**REVISED AGENDA**

**REGULAR CITY COUNCIL MEETING**
**AUGUST 16, 2022 – 6:00 p.m.**

**Members:**
Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

**Meeting Location:**
Council Chambers, 10890 San Pablo Avenue
El Cerrito, CA 94530

Consistent with the Brown Act as amended by AB 361 (2021), members of the City Council, staff, presenters and the public may participate in-person at the location listed above, or remotely via zoom. **In-person attendance will be limited to available seats and designated accessible spaces only (no standing room) with chairs spaced to encourage social distancing. Masks are strongly recommended (full in-person protocols available here.)**

Interested individuals can also participate or view the City Council meeting as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
3. Join Via Zoom *(closed captioning available:)*
   https://us06web.zoom.us/j/85486494751?pwd=TGNiK2RWNVhaejVXR3FURXN3Rm5idz09
   Dial in: 1-408-638-0968 **Meeting ID:** 854 8649 4751 **Password:** 044517

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

1. In-person by submitting a request to speak to the City Clerk.
2. 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.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on Agenda** or **Public Comments – Agenda Item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **3:00 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.**

## 6:00 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~~ Climate Action 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. Approval of Minutes

**Action Proposed:** Pass a motion to approve the minutes from the meetings of July 19 and August 9, 2022.
**Contact:** Holly M. Charléty, City Clerk, City Management

### B. Library Card Sign-up Month Proclamation

**Action Proposed:** Approve a proclamation declaring September, 2022 as Library Card Sign-up Month.
**Contact:** Holly M. Charléty, City Clerk, City Management

### C. International Overdose Awareness Day Proclamation

**Action Proposed:** Approve a proclamation recognizing August 31, 2022 as International Overdose Awareness Day.
**Contact:** Holly M. Charléty, City Clerk, City Management

**D. A Proclamation recognizing Discovering the Reality of Our Community Youth Leadership Program**

**Action Proposed:** At the request of Mayor Pro Tem Motoyama, pass a motion to approve a proclamation supporting the efforts of the Discovering the Reality of Our Community Youth Leadership Program.
**Contact:** Holly M. Charléty, City Clerk, City Management

**E. 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

**F. Economic Development Committee Appointment**

**Action Proposed:** Pass a motion to approve one Economic Development Committee recommendation to appoint member Sandra Mayithara, effective August 16, 2022.
**Contact:** Aissia Ashoori, Housing Program Manager/Staff Liaison, Community Development Department

**G. Appoint City Council Ad-Hoc committee to consider an Enhanced Infrastructure Financing District (EIFD)**

**Action Proposed:** Staff requests that the City Council pass a motion to appoint an ad-hoc committee of Mayor Pro Tem Lisa Motoyama and Councilmember Paul Fadelli to work with staff to consider creating an Enhanced Infrastructure Financing District (EIFD) as a method of financing infrastructure projects in the City of El Cerrito.
**Contact:** Karen Pinkos, City Manager, City Management

**H. Second Reading and Adoption of an Amended Foodware Ordinance Requiring Single-Use Foodware Accessories and Standard Condiments Packaged for Single-use to be Provided Only if Requested by a Consumer**
*1st Reading 7/19/2022*

**Action Proposed:** Pass a motion to waive the second reading and adopt Ordinance 2022-02 Requiring Single-Use Foodware Accessories and Standard Condiments Packaged for Single-use to be Provided Only if

Requested by a Consumer.
**Contact:** Holly M. Charléty, City Clerk, City Management

**I. Purchase a Replacement Baler for the Recycling Center**

**Action Proposed:** Adopt a resolution authorizing the City Manager to enter into a purchase agreement with Apex Equipment, LLC in an amount not to exceed $122,393.93 for the purchase of an Excel Model EX63 horizontal baler to be used for compacting and bundling cardboard, aluminum, and other recyclables at the Recycling + Environmental Resource Center.
**Contact:** Christina Leard, Management Analyst III; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

**J. One-Year Agreement between the City of El Cerrito and Chavan and Associates, LLP to perform required independent audit services for the Fiscal Year ending June 30, 2022.**

**Action Proposed:** Adopt a resolution authorizing the City Manager to execute a one-year professional services agreement in an amount not to exceed $68,500.00 with Chavan and Associates, LLP, Certified Public Accountants (Chavan and Associates) to perform required independent audit services for the Fiscal Year ending June 30, 2022 including the Annual Comprehensive Financial Audit (ACFR), Single Audit, El Cerrito Public Financial Authority, City of El Cerrito's Employees' Pension Plan, GANN Appropriation Limit, Audit Report on Applying City of El Cerrito Master Installment Sale Agreement Compliance to Covenants, 2008 Sales Tax Revenue Bonds AUP, and Transportation Department Audit.
**Contact:** Sandra Dalida, Finance Director/City Treasurer, Finance Department

**K. Fiscal Recovery and Sustainability Plan**

**Action Proposed:** Receive and approve the updated Fiscal Recovery and Sustainability Plan to be submitted to the California State Auditor
**Contact:** Karen Pinkos, City Manager, City Management

## 6. PRESENTATIONS

**A. Update from West Contra Costa Unified School District (WCCUSD)**

**Action Proposed:** Receive and file an update from WCCUSD on financials, addressing El Cerrito High School violence, School Resource

Officer Program, and relevant updates for the upcoming school year.
**Contact:** Trustee Leslie Reckler, Area 5, WCCUSD Board of Trustees; Kenneth Chris Hurst Sr., Ed.D, WCCUSD Superintendent

## 7. PUBLIC HEARINGS

### A. Fire Hazard Abatement

**Action Proposed:** 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.
**Contact:** David Yun, Fire Prevention Officer; Chase Beckman, Fire Marshal, Fire Department

## 8. POLICY MATTERS

### A. Project Stabilization Agreement with Contra Costa Building and Construction Trades Council

**Action Proposed:** Adopt a resolution approving and authorizing the City Manager to sign a Project Stabilization Agreement and related side letter with the Contra Costa Building and Construction Trades Council and its affiliated local Unions.
**Contact:** Karen Pinkos, City Manager, City Management

### B. 2023-2031 Draft Housing Element

**Action Proposed:** Receive and file presentation of the *Draft* 2023-2031 6th Cycle Housing Element and provide input to staff prior to submitting it to the California Department of Housing and Community Development for the state-mandated review.
**Contact:** Aissia Ashoori, Housing Manager; Sean Moss, Planning Manager, Community Development Department

## 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

*In memory of long time El Cerrito resident Loraine Dair.*

The next regularly scheduled City Council meeting is Tuesday, September 20, 2022 at 6:00 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.

# EL CERRITO CITY COUNCIL DRAFT MINUTES

**SPECIAL CITY COUNCIL MEETING**
**JULY 19, 2022 – 5:00 p.m.**

**Members:**
Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

**Meeting Location:**
Hillside Conference Room - 2nd Floor, 10890 San Pablo Avenue
El Cerrito, CA 94530

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**This meeting will not be broadcast or livestreamed online.** Interested individuals can participate or view the City Council meeting as follows:

1. In person at the address listed above.
2. Via Zoom *(Closed captioning available)*:
   https://us06web.zoom.us/j/82661866442?pwd=djZBVzl6b2RiUzJuWEZ2ak1jQTFMUT09
   **Meeting ID:** 826 6186 6442 **Password:** 840086 **Dial in:** 1-408-638-0968

Each period for public comment will be announced. Public Comments may be submitted one of the following ways and are limited to items on the special meeting agenda only:

1. In-person by submitting a request to speak to the City Clerk.
2. 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.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Agenda Item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **2:00 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.**

**5:00 P.M.** **ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**

Mayor Quinto called the meeting to order at 5:00 PM.

**Present In-Person:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli, Councilmember Rudnick **Present Remotely:** Councilmember Abelson **Absent:** None

**1. ORAL COMMUNICATIONS FROM THE PUBLIC**

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.*

None

**2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS**

*Pursuant to Government Code Section 54957.6*

**Agency Designated Representatives:** Karen Pinkos, City Manager; Alexandra Orologas, Assistant City Manager; Glenn Berkheimer, Labor Negotiator; and Sky Woodruff, City Attorney.
**Employee Organizations:** Public Safety Management Association (Fire Chief)
**Contact:** Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 5:01 PM. No reportable action.

**3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

*Pursuant to Government Code Section 54956.9(d)(1)*

**Name of case:** City of Long Beach v. Monsanto Company, et al. (United States District Court for the Central District of California Case No. 2:16-cv-03493-FMO-AS)
**Contact:** Alexandra Orologas, Assistant City Manager, City Management

No reportable action.

**4. ADJOURN SPECIAL CITY COUNCIL MEETING**

The special meeting adjourned at 6:01 PM

_____

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of July 19, 2022 as approved by the El Cerrito City Council.

_____

Holly M. Charléty, MMC, City Clerk

# EL CERRITO CITY COUNCIL DRAFT MINUTES

**REGULAR CITY COUNCIL MEETING**
**JULY 19, 2022 – 6:00 p.m.**

**Members:**
Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

**Meeting Location:**
Council Chambers, 10890 San Pablo Avenue
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3. Join Via Zoom:
   https://us06web.zoom.us/j/82805914908?pwd=NFJXSXhaYmJuZCsxbTdyT2N6bkdDQT09
   Dial in: 1-408-638-0968 **Meeting ID:** 828 0591 4908 **Password:** 198347 *Closed Captioning available via zoom*

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

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**6:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING**

Mayor Quinto called the meeting to order at 6:12 PM.
**Present In-Person:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli, Councilmember Rudnick **Present Remotely:** Councilmember Abelson **Absent:** None

## 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.*

City Manager Pinkos - update on current health condition.

Mayor Quinto - reported on Special City council meeting at 5PM; announced letter sent to Senator Feinstein and Padilla urging the health care subsidy expansion outlined by ARPA be made permanent, issuance of a Mayoral Certificate of Recognition for Rev. Dr. Willie McDaniel in recognition his service to the El Cerrito community; reported attendance at North American Sakya Monlam for World Peace event, and Cal Cities Board of Director meeting.

Bay Area Rapid Transit (BART) Board President Rebecca Saltzman - announced receipt of grant funding of $24.2 million dollars for the El Cerrito Plaza Transit Oriented Development project.

Councilmember Fadelli - announced BART open house event and reported on attendance at the El Cerrito July 4th event.

Mayor Pro Tem Motoyama - reported on attendance at the El Cerrito July 4th event, and celebration for Pastor McDaniel at St. Peters.

Councilmember Rudnick - reported on attendance at the El Cerrito July 4th event, celebration for Pastor McDaniel at St. Peters; and announced launch of new number, 988, for the national hotline for mental health support.

Councilmember Abelson - reported on attendance at the El Cerrito July 4th event, and celebration for Pastor McDaniel at St. Peters.

## 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.*

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, Trina Mackie, Peter P., Howdy Goudey, Chair, on behalf of the Environmental Quality Committee, John Stashik, Michael Fischer, Nick Zamorano, Gary Prost, Sean Angles, Sue and Paul Duncan.

**Oral Public Comments:**

Gary Prost - on behalf of Make El Cerrito Fire Safe and request for parking restrictions on red flag warning days.

Fred Bialy - spoke regarding need for action regarding the Climate emergency, electric vehicles, and regarding a resident petition submitted asking for climate action.

Bill Barish - representing 350 Contra Costa, spoke on need for action related to climate change and on a petition submitted asking for climate action.

Buddy Akacic - commented on the need for a new senior center in El Cerrito, need to communicate with residents, shared upcoming senior stroll events, and contributions of seniors in the community.

Peter Pan - spoke regarding the need to end the local emergency and the eviction moratorium.

Xiaomie Song - spoke regarding personal hardship and request for the end the eviction moratorium.

Cordell Hindler - spoke in of working with Koff and Associates on filling vacant positions, commented on upcoming National Night out.

Steve Price - spoke regarding El Cerrito Strollers and Rollers, the need to increase efforts to shop locally, and upcoming efforts of the group.

Howdy Goudy - Chair of the City's Environmental Quality Committee, reviewed recommendations made by the committee related to Climate Action.

Mark Levine - recommended requiring the use of electricity as an energy source, and updating the climate action plan.

Carolyn Wysinger - spoke regarding July 4th event, praised response of public safety to a recent fire, addressing the unhoused, and support of local businesses.

Sue Duncan - welcomed incoming fire chief and commented on the need to work on home hardening projects.

Vanessa Warheit - spoke on need for climate action, support of prioritizing a senior center, need to support local businesses, July 4th event, hybrid meeting settings, grant writing award and monitoring home sales.

Allison C - spoke regarding need for a stronger response to climate action, building electrification, support of a senior center, and in favor of continuing the eviction moratorium.

Linda Cain - commented on the senior population, need for a senior center and commented on past senior activities.

Sean Angles - spoke in support of reopening the community center for private events.

Sherry Drobner - shared interaction with an unhoused individual, need for additional support from C.O.R.E. staff in the city.

Dave Weinstein - representing El Cerrito Historical Society, spoke in support of the proclamation for the 50th anniversary of the recycling center and the work of Joel Witherell.

## 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.*

**Moved/Seconded:** Councilmember Abelson/Councilmember Rudnick **Action:** Approved A, B, C, E, G, and H on the consent calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

### A. Approval of Minutes

**Action Proposed:** Pass a motion to approve the minutes from the meetings of May 17, May 24, June 7, and June 21, 2022.
**Contact:** Holly M. Charléty, City Clerk, City Management
Action: Approved minutes, including amended to the minutes for the Regular meeting of June 21, 2022 adding an Administrative note to item 8.A. stating "Resolution 2022-48 rescinded Resolution 2021-34 (not 2020- 34 as stated in the adopted resolution.) The clerical error was fixed administratively in the final version of the resolution."

### B. Proclamations Recognizing the Recycling Center's 50th Anniversary and the Contributions of Former City of El Cerrito Employee Joel Witherell

**Action Proposed:** Approve 1) a proclamation to recognize and commemorate the 50th Anniversary of the El Cerrito Recycling Center and 2) a proclamation to recognize the contributions of former City of El Cerrito employee Joel Witherell and his accomplishments that ensured the success of recycling in El Cerrito.
**Contact:** Laurenteen Brazil, Waste Prevention Specialist; Will Provost, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
**Action:** Approved proclamations

### C. National Night Out Proclamation

**Action Proposed:** Approve a proclamation calling upon all residents of the City of El Cerrito to participate in "National Night Out" on Tuesday, August 2, 2022.
**Contact:** Paul Keith, Chief of Police, El Cerrito Police Department
**Action:** Approved proclamation

**D. Single Audit Report for Fiscal Year Ending June 30, 2021**

**Action Proposed:** Receive and file the Single Audit Report for the fiscal year ending June 30, 2021.
**Contact:** Sandra Dalida, Finance Director/City Treasurer, Finance Department
Pulled from consent by Mayor Pro Tem Motoyama.
**Discussion:** Clarification on reference of homeland security funds, and qualifications to be considered low risk status. **Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Rudnick **Action:** Receive and filed.
**Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**E. Monthly Disbursement and Check Register Report for May 2022**

**Action Proposed:** Receive and file the Monthly Disbursement and Check Register Report for the period May 1, 2022 through May 31, 2022, reflecting 286 General Warrants (#82872 through #83157), 17 Electronic Fund Transfers (#2234 through #2272), and 518 Payroll Account Payments.
**Contact:** Sandra Dalida, Finance Director/City Treasurer, Finance Department
**Action:** Received and filed

**F. FY 2021-22 Fourth Quarter Cash and Investment Report**

**Action Proposed:** Receive and file the FY 2021-22 Fourth Quarter Cash and Investment Report.
**Contact:** Sandra Dalida, Finance Director/City Treasurer, Finance Department
Pulled from consent by Mayor Pro Tem Motoyama. **Discussion:** High deposit amount, funds added to LAIF, how typical it is for a high account balance, status of investment policy modifications recommended by the Financial Advisory Board. **Moved/Seconded:** Councilmember Fadelli/Mayor Pro Tem Motoyama **Action:** Receive and filed.
**Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**G. 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
**Action:** Approved Resolution 2022-51

**H. Agreement with A Plus Tree Incorporated for Urban Forest Maintenance, Tree Pruning, Removal, and Planting Services,**

**including Natural Areas Forest Management**

**Action Proposed:** Adopt a resolution authorizing the City Manager to execute an agreement with A Plus Tree Incorporated to provide Urban Forest Maintenance, Tree Pruning, Removal, and Planting Services, including Natural Areas Forest Management, effective August 1, 2022, for a period of three years, with the option to annually extend the contract for three additional years, in an amount not to exceed $320,370 this fiscal year, with annual CPI increases contingent upon future City budgets and City Council approval of annual appropriations.
**Contact:** Stephen Prée, Environmental Programs Manager/City Arborist; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
**Action:** Approved Resolution 2022-52

**I. Resolution Approving an Updated Agreement with the County of Contra Costa for the Provision of Animal Control Services**

**Action Proposed:** Approve a resolution authorizing the City Manager to execute an updated agreement with the County of Contra Costa for the provision of animal control services for an initial two (2) year term, with automatic renewal for successive three (3) year periods.
**Contact:** Paul Keith, Chief of Police, El Cerrito Police Department
Pulled from consent by Mayor Pro Tem Motoyama. **Discussion:** Reason for the revised contract and the level of service provided, and cost sharing structure. **Moved/Seconded:** Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Approved Resolution 2022-53. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**J. Consulting Services Agreement with Renne Public Policy Group for Grant Writing Services**

**Action Proposed:** Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Renne Public Policy Group in the amount of $60,000 for grant writing services.
**Contact:** Alexandra Orologas, Assistant City Manager, City Management
Pulled from consent by Mayor Pro Tem Motoyama.
**Discussion:** Modification of resolution to reflect up to $60,000, and goals set for accomplishment in the next year. **Moved/Seconded:** Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Approved Resolution 2022-54, modifying each reference to "the amount of $60,000" to reflect "in an amount up to $60,000." **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**K. Amendment to the City's Classification Plan**

**Action Proposed:** Adopt a resolution amending the City's Classification Plan to authorize Reclassification of Finance Supervisor to Budget/Financial Services Manager in the Finance Department.
**Contact:** Shannon Bassi, Senior Human Resources Analyst, City Management
Pulled from consent by Mayor Pro Tem Motoyama **Discussion**: Source of funding for new position, impact of the cost over the next 5 years.
**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Fadelli
**Action:** Approved Resolution 2022-55 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

## 6. PRESENTATIONS

### A. West Contra Costa Transportation Advisory Committee (WCCTAC) San Pablo Avenue Multimodal Corridor Study, Phase 2

**Action Proposed:** Receive and file a presentation from West Contra Costa Transportation Advisory Committee (WCCTAC) regarding the purpose, outcomes and results of phase one, and phase two of the San Pablo Ave Multimodal Corridor Study which spans Alameda and Contra Costa County.
**Contact:** Leah Greenblat, Transportation Planning Manager, WCCTAC; Adam Dankberg, Project Manager, Kimley-Horn Associates
**Presentation and Discussion:** Presenters and staff responded to comments and questions raised by members of the council regarding corridor-wide center bus lane, response of the WCCTAC Board to the presentation, connection with neighboring counties, pedestrian safety issues, bicycling experience and incorporation of the greenway section that runs parallel to San Pablo, and focus on pedestrian safety.

**Oral Public Comments**
Vanessa Warheit - commented in support of efforts and encourage additional public engagement and outreach on the topic, timing of implementation and need for full bicycle access.

Steve Price - spoke regarding the distinction between the use of the Greenway and bike lanes on San Pablo Avenue.

**Action:** Received and filed.

## 7. PUBLIC HEARINGS

### A. Fire Hazard Abatement

*Exempt from CEQA review pursuant to Sections 15304 and 15308, Notice published 7/9/2022*

**Action Proposed:** 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the

resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.
**Contact:** David Yun, Fire Prevention Officer; Chase Beckman, Fire Marshal, Fire Department
**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Rudnick
**Action:** Adopted Resolution 2022-56 (Declaring Identified Properties) with revised Exhibit A**. Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**Public Hearing:** Mayor Quinto opened the public hearing.

No public comments

**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Fadelli
**Action:** Close the Public Hearing**. Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Rudnick
**Action:** Approve Resolution 2022-57 (Overriding Objections) **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**B. Amended Foodware Ordinance Requiring Single-Use Foodware Accessories and Standard Condiments Packaged for Single-use to be Provided Only if Requested by a Consumer**
*Notice published 7/9/2022*

**Action Proposed:** Conduct a public hearing, and upon conclusion, introduce by title and waive any further reading of an Ordinance amending Chapter 8.24 Foodware Regulations of the El Cerrito Municipal Code to align with recent State legislation.
**Contact:** Christina Leard, Management Analyst III; Will Provost, Operations and Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
**Presentation and Discussion:** Presenters and staff responded to comments and questions raised by members of the council regarding the impact on drive-thru business, use of signage at the business locations, self-serve single packets, time period between first and second notices for violations and compliance, outreach for sidewalk vendors, community engagement efforts.

**Public Hearing:** Mayor Quinto opened the public hearing.
No public comments.

**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Abelson
**Action:** Closed the Public Hearing**. Ayes:** Mayor Quinto, Mayor Pro Tem

Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**Moved/Seconded:** Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Introduced by title and waived further reading of Ordinance 2022-02**. Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**C. An Appeal of the Planning Commission's Approval of a Use Permit to Allow a Temporary Fire Station on Craft Avenue**
*Notice published 7/9/2022*

**Action Proposed:** Conduct a public hearing and upon conclusion, adopt a resolution denying the appeal and upholding the Planning Commission's approval of a Use Permit for a temporary fire station on Craft Avenue.
**Contact:** Sean Moss, Planning Manager, Community Development Department
**Public Hearing:** Mayor Quinto opened the public hearing.

**Appellant Comments:** Representatives of the appellant provided an overview of reasons for appealing including concern about noise, traffic impacts, delays in project completion past the proposed 24 months, proper vetting of alternative locations with less impacts, increased response times, presence of a diesel generator, and need for a traffic engineering survey study.

**Applicant Comments:** Representatives of the applicant stated close work with staff on the conditional use permit, importance of project to the district, and diligent work being conducted on the construction project and has strong plans in place.

**Public Comments:** All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Marilyn Stollon and John Graccione.

**Oral Public Comments:**

Vida Dorrah - resident in Kensington and property owner in El Cerrito, spoke on concern regarding traffic in the surrounding area.

Arthur Swislocki - spoke regarding the value of conducting a traffic study on the area before approval, turn radius of the road and narrow streets cause a safety concern.

Tessa Snook O'Riva - commented that camp ends in August which will reduce buses and large vehicles in the area. Preschool is supportive of the project and has no concerns, and shared that fire staff often conduct training in the area and the roads and turn radius are not a concern.

Cordell Hindler - spoke in support of a traffic study prior to council action.

**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Fadelli **Action**: Closed the public hearing. **Ayes**: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes**: None

**Council Discussion:** Presenters and staff responded to additional comments and questions raised by members of the council regarding recommended redirection of route for access, alternative sites considered, timeline for construction, effect on station 72 priorities, and renovation permit versus temporary use permit.

**Moved/Seconded:** Councilmember Abelson/Councilmember Rudnick **Action**: Approve Resolution 2022-58, revised to 1) modify the first resolved clause to read "The proposed temporary fire station will provide emergency response services to the surrounding community. The duration of this Use Permit will be limited to the duration of the renovation of Station 65. The operation of the temporary station will be typical of other fire stations. No routine testing or operation of heavy equipment will occur before 9:00 a.m. or after 6:00 p.m. Siren use will be kept to a minimum. The temporary fire station will benefit public health, safety, and welfare, by continuing the provision of emergency services to the community." and 2) modify the third further resolved clause to read "This use permit shall be valid for the duration of the Kensington Fire Protection District's renovation of the existing station at 217 Arlington Avenue, as long as the District continues to make a good faith effort to complete the renovation project." **Ayes**: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes**: None

## 8. POLICY MATTERS

### A. Adoption of a Memorandum of Understanding between the City of El Cerrito and the El Cerrito Public Safety Management Association - Fire Chief Unit

**Action Proposed:** Adopt a resolution approving an agreement between the City of El Cerrito and the El Cerrito Public Safety Management Association - Fire Chief Unit (PSMA- Fire Chief Unit) modifying language on salaries and benefits and creating a new Memorandum of Understanding.
**Contact:** Alexandra Orologas, Assistant City Manager, City Management
**Presentation and Discussion:** Presenters and staff responded to comments and questions raised by members of the council regarding auto allowance.

**Oral Public Comments:**
Cordell Hindler - expressed appreciation of the recruitment process and

welcomed the new chief.

Larry Nagel - President of Kensington Fire Protection District welcomed the new chief.

Vincent Wells - President of Local 1230 welcomed the new chief.

Bill Hansell- General Manager of Kensington Fire Protection District welcomed the new chief.

**Moved/Seconded:** Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Approved Resolution 2022-59, modifying Exhibit B to the resolution, under Chapter 1, section 1.1, to remove "In the event that the Fire Chief is removed from his position as Fire Chief, he may, at his discretion, return to his prior position as Battalion Chief in the El Cerrito Fire Department, as permitted under El Cerrito Municipal Code § 3.10.090 and any related rules or regulations. Should the Fire Chief return to his prior position as Battalion Chief, he shall be credited with all service time with the City of El Cerrito and not suffer a loss of seniority and enjoy all benefits and compensation of a Battalion Chief. Reversionary rights will not apply in the case of termination based upon an independent finding of misconduct, made by the Civil Service Commission or a mutually agreed hearing officer." **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**B. Adoption of a Memorandum of Understanding between the City of El Cerrito and the Service Employees International Union, Local 1021**

**Action Proposed:** Adopt a resolution approving an agreement between the City of El Cerrito and the Service Employees International Union, Local 1021 (SEIU) modifying language on salaries and creating a new Memorandum of Understanding.
**Contact:** Alexandra Orologas, Assistant City Manager, City Management
**Presentation and Discussion:** Presenters and staff responded to comments and questions raised by members of the council regarding reference to prior side letters.

**Public Comments:**
Cordell Hindler - spoke in support of approval.

**Moved/Seconded:** Councilmember Fadelli/Mayor Pro Tem Motoyama **Action:** Approved Resolution 2022-60 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**C. Consulting Services Agreement with Koff & Associates for a Citywide Classification and Compensation Study**

**Action Proposed:** Adopt a resolution authorizing the City Manager to execute a consulting services agreement in the amount of $200,000 with Koff & Associates for the completion of citywide classification and compensation study; and approve the transfer of $200,000 in expenditure authority from the Unassigned Fund Balance (Reserve) and increase the FY 2022-23 Adopted Budget to cover the classification and compensation study costs.
**Contact:** Alexandra Orologas, Assistant City Manager, City Management
**Presentation and Discussion**: Presenters and staff responded to comments and questions raised by members of the council regarding staff lead for project, equity considerations in the project, impact to the fund balance, and clarification of budget action requested.

**Public Comments:** All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item was received from Cordell Hindler.

**Oral Public Comments:**
Cordell Hindler - spoke in support of approving the item.

**Moved/Seconded:** Councilmember Rudnick/Councilmember Fadelli
**Action:** Approved Resolution 2022-61 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**D. License Agreement with the Kensington Police Protection & Community Services District (KPPCSD) for Use of Site and Amenities at 10940 San Pablo Avenue**

**Action Proposed:** Adopt a resolution authorizing the City Manager to execute a license agreement with the Kensington Police Protection and Community Services District for the temporary usage of Modular Building(s) and other site amenities located at 10940 San Pablo Avenue.
**Contact:** Christopher Jones, Recreation Director, Recreation Department
**Presentation and Discussion:** Presenters and staff responded to comments and questions raised by members of the council regarding the impact of the lease ending prior to the District vacating.

No public comments.

**Moved/Seconded:** Mayor Pro Tem Motoyama/Councilmember Abelson
**Action:** Approved Resolution 2022-62**. Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

**9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS** *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*
None

## 10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 10:39 PM.

_____

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of July 19, 2022 as approved by the El Cerrito City Council.

_____

Holly M. Charléty, MMC, City Clerk

# EL CERRITO CITY COUNCIL DRAFT MINUTES

**SPECIAL CITY COUNCIL MEETING**
**AUGUST 9, 2022 – 5:30 p.m.**

**Members:**
Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

**Meeting Location:**
Hillside Conference Room - 2nd Floor, 10890 San Pablo Avenue
El Cerrito, CA 94530

Consistent with the Brown Act as amended by AB 361 (2021), members of the City Council, staff, presenters and the public may participate in-person at the location listed above, or remotely via zoom. **In-person attendance will be limited to available seats and designated accessible spaces only (no standing room) with chairs spaced to encourage social distancing. Masks are strongly recommended.**

**This meeting will not be broadcast or livestreamed online.** Interested individuals can participate or view the City Council meeting as follows:

1. In person at the address listed above.
2. Via Zoom *(Closed captioning available)*:
   us06web.zoom.us/j/87172960891?pwd=UkM0UU90QmROY0NSNHdDVHVOL25kdz09
   **Meeting ID:** 871 7296 0891 **Password:** 224156 **Dial in:** 1-408-638-0968

Each period for public comment will be announced. Public Comments may be submitted one of the following ways and are limited to items on the special meeting agenda only:

1. In-person by submitting a request to speak to the City Clerk.
2. 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.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Agenda Item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **3:00 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.**

**5:30 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**

Mayor Quinto called the meeting to order at 5:30 p.m.

**Present Remotely:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Absent:** None

## 1. ORAL COMMUNICATIONS FROM THE PUBLIC

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.*

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for closed session was received from Cordell Hindler.

## 2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS

*Pursuant to Government Code Section 54957.6*

**Agency Designated Representatives:** Karen Pinkos, City Manager; Alexandra Orologas, Assistant City Manager; Shannon Bassi, Senior Human Resources Analyst; Glenn Berkheimer, Labor Negotiator; and Sky Woodruff, City Attorney.
**Employee Organizations:** Police Employees Association (PEA), and United Professional Firefighters Local 1230.

**Contact:** Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 5:32 PM. No reportable action.

## 3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:21 p.m.

_____
Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of August 9, 2022 as approved by the El Cerrito City Council.

_____
Holly M. Charléty, MMC, City Clerk

# EL CERRITO CITY COUNCIL PROCLAMATION

## Recognizing September as Library Card Sign-up Month in the City of El Cerrito

WHEREAS, libraries and librarians play a crucial role in the education and development of children; and

WHEREAS, librarians are literacy experts, offering everything from preschool Storytime to summer reading programs that sustain school-year learning; and

WHEREAS, libraries provide a learning environment that fosters joyful exploration, encouraging students to research subjects that they are genuinely curious about; and

WHEREAS, librarians create welcoming and inclusive spaces for people of all backgrounds to learn together and engage with one another; and

WHEREAS, librarians provide a variety of books and resources to serve everyone in the community, making knowledge and ideas available so that people have the freedom to choose what to read; and

WHEREAS, a library card empowers all people to pursue their dreams, explore new passions and interests, and find their voice; and

WHEREAS, libraries are constantly transforming to deliver new services that connect closely with community needs, even during a pandemic.

NOW, THEREFORE, the City Council of the City of El Cerrito does hereby proclaim September 2022 as Library Card Sign-up Month in the City of El Cerrito and encourages everyone to sign up for their own library card today.

Dated: August 16, 2022

_____

Gabe Quinto, Mayor

# EL CERRITO CITY COUNCIL PROCLAMATION

## Recognizing August 31, 2022 as International Overdose Awareness Day

WHEREAS, the City Council of the City of El Cerrito does affirm and acknowledge that drug overdose can cause harm and hardship; and

WHEREAS, the purpose of International Overdose Awareness Day is to remember loved ones lost to overdose and to end the stigma surrounding substance use disorder (SUD) and drug-related deaths; and

WHEREAS, we recognize that drug-related overdoses in our community forever affects those who loved and cared about them; and

WHEREAS, the people affected by overdose are our children, parents, siblings, friends and loved ones who are deserving of our love, compassion, support and remembrance.

NOW THEREFORE, the City Council of the City of El Cerrito along with the Contra Costa County MEDS Coalition, BAART and other community partners do hereby proclaim August 31st, 2022, as International Overdose Awareness Day throughout the City of El Cerrito.

Dated: August 16, 2022

_____

Gabe Quinto, Mayor

# EL CERRITO CITY COUNCIL PROCLAMATION

## Supporting the Efforts of the Discovering the Reality of Our Community Youth Leadership Program

WHEREAS, Discovering the Reality of Our Community (DROC) Youth Leadership Program is an alcohol and other drug prevention and awareness program; and

WHEREAS, DROC youth engage in projects that encourage community advocacy to create positive community change around alcohol and drug misuse in their community; and

WHEREAS, DROC is focused on changing California's preemptive alcohol policies; and

WHEREAS, the Twenty-first Amendment to the United States Constitution uplifted the alcohol ban during the Prohibition era and granted states the sole power to make and regulate laws related to alcohol, thus limiting the power at the local level; and

WHEREAS, alcohol-related death is a preventable cause of death; and

WHEREAS, DROC youth research shows that drinking alcohol before the age of 15 can increase the likelihood of an individual developing an alcohol dependency by four times; and

WHEREAS, DROC youth research shows high alcohol outlet density is a key environmental factor associated with increased crime, including violent crime; and

WHEREAS, University of California research suggests that higher single serve alcoholic beverage availability is linked to an increase in violent crime; and

WHEREAS, El Cerrito youth who frequent convenience stores for snacks and non-alcoholic beverages are exposed to higher amounts of alcohol and advertising and have greater access to cheap, single-sale alcoholic beverages.

NOW, THEREFORE, the City Council of the City of El Cerrito supports the efforts made by the DROC Youth Leadership Program to make amendments to state alcohol regulations to enable oversaturated communities to regulate the sale of alcohol to mitigate negative health and safety impacts.

Dated: August 16, 2022

_____

Gabe Quinto, Mayor

# AGENDA BILL

Agenda Item No. 5.E.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Holly M. Charléty, 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 August 19, 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 August 20, 2022 -

September 19, 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.

As long as there is not a change in public health conditions, city staff is planning to continue holding hybrid meetings for City Council which will allow for City Council, staff, presenters, and members of the public to attend either in-person or via zoom. Due to

staffing resources and limitations of technology, staff is planning for the continuation of city board, commission and committee meetings via zoom with no in-person option for attendance.

**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:**

Karen Pinkos, City Manager

**Attachments:**
1. Resolution
2. County Recommendation 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 AUGUST 20, 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 August 9, 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 and Omicron variants of COVID-19 have 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 August 20, 2022 through September 19, 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 August 16, 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 August _____, 2022.

_____
Holly M. Charléty, City Clerk

APPROVED:

_____
Gabe Quinto, Mayor

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
ORI TZVIELI, MD
HEALTH OFFICER

CONTRA COSTA
HEALTH SERVICES

OFFICE OF THE DIRECTOR
1220 Morello, Suite 200
Martinez, CA 94553
Ph (925) 957-5403
Fax (925) 957-2651

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 encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of August 9, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable, but still remain high at this time. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants 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, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.

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. If unable to host outdoors, consider ways to increase ventilation and flow of the indoor space to reduce the risk of COVID-19 while indoors.

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 8-9-2022

Sefanit Mekuria

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

# AGENDA BILL

Agenda Item No. 5.F.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Aissia Ashoori, Housing Program Manager/Staff Liaison, Community Development Department
**Subject:** Economic Development Committee Appointment

## ACTION PROPOSED

Pass a motion to approve one Economic Development Committee recommendation to appoint member Sandra Mayithara, effective August 16, 2022.

## BACKGROUND/ANALYSIS

Sandra Mayithara has been an El Cerrito resident for one year. She is currently a Global Client Finance Director Marketing Manager at Essene Global, LLC. Mrs. Mayithara has volunteered in many capacities to support community building prior to moving to El Cerrito last year.

Mrs. Mayithara has demonstrated through her participation in EDC meetings and events that she is committed to economic prosperity, which is aligned with the mission of EDC and adds value to community involvement.

The Economic Development Committee voted unanimously to recommend the appointment of her at its regular meeting on July 18, 2022.
If the Council approves this recommendation for reappointment, the number of committee members will be 10 out of a possible membership total of 15, as established by Resolution 2013-66.

## STRATEGIC PLAN CONSIDERATIONS

The recommended appointment fulfills the City's Strategic Plan Goal C: Deepen a sense of place and community identity.

## ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

## FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

## LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

**Reviewed by:**

Karen Pinkos, City Manager

**Attachments:**
Application(s) on file with City Clerk

# ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING CHAPTER 8.24 OF THE EL CERRITO MUNICIPAL CODE ENTITLED "FOODWARE ORDINANCE" PROHIBITING A FOOD FACILITY FROM PROVIDING ANY SINGLE-USE FOODWARE ACCESSORY OR STANDARD CONDIMENT PACKAGED FOR SINGLE USE UNLESS REQUESTED BY CONSUMER AND AUTHORIZING ENFORCEMENT AND PENALTIES

WHEREAS, the City of El Cerrito adopted a Foodware Ordinance in 2013 prohibiting Expanded Polystyrene Foam and amended the ordinance in November 2021 to phase out all single-use plastic foodware items in the city and require the use of reusable or compostable containers; and

WHEREAS, the City of El Cerrito's amended ordinance additionally required permitted beverage straws to only be provided upon request; and

WHEREAS, in October 2021, the State of California passed Assembly Bill 1276 prohibiting a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, and requiring cities to authorize enforcement of the requirements of the bill on or before June 1, 2022; and

WHEREAS, additional amendments to the Foodware Ordinance, as proposed here, would incorporate the language required under Assembly Bill 1276; and

WHEREAS, in addition to complying with this State mandate, updating the City's ordinance to enforce these new requirements aligns with the City's goals to reduce waste; and

WHEREAS, improperly discarded single-use foodware can result in blocked storm drains, fouled waterways, and increased marine debris; and

WHEREAS, the City of El Cerrito has a substantial interest in protecting its waterways, environment, and taxpayers from the negative impacts of single-use foodware; and

WHEREAS, reducing the use of single-use foodware is consistent with the El Cerrito Strategic Plan goal to "foster environmental sustainability citywide"; and

WHEREAS, this proposed Ordinance will preserve and enhance the environment within the City of El Cerrito and is exempt from the requirements of the California Environmental Quality Act ("CEQA"), as amended, pursuant to Section 15061(b)(3) or Section 15308 of the CEQA Guidelines.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference

Section 2: Amendment of Municipal Code: Chapter 8.24 of the El Cerrito Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in strikethrough):

**8.24.010 Title.**

This chapter shall be known as the El Cerrito Foodware Ordinance. The City of El Cerrito hereinafter shall be called "city." This chapter shall be applicable in the incorporated territory of the city.

**8.24.030 Purpose.**

It is the intent of the City of El Cerrito in enacting Chapter 8.24 to eliminate the use of Expanded Polystyrene foodware and single-use plastic foodware items and to require the use of Reusable, or Compostable, food containers by Food Providers and Customers in El Cerrito. Additionally, it is the intent of this Chapter to comply with the requirements of California Assembly Bill 1276 (2021) and to require Single-use Foodware Accessories and Condiments packaged for Single use to be provided only if requested by a Consumer.

**8.24.040 Definitions.**

The following definitions apply to this chapter:

A. "Compostable" means the product is capable of composting using the city of El Cerrito's available composting and green-waste collection programs as determined by the City manager or designee and identified on the City's website, and the product is free of all intentionally added fluorinated chemicals, as certified by the biodegradable product institute or other independent third party certifying organization or agency recognized by the city on the city's website.

B. "Consumer" has the same meaning as in Section 113757 of the Health and Safety Code and is currently defined as a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility, and does not offer the food for resale.

C. "City facilities" means any park, building, structure or vehicle owned or operated by the City of El Cerrito, its agents, agencies, departments or franchisees.

D. "City project" means any work that is undertaken by the City, contractors, or other agencies on behalf of, or in partnership with, the City of El Cerrito and taking place within the City of El Cerrito.

E. "City-sponsored event" means any event organized or sponsored by the City of El Cerrito or any department of the City of El Cerrito.

F. "Customer" means any member of the public obtaining Prepared Food from a Food Provider.

G. "Disposable foodware" means all containers, bowls, plates, trays, cartons, plate liners, cups, napkins, drink plugs, beverage trays, condiment containers, cup sleeves, lids, utensils, forks, spoons, knives, straws, stirrers, toothpicks, cocktail sticks, and other items that are designed for one-time use for Prepared Foods, including service ware for take-out foods and/or leftovers from partially consumed meals prepared by Food Providers.

H. "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code and is currently defined as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level.

I. "Food provider" means any vendor, business, organization, entity, group, or individual, including any restaurant or retail food establishment, located or operating within the City of El Cerrito or providing food or beverage to the public, and any provider of prepared food at organized or special events occurring within the boundaries of the City of El Cerrito.

J. "Expanded polystyrene" or "EPS" means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of expanded polystyrene insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Expanded polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

K. "Permitted beverage straw" means straws that are Compostable or Reusable.

L. "Plastic beverage straw" means a tube made predominantly of plastic derived from petroleum, silicone, or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic beverage straw" does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, metal, or glass.

M. "Plastic stirrer" means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum, silicone, or a biologically based polymer, such as corn or other plant sources. "Plastic stirrer" does not include stirrers that are made from non-plastic materials, such as wood, paper, sugar cane, or bamboo.

N. "Prepared food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the Food Provider's premises. For the purposes of this chapter, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance. Prepared food may be eaten either on or off the premises, also known as "take-out food."

O. "Ready-to-eat food" has the same meaning as in Section 113881 of the Health and Safety Code and is currently defined as food that is in a form that is edible without additional preparation to achieve food safety.

P. "Restaurant" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food or beverages to be eaten on or off its premises.

Q. "Retail food establishment" means any store, shop, sales outlet, or other establishment, other than a restaurant, including, but not limited to, a grocery store, delicatessen, mobile food preparation and sale unit, drive-in, coffee shop, cafeteria, short-order cafe, luncheonette, grill, sandwich shop, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, commissary, special event, food market, produce stand, food stand, or similar place in which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served or provided to customers.

R. "Reusable" means all materials in the product or package will be used more than once in its same form by the Customer, food vendor, or other reuse programs. Reusable foodware includes: food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor by the Customer that is provided take-out containers. Reusable also includes durable containers, packages or trays used on premises or returnable containers brought back to the Food Provider.

S. "Reusable foodware" means all containers, bowls, plates, trays, cartons, cups, and other items that are designed for prolonged use, including, but not limited to, ceramic, glass, porcelain, and metal foodware. The City Manager or designee has the authority to make a final determination on if a foodware item is designed for prolonged use; the determination shall be in writing and will be final.

T. “Single-use” means designed to be used once and then discarded, and not designed for repeated use and sanitizing.

U. “Single-use foodware accessory” means all of the following Single-use items provided alongside Ready-to-eat Food:
(1) Utensils, which is defined as forks, knives, spoons, and sporks.
(2) Chopsticks.
(3) Condiment cups and packets.
(4) Straws.
(5) Stirrers.
(6) Splash sticks.
(7) Cocktail sticks.

V. “Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

W. “Third-party food delivery platform” has the same meaning as in Section 113930.5 of the Health and Safety Code and is currently defined as a business engaged in the service of online food ordering and delivery from a Food Facility to a Consumer.

**8.24.050 Prohibited foodware.**

A. Except as provided in this chapter, Food Providers are prohibited from providing Prepared Food to Customers in foodware that is not Compostable or Reusable.

B. Except as provided in this chapter, all City facilities are prohibited from using foodware that is not Compostable or Reusable and all City departments and agencies shall not purchase or acquire such foodware for use at City facilities or City-sponsored events.

C. Except as provided in this chapter, all City franchisees, contractors, vendors and caterers doing business with the City shall be prohibited from using foodware that is not Compostable or Reusable in City facilities, at City events or on City projects within the City of El Cerrito.

D. Except as provided in this chapter, no Food Provider, city franchisees, contractors, vendors and caterers doing business with the City, City Facilities, or any City-sponsored Event shall use, provide, distribute, or sell Plastic Beverage Straws or Plastic Stirrers, except as allowed under this chapter to meet the needs of persons who require and request them due to disability or other medical or physical conditions or circumstances. All Permitted Beverage Straws shall only be provided upon request by the Customer.

**8.24.060 Permitted foodware.**

A. All Food Providers using any Disposable Foodware will use Compostable or Reusable foodware. All Food Providers are strongly encouraged to use Reusable Foodware in place of using Disposable Foodware for all food served on premises. A Food Provider may price its products or services to customers in a manner to cover any cost differential. All Permitted Beverage Straws shall only be provided upon request.

B. All City facilities and City-sponsored events using any foodware will use Compostable or Reusable foodware. All City facilities are strongly encouraged to use Reusable foodware in place of using Disposable foodware for all food served on premises.

C. All City franchisees, contractors, vendors and caterers, when doing business with the City, will use Compostable or Reusable Foodware in City facilities, at City events, or on City projects within the City of El Cerrito. All City facilities are strongly encouraged to use Reusable Foodware in place of using Disposable Foodware for all food served on-premises.

D. All individuals, entities or organizations using City facilities for public or private events shall comply with the requirements in this chapter.

E. Food providers that provide Compostable or Reusable straws may provide single-use Plastic Beverage Straws to Customers by request to accommodate needs of persons who require and request them due to disability or other medical or physical conditions or circumstances.

**8.24.070 Foodware by Request and Third-Party Food Delivery.**

A. Except as provided in subdivision (C) of this section, a Food Facility, for on-premises dining or when using a Third-party Food Delivery Platform, shall not provide any Single-use Foodware Accessory or Standard Condiment packaged for Single-use to a Consumer unless the Single-use Foodware Accessory or Standard Condiment is requested by the Consumer.

B. Single-use Foodware Accessories and Standard Condiments packaged for Single use provided by Food Facilities for use by Consumers shall not be bundled or packaged in a manner that prohibits a Consumer from taking only the type of Single-use Foodware Accessory or Standard Condiment desired without also having to take a different type of Single-use Foodware Accessory or Standard Condiment.

C. A Food Facility may ask a drive-through Consumer if the Consumer wants a Single-use Foodware Accessory if the Single-use Foodware Accessory is necessary for the Consumer to consume Ready-to-eat Food, or to prevent spills of or safely transport Ready-to-eat Food.

D. (1) A Third-party Food Delivery Platform shall provide Consumers with the option to request Single-use Foodware Accessories or Standard Condiments from a Food Facility serving Ready-to-eat Food.

(2) If a Food Facility uses any Third-party Delivery Platform for Ready-to-eat Food, the Food Facility shall customize its menu with a list of available Single-use Foodware Accessories and Standard Condiments, and only those Single-use Foodware Accessories or Standard Condiments selected by the Consumer shall be provided by the Food Facility. If a Consumer does not select any Single-use Foodware Accessories or Standard Condiments, no Single-use Foodware Accessory or Standard Condiment shall be provided by the Food Facility for delivery of Ready-to-eat Food.

E. Nothing in this section shall prohibit a Food Facility from making unwrapped Single-use Foodware Accessories available to a Consumer using refillable self-service dispensers that dispense one item at a time to allow for Single-use Foodware Accessories to be obtained.

F. Nothing in this section shall prohibit a Food Facility from making Standard Condiments available to a Consumer using refillable self-service dispensers to allow for Standard Condiments to be obtained. A Food Facility that offers Standard Condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for Single-use.

G. A Food Facility is encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by all Single-use food service products.

H. This section does not apply to any of the following:

(a) Correctional institutions, which has the same meaning as in Section 7502 of the Penal Code.

(b) Health care facilities licensed pursuant to Article 1 (commencing with Section 1250) of Chapter 2 of Division 2 of the Health and Safety Code or facilities that are owned or operated by a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

(c) Residential care facilities licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(d) Public and private school cafeterias, as referenced in paragraph (1) of subdivision (b) of Section 113789 of the Health and Safety Code.

**8.24.080 Exemptions to Section 8.24.050 and Section 8.24.060.**

A. Prepared Foods that are prepared or packaged outside the City of El Cerrito as well as Prepared Foods prepared and packaged in the City of El Cerrito for use outside of the City of El Cerrito are exempt from the provisions of Section 8.24.050 and Section 8.24.060 of this chapter. Purveyors of food prepared or packaged outside the City of El Cerrito are encouraged to follow ~~the~~ all provisions of this chapter.

B. Food Providers may be exempted from the provisions of Section 8.24.050 and Section 8.24.060 of this chapter for specific items or types of Disposable Foodware if the City Manager or designee finds that a suitable Compostable or Reusable alternative does not exist for a specific application and/or that imposing the requirements of this chapter on that item or type of Disposable Foodware would cause undue hardship. A list of exempted items will be located on the City's website.

