:

- Group A: Single family residential on a Parcel having an area between 5,000 square feet and 20,000 square feet.
- Group B: Single family residential on a Parcel having an area less than 5,000 square feet and all multiple family residential Parcels.
- Group C: Single family residential on a Parcel having an area greater than 20,000 square feet.
- Group D: Golf courses and cemeteries.
- Group E: Miscellaneous improvements creating less than 25 percent impervious surfaces by Parcel area.
- Group F: Miscellaneous improvements creating between 25 percent and 50 percent impervious surfaces by Parcel area.

Group G: Community centers, churches, schools and cultural facilities.

Group H: Office buildings, medical-dental offices, financial buildings, research and development offices, miscellaneous industrial improvements, convalescent hospitals and rest homes, mortuaries, fraternal and service organization buildings, retirement housing complex.

Group I: Hotels, motels, and mobile home parks.

Group J: Mini warehouses, industrial parks, light industrial parks, heavy industry, utility properties (corporation yards), bowling alleys, theaters, restaurants, car lots, hospitals, convenience markets, supermarkets, shopping centers, drive-in restaurants, parking facilities, service stations and car washes.

Group K: Boat marinas, partially developed properties.

Group L: Vacant land, agricultural land, and government-owned properties used for public purposes.

c. Exempted Land Uses. All land uses expressly exempted by the NPDES Regulations will be exempted from the levy of a Utility Assessment pursuant to this Ordinance. Those land uses exempted are:

- (1) Agricultural uses, including dairies, poultry, livestock, groves, orchards, row crops, field crops, vines or dry farming.
- (2) Vacant, undeveloped Parcels.
- (3) Publicly-owned Parcels which are Parcels owned by a federal, state or local public entity or agency and used for public purposes.

d. Determination of Equivalent Runoff Units Per Parcel. Once a Parcel is classified and its acreage or number of units is determined, the appropriate standard Equivalent Runoff Unit amount for the classification will be multiplied by the acreage or the number of units to determine the total Equivalent Runoff Units for the Parcel.

e. Determination of Utility Assessment to Be Levied Per Equivalent Runoff Unit. The aggregate number of Equivalent Runoff Units within a Stormwater Utility Area will be divided into the estimated Program costs for the Stormwater Utility Area to determine the amount of Utility Assessment to be levied per Equivalent Runoff Unit. The Utility Assessment to be levied on a Parcel is determined by the number of Equivalent Runoff Units ascribed to the Parcel and the assessment value of each unit.

- f. Maximum Utility Assessment to Be Levied Per Equivalent Runoff Unit. The Board hereby adopts the following maximum amounts of annual Utility Assessment per Equivalent Runoff Unit that can be levied without further individual Parcel owner notification for each of the following Stormwater Utility Areas:

1-(Antioch)	\$25.00	10-(Orinda)	\$35.00
2-(Clayton)	\$29.00	11-(Pinole)	\$35.00
3-(Concord)	\$35.00	12-(Pittsburg)	\$30.00
4-(Danville)	\$30.00	13-(Pleasant Hill)	\$30.00
5-(El Cerrito)	\$38.00	14-(San Pablo)	\$45.00
6-(Hercules)	\$35.00	15-(San Ramon)	\$35.00
7-(Lafayette)	\$35.00	16-(Walnut Creek)	\$35.00
8-(Martinez)	\$30.00	17-(Unincorporated County)	\$30.00
9-(Moraga)	\$35.00		

- g. Utility Assessment to Be Levied for Fiscal Year 1993-94. The Utility Assessment to be levied per Parcel in Fiscal Year 1993-94 in the various Stormwater Utility Areas shall be based on the assigned dollar amount for a single Equivalent Runoff Unit as indicated below:

1-(Antioch)	\$20.00	10-(Orinda)	\$23.00
2-(Clayton)	\$23.00	11-(Pinole)	\$29.40
3-(Concord)	\$26.00	12-(Pittsburg)	\$24.00
4-(Danville)	\$22.00	13-(Pleasant Hill)	\$25.00
5-(El Cerrito)	\$14.00	14-(San Pablo)	\$33.00
6-(Hercules)	\$26.00	15-(San Ramon)	\$23.00
7-(Lafayette)	\$15.00	16-(Walnut Creek)	\$27.50
8-(Martinez)	\$20.00	17-(Unincorporated County)	\$16.20
9-(Moraga)	\$25.00		

ARTICLE VI

COLLECTION OF UTILITY ASSESSMENT

Section 1. Collection by Treasurer/Tax Collector.

The confirmed Utility Assessment for each Parcel shall appear as a separate item on the tax bill issued by the Treasurer/Tax Collector of the County. The Utility Assessment shall be levied and collected at the same time and in the same manner as the general ad valorem property taxes and shall be subject to the same penalties and the same procedures for sale in case of delinquency. If, for the first year the Utility Assessment is levied, the property on which the Utility Assessment is levied has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for

value has been created and attached thereon, prior to the date on which the first installment of ad valorem property taxes would become delinquent, the Utility Assessment shall not result in a lien against the real property but shall be transferred to the unsecured roll.

Section 2. Applicable Law.

All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to Utility Assessments, except as otherwise provided herein.

Section 3. Validity of Utility Assessment Not Affected by Time Limits.

Failure to meet the time limits set forth in this Ordinance for whatever reason shall not invalidate any Utility Assessment levied hereunder.

ARTICLE VII

CORRECTION OR CHANGE TO THE TAX ROLL

Section 1. Initiation of the Correction or Change.

A correction or change to the tax roll with respect to a Utility Assessment may be made by the Chief Engineer, either on his/her own initiative, or on application by a property owner (the "Assessee").

Section 2. Initiation by Flood Control Engineer.

The Chief Engineer may initiate a correction or change to the tax roll at any time within two (2) years of the date of the resolution or ordinance of the Board of Supervisors confirming Utility Assessments placed upon the tax roll.

Section 3. Initiation by the Assessee.

The Assessee may initiate a correction or change to the tax roll by filing a written application with the Chief Engineer within sixty (60) days following his/her receipt of the tax bill reflecting the Utility Assessment. The application shall contain or include the following information, together with such additional information deemed relevant by the Assessee or requested by the Chief Engineer:

- a. Assessor parcel number.
 - b. Gross acreage.
 - c. Use of property as of the preceding March 1.
 - d. Copy of the tax bill containing the benefit assessment.
- 1e in date*

- e. Basis for requested correction or change.

Section 4. Categories of Corrections or Changes.

Upon approval of the Chief Engineer, corrections or changes shall be made with respect to:

- a. Ownership of a Parcel;
- b. Address of an owner of a Parcel;
- c. Subdivision of an existing Parcel;
- d. Land use category of all or part of a Parcel;
- e. Computation of the area of a Parcel;
- f. Erroneous computation of the Utility Assessment.

Corrections to the tax roll shall not be valid unless and until approved by the Board of Supervisors. All corrections or changes must be reported by the Chief Engineer to the Auditor-Controller of the County, who shall (1) refund the amount of the assessment overcharge by check without amendment of the bill if the amount of overcharge is less than one hundred dollars, or (2) prepare an amended billing to correct the overcharge, as the case may be. The Chief Engineer shall give written notice to the Assessee of the action taken on the application.

If the Assessee disagrees with the Chief Engineer's determination, he/she may file an appeal with the Stormwater Utility Assessment Appeal Board within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written letter submitted to the Stormwater Utility Assessment Appeal Board, c/o the Chief Engineer for refund of all or part of the Stormwater Utility Assessment. The Stormwater Utility Assessment Appeal Board shall contain at least three members and shall be appointed by the Board of Supervisors.

If the Assessee disagrees with the Stormwater Utility Assessment Appeal Board's determination, he/she may file an appeal with the Board of Supervisors within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written application filed with the Clerk of the Board of Supervisors for refund of all or part of the Utility Assessment. The application shall include payment of a one hundred dollar appeal fee which shall be returned if the Assessee's appeal is upheld by the Board. The decision of the Board of Supervisors shall be final and shall complete the administrative process. Any further action by the Assessee for recovery of any part of the Utility Assessment shall be by complaint for refund filed in the Superior Court.

ARTICLE VIII

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective thirty (30) days after passage, and within fifteen (15) days of passage, shall be published once with the names of the Supervisors voting for and against it in the Contra Costa Times, a newspaper of general circulation published in this County.

PASSED and ADOPTED on June 22, 1993 by the following vote:

AYES:	Supervisors Powers, Smith, Bishop, McPeak and Torlakson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Attest: Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

By: Barbara Sidasi
Deputy

Tom Torlakson
Board Chair

MFk:lv:drg
a:npdes\ordinance
(June 22, 1993)



AGENDA BILL

Agenda Item No. 5.D.

Date: March 15, 2022
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement Project - Cooperative Agreement No. 04-2847

ACTION PROPOSED

Adopt a resolution approving Cooperative Agreement No. 04-2847 (Agreement) between the State of California Department of Transportation (Caltrans) and the City of El Cerrito (City) for the Plans, Specifications and Estimate and Right-of-Way components of the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project and authorizing the City Manager to execute the Agreement.

BACKGROUND

The El Cerrito del Norte TOD Complete Streets Improvement Project will implement multimodal transportation improvements identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. Planned improvements consist of enhanced and new protected crosswalks, new context-sensitive bikeways, bus boarding islands, circulation improvements, and various streetscape enhancements. The project location is in the Uptown district of the Specific Plan area and spans several streets, including San Pablo Avenue from Ohlone Greenway near the northern city limit to Potrero Avenue, Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, Hill Street from San Pablo Avenue to Liberty Street, Cutting Boulevard from I-80 to Key Boulevard, and Knott Avenue from San Pablo Avenue to Key Boulevard. A significant portion of the project is on State Route 123, requiring that the project undergo an extensive California Department of Transportation (Caltrans) project development process. Detailed information on the project description and funding were previously provided in the [August 17, 2021 Agenda Bill](#) regarding the approval of a cooperative agreement with the West Contra Costa County Transportation Advisory Committee (WCCTAC) for Subregional Transportation Mitigation Program (STMP) funding for the project (Resolution 2021-44).