C. Any Food Provider or City facility may seek an exemption from the requirements of Section 8.24.050 and Section 8.24.060 of this chapter by filing a request in writing with the City Manager or designee. The City Manager or designee may waive any specific requirement of Section 8.24.050 and Section 8.24.060 of this chapter for a period of not more than one year if the Food Provider or City facility seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship.

D. A Food Provider or City facility granted an exemption must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship if the Food Provider or City facility wishes to have the exemption extended. The City Manager or designee's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

E. Expanded Polystyrene coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

F. In a situation deemed by the City Manager or designee to be an emergency, or in the event that a local emergency or disaster has been declared in effect, for the immediate preservation of the public peace, health or safety, City facilities, Food Providers, City franchisees, contractors, vendors and caterers doing business with the City shall be exempt from the provisions of this chapter.

G. Nothing in this chapter shall restrict, or be construed to restrict, the availability of single-use Plastic Beverage Straws to individuals who may require and request them due to disability or other medical or physical conditions or circumstances. It shall not be a violation of this chapter for any Food Provider, City facility or City-sponsored event vendor to provide single-use Plastic Beverage Straws to such individuals who request them. Instances where compliance with the chapter would interfere with accommodating for any person's medical needs shall be exempt from the provisions of this chapter.

**8.24.140 Enforcement and violation—Penalty.**

A. As of January 1, 2024, any violation of Section 8.24.050 and Section 8.24.060 ~~this chapter~~ is punishable as specified in Chapters 1.08 or 1.14 of the El Cerrito Municipal Code or by any other applicable law.

B. The City Manager or designee has primary responsibility for enforcement of this chapter. The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any Food Provider during business hours. Other City of El Cerrito staff may assist with this enforcement responsibility by entering the premises of a Food Provider as part of their regular inspection functions and reporting any alleged violations to the City Manager. The City Manager or designee may authorize another public agency and its agents to take any and all actions reasonable and necessary to enforce this chapter.

C. The first and second violations of Section 8.24.070 shall result in a notice of violation, and any subsequent violation of that section shall constitute an infraction punishable by a fine of twenty-five dollars ($25) for each day in violation, but not to exceed three hundred dollars ($300) annually.

Section 3. Compliance with the California Environmental Quality Act.

Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons: (1) under Section 15061 (b)(3), it is not a project which has the potential for causing a significant effect on the environment; (2) under Section 15308, it is an authorized action by an agency with regulatory authority for the purpose of assuring the maintenance, restoration, enhancement, or protection of the environment.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 5. No Conflict with Federal or State Law.

Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

Section 6. Effective Date.

This ordinance shall take effect and be enforced thirty (30) days after the date of its adoption. The ordinance or a summary thereof shall be posted or published as may be required by law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on July 19, 2022, and passed by the following vote:

| | |
|---|---|
| AYES: | Mayor Quinto; Mayor Pro Tem Motoyama; Councilmembers Abelson, Fadelli, and Rudnick |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

ADOPTED AND ORDERED published at a regular meeting of the City Council held on August 16, 2022 and passed by the following vote:

| | |
|---|---|
| AYES: | Councilmembers |
| NOES: | Councilmembers |
| ABSENT: | Councilmembers |
| ABSTAIN: | Councilmembers |

APPROVED:

_____
Gabe Quinto, Mayor

ATTEST:

_____
Holly Charléty, City Clerk

**ORDINANCE CERTIFICATION**

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2022-02 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the16th day of August, 2022; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _ _____ day of August 2022.

_____
Holly M. Charléty, City Clerk

# AGENDA BILL

Agenda Item No. 5.I.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Christina Leard, Management Analyst III; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
**Subject:** Purchase a Replacement Baler for the Recycling Center

## ACTION PROPOSED

Adopt a resolution authorizing the City Manager to enter into a purchase agreement with Apex Equipment, LLC in an amount not to exceed $122,393.93 for the purchase of an Excel Model EX63 horizontal baler to be used for compacting and bundling cardboard, aluminum, and other recyclables at the Recycling + Environmental Resource Center.

## BACKGROUND & ANALYSIS

Public Works Department Staff currently use an Excel Model EX60 horizontal baler daily to process recyclables, including corrugated cardboard (OCC), aluminum cans, and PETE plastic #1 at the Recycling + Environmental Resource Center (RERC). The current baler has been used for the last twenty years and is nearing the end of its useable life. In particular, the EX60 baler has been evaluated by staff and has been found to need a number of repairs in order to maintain functionality and long-term reliability. Additionally, the baler operates at a slow speed, and Public Works Staff has determined that a faster, more reliable, machine is needed to increase processing of other recyclable materials dropped off at the RERC. This would also enable the City to pursue greater revenue for materials collected, since baled materials, and denser bales, command greater value in the recycled materials marketplace (e.g., baled mixed paper is more valuable than loose mixed paper).

Over the past few months, Public Works Staff have completed an evaluation of replacement options and solicited quotes from vendors to determine the cost for various options. Staff narrowed down options to three: Excel EX63 Horizontal Baler (Apex Equipment, LLC), Summit FP66-4PS Horizontal Baler (Bay Area Trash Compactor) and Marathon Gemini Xtreme Horizontal Baler (Waste Disposal Systems) as summarized below.

| Vendor | Brand/Model | Base Cost | **Additional Costs** (parts, shipping, installation) | **LESS Trade-in value** | **Estimated Tax** | **GRAND TOTAL** |
|---|---|---|---|---|---|---|
| Apex Equipment | Excel EX63 Horizontal Baler | $104,270.00 | $13,500.00 | ($5,500.00) | $10,123.93 | **$122,393.93** |
| Bay Area Trash Compactor | Summit FP66-4PS Horizontal Baler | $69,890.00 | $39,182.00 | N/A | $9,986.78 | **$119,058.78** |
| Waste Disposal Solutions | Marathon Gemini Xtreme Horizontal Baler | $122,298.75 | TBD | N/A | $12,535.62 | **$134,834.37** |

The criteria used by Staff in determining which was the best overall baler included: cost, bale production speed, materials able to be processed, and Staff familiarity. Staff concluded that the EX63 baler is the best replacement because:

- It is compatible with the current incline conveyor and therefore eliminates the need to purchase a new conveyor unit, saving money for the City;
- It has a hydraulic door latch feature that opens and closes the compacting chamber (the EX60 is hand operated);
- It has a 29 second ram compacting cycle (the EX60 is 46 seconds, meaning increased efficiency and bale production, reducing staff time);
- It has 3000 psi hydraulic pressure (the EX60 is 2500 psi, meaning bales will be denser and heavier with the EX63);
- It has electric panels and controls that are easy to operate;
- The City utilizes a local equipment maintenance vendor that is familiar with the manufacturer company and is able to order parts when these are needed;
- The vendor, Apex, is offering to purchase the EX60 baler and to give a trade-in credit of $5,500; and
- It is a more versatile baler for processing additional recyclable materials. In addition to materials that are currently processed, the intent is to process newspaper, mixed paper, and HDPE #2 plastic bottles, and to offer these materials to potential buyers in the recycling industry.

Staff believes that the best interest of the City is served by purchasing the Excel EX63 baler from Apex Equipment. While slightly more expensive than the Summit FP66-4PS, staff familiarity with the Excel model and the benefits described above were determining factors in the decision.

The City's Procurement Policy states that supplies, equipment and professional services be secured at the lowest possible cost commensurate with quality needed, to exercise financial control over purchases, and to assure quality of purchases. This policy stipulates that the expenditure of funds over the amount of $45,000 from a single vendor in a fiscal year must be approved by the City Council. The proposed baler replacement exceeds the $45,000 threshold and requires City Council approval.

## STRATEGIC PLAN CONSIDERATIONS

Purchase of a replacement baler would fulfill the City's Strategic Plan Goal A: Delivery of Exemplary Government Services by enabling the City to increase productivity and efficiency with recyclables processing; Goal B: Achieve Long-term Financial Sustainability by enabling the City to bale more materials and receive more revenue from existing and expanded material streams; Goal D: Develop and Rehabilitate Public Facilities as Community Focal Points by addressing ongoing and deferred maintenance of facilities; and Goal F: Foster Environmental Sustainability Citywide by providing innovative programs that promote environmental sustainability and waste diversion.

## ENVIRONMENTAL CONSIDERATIONS

The purchase of a replacement baler will support the RERC in providing daily recycling collection services to the community, supporting the diversion of waste from the landfill.

This proposed action will not result in a project as defined by the California Environmental Quality Act, (CEQA) and no further environmental review is needed.

## FINANCIAL CONSIDERATIONS

The RERC is in need of a replacement baler to support the reliable ongoing collection of cardboard, aluminum, and plastic bottles, and to enable staff to both reduce the time processing these materials and to receive more revenue for other recycling materials that are being collected. The total cost to purchase the baler is $122,393.93. This includes the purchase price, installation, crane rental, shipping, tax, and a trade-in credit of $5,500 for the current baler. This baler purchase was planned for and funding is available in the Fiscal Year 2022-23 Adopted Budget in the Integrated Waste Management Fund (501-1080-56620). There will be no impact to the City's General Fund.

## LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed.

**Reviewed by:**

Karen Pinkos, City Manager

**Attachments:**

1. Resolution
2. Excel EX63 Quote
3. Excel EX63 Specification Sheet

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH APEX EQUIPMENT, LLC IN AN AMOUNT NOT TO EXCEED $122,393.93 FOR THE PURCHASE OF A BALER FOR THE RECYCLING + ENVIRONMENTAL RESOURCE CENTER

WHEREAS, the Public Works Department uses a baler at the Recycling + Environmental Resource Center to process recyclable materials daily; and

WHEREAS, the existing baler is nearing the end of its usable life, and City Staff are seeking to acquire a faster, more reliable, baler that will reduce the amount of time it takes to process materials and enable the City to bale a greater variety of recyclables; and

WHEREAS, a replacement baler would enable the City to pursue greater revenue for materials collected, since baled materials, and denser bales, command greater value in the recycled materials marketplace; and

WHEREAS, Staff have obtained multiple quotations for replacement balers, and in addition to cost, staff used bale production speed, materials able to be processed, and staff familiarity as the criteria to ensure the equipment would be of high quality and provide the best overall purchase value to the City; and

WHEREAS, after evaluating the proposals received, staff has identified the Excel EX63 Horizontal Baler from Apex Equipment, LLC as the best value meeting all the needed criteria; and

WHEREAS, the total cost to purchase the Excel EX30 baler from Apex Equipment, LLC is $122,393.93, including the purchase price, installation, crane rental, shipping, tax, and a trade-in credit of $5,500 for the current baler; and

WHEREAS, the City's Procurement Policy stipulates that purchases made from a single vendor over $45,000 in one fiscal year must be approved by City Council; and

WHEREAS, funding is available in the Fiscal Year 2022-23 Adopted Budget in the Integrated Waste Management Fund.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to enter into a purchase agreement with Apex Equipment, LLC in an amount not to exceed $122,393.93 for the purchase of the replacement baler for the Recycling + Environmental Resource Center.

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

I CERTIFY that at a regular meeting on August 16, 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 August _____, 2022.

_____
Holly M. Charléty, City Clerk

APPROVED:

_____
Gabe Quinto, Mayor

Apex Equipment LLC
PO Box 191
Mound, MN 55364

Phone: 612-750-0577
Email: norm@apexbalerequipment.com
Web Site: apexbalerequipment.com

July 22, 2022

Mr. Mario Gonzalez
City of El Cerrito Recycling
7501 Schmidt Ln
El Cerrito CA 94530

Dear Mario,

In response to your request, Apex Equipment is pleased to submit the following proposal an Excel Horizontal Baler. Equipment details are as follows:

One (1) New Excel Model EX63 Horizontal Baler - Includes the following:

1. 20 HP 230/460 Volt Motor
2. Full penetrating main ram (within 4" of door)
3. Safety interlocked door (automatically decompresses hydraulic system in the event of door being opened under pressure)
4. 3,000 PSI system pressure
5. 92 PSI ram face pressure
6. (2) 6" bore x 74" stroke cylinders
7. Tongue and groove style floor
8. Replaceable wear liners for platen travel
9. PLC controlled operation with selection of 29 second full stroke/21 second short stroke cycle time
10. Hydraulic door latch
11. Self-oiling cylinder bushings
12. 105 oil reservoir filled with high grade hydraulic oil
13. Standard load hopper
14. One year parts/labor warranty

One (1) Baler Conveyor Kit (To Make Baler Conveyor Ready) –
Includes hopper extension, upper photo eye, conveyor controls.

| | |
|---|---|
| *Baler Cost:* | *$104,270.00* |

*<u>Installation – Includes the following:</u>*

1. *Equipment off-load from truck (dock off-load)*
2. *Equipment placement and set up with existing conveyor*
3. *Start up, testing, training*
4. *Lifting equipment for dock off-load*

*<u>Does Not Include:</u>*

1. *Power hook up*
2. *Crane rental (if required)*

| | |
|---|---|
| *Total Installation Cost:* | *$ 6,500.00* |
| *Crane Rental:* | *$ 1,300.00* |
| *Estimated Freight - freight rates are volatile and can change at any time. Only actual freight cost will be invoiced.* | *$ 5,700.00* |
| *Trade Value of Existing Excel Model EX60 Horizontal Baler – Assumes baler is in good operating condition and not in need Of major hydraulic or structural repair:* | *( 5,500.00)* |

*Payment terms are 30% upon order, 60% prior to ship, net upon delivery. Lead time is currently 10-12 weeks from receipt of order and down payment. Lead time and pricing is subject to change without notice.*

Thank you for the opportunity to submit this proposal. Please sign and return to Apex Equipment to confirm your order.

Accepted By:

_____
Signature

_____
Name/Title

_____
Date

Apex Equipment LLC

Norm Leger

EXCEL BALER

# Models EX62 & EX63

EX62 & EX63

The EXCEL® EX62 & EX63 are designed to bale cardboard, paper, aluminum cans, tin cans, newspaper, PET, HDPE, and other recyclables. These machines produce the best mill-sized bales in the industry without preconditioning. EXCEL® Manufacturing uses only the highest quality components available for ultimate performance and reliability.

- **Recyclers**
- **Printers**
- **Manufacturers**
- **Warehouses**

## EXCEL's® 1-2-3 WARRANTY

**1 Year Labor, 2 Year Parts, 3 Year Structure & Cylinder**

## The EXCEL® Model EX62/63 bales the following materials:

Office Paper, Newspaper, OCC, Magazines, PET, HDPE, Aluminum Cans, Tin Cans, Plastic Film, Carpet Padding, Textiles, and Other Materials.

## Standard Features Include

- Hydraulic Door Latch (EX63 only)
- Regenerative Circuit (EX63 only) Reduces cycle time by 17 seconds
- The EX62 is manufactured standard with either left-hand or right-hand door swing
- 20HP TEFC Motor, Standard Voltage - 208, 230, 460 Volt, 60 Hertz, 3 Phase
- Horsepower Limited Pressure Compensated Piston Pump
- Removable Shear Blade with Four Cutting Edges
- Six Fully Guided Wire Tie Slots
- Automatic Bale Sizing System
- Automatic Shear Jam Correction
- Short Stroke Feature to Reduce Cycle Time
- EXCEL's® 1-2-3 Warranty
  (1 Year Labor, 2 Year Parts, and 3 Years Structural and Cylinder) (U.S.A Only)
- Complete with MV32 Hydraulic Oil
- NEMA 12 rated Enclosures and Controls
- Remote Controls - According to Door Swing
- Safety Interlock Door with Decompression
- Clean Out Tool, Grease Gun, and Extra Touch Up Paint
- One Bundle of 12 x 13 Single Loop Wire Ties
- Sandblasted, Primed, and Painted Excel Blue for Long Lasting Durability
- Standard Hopper
- Lower Photo Eye
- UL, CUL Approved (CE Available)
- PLC Controlled Operation
- Available with an EXCEL® above ground or in-ground conveyor for a turn-key system

# GENERAL SPECIFICATIONS

| | Excel Model EX62<br>Automatic Closed End Baling Press | Excel Model EX63<br>Automatic Closed End Baling Press |
|---|---|---|
| **STRUCTURAL** | | |
| HEIGHT | 62” Loading 52 1/2” Frame (158cm) | 62” Loading 52 1/2” Frame (158cm) |
| LENGTH | 179” (455cm) | 179” (455cm) |
| WIDTH | 77” (196cm) | 77” (196cm) |
| CHAMBER | 47”L (119cm) x 60”W (152cm) x 30”H (76cm) | 47”L (119cm) x 60”W (152cm) x 30”H (76cm) |
| FEED OPENING | 54”W (137cm) x 35”L (89cm) | 54”W (137cm) x 35”L (89cm) |
| BALER SHIPPING WEIGHT | 18,760 lbs. (8,509kg) (as shown) | 18,960 lbs. (8,600kg) (as shown) |
| **PERFORMANCE DATA** | | |
| PUMP | 34 gal. (130 liters) Pressure Compensated Horse Power Limited Piston Pump, 4,000 PSI Rated | 34 gal. (130 liters) Pressure Compensated Horse Power Limited Piston Pump, 4,000 PSI Rated |
| DIRECTIONAL VALVE | D08 Pattern, Hi-Flow Cushion Shift Design | D08 Pattern, Hi-Flow Cushion Shift Design |
| CYLINDERS | (2) 6” (15cm) Bore x 74” (188cm) Stroke x 4” (10cm) Hard Chrome Rod | (2) 6” (15cm) Bore x 74” (188cm) Stroke x 4” (10cm) Hard Chrome Rod |
| OIL RESERVOIR | 105 gal. (399 liters) | 105 gal. (399 liters) |
| DOOR LATCH CYL. | N/A | 4” (10cm) Bore x 6” (15cm) Stroke x 2” (5cm) Rod |
| MOTOR | TEFC 208, 230, 460 Volt, 60 Hertz, 3 Phase | TEFC 208, 230, 460 Volt, 60 Hertz, 3 Phase |
| ENCLOSURE | NEMA 12 Rated, UL Approved | NEMA 12 Rated, UL Approved |
| CONTROLS | UL/CUL/CE Approved, NEMA 12 Rated | UL/CUL/CE Approved, NEMA 12 Rated |
| HYD SYSTEM PRESSURE | 3,000 PSI (207 BAR) | 3,000 PSI (207 BAR) |
| OVERALL PLATEN FORCE | 159,400 lbs. (72 tonne) | 159,400 lbs. (72 tonne) |
| PLATEN PSI | 92 PSI (6.33 BAR) | 92 PSI (6.33 BAR) |
| CYCLE TIME | 46 sec. - 30 sec. Short Stroke | 29 sec. - 21 sec. Short Stroke |
| TARGET BALE SIZE | 60”L (152cm) x 48”W (122cm) x 30”H (76cm) | 60”L (152cm) x 48”W (122cm) x 30”H (76cm) |
| **BALE WEIGHTS *** | | |
| OCC | 1,200 lbs. (544kg) TPH 2.4 | 1,200 lbs. (544kg) TPH 3.3 |
| MAGAZINES | 2,000 lbs. (907kg) TPH 5 | 2,000 lbs. (907kg) TPH 7.5 |
| NEWSPAPER | 1,500 lbs. (680kg) TPH 4.5 | 1,500 lbs. (680kg) TPH 6.4 |
| OFFICE PAPER | 1,600 lbs. (726kg) TPH 4.8 | 1,600 lbs. (726kg) TPH 6.8 |
| HDPE | 1,100 lbs. (499kg) TPH 1.7 | 1,100 lbs. (499kg) TPH 2.3 |
| PET | 800 lbs. (363kg) TPH 1.1 (May vary with percent of capped bottles) | 800 lbs. (363kg) TPH 1.5 (May vary with percent of capped bottles) |
| ALUMINUM CANS | 625 lbs. (284kg) TPH 1.9 | 625 lbs. (284kg) TPH 2.3 |
| TIN CANS | 1,200 lbs. (544kg) TPH 3 | 1,200 lbs. (544kg) TPH 4.5 |
| **FEATURES** | | |
| | Full Bale Ejection, Full Platen Penetration, Patented Safety Interlock Door, Tongue and Groove Floor, Hardox 400 wear surfaces | |

**Bale weights are based on actual customer surveys, and may differ with moisture content, material density, etc. Due to equipment upgrades, specifications are subject to change.*


**Excel Baler LLC**

**30787 CR 33 • Utica, MN 55979**

**Email: sales@excelbalermfg.com • Phone: 507-993-6031**

**www.excelbalermfg.com**

**(800) 475-8812**

# AGENDA BILL

Agenda Item No. 5.J.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Sandra Dalida, Finance Director/City Treasurer, Finance Department
**Subject:** One-Year Agreement between the City of El Cerrito and Chavan and Associates, LLP to perform required independent audit services for the Fiscal Year ending June 30, 2022.

## ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute a one-year professional services agreement in an amount not to exceed $68,500.00 with Chavan and Associates, LLP, Certified Public Accountants (Chavan and Associates) to perform required independent audit services for the Fiscal Year ending June 30, 2022 including the Annual Comprehensive Financial Audit (ACFR), Single Audit, El Cerrito Public Financial Authority, City of El Cerrito's Employees' Pension Plan, GANN Appropriation Limit, Audit Report on Applying City of El Cerrito Master Installment Sale Agreement Compliance to Covenants, 2008 Sales Tax Revenue Bonds AUP, and Transportation Department Audit.

## BACKGROUND/ANALYSIS

The City is required to obtain independent audit services to:

- Provide stakeholders with an auditor's opinion on whether the financial statements of an entity are presented fairly, free from material misstatements, and complied in all material respects.
- Comply with Office of Management and Budget Circular A-133 (Uniform Guidance) requirement for all non-federal government agencies spending more than $750,000 of federal awards in a fiscal year to obtain an annual audit from an independent certified public accountant.
- Assure required supplemental documents to the basic financial statements, as indicated by the Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB), are included and subjected to methods of measurement and comparison for consistency.
- Align with Government Finance Officers Association (GFOA) best practice recommendations that an annual audit of an agency's financial statements be conducted by an external auditor.
- Align with the City Of El Cerrito's Comprehensive Financial Policies, Section 5.1.1. Annual Audit requiring an annual audit performed by an independent public accounting firm.

Additionally, these audits must be conducted in conformance with Generally Accepted Auditing Standards (GAAS) and the Government Auditing Standards/Generally Accepted Government Auditing Standards (GAGAS) by a licensed independent public accounting firm. Consequently, auditors complete a risk assessment at the beginning planning phase of each audit and create a list of items for testing.

The City of El Cerrito's Comprehensive Financial Policies, Section 5.1.2 states the independent audit firm will be selected through a competitive bidding process at least once every five years. The contract may be for an initial period of three years, with two additional one-year options. In alignment with this requirement, in June 2017 the City entered into a three-year contract with Badawi & Associates for independent audit services and extended the contract for two additional one-year terms through June 30, 2021, and/or completion of FY 2021 audits, for a total of five years.

Due to the 6-month vacancy of the Finance Director/City Treasurer position, the development and release of the RFP for independent financial audit services did not occur in or around December 2021 to establish a City agreement for independent audit services for the period beginning with Fiscal Year ending June 30, 2022 (FY 2022). Consequently, it is necessary to execute a one-year agreement for independent audit services to assure the City is in compliance with regulatory auditing requirements for FY 2022. The audit work for FY 2022 must begin in September to complete all audit requirements within established regulatory deadlines. Under Administrative Policy III.1, the procurement process for professional services such as these would normally include a request for proposals ("RFP") and selection based upon demonstrated competence and professional qualifications. The Administrative Policy allows the City Council to dispense with the formal procurement process in several circumstances, including when "necessary to serve the best interests of the City." (Section D.4.) In light of the above-described circumstances, staff believes that dispensing with the formal RFP process for this one-year contract is appropriate to serve the interests of the City. The Finance Director/City Treasurer contacted two independent audit firms to obtain informal quotes. Both audit firms have the necessary certifications, competence, and professional qualifications. Due to the timing of the required audit work to be performed for fiscal year ending June 30, 2022, only one audit firm responded.

The Finance Department is recommending that the City engage the services of Chavan and Associates to provide the required independent audit services for one-year for FY 2022. Chavan and Associates, based in San Jose, California, provides full range of auditing and compilation services, GASB implementation consulting, and IRS tax resolution, and financial management accounting services outsourcing and business service. Chavan and Associates has:

- Confirmed their capacity and willingness to realign audit schedules to assure the City of El Cerrito will complete audits, with the utmost confidence in the quality and thoroughness of the audit services, in adherence with regulatory requirements and within completion deadlines.
- Significant experience in auditing small-to-mid-sized government entities.

- Assembled an audit team with expertise and qualities to perform all required audits.
- Peer Review Reports in accordance with the American Institute of Certified Accountants (AICPA) and referrals from Bay Area municipalities.
- Personalized approach to service delivery and practical approach to fieldwork.

In January 2023, the Finance Department will develop and release the Request for Proposal (RFP) in accordance with the City's procurement guidelines and Comprehensive Financial Policies, for independent financial audit services commencing with Fiscal Year ending June 30, 2023. The RFP will be posted on the City's website, California Society of Municipal Finance Officers (CSMFO) website, Western Region Minority Supplier Development Council's website, National Association of Women Business Owners, California website and other sites to enhance the City's inclusive approach to attract a highly qualified and diverse pool of respondents for a three-year contract, and two additional one-year terms.

City staff recommends that the City Council approve the one-year contract with Chavan and Associates for financial audit services for the Fiscal Year ending June 30, 2022, in an amount not to exceed $68,500.00, and authorize the City Manager to execute the contract.

## STRATEGIC PLAN CONSIDERATIONS

Adhering to audit requirements is aligned with the City's Strategic Plan to achieve long-term sustainability, which includes ensuring policies, procedures, and systems represent best practices in financial management.

## ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

## FINANCIAL CONSIDERATIONS

The cost associated with the professional services agreement to perform required independent audit services for the Fiscal Year ending June 30, 2022, in an amount not to exceed $68,500.00 is included in the FY 2022-23 Adopted Budget. No additional expenditure appropriation is requested.

## LEGAL CONSIDERATIONS

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

**Reviewed by:**

Karen Pinkos, City Manager

**Attachments:**

1. Resolution
2. Chavan and Associates - Engagement Letter Fiscal Year Ending 06-30-22

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH CHAVAN AND ASSOCIATES, LLP, CERTIFIED PUBLIC ACCOUNTS IN AN AMOUNT NOT TO EXCEED $68,500 FOR AUDITING AND FINANCIAL SERVICES

WHEREAS, the City of El Cerrito seeks to secure professional services with the required certifications and knowledge and experience to perform auditing and financial services on behalf of the City; and

WHEREAS, the City is required to obtain independent audit services to conduct independent annual audits by a licensed independent public accounting firm in compliance with Office of Management and Budget Circular A-133 requirements for non-federal government agencies, State of California Code 53891, and ensure the required supplemental documents to the basic financial statements as indicated by Generally Accepted Accounting Principles and Governmental Accounting Standards Board; and

WHEREAS, in June 2017 the City entered into a three-year contract to provide independent audit services, and the contract was extended for the maximum of two additional one-year terms through June 30, 2021, and/or completion of FY 2021 audits, for a total of five years; and

WHEREAS, THE City of El Cerrito's Comprehensive Financial Policies, Section 5.1.1, states the independent audit firm will be selected through a competitive bidding process at least once every five years. However, due to the vacancy of the Finance Director/City Treasurer position, the Request for Proposal process for independent financial audit services was delayed; and

WHEREAS, Administrative Policy III.1, the procurement process for professional services such as these would normally include a request for proposals ("RFP") and selection based upon demonstrated competence and professional qualifications. The Administrative Policy allows the City Council to dispense with the formal procurement process in several circumstances, including when "necessary to serve the best interests of the City." (Section D.4.) In light of the above-described circumstances, staff believes that dispensing with the formal RFP process for this one-year contract is appropriate to serve the interests of the City; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby Authorizes the City Manager to execute a one-year agreement between the City of El Cerrito and Chavan and Associates, LLP, Certified Public Accountants in an amount not to exceed $68,500, to perform required independent audit services for the fiscal year ending June 30, 2022.

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

I CERTIFY that at a regular meeting on August 16, 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 August _____, 2022.

_____
Holly M. Charléty, City Clerk

APPROVED:

_____
Gabe Quinto, Mayor

Chavan and Associates, llp
Certified Public Accountants

July 18, 2022

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

We are pleased to confirm our understanding of the services requested by the City of El Cerrito (the "City") for the fiscal year ending June 30, 2022. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In addition, we will audit the City's compliance over major federal award programs each fiscal year. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the City's major federal award programs.

The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS), and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America (GAGAS), will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the City complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America, (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB), require that the items noted below be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance


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with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP and will be subjected to certain limited procedures but will not be audited:

1. Management's discussion and analysis.
2. Major fund budget to actual schedules.
3. Pension schedules.
4. Other postemployment benefit schedules.

**Supplementary Information Other than RSI**

Supplementary information other than RSI will accompany the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with U.S. GAAS.

We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Nonmajor fund combining balance sheets and schedules of revenues, expenditures and changes in fund balances.
2. Nonmajor budgetary comparison schedules, as applicable.
3. Fiduciary fund statements, as applicable.
4. The schedule of expenditures of federal awards.
5. Other supplementary schedules required by state and federal guidelines and subjected to the auditing standards identified in this letter unless such schedules are specifically listed as unaudited.

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the basic financial statements:

1. ACFR introductory section.
2. Statistical tables.


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**Schedule of Expenditures of Federal Awards**

We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

**Data Collection Form**

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

**Audit of the Financial Statements**

We will conduct our audit in accordance with U.S. GAAS, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America, and the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). As part of an audit of financial statements in accordance with GAAS, and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also complete the following:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting


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from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period(s) covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the City's basic financial statements. Our report will be addressed to governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.


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In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

**Audit of Major Program Compliance**

Our audit of the City's major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the provisions of U.S. Office of Management and Budget's (OMB) Uniform Guidance; and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the City's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the federal programs as a whole.

As part of a compliance audit in accordance with GAAS, and in accordance with Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on


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the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will obtain an understanding of the City's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the City's major federal award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the City's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

**Management's Responsibilities**

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal awards received and expended during the period and the federal programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federally funded activities;
5. For preparing the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance;
6. For designing, implementing, and maintaining effective internal control over federal awards that provides reasonable assurance that the entity is managing federal awards in compliance with federal statutes, regulations, and the terms and conditions of the federal awards;
7. For identifying and ensuring that the entity complies with federal laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal award programs, and implementing systems designed to achieve compliance with applicable federal statutes, regulations, and the terms and conditions of federal award programs;
8. For disclosing accurately, currently, and completely the financial results of each federal award in accordance with the requirements of the award;


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9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;
14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
15. To provide us with:
    a. Access to all information of which *management* is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal award programs, such as records, documentation, and other matters;
    b. Additional information that we may request from *management* for the purpose of the audit;
    c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence;
    d. A written acknowledgement of all the documents that *management* expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
    e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report.
16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;
20. For the accuracy and completeness of all information provided;
21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.


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With regard to the supplementary information and schedule of expenditures of federal awards (SEFA) referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information and SEFA in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding the supplementary information and SEFA, (c) to include our report on the supplementary information and the SEFA in any document that contains the supplementary information and that indicates that we have reported on such supplementary information and the SEFA, and (d) to present the supplementary information and the SEFA with the audited financial statements, or if the supplementary information and the SEFA will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information and the SEFA no later than the date of issuance by you of the supplementary information and the SEFA and our reports thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

**Nonattest Services**

With respect to any nonattest services we perform, we will not assume management responsibilities on behalf of the City. However, we will provide advice and recommendations to assist City management in performing its responsibilities. At the end of the year, we agree to perform the following:

- Prepare the audited financial statements (ACFR), related note disclosures, required supplementary information, supplementary information (as noted above), the schedule of expenditures of federal awards, and the data collection form. These items will be prepared from information prepared and provided by the City during our audit, such as the City's trial balance.
- Propose adjusting or correcting journal entries to be reviewed and approved by City management.

City management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.


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Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards, including GAAS, GAGAS, GASB and U.S. GAAP.

- The nonattest services are limited to the services previously outlined above. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise the City with regard to certain positions taken in the preparation of the audited financial statements, but City must make all decisions with regard to those matters.

*Government Auditing Standards* require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

**Audit Administration and Fees**

The following is a summary of the estimated audit timeline:

| Segment | Estimated | Phase |
|---|---|---|
| Entrance Conference | August 1, 2022 | I |
| Audit Planning C&A's Office | August 1, 2022 | I |
| List of Items Required by Client | August 1, 2022 | I |
| Preparation and Mailing of Confirmation Letters to 3rd Parties | August 1, 2022 | I |
| Interim Testing | September 19, 2022 | I |
| Interim Exit Conference and Completion | September 30, 2022 | I |
| Year-end Field Work Planning Meeting | September 30, 2022 | II |
| Update List of Items Required by Client - Final (Initial Done at Interim) | September 30, 2022 | II |
| Year-end Field Work and Compliance Testing | December 5, 2022 | II |
| Exit Conference | December 16, 2022 | II |
| Progress List of Management Point and Recommendations | December 16, 2022 | II |
| Final List of Management Point and Recommendations | January 6, 2023 | II/III |
| Audit Adjustments | January 6, 2023 | II/III |
| Draft Reports, Financials, Management Letters | January 13, 2023 | III |
| Final Reports, Financials, Management Letters | January 27, 2023 | III |
| Council, Commission & Public Presentations | As Needed | III |


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Our all-inclusive maximum fee for these services will be as follows:

| Services | Hours | 2022 |
|---|---|---|
| City Audit, Reports, ACFR and Opinions | 350 | $ 45,000 |
| Single Audit (2 Major Programs) | 40 | 5,000 |
| City's Employees' Pension Plan | 8 | 1,000 |
| City's Public Financing Authority | 12 | 1,500 |
| TDA Audit | 16 | 2,000 |
| 2008 Sales Tax Revenue Bonds AUP | 16 | 2,000 |
| GANN Limit | 12 | 1,500 |
| Meals, Lodging and Transportation | N/A | Included |
| Consulting, Updates and Guidance | N/A | Included |
| Present Reports to Council and Committees | N/A | Included |
| Conversion Entries | N/A | Included |
| **Subtotal Base Audit** | **454** | **58,000** |
| Management Letters & Findings | 20 | 4,000 |
| Beginning Balance Procedures | 20 | 2,500 |
| Annual Financial Transactions Report | 20 | 4,000 |
| **Total All-Inclusive Maximum Price** | **514** | **$ 68,500** |

***Note: The total all-inclusive maximum price includes one-time fees to write-up findings and issue a management letter that is above and beyond the normal deliverables expected in the scope of an audit. In addition, we expect the audit to require additional procedures to substantiate and reconcile beginning balances with the prior audited financial statements.***

Our fees include out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.).

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit as follows:

| | |
|---|---|
| Engagement Partner | $300 per hour |
| Associate Partner | $250 per hour |
| Manager/Supervisor | $150 per hour |
| Senior Auditor | $125 per hour |
| Staff Auditor | $100 per hour |
| Administrative | $85 per hour |

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes thirty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report.


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You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If cooperation is not provided as anticipated and at a level that hinders the progress of the services to be provided, we retain the right to terminate the contract for cause with thirty (30) days' notice. During that time, the City will have the opportunity to provide the cooperation required to complete the audit and C&A may rescind the cancellation.

If the services to be performed by C&A are not performed in an acceptable manner to the City, the City may cancel this contract for cause by providing notice to C&A, giving at least thirty (30) days' notice of the proposed cancellation and the reasons for same. During that time period, C&A may seek to bring the performance of services to a level that is acceptable to the City, and the City may rescind the cancellation if such action is in City's best interest. Not-withstanding the above provisions, the City may, upon the expiration of thirty (30) days written notice to C&A, terminate the agreement at will. Payment for services or goods received prior to termination shall be made by the City provided those goods or services were provided in a manner acceptable to the City. Payment for those goods and services shall not be unreasonably withheld.

**Sheldon Chavan, CPA**, is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Chavan & Associates LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

**Other Matters**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

The audit documentation for this engagement is the property of Chavan & Associates LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to state and federal agencies and the U.S. Government Accountability


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Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Chavan & Associates LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

We will be available during the year to consult with you on financial management and accounting matters of a routine nature. You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

At the conclusion of our audit engagement, we will communicate to management and the Board the following significant items from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files, unless a copy was already provided with our proposal.

If the foregoing is in accordance with your understanding, please indicate your agreement by signing this letter and emailing it to us at info@cnallp.com or following the DocuSign link. If you have any questions, please let us know.
We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.


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Very truly yours,

C & A LLP

Sheldon Chavan, CPA, Managing Partner
Chavan & Associates, LLP

RESPONSE:

This letter correctly sets forth the understanding of the City of El Cerrito.

Signature:

Title:

Date:



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# AGENDA BILL

Agenda Item No. 5.K.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Karen Pinkos, City Manager, City Management
**Subject:** Fiscal Recovery and Sustainability Plan

## ACTION PROPOSED

Receive and approve the updated Fiscal Recovery and Sustainability Plan to be submitted to the California State Auditor

## BACKGROUND/ANALYSIS

In March 2021, the California State Auditor issued its report on the City of El Cerrito as part of its Local High Risk Program. Since then, the City has responded as required to the State Auditor's report, developed a Corrective Action Plan, and has provided the required six-month updates on progress in September 2021 and March 2022. Information on the City's responses to the State Auditor are on the City's website at www.el-cerrito.org/1565/State-Auditors-Report. At this time, the City has not received a response to the March 2022 Progress Report Update from the State Auditor, and the Local High Risk Dashboard on the State Auditor's website has not been updated with the FY 2021-22 data that determines the City's ranking. The current Dashboard is utilizing data from two fiscal years ago (FY 2019-20). The City's next response to the State Auditor is due on September 16, 2022.

One of the high risk areas identified was the lack of a formal Fiscal Recovery Plan, and the report recommended the development of such a plan in order to ensure accountability in the fiscal recovery process. The plan should describe its goals and intended corrective actions, prioritize its resources, identify individuals responsible for monitoring its progress in implementing each action, and outline when it anticipates completing key milestones related to each action. The City agreed with this recommendation and has worked since then to develop strategies for such a plan.

The City Council adopted its FY 2021-22 budget in July 2021 that included many of the elements as discussed in the Corrective Action Plan sent to the State Auditor in May 2021, and both the Fiscal Response Plan adopted in 2020 and the Corrective Action Plan were included within the budget document. The Council then met on August 31, 2021 and held a study session facilitated by local government consultant Management Partners to discuss the City’s short-term recovery and long-term financial sustainability, which resulted in the creation of the draft Fiscal Recovery and Sustainability Plan. This Plan contains strategies to move the City from its previous crisis response to a measured approach toward long term fiscal health, and provides a progress report on the actions taken since 2020.

The Fiscal Recovery and Sustainability Plan was submitted in draft form to the State Auditor in March 2022. The Plan's elements were also incorporated within the FY 2022-23 budget process and the budget document. Since the budget process has concluded, with the strategies in the draft Fiscal Recovery and Sustainability Plan incorporated into the budget document, staff met with the Council Subcommittee of Mayor Pro Tem Motoyama and Councilmember Rudnick to review this updated and revised Plan. As a result, this Plan is being presented to the City Council to provide an update on its progress and to approve its submittal to the State Auditor for the September 16, 2022 response.

The Plan has four sections: 1) Actions Approved by Council in August 2020 as part of the Fiscal Response Plan; 2) Additional Actions Identified by the City through FY 2021-22; 3) Additional Actions Recommended by the State Auditor's Report; and 4) Future Actions beginning in FY 2022-23. As the Plan shows, most of the items in the first three sections, including the Recommendations by the State Auditor, are completed. Some highlights of note, as previously discussed with the City Council, include:

- The Classification and Compensation Study, which will also address organizational functions and compensation policy, is beginning this month.
- Addressing pension obligations by establishing a Section 115 trust is underway at a staff level and will be reviewed by the City Council and the Financial Advisory Board (FAB) in the coming weeks.
- Preliminary estimates indicate that due to the overwhelming success of the fundraising for and attendance at the July 4/World One Festival, the event was able to cover its costs without impact to the General Fund (and may have achieved a small net revenue surplus).
- Most of the State Auditor recommendations, especially those concerning fund balance and budget monitoring, are complete and those strategies implemented to do so remain ongoing.
- City staff is working with the National Research Center to again conduct the National Community Survey (NCS) in order to determine resident satisfaction with services and help frame future priorities; the last NCS was completed in 2018-19.
- City staff is planning to re-start the process of updating the Citywide Strategic Plan, which had been stalled due to the pandemic and pivot to the Fiscal Response Plan. The Strategic Plan will set priorities and goals with and for the community, and provide the basis and alignment to future budgets.
- City staff continues to work with the FAB on creating policies for City Council consideration and adoption that will ensure accountability for continuing best practices and achieve long-term financial sustainability.

This Plan, along with updates on all of the identified High Risk areas and recommendations, will be completed and submitted to the State Auditor on September 16, 2022.

**STRATEGIC PLAN CONSIDERATIONS**
This item is consistent with Goal B: Achieve long-term financial sustainability.

**ENVIRONMENTAL CONSIDERATIONS**
This section is not applicable to this agenda item.

**FINANCIAL CONSIDERATIONS**
The Fiscal Recovery and Sustainability Plan outlines actions taken, actions ongoing, and future actions to ensure the City's fiscal sustainability. These actions have provided the City with a basis to move forward as we continue to improve our fiscal health, and have been successful as demonstrated through the City's Annual Comprehensive Financial Report (ACFR) and budget document. City staff will continue to work through the strategies in this Plan and will provide regular updates to the City Council and State Auditor.

**LEGAL CONSIDERATIONS**
This section is not applicable to this agenda item.

**Reviewed by:**

Alexandra Orologas, Assistant City Manager

**Attachments:**
1. Draft Fiscal Recovery and Sustainability Plan

# City of El Cerrito

# Fiscal Recovery and Sustainability Plan

**DRAFT – August 2022**

| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| **Actions Approved by Council in August 2020 – Fiscal Response Plan** | | | | | | | |
| **Recreation Business Services** | Eliminate the Management Analyst II position | • Reorganize Admin Clerk Specialists (2) to report to the Management Assistant<br>• Transition some duties to the Director and Supervisors<br>• Eliminate the Management Analyst II position | Recreation Director | January 2021 | 20-21: $83,000<br>Ongoing: $166,000 | Complete | |
| **Finance Administration** | Eliminate one Accounting Technician; outsource payroll to third-party vendor | • Establish that timesheets are still handled by departments<br>• Research and identify a third-party vendor to contract with for payroll<br>• Assign an Accountant and/or Accounting Manage to handle internal review of payroll as processed by vendor | Finance Director | January 2021 | 20-21: $12,500<br>Ongoing: $25,000 | Complete | |
| **City Manager's Office/City Hall Administration** | Eliminate Management Assistant position | • Reallocate and (in some cases) reduce administrative duties in the City Manager's Office and City Clerk's Office among remaining staff<br>• Identify the effects on public information, risk management claims processing, passport services (to be eliminated)<br>• Reassign remaining duties to Administrative Clerk Specialist | Assistant City Manager | January 2021 | 20-21: $55,000<br>Ongoing: $110,000 | Complete | |
| **Passport Acceptance Services** | Eliminate passport acceptance services | • Eliminate passport acceptance services<br>• Create materials and protocols for directing people to the nearest Passport Acceptance agency (post office) | City Clerk | August 2020 | 20-21: $13,750<br>Ongoing: $15,000 | Complete | |
| **Public Information, Special Projects** | Eliminate Assistant to City Manager position | • Identify tasks completed by the Assistant to the City Manager and reassign where possible<br>• Eliminate the Assistant to the City Manager position | City Manager | January 2021 | 20-21: $110,000<br>Ongoing: $220,000 | Complete | Decrease in public information, research/analysis, and special projects support |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| **Police Traffic Enforcement[1]** | Eliminate two traffic officers | • Meet and confer with Police Union to discuss the proposed staffing changes<br>• Communicate shifted traffic enforcement duties to patrol officers<br>• Schedule trainings as needed | Police Chief | January 2021 | 20-21: $107,500<br>Ongoing: $215,000 | Complete | Reduction in dedicated traffic enforcement services, absorbed by patrol officers; net of revenue reduction of $100,000. |
| **Police Special Operations/ Traffic[1]** | Eliminate 1 police sergeant position | • Meet and confer with Police Union to discuss the proposed staffing changes<br>• Communicate change in special operations duties to other supervisory and management staff | Police Chief | January 2021 | 20-21: $145,000<br>Ongoing: $290,000 | Complete | Eliminating traffic enforcement allows for transition of special operations duties to be consolidated where necessary across other supervisory/management positions. |
| **Police Administrative Oversight[1]** | Replace sworn Lieutenant position with a non-sworn Manager | • Create a job description for a Records, Property and Evidence Manager<br>• Conduct a recruitment for the new position<br>• Onboard and train the new manager | Police Chief | January 2021 | 20-21: $45,000<br>Ongoing: $90,000 | Complete | Results in a reduction in salary and benefits by 25% from the previous Lieutenant position. |
| **Landscape Maintenance Contract** | Reduce contract landscape maintenance service levels | • Contact the landscape maintenance vendor and reduce contract size and frequency<br>• Shift partial costs to Measure H funds where possible<br>• Eliminate commercial landscaping rehabilitation and replacements | Public Works Director | October 2020 | 20-21: $123,750<br>Ongoing: $165,000 | Complete | These costs were beyond those that were included in the City's original $2 million budget reductions. |
| **Publications (e.g., City Newsletter)** | Eliminate production and prints costs of publishing city newsletters and other printed materials | • Eliminate production of City newsletter and other published materials<br>• Develop practices and systems for sharing information on the City website | Assistant City Manager | September 2020 | $35,000 | Complete | The City has reduced expenses by $10,000. |
| **Fourth of July Event** | Reduce/eliminate General Fund subsidy for July 4 Festival | • Solicit donations from local businesses and organizations | Recreation Director | July 2022 | None | Complete | Preliminary net revenue for 2022 is approximately $5000 due to $68K in donations and fundraising; City and |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| | | • Evaluate if the donations offset the full costs of the event, including staff time and public safety costs<br>• If donations do not fully cover the costs of the event, eliminate the 4th of July event<br>• Communicate the changes to the public | | | | | Council will continue fundraising efforts and working with community partners to assist in funding future special events. |
| **Integrated Waste Management** | Outsource recycling program to solid waste provider under franchise agreement; assess franchise fee of at least 15% | • Evaluate impacts of outsourcing recycling program to solid waste provider<br>• Renegotiate solid waste franchise agreement, which expires in 2025<br>• Include recycling program in next RFP for solid waste provider<br>• Transfer recycling program duties from City staff to successor solid waste provider | Public Works Director | January 2026 | Undetermined | In Progress | The City is currently conducting a study on this topic. |
| **Additional Actions Identified by the City through FY 2021-22** | | | | | | | |
| **Management and Confidential** | One-time reductions for management and confidential employees | • Eliminate COLA for 2021 and 2022<br>• Eliminate auto allowance<br>• Institute 3% PERS contribution<br>• Institute 26 furlough days FY 2020-21; 15 furlough days FY 2021-22 | City Manager | FY 2020-21 and 2021-22 | $1,008,693 | Complete | |
| **SEIU[1]** | One-time reductions negotiated with SEIU employees | • Eliminate COLA<br>• Institute 21 Furlough days | City Manager | FY 2020-21 only | $540,110 | Complete | |
| **PEA, Local 1230, PSMA[1]** | One-time reductions negotiated with PEA, Local 1230, and PSMA employees | • Eliminate COLAs (PEA twice) | City Manager | FY 2020-21 only | $592,466 | Complete | |
| **Cost Reductions FY 2020-21** | One-time reductions for FY 2020-21 | • Held vacant positions<br>• Reduced programs and contracts<br>• Shifted costs to special funds | City Manager | FY 2020-21 only | $1,631,848 | Complete | |
| **Recreation Fee Study** | Conduct a study to evaluate cost | • Determine scope of fee study | Recreation Director | June 2024 | Undetermined | Pending/ TBD | The City is at 80% cost recovery in the Recreation |

| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| | recovery levels and adjust recreation fees | • Decide to conduct the study internally or through a consultant<br>• If relevant, issue an RFP or RFQ to select a consultant<br>• Conduct a fee study for all recreation programs to improve cost recovery levels<br>• Adjust fees as determined by the study<br>• Communicate any changes to the public and other affected parties | | | | | Department. This study would explore ways to increase cost recovery levels. However, because of staffing resources as well as uncertainty in demand remaining due to the pandemic, this study would not be considered until the pandemic issues are resolved. |
| **Additional Actions Recommended by the State Auditor's Report** | | | | | | | |
| **Citywide Organization Assessment*** | Conduct a citywide organization assessment to evaluate staffing needs and opportunities | • Conduct an analysis of the organizational structure of the city<br>• Assess the functions it needs to achieve its goals<br>• Adjust organization charts and staffing levels as needed to meet City service needs | City Manager | Undetermined | Undetermined | Pending/ TBD | The citywide compensation and classification study will precede this assessment. Because of the current level of vacancies and eliminated positions, City Management is continually evaluating functions and strategically restoring or repurposing staffing to ensure service delivery and cost effectiveness. |
| **Citywide Compensation Study*[1]** | Conduct a citywide compensation study to compare salaries with peer jurisdictions | • Issue RFP to obtain proposals to conduct compensation study<br>• Review proposals and seek Council approval to proceed<br>• Engage consultant to perform compensation study<br>• Compare total compensation for all positions citywide with similar jurisdictions in the Bay Area | Assistant City Manager | FY 2022-23 | September 2023 | In Progress | Following an RFP selection process, the City Council approved a contract with Koff and Associates to conduct the study. Work begins in September 2022 and is expected to take approximately 12 months to complete. |

| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| | | • Adjust compensation where possible, particularly for new positions | | | | | |
| **Police Department Organization and Staffing Assessment*[1]** | Conduct an organization and staffing assessment of the Police Department | • Issue an RFP for a consultant to conduct a staffing assessment of the department<br>• Conduct a staffing review of the department to identify potential cost savings<br>• Negotiate with the police union to reduce overtime threshold | City Manager/ Police Chief | Undetermined | Undetermined | Pending/ TBD | The citywide compensation and classification study will precede this assessment. The Police Department has been continuously evaluating their staffing and functions and has reorganized in response to vacancies. Currently, due to vacancies the Police Department is far below full staffing. |
| **Evaluate Contracts for Police and Fire*[1]** | Evaluate the possibility of contracting with other nearby agencies for police and fire services | • Conduct a feasibility assessment to determine the possibility of contracting for fire and police services<br>• Identify nearby agencies that could provide these services<br>• Determine whether it would be more cost-effective to contract with nearby fire or police departments for services<br>• Survey the public and other stakeholders to assess interest in changing police and fire services<br>• If determined to be more cost effective and approved by Council, begin the process of transitioning public safety services | City Manager | Undetermined | Undetermined | Not Selected | On Aug 31, 2021, City Council considered this recommendation and elected not to pursue a contract for police services with the County, as it is not appropriate for our community. They directed staff to evaluate options for shifting fire services that did not include fully contracting the service with the County. |
| **EMS Cost Recovery Study*** | Evaluate cost recovery for providing EMS services to Contra Costa County | • Conduct a review to determine the costs of providing EMS services for Contra Costa County<br>• Evaluate whether the interagency agreement with Contra Costa County sufficiently covers the costs of operation | City Manager/ Fire Chief | April 2022 | N/A | Complete | City staff completed an overview and analysis of potential fees and presented to City Council, who determined not to move forward with |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| | | • Discuss necessary changes with the County and renegotiate contract when possible | | | | | instituting a charge for EMS services. |
| **Fiscal Recovery Plan*** | Develop and adopt a Fiscal Recovery Plan | • Create a Fiscal Recovery Plan that includes key action steps and individuals responsible<br>• Update the plan regularly and communicate updates to the Council and the public | City Manager | September 2022 | Undetermined | Complete /Ongoing | The City's Fiscal Response Plan was approved in August 2020. A draft Fiscal Recovery and Sustainability plan was included in the March 2022 update to the State Auditor. Strategies were included in the budget document reviewed by the City Council during the budget process for FY 2022-23. This plan will be reviewed again by City Council in August 2022 prior to the September 2022 State Auditor update. |
| **Reduce Pension Obligations*** | Identify opportunities and methods for decreasing pension obligations | • Evaluate alternative methods for reducing pension obligations, including a Section 115 Trust<br>• Assess the impact of increasing employee contributions to pensions<br>• Identify steps for implementing the selected strategy, including negotiating with labor groups to increase staff pension contributions if relevant | Finance Director/City Manager | July 2023 | Undetermined | In Progress | The City is in the process of evaluating a Section 115 pension trust and other opportunities to decrease the City's UAL. Staff plans to issue an RFP this calendar year, will review potential funding policies with the Financial Advisory Board, and provide recommendations to the City Council in the coming months. |
| **Accounting System Safeguards*** | Remove accounting system bypass option | • Identify and eliminate practice of bypassing accounting system safeguards | Finance Director | June 2021 | Undetermined | Complete | The City has implemented a Budget Transfer Request Form for the use of departments to reallocate |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| | and enhance system safeguards | • Formalize these changes in relevant policy and procedures documents<br>• Communicate changes to affected staff citywide | | | | | budgeted funds to line items that need it, with the approval of the City Manager and Finance Director. |
| **Tax Revenue Anticipation Notes (TRANs)*** | Reduce reliance on TRANs | • Improve fiscal health to eliminate use of TRANs | City Manager/ Finance Director | June 2022 | N/A | Complete /Ongoing | This is completed and ongoing. Because the City has improved its General Fund balance as of FY 2021-22 including receipt of ARPA funding in May 2022, the City did not issue a TRAN for FY 2022-23. The City will continue to ensure that cash flow is sufficient so that a TRAN is not needed in future fiscal years. |
| **Budget Forecasting and Projections*** | Improve transparency with citywide budget projections and underlying assumptions | • Use historical trends and analysis as the basis for financial projections<br>• Document data and assumptions for budget projections<br>• Share the assumptions and basis for projections with the City Council | Finance Director | September 2021 | N/A | Complete /Ongoing | The City included a 5 year forecast and detailed assumptions in the FY 2022 Budget Book and has recently completed a 10-year forecast and dashboard with documented growth assumptions. The forecast has been updated and shared with Council throughout the fiscal year. The forecast will be used during each fiscal year budget process and published annually in the Budget Book. |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| **Monthly Budget Updates*** | Provide monthly budget updates to Council | • Establish monthly budget updates<br>• Include a comparison of actual expenditure and revenue data by department<br>• Present updates to Council | Finance Director/ City Manager | July 2021 | N/A | Complete /Ongoing | The City Council received monthly budget reports during FY 2021-22. Staff has expanded and improved the reports to include narratives and departmental expense/revenue information, and are now presented quarterly to the City Council. |
| **Documentation of Department Budget Development and Projections*** | Improve transparency with department-level projections and assumptions | • Document the assumptions used to develop each department's budget projections<br>• Share assumption information with the City Council during the budget review process | Department Heads/ Finance Director | June 2021 | N/A | Complete /Ongoing | This was included in the FY 2022-23 budget process. |
| **Management Compensation Policy*** | Evaluate ending the practice of paying some employees above the established salary range threshold | • Evaluate the impact of ending the practice of providing city management authority to pay certain employees over the threshold established in its salary ranges<br>• Compare this practice to peer agencies and the impacts on staff recruitment and retention<br>• If adopted, communicate the changes to department heads and any other affected parties | City Manager | June 2023 | Undetermined | Pending/ TBD | The practice of increases above control point has not been allowed for the past two fiscal years and will not be considered for the upcoming fiscal year. Because there have not been any increases for Management/Confidential employees for two fiscal years, it is expected the salary ranges are out of date and the salaries will be below market. The merit increase system will be re-evaluated beginning with the upcoming compensation study. |

| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| **Retiree Health Care Benefits** | Eliminate or Reduce Retiree Health Care Benefits for City Staff | • Evaluate the feasibility of changing retiree health care benefits for City staff<br>• Estimate the subsidy provided by the City<br>• If possible, increase contributions from City staff to compensate for the costs of their inclusion in the health care pool | Finance Director/City Manager | December 2021 | $114,000 plus elimination of OPEB liability over time | Complete | The City worked with our insurance broker and vendors to separate the retiree health costs from the active employee health costs and now charge the retirees their full cost. This has also allowed the City to realize some savings in the active employee health costs, and will serve to eliminate the OPEB liability over time. |
| **Future Actions - beginning FY 2022-23** | | | | | | | |
| **Conduct Community Survey** | Conduct statistically valid survey to determine community satisfaction with services | • Provide feedback on services to determine if services provided are satisfactory<br>• Determine any issues with services for improvement or changes to service delivery<br>• Provide baseline on community priorities and focus for future planning efforts and direction for City Council and staff | City Manager | December 2022 | N/A | In Progress | City staff will engage the National Research Center/POLCO to administer the survey as in past years. |
| **Update Citywide Strategic Plan** | Determine vision and strategies for the next 5-10 years | • Using survey, focus groups, and community outreach, determine community priorities and update the City's mission, vision, values<br>• Develop goals based on community priorities and actionable objectives and strategies to complete<br>• Identify and determine resources to dedicate to fulfilling strategic goals and objectives<br>• Update budget and budget document to connect budget appropriations and projections to strategic goals, ensuring that all budget items are directly related to the Strategic Plan | City Manager | Summer 2023 | N/A | In Progress | City staff will engage our Strategic Plan consultants, Management Partners, to determine schedule and work with the City Council to facilitate updates and workshops. |

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| Area | Description | Key Action Steps | Lead Staff Member | Target Date of Completion | Annual Fiscal Impact | Status | Comments |
|---|---|---|---|---|---|---|---|
| **Update Financial Policies** | Review and update financial polices to ensure best practices | • Ensure policies are up-to-date and consistent with GFOA and CSMFO best practices<br>• Create new policies based on new practices, i.e. for fund balances or Section 115 Trust<br>• Work with City's Financial Advisory Board to research and develop recommendations | City Manager/ Finance Director | Ongoing | Undetermined | In Progress/ Ongoing | FAB will be discussing the Comprehensive Financial Policy at its August meeting with the intention to provide a recommendation to the City Council at their September meeting. |

*Recommended in the State Auditor's Report

[1]Requires collective bargaining with labor groups

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Agenda Item No. 6.A.

# UPDATE FROM WCCUSD SUPERINTENDENT

**Kenneth Chris Hurst, Sr., Ed.D**

August 16, 2022

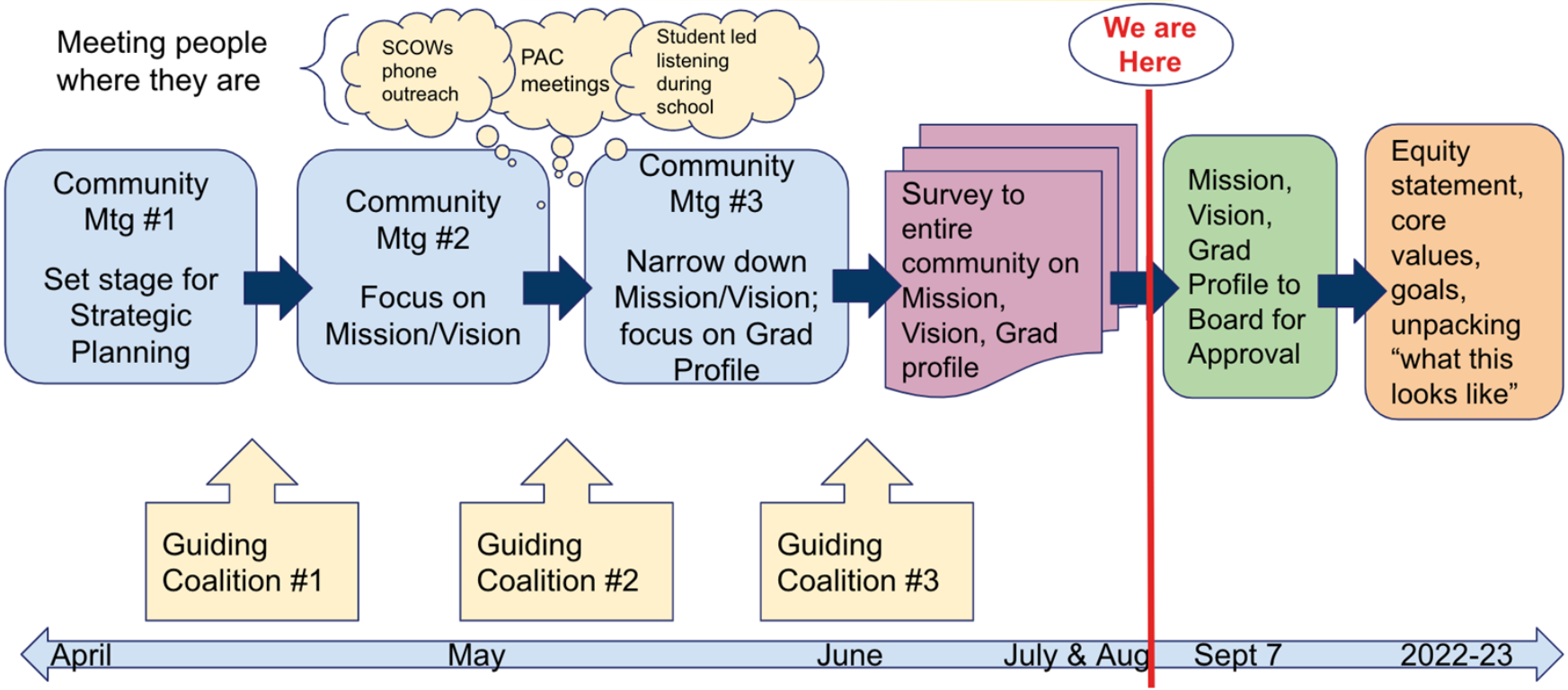
# MEET YOUR SUPERINTENDENT

**Kenneth C. Hurst, Sr., Ed.D**

- 24 years in education
- Former Superintendent of Othello School District
- Associate Superintendent in Oceanside
- Administrator in San Diego Unified and Poway Unified
- Math Teacher and Computer Programming Teacher in Poway

# Strategic Planning Process

## Year 1 Strategic Planning Timeline



# Our Next Steps: Year 2

1

FINALIZE, UNPACK AND IMPLEMENT MISSION, VISION, AND GRADUATE PROFILE

2

VET ORGANIZATIONS TO SUPPORT PRIORITIES VIA GUIDING COALITION TO SUPPORT YEAR 2 WORK

3

DEVELOPMENT OF EQUITY CORE VALUES & EQUITY STATEMENT; DEPARTMENT GOALS

# Cohort Grad A-G Completion Rates

| El Cerrito | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Student Group** | **16-17 Grad** | **16-17 (A-G)** | **17-18 Grad** | **17-18 A-G** | **18-19 Grad** | **18-19 A-G** | **19-20 Grad** | **19-20 A-G** | **20-21 Grad** | **20-21 A-G** |
| All Students | 84.6 | 40.6 | 85.2 | 46.6 | 88.9 | 50.1 | 88.9 | 50.5 | 89.6 | 58.9 |
| ELs | 68.1 | 17 | 79 | 17.7 | 71.7 | 15 | 78.4 | 17.6 | 72.4 | 22.4 |
| SES Disadv. | 80.2 | 31.4 | 78.4 | 32.2 | 88.4 | 40.4 | 87.3 | 36 | 84.8 | 26.7 |
| SWD | 53.6 | 3 | 56 | 10 | 74.4 | 33.3 | 59.5 | 11.9 | 63.6 | 21.8 |
| Af Am | 76.3 | 22 | 74.3 | 26.9 | 90.1 | 28.3 | 77.6 | 40.3 | 85.7 | 42.8 |
| Asian | 93.9 | 57.6 | 90.6 | 71.8 | 93.3 | 14.6 | 89.6 | 52.2 | 94.3 | 64 |
| Filipino | * | * | 100 | 52.6 | 100 | 68.7 | * | * | * | * |
| Hispanic | 85.4 | 34.8 | 85.1 | 32.4 | 83.3 | 36 | 87.9 | 37.3 | 86.3 | 48.3 |
| Pac Islander | | * | * | * | * | * | * | * | * | * |
| Two or more races | | * | * | * | * | * | 91.7 | 50 | 75 | 16.6 |
| White | 87.7 | 60.2 | 88.6 | 67 | 86 | 59.3 | 95.5 | 72.3 | 94.1 | 57.6 |

*indicates data was not reported in DataQuest

# UC System Admission Rates

| School | 2021 | 2020 | 2019 | 3-Year Avg |
|---|---|---|---|---|
| Berkeley HS | 76% | 82% | 75% | 78% |
| El Cerrito HS | 77% | 76% | 71% | 75% |
| Albany HS | 64% | 81% | 77% | 74% |
| Leadership (LPS) | 80% | 68% | 68% | 72% |
| Summit K2 | 63% | 76% | N/A | 70% |
| Bentley | 66% | 80% | 61% | 69% |
| Oakland Tech | 68% | 68% | 69% | 68% |
| Piedmont | 61% | 73% | 66% | 67% |
| Salesian | 69.00% | 76% | 52.10% | 65.70% |
| St. Mary's | 57% | 72% | 59% | 63% |
| College Prep (CPS) | 66% | 65% | 57% | 63% |
| Tilden Prep | 67% | 40% | 69% | 59% |
| Head Royce | 60% | 61% | 55% | 59% |

# CSU System Admission Rates

| School | 2021 |
|---|---|
| Summit K2 | 100% |
| Salesian | 100% |
| St. Mary's | 100% |
| Tilden Prep | 100% |
| Leadership (LPS) | 99% |
| El Cerrito HS | 94% |
| Oakland Tech | 94% |
| Berkeley HS | 92% |
| Albany HS | 91% |
| Head Royce | 84% |
| Bentley | 82% |
| Piedmont | 81% |
| College Prep (CPS) | 33% |

# Program Offerings

| El Cerrito Schools | Academic Program | After-School Program |
|---|---|---|
| El Cerrito High | Information Technology Academy<br>Multimedia Academy<br>Staff focus on equity & mastery<br>Multitude of Advanced Placement Offerings<br>Host site for WCCUSD College & Career Fair<br>Host site for WCCUSD SAT testing | Robust Athletic Program: Track went to state!<br>Student participation in a variety of student-driven clubs<br>Thriving VAPA Programs: band, dance, and art<br>James Morehouse Project (student mental health |
| Korematsu | Spanish DLI program<br>Full Spanish Language Elective Program<br>Robust SPED Program & Opportunities for students to be included in Gen Ed<br>Diverse & robust ELL program<br>Gateway to Technology class from Project Lead the Way thanks to grant from Chevron | Community Garden is thriving<br>After school sports program are growing and kids are loving it!<br>School based after school program is funded to serve 66 students/day. Program components include literacy, SEL, visual and performing arts. |

# Program Offerings

| El Cerrito Schools | Academic Program | After-School Program |
|---|---|---|
| Harding | Teachers College Units of Study- ELA (Lucy Calkins)<br>Zearn- Math<br>**BEAM Science Mentor Program**<br>Garden | Harding Elementary has partners with the City of El Cerrito to provide after school enrichment classes, including sports, performing & mixed media arts, language, engineering, science, and technology in three sessions throughout the school year. Non-Harding School Students are welcome to register for classes. |
| Kensington | Teachers College Units of Study- ELA (Lucy Calkins)<br>My Math- Math<br>Engage NY- Math<br>Art, Computer Lab, Library, Physical Education (PE), Science Lab, Music, Band Support, Math Enrichment and Math Intervention, as well as Reading Intervention. | Kensington After School Enrichment Program (KASEP) offers approximately 30 different classes to students in kindergarten through sixth grades. There are 3 sessions each year: Fall, Winter and Spring. Classes are held in the Recreation Building, Community Center and Kensington Park. |

# Program Offerings

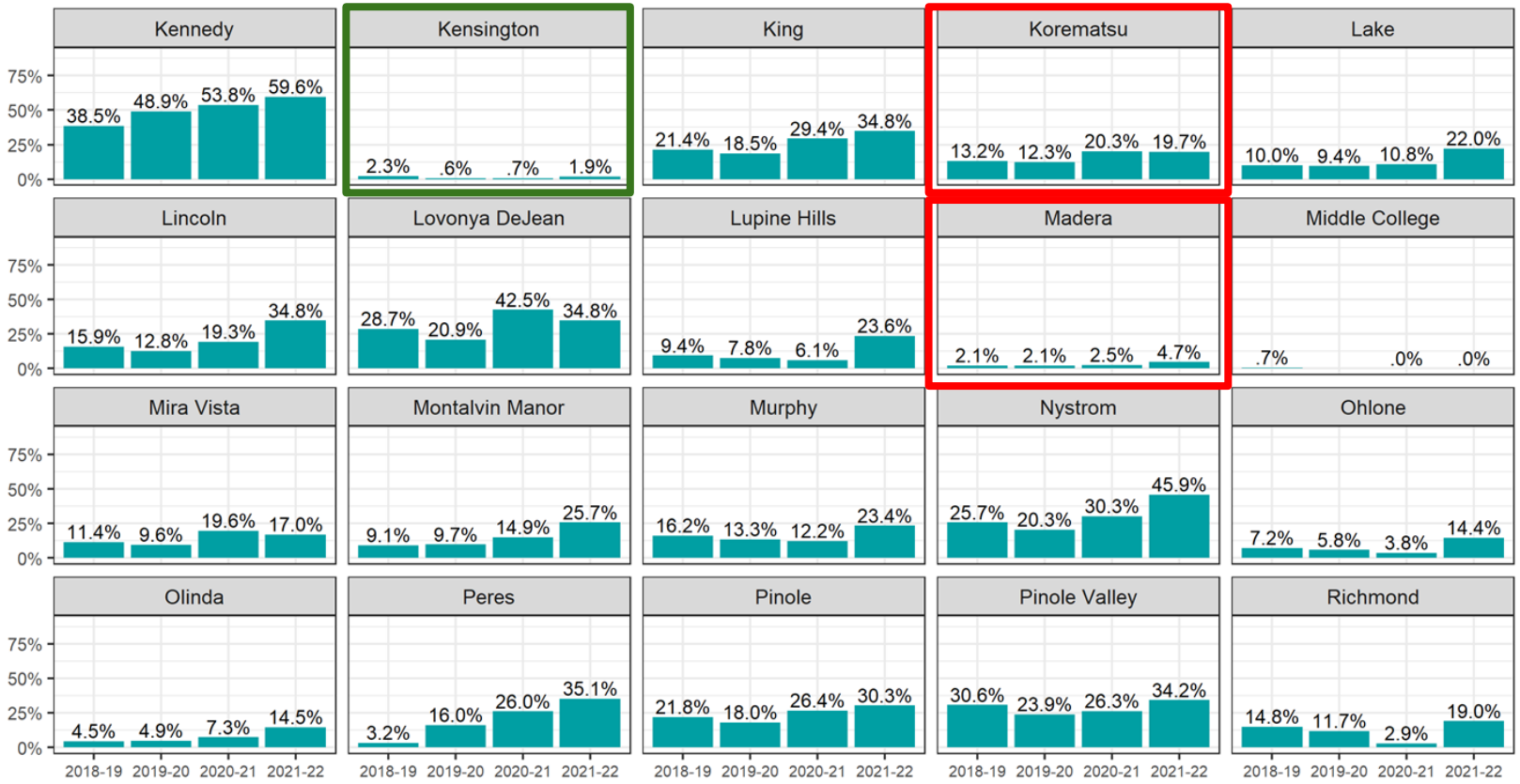
| El Cerrito Schools | Academic Program | After-School Program |
|---|---|---|
| Madera | Math Workshop Model (Bridges)<br>Innovation Exposition (focused on Science)<br>Garden Program<br>Brazilian Dance & Rythm | Math Olympiad - won Regional Highest Honor |
| Fairmont | Teachers College Units of Study- ELA (Lucy Calkins)<br>Mathematics<br>• MyMath<br>• Eureka Math<br>• Zearn<br>• Khan Academy | School based after school program serving 84 students/day. Program components include Literacy, structured physical activity, SEL, visual and performing arts, and gardening. |

# Program Offerings

| Name of School | Current Enrollment | Percentage of transfer students | Chronic Rate Past 4 years | |
|---|---|---|---|---|
| **El Cerrito High** | 1559 | 10% (158) | **19-20:** 15.7%<br>**18-19:** 22.2% | **21-22:** 25.1%<br>**20-21:** .1% |
| **Korematsu** | 752 | 4% (31) | **19-20:** 12.3%<br>**18-19:** 13.2% | **21-22:** 19.7%<br>**20-21:** 20.3% |
| **Fairmont** | 530 | 0.75% (4) | **19-20:** 12.3%<br>**18-19:** 13.2% | **21-22:** 19.7%<br>**20-21:** 20.3% |
| **Harding** | 478 | 2.30% (11) | **19-20:** 4.7%<br>**18-19:** 6.2% | **21-22:** 9.7%<br>**20-21:** 3.1% |
| ***Kensington** | 409 | 5.4% (22) | **19-20:** 0.6%<br>**18-19:** 2.3% | **21-22:** 1.9%<br>**20-21:** 0.7% |
| **Madera** | 491 | 1% (5) | **19-20:** 2.1%<br>**18-19:** 2.1% | **21-22:** 4.7%<br>**20-21:** 2.5% |

# Chronic Rate Year-Over-Year Last 4 Years

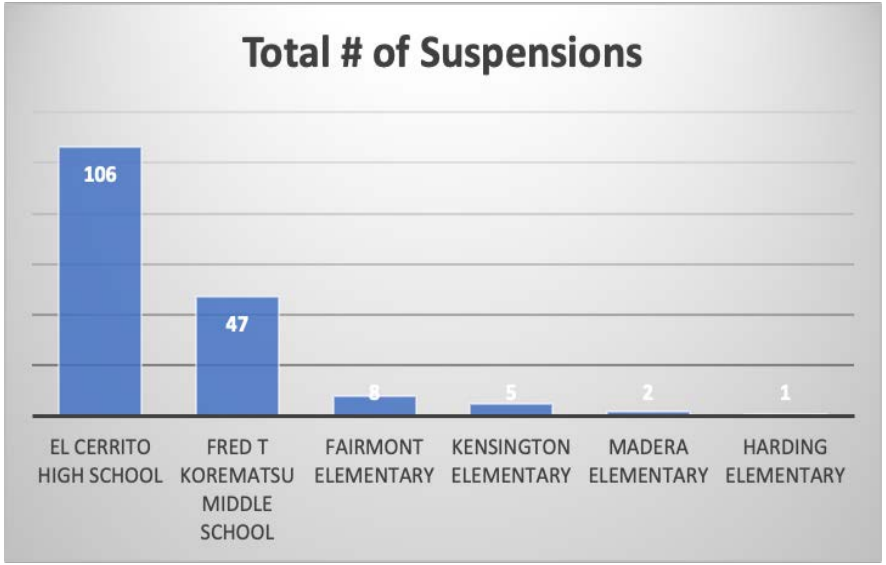
# Chronic Rate Year-Over-Year Last 4 Years



# Suspension Data

**Suspension** refers to the temporary removal of a student from their regular educational setting for a violation of **school** policies or rules.

*Data is representative of total number of suspensions at a school site.



# STAR Reading Proficiency on State Benchmark 2019-2022

| | Fall 19-20 | Winter 19-20 | Fall 20-21 | Winter 20-21 | Spring 20-21 | Fall 21-22 | Winter 21-22 | Spring 21-22 |
|---|---|---|---|---|---|---|---|---|
| El Cerrito High School | | | | | 60.9% | 52.5% | 52.5% | 50.4% |
| Fairmont Elementary | 43.8% | 49.1% | 51% | 50.1% | 50.1% | 46.2% | 50.5% | 48.7% |
| Fred T Korematsu Middle School | 55.3% | 60.5% | 61.3% | 61.2% | 62.2% | 55.6% | 57.8% | 55.8% |
| Harding Elementary | 67.5% | 52.1% | 67.1% | 64.7% | 61.5% | 62.1% | 64.6% | 65.6% |
| Kensington Elementary | 82% | 84.9% | 82.4% | 84% | 86.1% | 81.7% | 84.5% | 87.1% |
| Madera Elementary | 67.8% | 73.8% | 75.4% | 74% | 74.1% | 72.2% | 70.3% | 71.2% |

# STAR Math Proficiency on State Benchmark 2020-2022

| School | Fall 20-21 | Winter 20-21 | Spring 20-21 | Fall 21-22 | Winter 21-22 | Spring 21-22 |
|---|---|---|---|---|---|---|
| El Cerrito High School | | | 52.4% | 40.3% | 42.2% | 35.7% |
| Fairmont Elementary | 40.4% | 39.4% | 33.8% | 32.7% | 33.6% | 36.7% |
| Fred T Korematsu Middle School | 45.3% | 50.8% | 49.5% | 35.9% | 36% | 35.3% |
| Harding Elementary | 49.3% | 45.7% | 36.5% | 41.2% | 41.4% | 38% |
| Kensington Elementary | 66.9% | 67.7% | 61.7% | 67.5% | 70.3% | 67.2% |
| Madera Elementary | 65.2% | 64.3% | 56.8% | 54.5% | 54.4% | 57.4% |

# STAR Reading & Math State Benchmark By Primary Ethnicity

| Primary Ethnicity | Spring 21-22 |
|---|---|
| Asian | 57.6% |
| Black | 27.3% |
| Latinx | 40.9% |
| Multiple | 73.8% |
| White | 80.3% |

| Primary Ethnicity | Spring 21-22 |
|---|---|
| Asian | 49.7% |
| Black | 12.8% |
| Latinx | 22.6% |
| Multiple | 56.5% |
| White | 55.9% |

# S.M.A.R.T.E.R Strategy

- **Shots** - Vaccines are the most powerful weapon against hospitalization and serious illness.
- **Masks** - Properly worn masks with good filtration help slow the spread of COVID-19 or other respiratory viruses.
- **Awareness** - We will continue to stay aware of how COVID-19 is spreading, evolving variants, communicate clearly how people should protect themselves, and coordinate our state and local government response.
- **Readiness** - COVID-19 isn't going away and we need to be ready with the tools, resources and supplies we will need to quickly respond and keep public health and the health care system well prepared.
- **Testing** - Getting the right type of tests - PCR or antigen - to where they are needed most. Testing will help California minimize the spread of COVID-19.
- **Education** - California will continue to work to keep schools open and children safely in classrooms for in-person instruction.
- **Rx** - Evolving and improving treatments will become increasingly available and critical as a tool to save lives.

# COVID Resources:
# COVID Quick Guide Sheet

## COVID QUICK GUIDE SHEET

| COVID RESOURCE LINKS | COVID PROTOCOL SUMMARY |
|---|---|
| 1) COVID Response Quick guide sheets<br>• Positive Person On-Site 2/6/22<br>• Multiple Persons Test Positive 4/28/22<br>• Person Presents with Symptoms On-Site 4/30/22<br>• Person Reports Exposure 4/30/22<br>• Person Reports Testing Positive (Not On-Site) 2/6/22 | Quick guide for the following responses:<br>• Symptomatic<br>• Positive<br>• Exposure<br>• Outside positive - not on campus<br>(For Principals and Supervisors only) Should share with all staff. |

# Safety Resources

## School Safety Quick Guide

| | |
|---|---|
| 1. Weekly dashboard | *Google form collects data for physical safety compliance at each site. Safety dashboard shows school site safety data* |
| 2. K-12 Emergency Preparedness Drill Procedures | Procedures for conducting and reporting safety drills |
| 3. Emergency Notification Procedures | Notification procedures for reporting emergency incidents |
| 4. WCCUSD Emergency Response Quick Guide Folder | One page documents that explain safety procedures for various safety situation (earthquakes, active shooter etc) |
| 5. 2022-23 WCCUSD CSSP Instruction Sheet<br>Sample copy of CSSP<br>CSSP PowerPoint Presentation<br>PNG Aerial Maps | Comprehensive School Safety Plans instructions for completing plans **in Doc Tracking)- www.doc-tracking.com**<br>Maps can be used for CSSP |

# School Safety Tracker

E13

| | B | C | D | E | F | G |
|---|---|---|---|---|---|---|
| 1 | Richmond School | San Pablo Schools | El Cerrito Schools | Pinole Schools | Hercules Schools | Unicorporated Schools |
| 2 | High Schools | High Schools | High Schools | High Schools | High Schools | High Schools |
| 3 | DeAnza | Middle College | El Cerrito | Pinole Valley | Hercules HS | N/A |
| 4 | Kennedy | Middle Schools | Middle Schools | Middle Schools | Middle Schools | Middle Schools |
| 5 | Richmond | Helms MS | Korematsu | Pinole MS | Hercules MS | Betty Reid Soskin |
| 6 | Alernative Educati | Elementary Schools | Elementary Schools | Elementary Schools | Elementary Schools | Elementary Schools |
| 7 | Vista | Bayview | **Cameron** | Collins ES | Hanna Ranch ES | Kensington |
| 8 | Alvarado | Dover ES | Fairmont | Ellerhorst ES | Lupine Hills | WC Mandarin |
| 9 | Greenwood HS | Downer | Harding | Stewart K-8 | Ohlone | Montalvin |
| 10 | Middle Schools | Lake ES | Madera | Shannon ES | | Olinda |
| 11 | DeJean | Riverside | Mira Vista | | | Verde |
| 12 | Elementary Schools | | | | | Tara Hills |
| 13 | Chavez | | | | | |

School Sites Link Page | Safety Meeting Schedule (Schools) | Safety Preparedness Drill | Wilc | Explore

# Budget Changes Since Adoption

- **UNRESTRICTED FUNDING**
  - Effective COLA for the Local Control Funding Formula include 6.56% statutory COLA, plus an additional COLA of 6.28%, totaling 12.84%
  - All other programs only include statutory COLA

- **RESTRICTED FUNDING**
  - Learning Recovery Emergency Block Grant $38,792,099 (one-time by 2027-28)
  - Arts, Media, and Instructional Materials Discretionary Block Grant $15,675,581 (one-time)
  - Expanded Learning Opportunities-Program $18,503,472 (ELOP, ongoing)

# Opportunities and Risks to Fiscal Condition

- **OPPORTUNITIES**
  - Expanded Learning Opportunities-Program (ELOP) benefits from synergistic programing including the After School Education and Safety Program (ASES)
  - A portion of the ESSER III expenditures that needed to be phased out of in 2023-24 can be continued legally under ELOP and the Learning Recovery Emergency Block Grant

- **RISKS**
  - All labor contracts expired June 30, 2022
  - Annual inflation for the last year was 9.1% (June 2022, year-over-year)

# Increased LCFF Funding Changes Assumptions

- LCFF funding increases allow for changes that increase budget resiliency
  - No longer need to use Fund 17 (reserve for economic uncertainty)
    - Eliminates the need to shift $34 million from Fund 17 to the unrestricted general fund for solvency
    - Preserves the rainy day fund for future economic decline
  - No longer need to use funds from the Other Post Retirement Benefits Account (OPEB)
    - Funds in OPEB trust remain there with the long term goal of pre-funding the entire OPEB actuarial obligation, currently $425 million
  - No longer require solvency reductions for 2024-25
    - However, cuts for 2023-24 remain necessary
- Transportation reimbursement increased from flat amount to 60% of cost

# Changes to Revenues 2022-23

| West Contra Costa Unified School District | | State Budget Act | |
|---|---|---|---|
| | Adopted Budget | Increase (Decrease) | Revised Budget |
| Combined - Fund 01 | 22-23 | 22-23 | 22-23 |
| Budget | | | |
| Revenue | | | |
| 8010-8099 Total Revenue Limit | 307,105,905 | 23,344,819 | 330,450,724 |
| 8100-8299 Federal | 70,841,497 | - | 70,841,497 |
| 8300-8599 Other State | 58,471,705 | 72,902,686 | 131,374,391 |
| 8600-8799 Other Local | 19,057,424 | - | 19,057,424 |
| | | | |
| Total Revenues | 455,476,531 | 96,247,505 | 551,724,036 |

# Changes to Expenditures 2022-23

| Expenditures | | | |
|---|---|---|---|
| 1000-1999 Certificated Salaries | 163,080,151 | 17,174,045 | 180,254,196 |
| 2000-2999 Classified Salaries | 72,018,908 | - | 72,018,908 |
| 3000-3999 Employee Benefits | 125,777,652 | 12,594,299 | 138,371,951 |
| 4000-4999 Books and Supplies | 43,774,739 | 14,311,704 | 58,086,443 |
| 5000-5999 Services and Other Operating Exp | 75,964,397 | 13,166,767 | 89,131,164 |
| 6000-6999 Capital Outlay | 2,401,037 | - | 2,401,037 |
| 71-7200, 74-7499 Other Outgo | 3,597,724 | - | 3,597,724 |
| 7300-7399 Indirect/Direct Support Costs | -977,163 | - | -977,163 |
| | | | |
| Total Expenditures | 485,637,445 | 57,246,815 | 542,884,260 |

# Changes to Fund Balance 2022-23

| West Contra Costa Unified School District | | State Budget Act | |
|---|---|---|---|
| | Adopted Budget | Increase (Decrease) | Revised Budget |
| Combined - Fund 01 | 22-23 | 22-23 | 22-23 |
| Budget | | | |
| Total Revenues | 455,476,531.00 | 96,247,505.00 | 551,724,036.00 |
| Total Expenditures | 485,637,445.00 | 57,246,815.00 | 542,884,260.00 |
| Excess (Deficiency) from Operations | -30,160,914.00 | 39,000,690.00 | 8,839,776.00 |
| | | | |
| Transfers In (Fund 17) | 14,000,000.00 | -14,000,000.00 | - |
| | | | |
| Net Increase (decrease) | -16,160,914.00 | 25,000,690.00 | 8,839,776.00 |
| | | | |
| Beginning Balance | 48,536,898.00 | - | 48,536,898.00 |
| Ending Fund Balance | 32,375,984.00 | 25,000,690.00 | 57,376,674.00 |

# Components of the Ending Fund Balance

| Components of Ending Fund Balance | |
|---|---|
| **Nonspendable** | |
| 9711 Revolving Cash | 70,000 |
| 9712 Stores | 230,000 |
| 9740 Restricted | 30,397,547 |
| **Unassigned** | |
| 9789 Reserve for Economic Uncertainties | 16,286,528 |
| 9790 Unassigned/Unappropriated | 10,392,599 |
| Total General Fund Reserves | 57,376,674 |

# Updates to Fairmont

The Fairmont Critical Needs project has been completed. Improvements included

- New portables
- New playground equipment
- New flooring and interior paint in the classroom wings and MPR
- New window coverings
- Renewed landscaping around the main entrances
- Updated student restrooms
- Additional staff restroom

BEFORE AFTER

Classroom Hallway

# Projects in Process

- Two additional portables at Mira Vista
- Cameron staff is being move to a temporary site improvements planned for Cameron include
  - New Roof
  - New Flooring in the main hall
  - New HVAC system
  - Accessibility upgrades
- Additional Exterior WiFi Coverage
  - Fairmont
  - Korematsu
- Playground Projects (awaiting agency approval)
  - Kensington
  - Madera

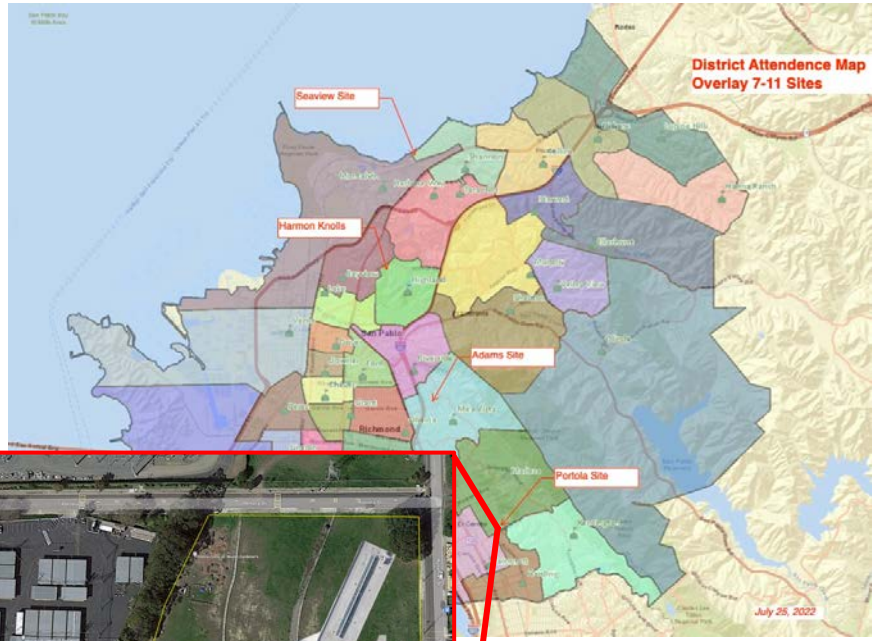
Mira Vista Portables

# 7-11 Committee

- Committee's purpose is to advise the Board in developing District-wide policies and procedures in the use or disposition or school buildings or property not needed for school purposes. (Ed. Code, §§17387, 17388.)
- Committee consists of 7 to 11 members. (Ed. Code, § 17389.)
- The process consists of 4 planned meetings

**Next Meeting information:** August 24th @ 6pm
Physical Location: 1400 Marina Way S, Richmond
Zoom: https://wccusd.zoom.us/j/91992616214

For additional information and updates on the progress of the committee see the committee's website @ https://www.wccusd.net/Page/15623



**Portola Site**
Location: Navellier Street
Size: 5.29 acres
Closed: 2010
Property Demolished
Zoning: Government/Public Use

# AGENDA BILL

Agenda Item No. 7.A.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** David Yun, Fire Prevention Officer; Chase Beckman, Fire Marshal, Fire Department
**Subject:** Fire Hazard Abatement

## ACTION PROPOSED

1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

## BACKGROUND

Following the Oakland/Berkeley Hills Fire in October 1991, El Cerrito needed a comprehensive citywide program to reduce hill area fire hazards in the City. The "fire storm" in the Oakland/Berkeley Hills was in fact an urban conflagration, fueled by vegetation among homes and large acreage properties that was driven by seasonally strong dry winds from the east. The fire destroyed over 3,000 dwellings. At the time of the Oakland/Berkeley Hills Fire, El Cerrito faced similar fire hazard conditions in its hill area. The City Council was determined to reduce those fire hazards by all reasonable means.

El Cerrito's comprehensive fire hazard reduction program focused 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. The City began a comprehensive planning process to reduce fire hazards on City property, other agencies' properties and large landholders. These property owners were approached about reducing fire hazards on their properties. Prior efforts at fire hazard reduction on private residential property relied on voluntary compliance by the owners. The City Council concluded that stronger measures were necessary to enforce the laws regarding abatement of fire hazards on residential private property.

The Fire Hazard Abatement Program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. 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.

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. However, we anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill. For over 20 years, the City's annual Fire Hazard Abatement Program has been very successful in reducing fire hazards throughout the hill neighborhoods of El Cerrito. Indeed, this program has become a model program which other fire jurisdictions have borrowed from.

**ANALYSIS**

Beginning in April of this year, the Fire Department conducted city-wide fire hazard inspections of all properties. The inspections began on April 25, 2022 and have continued due to regrowth and citizen complaints. As a result of the on-going inspections, a list of properties containing public nuisances was generated, which continues to be amended as additional properties are identified. Between July 7 and July 20, the identified properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26 were notified in writing of the hazards on their property and to abate those hazardous conditions. The El Cerrito Vegetation Management Standards Checklist was included with the notification (Attachments 4, 5, & 6). Additionally, these property owners were informed in the letter from the Fire Marshal (Attachment 4) of the time, date and location of the upcoming City Council meeting where their properties would be declared a public nuisance and abatement would be ordered. Property owners were directed to complete the necessary measures to bring their property into compliance prior to the second round of the re-inspection process which began on August 8, 2022 and continued through the date of this meeting. Only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, Exhibit A to the proposed Resolution (List of Properties.)

This public hearing is the next step in the process to eliminate hazards on the private properties that were identified as a public nuisance and have not voluntarily abated said violations. In order to achieve full compliance, the City Council is asked to declare the properties to be a public nuisance and direct the City Manager or their designee to abate such public nuisance conditions. Actual City-ordered abatement of fire hazards occurs only after all efforts at providing notice, information, and a public hearing have failed to induce voluntary compliance by the property owner.

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.

2. The Fire Department shall post notice on each property or send notice /by mail that the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the

City Council declaring the properties to be a public nuisance and ordering the City Manager or their designee to perform abatement.

3. At the August 16, 2022 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 1 and 2).

4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or their Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26 (Attachment 3).

5. At the conclusion of the August 16, 2022 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 7). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.

6. If the nuisance is not abated between August 17, 2022 and September 15, 2022, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed according to the City Council adopted Fire Department Master Fee Schedule.

7. At the October 18, 2022 City Council meeting the City Manager or their designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten (10) days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.

8. At the City Council Meeting on October 18, 2022, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed for the abatement. The City Council may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.

9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

**STRATEGIC PLAN CONSIDERATIONS**

This item is consistent with Strategic Plan Goal E: Ensure the public's health and safety.

**ENVIRONMENTAL CONSIDERATIONS**

The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15308 of the CEQA Guidelines. Therefore, no further CEQA review is required.

**FINANCIAL CONSIDERATIONS**

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by City maintenance staff or private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

**LEGAL CONSIDERATIONS**

The City Attorney has reviewed and approved the process.

**Reviewed by:**

Karen Pinkos, City Manager

**Attachments:**

1. Resolution (Declaring Public Nuisance)
2. Exhibit A to Resolution (List of Properties)
3. Resolution (Overriding Objections)
4. 1st Letter Fire Marshal (El Cerrito)
5. Abatement Inspection Form
6. Vegetation Management Standards Checklist
7. 2nd Letter Fire Marshal 072022

RESOLUTION NO. 2022 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON CERTAIN REAL PROPERTY CONSTITUTES A PUBLIC NUISANCE

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39560-39588, the City Council shall adopt this resolution declaring that certain real property within the City constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the following properties identified on Exhibit A, attached hereto, are declared to be public nuisances pursuant to El Cerrito Municipal Code Section 16.26.160.

BE IT FURTHER RESOLVED that on this same date of August 16, 2022 at 6:00 p.m. in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on August 16, 2022 the El Cerrito City Council passed this resolution by the following vote:

| | |
|---|---|
| AYES: | COUNCILMEMBERS: |
| NOES: | COUNCILMEMBERS: |
| ABSENT: | COUNCILMEMBERS: |
| ABSTAIN: | COUNCILMEMBERS: |

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August 16, 2022.

_____
Holly M. Charléty, City Clerk

APPROVED:

_____
Gabriel Quinto, Mayor

**EXHIBIT A**

**As of 8/1/22**

City of El Cerrito Fire Department
List of Real Property Constituting Public Nuisances

| APN | Street Address |
|---|---|
| 509-120-015 | 10919 San Pablo Ave. |
| 501-170-002 | 5926 Jordan Ave. |

RESOLUTION NO. 2022 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OVERRIDING OBJECTIONS BY PROPERTY OWNERS AND ORDERING THE CITY MANAGER OR HIS DESIGNEE TO ABATE CERTAIN PUBLIC NUISANCES PURSUANT TO CHAPTER 16.26

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, on August 16, 2022, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2022-XX declaring that certain real property within the City constitutes a public nuisance; and

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides that notice shall be sent to owners of the real property declared a nuisance pursuant to Resolution 2022-XX providing those owners with the following: description of the nuisance; explanation of how the nuisance must be abated; explanation that if the nuisance is not abated; the City shall abate the public nuisance and the cost of abatement shall be assessed against the property as a special assessment; and informing the owners that the City Council shall hold a hearing at a certain date, time, and place at which the owners may present objections to the designation of their properties as public nuisances or to the proposed abatement of the nuisance; and

WHEREAS, between July 7th and July 20th 2022, the City Fire Department sent written notice to those property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate by August 8, 2022, the City Council would hold a hearing on August 16, 2022 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

WHEREAS, on August 16, 2022, the City Council adopted Resolution 2022-XX confirming the nuisance declarations of the City Fire Department and declaring a public nuisance on certain real property pursuant to Chapter 16.26; and

WHEREAS, El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588 provide that after adoption of a resolution declaring a public nuisance and notice to affected property owners of the Council's hearing of objections,

the Council may overrule any objections and order the City Manager or his designee to abate the public nuisances.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it overrides any objections by owners of that certain real property on which public nuisances were declared in Exhibit A to Resolution 2022 - __ (adopted on the same date herewith).

BE IT FURTHER RESOLVED that the City Manager and his or her designee is hereby ordered to abate the public nuisances by having the weeds, rubbish, refuse, dirt, or other fire hazard or noxious or dangerous materials removed.

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or his designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of October 18, 2022 these abatement costs can be confirmed as a special assessment against those parcels.