A summary schedule showing the estimated start and end of the major project development phases is provided below.

Project Task	Start	End
Preliminary Engineering	Summer 2019	Fall 2021
Caltrans Project Approval Document	Fall 2019	Winter 2021/22

Project-Level Environmental Clearance	Winter 2019/20	Winter 2021/22
Detailed Design/Plans, Specifications & Estimates (PS&E)	Winter 2021/22	Fall 2022
Stakeholder Coordination & Public Outreach	Winter 2021/22	Fall 2022
ROW Certification	Fall 2022	Fall 2022
Federal Authorization to Proceed with Construction	Fall 2022	Winter 2022/23
Advertisement/Bidding/Award	Winter 2022/23	Spring 2023
Construction	Spring 2023	Spring 2024

Currently, the City is beginning the "Detailed Design/Plans, Specifications, & Estimates" and "Stakeholder Coordination & Public Outreach" phases of the project. Staff and consultants are currently meeting with stakeholders and regional transportation organizations to receive feedback to be able to consider and incorporate their input into the final design.

It is important to note that, given that we have federal funding secured for construction of the project, we have a firm deadline to submit a federal request for authorization to proceed with construction in December 2022 and therefore have a significantly compressed schedule of about ten months to complete the detailed design of the project.

In 2020, the City Council approved a previous Cooperative Agreement for two earlier components of the project development process – the Caltrans Project Initiation Document (PID) and Project Approval and Environmental (PA&ED) components (Resolution No. 2020-48; [September 15, 2020 Agenda Bill](#)).

ANALYSIS

The Agreement is in the Caltrans standard format and outlines the responsibilities of Caltrans and the City through the two components of the project development process – the Plan, Specifications, and Estimate (PS&E) and Right-of-Way. The City is considered both the “Sponsor” and “Lead Agency” under the Agreement. As the Sponsor, the City is responsible for establishing the scope of the project and securing funding to complete the City’s responsibilities under the agreement or implement changes to the project to ensure the City’s responsibilities can be completed with available funding. As the Lead Agency, the City is responsible for managing the scope, cost, schedule, and quality of the work activities and products of the two project components. For the PS&E component, work activities and products include the development of the detailed design, obtaining any resource agency permits, and the advertisement/award of the construction contract. For the Right-of-Way component, they include coordination with utility owners for the protection or adjustment of utilities and any post-construction work such as right-of-way monumentation/recordation.

Caltrans, as the owner/operator of the State Highway System (SHS), is responsible for performing quality management work and owner/operator approvals for the portions of work within the SHS right-of-way.

Each party is responsible for the costs they incur to perform their responsibilities under this Cooperative Agreement.

City staff requests that the City Council approve the Cooperative Agreement so the project development process can move forward without delay as we have a firm deadline to submit the PS&E and ROW final documents as part of the federal request for authorization to proceed with construction in December 2022.

STRATEGIC PLAN CONSIDERATIONS

The City's Strategic Plan articulates the mission of the City to serve, lead, and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety, and creating an economically and environmentally sustainable future. The El Cerrito del Norte TOD Complete Streets Improvement Project is consistent with various El Cerrito Strategic Plan goals, including Goal D – *Develop and rehabilitate public facilities as community focal points*; Goal C – *Deepen a sense of place and community identity by promoting strong neighborhoods*; and Goal F – *Foster environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle*. In addition, the project will directly implement improvements identified in several City plans and programs as described above.

ENVIRONMENTAL CONSIDERATIONS

California Environmental Quality Act ("CEQA") Guidelines require preparation of an Initial Study to identify whether a plan or project will have a significant effect on the environment. For projects with potentially significant impacts, proposed mitigations may be included as part of the environmental review process to ensure that such impacts are mitigated to a less than significant level where possible.

The El Cerrito del Norte TOD Complete Streets Improvement Project is a combination of projects identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. The City Council approved a programmatic Environmental Impact Report and associated Mitigation Monitoring and Reporting Program for the San Pablo Avenue Specific Plan in September 2014, and an Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the Active Transportation Plan in April 2016. Both documents were prepared per CEQA Guidelines. As part of the Caltrans project development process, City staff and consultants are finalizing a project checklist to determine whether all impacts of the projects were evaluated in these documents. The mitigation measures identified in both Mitigation Monitoring and Reporting Programs will be implemented as appropriate in order to mitigate any identified environmental impacts of the project under CEQA.

As part of the federal funding requirements, the project was evaluated for compliance with the National Environmental Policy Act (NEPA), which included conducting several environmental studies. City staff and consultants prepared a Categorical Exclusion with Technical Studies. Caltrans is responsible for determining NEPA compliance, and approved the NEPA document on March 1, 2022, a significant milestone for the project development.

FINANCIAL CONSIDERATIONS

The City and Caltrans are each responsible for the costs they incur to perform their responsibilities under this Cooperative Agreement. Costs for the City's responsibilities under this Cooperative Agreement are funded by WCCTAC STMP, as described above, and the Transportation Livable Communities (TLC) Program, which is funded through countywide Measure J sales tax revenue administered through the Contra Costa Transportation Authority (CCTA). This funding totals \$1,355,250, is included in the Capital Improvement Program Expenditure Plan, and is sufficient to cover the consultant costs and permitting costs for the PS&E and Right-of-Way components.

No additional funding is required to fulfill the obligations under this Agreement.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the Cooperative Agreement and found that legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution - Cooperative Agreement

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING COOPERATIVE AGREEMENT NO. 04-2847 (AGREEMENT) BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CITY OF EL CERRITO (CITY) FOR THE EL CERRITO DEL NORTE TRANSIT-ORIENTED DEVELOPMENT (TOD) COMPLETE STREETS IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project will implement multimodal transportation improvements identified in the San Pablo Avenue Specific Plan and Active Transportation Plan, adopted by City Council in September 2014 and April 2016, respectively; and

WHEREAS, between 2016 and 2017, the City successfully applied for two grants for preliminary engineering, final environmental documentation, detailed design, and construction of the El Cerrito del Norte TOD Complete Streets Improvement Project as follows: One Bay Area Grant Program, Cycle 2 (OBAG 2) federal funds in the amount of \$4,840,000 and Contra Costa Transportation Authority (CCTA) Measure J Transportation for Livable Communities Program county sales tax funds in the amount of \$2,312,000; and

WHEREAS, in July 2017, the City Council adopted Resolution 2017-55, formally authorizing the filing of the application for the OBAG 2 Program, committing necessary matching funds, and indicating assurance to complete the El Cerrito del Norte TOD Complete Streets Improvement Project; and

WHEREAS, in August 2021, the City Council adopted Resolution 2021-44, approving the Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement with the West Contra Costa County Transportation Advisory Committee (WCCTAC) in order to secure \$1,189,980 of regional funding which is needed to complete the on-going Caltrans project development process and detailed design phase of the project; and

WHEREAS, committed City-controlled funding for the project is from developer contributions, City Transportation Impact Fee revenues, SB 1 Local Streets and Roads funds, and, most recently Gas Tax funds; and

WHEREAS, a significant portion of the project is on the State Route 123, including San Pablo Avenue from Potrero Avenue to Cutting Boulevard and Cutting Boulevard from San Pablo Avenue to I-80, and therefore requires that the project be developed in accordance with the Caltrans Project Development Procedures Manual; and

WHEREAS, the City has previously entered into a separate Cooperative Agreement No. 04-2782 that outlines the responsibilities of Caltrans and the City through the two initial components of project development process – the Caltrans Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED)

components, which concludes with the approval of a Project Study Report-Project Report (PSR-PR) by Caltrans and the City;

WHEREAS, the proposed Cooperative Agreement No. 04-2847 outlines the responsibilities of Caltrans and the City through two subsequent components of project development process – Plans, Specifications, and Estimate (PS&E) and Right-of-Way; and

WHEREAS, the City is considered both the “Sponsor” and “Lead Agency” under the Agreement and is responsible for establishing the scope of the project, securing funding to complete the City’s responsibilities under the agreement, and managing the scope, cost, schedule, and quality of the work activities and products of the two project components; and Caltrans, as the owner/operator of the State Highway System (SHS), is responsible for performing quality management work and owner/operator approvals for the portions of work within the SHS right-of-way; and

WHEREAS, each party is responsible for the costs they incur to perform their responsibilities under the Cooperative Agreement; and

WHEREAS, there is sufficient funding from the WCCTAC STMP and CCTA Measure J TLC grants to fulfill the City’s responsibilities under the Cooperative Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves Cooperative Agreement No. 04-2847, which shall be in substantially the form attached hereto as Exhibit A, authorizing the City Manager to execute the same.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on March 15, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

COOPERATIVE AGREEMENT

This AGREEMENT, executed on and effective from _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of El Cerrito, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

An individual signatory agency in this AGREEMENT is referred to as a PARTY. Collectively, the signatory agencies in this AGREEMENT are referred to as PARTIES.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System per the California Streets and Highways Code, Sections 114 and 130.
2. For the purpose of this AGREEMENT, *the City of El Cerrito Transit-Oriented Development (TOD) Complete Streets Improvements Project with the scope of work consisting of new signalized crossings for pedestrians, new bicycle lanes, conversion of one-way to two-way streets, signalization changes on San Pablo Avenue (SR 123) at the intersections of Hill Street and Cutting Boulevard, signing and streetscape enhancements and potentially green infrastructure* will be referred to hereinafter as PROJECT. The PROJECT scope of work is defined in the project initiation and approval documents (e.g. Project Study Report, Design Engineering Evaluation Report, or Project Report).
3. All obligations and responsibilities assigned in this AGREEMENT to complete the following PROJECT COMPONENTS will be referred to hereinafter as WORK:
 - PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)
 - RIGHT-OF-WAY

Each PROJECT COMPONENT is defined in the CALTRANS Workplan Standards Guide as a distinct group of activities/products in the project planning and development process.

4. The term AGREEMENT, as used herein, includes this document and any attachments, exhibits, and amendments.

This AGREEMENT is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between the PARTIES regarding the PROJECT.

PARTIES intend this AGREEMENT to be their final expression that supersedes any oral understanding or writings pertaining to the WORK. The requirements of this AGREEMENT will preside over any conflicting requirements in any documents that are made an express part of this AGREEMENT.

If any provisions in this AGREEMENT are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other AGREEMENT provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this AGREEMENT.

Except as otherwise provided in the AGREEMENT, PARTIES will execute a written amendment if there are any changes to the terms of this AGREEMENT.

PARTIES agree to sign a CLOSURE STATEMENT to terminate this AGREEMENT. However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement or expire by the statute of limitations.

5. The following work associated with this PROJECT has been completed or is in progress:
 - CITY is developing the Environmental Impact Report (Cooperative Agreement No. 04-2782).
 - CALTRANS is developing the Categorical Exclusion (Cooperative Agreement No. 04-2782).
 - CITY is developing the Project Initiation Document (Cooperative Agreement No. 04-2782).
 - CITY is developing the Project Report (Cooperative Agreement No. 04-2782).
6. In this AGREEMENT capitalized words represent defined terms, initialisms, or acronyms.
7. PARTIES hereby set forth the terms, covenants, and conditions of this AGREEMENT.

RESPONSIBILITIES

Sponsorship

8. A SPONSOR is responsible for establishing the scope of the PROJECT and securing the financial resources to fund the WORK. A SPONSOR is responsible for securing additional funds when necessary or implementing PROJECT changes to ensure the WORK can be completed with the funds obligated in this AGREEMENT.

PROJECT changes, as described in the CALTRANS Project Development Procedures Manual, will be approved by CALTRANS as the owner/operator of the State Highway System.

9. CITY is the SPONSOR for the WORK in this AGREEMENT.

Implementing Agency

10. The IMPLEMENTING AGENCY is the PARTY responsible for managing the scope, cost, schedule, and quality of the work activities and products of a PROJECT COMPONENT.

- CITY is the Plans, Specifications, and Estimate (PS&E) IMPLEMENTING AGENCY.

PS&E includes the development of the plans, specifications, and estimate; obtaining any resource agency permits; and the advertisement/award of the construction contract.

- CITY is the RIGHT OF WAY IMPLEMENTING AGENCY

RIGHT OF WAY includes coordination with utility owners for the protection, removal, or relocation of utilities; the acquisition of right-of-way interests; and post-construction work such as right-of-way monumentation/recordation, relinquishments/vacations, and excess land transactions. The RIGHT OF WAY component budget identifies the cost of the capital costs of right-of-way acquisition (RIGHT-OF-WAY CAPITAL) and the cost of the staff work in support of the acquisition (RIGHT-OF-WAY SUPPORT).

11. CITY will provide a Quality Management Plan (QMP) for the WORK in every PROJECT COMPONENT that they are the IMPLEMENTING AGENCY of. The QMP describes the IMPLEMENTING AGENCY's quality policy and how it will be used. The QMP will include a process for resolving disputes between the PARTIES at the team level. The QMP is subject to CALTRANS review and approval.

12. Any PARTY responsible for completing WORK will make its personnel and consultants that prepare WORK available to help resolve WORK-related problems and changes for the entire duration of the PROJECT including PROJECT work that may occur under separate agreements.

Funding

13. The WORK does not use funds administered by CALTRANS. PARTIES will amend this AGREEMENT should this condition change.
14. Each PARTY is responsible for the costs they incur in performing the WORK.

CALTRANS' Quality Management

15. CALTRANS, as the owner/operator of the State Highway System (SHS), will perform quality management work including Quality Management Assessment (QMA) and owner/operator approvals for the portions of WORK within the existing and proposed SHS right-of-way.
16. CALTRANS' Quality Management Assessment (QMA) efforts are to ensure that CITY's quality assurance results in WORK that is in accordance with the applicable standards and the PROJECT's quality management plan (QMP). QMA does not include any efforts necessary to develop or deliver WORK or any validation by verifying or rechecking WORK.

When CALTRANS performs QMA, it does so for its own benefit. No one can assign liability to CALTRANS due to its QMA.

17. CALTRANS, as the owner/operator of the State Highway System, will approve WORK products in accordance with CALTRANS policies and guidance and as indicated in this AGREEMENT.
18. CITY will provide WORK-related products and supporting documentation upon CALTRANS' request for the purpose of CALTRANS' quality management work.
19. The cost of CALTRANS' quality management work is to be borne by CALTRANS.

CEQA/NEPA Lead Agency

20. CITY is the CEQA Lead Agency for the PROJECT.
21. CALTRANS is a CEQA Responsible Agency for the PROJECT.
22. CALTRANS is the NEPA Lead Agency for the PROJECT.

Environmental Permits, Approvals and Agreements

23. CITY will comply with the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to CITY's responsibilities in this AGREEMENT.
24. Unless otherwise assigned in this AGREEMENT, the IMPLEMENTING AGENCY for a PROJECT COMPONENT is responsible for all PROJECT COMPONENT WORK associated with coordinating, obtaining, implementing, renewing, and amending the PROJECT permits, agreements, and approvals whether they are identified in the planned project scope of work or become necessary in the course of completing the PROJECT.
25. The PROJECT requires the following environmental permits/approvals:

ENVIRONMENTAL PERMITS/REQUIREMENTS	
National Pollutant Discharge Elimination System (NPDES), State Water Resources Control Board	

Plans, Specifications, and Estimate (PS&E)

26. As the PS&E IMPLEMENTING AGENCY, CITY is responsible for all PS&E WORK except those activities and responsibilities that are assigned to another PARTY and those activities that are excluded under this AGREEMENT.
27. CALTRANS will be responsible for completing the following PS&E activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)
100.15.10.xx Quality Management

28. CITY will prepare Utility Conflict Maps identifying the accommodation, protection, relocation, or removal of any existing utility facilities that conflict with construction of the PROJECT or that violate CALTRANS' encroachment policy.

CITY will provide CALTRANS a copy of Utility Conflict Maps for CALTRANS' concurrence prior to issuing the Notices to Owner and executing the utility agreement. All utility conflicts will be addressed in the PROJECT plans, specifications, and estimate.

29. CITY will determine the cost to positively identify and locate, accommodate, protect, relocate, or remove any utility facilities whether inside or outside the State Highway System right-of-way in accordance with federal and California laws and regulations, and CALTRANS' policies, procedures, standards, practices, and applicable agreements including but not limited to Freeway Master Contracts.

RIGHT-OF-WAY

30. As the RIGHT-OF-WAY IMPLEMENTING AGENCY, CITY is responsible for all RIGHT-OF-WAY WORK except those activities and responsibilities that are assigned to another PARTY and those activities that are excluded under this AGREEMENT.
31. CALTRANS will be responsible for completing the following RIGHT-OF-WAY activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)
100.25.10.xx Quality Management

32. The selection of personnel performing RIGHT-OF-WAY WORK will be in accordance with federal and California laws and regulations, and CALTRANS' policies, procedures, standards, practices, and applicable agreements.
33. CITY will make all necessary arrangements with utility owners for the timely accommodation, protection, relocation, or removal of any existing utility facilities that conflict with construction of the PROJECT or that violate CALTRANS' encroachment policy.
34. CITY will provide CALTRANS a copy of conflict maps, relocation plans, proposed notices to owner, reports of investigation, and utility agreements (if applicable) for CALTRANS' concurrence prior to issuing the notices to owner and executing the utility agreement. All utility conflicts will be fully addressed prior to Right-of-Way Certification and all arrangements for the protection, relocation, or removal of all conflicting facilities will be completed prior to construction contract award and included in the PROJECT plans, specifications, and estimate.
35. CITY will provide a land surveyor licensed in the State of California to be responsible for surveying and right-of-way engineering. All survey and right-of-way engineering documents will bear the professional seal, certificate number, registration classification, expiration date of certificate, and signature of the responsible surveyor.

36. CITY will hear and adopt Resolutions of Necessity when authorized to do so by law or will work with local agencies having jurisdiction and authorized under the law to hear and adopt Resolutions of Necessity.

CITY will conduct and document Condemnation Evaluation Meetings and Condemnation Panel Review Meetings as required in accordance with CALTRANS policy and guidance. CALTRANS will be notified in advance of any Condemnation Evaluation Meetings and Condemnation Panel Review Meetings.

37. If CITY acquires any right-of-way to be incorporated into the State Highway System, CITY will first acquire in its own name.

No right-of-way will be acquired in CALTRANS' name.

Title to the State Highway System right-of-way will ultimately be vested in the State. CALTRANS' acceptance of title will occur after the Right-of-Way Closeout activities are complete.

38. CITY will utilize a public agency currently qualified by CALTRANS or a properly licensed consultant for all RIGHT-OF-WAY activities. A qualified right-of-way agent will administer all right-of-way consultant contracts.

CITY will submit a draft Right-of-Way Certification to CALTRANS six weeks prior to the scheduled Right-of-Way Certification milestone date for review.

CITY will submit a final Right-of-Way Certification to CALTRANS for approval prior to the advertising the construction contract.

39. Physical and legal possession of the right-of-way must be completed prior to advertising the construction contract, unless PARTIES mutually agree to other arrangements in writing.
40. CALTRANS' acceptance of right-of-way title is subject to review of an Updated Preliminary Title Report provided by CITY verifying that the title is free of all encumbrances and liens. Upon acceptance, CITY will provide CALTRANS with a Policy of Title Insurance in CALTRANS' name.
41. Right-of-way conveyances must be completed prior to WORK completion unless PARTIES mutually agree to other arrangements in writing.

Schedule

42. PARTIES will manage the WORK schedule to ensure the timely use of obligated funds and to ensure compliance with any environmental permits, right-of-way agreements, construction contracts, and any other commitments. PARTIES will communicate schedule risks or changes as soon as they are identified and will actively manage and mitigate schedule risks.