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

I CERTIFY that at a regular meeting on August 16, 2022 the El Cerrito City Council passed this resolution by the following vote:

| | |
|---|---|
| AYES: | COUNCILMEMBERS: |
| NOES: | COUNCILMEMBERS: |
| ABSENT: | COUNCILMEMBERS: |
| ABSTAIN: | COUNCILMEMBERS: |

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

_____
Holly Charlety, City Clerk

APPROVED:

_____
Gabe Quinto, Mayor

**EL CERRITO-KENSINGTON FIRE DEPARTMENT**
**Fire Prevention Office**
**10900 San Pablo Avenue, El Cerrito, CA 94530**
**(510) 215-4457 FAX (510) 232-4917 fpo@ci.el-cerrito.ca.us**

July 7, 2022

Parcel Number: XXXXX
Property Address: XXXXX , El Cerrito, CA 94530
Property Owner: XXXXXX
Property Owner's Address: XXXXXX

Dear El Cerrito Property Owner:

With the continued drought conditions the last three years, the community is facing its peak fire danger earlier than normal. To reduce the fire danger on private property and provide greater community safety, the Fire Department has been inspecting properties and checking for fire hazards. Recently your property listed above was found that it **does not comply** with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards. You are being notified now so that you may, if you have not already done so, take steps to remove those fire hazard conditions found on your property.

Enclosed is a copy of the Fire Hazard Reduction Inspection form specifying those areas that are not in compliance as well as the Fire Hazard Reduction Guidelines and Fire Hazard Reductions Checklist that can assist you in bringing your property into compliance. More information on the Vegetation Management Standards and Guidelines may be found on the City's website at: www.el-cerrito.org under Vegetation Management Standards. Additional information is also available at www.readyforwildfire.org or www.cafiresafecouncil.org as well as many others.

If you have recently completed the work to meet these standards, no further action is required. If not, your property is required to be brought into compliance no later than August 8, 2022. There is no need to contact Fire Department upon completion as we will be re-inspecting all properties. When the Fire Department has cleared your property, you will receive a follow up letter to inform you that your property is currently in compliance.

On August 16, 2022 at 6:00PM the El Cerrito City Council will hold a public hearing to declare those properties still not in compliance as a public nuisance. Your property is at risk of being declared a public nuisance and subject to further abatement actions. In accordance with the Government Code, you may appear before the Board at this public hearing to dispute this declaration.

If you have not done so already, please take immediate action to remove those fire hazard conditions and we thank you for your cooperation helping us make El Cerrito a more fire safe community.

Sincerely,

*Chase Beckman*

Chase Beckman
Fire Chief / Fire Marshal

# EL CERRITO FIRE DEPARTMENT
# KENSINGTON FIRE PROTECTION DISTRICT

**10900 San Pablo Avenue, El Cerrito, Ca. 94530 (510)215-4450**

## Fire Hazard Reduction Inspection

| Owner/Tenant | Site Address | City | State | Zip Code |
|---|---|---|---|---|
| | | | | |

| Legal Propety Owner | Mailing Address | City | State | Zip Code |
|---|---|---|---|---|
| | | | | |

APN #

## YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE.

**YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:**

### ZONE 1

**Zero to 30 feet from buildings, structures, decks,etc. in all portions within El Cerrito and Kensington**

____ **1.** Remove all dead plants, grass and weeds.

____ **2**. Remove dead or dying leaves and pine needles from your yard, roof and rain gutters.

____ **3**. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.

____ **4**. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter.

____ **5**. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3 of their height up to 6' above the ground, but in no case less than 18" from the ground.

____ **6**. Relocate wood piles to Zone 2 if applicable.

____ **7**. Remove or prune flammable plants and shrubs near windows.

____ **8**. Remove vegetation and items that could catch fire from around and under decks.

____ **9.** Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

____ **10.** Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

### ZONE 2

**Thirty to 100 feet from buildings, structures, decks, etc. for all parcels within the Very High Fire Hazard Severity Zone. Zone 1 requirements shall be followed in addition to Zone 2 requirements.**

____ **1.** Cut or mow weeds and grass to a maximum height of 6 inches.

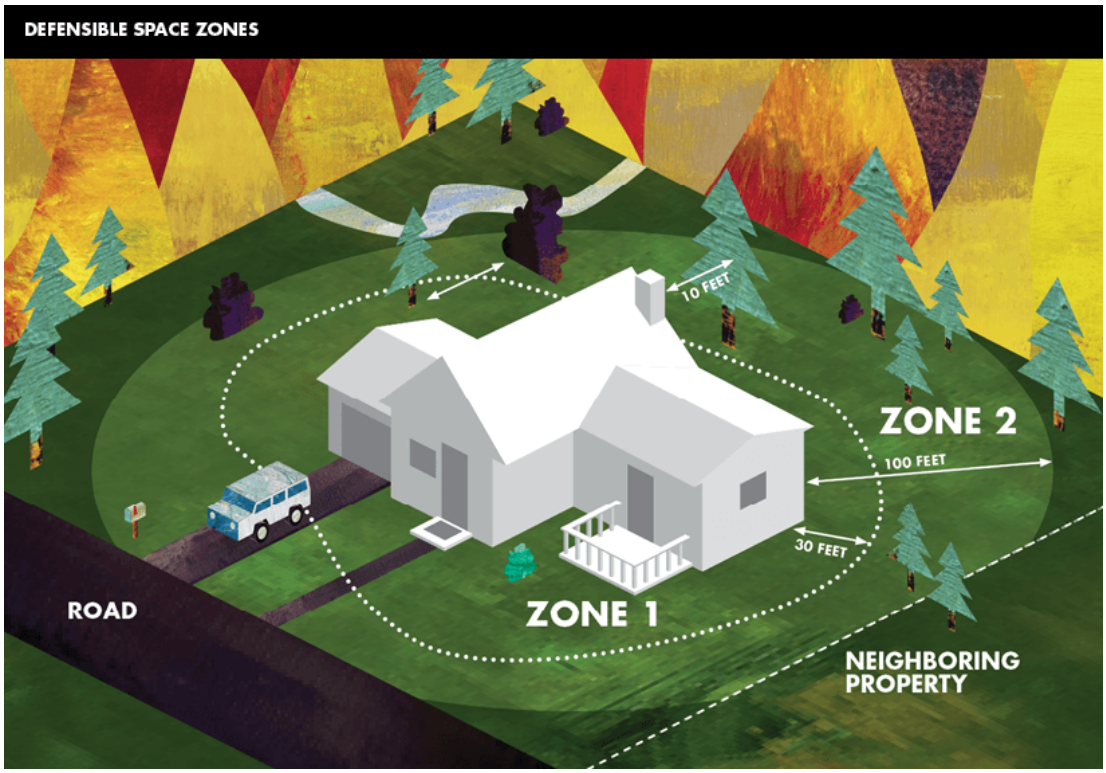
____ **2.** All fire hazardous vegetation <u>except for weeds and grass</u> shall be cleared and maintained to a height no greater than 18 inches above the ground.

____ **3.** Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line.

COMMENTS:

| **Inspected by** | **Inspection #** | **Date** | **Time** |
|---|---|---|---|
| | | | |

# City of El Cerrito Fire Hazard Reduction Guidelines




***Zone 1***

Zone 1 extends 30 feet from buildings, structures, decks, etc.in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

***Zone 2***

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements:

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.

# Fire Hazard Reduction Checklist

## Zone 1 Requirements

**Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc.in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones**

- ☐ Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- ☐ Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- ☐ Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- ☐ Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- ☐ On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- ☐ Relocate wood piles to Zone 2 if applicable
- ☐ Remove or prune flammable plants and shrubs near windows
- ☐ Remove vegetation and items that could catch fire from around and under decks
- ☐ Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- ☐ Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

## Zone 2 Requirements

**Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements**

- ☐ Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- ☐ All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- ☐ Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

**To find out if your property is located within the Very High Fire Hazard Severity Zone, go to** : https://egis.fire.ca.gov/FHSZ/ **On the upper left hand side, click on the bottom icon for Address Search.**

**CITY OF EL CERRITO**
**10900 San Pablo Avenue ▪ El Cerrito ▪ CA ▪ 94530**
**(510) 215-4457 ▪ FAX (510) 232-4917 ▪ fpo@ci.el-cerrito.ca.us**

August 17, 2022

Parcel Number: **XXX**
Property Address: XXXX ., El Cerrito, CA 94530
Property Owner:
Property Owner's Address:

**NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL**

On **August 16, 2022** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the August 16, 2022 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

**You will not receive any further notices from the City prior to this removal.** The City shall perform this removal either through its own staff or through private contract sometime between the dates of **September 15, 2022 to September 29, 2022**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded $8,000 per parcel for those parcels with severe nuisance conditions

The City Council will conduct a public hearing on **October 18, 2022** to confirm the cost of the abatement work performed on your property. The meeting will be held via teleconference or in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** Please refer to the agenda for meeting information at www.el-cerrito.org/CouncilMeetingMaterials. During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

If you have any questions, contact the El Cerrito Fire Department at 10900 San Pablo Avenue. The phone number is (510) 215-4457.

*Chase Beckman*
Chase Beckman
Fire Marshal

# AGENDA BILL

Agenda Item No. 8.A.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Karen Pinkos, City Manager, City Management
**Subject:** Project Stabilization Agreement with Contra Costa Building and Construction Trades Council

## ACTION PROPOSED

Adopt a resolution approving and authorizing the City Manager to sign a Project Stabilization Agreement and related side letter with the Contra Costa Building and Construction Trades Council and its affiliated local Unions.

## BACKGROUND

A Project Stabilization Agreement (PSA), also known as a Project Labor Agreement, is a pre-hire collective bargaining agreement between one or more labor organizations (often negotiated by the local Building Trades and Construction Council) and the owner of a project, which establishes the terms and conditions of employment on the project work. The purpose of a PSA is to facilitate the delivery of the project with minimal labor-related disruptions which would adversely impact the public and/or delay the project.

Generally, the terms of the agreement apply to all contractors and subcontractors who are awarded contracts on the project and supplement or supersede any existing collective bargaining agreements. PSAs typically include provisions that prohibit workers from engaging in strikes, work stoppages, and slowdowns for the duration of the term of the agreement. In exchange for the commitment not to engage in such activities, PSAs generally require that contractors hire workers who are referred from union hiring halls. Furthermore, contractors must pay the workers prevailing wage, contribute to union trust funds, and abide by certain dispute and grievance resolution procedures.

In Contra Costa County, the cities of Antioch, Brentwood, Concord, Martinez, Pittsburg, and Richmond have adopted Project Stabilization Agreements with the Contra Costa Building and Construction Trades Council (CCBCTC). Further, the CCBCTC also has Project Stabilization Agreements for projects throughout the County with various school districts, public agencies, and Bay Area Rapid Transit (BART).

In January 2020, the City Council directed staff to negotiate with the CCBCTC to develop a Citywide Project Stabilization Agreement. While the parties did not meet during the height of the pandemic, discussions began in recent months with an eye toward moving the agreement forward this year. As a result, the City and the CCBCTC have negotiated an agreement that staff believes benefits both the City and the CCBCTC.

**ANALYSIS**

The PSA would apply to municipal projects exceeding $1 million in project costs. Consistent with other Contra Costa County cities, the PSA has a provision for the duration of the agreement for an initial five-year term, with the ability to roll over for additional terms of five years each. Other provisions of the PSA include:

- Projects will not be subject to strikes, sympathy strikes, work stoppages, picketing, handbilling or otherwise advising the public that a labor dispute exists, slowdowns, refusal to work, walk-off, sit down, stand-in, wobble, boycott of any kind, for any reason, by the Unions or employees employed on a project, at the job site of a Project or any other facility of City because of a dispute on a Project; nor will there be lockouts by the contractor or employer on a project.
- The Unions covered by the PSA are recognized as the sole bargaining representative of all craft employees performing covered work, and all such employees must be represented by a Union for the duration of their employment on a project.
- The PSA agrees to facilitate employment of Local Area (defined as Contra Costa County) residents and to use resources in the Local Area in construction of the Project.
- The projects will employ apprentices from a California state-approved Joint Apprenticeship Training Program, with the goal of helping to develop workers in the construction industry.
- The PSA will utilize the services of the Center for Military Recruitment, Assessment and Veterans Employment and the Center's "Helmets to Hardhats" program, with the goal of facilitating the entry into the building and construction trades of veterans who are interested in careers in the building and construction industry.
- Labor disputes, grievances, or actions relating to discipline will be resolved through procedures established with the affiliated Unions; any grievances not settled between the parties would be subject to arbitration for resolution.

During negotiations, City staff noted that the Del Norte Complete Streets Project, which is in excess of the $1 million threshold, was already in progress as far as its approved budget, funding, and design. Staff was concerned that implementing a PSA to include the Del Norte Project could impact the budget and timeline for the Project. The City provided detailed information on the status of the Del Norte Project to the CCBCTC and asked that the project be exempt from the PSA, and the CCBCTC agreed to this request. The parties have agreed to note this separately in a side letter that supplements the PSA, stating that the Del Norte Project will not be subject to or covered by the PSA. Future projects with costs of $1 million or more, including municipal buildings or large scale capital improvement projects, will be covered by the PSA and the criteria of the PSA will be considered for such projects within the development of the Capital Improvement Plan (CIP) during the annual budget process.

City staff wishes to convey its thanks to the CCBCTC for their work and willingness to negotiate this PSA, in particular their understanding of the City's concerns with respect to the Del Norte Complete Streets Project. Staff believes that this PSA will benefit the City and the CCBCTC, as well as the greater community, for years to come.

**STRATEGIC PLAN CONSIDERATIONS**

This item is consistent with Goal A: Deliver exemplary government services and Goal D: Develop and rehabilitate public facilities as community focal points.

**ENVIRONMENTAL CONSIDERATIONS**

This section is not applicable to this agenda item.

**FINANCIAL CONSIDERATIONS**

The PSA would apply to City projects funded in whole or in part with City funds, where either the engineer's estimate of the total cost of the project or the cumulative bid amounts submitted by the contractors awarded the Construction Contract exceeds one million dollars ($1,000.000). The implementation of the PSA could possibly impact the City's bidding process for construction projects by limiting the number of firms that would submit a proposal for a project, which could potentially increase the overall cost of projects. Costs that are inclusive of the criteria of the PSA would be considered and included in the Capital Improvement Plan (CIP) budget of any applicable project.

**LEGAL CONSIDERATIONS**

The City Attorney was actively engaged with City staff in negotiations for both the Project Stabilization Agreement and the side letter, and is satisfied that legal considerations have been met.

**Reviewed by:**

Alexandra Orologas, Assistant City Manager

**Attachments:**

1. Resolution
2. Project Stabilization Agreement and Side Letter

RESOLUTION 2022-XX

RESOLUTION AUTHORIZING THE EXECUTION OF A PROJECT STABILIZATION AGREEMENT AND SIDE LETTER WITH THE CONTRA COSTA BUILDING AND CONSTRUCTION TRADES COUNCIL AND AFFILIATED LOCAL UNIONS

WHEREAS, the City Council has expressed a strong desire to ensure labor peace during the construction of City public works projects; and

WHEREAS, the City Council has long been a solid supporter of labor rights, fair wages,
and the creation of quality jobs in the community; and

WHEREAS, the City Council is interested in being proactive regarding assuring quality wages on all City construction projects, supporting and procuring from local businesses, and protecting and increasing quality jobs for local residents; and

WHEREAS, in January 2020 the City Council discussed the benefits of a Project Stabilization Agreement and directed staff to negotiate terms with the Contra Costa Building and Construction Trades Council to establish an agreement for the City of El Cerrito; and

WHEREAS, the City and the Contra Costa Building and Construction Trades Council have negotiated the terms for the establishment of a Citywide Project Stabilization Agreement that is intended to serve the community for years to come; and

WHEREAS, the City and the Contra Costa Building and Construction Trades Council have agreed that the Del Norte Complete Streets Project will not be subject to or covered by the negotiated Project Stabilization Agreement per a side letter that supplements the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the establishment of a Project Stabilization Agreement and with the Contra Costa Building and Construction Trades Council and its affiliated Unions and authorizes the City Manager to execute the agreement in the form negotiated and approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute a side letter with the Contra Costa Building and Construction Trades Council stating that the Del Norte Complete Streets Project is not subject to or covered by the Project Stabilization Agreement.

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

I CERTIFY that at a regular meeting on August 16, 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 August _____, 2022.

_____
Holly M. Charléty, City Clerk

APPROVED:

_____
Gabe Quinto, Mayor

**PROJECT STABILIZATION AGREEMENT**
**FOR THE CITY OF EL CERRITO**

## INTRODUCTION/FINDINGS

This Project Stabilization Agreement ("**Agreement**") is entered into this ____ day of _____, 20____, ("**Effective Date**") by and between the City of El Cerrito (hereinafter the "City"), together with contractors and subcontractors of all tiers, who shall become signatory to this Agreement by signing the **"Agreement to be Bound" (Addendum A)** (referred to herein as the "Contractor(s)/Employer(s)"), and the Contra Costa County Building and Construction Trades Council (referred to herein as the "Council") and its affiliated local Unions that have executed this Agreement (referred to collectively herein as the "Union(s)").

The purpose of this Agreement is to promote the efficiency of construction operations for the City of El Cerrito through the use of skilled labor resulting in quality construction outcomes, and to provide for the peaceful settlement of labor disputes and grievances without strikes or lockouts, thereby promoting the public interest in assuring the timely and economical completion of the Project(s) defined in Section 1.9 below and covered by this Agreement.

WHEREAS, the timely and successful completion of a Project is of the utmost importance to meet the needs of the City and avoid increased costs resulting from delays in construction; and

WHEREAS, large numbers of workers of various skills will be required in the performance of construction work on a Project and will be represented by the Unions who are signatories to this Agreement and employed by the Contractors who are also signatories to this Agreement; and

WHEREAS, the use of skilled labor in the construction of Projects increases the safety of workers as well as the quality of completed Projects; and

WHEREAS, it is recognized that the Projects likely will require multiple contractors and bargaining units on the job site at the same time over an extended period of time, and, thus, the potential for work disruption may be substantial without an overriding commitment to maintain continuity of work; and

WHEREAS, the interests of the general public, the City, the Unions, and the Contractors/Employers would be best served if the construction work on a Project proceeded in an orderly manner without disruption because of strikes, sympathy strikes, work stoppages, picketing, lockouts, slowdowns or other interferences with work; and

WHEREAS, the Contractors/Employers and the Unions desire to mutually establish and stabilize wages, hours and working conditions for the workers employed on a Project and to encourage close cooperation among the Contractors/Employers and the Unions so that a satisfactory, continuous and harmonious relationship will exist; and

WHEREAS, the parties agree that one of the primary purposes of this Agreement is to avoid the tensions that might arise on a Project if Union and non-union workers of different

employers were to work side by side on a Project, potentially leading to labor disputes that could delay completion of a Project; and

WHEREAS, this Agreement is not intended to replace, interfere with, abrogate, diminish or modify existing local or national collective bargaining agreements in effect during the duration of the Projects, insofar as a legally binding agreement exists between the Contractors/Employers and the Unions, except to the extent that the provisions of this Agreement are inconsistent with said collective bargaining agreements, in which event the provisions of this Agreement shall prevail; and

WHEREAS, the City places high priority upon the development of comprehensive programs for the recruitment, training and employment of local area residents and military veterans, and recognizes the ability of local pre-apprenticeship and apprenticeship programs to provide meaningful and sustainable career pathways in the construction industry; and

WHEREAS, the contract(s) for construction work on the Projects will be awarded in accordance with the applicable provisions of the California State Public Contract Code and all state, local and federal laws; and

WHEREAS, the parties to this Agreement pledge their full good faith and trust to work toward the mutually satisfactory Completion as defined in Section 1.4 below of the Projects pursuant to the terms and conditions of the Agreement;

NOW, THEREFORE, IT IS AGREED BETWEEN AND AMONG THE PARTIES HERETO, AS FOLLOWS:

## ARTICLE I
## DEFINITIONS

1.1 "Agreement" means this Project Stabilization Agreement.

1.2 "Agreement to be Bound" means the agreement (attached hereto as Addendum A) that shall be executed by each and every Contractor/Employer as a condition of working on the Project.

1.3 "City" means the City of El Cerrito.

1.4 "Completion" means that point at which there is Final Acceptance by the City of a Construction Contract and the City has recorded a Notice of Completion. For purposes of this definition, "Final Acceptance" means that point in time at which the City has determined upon final inspection that the work has been completed in all respects and all required contract documents, contract drawings, warranties, certificates, manuals and data have been submitted and training completed in accordance with the contract documents and the City has executed a written acceptance of the work.

1.5 “Construction Contract” means the public works or improvement contract(s) (including design-bid, design-build, lease-leaseback or other contracts under which construction of a Project is done) awarded and entered into by the City that are necessary for Completion of a Project.

1.6 "Contractor(s)/Employer(s)" or "Contractor(s)" or "Employer(s)" means any individual, firm, partnership or corporation (including the prime contractor, general contractor, construction manager, project manager, design-build entity, lease-leaseback entity or equivalent entity), or combination thereof, including joint ventures, and their successors and assigns, that enters into a Construction Contract with the City, and all contractors and subcontractors of any tier engaged by the Contractor or Employer.

1.7 "Council" means the Contra Costa County Building and Construction Trades Council.

1.8 "Master Agreement" means the Master Collective Bargaining Agreement of each craft Union signatory hereto.

1.9 "Project" means City projects funded in whole or in part with City funds, where either the engineer's estimate of the total cost of the project or the cumulative bid amount(s) submitted by the contractor(s) awarded the Construction Contract(s) exceeds one million dollars ($1,000.000), subject to Section 2.2 of this Agreement. All Construction Contracts required to complete an integrated Project shall be considered in determining whether this threshold is met. The City and the Council may mutually agree in writing to add additional projects or components to be covered by this Agreement. The term "Project" applies to each and all projects as defined in this section, whether used in the singular or plural herein.

1.10 "Project Manager" means the person(s) or entity(ies) designated by the City to oversee all phases of construction on a Project and the implementation of this Agreement.

1.11 "Union" or "Unions" means the Contra Costa Building and Construction Trades Council and its affiliated Unions signatory to this Agreement, acting on their own behalf and on behalf of their respective affiliates and member organizations whose names are subscribed hereto and who have through their officers executed this Agreement.

## ARTICLE II
## SCOPE OF AGREEMENT

2.1 Parties: This Agreement applies to and is limited to all Contractors/Employers performing Construction Contracts on a Project (including subcontractors at any tier), and their successors and assigns, the City, the Council, and its affiliated Unions signatory to this Agreement.

2.2 Applicability: This Agreement governs all Construction Contracts that include Covered Work as defined in Section 2.3 awarded on or after the Effective Date for a Project until Completion, unless otherwise set forth in this Agreement. Construction Contracts shall be considered Completed as set forth in Section 1.4, except when the City directs a Contractor to engage in repairs, warranty work, modifications, or punch list work under a Construction Contract or when a Contractor performs work under a change order for a Construction Contract.

2.3 Covered Work: Covered Work shall include, without limitation, all site preparation, surveying, construction, alteration, demolition, installation, improvement, remediation, retrofit, painting or repair of buildings, structures and other works, and related

activities for a Project that is within the craft jurisdiction of one of the Unions and that is directly or indirectly part of the Project, including, without limitation to the following examples, geotechnical and exploratory drilling, soils and materials testing and inspection, temporary HVAC, landscaping and temporary fencing, pipelines (including those in linear corridors built to serve the Project), pumps, pump stations, start-up, modular furniture installation, final clean-up work; as well as work done for the Project in temporary yards, dedicated sites, or areas adjacent to a Project, and at any on-site or off-site batch plant constructed to supply materials to a Project ("**Covered Work**"). Covered Work shall also include all of the following:

2.3.1 Any start-up, calibration, commissioning, performance testing, repair, maintenance, and operational revisions to systems and/or subsystems for a Project performed after Completion, unless performed by City employees.

2.3.2 All on-site fabrication work over which the City, Contractor(s)/Employer(s) or subcontractor(s) possess the right of control (including work done for a Project in any temporary yard or area established for the Project); as well as any off-site work, including fabrication, that is traditionally performed by the Unions and is directly or indirectly part of the Project, provided such work is covered by a Master Agreement or local addenda to a national agreement of the applicable Union(s).

2.3.3 Except for the delivery of supplies, equipment or materials that are stockpiled for later use, all construction trucking work, including the hauling and delivery of ready-mix, asphalt, aggregate, sand, soil or other fill or similar material that is directly incorporated into the construction process as well as the off-hauling of soil, sand, gravel, rocks, concrete, asphalt, excavation materials, construction debris and excess fill, material and/or mud. Contractor(s)/Employer(s), including brokers, of persons providing construction trucking work shall provide certified payroll records to the City within ten (10) days of written request or as required by the bid specifications.

2.3.4 Covered Work within the following National Agreements shall be covered by those agreements as follows: the National Transient Lodge (NTL) Articles of Agreement, the National Stack/Chimney Agreement, the National Cooling Tower Agreement, the National Agreement of Elevator Constructors, and any Covered Work for instrument calibration work and loop checking shall be performed under the terms of the UA/IBEW Joint National Agreement for Instrument and Control Systems Technicians, with the exception that Articles IV, XII and XIII of this Agreement shall apply to such work.

2.4 <u>Exclusions:</u> The following is not considered Covered Work.

2.4.1 Work performed by the City's own employees as permitted by the Public Contract Code.

2.4.2 A Contractor/Employer's non-construction craft executives, managerial employees, administrative personnel, and supervisors above the level of general foreman (unless covered by a Master Agreement).

2.4.3 Any non-Project work performed on or near or leading to a Project site that is undertaken by state, county, city, or other governmental bodies or their contractors. Work

performed by public or private utilities including all electrical utility, voice-data-video, and security installation work ahead of and up to the electrical service entry connection or the main point of entry into the building shall be excluded; however, all electrical utility, voice-data-video, and security installation work performed after the electrical utility service entrance or the main point of entry shall be Covered Work. Additionally, all contracted work performed ahead of the service entrance connection and main point of entry that is inside the property line and provides for access to the building via a conduit or series of conduits shall be Covered Work.

2.4.4 Off-site maintenance of leased equipment and on-site supervision of such work.

2.4.5 This Agreement shall not apply to work substantially funded by any federal, state, local or other public agency that prohibits the use of project labor agreements on projects receiving its funding, or the funding of projects on which such agreements are used. With respect to such work, the City agrees to make a reasonable effort to defend the application of this Agreement, including by making a written request to the funding source. Notwithstanding the foregoing, should only a specific provision of the Agreement be prohibited by the funding source, then, upon mutual agreement by the Council, the City shall modify the requirements of this Agreement accordingly, to allow this Agreement to remain in place and to advance the purposes of this Agreement to the maximum extent feasible.

2.4.6 Work performed by employees of a manufacturer or vendor on the manufacturer's equipment if required in order to maintain the manufacturer's warranty or guarantee on such equipment; provided that (i) the warranty agreement is the manufacturer's usual and customary warranty agreement for such equipment and is consistent with industry practice; and (ii) the manufacturer or vendor has first demonstrated at the pre-job conference, by an enumeration of specific tasks, that in order to preserve the warranty, the work cannot be performed by construction persons employed under this Agreement.

2.4.7 Laboratory work for testing and inspections not covered by a Master Agreement.

2.5 Award of Contracts: The City retains the right to reject all bids and re-advertise a Project, however, in that event, the re-advertised Project would be subject to this Agreement's terms and conditions. It is understood and agreed that the City has the right to select any qualified bidder for the award of Construction Contracts under this Agreement. The bidder need only be willing, ready and able to comply with this Agreement. It is further agreed that this Agreement shall be included in all invitations to bid or solicitations for proposals from contractors or subcontractors for work on the Project. A copy of all invitations to bid shall be provided to the Council at the time of issuance.

## ARTICLE III
## EFFECT OF AGREEMENT

3.1 By executing this Agreement, the Council, the Unions and the City agree to be bound by each and all of the provisions of the Agreement.

3.2 By accepting the award of a Construction Contract for the Project, whether as a Contractor or subcontractor thereunder, all Contractors/Employers agree to be bound by each and every provision of this Agreement and agree to evidence their acceptance prior to the commencement of work by executing the **Agreement to be Bound** in the form attached hereto as **Addendum A**.

3.3 At the time that any Contractor/Employer enters into a subcontract with any subcontractor that includes Covered Work under a Construction Contract, the Contractor/Employer shall provide a copy of this Agreement to said subcontractor and shall require the subcontractor, as a condition of accepting the award of a construction subcontract, to agree in writing, by executing the **Agreement to be Bound**, to be bound by each and every provision of this Agreement prior to the commencement of work. The obligations of a Contractor may not be evaded by subcontracting. If the subcontractor refuses to execute the Agreement to be Bound, then such subcontractor shall not be awarded a Construction Contract on the Project.

3.4 This Agreement shall only be binding on the signatory parties hereto, and their successors and assigns, and shall not apply to the parents, affiliates, subsidiaries, or other ventures of any such party. Each Contractor shall alone be liable and responsible for its own individual acts and conduct and for any breach or alleged breach of this Agreement, except as otherwise provided by law or the applicable Master Agreement. Any dispute between the Union(s) and the Contractor(s) with respect to compliance with this Agreement shall not affect the rights, liabilities, obligations and duties between the Union(s) and other Contractor(s) party to this Agreement.

3.5 It is mutually agreed by the parties that any liability by a Union signatory to this Agreement shall be several and not joint. Any alleged breach of this Agreement by a Union shall not affect the rights, liabilities, obligations and duties between the Contractor(s) and the other Union(s) party to this Agreement.

3.6 The provisions of this Agreement, including the Master Agreements incorporated herein by reference, shall apply to the work covered by this Agreement, notwithstanding the provisions of any other local, area and/or national agreements which may conflict with or differ from the terms of this Agreement. To the extent a provision of this Agreement conflicts with a Master Agreement, the provision of this Agreement shall prevail. Where a provision of a Master Agreement does not conflict with this Agreement, the provision of the Master Agreement shall apply.

## ARTICLE IV
## WORK STOPPAGES, STRIKES, SYMPATHY STRIKES AND LOCKOUTS

4.1. The Unions, the City, and the Contractor(s)/Employer(s) covered by this Agreement agree that for the duration of the Project:

4.1.1 There shall be no strikes, sympathy strikes, work stoppages, picketing, handbilling or otherwise advising the public that a labor dispute exists, or slowdowns, refusal to work, walk-off, sit down, stand-in, wobble, boycott of any kind, for any reason, by the Unions or employees employed on a Project, at the job site of a Project or any other facility of City because

of a dispute on a Project. Disputes arising between the Unions and Contractor(s)/ Employer(s) on other City projects are not governed by the terms of the Agreement or this Article, except that the Unions or construction persons employed on a Project may not participate in any strikes, sympathy strikes, work stoppages, picketing, hand billing, slowdowns, or otherwise advising the public that a labor dispute exists at a Project jobsite because of a dispute between Unions and Contractor(s) on any other project.

4.1.2 There shall be no lockout of any kind by a Contractor(s)/ Employer(s) of workers employed on a Project.

4.1.3 If a Master Agreement expires before the Contractor(s)/Employer(s) completes the performance of work under a Construction Contract and the Union or Contractor(s)/Employer(s) gives notice of a demand for a new or modified Master Agreement, the Union agrees that it will not strike on work covered by this Agreement and the Union and the Contractor(s)/Employer(s) agree that the expired Master Agreement will continue in full force and effect for work covered under this Agreement until a new or modified Master Agreement is reached. If the new or modified Master Agreement provides that any terms of the Master Agreement shall be retroactive, the Contractor(s)/Employer(s) agrees to comply with any retroactive terms of the new or modified Master Agreement that are applicable to any employee(s) on a Project during the interim, with retroactive payment due within seven (7) calendar days of the effective date of the new or modified Master Agreement. For the avoidance of doubt, Section 4.1.1 shall remain applicable for the duration of the Project even where a Master Agreement has expired.

4.1.4 In consideration of the foregoing, the Contractor(s) shall not incite, encourage, or participate in any lockout or cause to be locked out any employee covered under the provisions of this Agreement. The term “lockout” does not include the City’s decision to terminate or suspend work on the site or any portion thereof for any operational reason.

4.1.5 In the case of nonpayment of wages or trust fund contributions on the Project, the Union shall give the City and the Contractor(s)/Employer(s) three (3) business days’ notice when nonpayment of trust fund contributions has occurred, and one (1) business day’s notice when nonpayment of wages has occurred or when paychecks being tendered to a financial institution normally recognized to honor such paychecks will not honor such paycheck, of the intent to withhold labor from the Contractor(s)/Employer(s)’ or their subcontractor's workforce, during which time the Contractor/Employer may correct the default. In this instance, a Union's withholding of labor (but not picketing) from a Contractor(s)/Employer(s) who has failed to pay its fringe benefit contributions or failed to meet its weekly payroll shall not be considered a violation of this Article.

4.1.6 Notification: If the City or any Contractor contends that any Union has violated this Article, it will so notify in writing the Senior Executive of the Council and the Senior Executive of the Union, setting forth the facts alleged to violate the Article, prior to instituting the expedited arbitration procedure set forth below. The Council will immediately use its best efforts to cause the cessation of any violation of this Article. The leadership of the Union will immediately inform the workers of their obligations under this Article. A Union complying

with this obligation shall not be held responsible for the unauthorized acts of employees it represents.

4.2 Expedited Arbitration: Any party to this Agreement shall institute the following procedure, prior to initiating any other action at law or equity, when a breach of this Article is alleged to have occurred.

4.2.1 A party invoking this procedure shall notify Robert Hirsch, as the permanent arbitrator, or Barry Winograd, as the alternate arbitrator, under this procedure. In the event the permanent arbitrator is unavailable at any time, the alternate will be contacted. If neither is available, the parties shall select the arbitrator from the list in Section 12.4. Notice to the arbitrator shall be by the most expeditious means available, with notice by email and telephone to the City, the involved Contractor, and the party alleged to be in violation, and to the Council and involved local Union if a Union is alleged to be in violation.

4.2.2 Upon receipt of said notice, the City will contact the permanent arbitrator named above, or the alternate if the permanent arbitrator is not available, who will attempt to convene a hearing within twenty-four (24) hours if it is contended that the violation still exists.

4.2.3 The arbitrator shall notify the parties by email and telephone of the place and time for the hearing. Said hearing shall be completed in one session, which, with appropriate recesses at the arbitrator's discretion, shall not exceed twenty-four (24) hours unless otherwise agreed upon by all parties. A failure of any party to attend said hearings shall not delay the hearing of evidence or the issuance of an award by the arbitrator.

4.2.4 The sole issue at the hearing shall be whether or not a violation of Section 4.1 of the Agreement has occurred. The arbitrator shall have no authority to consider any matter of justification, explanation or mitigation of such violation or to award damages, which issue is reserved for court proceedings, if any. The award shall be issued in writing within three (3) hours after the close of the hearing, and may be issued without a written opinion. If any party desires a written opinion, one shall be issued within fifteen (15) calendar days, but the parties shall not delay compliance with or enforcement of the award due to the issuance of a written opinion. The arbitrator may order cessation of the violation of this Article, and the arbitrator’s award shall be served on all parties by hand or registered mail upon issuance. Should a party found in violation of this Article fail to comply with the arbitrator's award ordering the party to cease the violation, the party in violation shall pay to the affected party as liquidated damages the sum of ten thousand dollars ($10,000.00) per shift for which it failed to comply, or portion thereof, until such violation is ceased. The arbitrator shall retain jurisdiction to resolve any disputes regarding the liquidated damages claimed under this section, but such retention shall not prevent the moving party from seeking judicial enforcement of the initial decision as allowed in Section 4.2.5 below.

4.2.5 The arbitrator’s award may be enforced by any court of competent jurisdiction upon the filing of this Agreement and all other relevant documents referred to above in the following manner. The party filing such enforcement proceedings shall give written notice to the other party. In a proceeding to obtain a temporary order enforcing the arbitrator's award as issued under this Article, all parties waive the right to a hearing and agree that such proceeding

may be *ex parte*. However, such agreement does not waive any party's right to seek or participate in a hearing for a final order of enforcement. Any court order enforcing the arbitrator's award shall be served on all parties by hand or delivered by certified mail.

4.2.6 Any rights created by statute or law governing arbitration proceedings inconsistent with the above procedure, or which interfere with compliance with the above procedure, are waived by the parties.

4.2.7 The fees and expenses of the arbitrator shall be divided equally between the party instituting the arbitration proceedings provided in this Article and the party alleged to be in breach of its obligation under this Article.

4.2.8 Should either the permanent or the alternate arbitrator identified above no longer work as a labor arbitrator, the City and the Council shall mutually agree to a replacement.

## ARTICLE V
## PRE-JOB CONFERENCES

5.1 Timing: The Project Manager shall convene and conduct, at a location and time mutually agreeable to the Council, a pre-job conference with the Unions and the representatives of all involved Contractors/Employers, who shall be prepared to announce craft assignments and discuss in detail the scope of work and the other issues set forth below, at least fourteen (14) calendar days prior to:

(a) The commencement of any Covered Work, and

(b) The commencement of Project Covered Work on any subsequently awarded Construction Contract.

5.2 The pre-job conference shall be attended by a representative of each participating Contractor and each affected Union, and the Council and City may attend at their discretion.

5.3 The pre-job conference shall include but not be limited to the following subjects:

(a) A listing of each Contractor's scope of work;

(b) The craft assignments;

(c) The estimated number of craft workers required to perform the work;

(d) Transportation arrangements;

(e) The estimated start and completion dates of the work; and

(f) Discussion of pre-fabricated materials.

5.4 Review Meetings: The City and the Council shall have the right to call a meeting of the appropriate parties to ensure the terms of this Agreement are being fulfilled.

## ARTICLE VI
## NO DISCRIMINATION

6.1 The Contractors/Employers and the Unions agree to comply with all anti-discrimination provisions of federal, state, and local law, to protect employees and applicants for employment, on the Project.

## ARTICLE VII
## UNION REPRESENTATION AND REFERRAL

7.1 The Contractors/Employers recognize the Unions as the sole bargaining representative of all craft employees performing Covered Work under this Agreement, and all such employees must be represented by a Union for the duration of their employment on the Project.

7.2 The Contractors/Employers shall make and transmit all deductions for Union dues, fees, and assessments that have been authorized by employees in writing in accordance with the applicable Master Agreement. This Agreement does not require any employee of a non-Union contractor to join a Union or to pay dues or fees to a Union as a condition of working on the Project; however, nothing in this Article is intended to supersede the requirements of the applicable Master Agreements as to Contractors/Employers signatory to such Master Agreements and as to employees of those Contractors/Employers who are performing Covered Work.

7.3 Authorized representatives of the Unions shall have access to a Project whenever work covered by this Agreement is being, has been, or will be performed on the Project.

7.4 Contractor(s)/Employer(s) performing construction work on a Project shall, in filling craft job requirements, utilize and be bound by the registration facilities and referral systems established or authorized by the Unions signatory hereto. The Contractor(s)/Employer(s) shall have the right to reject any applicant referred by the Union(s), in accordance with the applicable Master Agreement.

7.5 Contractor(s)/Employer(s) shall have the unqualified right to select and hire directly all supervisors above the level of general foreman it considers necessary and desirable, without such persons being referred by the Union(s), unless such craft construction employee is covered by a Master Agreement.

7.6 In the event that referral facilities maintained by the Union(s) are unable to fill the requisition of a Contractor/Employer for employees within a forty-eight (48) hour period (Saturdays, Sundays and Holidays excluded) after such requisition is made by the Contractor/Employer, the Contractor/Employer shall be free to obtain the worker(s) from any source. A Contractor/Employer who hires a worker(s) pursuant to this section shall immediately provide the appropriate Union with the name and address of such worker(s) and shall immediately direct such worker(s) to the appropriate Union hiring hall to be referred for work on the Project.

7.7 It is in the interest of the parties to this Agreement to facilitate employment of Local Area residents and to use resources in the Local Area in construction of the Project. The "Local Area" shall be defined as Contra Costa County. The Unions will exert their utmost efforts to recruit sufficient numbers of craft persons to fulfill the referral requirements of the Contractor(s)/Employer(s). To the extent allowed by law, and consistent with the Unions' hiring hall provisions, and as long as they possess the requisite skills and qualifications, residents of the Local Area, including journeymen and apprentices, shall be referred for Project work covered by this Agreement.

## ARTICLE VIII
## WAGES AND BENEFITS

8.1 The Contractors/Employers agree to pay contributions to the vacation, pension and/or other deferred compensation plan, apprenticeship, worker protection and assistance, and health benefit funds established by the applicable Master Agreement(s) for each hour worked on a Project, in the amounts designated in the applicable Master Agreement(s).

8.2 By signing this Agreement, the Contractors/Employers adopt and agree to be bound by the written terms of the legally established Trust Agreements described in Section 8.1, which may from time to time be amended, specifying the detailed basis upon which payments are to be made into, and benefits paid out of, such Trust Funds. The Contractors/Employers authorize the parties to such local Trust Agreements to appoint trustees and successor trustees to administer the Trust Funds and hereby ratify and accept the trustees so appointed as if they were appointed by the Contractors/Employers. The Contractors/Employers agree to execute a separate subscription agreement(s) when such Trust Fund(s) requires such document(s).

8.3 Wages, Hours, Terms and Conditions of Employment: The wages, hours and other terms and conditions of employment on a Project shall be governed by the Master Agreement of the respective craft, to the extent such Master Agreement is not inconsistent with this Agreement. Where a subject is covered by the Master Agreement and not covered by this Agreement, the Master Agreement will prevail. When a subject is covered by both the Master Agreement and this Agreement, to the extent there is any inconsistency, this Agreement will prevail.

8.4 Holidays: Holidays shall be as set forth in the applicable Master Agreement.

## ARTICLE IX
## APPRENTICES

9.1 Recognizing the need to develop adequate numbers of competent workers in the construction industry, including on public works projects, the Contractors/Employers shall employ apprentices from a California state-approved Joint Apprenticeship Training Program in their respective crafts, to perform such work as is within their capabilities and that is customarily performed by the craft in which they are indentured.

9.2 Apprentice ratios will be in compliance with the provisions of the California Labor Code and the applicable state prevailing wage determination.

9.3 Consistent with the Master Agreements, there shall be no restriction on the utilization of apprentices in performing the work of their craft provided they are properly indentured and supervised.

## ARTICLE X
## HELMETS TO HARDHATS

10.1 The Contractors/Employers and Unions recognize a desire to facilitate the entry into the building and construction trades of veterans who are interested in careers in the building and construction industry. The Contractors/Employers and Unions agree to utilize the services of the Center for Military Recruitment, Assessment and Veterans Employment (hereinafter "Center") and the Center's "Helmets to Hardhats" program to serve as a resource for preliminary orientation, assessment of construction aptitude, referral to apprenticeship programs or hiring halls, counseling and mentoring, support network, employment opportunities and other needs as identified by the parties.

10.2 The Unions and Contractors/Employers agree to coordinate with the Center to participate in an integrated database of veterans interested in working on the Projects and of apprenticeship and employment opportunities for the Projects. To the extent permitted by law, the Unions will give credit to such veterans for bona fide, provable past experience.

## ARTICLE XI
## COMPLIANCE

11.1 It shall be the responsibility of the Contractors/Employers and Unions to investigate and monitor compliance with the provisions of Article VIII of this Agreement. Nothing in this Agreement shall be construed to interfere with or supersede the usual and customary legal remedies available to the Unions and/or employee benefit Trust Funds to collect delinquent wages or Trust Fund contributions from Contractors/Employers on a Project. Because the Projects are public works subject to the California Labor Code, the City shall monitor and enforce the Contractors/Employers' compliance with state prevailing wage requirements as well as this Agreement.

## ARTICLE XII
## GRIEVANCE ARBITRATION PROCEDURE

12.1 Project Labor Disputes: All disputes involving the application or interpretation of a Master Agreement to which a Contractor/Employer and a Union are parties shall be resolved pursuant to the resolution procedures of the Master Agreement. All disputes relating to the interpretation or application of this Agreement, other than disputes under Article IV and Article XIII, shall be subject to resolution by the grievance arbitration procedures set forth in this Article.

12.2 Employee Discipline: All disputes involving the discipline and/or discharge of an employee working on a Project shall be resolved through the grievance and arbitration provisions contained in the Master Agreement for the craft of the affected employee. No employee working on a Project shall be disciplined or discharged without just cause.

12.3 No grievance shall be recognized unless the grieving party (Union or District Council on its own behalf, or on behalf of an employee whom it represents, or a Contractor/Employer on its own behalf) provides notice in writing to the party with whom it has a dispute within five (5) business days after becoming aware of the dispute but in no event more than thirty (30) business days after it reasonably should have become aware of the event giving rise to the dispute. Time limits may be extended by mutual agreement of the parties.

12.4 Grievances shall be settled according to the following procedures:

Step 1: Within five (5) business days after the receipt of the written notice of the grievance, the representative of the involved Union or District Council, or his/her designee, and the representative of the involved Contractor/Employer, shall confer and attempt to resolve the grievance.

Step 2: If the grievance is not resolved at Step 1, within five (5) business days of the Step 1 meeting or the conclusion of efforts to resolve the grievance at Step 1, the alleged grievance may be referred in writing by either involved party to the Business Manager(s) of the affected Union(s) involved and the Labor Relations Manager of the Contractor/Employer, or the Contractor/Employer's designated representative, for discussion and resolution. This time limit may be extended by mutual consent of both parties. Regardless of which party has initiated the grievance, the Union shall notify its International Union representative prior to the Step 2 meeting, and the International Union representative shall advise if it intends to participate in the Step 2 meeting. The Project Manager and the Council shall have the right to participate in any efforts to resolve the dispute at Step 2.

Step 3: If the grievance is not resolved at Step 2, either party may request the dispute be submitted to arbitration within five (5) business days of the Step 2 meeting or the conclusion of efforts to resolve the grievance at Step 2. This time limit may be extended by mutual consent of both parties. Within five (5) business days after referral of a dispute to arbitration, the representatives shall notify the permanent arbitrator designated in Article IV, or if not available, the alternate arbitrator designated in Article IV, for final and binding arbitration. If the permanent arbitrator or the alternate is not available, an arbitrator shall be selected by the alternate striking method from the list of three (3) below. The order of striking names from the list of arbitrators shall be determined by a coin toss, the winner of which shall decide whether they wish to strike first or second.

1. William Riker
2. Carol Vendrillo
3. Morris Davis

12.5 The decision of the arbitrator shall be final and binding on all parties. The arbitrator shall have no authority to change, amend, add to or detract from any of the provisions of the Agreement. The expense of the arbitrator shall be borne equally by both parties. The arbitrator shall arrange for a hearing on the earliest available date from the date of his/her selection. A decision shall be given to the parties within five (5) calendar days after completion

of the hearing unless such time is extended by mutual agreement. A written opinion may be requested by a party from the presiding arbitrator.

12.6 The time limits specified at any step of the grievance procedure may be extended by mutual agreement of the parties. However, failure to process a grievance, or failure to respond in writing within the time limits provided above, without an agreed upon extension of time, shall be deemed a waiver of such grievance without prejudice, or without precedent to the processing and/or resolution of like or similar grievances or disputes.

12.7 In order to encourage the resolution of disputes and grievances at Steps 1 and 2 of this grievance procedure, the parties agree that such settlements shall not be precedent setting.

12.8 Retention: At the time a grievance is submitted under this Agreement or any Master Agreement, the Union(s) may request that the City withhold and retain an amount from what is due and owing to the Contractor(s) against whom the grievance is filed, or its higher-tier Contractor, sufficient to cover the damages alleged in the grievance, should the Union(s) prevail. Provided doing so is not a violation of law or contract, the amount shall be retained by the City until such time as the underlying grievance giving rise to the retention is withdrawn, settled, or otherwise resolved, and the retained amount shall be paid to whomever the parties to the grievance shall decide, or to whomever an arbitrator shall so order.

12.9 Should any of the arbitrators listed in this Article or Article IV no longer work as a labor arbitrator, the City and the Council shall mutually agree to a replacement.

## ARTICLE XIII
## WORK ASSIGNMENTS AND JURISDICTIONAL DISPUTES

13.1 The assignment of Covered Work will be solely the responsibility of the Employer performing the work involved; and such work assignments will be in accordance with the Plan for the Settlement of the Jurisdictional Disputes in the Construction Industry (the "Plan") or any successor Plan.

13.2 All jurisdictional disputes on this Project between or among the building and construction trades Unions and the Employers parties to this Agreement, shall be settled and adjusted according to the present Plan established by the Building and Construction Trades Department or any other plan or method of procedure that may be adopted in the future by the Building and Construction Trades Department. Decisions rendered shall be final, binding and conclusive on the Employers and Unions parties to this Agreement.