Additional Provisions**Standards**

43. PARTIES will perform all WORK in accordance with federal and California laws, regulations, and standards; Federal Highway Administration (FHWA) standards; and CALTRANS standards. CALTRANS standards include, but are not limited to, the guidance provided in the:
- CADD Users Manual
 - CALTRANS policies and directives
 - Plans Preparation Manual
 - Project Development Procedures Manual (PDPM)
 - Workplan Standards Guide
 - Standard Environmental Reference
 - Highway Design Manual
 - Right of Way Manual

Noncompliant Work

44. CALTRANS retains the right to reject noncompliant WORK. CITY agrees to suspend WORK upon request by CALTRANS for the purpose of protecting public safety, preserving property rights, and ensuring that all WORK is in the best interest of the State Highway System.

Qualifications

45. Each PARTY will ensure that personnel participating in WORK are appropriately qualified or licensed to perform the tasks assigned to them.

Consultant Selection

46. CITY will invite CALTRANS to participate in the selection of any consultants that participate in the WORK.

Encroachment Permits

47. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within State Highway System (SHS) right-of-way. CITY, their contractors, consultants, agents and utility owners will not work within the SHS right-of-way without an encroachment permit issued in their name. CALTRANS will provide encroachment permits to CITY, their contractors, consultants, and agents at no cost. CALTRANS will provide encroachment permits to utility owners at no cost. If the encroachment permit and this AGREEMENT conflict, the requirements of this AGREEMENT will prevail.
48. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the WORK.

Protected Resources

49. If any PARTY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTY will notify all PARTIES within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and CALTRANS approves a plan for its removal or protection.

Disclosures

50. PARTIES will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for the WORK in confidence to the extent permitted by law and where applicable, the provisions of California Government Code, Section 6254.5(e) will protect the confidentiality of such documents in the event that said documents are shared between PARTIES.

PARTIES will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete the WORK without the written consent of the PARTY authorized to release them, unless required or authorized to do so by law.

51. If a PARTY receives a public records request pertaining to the WORK, that PARTY will notify PARTIES within five (5) working days of receipt and make PARTIES aware of any disclosed public records.

Hazardous Materials

52. HM-1 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law, irrespective of whether it is disturbed by the PROJECT or not.

HM-2 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by the PROJECT.

The management activities related to HM-1 and HM-2, including and without limitation, any necessary manifest requirements and disposal facility designations are referred to herein as HM-1 MANAGEMENT and HM-2 MANAGEMENT respectively.

53. If HM-1 or HM-2 is found the discovering PARTY will immediately notify all other PARTIES.

54. CALTRANS, independent of the PROJECT, is responsible for any HM-1 found within the existing State Highway System right-of-way. CALTRANS will undertake, or cause to be undertaken, HM-1 MANAGEMENT with minimum impact to the PROJECT schedule.

CALTRANS, independent of the PROJECT will pay, or cause to be paid, the cost of HM-1 MANAGEMENT related to HM-1 found within the existing State Highway System right-of-way.

55. CITY, independent of the PROJECT, is responsible for any HM-1 found within the PROJECT limits and outside the existing State Highway System right-of-way. CITY will undertake, or cause to be undertaken, HM-1 MANAGEMENT with minimum impact to the PROJECT schedule.

CITY, independent of the PROJECT, will pay, or cause to be paid, the cost of HM-1 MANAGEMENT for HM-1 found within the PROJECT limits and outside of the existing State Highway System right-of-way.

56. The CONSTRUCTION IMPLEMENTING AGENCY is responsible for HM-2 MANAGEMENT within the PROJECT limits.

CITY and CALTRANS will comply with the Soil Management Agreement for Aerially Deposited Lead Contaminated Soils (Soil Management Agreement) executed between CALTRANS and the California Department of Toxic Substances Control (DTSC). Under Section 3.2 of the Soil Management Agreement, CALTRANS and CITY each retain joint and severable liability for noncompliance with the provisions of the Soil Management Agreement. CITY will assume all responsibilities assigned to CALTRANS in the Soil Management Agreement during PROJECT COMPONENTS for which they are the IMPLEMENTING AGENCY except for final placement and burial of soil within the State right-of-way, per Section 4.5 of the Soil Management Agreement, which is subject to CALTRANS concurrence and reporting to DTSC which will be performed by CALTRANS.

57. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.

Claims

58. CITY may accept, reject, compromise, settle, or litigate claims of any consultants or contractors hired to complete WORK without concurrence from the other PARTY.
59. PARTIES will confer on any claim that may affect the WORK or PARTIES' liability or responsibility under this AGREEMENT in order to retain resolution possibilities for potential future claims. No PARTY will prejudice the rights of another PARTY until after PARTIES confer on the claim.
60. If the WORK expends state or federal funds, each PARTY will comply with the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of 2 CFR, Part 200. PARTIES will ensure that any for-profit consultant hired to participate in the WORK will comply with the requirements in 48 CFR, Chapter 1, Part 31. When state or federal funds are expended on the WORK these principles and requirements apply to all funding types included in this AGREEMENT.
61. If the WORK expends state or federal funds, each PARTY will undergo an annual audit in accordance with the Single Audit Act in the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as defined in 2 CFR, Part 200.
62. When a PARTY reimburses a consultant for WORK with state or federal funds, the procurement of the consultant and the consultant overhead costs will be in accordance with the Local Assistance Procedures Manual, Chapter 10.

Interruption of Work

63. If WORK stops for any reason, IMPLEMENTING AGENCY will place the PROJECT right-of-way in a safe and operable condition acceptable to CALTRANS.
64. If WORK stops for any reason, each PARTY will continue with environmental commitments included in the environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, and will keep the PROJECT in environmental compliance until WORK resumes.

Penalties, Judgements and Settlements

65. The cost of awards, judgements, fines, interest, penalties, attorney's fees, and/or settlements generated by the WORK are considered WORK costs.
66. The cost of legal challenges to the environmental process or documentation are considered WORK costs.
67. Any PARTY whose action or lack of action causes the levy of fines, interest, or penalties will indemnify and hold all other PARTIES harmless per the terms of this AGREEMENT.

Project Files

68. CITY will furnish CALTRANS with the Project History Files related to the PROJECT facilities on State Highway System within sixty (60) days following the completion of each PROJECT COMPONENT. CITY will assure that the Project History File is prepared and submitted in compliance with the Project Development Procedures Manual, Chapter 7. All material will be submitted neatly in a three-ring binder and in PDF format.

Environmental Compliance

69. If during performance of WORK additional activities or environmental documentation is necessary to keep the PROJECT in environmental compliance, PARTIES will amend this AGREEMENT to include completion of those additional tasks.

GENERAL CONDITIONS

70. All portions of this AGREEMENT, including the Recitals Section, are enforceable.

Venue

71. PARTIES understand that this AGREEMENT is in accordance with and governed by the Constitution and laws of the State of California. This AGREEMENT will be enforceable in the State of California. Any PARTY initiating legal action arising from this AGREEMENT will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this AGREEMENT resides, or in the Superior Court of the county in which the PROJECT is physically located.

Exemptions

72. All CALTRANS' obligations under this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, programming and allocation of funds by the California Transportation Commission (CTC).

Indemnification

73. Neither CALTRANS nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CITY under this AGREEMENT. It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CITY, its contractors, sub-contractors, and/or its agents under this AGREEMENT.
74. Neither CITY nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

Non-parties

75. PARTIES do not intend this AGREEMENT to create a third party beneficiary or define duties, obligations, or rights for entities not signatory to this AGREEMENT. PARTIES do not intend this AGREEMENT to affect their legal liability by imposing any standard of care for fulfilling the WORK different from the standards imposed by law.
76. PARTIES will not assign or attempt to assign obligations to entities not signatory to this AGREEMENT without an amendment to this AGREEMENT.

Ambiguity and Performance

77. Neither PARTY will interpret any ambiguity contained in this AGREEMENT against the other PARTY. PARTIES waive the provisions of California Civil Code, Section 1654.

A waiver of a PARTY's performance under this AGREEMENT will not constitute a continuous waiver of any other provision.

78. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

Defaults

79. If any PARTY defaults in its performance of the WORK, a non-defaulting PARTY will request in writing that the default be remedied within thirty (30) calendar days. If the defaulting PARTY fails to do so, the non-defaulting PARTY may initiate dispute resolution.

Dispute Resolution

80. PARTIES will first attempt to resolve AGREEMENT disputes at the PROJECT team level as described in the Quality Management Plan. If they cannot resolve the dispute themselves, the CALTRANS District Director and the Executive Officer of CITY will attempt to negotiate a resolution. If PARTIES do not reach a resolution, PARTIES' legal counsel will initiate mediation. PARTIES agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTIES from full and timely performance of the WORK in accordance with the terms of this AGREEMENT. However, if any PARTY stops fulfilling its obligations, any other PARTY may seek equitable relief to ensure that the WORK continues.

Except for equitable relief, no PARTY may file a civil complaint until after mediation, or forty-five (45) calendar days after filing the written mediation request, whichever occurs first.

PARTIES will file any civil complaints in the Superior Court of the county in which the CALTRANS District Office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located.

81. PARTIES maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

Prevailing Wage

82. When WORK falls within the Labor Code § 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code § 1771, PARTIES will conform to the provisions of Labor Code §§ 1720-1815, and all applicable provisions of California Code of Regulations, Title 8, Division 1, Chapter 8, Subchapter 3, Articles 1-7. PARTIES will include prevailing wage requirements in contracts for public work and require contractors to include the same prevailing wage requirements in all subcontracts.

Work performed by a PARTY's own employees is exempt from the Labor Code's Prevailing Wage requirements.

If WORK is paid for, in whole or part, with federal funds and is of the type of work subject to federal prevailing wage requirements, PARTIES will conform to the provisions of the Davis-Bacon and Related Acts, 40 U.S.C. §§ 3141-3148.

When applicable, PARTIES will include federal prevailing wage requirements in contracts for public works. WORK performed by a PARTY's employees is exempt from federal prevailing wage requirements.

Contact Information

CALTRANS

Pradeep Narra, Project Manager

111 Grand Avenue

Oakland, CA 94612

Office Phone: (510) 286-6116

Mobile Phone: (510) 908-1031

Email: pradeep.narra@dot.ca.gov

CITY OF EL CERRITO

Yvetteh Ortiz, Public Works Director

10890 San Pablo Ave

El Cerrito, CA 94530

Office Phone: (510) 215-4382

Email: YOrtiz@ci.el-cerrito.ca.us

SIGNATURES

PARTIES are authorized to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and hereby covenants to have followed all the necessary legal requirements to validly execute this AGREEMENT. By signing below, the PARTIES each expressly agree to execute this AGREEMENT electronically.

The PARTIES acknowledge that executed copies of this AGREEMENT may be exchanged by facsimile or email, and that such copies shall be deemed to be effective as originals.

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

Helena (Lenka) Culik-Caro
Deputy District Director, Design

Verification of funds and authority:

Jeffrey Kuehnel
District Budget Manager

Certified as to financial terms and policies:

Nadine Karavan
HQ Accounting Supervisor

CITY OF EL CERRITO

Karen Pinkos
City Manager

Attest:

Holly Charlety
City Clerk

Approved as to form and procedure:

Sky Woodruff
City Attorney

EL CERRITO CITY COUNCIL PROCLAMATION
Commending and Congratulating Officer Michael Olivieri for his Selection as
El Cerrito Police Department Officer of the Year

WHEREAS, Officer Michael Olivieri began his career in El Cerrito as a Police Cadet on February 9, 2016, and began learning about the roles that all employees play in the success of the department; and

WHEREAS, Officer Michael Olivieri continued to step into positions that demanded great responsibility by becoming a Records Specialist on October 9, 2017, followed by Community Service Officer on January 22, 2018; and

WHEREAS, Officer Michael Olivieri was selected as the 2018 Professional Staff Member of the year for his collaborative spirit and ability to surpass expectations; and

WHEREAS, Officer Michael Olivieri placed a great emphasis on personal learning and growth by attending college full-time, while excelling in his work duties, and graduated from the University of California at Berkeley in June of 2019 before beginning the Alameda County Police Academy as a Recruit for the El Cerrito Police Department; and

WHEREAS, Officer Michael Olivieri demonstrated a community service orientation, a learning mindset, and a pursuit of excellence in his role as a Police Officer for the community of El Cerrito; and

WHEREAS, Officer Michael Olivieri was recognized by the California Highway Patrol with The 10851 Award for his efforts to locate stolen vehicles in 2021; and

WHEREAS, Officer Michael Olivieri has displayed an attitude that encourages teamwork, achievement, and community involvement. Officer Michael Olivieri's performance has been exemplary, personified the mission of the El Cerrito Police Department to protect our community, solve crime, and pursue justice, and has led his peers and supervisors to select him for special recognition.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend and congratulate Officer Michael Olivieri on the occasion of his recognition as Officer of the Year. The City Council extends sincere appreciation to Officer Michael Olivieri for his devotion to the mission, vision, and values of the El Cerrito Police Department.

Dated: March 15, 2022

Gabe Quinto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Commending and Congratulating Kent Ringgenberg for his Selection as
El Cerrito Police Department Professional Staff of the Year

WHEREAS, Kent Ringgenberg began a law enforcement career in 1980 with the Pittsburg Police Department and served as a police officer until 1988, when he pursued a career in the private sector; and

WHEREAS, Kent Ringgenberg spent the next 30 years developing his skills as an investigator and manager; and

WHEREAS, the El Cerrito Police Department hired Kent Ringgenberg on May 8, 2018, as a Community Service Officer, a role in which he excelled; and

WHEREAS, Kent Ringgenberg became the Property and Evidence Specialist on August 22, 2019, and became responsible for the safety and security of Property and Evidence at the El Cerrito Police Department; and

WHEREAS, he has continued to strive for excellence in supporting police operations by mentoring, training, and counseling coworkers; and

WHEREAS, Kent Ringgenberg has a proactive mindset toward solving problems and supporting community members; and

WHEREAS, Kent Ringgenberg supports the families of fallen first responders in volunteer work; and

WHEREAS, Kent Ringgenberg has displayed his dedication to the community of El Cerrito, in ways both big and small, by supporting the work of front-line officers, setting high standards of excellence in evidence management and storage, and working to support the mission of the El Cerrito Police Department. Property and Evidence Specialist Ringgenberg has been selected for special recognition by his co-workers for his commendable work ethic and exemplary performance.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend and congratulate Property and Evidence Specialist Kent Ringgenberg on the occasion of his recognition as El Cerrito Police Professional Staff of the Year. The City Council extends sincere appreciation to Kent Ringgenberg for his devotion to the mission, vision, and values of the El Cerrito Police Department.

Dated: March 15, 2022

Gabe Quinto, Mayor

CORE Street Outreach

CORE: Coordinated, Outreach, Referral and Engagement Program

The Coordinated Outreach Referral, Engagement (C.O.R.E.) program works to engage and stabilize homeless individuals living outside through consistent outreach to facilitate and/or deliver health and basic need services and secure stable housing.



CORE Creates a Mobile Front Door to Services

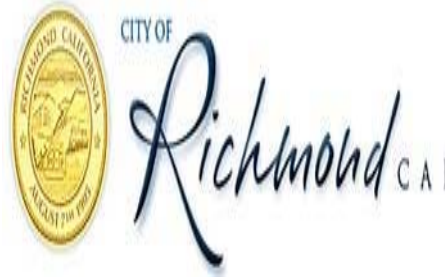
- Direct placement into Shelter & warming center
- Linkages to Health and Behavioral Health
- Transportation
- ID, DMV
- Benefits
- Encampment Abatement support

(<https://cchealth.org/h3/coc/pdf/Encampment-Protocol.pdf>)



CORE Team Structure

- East/Central County Team (daytime)
- West County Team (daytime)
- Evening team
- City of Walnut Creek
- City of Concord
- City of Pittsburg
- Cities of Martinez/Pleasant Hill
- Cities of Richmond & San Pablo
- County Public Works
- State funded HDAP (Housing Disability Advocacy Program)
- BART
- CalWorks (family)
- Transition Age Youth (TAY)





COVID 19 CORE Response

Direct placement Project Roomkey

Vaccine Coordination with Health Team

Food Support and Distribution

Safety and Survival Supplies

Training and Education

Encampment Displacement Supports

COVID Testing and connection to Health/BH services

Fire Safety and Risk Mitigation

Shelter Re-Imagined



CORE Outcomes

- 3997 unique clients served in CY2021
- 45% report being first time homeless
- 71% report having a disability
- 82% of those contacted report having “roots” in Contra Costa
- 427 people placed in shelter/hotels
- 175 exited program to a rental
- 146 exited to living with family/friends
- 43 Substance Use Treatment Center



Questions

Jenny Robbins, LCSW

Chief of Programs

Jenny.Robbins@cchealth.org

Website:

cchealth.org/h3/services.php



FISCAL YEAR 2021 - 2022 WORK PLAN

AND 2020 - 2021 ACCOMPLISHMENTS

ARTS & CULTURE COMMISSION

Staff Liaison
Alexandra Orologas

Chair Allison Cooper; Members George Gager, Courtney Helion, Alan Pavlosky, Ann Wiens

MISSION STATEMENT:

It is the mission of the Arts and Culture Commission to advise the City Council of the needs of the artistic and cultural community; encourage and promote arts programs and events that engage community members and local businesses to build a flourishing and vibrant arts and cultural environment; provide advice to artists and arts/cultural organizations by sponsoring forums, programs, and events; carry out the Arts in Public Places program, and upon request, advise the City with respect to possible sources of funding.

Goals defined in Master Plan (Reference for Tables Below)

- Goal A: Increase access to public art in the community
- Goal B: Support the local artistic and cultural community
- Goal C: Promote excellence in the arts
- Goal D: Beautify El Cerrito

HISTORICAL BACKGROUND: The Art and Culture Commission (ACC) consists of seven members who demonstrate a commitment to various arts disciplines, including but not limited to fine arts, visual arts, performing arts, literary arts, art history, and arts education.

The ACC is charged with oversight of the Arts in Public Places Program, which requires certain development projects to contribute 1% of construction costs to public art, and is responsible for acquisition, funding, and placement of public art in the City on public property. The ACC also juries the City Hall Gallery Space, located on the second floor of City Hall at 10890 San Pablo Avenue.

History as described in 2017-18 Workplan: In 2002, a group of citizens petitioned the El Cerrito City Council to establish an arts and culture commission. Their proposal included the idea of advising the Council on arts and culture within the City and collaboration with existing organizations within the community: "By establishing an art and culture commission the city of El Cerrito would be providing support and encouragement for the growth of all arts. We would be joining the greater Bay Area in dedicating our time and involvement to the promotion of arts, artists and varied arts programs that would enrich our community and enhance our city." In 2003, the City Council created the Arts and Culture Commission (ACC), a seven-member advisory body. In addition to advising the City Council, they are charged with oversight of the Arts in Public Places Program and jury the City Hall Gallery Space. In 2013, the Commission adopted an Arts and Culture Master Plan to shape a vision for arts and culture in the City of El Cerrito.