13.3 If a dispute arising under this Article involves the Northern California Carpenters Regional Council or any of its subordinate bodies, an arbitrator shall be chosen by the procedures specified in Article V, Section 5 of the Plan from a list composed of John Kagel, Thomas Angelo, Robert Hirsch and Thomas Pagan, and the arbitrator's hearing on the dispute shall be held at the offices of the California State Building and Construction Trades Council in Sacramento, California within fourteen (14) calendar days of the selection of the arbitrator. All other procedures shall be as specified in the Plan.

13.4 All jurisdictional disputes shall be resolved without the occurrence of any strike, work stoppage, or slow-down of any nature, and the Employer's assignment shall be adhered to until the dispute is resolved. Individual employees violating this section shall be subject to immediate discharge.

13.5 Each Employer will conduct a pre-job conference with the Council prior to commencing work. The City and the Project Manager will be advised in advance of all such conferences and may participate if they wish. Pre-job conferences for different Employers may be held together.

## ARTICLE XIV
## MANAGEMENT RIGHTS

14.1 Consistent with the Master Agreements, the Contractor(s)/Employer(s) shall retain full and exclusive authority for the management of their operations, including the right to direct their work force in their sole discretion. No rules, customs or practices shall be permitted or observed which limit or restrict production, or limit or restrict the working efforts of employees, except that all lawful manning provisions in the Master Agreement shall be recognized.

## ARTICLE XV
## DRUG AND ALCOHOL TESTING

15.1 The use, sale, transfer, purchase and/or possession of a controlled substance, alcohol and/or firearms at any time during the work day is prohibited.

15.2 Drug and alcohol testing shall be conducted in accordance with the substance abuse prevention policies set forth in the applicable Master Agreement.

## ARTICLE XVI
## SAVINGS CLAUSE

16.1 If any article, provision, clause, sentence or word of this Agreement is determined to be illegal or void as being in contravention of any applicable law, by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect. The parties further agree that if any article, provision, clause, sentence or word of the Agreement is determined to be illegal or void, by a court of competent jurisdiction, the parties shall substitute, by mutual agreement, in its place and stead, an article, provision, clause, sentence or word that will meet the objections to its validity and will be in accordance with its original intent.

16.2 In the event a decision of a court of competent jurisdiction materially alters the terms of this Agreement such that the intent of the parties is defeated, then the entire Agreement shall be null and void.

16.3 If a court of competent jurisdiction determines that all or part of the Agreement is invalid and/or enjoins the City from complying with all or part of the Agreement's provisions, and the City accordingly determines that compliance with this Agreement will not be required in

order to perform work under a Construction Contract, the Unions will no longer be bound by the provisions of Article IV.

## ARTICLE XVII
## TERM

17.1 This Agreement shall apply until the Completion of each Project in accordance with Sections 1.4 and 2.2.

17.2 This Agreement shall become effective on the Effective Date. It shall remain in full force and effect for a period of five (5) years from the Effective Date. Prior to each five (5) year anniversary of the Effective Date, the City and the Council shall meet to discuss proposed changes, if any, to the Agreement. Absent changes or termination, the Agreement will roll over for an additional five (5) years ("**Extended Term**").

## ARTICLE XVIII
## MISCELLANEOUS PROVISIONS

18.1 The section headings contained in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of this Agreement. All defined terms used in this Agreement shall be deemed to refer to the singular and/or plural, in each instance as the context and/or particular facts may require.

18.2 This Agreement may be executed in counterparts, such that original signatures may appear on separate pages and when bound together all necessary signatures shall constitute an original. Faxed or emailed signature pages transmitted to other parties to this Agreement shall be deemed the equivalent of original signatures.

18.3 Each of the persons signing this Agreement represents and warrants that such person has been duly authorized to sign this Agreement on behalf of the party indicated, and each of the parties signing this Agreement warrants and represents that such party is legally authorized and entitled to enter into this Agreement.

18.4 The parties acknowledge that this is a negotiated agreement, that they have had the opportunity to have this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship thereof.

18.5 All defined terms used in this Agreement shall be deemed to refer to the singular and/or plural, in each instance as the context and/or particular facts may require.

[SIGNATURES TO FOLLOW]

CONTRA COSTA COUNTY BUILDING
AND CONSTRUCTION TRADES
COUNCIL

By: _____ Date: _____
Bill Whitney, CEO

CITY OF EL CERRITO

By: _____ Date: _____
Karen Pinkos, City Manager

ATTEST:

By: _____ Date: _____
Holly M. Charléty, City Clerk

APPROVED AS TO FORM:

By: _____ Date: _____
Sky Woodruff, City Attorney

**[UNION SIGNATURES]**

**Addendum A**
**AGREEMENT TO BE BOUND**

[Date]
[Addressee]
[Address]

Re: Project Stabilization Agreement for the City of El Cerrito
Agreement to be Bound

Dear _____:

The undersigned confirms that it agrees to be a party to and bound by the Project Stabilization Agreement for the City of El Cerrito ("Agreement") as such Agreement may, from time to time, be amended by the parties or interpreted pursuant to its terms.

By executing this Agreement to be Bound, the undersigned subscribes to, adopts and agrees to be bound by the written terms of the legally established trust fund documents as set forth in Section 8.1 of the Agreement, as they may from time to time be amended, specifying the detailed basis upon which contributions are to be made into, and benefits made out of, such trust funds, and ratifies and accepts the trustees appointed by the parties to such trust funds. The undersigned agrees to execute a separate subscription agreement(s) for such trust funds when such trust fund(s) require(s) such document(s).

The obligation to be a party to and bound by the Agreement shall extend to all work covered by the Project Stabilization Agreement for the City of El Cerrito undertaken by the undersigned. The undersigned shall require all of its subcontractors, of whatever tier, to become similarly bound for all their work within the scope of the Agreement by signing an identical Agreement to be Bound.

This letter shall constitute a subscription agreement, to the extent of the terms of the letter.

CONTRACTOR/SUBCONTRACTOR:_____

California Contractor State License No. or Motor Carrier (CA) Permit No.:_____

Name of Authorized Person (print):_____

Signature of Authorized Person:_____

Title of Authorized Person:_____

Telephone Number of Authorized Person:_____

Address of Authorized Person:_____

State Public Works Registration Number:_____

**Addendum B**
**SIDE LETTER**

This Side Letter supplements the Project Stabilization Agreement for the City of El Cerrito ("Agreement"), entered into by and between the City of El Cerrito ("City") and the Contra Costa Building and Construction Trades Council ("Council"), and its affiliated local Unions ("Unions"), on the ____ day of _____, 2022, with respect to the El Cerrito del Norte Complete Streets Improvement project also known as the Del Norte Complete Streets project (collectively "Del Norte Project").

Notwithstanding any provision of the Agreement, and in furtherance of the mutual benefits and commitments therein, the City and the Council (collectively the "Parties") hereby agree that the Del Norte Project shall not be subject to or covered by the Agreement.

The Parties' agreement to waive the application of the Agreement to the Del Norte Project does not constitute a waiver of the application of the Agreement to any other Projects as defined in the Agreement. All other provisions of the Agreement shall remain in full force and effect.

The Council has been duly authorized to execute this Side Letter on behalf of the Unions, who consent to the terms herein. Each of the undersigned Parties warrant and represent that they are legally authorized to enter into this Side Letter.

IN WITNESS WHEREOF, this Side Letter is effective as of the date last indicated below.

CONTRA COSTA COUNTY BUILDING
AND CONSTRUCTION TRADES
COUNCIL

By: _____ Date: _____
Bill Whitney, CEO

CITY OF EL CERRITO

By: _____ Date: _____
Karen Pinkos, City Manager

ATTEST:

By: _____ Date: _____
Holly M. Charléty, City Clerk

APPROVED AS TO FORM:

By: _____ Date: _____
Sky Woodruff, City Attorney

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# AGENDA BILL

Agenda Item No. 8.B.

**Date:** August 16, 2022
**To:** El Cerrito City Council
**From:** Aissia Ashoori, Housing Manager; Sean Moss, Planning Manager, Community Development Department
**Subject:** 2023-2031 Draft Housing Element

## ACTION PROPOSED

Receive and file presentation of the *Draft* 2023-2031 6th Cycle Housing Element and provide input to staff prior to submitting it to the California Department of Housing and Community Development for the state-mandated review.

## BACKGROUND

The Housing Element is one of seven mandatory elements of a local jurisdiction's General Plan. State law (Senate Bill 375) requires jurisdictions in the nine-county San Francisco Bay Area, including El Cerrito, to update their Housing Element based on an eight-year planning period (e.g. 2015-2023; 2023-2031.) The Housing Element reflects the vision, opportunities and priorities of the El Cerrito community. The document is a plan for the City to be able to accommodate its fair share of the regional housing need for people of all income levels and addresses and responds to several specific State statutory requirements.

The City's existing 5th Cycle 2015-2023 Housing Element, as required by State Law, was adopted and certified by the California Department of Housing and Community Development (HCD) in 2015. The 5th Cycle covers the planning period from January 31, 2015, to January 31, 2023. El Cerrito was assigned a total of 398 new dwelling units for this period.

The 6th Cycle Housing Element will cover the planning period from January 31, 2023 – January 31, 2031 and must be adopted by January 31, 2023. A total of 1,391 new dwelling units are assigned to the City across income levels. HCD has provided a 120-day grace period following the January 31, 2023 due date because of late guidance provided to jurisdictions by HCD related to the new legislative requirements, such as AB 686 (Affirmatively Furthering Fair Housing).

In December 2021, City staff issued a Request for Proposals to identify a consultant team to assist with the 6th Cycle Housing Element. In January 2022, the City Council authorized a contract award to *Ascent Environmental, Inc.* (Ascent) to assist with the preparation of the 6th Cycle Housing Element. The contract award cannot exceed $150,000 and is being funded through the Local Early Action Planning (LEAP) Grant from HCD.

City staff began development of the Housing Element update in February 2022. Since then, staff have facilitated community outreach for the project, including multiple community meetings as described in greater detail in this report.

## ANALYSIS

*Regional Housing Needs Assessment*

As part of the state mandated Housing Element, HCD identifies the Regional Housing Needs Determination (RHND) and sets the number of homes that will need to be created to meet our housing needs at all income levels. Subsequently, the Association of Bay Area Governments (ABAG) is tasked with developing the methodology through the Regional Housing Needs Assessment (RHNA) to allocate housing units to all jurisdictions. Once a jurisdiction receives its final RHNA from ABAG, it must revise the Housing Element of its General Plan and update zoning ordinances to accommodate its portion of the region's housing needs. All jurisdictions are also required to report their progress to HCD annually.

On December 16, 2021, ABAG adopted the *Final RHNA Plan: San Francisco Bay Area, 2023-2031*. The San Francisco Bay Area region was assigned 441,176 using four levels of affordability based on the Area Median Income (AMI). El Cerrito was assigned 1,391 units for the 6th Cycle, as shown in Table 1 by income category.

**Table 1: El Cerrito, 6th Cycle RHND and RHNA by Income Category**

| 2023-2031 RHNA | Very Low (<50% AMI) | Low (50%-80%AMI) | Moderate (80%-120% AMI) | Above Moderate (>120% AMI) | Total |
|---|---|---|---|---|---|
| SF Bay Area | 114,442 | 65,892 | 72,712 | 188,130 | 441,176 |
| El Cerrito | 334 | 192 | 241 | 624 | 1,391 |

For reference, El Cerrito's 5th Cycle RHNA was 398, and current progress is shown in Table 2. El Cerrito is 1 of 38 jurisdictions in the state of California exempt from SB 35 Streamlined Ministerial Approval Process based on our 2021 Annual Progress Report showing progress towards meeting our assigned housing targets.

**Table 2: El Cerrito, 5th Cycle RHNA by Income Category**

| | Very Low | Low | Moderate | Above Moderate | Total |
|---|---|---|---|---|---|
| **2015-22 RHNA** | 100 | 63 | 69 | 166 | 398 |
| Permitted/Built | 62 | 6 | 15 | 509 | 592 |
| Percent Achieved | 62% | 10% | 22% | 307% | 149% |

*San Pablo Avenue Specific Plan Update*
The Housing Element Update also evaluates other City policies and programs that analyze the City's General Plan, Zoning Code, and *San Pablo Avenue Specific Plan* (Plan). The Plan plays a key role in supporting the State's regional housing goals by substantially increasing housing opportunities available to the community. Beginning in 2019, staff kicked off an update to the Plan – www.el-cerrito.org/spasp - which includes preparation of a Supplemental Environmental Impact Report (SEIR) for the Plan area. The SEIR analysis is based upon a development capacity of 2,500 new residential units and 100,000 square feet of net new commercial space. The draft SEIR and Plan update were released on July 19, 2022, and the 45-day day public review period will extend through September 2, 2022. The Plan update is an important component of the Housing Element as it will create additional capacity within the SEIR to provide substantial sites to be included in the Housing Element sites inventory and contribute towards achieving RHNA goals.

*Housing Element Components*
To accomplish our housing goals, policies and implementation actions, City staff worked closely with *Ascent* to develop the *Draft* 2023-2031 6th Cycle Housing Element Update. A significant component of the Housing Element Update includes public participation to ensure the housing needs/issues of current and future residents are taken into consideration to produce, protect and preserve housing opportunities.

The Housing Element analyzes conditions and identifies goals, objectives, policies, and action programs that directly address the housing needs of El Cerrito in consideration with RHNA goals. There are multiple components within the Housing Element that includes the Chapters listed below:

1. **Chapter 1 - Introduction**: This chapter includes an introduction to the Housing Element, an overview of the organization of the Housing Element, a description of general plan consistency, and a summary of community participation.
2. **Chapter 2 – Housing Needs Assessment**: This chapter analyzes population and demographic profiles, employment trends, population growth trends, household characteristics, special housing needs, housing stock characteristics,

housing costs and affordability, unsheltered population, and assisted housing at risk of conversion.

3. **Chapter 3 – Assessment of Fair Housing**: This chapter provides an analysis of fair housing issues and practices in El Cerrito including patterns of integration and segregation, disparities in access to opportunity, and disproportionate housing needs. It also examines the relationship between the sites inventory and its potential impact on fair housing issues in the City. The chapter also includes a summary of strategies to affirmatively further fair housing.
4. **Chapter 4 - Sites Inventory**: This chapter identifies opportunities for housing production to meet the City's fair share of regional housing needs as determined by the RHNA. It includes a description of the City's RHNA and the results of the inventory of sites within the City that are suitable for residential development during the eight-year planning period.
5. **Chapter 5 - Constraints Analysis**: This chapter analyzes potential constraints on the maintenance, improvement, and development of housing including governmental constraints like land use controls, permits and processing procedures, fees, and zoning for a variety of housing types as well as non-governmental constraints such as land and development costs and the availability of financing.
6. **Chapter 6 – Energy Conservation, Climate Action and Sustainability**: This chapter analyzes opportunities to encourage energy-saving features, energy-saving materials, and energy efficient systems and design for residential development.
7. **Chapter 7 – Housing Plan:** This chapter establishes goals, policies, and implementation programs that will provide direction to help the City meet its housing goals.

**Appendices**:

1. *Evaluation of Previous (2015-2023) Housing Element*: This appendix summarizes the City's accomplishments during the previous (2015-2023) Housing Element planning period and evaluates each of the previous programs.
2. *Community Engagement*: This appendix includes a record of all feedback and comments received as part of community engagement for the Housing Element process, including meeting flyers, online survey results, responses to live polling during community workshops, and all other comments submitted during the community workshops.
3. *BART TOD Housing Element Letter*: This appendix includes a copy of the letter sent by BART to all Bay Area jurisdictions on March 7, 2022, related to the inclusion of BART land in the sites inventory.

The Chapters will be covered in detail during the presentation to the City Council. However, staff would like to highlight three key Chapters in this report:

*Assessment of Fair Housing*
A new component of the Housing Element passed in 2018 as part of AB 686: Affirmatively Furthering Fair Housing (AFFH). According to AB 686, affirmatively furthering fair housing means to take "meaningful actions, in addition to combating discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" and is Federally mandated by the 1968 Fair Housing Act. The five main AFFH elements that all jurisdictions will need to incorporate into Housing Element updates are: (1) Targeted Community Outreach, (2) Assessment of Fair Housing, (3) Site Inventory, (4) Identification and Prioritization of Contributing Factors, and (5) Goals Policies and Actions. The City is deeply committed to undertaking actions that implement AFFH for our community.

*Sites Inventory*
This *Sites Inventory* analyzes parcels/sites within the City that are suitable for residential development in consideration with current zoning designations. There are numerous variables used to determine site capacity on both vacant and underutilized sites. This data analysis supports the RHNA allocation of 1,391 new housing units – of which 38% are targeted to very low- and low-income households – during the 2023-31 planning period.

Within *Chapter 4 – Sites Inventory* – the residential land sites inventory is required "to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels" (Government Code Section 65583.2(a)). The phrase "land suitable for residential development" in Government Code Section 65583(a)(3) includes all of the following:

- Vacant sites zoned for residential use;
- Vacant sites zoned for nonresidential use that allow residential development; and
- Underutilized sites that have zoning that allows residential development and are capable of being developed at a higher density.

Under State Law, the established density default is calculated 30 units per acre for lower-income units in the City. However, given that the City has a variety of zoning districts that allow 30 units per acre and above, the average density of recently approved housing across the City is approximately 158 units per acre. As noted in *Chapter 4.5.1.5 - Sites within the SPASP,* the *San Pablo Avenue Specific Plan* does not establish maximum densities, given the form-based code that provides regulations within the Plan area. Therefore, the base density assumption within the Plan area assumes 156 units per acre.

Although El Cerrito was largely built out in the 1930's-1960's, and lacked housing

production in the decades after, much of our new housing will occur on underutilized nonvacant sites within the *San Pablo Avenue Specific Plan* area. Some examples of completed projects built on nonvacant sites with existing uses are detailed below in Table 4-5.

**Table 4-5 Examples of Recent Housing Development on Underutilized Sites, El Cerrito**

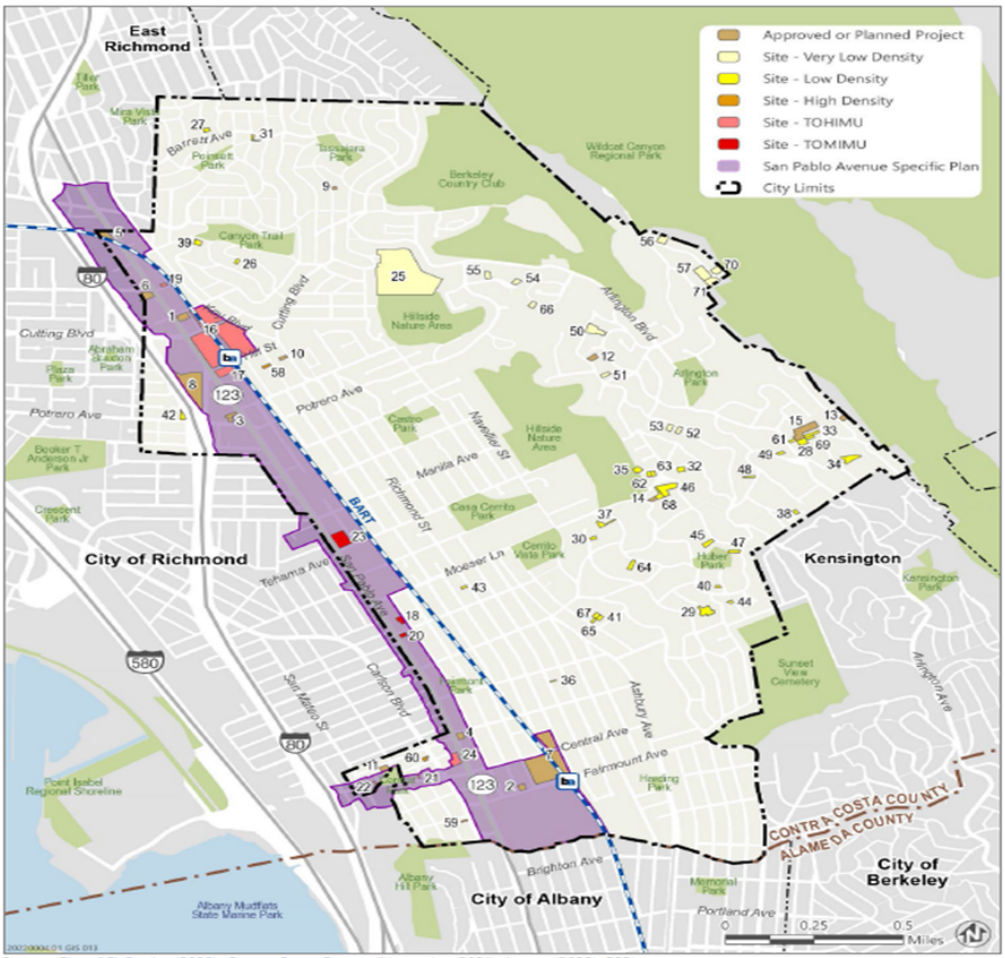
| *Project Name* | *Project Description* | *Status* | *Prior Use* |
|---|---|---|---|
| Hana Gardens Senior Housing Mixed-use Apartments | 63-unit mixed-use senior affordable housing community on a 40,000-square-foot site designated as TOMIMU. | Completed | Contra Costa Florist/Mabuchi house complex (Commercial / Residential) and Warehouse Building (Furniture store) |
| Metro 510 (Creekside Walk) | 128-unit apartment with 19 units of affordable housing constructed on a 3-plus acre designated as TOHIMU. | Completed | Surface parking serving El Cerrito Plaza shopping center. |
| Credence Condominiums | 30 residential units and 2 live-work units on a 0.57 acre site that is designated as TOMIMU. | Completed | Retail (Previously Safeway and Guitar Center) |
| Mayfair: Phase I – Market Rate | Two buildings with a combined total of 223 residential units, shared parking in a garage, along with public, common and private open space creating an interconnected campus designated as TOHIMU. | Under Construction | Vacant and surface parking prior to development; prior uses were gas station and grocery. |
| 1715 Elm Street | 14 one and two bedroom dwelling units on a 0.42 acre site that is designed in the General Plan for high density. | Under Construction | Vacant Single Family Residence |

Table 4-8 further summarizes the projected number of new housing units Citywide, including those within the San Pablo Avenue Specific Plan area based on our 6th Cycle RHNA. Figure 4-1 - Site Inventory Map - illustrates the site locations based on zoning designations.

**Table 4-8 Sites Inventory Capacity Summary, El Cerrito (2023-2031)**

| | *Lower*[1] | *Moderate* | *Above Moderate* | *Total* |
|---|---|---|---|---|
| Regional Housing Needs Allocation | 526 | 241 | 624 | 1,391 |
| Approved and Planned Projects | 355 | 479 | 737 | 1,571 |
| Vacant and Underutilized Sites within San Pablo Avenue Specific Plan | 494 | 195 | 341 | 1,030 |
| Citywide Vacant and Underutilized Sites | 0 | 0 | 136 | 136 |
| Accessory Dwelling Unit (ADU) Projection | 58 | 28 | 9 | 95 |
| Total Capacity | 906 | 702 | 1,223 | 2,831 |
| Surplus(+) | +380 | +461 | +599 | +1,440 |

Figure 4-1: Sites Inventory Map, El Cerrito, 2022




Source: City of El Cerrito (2022); Contra Costa County (November 2021); Ascent (2022); ESRI.

*Chapter 7 – Housing Plan:*
Chapter 7 established the goals, policies, and implementation programs in the 2023-31 *Draft* Housing Element that strive to produce, protect, and preserve housing. New key implementation programs that are being considered in the 2023-31 *Draft* Housing Element are listed below by category. The full list of policies and programs is contained in Chapter 7.

**H1: Accelerate Housing Production**

- Program H-1.A. Maintain Site Inventory
- Program H-1.B. Promote High Density and Mixed-use Development in San Pablo Avenue Specific Plan Area
- Program H-1.C. Accessory Dwelling Unit Tools and Resources
- Program H-1.E. Zoning for Innovative Housing Types
- Program H-1.D. Objective Design Standards

**H2: Support Affordable and Special Needs Housing**

- Program H-2.A. Inclusionary Zoning Ordinance
- Program H-2.B. Affordable Housing Trust Fund Priorities
- Program H-2.C. New Local Sources of Affordable Housing Funding
- Program H-2.E. Develop Mixed Income Housing on BART Lands
- Program H-2.F. Coordinate Transportation Projects with Affordable Housing
- Program H-2.G. Shelter and Housing Solutions for Persons Experiencing Homelessness
- Program H-2.H. Zoning Amendments for Special Needs Housing
- Program H-2.I. State Density Bonus
- Program H-2.J. Affordable Housing and Places of Assembly

**H3: Conserve Exiting Housing and Precent Displacement**

- Program H-3.C. Tenant Protections

**H4: Affirmatively Further Fair Housing**

- Program H-4.B. Reasonable Accommodation Procedures
- Program H-4.C. Housing Choice Voucher (HCV) Program

- Program H-4.D. Community Opportunity to Purchase Act

While the City has undertaken many actions to support housing, it is important to remember that new construction is driven by market conditions and includes various economic factors such as financing/funding, land/construction costs, and feasibility. Many of the City's new housing options in the 2023-31 period will be constructed at the El Cerrito Plaza BART Station as part of its proposed mixed-used transit-oriented development with a range of 700-800 units at all income levels. In addition, Phase II of Mayfair - Affordable is expected to break ground in late 2023 and, once delivered, will provide 69 affordable units.

*General Plan Safety Element*
Recent legislation requires that all cities review and update their Safety Element as necessary every eight years. Additional efforts are required to be undertaken to update the City's Safety Element. City staff anticipates releasing an RFP in Fall 2022 to kick-off this update. The Safety Element will include cross coordination efforts with other Departments, including Police and Fire, to identify and address potential hazards such as seismic, fire and other safety elements.

*Community Engagement & Public Participation*
*Ascent* and the City have undertaken many community engagement activities and will continue to during the entire process. The City distributed a web-based community survey open April 7, 2022 – July 8, 2022 with a total of 215 responses. The survey was

provided in English, Spanish, and Chinese and posted in civic locations as well as on social media. On April 26, 2022, a virtual community workshop was held and a total of 24 participants attended. A second virtual community workshop was held on August 1, 2022, with 9 participants. *Appendix B, Community Engagement* – lists all the activities that have occurred to date.

As required by state law, the *Draft* 2023-2031 6th Cycle Housing Element Update was published on the project page www.el-cerrito.org/HousingElement2023 on July 29, 2022. Members of the public are encouraged to participate and provide comments within a 30-days period by August 29, 2022.

*Schedule & Next Steps*
The City intends to submit the *Draft* Housing Element Update to HCD for review in September 2022. As a reminder, the City must take an additional ten business days to consider and incorporate public comments received by August 29, 2022, prior to submitting to HCD for review. Under AB 215, HCD has 90 days, instead of the previous 60 days, to provide its written report/findings. Once comments are received, along with another public review, City staff will submit a second draft, as needed. Subsequent HCD reviews are subject to a 60-day review. City staff and *Ascent* will work with the Planning Commission and City Council to adopt the 6th Cycle Housing Element by HCD's January 31, 2023, deadline. However, HCD has also provided a 120-day grace period following the January 31, 2023, due date because of late guidance provided to jurisdictions by HCD related to the new legislative requirements, such as AB 686. If, for some reason, the City is unable to meet the grace period adoption deadline of March 31, 2023, we will be required to update our Housing Element every four years (instead of every eight years). City staff and *Ascent* believe that we are on track to meet the required timeframe for certification.

## STRATEGIC PLAN CONSIDERATIONS

This effort will assist the City in implementing the following goals of the Strategic Plan:

- Goal A: Deliver Exemplary Government Services;
- Goal B: Achieve Long-Term Financial Sustainability;
- Goal C: Deepen a Sense of Place and Community Identity; and  Goal F: Foster Environmental Sustainability Citywide.

## ENVIRONMENTAL CONSIDERATIONS

All required documents for California Environmental Quality Act (CEQA) review and submittal, including the Initial Study and subsequent documents identified as needed pursuant to CEQA will be met in the Housing Element Update. The City and consultant will detail assumptions made regarding the level of analysis that may be needed and will produce the necessary CEQA document and any prior environmental documents which may be relied on for tiering purposes pursuant to CEQA.

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the review of the Draft 2023-2031 6th Cycle Housing Element.

**LEGAL CONSIDERATIONS**

This section is not applicable to this agenda item.

**Reviewed by:**

Karen Pinkos, City Manager

**Attachments:**

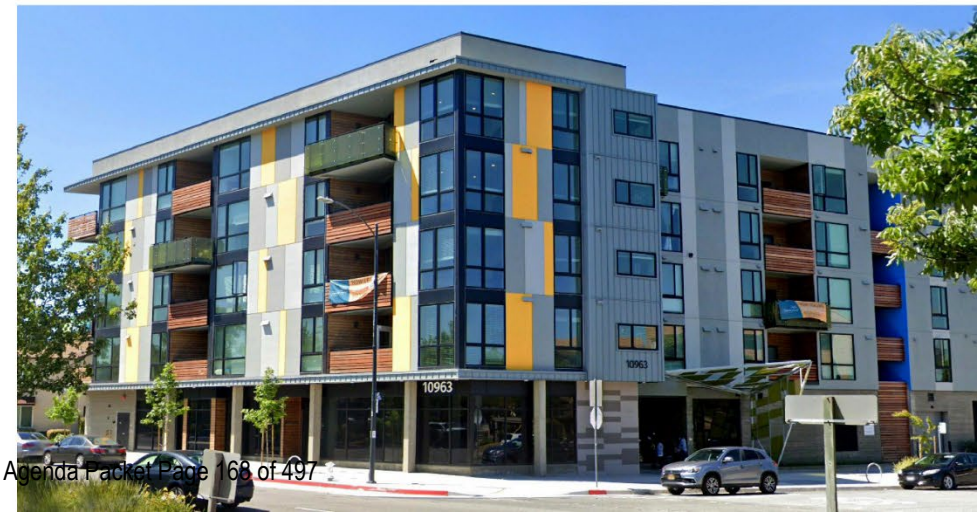
1. 2023-2031 DRAFT Housing Element

JULY 2022

Public Review Draft

THE CITY OF EL CERRITO

# 2023–2031 HOUSING ELEMENT



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# CHAPTER 1 | Introduction

The Housing Element provides a framework for the City of El Cerrito (City) to address current and projected housing needs of everyone in the city. The Housing Element analyzes the City's housing needs, assesses fair housing practices, identifies opportunities for future residential development, and addresses potential constraints to housing development in the city. The Housing Element includes a Housing Plan with goals, policies, and implementation programs aimed at addressing existing and future housing needs of El Cerrito.

## 1.1 Consistency with State Law

All cities and counties in California are required to have a compliant housing element as one of the eight mandated elements of a General Plan. Each city and county in the State must submit their Housing Element to the California Department of Housing and Community Development (HCD) for review to ensure that it meets the requirements under State Housing Element law, and are also required to prepare an Annual Progress Report (APR) each year to report on the status and progress of implementing its Housing Element. Most cities and counties, including El Cerrito, are required to update their Housing Element every eight years.

The City's previous Housing Element covered the 2015-2023 planning period, while this update will cover the 2023-2031 planning period, specifically from January 31, 2023 to January 31, 2031. State law (Government Code Section 65583) requires the City to adopt a housing element that addresses the needs of everyone in the community, at all income levels.

### HOUSING ELEMENT REQUIREMENTS

State law (Government Code Section 65583) requires the City to adopt a housing element that addresses the needs of everyone in the community, at all income levels, including:

- An analysis of existing and projected housing needs
- An inventory of land suitable for housing and emergency shelters with a projected capacity for each site
- A summary of housing-related programs and funding
- An analysis of potential constraints to the production and maintenance of housing
- An assessment of fair housing and an analysis of how the city can affirmatively further fair housing (AFFH)
- An analysis of any special housing needs groups, as identified under State law
- An evaluation of the previous Housing Element
- A summary of opportunities for residential energy conservation
- An analysis of assisted housing developments that are at-risk of converting to market rate
- Goals, policies, and implementation programs

## 1.2 Housing Element Organization

This Housing Element satisfies the requirements of State law (Government Code Section 65583(a)) and is organized as follows:

- Chapter 1 - Introduction. This chapter includes an introduction to the Housing Element, an overview of the organization of the Housing Element, a description of general plan consistency, and a summary of community participation.
- Chapter 2 - Needs Assessment. This chapter analyzes population and demographic conditions; employment trends; household characteristics; special housing needs; housing stock characteristics; housing costs and affordability; and assisted housing at risk of conversion.
- Chapter 3 - Fair Housing Assessment. This chapter provides an analysis of fair housing issues and practices in El Cerrito, including patterns of integration and segregation, disparities in access to opportunity, and disproportionate housing needs. It also examines the relationship between the sites inventory and its potential impact on fair housing issues in the city. The chapter also includes a summary of strategies to affirmatively further fair housing.
- Chapter 4 - Sites Inventory. This chapter identifies opportunities for housing production to meet the City's fair share of regional housing needs, as determined by the Regional Housing Needs Allocation (RHNA). It includes a description of the City's RHNA and the results of the inventory of sites within the city that are suitable for residential development during the eight-year planning period.
- Chapter 5 – Constraints Analysis. This chapter analyzes potential constraints on the maintenance, improvement, and development of housing, including governmental constraints like land use controls, permits and processing procedures, fees, and zoning for a variety of housing types as well as non-governmental constraints such as land and development costs and the availability of financing.
- Chapter 6 - Energy Conservation, Climate Action, and Sustainability. This chapter analyzes opportunities to encourage energy saving features, energy saving materials, and energy efficient systems and design for residential development.
- Chapter 7 – Housing Plan. This chapter establishes goals, policies, and implementation programs that will provide direction to help the City meet its housing goals.
- Appendix A – Evaluation of the Previous Housing Element. This appendix summarizes the City's accomplishments during the previous (2015-2023) Housing Element planning period and evaluates each of the previous programs.
- Appendix B – Community Engagement. This appendix includes a record of all feedback and comments received as part of community engagement for the Housing Element process, including: meeting flyers, online survey results, responses to live polling during community workshops, and all other comments submitted during the community workshops.
- Appendix C – BART TOD Housing Element Letter. This appendix includes a copy of the letter sent by BART to all Bay Area jurisdictions on March 7, 2022, related to the inclusion of BART land in the sites inventory.

## 1.3 General Plan Consistency

The City's 1999 General Plan is the long-term blueprint for the future of the city's development. It includes goals, policies, and programs that guide decisions related to development, growth, housing, infrastructure, and environmental management. The Housing Element is related and integrated with the policies contained in other elements of the General Plan. Furthermore, the 1999 General Plan contains several elements with policies related to housing, including:

- Community Development and Design, addresses land use, community design, housing, and growth management. The section on land use contains the future land use plan map and a description of the land use categories used in the plan that designates land for residential development and indicates the type, location and density of the residential development permitted in the city.

- Transportation and Circulation, addresses the movement of people and materials by transit, automobiles and trucks, bicycles, and walking.
- Public Facilities and Services, deals with three topics: parks, recreation and open space, non-residential civic and community facilities, and public services and infrastructure.
- Resources and Hazards, addresses natural and historic resources in its first major section. The natural resources discussion includes wildlife, air quality, and storm runoff. The second major section addresses hazards - geologic hazards, fires, flooding, and noise.

The policies contained within other elements of the General Plan affect many aspects of life that residents enjoy – the amount and variety of open space, the preservation of natural, historic, and cultural resources, the permitted noise levels in residential areas, and the safety of the residents in the event of a natural or man-made disaster. The Housing Element policies must be consistent with policies identified in other elements of the General Plan. The Housing Element has been reviewed and found to be consistent with the City's other General Plan elements. As portions of the General Plan are amended in the future, this Housing Element will be reviewed to ensure that internal consistency is maintained.

## 1.4 Relationship to Other Plans and Programs

### El Cerrito Municipal Code

The City's Municipal Code contains the regulatory and penal ordinances and certain administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. The City's Municipal Code includes the City's zoning ordinance.

The Subdivision Chapter of the Municipal Code (i.e., Title 18 – Divisions of Land) regulates the design, development, and implementation of land division. It applies when a parcel is divided into two or more parcels; a parcel is consolidated with one or more other parcels; or the boundaries of two or more parcels are adjusted to change the size and/or configuration of the parcels.

Title 19 - Zoning of the Municipal Code is the primary tool for implementing the General Plan, and is designed to protect and promote the health, safety, and welfare of the people. The Zoning Chapter designates various districts and outlines the permitted, conditionally permitted, and prohibited uses for each zone district. Finally, Title 19 provides property development standards for each zone district and overall administrative and legislative procedures.

### San Pablo Avenue Specific Plan

The San Pablo Avenue Specific Plan (SPASP or Specific Plan) was approved by City Council in September 2014 to encourage new mixed-use, residential, and commercial development along San Pablo Avenue and near the two BART stations in the city. The SPASP was adopted to advance the goals of the City's 2015-2023 Housing Element and economic development studies. The SPASP articulates a vision for the future of San Pablo Avenue, identifies improvements, and adopts context-sensitive regulations that are applied along its length and to adjacent areas. The SPASP creates a framework for transforming San Pablo Avenue into a multimodal corridor that functions, not just as a thoroughfare, but as a place that provides a multitude of opportunities for living, working and community life. The Plan's key principles are to deepen a sense of place and community identity, attract private investment, strengthen partnerships, enhance the public realm, promote the everyday use of transit, walking, and biking, and foster environmental sustainability.

The SPASP consists of two main elements: A Form-Based Code and a Complete Streets Plan. The FBC provides the regulations (standards and procedural approvals) and design guidance to streamline residential/commercial development to achieve high-quality new development and investment. The Complete Streets plan promotes the creation of a truly multimodal street through improvements that enhance placemaking, catalyze economic development, and improve livability. The SPASP identifies three Priority Development Areas (PDAs) that are distinguished by the following characteristics:

- Downtown: An entertainment/theater and shopping district that serves as the southern gateway.
- Midtown: A civic, commercial and community-oriented zone.
- Uptown: A mixed use, hospitality and commercial area that serves as the northern gateway.

A Programmatic Environmental Impact Report (EIR) was also prepared for the Specific Plan to further streamline development. As part of the adoption of the Specific Plan, the City amended the General Plan to ensure consistency with the Specific Plan and approved an ordinance revising the Municipal Code to incorporate the regulations in the Specific Plan into the Zoning Ordinance. The City has been working on an update to the Specific Plan to increase the development capacity and expand the boundary. A draft of the Specific Plan update and Supplemental EIR was released on July 19, 2022. After a 45-day comment period, comments will be incorporated into the updated Specific Plan and SEIR. Once adopted, the Specific Plan and SEIR will provide for additional capacity for housing development in the Specific Plan area.

## 1.5 Public Participation

Housing Element law requires that local governments make diligent efforts to achieve representative public participation in the development of the Housing Element. As part of the Housing Element Update process, the City initiated public participation early in the process and continued through plan adoption.

El Cerrito has a diverse linguistic population, so community engagement activities were conducted in multiple languages, including Spanish and Chinese, to provide opportunities for a broad segment of the community to participate. The following is a brief description of public participation efforts used throughout the Housing Element update process to engage and inform the community.

### Project Webpage

The City hosted a project webpage about the Housing Element update. The webpage included an overview of the project and schedule, frequently asked questions (FAQs), contact information for the project team, and a sign-up link for the project mailing list. The webpage was maintained throughout the Housing Element update process and routinely updated to include announcements of future engagement events, community engagement materials and summaries of past events, and draft documents.

### Social Media

The City was used its existing social media presence on Facebook and Twitter to promote opportunities to participate throughout the duration of the Housing Element update process. This included announcements of upcoming community workshops, Planning Commission and City Council study sessions, and invitations to participate in the online community survey.

### Online Community Survey

An online survey was available for stakeholders and the interested members of the public to complete between April 7, 2022, and May 31, 2022. In addition, the survey was open to new responses again starting on June 15, 2022 and concluding July 8, 2022. In total, 215 responses were received.

The purpose of the online survey was to gather information from a wide range of perspectives on housing needs and priorities for housing policies. The survey included questions related to household demographics, housing conditions, and housing issues and priorities. Survey responses were collected through a convenience sample (i.e., voluntary choice to participate) and is not considered statistically valid. However, they do provide important feedback from the community about their perspectives on housing issues in the city. The survey was provided in English, Spanish, and Chinese (Simplified).

The City promoted the survey through the project website, through emails to interested parties that signed up on the project website, through flyers posted at civic locations, shared on Facebook and Twitter, and promoted through city manager's updates, and distributed to residents of existing affordable housing in the city.

Of the 215 total responses to the survey, 80 percent of survey participants were homeowners. Both homeowners and renters represented a variety of household characteristics within the city: around 45 percent of homeowners and 38 percent of renters have children in the household; 10 percent of homeowners and 23 percent of renters live alone; 42 percent of homeowners and 32 percent of renters are a couple with no children in the home. In addition, several homeowners and renters reported living with roommates and in multi-generational households.

Overall, 59 percent of participants reported spending less than 30 percent of their gross income on housing; 70 percent of renters and 34 percent of homeowners spent over 30 percent of their gross income on housing.

Participants expressed housing affordability ("Rents are too high" and "Buying a house is too expensive") as the greatest housing problems facing El Cerrito. In addition, many participants also identified homelessness as an important housing problem. Furthermore, 74 percent of renters said they were experiencing a lack of suitable housing to meet their household's needs as well as challenges paying rent, especially in conjunction with significant rent increases. Renters overall, identified more housing issues than homeowners, with 64 percent of homeowners stating that they have not experienced any housing issues. Homeowners identified a lack of funding for home repairs as the issue that they experienced most frequently (around 26 percent of homeowners). A summary of key survey responses is shown in Figures 1-1 through 1-3. See Appendix B for the complete survey responses.

Figure 1-1: Survey Responses to "Have you or are you experiencing any of the following housing issues?"

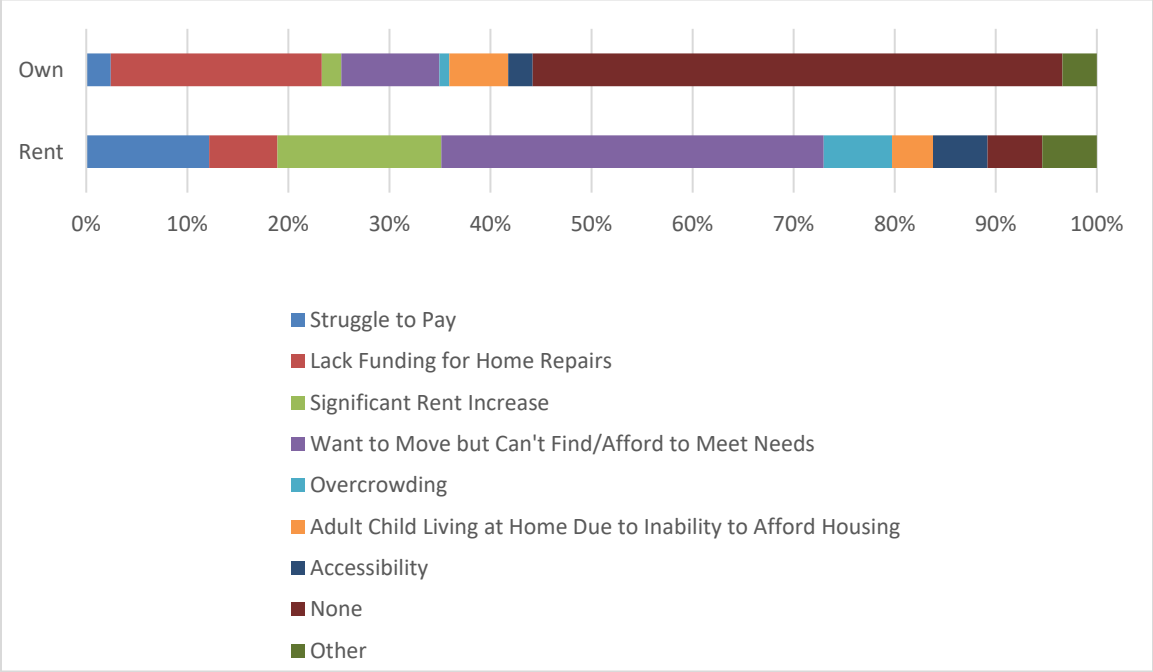


Figure 1-2: Survey Responses to "What do you feel is the most significant housing problem facing El Cerrito residents?"

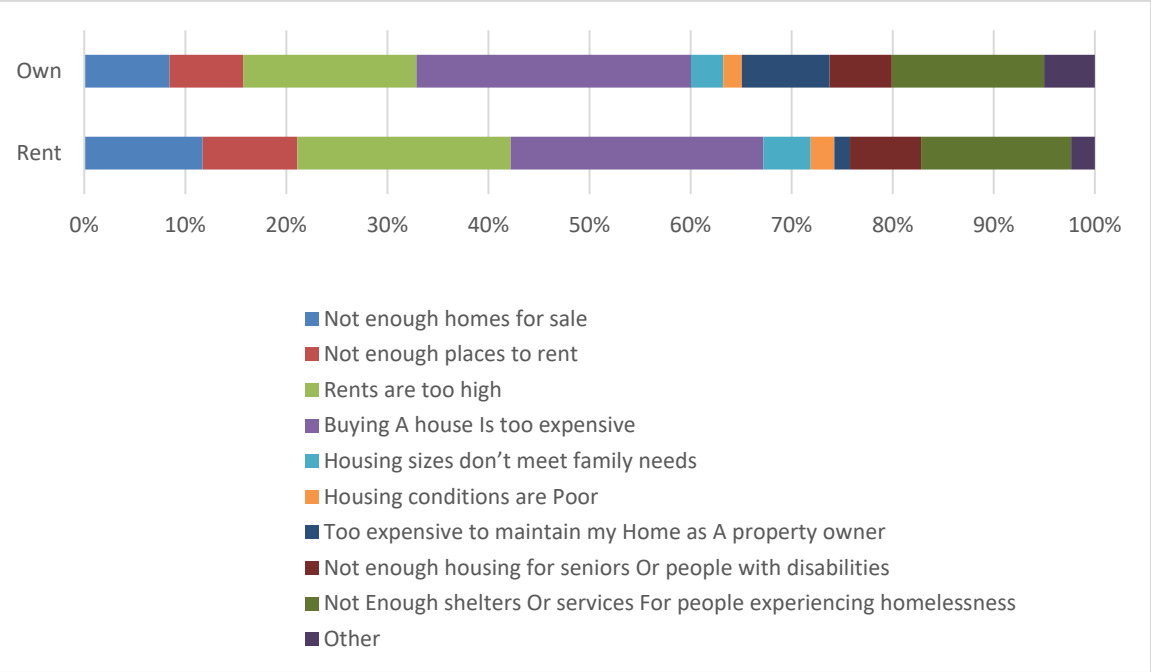
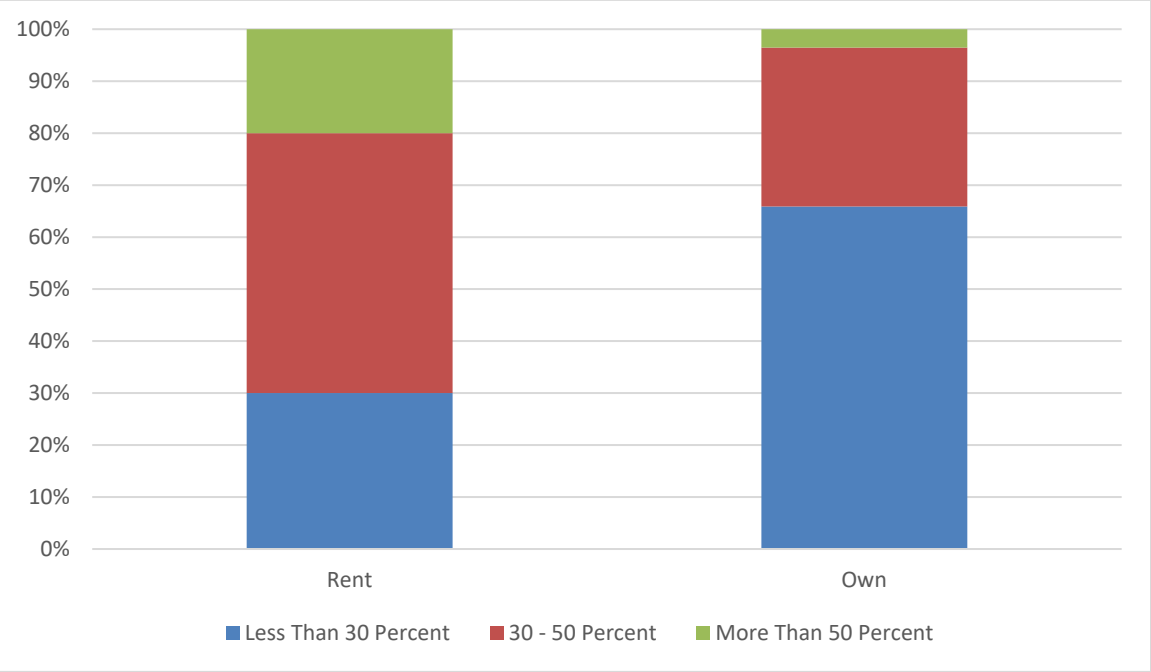



Figure 1-3: Survey Responses to "How much of your gross income (before taxes) do you spend on housing costs (rent, mortgage payments, etc) each month?"