FISCAL YEAR 2021-2022 WORK PLAN

	Goal/Objective	Proposed Activities	Priority Ranking	Timeline For Completion
1.	A, B, C, D	Exploring Long-Term Larger-Scale Public Art Installation/Commission; initial phase focused on mural on Centennial Park wall	High: ACC-run program	General proposal December 2021 for project exploration in 2022; Centennial wall made focus in Feb.
3.	A	Annual Arts event: Community Chalk Event (<i>postponed from Fall 2021 due to weather</i>)	High: ACC-run new initiative	Summer 2022
5.	A, B, C	2022 ECCRU Residency	High: ACC-run established program	CFA issued Fall 2021; Artist Term through 2022
6.	A, B, C, D	Utility Box Pilot Phase 2	High: ACC-run new initiative	CFA issued early 2022
7.	A, D	Library Projects: Continued Collaboration	Medium	Early 2022
8.	A, B, C	Poet Laureate Program: Supporting selected laureate Eevelyn Mitchell to host public programs	Medium	Poet Laureate 2021-23 selected
	A, B, C	Music Event/Series Pilot: Advise and support piloting a summer music performance series	Medium	To plan for Summer 2022
	informing above activities	Community Consultation: Survey and/or Town Hall to gather public feedback on arts programming	Medium	Recommendations from Subcommittee by Dec 2021 for execution in 2022

PRIOR YEAR (2020-2021) ACCOMPLISHMENTS

	Goal/Objective	Activities Supporting Goal	Status
1.	A, B, C	Poet Laureate Selection	<i>Complete</i>
2.	A, B, D	Library Collaboration: LGBT Celebration Signage Update	<i>Complete</i>
3.	A, B, C, D	Utility Box Pilot Program: 3 boxes painted	<i>Complete</i>
4.	A, B, C, D	Grants/Sponsorship of Arts & Events: Neighborhood Stories	<i>Ongoing</i>
5.	A, B, C	ECCRU Residency: Rina and Khloe	<i>Complete</i>

ONGOING PROJECTS

	Project	Activities
1.	City Hall Gallery Curation	<i>Temporarily paused due to city hall closures</i>
2.	Mini Grant Program	Grants/Sponsorship of Arts & Events - "Mini Grant Program:" This year so far this includes the 2021 Neighborhood Stories and consideration for the 2022 Summer Orchestra Program, and traditionally has included the Annual 4th of July sponsorship and other musical programming events.

ADDITIONAL CONTEXT: 2019-2020 ACCOMPLISHMENTS

Due to the pandemic, the 2020-2021 fiscal year was not as active as planned. Please see the below reference for accomplishments in the preceding year for more information about pre-pandemic activities.

	Goal/Objective	Activities Supporting Goal	Status
1.	A, C	Community Orchestra Program	2019 Session Complete
2.	A, B, C, D	ECCRU Artist Residency Program	Complete
3.	A, B, C	Poet Laureate	Complete
4.	A, B, C, D	Administering Mini Grants Program: Funding provided to Fourth of July Festival, Messy Art Day	Complete
5.		Community Consultation Pilot	Feedback gathered through online survey



SUPPLEMENTAL AGENDA MATERIALS

REGULAR CITY COUNCIL MEETING

March 15, 2022

(Revised April 5, 2022)

PUBLIC COMMENT INDEX

1. Public Comments received

Agenda Item 6C - Contra Costa County CORE Program Overview

1. El Cerrito CORE data FY 2021

Agenda Item 6D – Arts and Culture Commission Work Plan

1. Presentation



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING

March 15, 2022

(Revised March 16, 2022)

The following Public Comments were **received by 4:00 p.m. 3/15/2022**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda

1. Dave Weinstein, Trekker president
2. Cordell Hindler
3. **Robin Mitchell**

Agenda Item 6C – Contra Costa County CORE Program Overview

1. Sherry Drobner
2. Michael Freeman
3. Tomi Nagai-Rothe
4. Helen Dickey
5. Fred Bialy
6. William Ktsanes
7. **Miguel Gravelle Izaguirre**

Trail Trekkers' 2022 goals:

Trail work. We are working to improve several “urban” trails (i.e., those outside of the Hillside Natural Area) in 2022. The Park and Recreation Commission has added completion of the city’s trail network to its work plan, and has a new subcommittee working on that task. That also includes looking at trails whose improvement could require public works involvement (for example, for concrete steps). These could be done in later years, as the city’s finances improve or grants are obtained.

The Park and Recreation Commission is also working on a potential policy revision, in which the city of El Cerrito would recognize the value of its network of trails and determine that impassable trails, as public property and as an amenity, should be improved even if a neighbor or two objects.

We believe the trail network deserves this recognition, and as ever, Trekkers is committed to public outreach, to transparency, and to being a good neighbor. To that end we are revising our outreach policies and materials.

Hikes. Trekkers returned to live hikes in 2021 and we are putting on about one a month these days, including hikes dealing with edible and otherwise useful plants, and with climate change.

Our live annual **Hillside Festival** is also returning, on Saturday and Sunday May 14 and 15, with hikes delving into a wide range of topics, from native plants to geology. Last year we did a small, virtual festival.

The festival, as ever, is co-sponsored by the city’s Environmental Quality Committee. Unlike in years past, however, Trekkers will fund the festival on our own, not seeking city funds, in response to the city’s financial shortfall.

Directional trail signs to be installed in the Hillside Natural Area. The process to install a wonderful set of way-marking signs in the Hillside Natural Area, which began in 2013 and involved the assistance of the National Park Service, has faced innumerable delays since the city prepared to install them in late 2017. Installation remains in the hands of the city, and we have been assured the signs will be installed soon. Funds have been allocated from a regional bond measure, not from the city’s general fund.

Repairing two damaged/stolen Rotary Interpretive walk signs. Vandals damaged two of the 15 signs that Rotary and we installed in 2021 as gifts to the city. Trekkers is paying for repair and replacement and Rotary will re-install.

Installing the urban path signs. Trekkers hopes to work on this project in 2022, installing simple signs as designed by the National Park Service for several of the urban stairways and paths that wind through the neighborhoods of our city. Trekkers has raised some funds specifically for this purpose and continues to do so. We will seek city approval of the trail names.

Preserving Open Space. We will continue to seek the expansion of the Hillside Natural Area through the acquisition of Fairview Open Space and by obtaining easements on some private in-holdings in the Hillside. Fairview Open Space is just north of Motorcycle Hill, bordered by Fairview Drive and Tamalpais Avenue and by houses on Arlington Boulevard. We understand the budgetary constraints facing the city and will be seeking alternative funding sources.

Habitat protection and fire safety. Trekkers will continue to educate people about fire safety, and will continue to remove vegetative fuels, including French broom, from the Hillside Natural Area.

Trail Trekkers' 2021 accomplishments:

Trail work. Trekkers did not do substantial trail improvements in 2021, though we worked throughout the year to prepare for such work in 2022 and later. We removed invasive plants from the vicinity of several trails in the Hillside Natural Area.

Habitat improvement and fire safety. Trail Trekkers alerted city officials to the presence of many piles of vegetative in the Madera Open Space area of the Hillside, and in other Hillside areas. Working with the Environmental Quality Green Teams, we hauled out many piles. Identification of other piles led to the Fire Department conducting controlled burns.

We put on many broom pulls throughout the year, some involving Cub Scout Pack 104 and one being an educational broom pull-demonstration with Friends of Five Creeks that pulled in many young people from the El Cerrito 4-H Club.

Map. Trekkers revised its map, publishing a second edition in 2022 of a product first released in 2021. We corrected errors and incorporated newly renamed trails in the Hillside Natural Area. The map sells briskly at several shops, especially at Jenny K's on Stockton Avenue. Members get it as part of their membership and it is a forever map: members get new editions, and replacements if they lose it.

Hikes and programs: Trekkers led a handful of hikes throughout the year on a variety of topics, and we conducted our Hillside Festival through Zoom. Highlights were a wonderful birding "hike," and a film in which Howdy Goudey, working with Cub Scout Pack 104, provided information about invasive French broom and demonstrated how to get it out of our Hillside.

One of the great events of the year, and a new Trekker tradition, was our haiku contest and haiku hike, which attracted families to the Hillside.

Open Space. Working with volunteer attorneys Trekkers developed important material showing why any substantial development on the Fairview property, which we hope to add to the Hillside Natural Area, would be difficult due to local, regional, state and federal laws and regulations.

Trekkers also presented ideas about open space preservation to the Park and Recreation Commission, which made preserving open space one of its goals.

-- Dave Weinstein, Trekker president

Rufus-sided hopscotch
Restless in the trailside brush
Bird! Flush out your feast.
-- Kristianna Bertelsen

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: public comments- not on the agenda
Date: Thursday, March 10, 2022 1:24:29 PM

Good Evening, Mayor Quinto, Council Members and City Staff, I have some comments for the Record.

1. I am not in support of 5. A on the consent calendar, Because I feel that the public if they are comfortable to attend the meetings in-person.
2. Also for the April 19th Agenda, The Council should extend an Invitation to have the General Manager to provide a report on the services that East Bay Park district has been impacted by co-vid

Sincerely
Cordell

Comments to City council
3/15/2022

Dear Mayor and Councilmembers

At the March EQC meeting last week, Mayor Pro Tem Motoyama announced that there is a developer interested in the Fairview Property that is currently undeveloped. She didn't present any details, but I am very concerned about development on that property.

In my mind, it should be added to the Hillside Natural Area, presumably by purchasing it from the current owners, so that it can remain open space. I know the city doesn't have any funding for this, but there is always money to be found via grants, donations, etc, for this type of project. That is how the city bought the Madera property.

The development on that property would be expensive and the homes would not be "affordable" to most residents.

This property is the last large area of unprotected land in El Cerrito and it should stay that way.

The property has two creeks that run through it, with significant riparian habitat, one of which flows year-round. These two creeks should be protected at all costs.

Keeping this property as open space would maintain the wildlife corridor that exists with the adjacent Hillside Natural Area, where wildlife use the existing streams as a source of water. Local red tail hawks, owls and other raptors inhabit the property, and they provide natural control of rats and ground squirrels. As the area around these open spaces continues to densify, it is critical to preserve unbroken areas of wildlife habitat.

It is also critical, as the city densifies, to have natural areas that residents can explore to stay healthy in both body and spirit.

In this time of climate change, we need to reduce CO2 emissions as much as possible. Keeping open space, where trees and other vegetation can take up and sequester CO2, are becoming increasingly important.

I hope that the city will consider these points as they evaluate the proposal from the developer.

Robin Mitchell
El Cerrito Resident

From: [Sherry Drobner](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Tessa Rudnick](#); [Janet Abelson](#); [Lisa Motoyama](#)
Cc: [City Clerk](#)
Subject: Unhoused in El Cerrito
Date: Monday, March 14, 2022 8:19:36 AM

Dear Mayor and City Council members,

El Cerrito is a city that cares about serving the community. We care so much we are willing to organize with our community to celebrate holidays together. We care so much that we spend our budget on upgrading our swim center for families. We care so much that we make sure our public safety officials have what they need to keep safe. It's odd that it seems easy not to really care about a few dozen people who sleep in our streets every night. We aren't Richmond or Berkely with hundreds or thousands of unhoused residents. We have such a small manageable number of residents who stay in our city each night. What are we doing for them?