## Community Workshop #1

The first community workshop for the Housing Element update was held on April 26, 2022 to inform the community about the purpose of the Housing Element and collect input on the community needs and key housing issues facing residents. The first community workshop occurred early in the Housing Element update process to ensure that input and feedback collected would be used by the City as part of the development of the Housing Element.

The workshop was held virtually due to the COVID-19 pandemic and current practices and procedures used by the City at the time. The virtual workshop was held in English with live interpretation in Spanish and Chinese (Mandarin). Live polling was conducted during the meeting to gain input from participants on the most important housing issues, to identify housing needs and challenges, to learn more about their own experiences with housing in El Cerrito, and to gather input on strategies and solutions.

Of the 24 participants in the live poll, 88 percent were residents of El Cerrito; 77 percent were homeowners, 19 percent were renters, and 5 percent lived with family/friends and do not pay rent. Housing affordability, availability, and accessibility were cited as some of the most important housing problems in El Cerrito. Some participants shared ideas for increasing the supply of housing (upzoning, allowing multi-plex development on single family lots). Several participants shared suggestions for lowering the cost of housing (e.g., lower fees, utility costs, regulate corporate ownership, speed of approvals) and others shared ideas to help protect rental housing (e.g., rent control, resources and services, build low income and senior housing, protections for single-family home rentals, tenant protections, and history of displacement). See Appendix B for the detailed results of the live polling and a record of comments received during the community workshop.

## City Council and Commission Study Sessions

*[Placeholder to describe all future Commission and City Council meetings.]*

## Summary of Community Feedback

The input received from the community and stakeholders was used to inform the understanding of the housing needs and priorities in El Cerrito. This local knowledge is incorporated into the Housing Element, in addition to federal, state, and local data, to identify local fair housing issues and constraints. Community input was considered during the preparation of the Housing Element and development of the policies and programs in Chapter 7, "Housing Plan." The following summarizes the key themes heard during the community engagement process and is not an exhaustive list of the community's input. Appendix B contains all comments received during the community engagement process.

### What do you think are the greatest challenges in El Cerrito?

*A selection of feedback shared from the live poll during the community workshop is presented below. See Appendix B for a complete record of input received.*

- Need for tenant protections.
- Disproportionate production of market rate and underproduction of affordable housing
- Better transit and better pedestrian access
- Reconciling the desire of a small-town environment with the need for more housing.
- Unaffordable housing, cost of development, unsustainability
- Lack of housing density near the plaza station
- Limited opportunities to build in hills and large minimum lot sizes
- Gentrification and equity for housing. I know too many people leaving El Cerrito due to affordability.
- Expensive housing pushing out existing residents and creating a wealthy monoculture
- Housing purchased by corporations for rental units

### Support for Building Affordable Housing

The following summarizes comments heard during the community engagement process related to building affordable housing.

- Upzoning is necessary; single-family zoning is dominant; not enough duplex, triplexes, and multi-plex development
- Lack of affordable housing options and suitable housing types; hard to even get on a waiting list
- Inclusionary housing does not produce enough affordable housing supply to meet the variety of household types
- Need affordable housing near public transportation and access to jobs
- Acute need for low- and very low-income households
- New and different opportunities for housing: tiny homes, social/shared housing, and land trusts
- Cost of homeownership can be a challenge for seniors on a fixed-income

- Homeownership is unattainable for many households due to lack of affordability and small supply
- Accessible housing for seniors and people with disabilities is needed
- Support for developing affordable housing on BART-owned land; also opposition, including concerns about the loss of parking and impacts on surrounding neighborhoods
- Make it easy to build ADU's to increase supply; adopt pre-approved plans

#### Concerns about Gentrification and Displacement

The following summarizes comments heard during the community engagement process related to gentrification and displacement.

- Renters are vulnerable to rent hikes without rent control
- Corporate purchases of homes decreases supply of homes
- Corporate buildings may not be compatible with the needs of all households
- Need for renter protections (including for single family homes)
- New housing pushes out existing residents
- City needs 100 percent of rentals participating in the rent registry
- Need zoning for better distribution of affordable housing in higher opportunity areas (i.e., "the hills")
- Renters are experiencing multiple housing issues; many homeowners are experiencing none
- Establish a residency requirement for home purchases before allowing the home to be used as a rental

#### Constraints on Housing Development

The following summarizes comments heard during the community engagement process related to constraints on housing development.

- Development fees are too expensive
- Cost of new construction is high
- NIMBY mentality to higher density housing
- Systemic racism: legacy of racial covenants, exclusionary zoning, and racial wealth gap
- City didn't adequately address displacement of Audiss RV park
- Empty storefronts
- Closing feasibility/financing gap
- Eliminate parking requirements; streamline permitting
- Government regulations limit housing and increase cost

#### Other Community Concerns

The following summarizes comments heard during the community engagement process related to building other community concerns.

- Homes in the hills are vulnerable to fire
- Resources and services are needed to address the critical issue of homelessness (e.g., transitional housing).
- Lack of safety for biking and walking on San Pablo Avenue
- Concerns about the design of buildings and need for amenities to ensure quality housing

# CHAPTER 2 | Housing Needs Assessment

This section begins with a description of demographic and employment characteristics of El Cerrito. The section then discusses projections, household characteristics and housing supply, and housing affordability. The section also discusses the housing needs of "special" population groups as defined in State law. Data for El Cerrito, Contra Costa County, and the Bay Area Region are presented for comparison or when city-level data are not available. This facilitates an understanding of El Cerrito's characteristics by illustrating how it is similar to or differs from the county and region in various aspects of demographic, employment, and housing characteristics and needs.

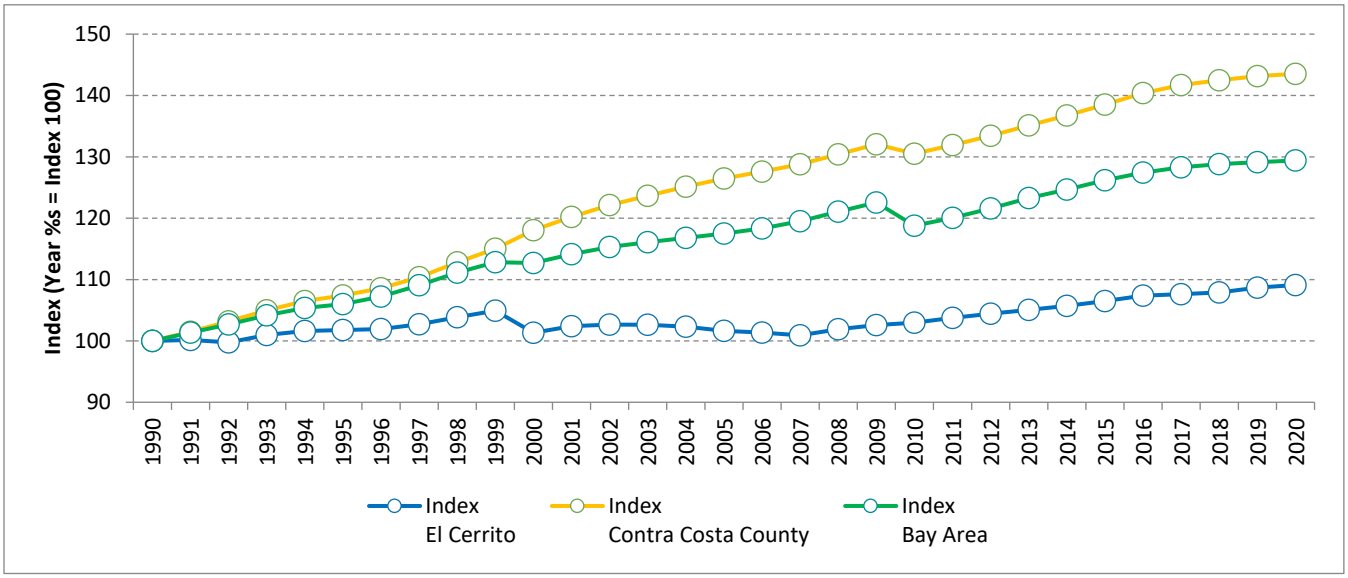
## 2.1 Population and Demographic Profile

The purpose of this section is to establish "baseline" population and employment characteristics for El Cerrito. The main source of the information was a data package prepared by the Association of Bay Area Governments (ABAG) that was pre-approved by HCD for use in the Housing Element. The data package includes information from several different sources, including the decennial U.S. Census, California Department of Finance (DOF), California Employment Development Department (EDD), U.S. Department of Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA), and other sources. However, the main source of information is the 2015-2019 American Community Survey (ACS).

### Population Trends

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990, except for a dip in 2009 during the Great Recession (see Figure 2-1). Many cities in the Bay Area have experienced significant growth in population and jobs, especially in the most recent decade. However, as shown in Figure 2-1 and Table 2-1, population growth in El Cerrito has been slower than population growth in Contra Costa County and the Bay Area region. The population of El Cerrito made up 2.4 percent of Contra Costa County (see Table 2-1) in 2020 and is projected to comprise only 2.1 percent in 2040.

Figure 2-1: Regional Population Trends, El Cerrito, Contra Costa County, and Bay Area, 1990-2020




The data shown on the graph represents population for the jurisdiction, county, and region indexed to the population in the year 1990. The data points represent the population growth (i.e., percent change) in each of these geographies relative to their populations in 1990.

Source: ABAG Housing Element Data Package, POPEMP-01. California Department of Finance, E-5 series.

Table 2-1 Population Growth Trends, El Cerrito, Contra Costa County, and Bay Area, 2000-2020

| Jurisdiction | 2000 | 2010 | 2020 | Percent Change 2000-2010 | Percent Change 2010-2020 | Percent Change 2000-2020 |
|---|---|---|---|---|---|---|
| El Cerrito | 23,171 | 23,549 | **24,953** | 1.6% | 6.0% | 7.7% |
| Contra Costa County | 948,816 | 1,049,025 | **1,153,561** | 10.6% | 10.0% | 21.6% |
| Bay Area | 6,784,348 | 7,150,739 | **7,790,537** | 5.4% | 9.0% | 14.8% |

Source: ABAG Housing Element Data Package. California Department of Finance, E-5 Population Estimates for Cities, Counties, and the State.

### Projected Population Growth

ABAG produces population estimates as part of its program of projecting future growth in the Bay Area. The projections provide a quantitative basis for how the region will accommodate anticipated growth if local jurisdictions adopt a set of policies consistent with the vision of Plan Bay Area. Table 2-2 displays ABAG's estimates for the period between 2020 and 2040. According to Plan Bay Area Projections 2040, Contra Costa County is projected to increase by 22.9 percent (or 258,635 people) between 2020 and 2040. El Cerrito, a mostly built out city, is expected to increase by 8.3 percent (or 2,230 new residents) by 2040, representing one of the smallest percent change in population among cities in the county (7th out of 20 jurisdictions).

Table 2-2 Projected Population Growth, Contra Costa County Jurisdictions, 2020-2040

| Jurisdiction | 2020 | 2030 | 2040 | Change 2020-2040 | Percent Change 2020-2040 |
|---|---|---|---|---|---|
| Antioch | 103,595 | 112,960 | 130,725 | 27,130 | 26.2% |
| Brentwood | 52,745 | 60,320 | 84,460 | 31,715 | 60.1% |
| Clayton | 10,630 | 11,070 | 11,255 | 625 | 5.9% |
| Concord | 134,605 | 177,740 | 185,850 | 51,245 | 38.1% |
| Danville | 44,625 | 46,450 | 47,350 | 2,725 | 6.1% |
| **El Cerrito** | **26,845** | **28,090** | **29,075** | 2,230 | 8.3% |
| Hercules | 25,135 | 25,885 | 28,700 | 3,565 | 14.2% |
| Lafayette | 24,865 | 25,635 | 26,815 | 1,950 | 7.8% |
| Martinez | 36,660 | 38,480 | 40,035 | 3,375 | 9.2% |
| Moraga | 16,560 | 17,130 | 18,080 | 1,520 | 9.2% |
| Oakley | 35,360 | 48,450 | 54,435 | 19,075 | 53.9% |
| Orinda | 17,960 | 18,260 | 18,745 | 785 | 4.4% |
| Pinole | 19,615 | 20,830 | 21,390 | 1,775 | 9.0% |
| Pittsburg | 73,055 | 75,600 | 91,615 | 18,560 | 25.4% |
| Pleasant Hill | 33,590 | 35,065 | 35,925 | 2,335 | 7.0% |
| Richmond | 126,385 | 144,950 | 164,220 | 37,835 | 29.9% |
| San Pablo | 31,555 | 32,845 | 34,090 | 2,535 | 8.0% |
| San Ramon | 76,485 | 79,520 | 84,165 | 7,680 | 10.0% |
| Unincorporated Contra Costa | 169,375 | 184,585 | 199,105 | 29,730 | 17.6% |
| Walnut Creek | 69,010 | 73,915 | 81,265 | 12,255 | 17.8% |
| **Contra Costa County** | **1,128,660** | **1,257,790** | **1,387,295** | **258,635** | **22.9%** |

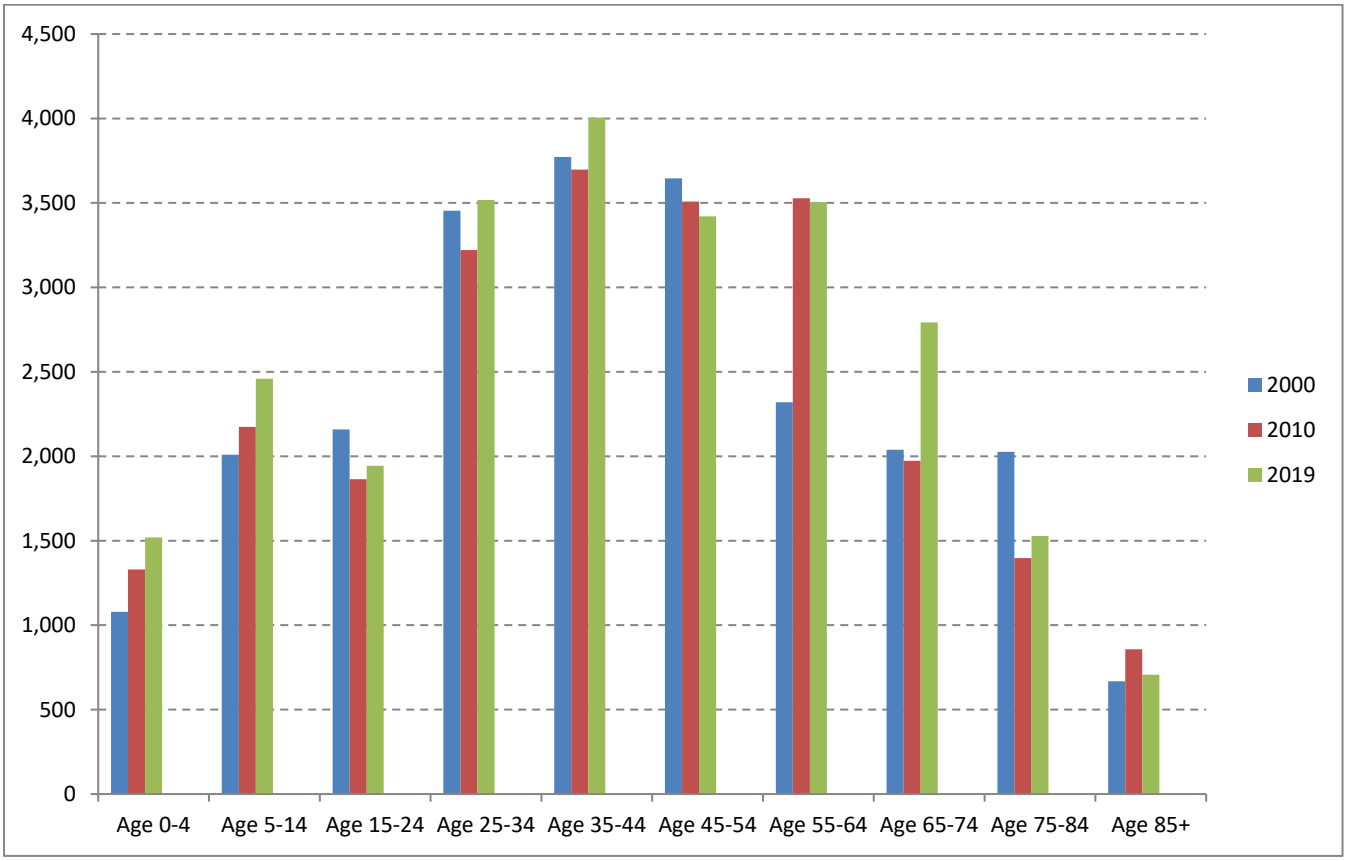
Source: Projections 2040 MTC/ABAG; Data downloaded 2022.

## Age Distribution

The distribution of age groups in a city can be telling of what types of housing the community needs or may need in the future. An increase in the older population may mean there is a developing need for more senior housing options, while higher numbers of children and young families can point to the need for more family housing options and related services. There has also been a move by many to age-in-place or downsize to stay within their communities, which can mean more multifamily and accessible units are also needed. Figure 2-2 shows the age distribution for El Cerrito as estimated in 2019 and Table 2-3 shows the population distribution by age groups in the city in comparison to the county and the state in 2010 and 2019.

In 2000, the median age in El Cerrito was 41.9; by 2019, the median age increased to about 42 years. It is also noted that the population of residents under the age of 14 have increased since 2010, as well as the 65-and-over population (see Figure 2-2).

Figure 2-2: Population by Age, El Cerrito, 2019




Source: ABAG Housing Element Data Package, POPEMP-04. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001.

Overall, the population of the city has skewed slightly older from 2010 to 2019. In El Cerrito, persons 65 years of age and over accounted for about 18 percent of the total population (4,227 persons) in 2010, but in 2019 they made up nearly 20 percent of the total population (5,028 persons). Specifically, the 65-74 age group was the fastest growing segment of population in El Cerrito between 2010 and 2019, growing by over 41 percent. The population of older residents within El Cerrito, commonly known as the "baby boomers" (the generation of people born between 1946 and 1964), is projected to grow during the planning period. This indicates a growing need for senior housing, assisted living, and programs that support seniors aging in place.

Table 2-3 Population by Age, El Cerrito, Contra Costa County, and California, 2010 and 2019

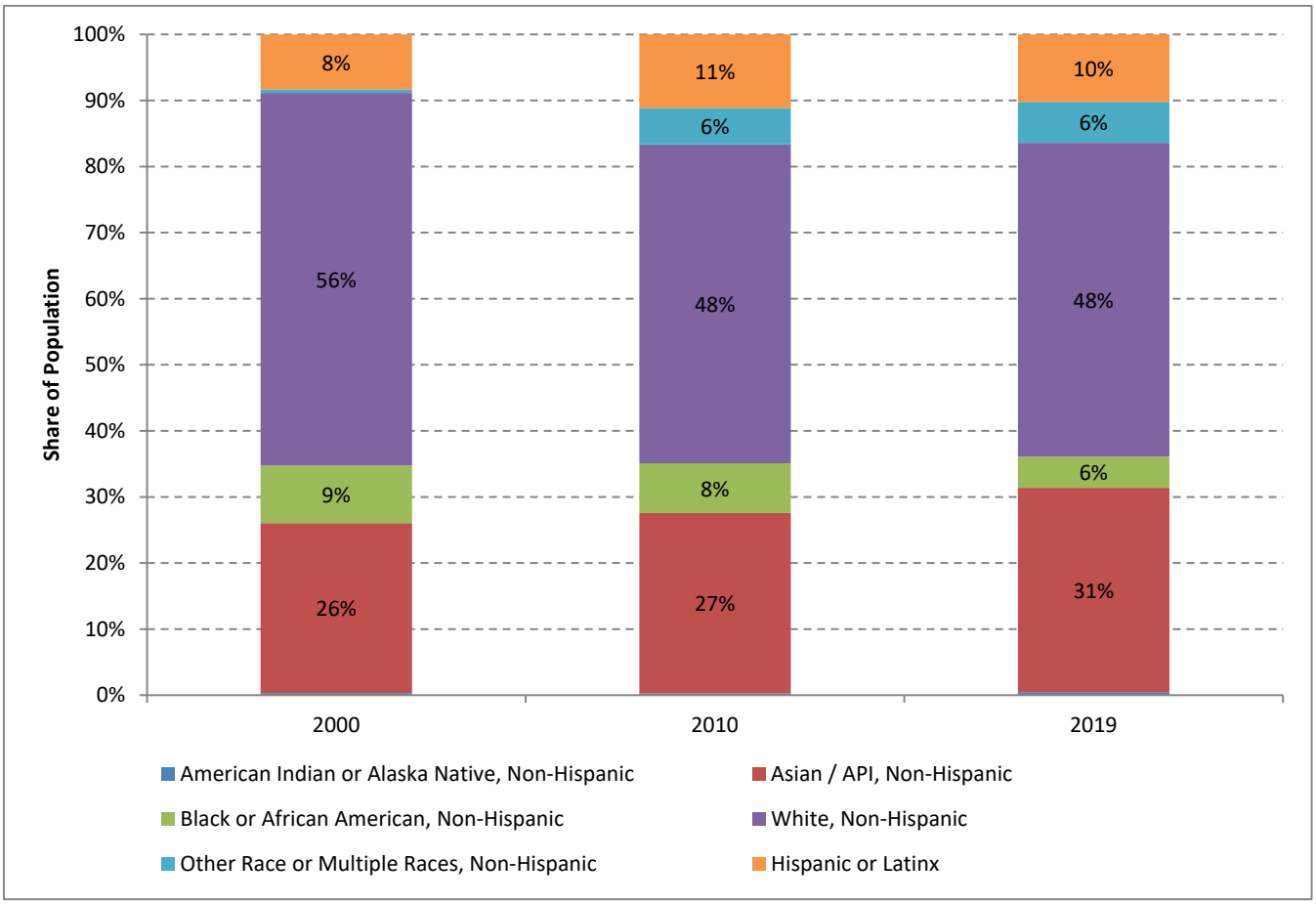
| Age Group | 2010 | | 2019 | | Percent Change 2010-2019 |
|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | |
| **El Cerrito** | | | | | |
| Age 0-4 | 1,330 | 6% | 1,519 | 10% | 14.2% |
| Age 5-14 | 2,174 | 9% | 2,459 | 8% | 13.1 % |
| Age 15-24 | 1,864 | 8% | 1,944 | 14% | 4.3% |
| Age 25-34 | 3,221 | 14% | 3,517 | 16% | 9.2% |
| Age 35-44 | 3,697 | 16% | 4,005 | 13% | 8.3% |
| Age 45-54 | 3,508 | 15% | 3,421 | 14% | -2.5% |
| Age 55-64 | 3,528 | 15% | 3,505 | 11% | 0.7% |
| Age 65-74 | 1,973 | 8% | 2,793 | 6% | 41.6% |
| Age 75-84 | 1,397 | 6% | 1,528 | 3% | 9.4% |
| Age 85+ | 857 | 4% | 707 | 10% | -17.5% |
| Total | 23,549 | 100.0% | 25,398 | 100.0% | 7.9% |
| Median Age | 35.6 | -- | 35.3 | -- | -0.8% |
| **Contra Costa County** | | | | | |
| Age 0-4 | 124,911 | 7.2% | 116,508 | 6.0% | -7.2% |
| Age 5-14 | 227,200 | 13.1% | 241,580 | 12.5% | 6.0% |
| Age 15-24 | 225,435 | 13.0% | 234,424 | 12.2% | 3.8% |
| Age 25-34 | 267,893 | 15.4% | 309,599 | 16.1% | 13.5% |
| Age 35-44 | 279,702 | 16.1% | 279,571 | 14.5% | 0.0% |
| Age 45-54 | 254,289 | 14.6% | 266,848 | 13.8% | 4.7% |
| Age 55-64 | 173,392 | 10.0% | 224,766 | 11.7% | 22.9% |
| Age 65-74 | 99,382 | 5.7% | 141,994 | 7.4% | 30.0% |
| Age 75-84 | 62,642 | 3.6% | 77,225 | 4.0% | 18.9% |
| Age 85+ | 24,550 | 1.4% | 34,955 | 1.8% | 29.8% |
| Total | 1,739,396 | 100.0% | 1,927,470 | 100.0% | 9.8% |
| Median Age | 35.8 | -- | 37.1 | -- | 3.5% |
| **California** | | | | | |
| Age 0-4 | 2,545,065 | 6.9% | 2,451,528 | 6.2% | -3.8% |
| Age 5-14 | 5,092,471 | 13.9% | 5,043,689 | 12.8% | -1.0% |
| Age 15-24 | 5,501,809 | 15.0% | 5,316,737 | 13.5% | -3.5% |
| Age 25-34 | 2,698,489 | 7.4% | 5,967,864 | 15.2% | 54.8% |
| Age 35-44 | 5,236,909 | 14.3% | 5,205,887 | 13.3% | -0.6% |
| Age 45-54 | 5,288,140 | 14.4% | 5,101,422 | 13.0% | -3.7% |
| Age 55-64 | 3,764,850 | 10.3% | 4,710,329 | 12.0% | 20.1% |
| Age 65-74 | 2,135,547 | 5.8% | 3,172,271 | 8.1% | 32.7% |
| Age 75-84 | 1,366,990 | 3.7% | 1,600,241 | 4.1% | 14.6% |
| Age 85+ | 558,059 | 1.5% | 713,529 | 1.8% | 21.8% |
| Total | 36,637,290 | 100.0% | 39,283,497 | 100.0% | 6.7% |
| Median Age | 34.9 | -- | 36.5 | -- | 4.4% |

Source: ABAG Housing Element Data Package, POPEMP-04. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001.

## Racial and Ethnic Composition

Since 2000, the percentage of residents in El Cerrito identifying as White, non-Hispanic has decreased while the percentage of residents of all other races and ethnicities has increased by 8 percentage points (see Figure 2-3). According to U.S. Census data, the Asian/Pacific Islander category and Other Race or Multiple Races category populations increased the most while the White, Non-Hispanic population decreased the most.

Figure 2-3: Population by Race and Ethnicity*, El Cerrito, 2000-2019



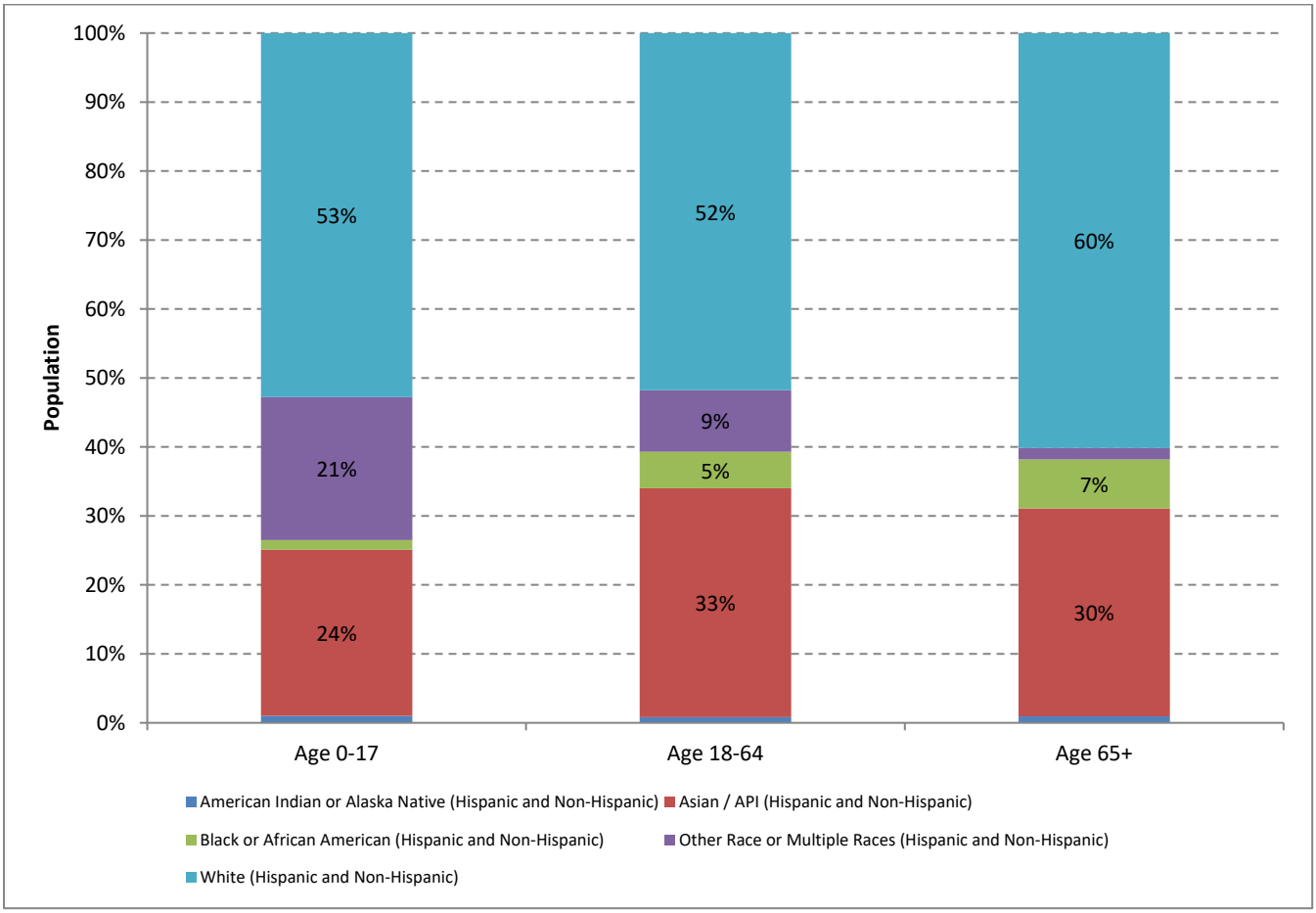

*The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.

Source: ABAG Housing Element Data Package, Table POPEMP-04. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002

### Senior and Youth Population by Race

The racial composition of the senior and youth population in El Cerrito provides an additional layer of understanding of the housing needs of families and seniors of color Below Figure 2-4 indicates people of color, or all non-White racial groups, make up 40 percent of seniors and 47 percent of youth under 18.

Figure 2-4: Senior and Youth Population by Race*, El Cerrito, 2019




* The Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity in the source of this information (Table B01001), so each racial category accounts for Hispanic / non-Hispanic ethnic characteristics.

Source: ABAG Housing Element Data Package, POPEMP-04. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001.

## Non-English Speakers

California has long been an immigration gateway to the United States, which means that many languages are spoken throughout the Bay Area. Since learning a new language is universally challenging, it is common for residents who have immigrated to the United States to have limited English proficiency. This limit can lead to additional disparities if there is a disruption in housing, such as an eviction or other tenant-landlord dispute. According to the American Community Survey, 6.2 percent of El Cerrito residents 5 years and older identify as speaking English less than "very well." This is similar to the proportion for Contra Costa County (6.4 percent). Throughout the Bay Area the proportion of residents 5 years and older with limited English proficiency is 7.8 percent.

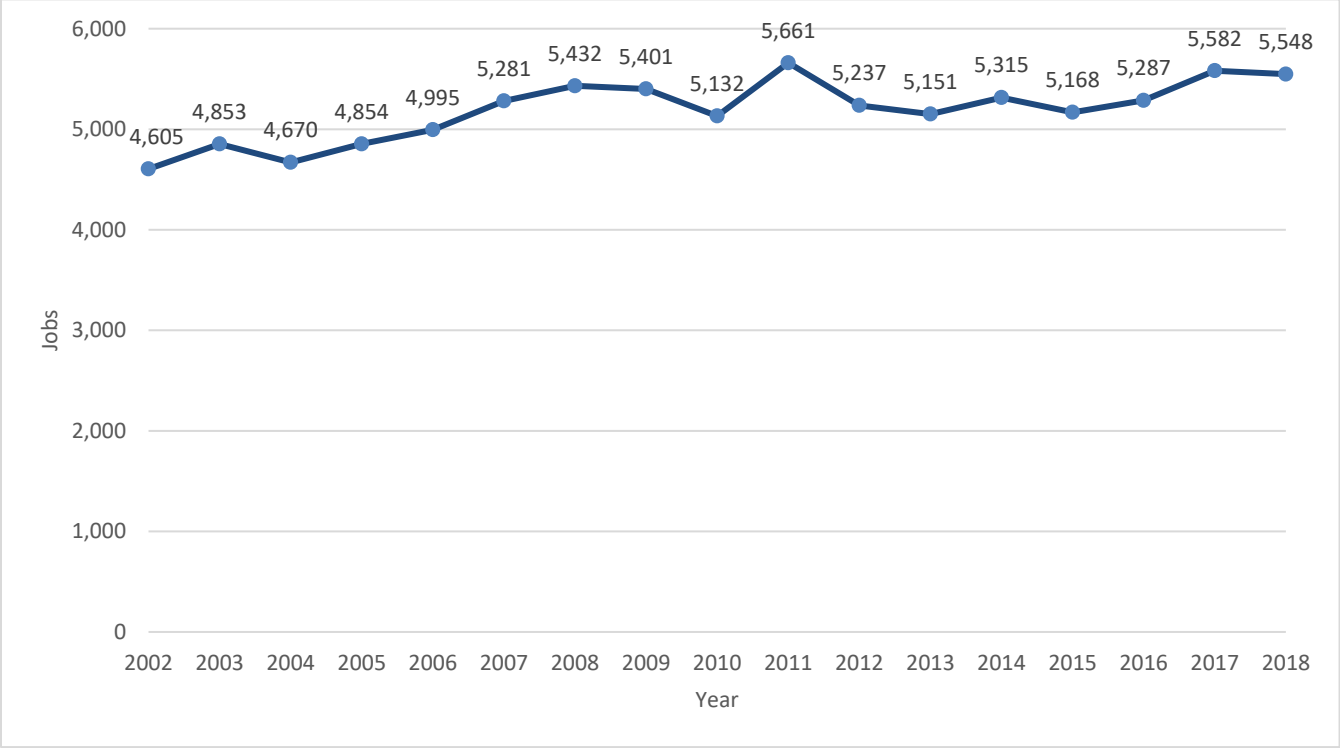
## 2.2 Employment Trends

This section describes employment trends in El Cerrito to provide insight into their potential earning power and the type of housing workers can likely afford. Information on the local workforce and how it is changing over time can help estimate potential housing and employment needs in the future. The overall number of jobs within El Cerrito as well as the employment by sector of residents of El Cerrito are both analyzed to provide an understanding of employment opportunities within the city and the region.

### Industry Sector Composition

Between 2002 and 2018, the number of jobs in El Cerrito increased by 20.5 percent (see Figure 2-5) from about 4,600 jobs in 2002 to 5,548 jobs in 2018. Figure 2-6 shows El Cerrito's employment industry in terms of industry sectors. The largest industry that El Cerritans work in is health and educational services (38 percent). Similarly, in Contra Costa County and the Bay Area as a whole, the health and educational services industry also employs the most workers, 31 and 30 percent respectively, followed by the financial & professional services industry (25 and 26 percent).

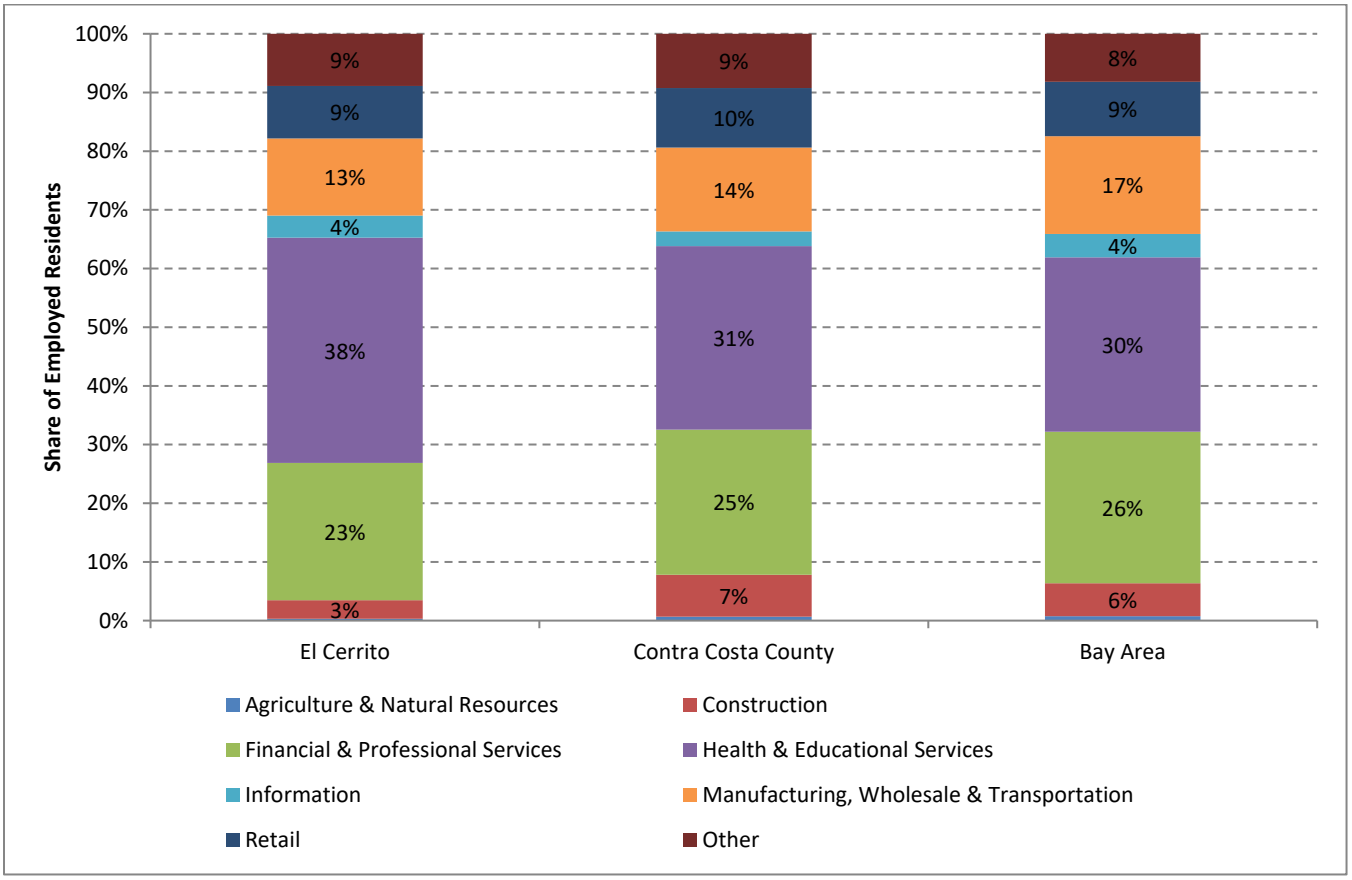
Figure 2-5: Jobs in El Cerrito (2002-2018)




Note: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are cross walked to jurisdictions and summarized.

Source: ABAG Housing Element Data Package, Table POPEMP-11. U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018.

Figure 2-6: Resident Employment by Industry, El Cerrito, Contra Costa County, Bay Area, 2019




Note: The data displayed shows the industries in which jurisdiction residents work, regardless of the location where those residents are employed (whether within the jurisdiction or not).

Source: ABAG Housing Element Data Package, POPEMP-06. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C24030.

## Balance of Jobs, Housing and Workers

A city houses employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a city may have job sites that employ residents from the same city, but more often employ workers commuting from outside of it. Smaller cities typically will have more employed residents than jobs there and export workers, while larger cities tend to have a surplus of jobs and import workers.

### Jobs-Worker Ratios by Wage Group

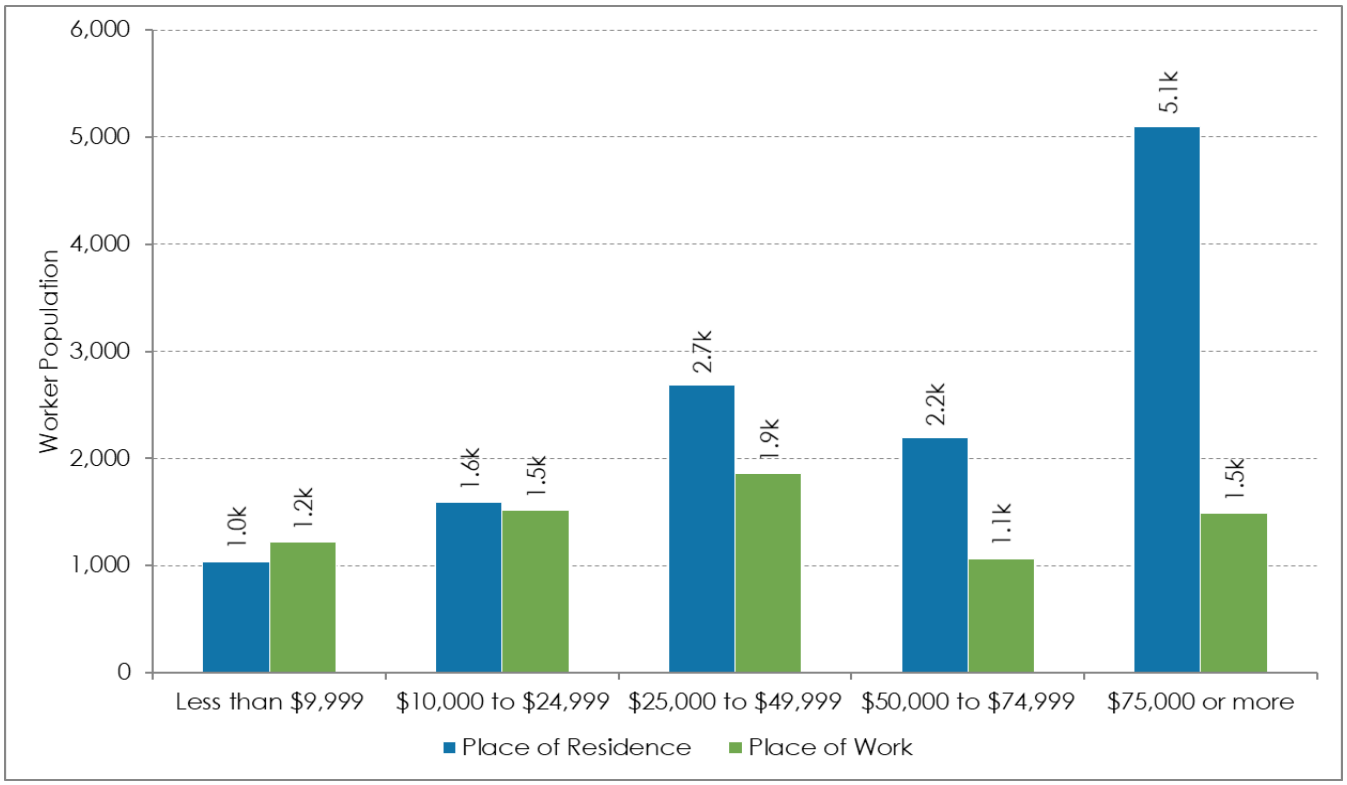
Figure 2-7 compares jobs in El Cerrito to workers living in El Cerrito, broken down by different wage groups. The data shows that El Cerrito generally has more residents than jobs, with the biggest gap being in the highest income group. This means higher-wage workers are commuting out of El Cerrito for work.

### Jobs-Household Ratio

To some extent the regional transportation system is set up for this flow of workers to the region's core job centers but balances between jobs and workers may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly where job growth has been in relatively lower wage jobs. This dynamic not only means many workers will need to prepare for long commutes and time spent on the road, but in the aggregate, it contributes to traffic congestion and time lost for all road users. As shown in Figure 2-8, El Cerrito's jobs-household ratio increased from 0.45 in 2002, to 0.54 jobs per household in 2018. Between 2002 and 2018, the number of jobs in El Cerrito increased by 20.5 percent. While a jobs-household ratio of 1 would indicate there is one job for every

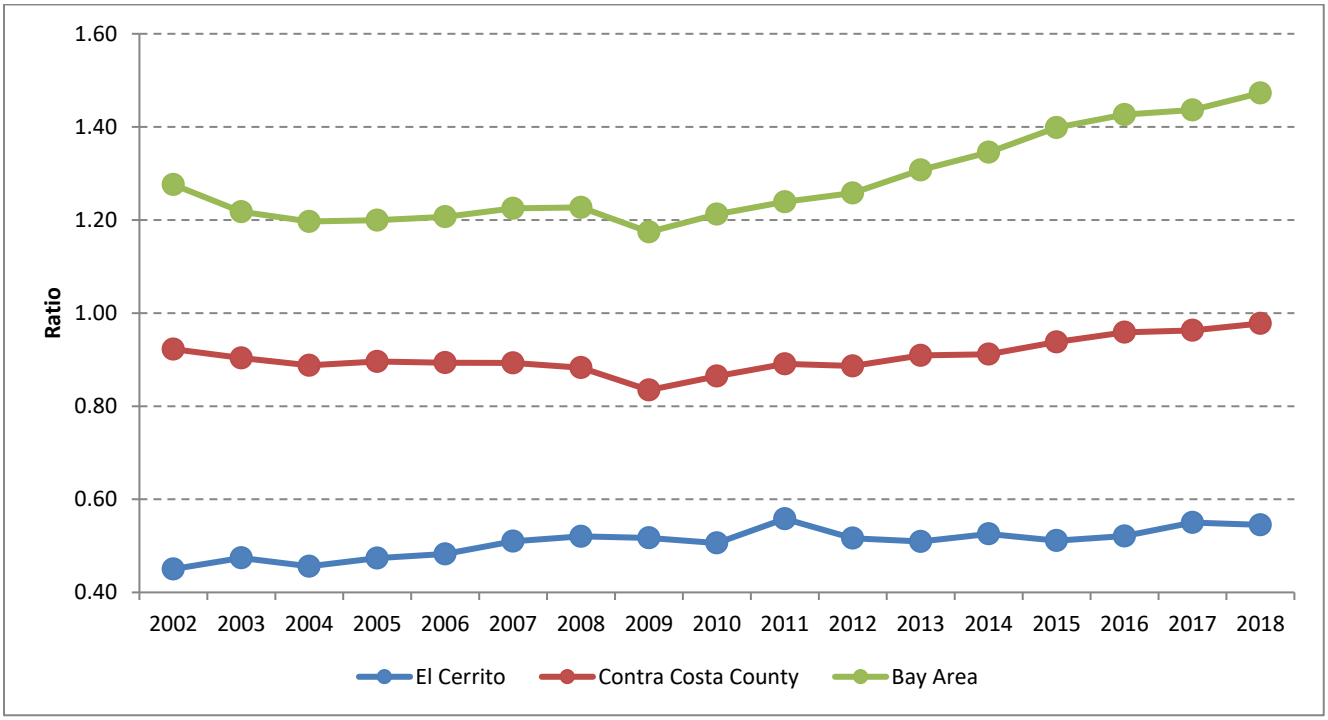
household, a ratio of 0.54 indicates that El Cerrito has around 1 job for every two households. In comparison the Bay Area overall had a ratio of 1.47 in 2018, indicating that there are more jobs than there are households and that for every 3 jobs there are two households. In addition, since 2009 the jobs-household ratio in the Bay Area overall increased at a much higher rate than in El Cerrito or Contra Costa County. The low ratio in El Cerrito in relation to the high ratio in the Bay Area overall indicates that people who live in El Cerrito work elsewhere in the Bay Area. In addition, because of the relatively small size of El Cerrito, the presence of two BART stations, and the relative proximity to other regional employment centers, people that live in El Cerrito have the ability to access jobs nearby. For more information on transportation access in the city, see Section 3.5 of the Fair Housing Assessment (Chapter 3).

Figure 2-7: Workers by Earnings as Place of Work and Place of Residence, El Cerrito, 2019




Source: ABAG Housing Element Data Package, Table POPEMP-10. U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519.

Figure 2-8: Jobs: Household Ratio, El Cerrito, Contra Costa County, and Bay Area, 2002-2018

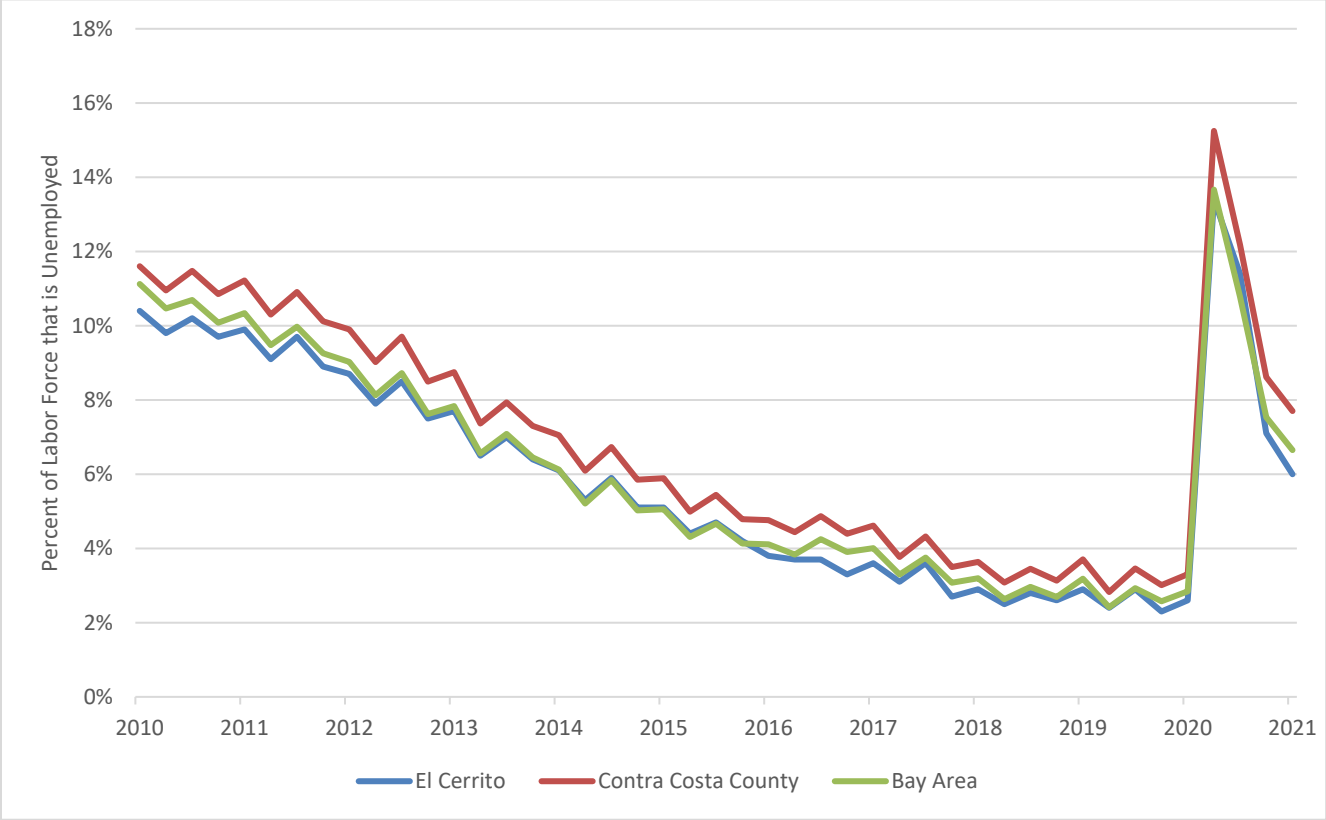



Source: ABAG Housing Element Data Package, POPEMP-13. U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-5 (Households).

## Unemployment

As shown in Figure 2-9, in El Cerrito, there was a 4.4 percentage point decrease in the unemployment rate between January 2010 and January 2021. Jurisdictions throughout the region experienced a sharp rise in unemployment in 2020 due to impacts related to the COVID-19 pandemic, with a general improvement and recovery in the later months of 2020.

Figure 2-9: Average Unemployment Rates, El Cerrito, Contra Costa County, and Bay Area, 2010-2021




Source: ABAG Housing Element Data Package, POPEMP15. California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021.

## Projected Employment Growth

According to the ABAG 2040 Projections, the number of employed residents in Contra Costa County is projected to increase from 589,810 in 2020 to 665,875 in 2040, an increase of 12.9 percent. While the number of employed residents in Contra Costa County is expected to grow, it is estimated to remain relatively constant in El Cerrito. In El Cerrito, the total number of employed residents is projected to increase by less than one percent between 2020 and 2040, with a decrease anticipated between 2030 and 2040 (see Table 2-4). This is reflective of the projected population growth in Contra Costa County, which is expected to grow at a rate much higher than that of El Cerrito (see Figure 2-1 and Table 2-2). Furthermore, it is important to note that employed residents is not reflective of the number of jobs locally within El Cerrito, and is a broader measure of the number of people living in El Cerrito that are employed.

Table 2-4 Employed Residents, Contra Costa County Jurisdictions, 2020-2040

| | *2020* | *2030* | *2040* | *Change 2020-2040* | *Percent Change 2020-2040* |
|---|---|---|---|---|---|
| Antioch | 53,060 | 55,185 | 61,020 | 7,960 | 15.0% |
| Brentwood | 19,450 | 21,345 | 29,030 | 9,580 | 49.3% |
| Clayton | 7,040 | 7,135 | 6,975 | -65 | -0.9% |
| Concord | 74,380 | 94,610 | 93,480 | 19,100 | 25.7% |
| Town of Danville | 26,090 | 26,910 | 26,630 | 540 | 2.1% |
| **El Cerrito** | **16,075** | **16,350** | **16,170** | **95** | **0.6%** |
| Hercules | 14,390 | 14,430 | 15,300 | 910 | 6.3% |
| Lafayette | 14,610 | 14,920 | 15,030 | 420 | 2.9% |
| Martinez | 22,045 | 22,250 | 22,000 | -45 | -0.2% |
| Town of Moraga | 9,045 | 9,285 | 9,400 | 355 | 3.9% |
| Oakley | 16,120 | 21,470 | 23,080 | 6,960 | 43.2% |
| Orinda | 10,270 | 10,495 | 10,435 | 165 | 1.6% |
| Pinole | 10,550 | 10,820 | 10,665 | 115 | 1.1% |
| Pittsburg | 34,495 | 33,660 | 39,380 | 4,885 | 14.2% |
| Pleasant Hill | 19,660 | 19,960 | 19,550 | -110 | -0.6% |
| Richmond | 58,045 | 63,300 | 70,010 | 11,965 | 20.6% |
| San Pablo | 12,850 | 12,950 | 12,840 | -10 | -0.1% |
| San Ramon | 44,780 | 45,920 | 46,940 | 2,160 | 4.8% |
| Walnut Creek | 88,515 | 92,895 | 95,700 | 7,185 | 8.1% |
| Unincorporated | 38,345 | 39,940 | 42,240 | 3,895 | 10.2% |
| **Contra Costa County** | **589,810** | **633,830** | **665,875** | **76,065** | **12.9%** |

Source: Projections 2040 MTC/ABAG; Data downloaded 2022.

## 2.3 Household Characteristics

Household type and size, income levels, and the size and types of special needs populations all affect the type of housing needed by residents. This section describes the various household characteristics contributing to housing needs in El Cerrito.

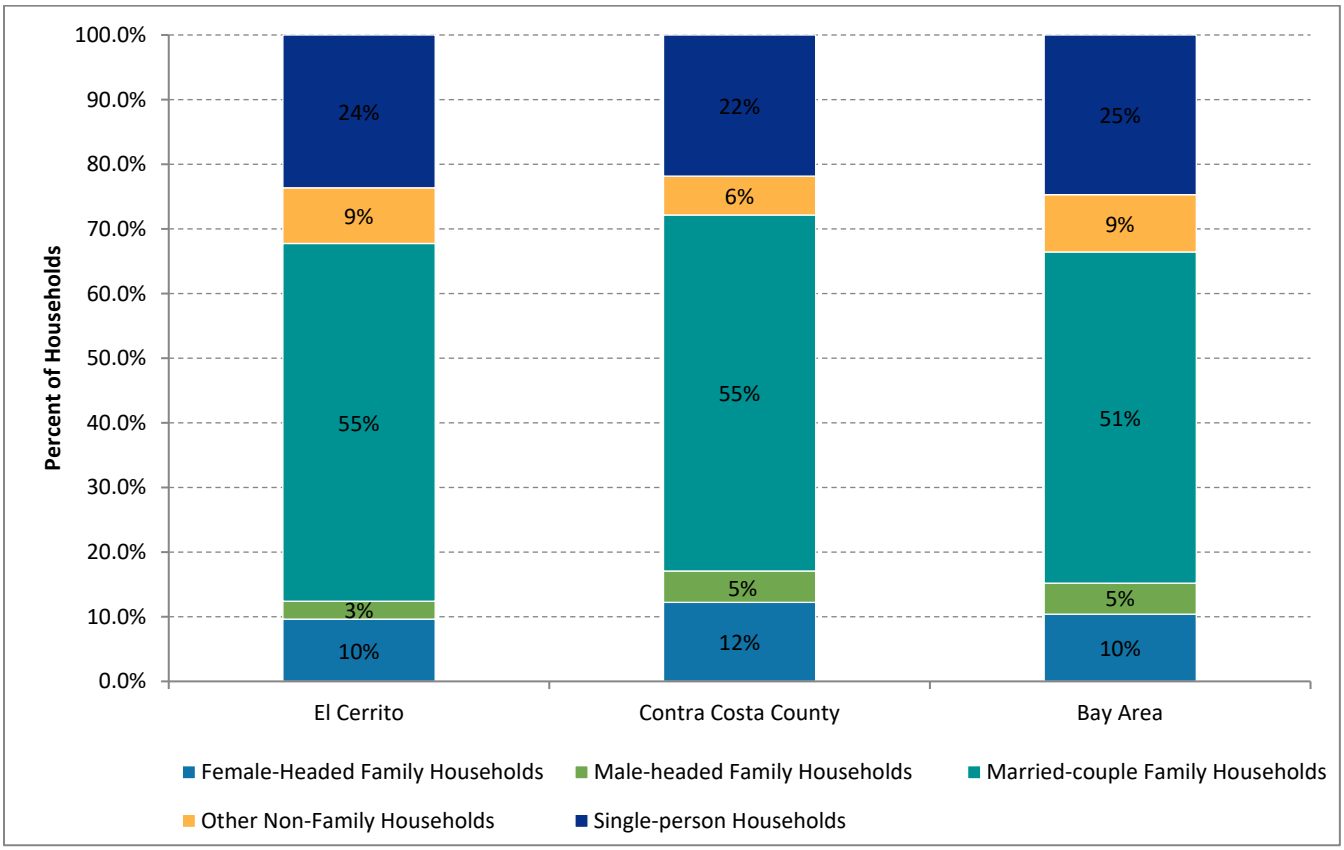
### Household by Type

A household is defined by the U.S. Census as all persons living in a housing unit. For the purpose of the data presented in this section, families are a type of household and include people related by blood, marriage, or adoption who live together. A single person living alone is also a household. "Other" types of households are unrelated people residing in the same dwelling unit. People living in group quarters, such as dormitories or convalescent homes, are not counted as households.

As shown in Figure 2-10 below, the largest proportion of households in El Cerrito are married-couple family households at 55 percent of total households, which is the same as the percentage of married-couple households countywide (55 percent) and higher than the Bay Area (51 percent). El Cerrito also continues to have a high proportion of single-person households (24 percent), higher than the County (22 percent) and slightly lower than the Bay Area (25 percent).

Single female-headed households with dependents make up about 10 percent of all households in El Cerrito, which is less than the percentage of female-headed households in Contra Costa County (12 percent) and the same as in the Bay Area (10 percent). These household data support the need for smaller, higher density and mixed-use units close to transportation and services, as well as larger housing types suitable for families.

Figure 2-10: Households by Type, El Cerrito, 2015-2019

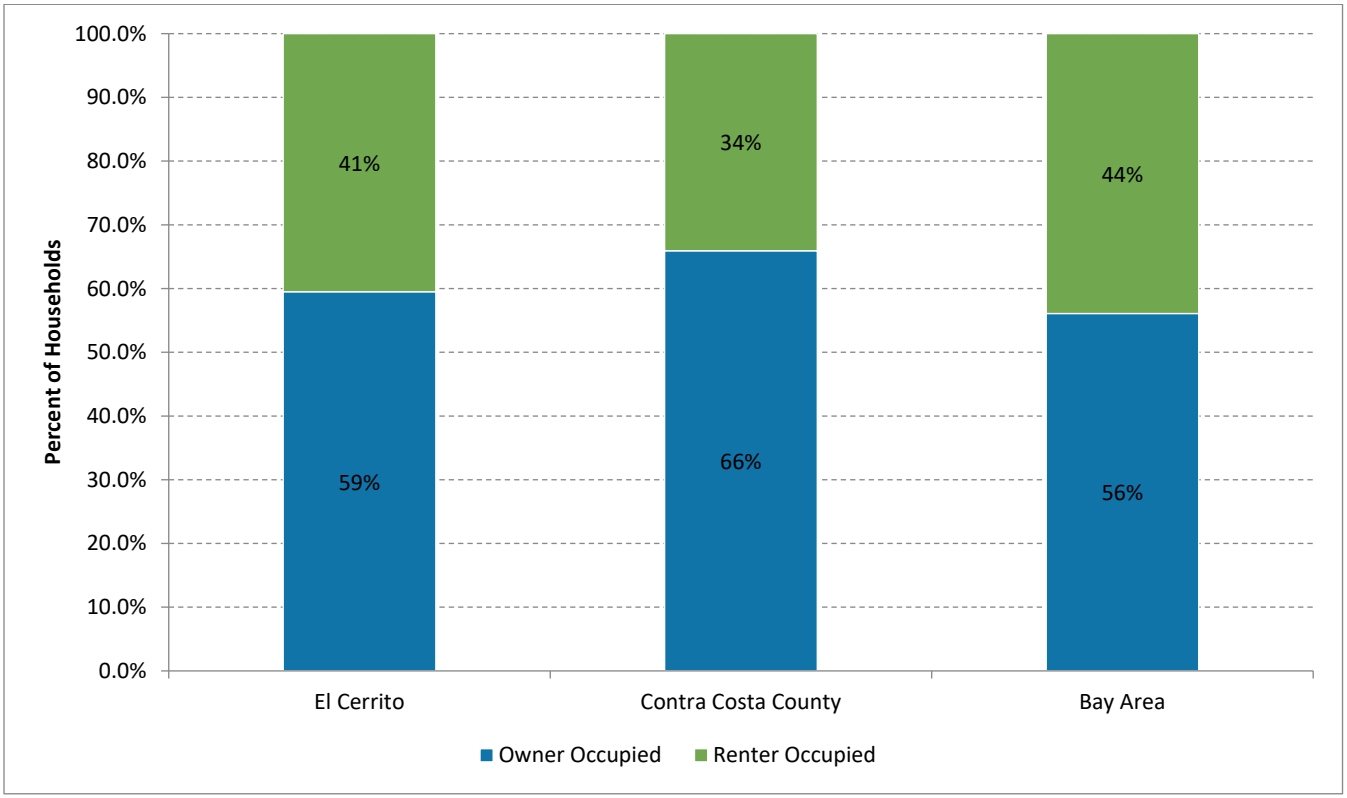



Source: ABAG Housing Element Data Package, POPEMP-23. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001

## Housing Tenure

The number of residents who own their homes compared to those who rent their homes can help identify the level of housing insecurity – ability for individuals to stay in their homes – in a city and region. Generally, renters may be displaced more quickly if prices increase. In El Cerrito there are a total of 10,034 households. Of those households, there are more residents who are homeowners than there are renters: 59 percent versus 41 percent (see Figure 2-11). By comparison, 34 percent of households in Contra Costa County are renters, while 44 percent of Bay Area households rent their homes. The percentage of renters in El Cerrito is expected to increase in the future as more multifamily rental housing is built within the San Pablo Avenue Specific Plan Area.

Figure 2-11: Housing Tenure, El Cerrito, Contra Costa County, and the Bay Area, 2015-2019

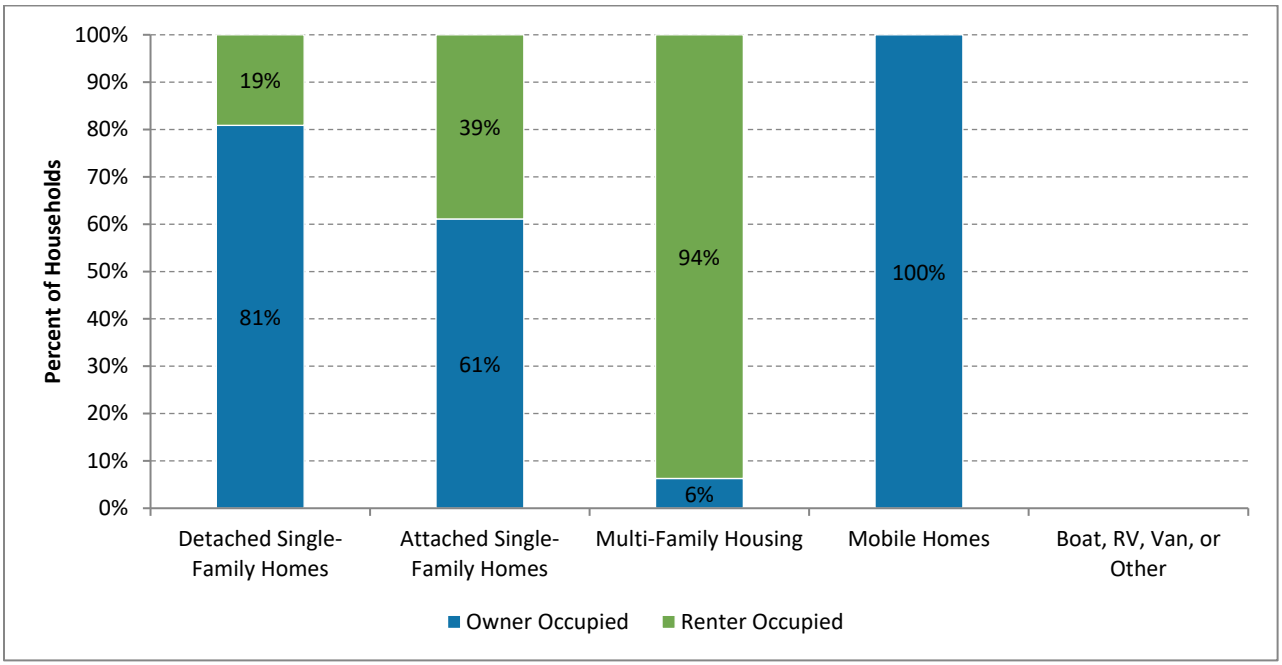



Source: ABAG Housing Element Data Package, POPEMP-17. U.S. Census Bureau, Census 2000 SF1, Table H04; U.S. Census Bureau, Census 2010 SF1, Table H04; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003

## Housing Tenure by Housing Type

In many cities, homeownership rates for households in single-family homes are substantially higher than the rates for households in multi-family housing. In El Cerrito, 80.9 percent of households in detached single-family homes are homeowners, while 6.3 percent of households in multi-family housing are homeowners (see Figure 2-12). In El Cerrito, the largest proportion of the housing stock was built 1940 to 1959, with 5,225 units constructed during this period. However, between 2015 and 2019, 553 housing units were issued permits in El Cerrito. Of units constructed, the area of greatest change was an increase in multifamily with 5 or more units.

Figure 2-12: Housing Tenure by Housing Type, El Cerrito, 2015-2019

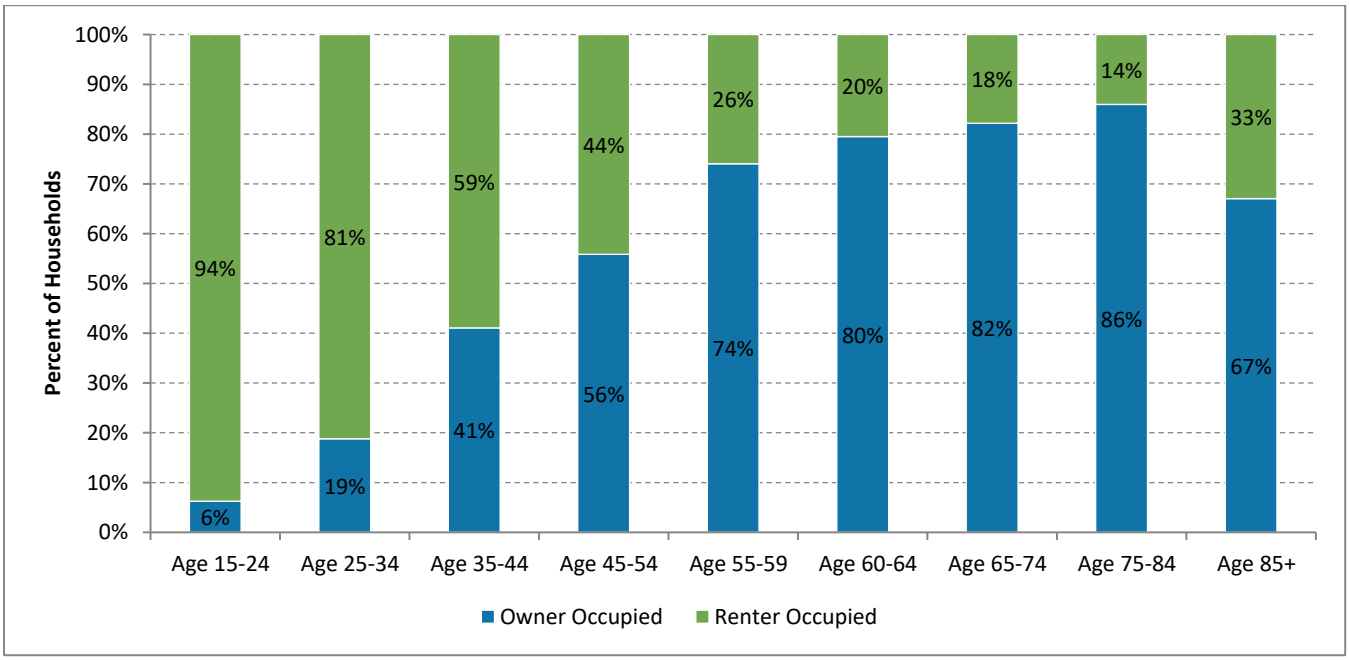



Source: ABAG Housing Element Data Package. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25032.

## Housing Tenure by Age

The age of residents who rent or own their home can also signal the housing challenges a community is experiencing. Younger households tend to rent and may struggle to buy a first home in the Bay Area due to high housing costs. At the same time, senior homeowners seeking to downsize may have limited options in an expensive housing market. In El Cerrito, 68 percent of householders between the ages of 25 and 44 are renters, while 19 percent of householders over 65 years old are renters (see Figure 2-13).

Figure 2-13: Housing Tenure by Age, El Cerrito, 2015-2019

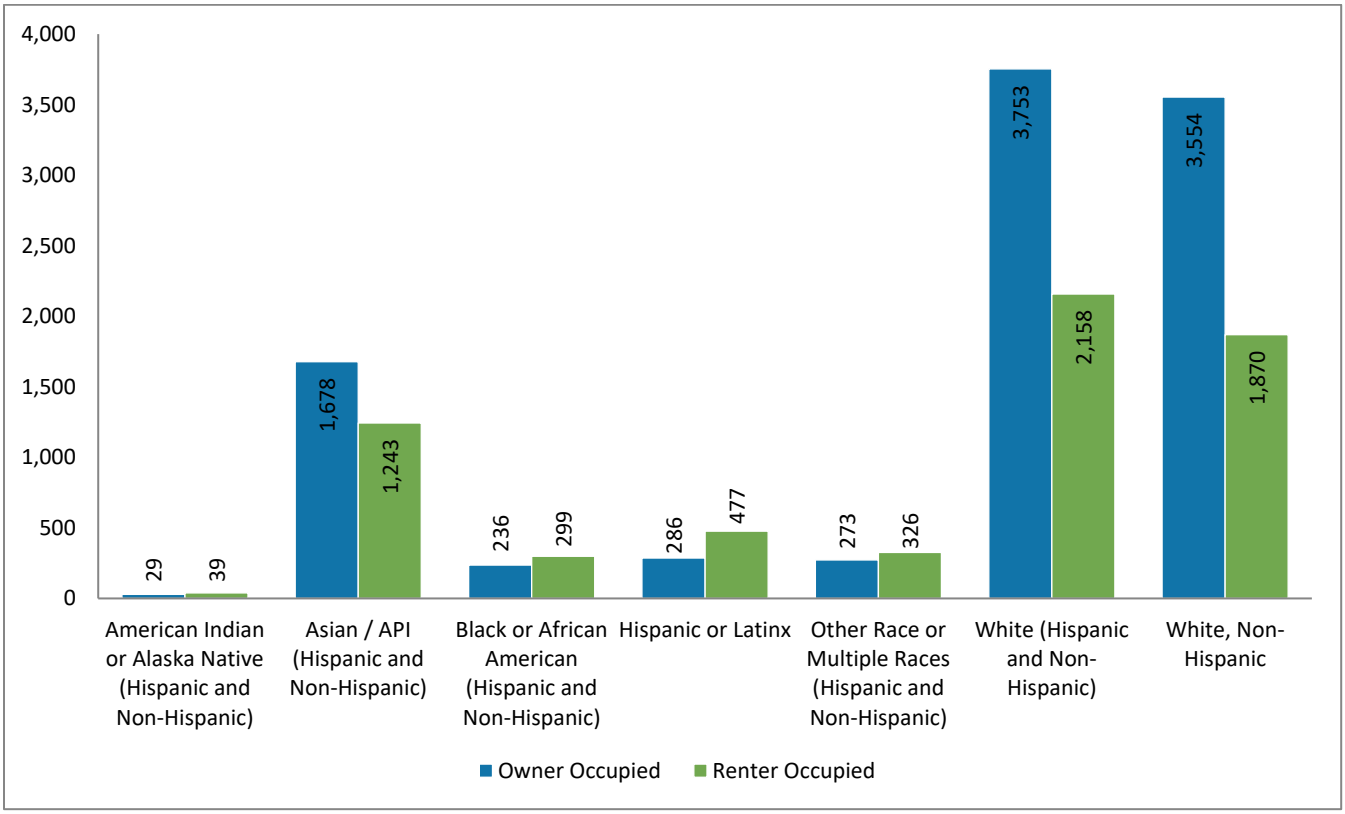



Source: Source: ABAG Housing Element Data Package. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25007.

## Housing Tenure by Race and Ethnicity

Homeownership rates often vary considerably across race/ethnicity in the Bay Area and throughout the country. These disparities not only reflect differences in income and wealth but also stem from federal, state, and local policies that limited access to homeownership for communities of color while facilitating homebuying for white residents. While many of these policies, such as redlining, have been formally disbanded, the impacts of race-based policy are still evident across Bay Area communities. In El Cerrito, 44.1 percent of Black households owned their homes, while homeownership rates were 57.4 percent for Asian households, 37.5 percent for Latinx households, and 63.5 percent for White households. Notably, recent changes to state law require local jurisdictions to examine these dynamics and other fair housing issues when updating their housing elements. (see Figure 2-14).

Figure 2-14: Housing Tenure by Race*, El Cerrito, 2015-2019




* The Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity in the source of this information (Table B25003), so each racial category accounts for Hispanic / non-Hispanic ethnic characteristics.

Source: ABAG Housing Element Data Package, POPEMP-20. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I).

## Household Income Characteristics

Household income is the most important factor affecting housing opportunity, as it determines a household's ability to afford its preferred type and location of housing, and to balance housing costs with other basic necessities of life. Income levels can vary considerably among households based on age, number of workers per household, education level, type of employment, and/or race and ethnicity, among other factors.

Household income levels include the categories extremely low, very low, low, moderate, and above moderate income. The parameters of the target income categories are determined in relation to the median household income for Contra Costa County, adjusted by household size. The standard income definition of income categories used by the U.S. Department of Housing and Urban Development (HUD) is provided in Table 2-5.

Table 2-5 Income Level Definitions

| *Income Category* | *Definition* |
|---|---|
| Extremely Low | < 30 % of the Contra Costa County AMI |
| Very Low | 50-31 % of the Contra Costa County AMI |
| Low | 51-80 % of the Contra Costa County AMI |
| Moderate | 81-120 % of the Contra Costa County AMI |
| Above Moderate | >121 % of the Contra Costa County AMI |

AMI = Area Median Income

Contra Costa County 2022 Area Median Income (AMI) = $142,800

Source: California Department of Housing and Community Development, 2021.

Table 2-6 shows the 2022 HCD income limits for Contra Costa County. The AMI for a four-person household in the county was $142,800 in 2022. Income limits for larger or smaller households are higher or lower, respectively, and are calculated using a formula developed by HUD.

Table 2-6 HUD/HCD Income Limits based on Persons per Household, Contra Costa County, 2022

| *Income Categories* | *Persons per Household* | | | | |
|---|---|---|---|---|---|
| | *1* | *2* | *3* | *4* | *5* |
| Extremely Low (30% AMI and lower) | $30,000 | $34,300 | $38,600 | $42,850 | $46,300 |
| Very Low Income (31-50% AMI) | $50,000 | $57,150 | $64,300 | $71,400 | $77,150 |
| Low Income (51-80% AMI) | $76,750 | $87,700 | $98,650 | $109,600 | $118,400 |
| Median Income (100% AMI) | $99,950 | $114,250 | $128,500 | **$142,800** | $154,200 |
| Moderate Income (81-120% AMI) | $119,950 | $137,100 | $154,200 | $171,350 | $185,050 |

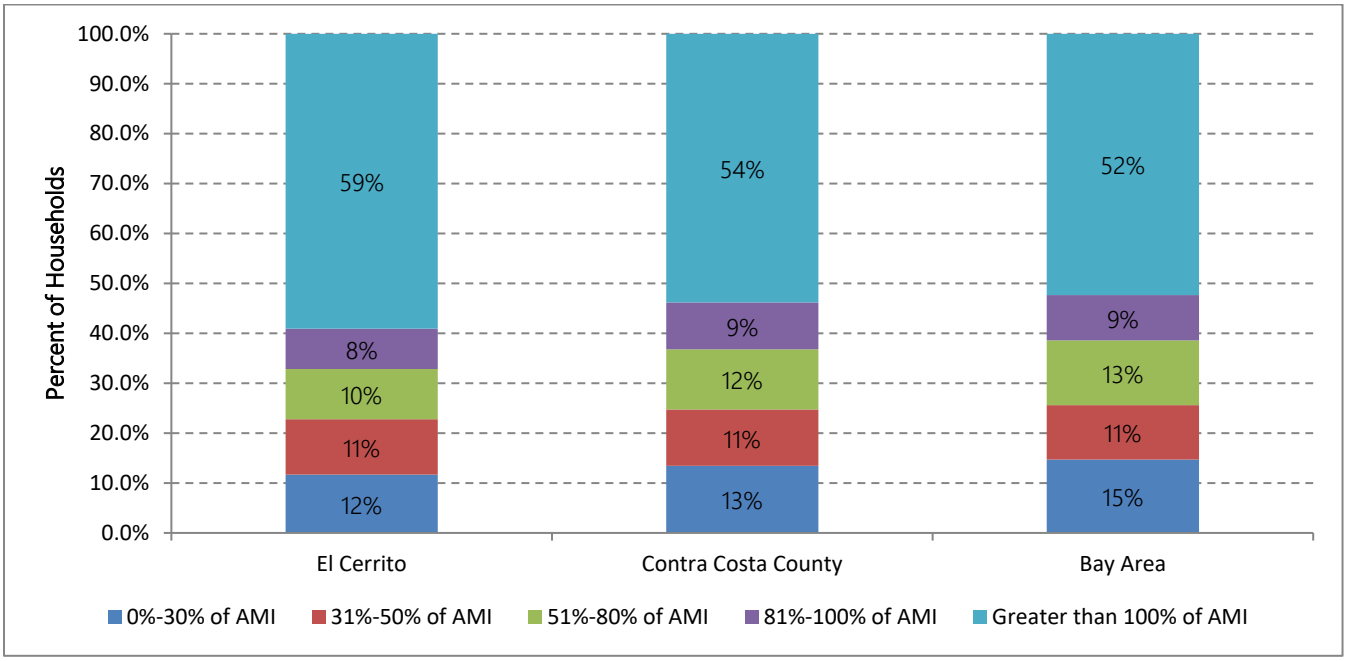
Source: CA Department of Housing and Community Development (HCD), 2022.

## Income Distribution

Despite the economic and job growth experienced throughout the region since 1990, the income gap has continued to widen. California is one of the most economically unequal states in the nation, and the Bay Area has the highest income inequality between high- and low-income households in the state.[1] About 59 percent of households in El Cerrito earn more than 100 percent the Area Median Income (AMI), compared to 12 percent making less than 30 percent of the AMI, which is considered extremely low-income. Regionally, more than half of all households make more than 100 percent of the AMI, while 15 percent make less than 30 percent of the AMI. As shown in Figure 2-15, El Cerrito has slightly more high-income households and fewer extremely low-income households compared to the county and region (using 2017 data).

[1] Bohn, S.et al. 2020. Income Inequality and Economic Opportunity in California. Public Policy Institute of California.

Figure 2-15: Households by Income Level, El Cerrito, 2017

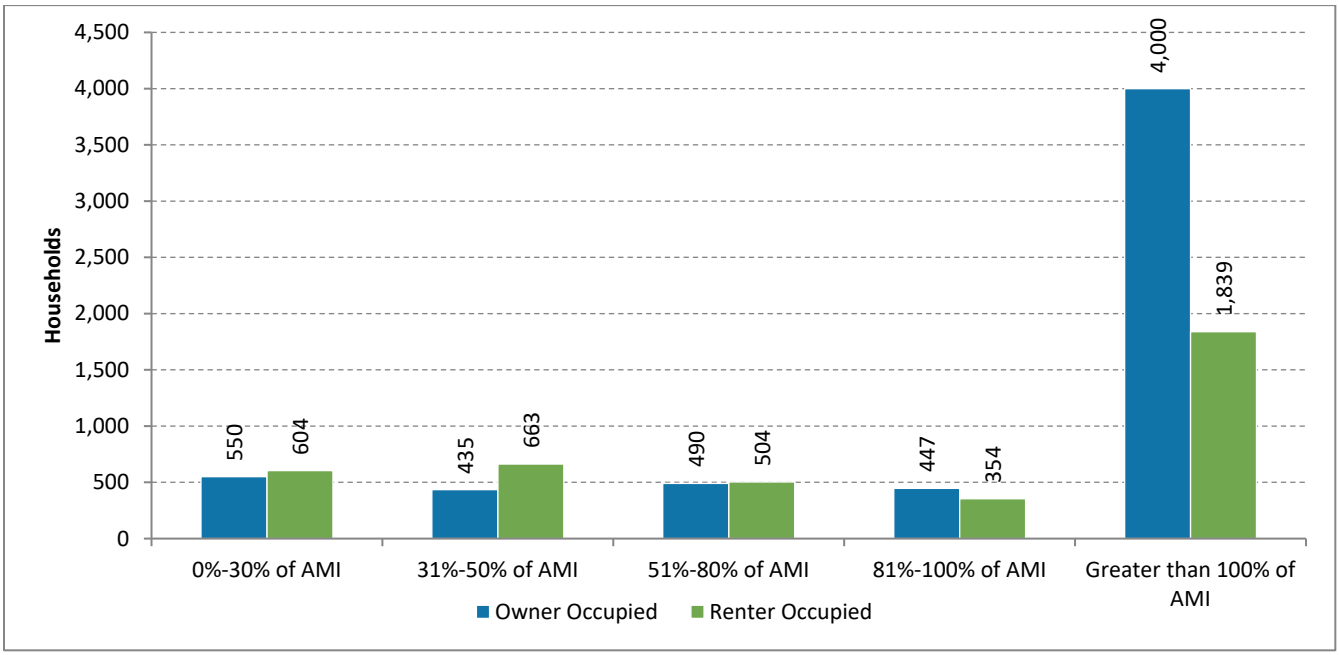



Source: ABAG Housing Element Data Package, ELI-01. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017.

## Household Income by Tenure

Throughout the region, there are disparities between the incomes of homeowners and renters. Typically, the number of low-income renters greatly outpaces the amount of available housing that is affordable for these households. In El Cerrito, renter and owner households alike tend to have relatively high incomes. As shown in Figure 2-16, the largest proportion of renters and owners fall in the "Greater than 100 percent of AMI" income group.

Figure 2-16: Household Income Level by Tenure, El Cerrito, 2017



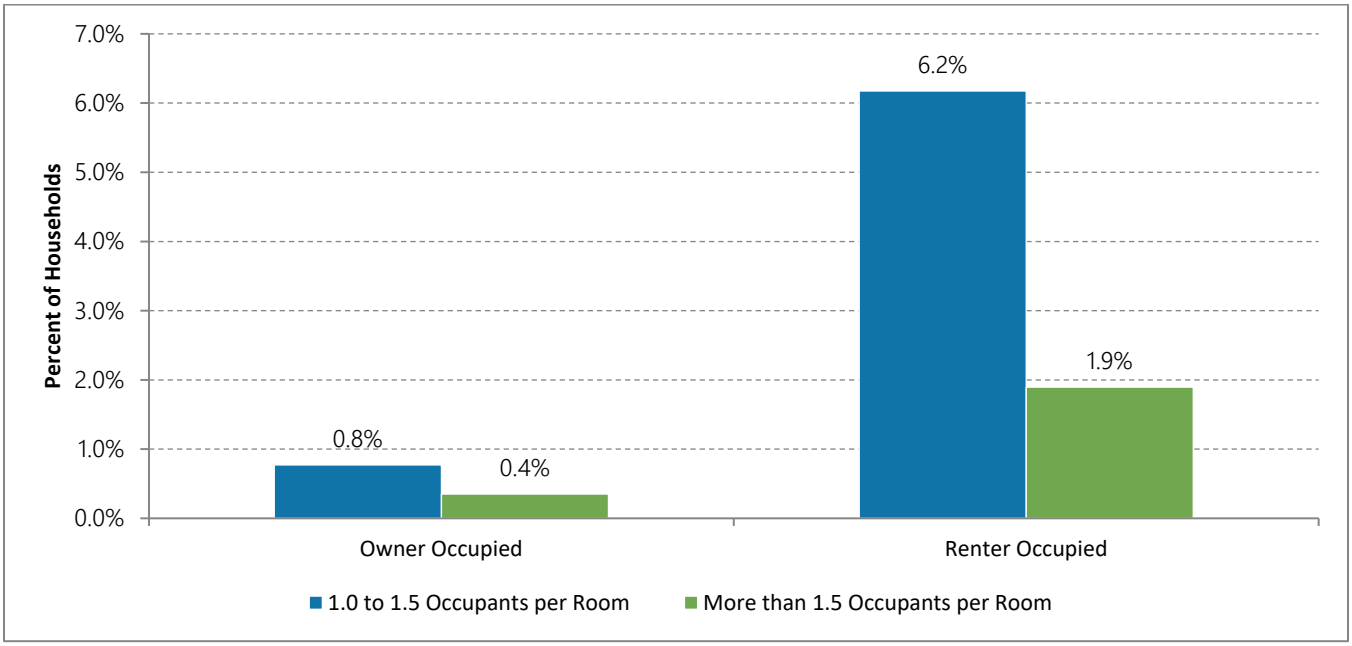

Source: ABAG Housing Element Data Package, POPEMP-21. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

## Overcrowding

Overcrowding occurs when housing costs are so high relative to income that families double up or take in roommates (boarders) / or extended family members to share their housing costs, or they take in an elderly or disabled family member who can no longer live independently, or additional children (nieces, nephews, foster children) for various reasons. It is most likely to occur when demand for housing in a city or region is high. Overcrowding occurs when the number of people living in a household is greater than the home was designed to hold. There are several different standards for defining overcrowding, but this report uses the Census Bureau definition, which is more than one occupant per room (not including bathrooms or kitchens). Additionally, the Census Bureau considers units with more than 1.5 occupants per room to be severely overcrowded.

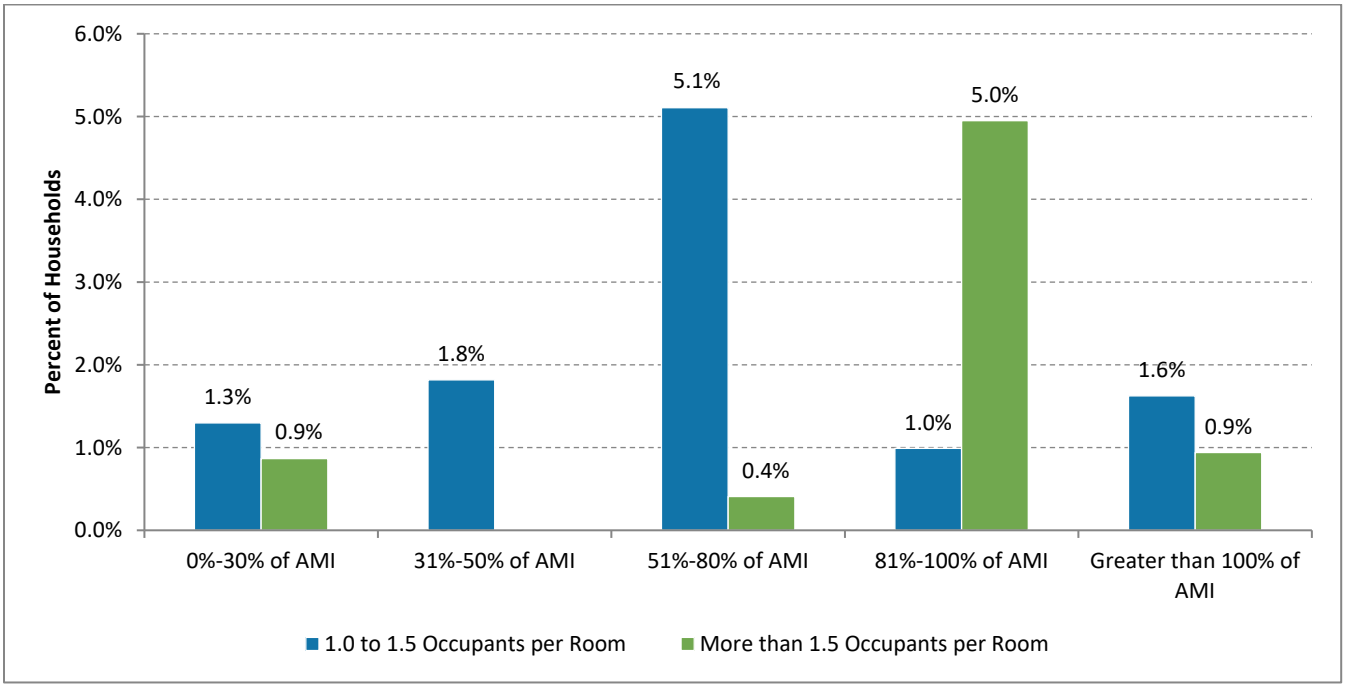
In many cities, overcrowding is seen more amongst those that are renting. In El Cerrito, 6.2 percent of renter households experience moderate overcrowding (1 to 1.5 occupants per room), compared to 0.8 percent of owner households. Additionally, 1.9 percent of households that rent are severely overcrowded (more than 1.5 occupants per room), compared to 0.4 percent of households that own (see Figure 2-17). Overcrowding often disproportionately impacts low-income households. 0.9% of very low-income households (below 50% AMI) experience severe overcrowding, while 0.9% of households above 100% experience this level of overcrowding (see Figure 2-18). These data may indicate a shortage of rental units that are large enough to accommodate larger households, and potentially indicates that some renters are living in overcrowded conditions in order to be able to afford housing.

Figure 2-17: Overcrowding by Tenure and Severity




Source: ABAG Housing Element Data Package, OVER-1. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017.

Figure 2-18: Overcrowding by Income Level




Source: ABAG Housing Element Data Package, OVER-04. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017.

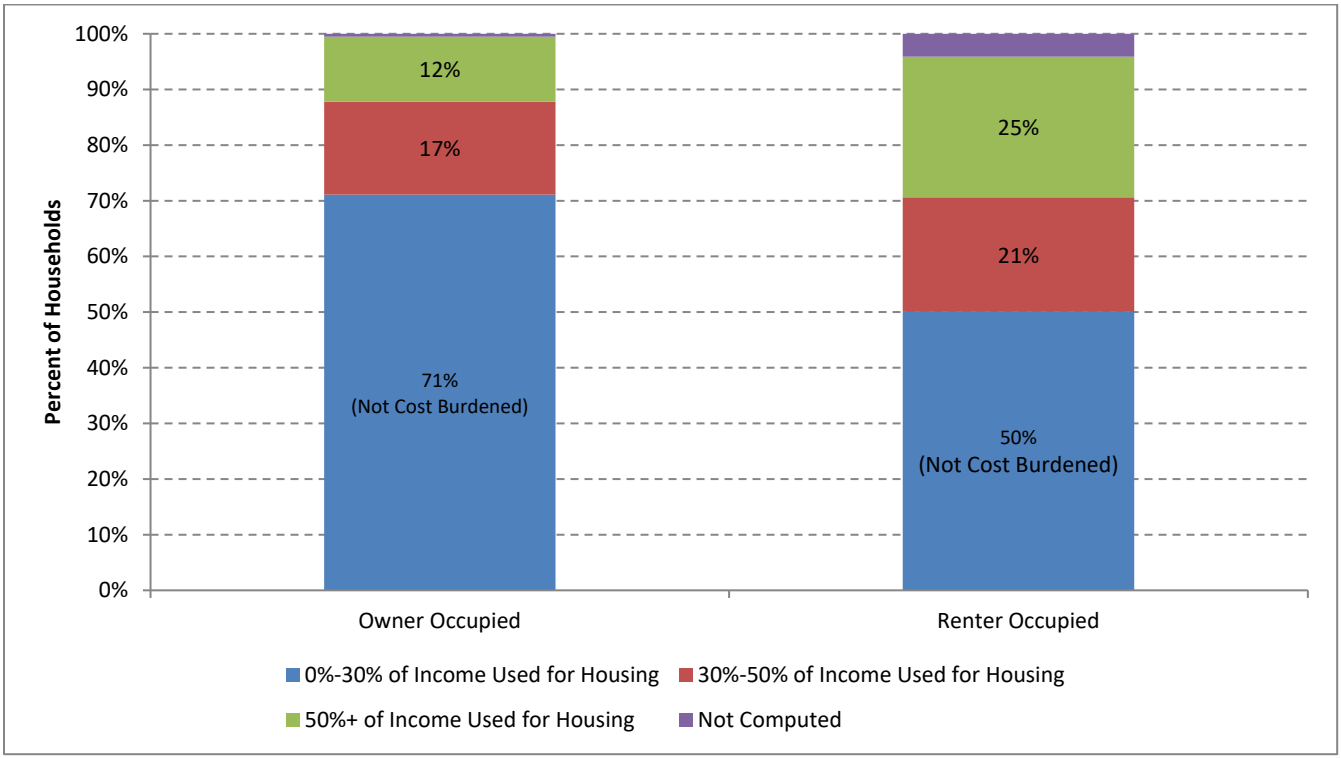
## Overpayment

Overpayment is a critical issue for many households of various income levels. Housing overpayment, also known as housing cost burden, occurs when households spend more than 30 percent of gross monthly income on housing. Severe overpayment or cost burden occurs when housing costs represent more than 50 percent of gross monthly income. In El Cerrito, 16.3 percent of households spend 50 percent or more of their income on housing, while 17.2 percent spend between 30 and 50 percent of their incomes on housing. However, it is important to note that rates of overpayment vary greatly across income categories.

Lower-income residents are often the most impacted by high housing costs and experience the highest rates of cost burden. As a result of spending such large portions of their income on housing, lower-income households are at higher risk of displacement, eviction, or homelessness. For example, 69.6 percent of extremely low-income households in El Cerrito households spend 50 percent or more of their income on housing according to the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation. For El Cerrito residents making more than 100 percent of AMI, just 1.5 percent are severely cost-burdened.