On February 24th I participated in the Point in Time Count. Myself and Mr. Wilson (security from El Cerrito Plaza) drove through the neighborhoods of the most southern and western of our border- between Ashbury and Ranch 99 and between Eureka and Fairmont. We saw cars that were housing people, we saw a small encampment, we saw a man sleeping under the garbage behind the old El Mono Restaurant, and we saw another man tucked away in an overhang behind Past Time's parking lot. We saw them on one of the coldest mornings of the year. We did not see Jane- an El Cerrito resident sleeping at the Plaza for the last 4 years. We did not see Jane because residents pulled together and paid for a motel room for her. We did not see Jane because members of the SOS team helped us coordinate from the beginning to make contact with her.

You're just not doing enough. CORE is not enough. CORE is simply a way to get a referral to services, of which we don't have enough. Yes, it would be good if the City actually paid for a part-time outreach worker so that we might be on equal footing with other cities on response time to our calls. But do you know what might be even better?

1. Coordinating with CORE/County and SOS to open up that empty double-wide portable that sits empty on San Pablo and is costing you \$125,000 annually. That space could be a warming center, a place for donations, a referral station and more. Volunteers to help would be in abundance, I assure you.
2. Expanding your interdepartmental task force on homelessness to include those members in our region who have worked on alternatives to abatement and on mental health issues.
3. Establishing policies and ordinances that will decriminalize homelessness. Jane slept in her car many years ago. When her car was towed, she didn't have the funds to take it back. Hence- the streets.
4. Working with landlords to accept more Section 8 waivers.
5. Taking stock of your own political will and making this a priority.

Why not be the El Cerrito that proudly states: Our residents will not live unsheltered, unprotected and unsafe. Seriously, when we have maybe two dozen people on our radar, certainly we can create and implement a plan of action with the goal of zero.

Thank you,
Sherry Drobner
El Cerrito Progressives

From: [M 064 Freeman](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Tessa Rudnick](#); [Janet Abelson](#); [Lisa Motoyama](#);
Cc: [City Clerk](#)
Subject: Unhoused in El Cerrito
Date: Monday, March 14, 2022 11:43:09 AM

Dear Mayor, Council members and City staff,

I also share the concerns outlined by Sherry Drobner of El Cerrito Progressives in her letter.
(below)

In my work with city governments, I have frequently observed cities expanding outreach efforts for the homeless without having sufficient resources to meet their needs after they have been contacted. That is a misuse of limited resources.

We need more affordable housing immediately, but the marketplace is not interested in providing housing to low income people. Building more housing that is only affordable for the wealthiest people in our community (often justified by providing a few token "affordable" units) is not a solution. Thirty years of trickle-down housing policy has been proven to be ineffective in California.

We need our local governments to provide genuine low income housing, permanent housing for the poorest among us. We also need facilities for people living in vehicles. Homeless shelters are not housing and do not help to stabilize people's lives.

Research has proven that when people are provided with stable housing their lives drastically improve.

Thank you,
Michael Freeman
El Cerrito

From: [T Nagai-Rothe](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Tessa Rudnick](#); [Janet Abelson](#); [Lisa Motoyama](#)
Cc: [City Clerk](#)
Subject: Protect Our Unhoused Neighbors
Date: Tuesday, March 15, 2022 11:52:25 AM

Dear Mayor and City Council members,

Everyone I know who lives in El Cerrito loves living here. We care about our town and our neighbors.

Yet many don't know that we have several dozen people who sleep outdoors every night in El Cerrito - our neighbors, living outside in the cold.

They deserve better. And though any number of unhoused residents is too much, we actually have a small and manageable number of people who need our help.

In city council meetings, I have heard the county's Coordinated Outreach Referral, Engagement (C.O.R.E.) program touted as the way to help unhoused neighbors, but CORE simply provides referrals to inadequate services. Because El Cerrito doesn't contribute financially to CORE, our requests to them fall behind those from cities who do - San Pablo and Richmond. Case in point is the woman who lives outside at EC Plaza that a group of EC residents has been helping for several months. CORE has only been minimally helpful with her case despite concerted activism (calls, letters to many agencies) to get her housed. [Safe Organized Spaces \(SOS\)](#) stepped in to help communicate with her and coordinate care (note: they are beginning to expand their work to greater West Contra Costa County.) A group of neighbors contributed to pay for Jane's temporary housing but this is only a stopgap.

All of you need to see and *feel the gravity* of this issue and do more.

1. Coordinate with CORE/the county and SOS to staff and open up the empty double-wide portable that sits empty on San Pablo and is costing us \$125,000 annually. That space could be a warming center, a place for donations, a referral station and more. Volunteers to help would be in abundance.
2. Expand your interdepartmental task force on homelessness to include those in our region who have worked on alternatives to abatement and on mental health issues.
3. Establish policies and ordinances that will decriminalize homelessness. The woman at EC Plaza slept in her car many years ago. When her car was towed, she didn't have the funds to take it back - hence living on the streets.
4. Work with landlords to accept more Section 8 waivers.
5. Take stock of your own political will and make this a priority.

With collective effort, we *can* be the El Cerrito that proudly states: Our residents will not live unsheltered, unprotected and unsafe. Let's create and implement a plan - with partners - that includes a goal of zero unhoused neighbors.

Thank you.

Sincerely,
Tomi Nagai-Rothe

she/her/hers

on unceded land of the [Confederated Villages of Lisjan \(Ohlone\)](#)

From: [Helen Dickey](#)
To: [City Clerk](#)
Subject: r: Protect Our Unhoused Neighbors - for today's city council meeting
Date: Tuesday, March 15, 2022 12:05:04 PM

This letter was written by one of the members of El Cerrito Progressives, but I couldn't say it better so I am copying it and sending it on to you.

Helen Dickey

Dear Mayor and City Council members,
Everyone I know who lives in El Cerrito loves living here. We care about our town and our neighbors.
Yet many don't know that we have several dozen people who sleep outdoors every night in El Cerrito - our neighbors, living outside in the cold.

They deserve better. And though *any* number of unhoused residents is too much, we actually have a small and manageable number of people who need our help.

In city council meetings, I have heard the county's Coordinated Outreach Referral, Engagement (C.O.R.E.) program touted as the way to help unhoused neighbors, but CORE simply provides referrals to inadequate services. Because El Cerrito doesn't contribute financially to CORE, our requests to them fall behind those from cities who do - San Pablo and Richmond. Case in point is the woman who lives outside at EC Plaza that a group of EC residents has been helping for several months. CORE has only been minimally helpful with her case despite concerted activism (calls, letters to many agencies) to get her housed. [Safe Organized Spaces \(SOS\)](#) stepped in to help communicate with her and coordinate care (note: they are beginning to expand their work to greater West Contra Costa County.) A group of neighbors contributed to pay for Jane's temporary housing but this is only a stopgap.

All of you need to see and *feel the gravity* of this issue and do more.

1. Coordinate with CORE/the county and SOS to staff and open up the empty double-wide portable that sits empty on San Pablo and is costing us \$125,000 annually. That space could be a warming center, a place for donations, a referral station and more. Volunteers to help would be in abundance.
2. Expand your interdepartmental task force on homelessness to include those in our region who have worked on alternatives to abatement and on mental health issues.
3. Establish policies and ordinances that will decriminalize homelessness. The woman at EC Plaza slept in her car many years ago. When her car was towed, she didn't have the funds to take it back - hence living on the streets.
4. . Work with landlords to accept more Section 8 waiver
5. . Take stock of your own political will and make this a priority

With collective effort, we *can* be the El Cerrito that proudly states: Our residents will not live unsheltered, unprotected and unsafe. Let's create and implement a plan - with partners - that includes a goal of zero unhoused neighbors.

Thank you.

Sincerely,
Tomi Nagai-Rothe

she/her/hers

on unceded land of the [Confederated Villages of Lisjan \(Ohlone\)](#)

From: [Fred Bialy](#)
To: [Lisa Motoyama](#); [Tessa Rudnick](#); [Gabe Quinto](#); [Janet Abelson](#); [Paul Fadelli](#)
Cc: [City Clerk](#)
Subject: Housing the Homeless in El Cerrito
Date: Tuesday, March 15, 2022 12:48:12 PM

Dear Mayor and City Council Members,

I see that there will be a presentation by the C.O.R.E. program at tonight's City Council meeting, so I'm writing about efforts to help the homeless in El Cerrito find shelter and address their other needs.

Programs like C.O.R.E. are valuable in addressing the myriad of needs of the homeless in El Cerrito. But my understanding is that C.O.R.E. mainly provides referrals for services that are inadequately funded. Of note, is that El Cerrito is not one of the funders of C.O.R.E.

C.O.R.E. has apparently been minimally helpful to Jane, an elderly homeless woman, who has spent years sleeping overnight at El Cerrito Plaza. With the concerted effort of time and money by a group of El Cerrito residents, some stopgap measures have been put in place to help Jane with temporary housing. But this is not a permanent solution for her. And there are other homeless residents of El Cerrito, and not a large number, that are also in need of help.

Pertinent to this issue is a news story in the Chronicle today about the efforts to help the homeless in San Mateo County:

https://www.sfchronicle.com/bayarea/article/san-mateo-homeless-17001852.php?sid=5fea1a431f40e314477ec893&utm_source=newsletter&utm_medium=email&utm_content=headlines&utm_campaign=sfc_morningfix

Let San Mateo County's efforts be an inspiration to us here in El Cerrito and Contra Costa County!

Some suggestions for El Cerrito:

- 1) start providing some funding for the C.O.R.E. program
- 2) help coordinate efforts of other organizations like Safe Organized Spaces in collaboratively addressing the needs of the homeless
- 3) communicate/collaborate with the county government as to how a county-wide effort similar to San Mateo's can be implemented in CCC.
- 4) dedicate under-utilized resources, like the empty double-wide trailer near the police station, to help provide services to the homeless.

It should be a high priority for El Cerrito to provide help to those residents that are less fortunate than the most of us.

Sincerely,

Fred Bialy

From: [William Ktsanes](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Tessa Rudnick](#); [Janet Abelson](#); [Lisa Motoyama](#); [City Clerk](#)
Cc: [REDACTED]; [Sherry Drobner](#)
Subject: Public Comment - Protecting Unhoused Neighbors
Date: Tuesday, March 15, 2022 2:59:12 PM

Dear Mayor and City Council members,

As you may know, among our neighbors in El Cerrito are several dozen unhoused people who sleep outdoors every night, often in the cold. Although *any* number of unhoused residents is too much, we actually have a small and manageable number of people who need our help.

In city council meetings, we have heard the county's Coordinated Outreach Referral, Engagement (C.O.R.E.) program touted as the way to help unhoused neighbors, but CORE simply provides referrals to inadequate services. Because El Cerrito doesn't contribute financially to CORE, our requests to them fall behind those from cities who do - San Pablo and Richmond. Case in point is the woman who lives outside at EC Plaza that a group of EC residents has been helping for several months. CORE has only been minimally helpful with her case despite concerted activism (calls, letters to many agencies) to get her housed. [Safe Organized Spaces \(SOS\)](#) stepped in to help communicate with her and coordinate care (note: they are beginning to expand their work to greater West Contra Costa County.) A group of neighbors contributed to pay for Jane's temporary housing but this is only a stopgap.

I hope the City of El Cerrito will do more:

1. Coordinate with CORE/the county and SOS to staff and open up the empty double-wide portable that sits empty on San Pablo and is costing us \$125,000 annually. That space could be a warming center, a

place for donations, a referral station and more. Volunteers to help would be in abundance.

2. Expand your interdepartmental task force on homelessness to include those in our region who have worked on alternatives to abatement and on mental health issues.

3. Establish policies and ordinances that will decriminalize homelessness. The woman at EC Plaza slept in her car many years ago. When her car was towed, she didn't have the funds to take it back - hence living on the streets.

4. Work with landlords to accept more Section 8 waivers.

5. Take stock of your own political will and make this a priority.

As others have stated. with collective effort we *can* be the El Cerrito that proudly states: Our residents will not live unsheltered, unprotected and unsafe. Let's create and implement a plan - with partners - that includes a goal of zero unhoused neighbors.

Thank you.

Sincerely,

William Ktsanes

From: [Miguel Gravelle Izaguirre](#)
To: [Gabe Quinto](#); [Lisa Motoyama](#); [Janet Abelson](#); [Paul Fadelli](#); [Tessa Rudnick](#); [City Clerk](#)
Subject: Unhoused in El Cerrito
Date: Tuesday, March 15, 2022 6:28:04 PM

Dear Mayor and City Council members,
My neighbors, friends, and colleagues who live in EC love our city!
However, in our busy lives very few know that we have over 30 people who sleep outside each night in El Cerrito - my heart goes out to my fellow humans unhoused and out in the cold at night.

These humans deserve better and we can do better. The numbers of unhoused in El Cerrito are few enough to manage through policy change.

In city council meetings, it has been stated that our county's Coordinated Outreach Referral, Engagement (C.O.R.E.) program is the path to supporting our unhoused neighbors. However, CORE only provides referrals to inadequate services. Furthermore, since El Cerrito doesn't contribute financially to CORE, our requests to them are prioritized after Richmond and San Pablo, which pay. To illustrate, a woman Jane lives outside the Trader Joes and most of the support provided to her has come from community mutual aid. CORE has only been minimally helpful with her case despite concerted activism (calls, letters to many agencies) to get her housed. [Safe Organized Spaces \(SOS\)](#) stepped in to help communicate with her and coordinate care (note: they are beginning to expand their work to greater West Contra Costa County.) A group of neighbors contributed to pay for Jane's temporary housing but this is only a stopgap.

Human lives are at risk and here is a suggested action plan:

1. Coordinate with CORE/the county and SOS to staff and open up the empty double-wide portable that sits empty on San Pablo and is costing us \$125,000 annually. That space could be a warming center, a place for donations, a referral station and more. Volunteers to help would be in abundance.
2. Expand your interdepartmental task force on homelessness to include those in our region who have worked on alternatives to abatement and on mental health issues.
3. Establish policies and ordinances that will decriminalize homelessness. The woman at EC Plaza slept in her car many years ago. When her car was towed, she didn't have the funds to take it back - hence living on the streets.
4. Work with landlords to accept more Section 8 waivers.
5. Take stock of your own political will and make this a priority.

With our City Government leading the charge, we *can* be the El Cerrito that proudly states: Our residents will not live unsheltered, unprotected and unsafe. Let's create and implement a plan - with partners - that includes a goal of zero unhoused neighbors.

Much appreciation.

Kind Regards,
Miguel Gravelle Izaguirre
El Cerrito resident and teacher

FY 2021

El Cerrito CORE

Total contacts: 63

Unique individuals served: 30

Services provided: 239 services provided (ex. Emergency supplies, connection to health/behavioral health services, referrals to housing programs, placement into shelter, etc)

(metrics below are taken from client intake forms that are all self reported)

Age at intake:

- under 17 – 17% (5 of 30)
- 18-24 – 0
- 25-34 – 7% (2 of 30)
- 35 – 44 – 13% (4 of 30)
- 45-54 – 20% (6 of 30)
- 55-61 - 17% (5 of 30)
- 62+ - 30% (9 of 30)

Disabling conditions: 80% (or 24 of 30 contacted) reported 'yes' to having a disabling condition

Race: 63% African American (19 of 30); 33% white (10 of 30); 3% (1 of 30) native american/alaskan

Household configuration:

- 23% families (7 of 30)
- 77% single (23 of 30)

First time homeless:

- 67% not first time homeless
- 33% first time homeless

Domestic Violence Survivor: 20% (6 of 30) report history or are currently fleeing DV

Homeless over 2 years: 57% (12 of 30)

What brought you to this city:

- 83% (25 of 30) have roots in El Cerito (reported growing up in El Cerrito, having family/friends in El Cerrito, etc)
- 17% (5 of 30) report other reasons (passing through, services, etc)

Exit destinations:

- 23% (7 of 30) exited to an emergency shelter
- 3% (1 of 30) exited to a substance use treatment program
- 7% (2 of 30) exited to a transitional living program
- 67% (20 of 30) did not complete an exit interview

Arts & Culture Commission: Workplan & Recent Accomplishments

Annual Workplan Presentation
City of El Cerrito | March 2022

The ACC

Mission:

It is the mission of the Arts and Culture Commission to **advise the City Council of the needs of the artistic and cultural community**; encourage and promote **arts programs and events that engage community members and local businesses** to build a flourishing and vibrant arts and cultural environment; provide advice to artists and arts/cultural organizations by **sponsoring forums, programs, and events**; carry out the **Arts in Public Places program**, and upon request, advise the City with respect to possible sources of funding.

Goals from 2013 Master Plan:

- Increase access to public art in the community
- Support the local artistic and cultural community
- Promote excellence in the arts
- Beautify El Cerrito

Membership

The Commission reflects a diversity of expertise:



Allison Cooper



George Gager



Courtney Helion



Alan Pavlosky



Ann Wiens

...and we're seeking 2 more members!

Recent Accomplishments

2019-2020:

- Community Orchestra Program, summer 2019 (California Sound Collective; on hiatus until summer 2023)
- Minigrant program sponsorship: Fourth of July WorldOne festival, Messy Art Day
- Community Consultation Pilot: Feedback gathered through online survey
- ECCRU Artist Residency, Poet Laureate

2020-2021:

- Poet Laureate Selection
- Library Signage
- Utility Box Pilot Program: 3 boxes painted
- Minigrant program sponsorship: Neighborhood Stories
- ECCRU Residency: Risa Dye and Kloe Chan

2021-22 Workplan

FISCAL YEAR 2021-2022 WORK PLAN

	Goal/Objective	Proposed Activities	Priority Ranking	Timeline For Completion
1.	A, B, C, D	Exploring Long-Term Larger-Scale Public Art Installation/Commission; initial phase focused on mural on Centennial Park wall	High: ACC-run program	General proposal December 2021 for project exploration in 2022; Centennial wall made focus in Feb.
3.	A	Annual Arts event: Community Chalk Event <i>(postponed from Fall 2021 due to weather)</i>	High: ACC-run new initiative	Summer 2022
5.	A, B, C	2022 ECCRU Residency	High: ACC-run established program	CFA issued Fall 2021; Artist Term through 2022
6.	A, B, C, D	Utility Box Pilot Phase 2	High: ACC-run new initiative	CFA issued early 2022
7.	A, D	Library Projects: Continued Collaboration	Medium	Early 2022
8.	A, B, C	Poet Laureate Program: Supporting selected laureate Evelyn Mitchell to host public programs	Medium	Poet Laureate 2021-23 selected
	A, B, C	Music Event/Series Pilot: Advise and support piloting a summer music performance series	Medium	To plan for Summer 2022
	informing above activities	Community Consultation: Survey and/or Town Hall to gather public feedback on arts programming	Medium	Recommendations from Subcommittee by Dec 2021 for execution in 2022

Full workplan in meeting packet.

LIBRARY SIGNAGE

QUICK WIN & EXCITING PARTNERSHIP



BEFORE | AFTER



**POET LAUREATE
EEVELYN MITCHELL**



UTILITY BOX ART PROGRAM

LEARNING FROM PILOT PHASE; NEXT PHASE CALL FOR ARTISTS OUT NOW



MINIGRANT PROGRAM

NEW & IMPROVED APPLICATION PROCESS



Longer-Term Projects

- Exploring larger-scale installations, starting with a mural on the Centennial Park Wall
- Building capacity for large projects through ad hoc subcommittee model and pilot approach
- Community consultation: Town halls, surveys



Excited for more art in El Cerrito!

THANK YOU FOR YOUR TIME & FEEDBACK