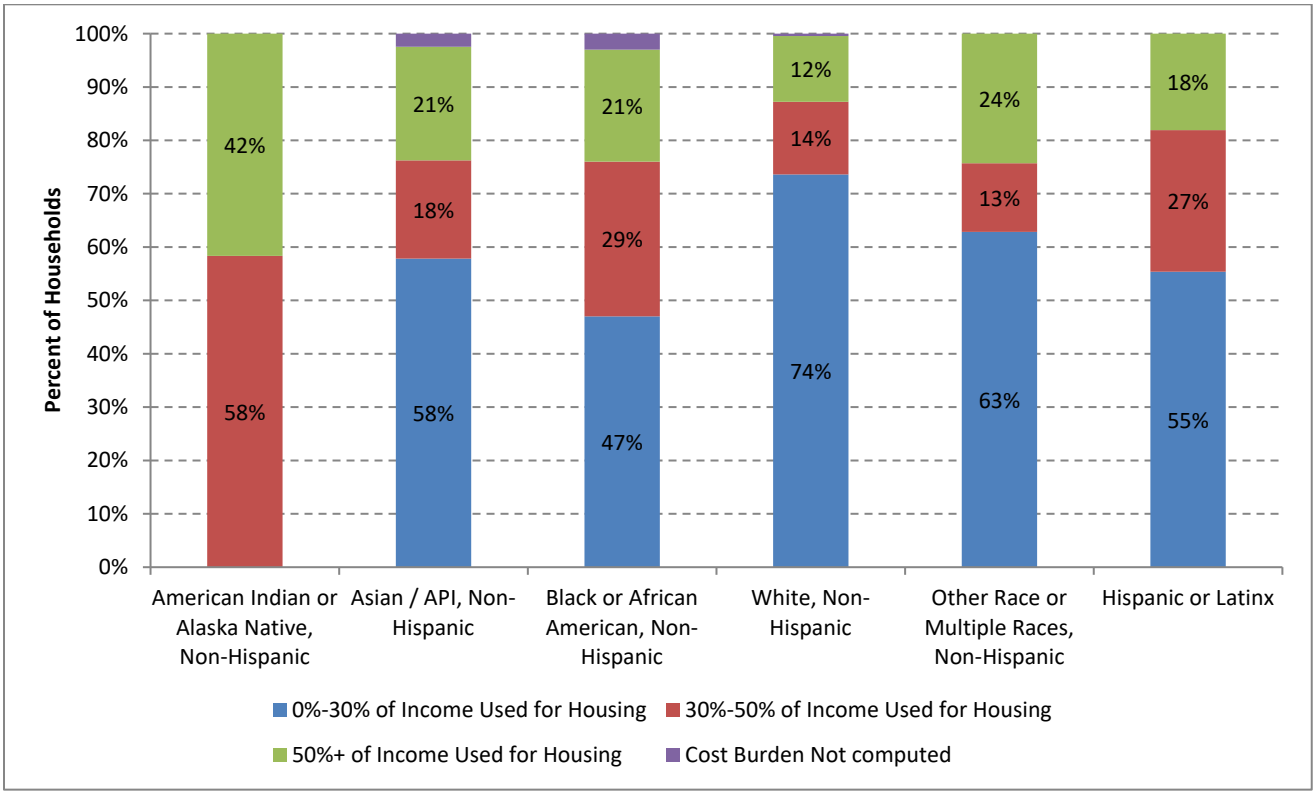
A significant portion of households in El Cerrito have high housing costs relative to their household incomes, with lower-income households having particularly high rates of housing cost burden. Renters are often more cost-burdened than owners. While the housing market has resulted in home prices increasing dramatically, homeowners often have mortgages with fixed rates, whereas renters are more likely to be impacted by market increases. When looking at the cost burden by tenure in El Cerrito, 20.6 percent of renters are cost burdened by housing costs compared to 16.7 percent of those that own (see Figure 2-19). Additionally, 25.3 percent of renters are severely cost burdened, spending 50 percent or more of their income on housing, while 11.7 percent of owners are severely cost-burdened. In El Cerrito, American Indian or Alaska Native, Non-Hispanic residents are the most cost burdened with 58.3 percent spending 30- 50 percent of their income on housing, and American Indian or Alaska Native, Non-Hispanic residents are the most severely cost burdened with 41.7 percent spending more than 50 percent of their income on housing, as shown in Figure 2-20.

Figure 2-19: Cost Burden by Tenure, El Cerrito, 2015-2019




Source: ABAG Housing Element Data Package, OVER-06. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25070, B25091

Figure 2-20: Cost Burden by Race and Ethnicity, El Cerrito, 2015-2019




Source: ABAG Housing Element Data Package, OVER-08. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017.

## 2.4 Special Housing Needs

State law recognizes that certain households have more difficulty finding decent and affordable housing due to special circumstances. Government Code Section 65583(a)(7)) requires an analysis of any special housing needs, such as those of the elderly, persons with disabilities, including a developmental disability, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

### Extremely Low-Income Households

Extremely low-income (ELI) households are those with an income of 30 percent or less of the AMI, adjusted for family size. In El Cerrito, 12 percent of households make less than 30 percent of AMI, as shown in Figure 2-19. Regionally, 15 percent of households are considered ELI. Within Contra Costa County, 30 percent of the AMI (extremely low income) is equivalent to an annual income of $42,850 for a family of four, based on 2022 income limits. If there is only one wage earner in a family of four, this income equates to a wage of about $20.60 per hour for a single wage-earner, which is higher than El Cerrito's locally adopted minimum wage for 2022 ($16.37/hour). ELI households typically consist of minimum wage workers, seniors on fixed incomes, and persons with disabilities. However, many households with single wage earners – including food service workers, full-time students, farmworkers, and healthcare professionals – can fall into lower AMI categories due to relatively stagnant wages in many industries. An extremely low-income family of four could afford a monthly housing cost of approximately $1,071. Contra Costa renters needed to earn $37.54 hourly to properly afford the county's average asking rent of $1,952, according to a May 2021 report from California Housing Partnership.

To calculate the projected housing needs for ELI households, the City assumed that 50 percent of the very low-income housing need is equal to the ELI housing need. As such, there is a projected need for 167 ELI housing units during the planning period. See Chapter 4, Sites Inventory, for more information about the projected housing needs and the Regional Housing Needs Allocation (RHNA).

Housing types to accommodate the needs of extremely low-income households include transitional and supportive housing, single room occupancy units (SROs), deeply subsidized affordable multi-family rental housing, and mobile homes. Housing choice vouchers are also an important source of funding for ELI households. There are 140 households in El Cerrito assisted with Housing Choice Vouchers, including project-based vouchers.

### Senior Households

Senior households, defined as households headed by someone 65 or older, often experience a combination of factors that can make accessing or keeping affordable housing a challenge. Many seniors live on fixed incomes and are more likely to have disabilities, chronic health conditions, and/or reduced mobility.

Projected growth in the regional population aged 65 and older suggests a growing need to address senior housing needs over the coming decades. In Plan Bay Area 2040, ABAG projects that while the 2040 population as a whole is projected to be 33 percent higher than in 2010 the number of people aged 65 and over will increase by 140 percent. Some of this growth in the region's older adult population is likely to impact housing demand and needs within the city and throughout the region.

When cost-burdened seniors are no longer able to make house payments or pay rents, displacement from their homes can occur, putting further stress on the local rental market or forcing residents out of the community they call home. Understanding how seniors might be cost-burdened is of particular importance due to their special housing needs, particularly for low-income seniors. Over half (54.2 percent) of seniors making less than 30 percent of AMI are spending more than half of their income on housing. For seniors making more than 100 percent of AMI, 88 percent are not cost-burdened and spend less than 30 percent of their income on housing.

As discussed previously, persons 65 years and older makes up 20 percent of the total population. In El Cerrito, the homeownership rate among the senior population is very high, at over 80 percent. This data indicates a potential need for programs that might help seniors age in place. It also indicates a need for more smaller homes and residential care facilities, allowing seniors options when downsizing from single family homes.

### Existing Resources for Elderly Residents

As of 2020, the housing inventory in El Cerrito includes 195 rental units for seniors that are affordable to lower-income senior households, as well as nine residential care homes for seniors with 193 beds (see Table 2-7). Senior Helpers of the East Bay is an organization in El Cerrito providing home care to seniors. In addition, the City's Senior Center offers a variety of educational, recreational, and health-related services for older adults.

Table 2-7 State Department of Social Services Licensed Elderly Care Facilities, El Cerrito, 2022

| *Name* | *Address* | *License Status* | *Facility Capacity* |
|---|---|---|---|
| Alhouse | 1605 Arlington Blvd | Licensed | 6 |
| Arlington Care Home | 2545 Arlington Blvd | Licensed | 6 |
| El Cerrito Royale | 6510 Gladys Avenue | Licensed | 145 |
| Red Maple Residential Home | 7100 Manila Avenue | Licensed | 6 |
| Rn3 Loving Care Home I | 917 Elm Street | Licensed | 6 |
| Rn3 Loving Care Home II | 921 Elm Street | Licensed | 6 |
| Rn3 Loving Care Home IV | 8320 Buckingham Drive | Licensed | 6 |
| Rosewood Residence | 7100 Manila Ave | Pending | 6 |
| Wagaya Assisted Living | 905 Elm Street | Licensed | 6 |

Source: State of California Department of Social Services, 2022.

## Persons with Disabilities

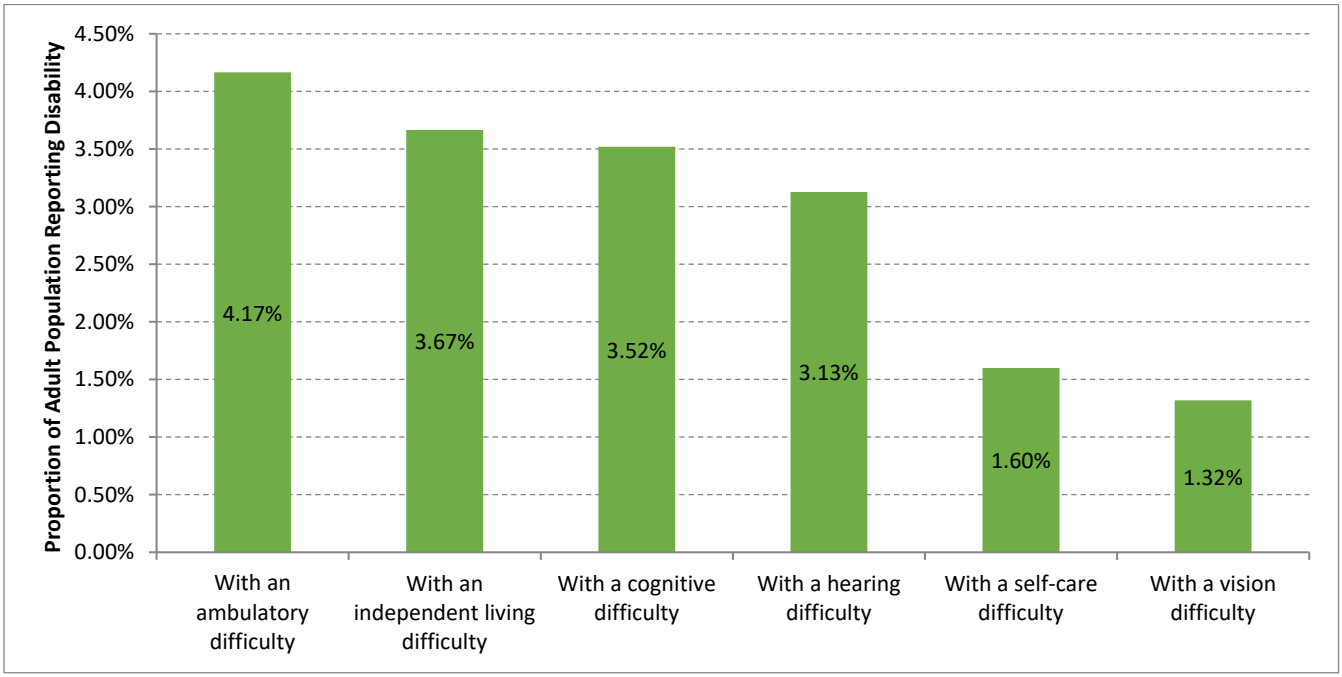
A disability is defined as a long-lasting condition that impairs an individual's mobility, ability to work, or ability to perform self-care. Persons with disabilities include those with physical, mental, developmental, or emotional disabilities. Severely disabled people often have special housing needs because they often have limited incomes, there is a shortage of affordable and/or accessible housing, or they may have higher health care costs due to their disability.

People with disabilities face additional housing challenges. Encompassing a broad group of individuals living with a variety of physical, cognitive, and sensory impairments, many people with disabilities live on fixed incomes and need specialized care, yet often rely on family members for assistance due to the high cost of care.

When it comes to housing, people with disabilities are not only in need of affordable housing but accessibly designed housing, which offers greater mobility and opportunity for independence. Unfortunately, the need typically outweighs what is available, particularly in a housing market with such high demand. People with disabilities are at a high risk for housing insecurity, homelessness, and institutionalization, particularly when they lose aging caregivers. As shown below, Figure 2-21 shows the rates at which different disabilities are present among El Cerrito residents. Overall, 9.2 percent of people in El Cerrito have a disability of some kind, which is lower than the county and Bay Area as a whole.[1] Ambulatory and independent living difficulties are the most prevalent disabilities in the city, as shown in Figure 2-21.

[1] These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

Figure 2-21: Disability by Type, El Cerrito, 2019




Source: ABAG Housing Element Data Package, DISAB-01. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107.

## Persons with Developmental Disabilities

State law also requires housing elements to examine the housing needs of people with developmental disabilities. Developmental disabilities are defined as severe, chronic, and attributed to a mental or physical impairment that begins before a person turns 18 years old. Some people with developmental disabilities are unable to work, rely on Supplemental Security Income (SSI), and live with family members. In addition to their specific housing needs, they are at increased risk of housing insecurity after an aging parent or family member is no longer able to care for them.

According to data from the California Department of Developmental Services, 104 El Cerrito residents had a developmental disability in 2020. Of the population with a developmental disability, children under the age of 18 make up 51 percent (or 54 individuals), while adults account for 49 percent (or 52 individuals). The most common living arrangement for individuals with developmental disabilities in El Cerrito is the home of parent /family /guardian (see Table 2-8).

Table 2-8 Population with Developmental Disabilities by Place of Residence

| *Residence Type* | *Number of Individuals* |
|---|---|
| Home of Parent /Family /Guardian | 94 |
| Independent /Supported Living | 5 |
| Other | 5 |
| Community Care Facility | 0 |
| Foster /Family Home | 0 |
| Intermediate Care Facility | 0 |
| **Totals** | **104** |

Source: ABAG Housing Element Data Package, DISAB-05. California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type, 2020.

The type of housing that is suitable for persons with development disabilities varies substantially based on the nature and extent of the disability. Because households that include people with developmental disabilities are disproportionately lower income, many persons with developmental disabilities need affordable housing options. Some individuals with developmental disabilities may be best served in housing with supportive services that can help them live independently or with licensed care. Design of accessibility modifications, proximity to services and transit, availability of group living opportunities, and affordability are some common considerations that are important for serving this need group. Incorporating "barrier-free" design in all new multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities.

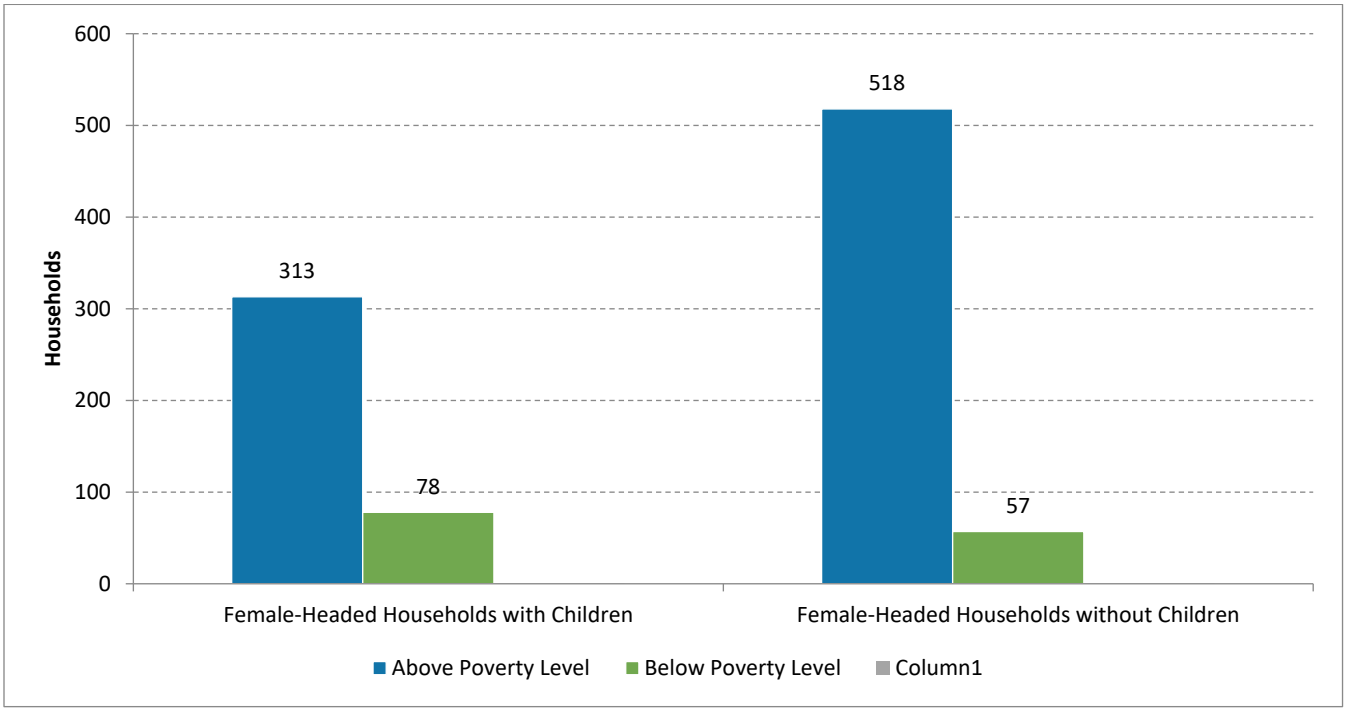
The California Department of Developmental Services provides community-based services to individuals with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The City, along with other jurisdictions in Contra Costa County, is serviced by the Regional Center of the East Bay, which provides a point of entry to services for people with developmental disabilities.

## Female-Headed Households

According to the U.S. Census Bureau, a single-headed household contains a household head and at least one dependent, which could include a related or unrelated child, or an elderly parent. Single-headed households with children or elderly adults often require special consideration and assistance as a result of their greater need for affordable housing, health care, and a variety of other supportive services including accessible day care. Traditionally, female-headed households have been considered a special needs group because their incomes tend to be lower, making it difficult to obtain affordable housing, or because they have specific physical needs related to housing (such as child care or assisted living support).

The 2019 Census reported 966 female-headed households in El Cerrito, making up 9.6 percent of all households. As shown in Figure 2-22, 20 percent of female-headed households with children fall below the Federal Poverty Line in El Cerrito, while 10 percent of female-headed households without children live in poverty.

Figure 2-22: Female-Headed Households by Poverty Status, El Cerrito, 2019



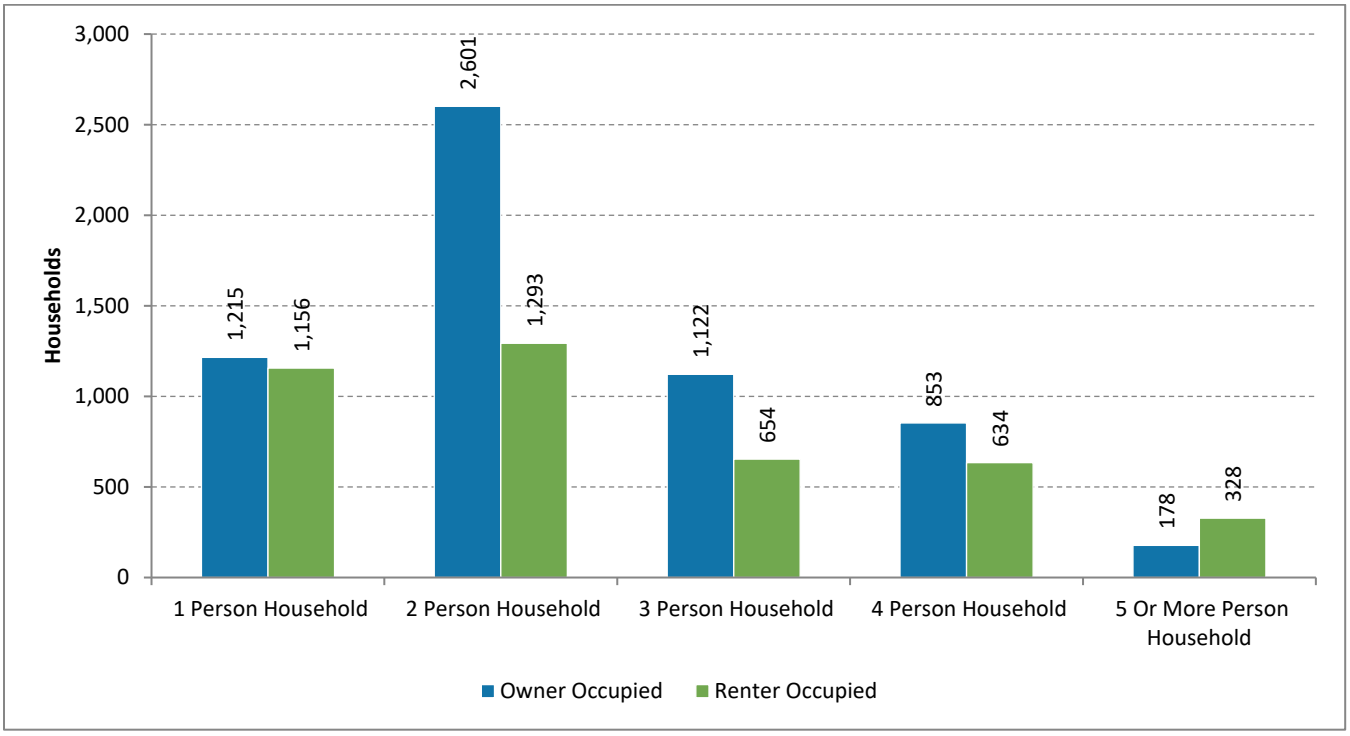

Source: ABAG Housing Element Data Package, LGFEM-05. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012.

## Large Households

Large households, defined as households with five or more members, often have different housing needs than smaller households. Large households need to find housing of sufficient size (three or more bedrooms) and do not always have sufficient income to purchase or rent such housing. If a city's rental housing stock does not include larger housing units, large households who rent could end up living in overcrowded conditions. In El Cerrito there are 506 large households, of which 178 (35 percent) own their home, as shown in Figure 2-23. In 2017, 117 (30 percent) large households were very low-income, earning less than 50 percent of the AMI.

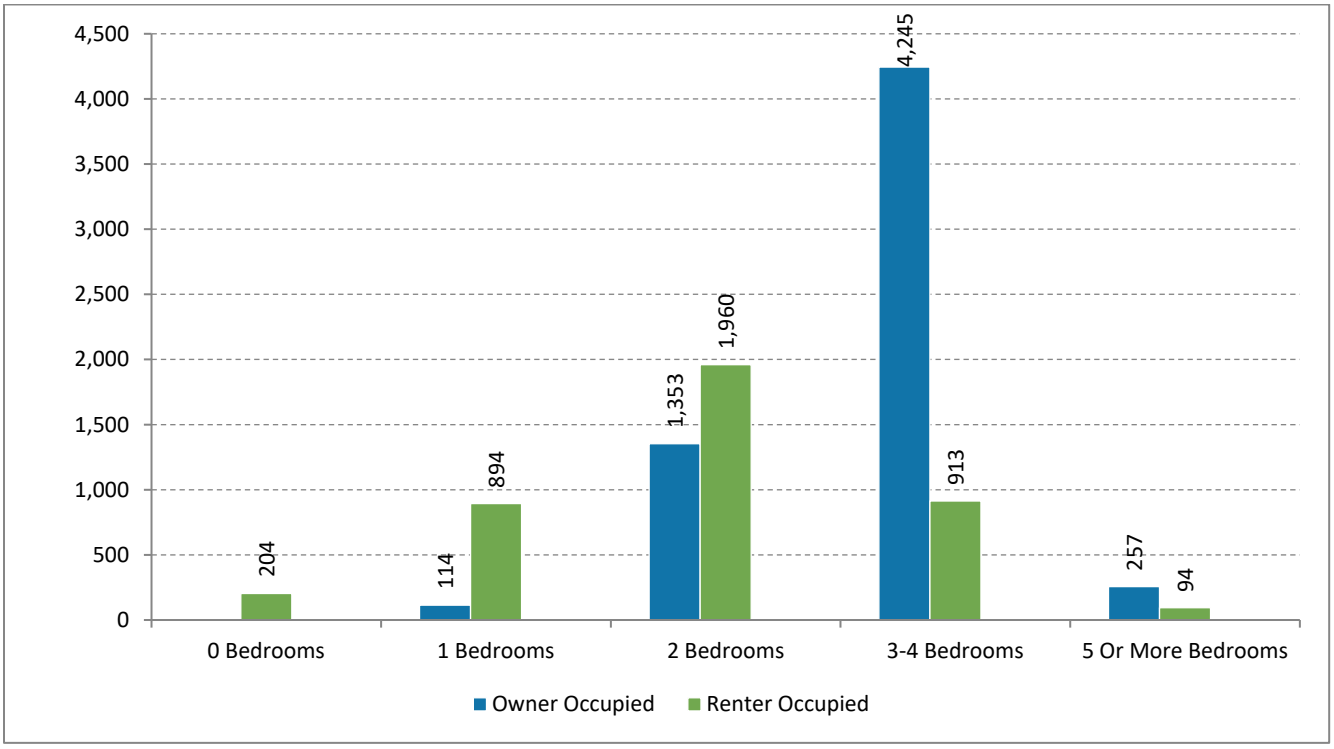
Large households are generally served by housing units with three or more bedrooms, of which there are 5,509 units in El Cerrito. Among these large units with three or more bedrooms, 75 percent are owner occupied and 25 percent are renter occupied, as noted in Figure 2-24. Given that the city has a substantial stock of large units, of which 1,377 are rentals, very low-income large households could benefit from housing subsidies, such as housing choice vouchers. Large lower income households would also benefit from development of affordable rental multi-family units with three or more bedrooms.

Figure 2-23: Household Size by Tenure




Source: ABAG Housing Element Data Package, LGFEM-01. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009.

Figure 2-24: Housing Units by Number of Bedrooms




Source: ABAG Housing Element Data Package, HSG-05. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25042.

## Homelessness

Note: The data in this section is from the 2020 Point-in-Time (PIT) Count. This section will be updated with 2022 PIT Count data when available.

Homelessness remains an urgent challenge in many communities across the state, reflecting a range of social, economic, and psychological factors. Rising housing costs result in increased risks of community members experiencing homelessness. Each year, Contra Costa's Homeless Continuum of Care, with the help of county agencies and community volunteers, conducts a comprehensive Point-in-Time (PIT) count of families and individuals experiencing homelessness. The 2020 Point-in-Time count is the most recent published report, which found a total of 2,277 persons experiencing homelessness countywide in January 2020. Contra Costa County trends among the sheltered population revealed no significant change in the number of people sheltered between 2015 and 2020 (704 vs 707), and an 18 percent increase among the unsheltered population (1,326 vs 1,570). However, while the full report is not yet available, a media release reported that the county's 2022 point-in-time count, estimates that 3,093 people are staying in shelter beds or living outdoors on an average night in Contra Costa, compared to 2,277 in 2020.

Table 2-9 shows the unsheltered population by jurisdiction in Contra Costa County as of the 2020 PIT. The 2020 count identified 24 unsheltered individuals in El Cerrito, which was 1.5 percent of the countywide homeless population.

Table 2-9 Unsheltered Homeless Population by Jurisdiction, Contra Costa County, 2020

| *West County* | | *Central County* | | *East County* | |
|---|---|---|---|---|---|
| *Location* | *#* | *Location* | *#* | *Location* | *#* |
| Crockett | 35 | Alamo | 2 | Antioch | 238 |
| El Cerrito | 24 | Blackhawk | 6 | Bay Point | 49 |
| El Sobrante | 9 | Clayton | 2 | Bayview | 2 |
| Hercules | 7 | Concord | 160 | Bethel Island | 2 |
| North Richmond | 22 | Danville | 7 | Brentwood | 80 |
| Pinole | 7 | Lafayette | 3 | Discovery Bay | 2 |
| Richmond | 280 | Martinez | 127 | Oakley | 50 |
| Rodeo | 62 | Moraga | 4 | Pittsburg | 102 |
| San Pablo | 67 | Orinda | 1 | | |
| | | Pacheco | 26 | | |
| | | Pleasant Hill | 90 | | |
| | | San Ramon | 6 | | |
| | | Walnut Creek | 80 | | |

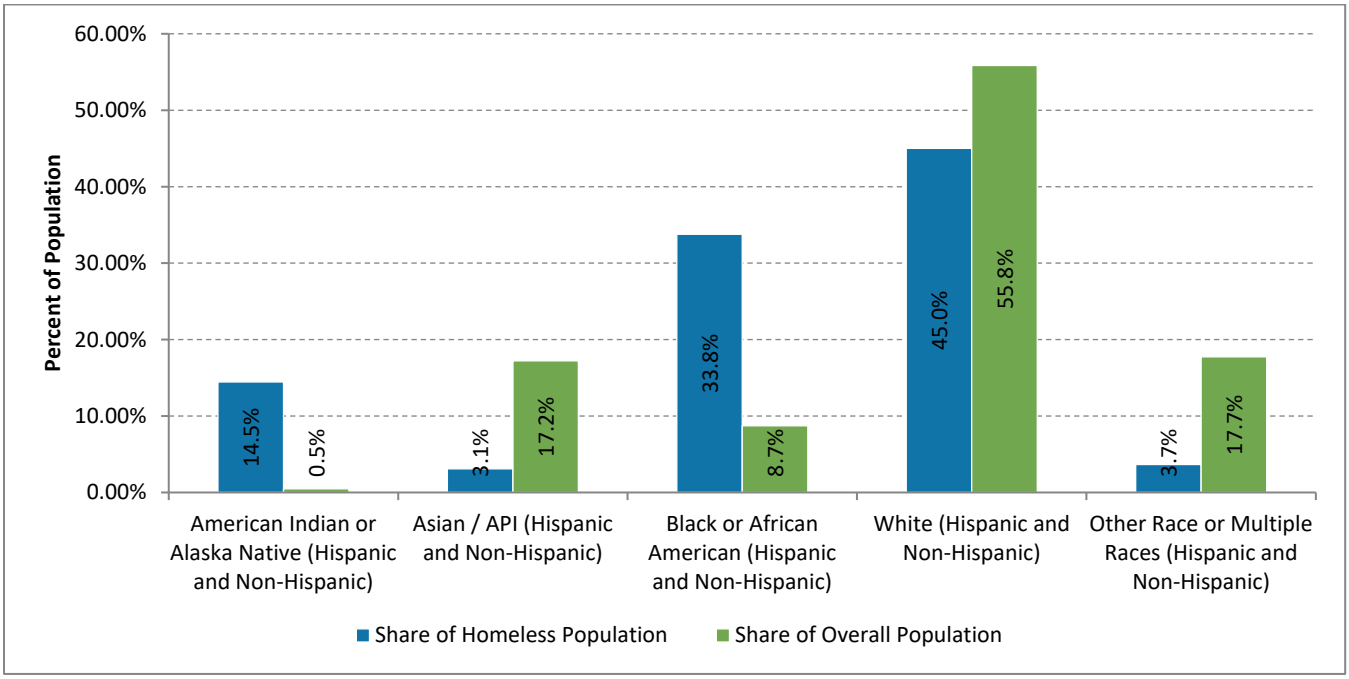
Source: Contra Costa County: Annual Point in Time County Report, 2020.

The 2020 PIT report revealed that a majority of households in the county were adult-only (95 percent) and there were more individuals experiencing homelessness who identified as male (65 percent) than female (35 percent). Per the 2020 PIT Report, the top three reasons for individuals and families losing housing were: financial hardship (25 percent), eviction (17 percent), and substance use (14 percent). While financial hardship is the primary cause of homelessness, many of those experiencing homelessness are dealing with severe issues – including mental illness, substance abuse and domestic violence – that are potentially life threatening and require additional assistance.

### Racial Demographics of the Unhoused Population

In Contra Costa County, White (Hispanic and Non-Hispanic) residents represent the largest proportion of residents experiencing homelessness, making up 45 percent of the homeless population in 2019. However, White residents make up 55.8 percent of the overall countywide population, as shown in Figure 2-25. On the other hand, comparing the racial composition of people experiencing homelessness to the total racial composition of all residents in the county reveals that Black/African American and American Indian individuals are disproportionately represented in the homeless population (see Figure 2-25). Black or African American residents make up only 8.7 percent of the countywide population, but an estimated 33.8 percent of the homeless population. Additionally American Indian or Alaska Native individuals make up less than 1 percent of the countywide population and nearly 15 percent of the homeless population.

Figure 2-25: Racial Demographics of the Homeless Population, Contra Costa County, 2019




Source: ABAG Housing Element Data Package, HOMLES-02. U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019); U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I).

## Services for Persons Experiencing Homelessness

There are no homeless or transitional shelters located in El Cerrito. The closest shelters are located in Richmond, including: Calli House Youth Shelter, with 15 year-round beds for transition-age youth (18-24 years); Brookside Shelter, with 45 year-round beds for single adults, couples and multi-generational families (18 and older); and Bay Area Rescue Mission with 224 year-round beds for single adults and families with children. Greater Richmond Interfaith Program (GRIP) in Richmond runs a family shelter with 42 beds and also operates as one of the Contra Costa's Coordinated Assessment Resource and Engagement (CARE) Centers, a multi-service drop-in site, for people experiencing homelessness. Coordinated Outreach Referral and Engagement (CORE) teams provide homeless street outreach services to the local community and are operated by Contra Costa County Health, Housing and Homeless Services (H3). There are two CORE teams dedicated to West Contra Costa; one provides services to the Cities of Richmond and San Pablo and the second covers all of West County.

The Contra Costa Health, Housing and Homeless Services Division (H3) integrates housing and homeless services across the health system; and coordinates housing and homeless services across County government and in the community and is the lead agency for the Continuum of Care (CoC) Program. The CoC forms a network of providers (including government and non-profit) designed to assist individuals and families experiencing homelessness by providing services that are needed to help these individuals and families move into permanent housing, with the goal of long-term stability.

There are several private non-profit organizations in and around the Bay Area that provide services to persons experiencing homelessness and food insecurity, including unhoused and special needs groups. They include Shelter, Inc., Rubicon Programs, Inc., The Food Bank of Contra Costa and Solano, American Red Cross, Bay Area Rescue Mission, Hope Solutions, HUME Center, Bay Area Community Services (BACS), Housing Consortium of the East Bay (HCEB), and Safe Organized Spaces (SOS).

State law (Government Code 65583 (a)(4)) requires local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit in at least one zone. The identified zone(s) must have sufficient capacity to accommodate the shelter need identified in the latest point in time count, and at a minimum provide capacity for at least one year-round shelter. The City's Zoning Ordinance

allows emergency shelters as a permitted use within the Community Commercial (CC) zone, as well as the Transit-Oriented High-Intensity Mixed-Use (TOHIMU) and the Transit-Oriented Medium-Intensity Mixed-Use (TOMIMU) zones of the San Pablo Avenue Specific Plan, subject to the operating standards defined in the Plan. Chapter 5: Constraints Analysis contains more discussion of the capacity for emergency shelters in the city.

## Farmworkers

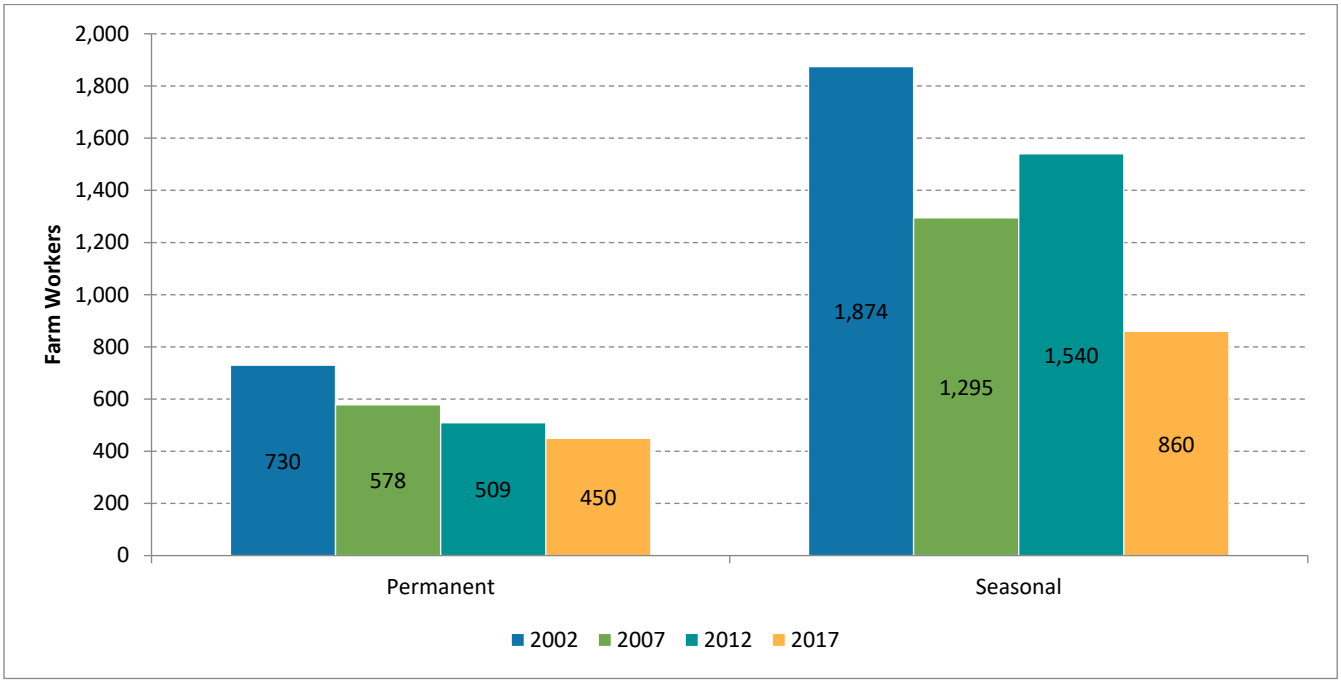
Farmworkers are traditionally defined as persons whose primary incomes are earned through seasonal agricultural labor and have special housing needs because of their relatively low incomes and the unstable nature of their work. Across the state, housing for farmworkers has been recognized as an important and unique concern. Farmworkers generally receive wages that are considerably lower than other jobs and may have temporary housing needs. Finding decent and affordable housing can be challenging, particularly in the current housing market.

ABAG prepared a Farmworker Housing Toolkit (Farmworker Toolkit) in January 2022 as a resource for housing elements. The Farmworker Toolkit reports that while overall the Bay Area has shifted away from its historical agricultural economic base, Bay Area counties still preserve strong agricultural roots. As shown in Figure 2-6, there were only 42 people living in El Cerrito that were employed in the agricultural and natural resources industries in 2020, representing a minute fraction of the city's labor force. Although there is little agricultural activity within City limits, the responsibility for farmworker housing is shared among all cities in the county.

According to the U.S. Department of Agriculture (USDA) Census of Farmworkers, the number of both permanent and seasonal farmworkers in Contra Costa County has decreased since 2002, with permanent farmworkers totaling 450 in 2017 and seasonal farmworkers totaling 860 in 2017 (see Figure 2-26). Farmworkers often choose to live within incorporated cities due to the diversity and availability of housing, proximity to schools and other employment opportunities for other family members, and overall affordability. Per the U.S. Department of Agriculture (USDA), farmworkers often commute long distances to work for various employers but are considered permanent workers and residents in their home communities. For these permanent or settled farmworkers, the USDA estimates that these workers commute up to 75 miles for work and then return to their homes. Over the past two decades, there has been a shift to a more permanent workforce for many farms, which has shifted the bulk of the need from seasonal housing for migrant workers to permanently affordable housing for low wage working families. Both types of housing are still necessary, but farmworker housing is no longer solely a rural/County issue.

Similar to other lower-income residents, farmworkers who live in El Cerrito have similar needs for affordable housing due to their lower wages so strategies to assist extremely low- and very low-income households will also benefit this special needs population.

Figure 2-26: Farm Labor, Contra Costa County, 2002-2017




Notes: Farmworkers are considered seasonal if they work on a farm less than 150 days in a year, while farm workers who work on a farm more than 150 days are considered to be permanent workers for that farm.

Source: ABAG Housing Element Data Package, FARM-02. U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor.

## 2.5 Housing Stock Characteristics

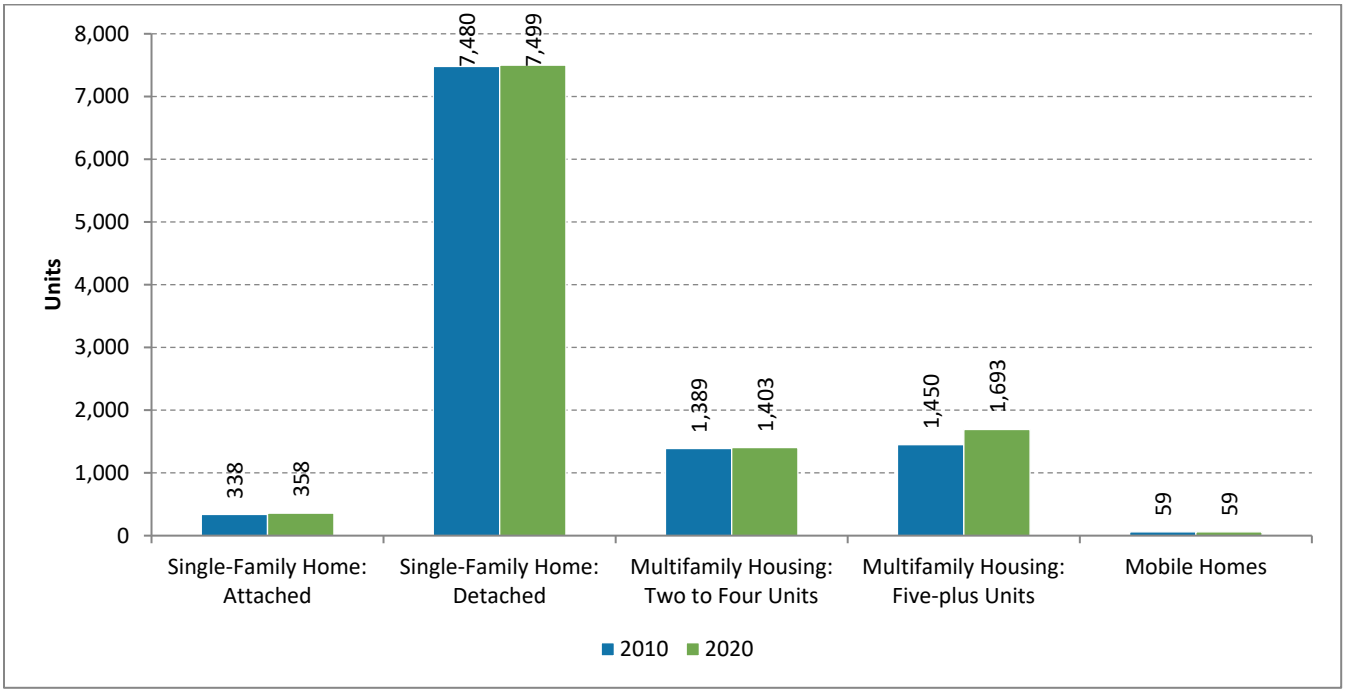
This section identifies the characteristics of El Cerrito's physical housing stock. This includes an analysis of housing growth trends, housing conditions, housing prices, and affordability.

### Housing Unit Types

The housing stock of El Cerrito in 2020 was made up of 68.1 percent single family detached homes, 3.3 percent single family attached homes, 12.7 percent multifamily homes with 2 to 4 units, 15.4 percent multifamily homes with 5 or more units, and 0.5 percent mobile homes (see Figure 2-27). In El Cerrito, the housing type that experienced the most growth between 2010 and 2020 was multifamily housing: five-plus units.

In recent years, most housing produced in the region and across the state consisted of single-family homes or larger multi-unit buildings. However, there has been growing interest in "missing middle housing" – including duplexes, triplexes, townhomes, cottage clusters, and accessory dwelling units (ADUs). These housing types may open more options across incomes and tenure, from young households seeking homeownership options to seniors looking to downsize and age-in-place.

Figure 2-27: Housing Type Trends, El Cerrito, 2010 and 2020

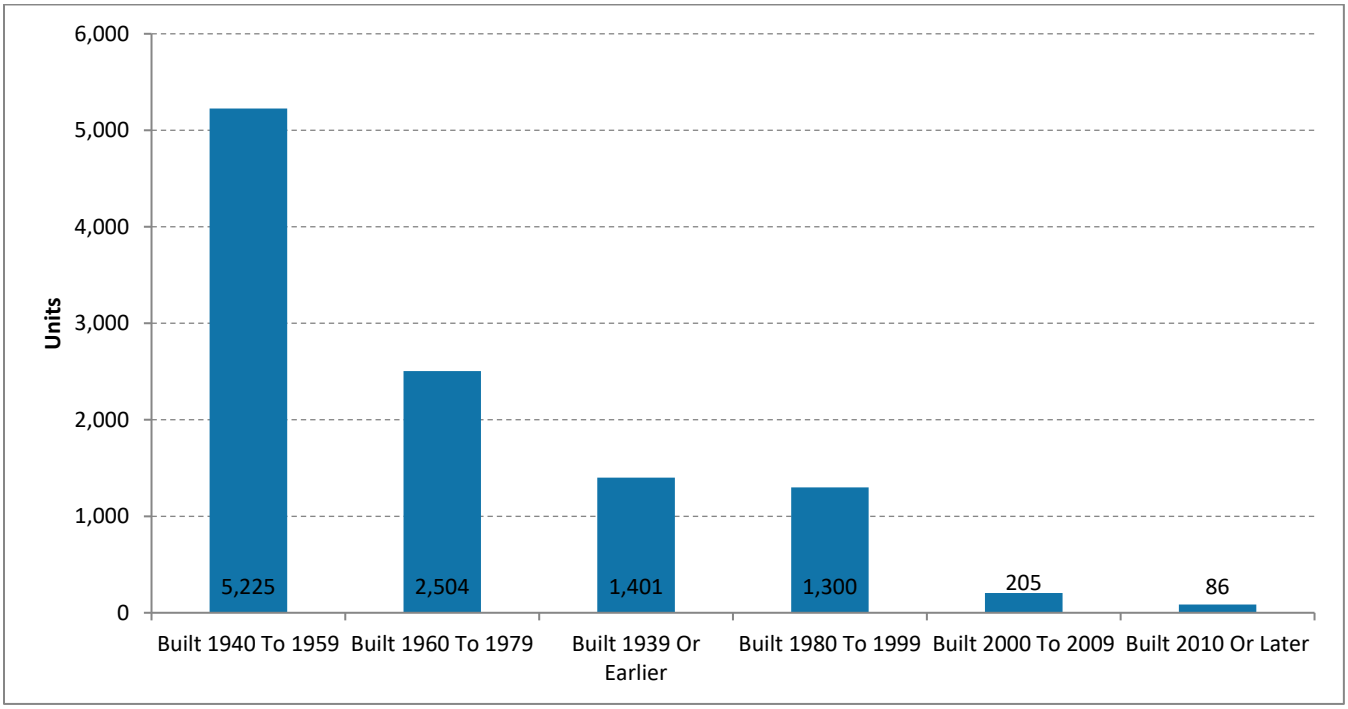



Source: ABAG Housing Element Data Package, HSG-01. California Department of Finance, E-5 series.

## Housing Age

The age of a community's housing stock can provide a general indicator of overall housing conditions. In general, housing units over 30 years in age are likely to exhibit signs of rehabilitation needs, such as new roofing, foundation work, and new plumbing. In El Cerrito, the largest proportion of the housing stock was built 1940 to 1959, with 5,225 units constructed during this period, as shown below in Figure 2-28. Note that the Census data displayed in Figure 2-28 is self-reported by occupants of the units and does not reflect actual building activity.

Figure 2-28: Housing Units by Year Built, El Cerrito, 2019




Note: Data is an estimate and does not reflect actual building activity.
Source: ABAG Housing Element Data Package, HSG-04. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

## Vacancy Rate

A vacancy rate measures the overall housing availability in a community and is often a good indicator of how efficiently for-sale and rental housing units are meeting the current demand for housing. A vacancy rate of five percent for rental housing and two percent for ownership housing is generally considered healthy and suggests that there is a balance between the demand and supply of housing. A lower vacancy rate often leads to rising rents and sales prices and can contribute to household overcrowding.

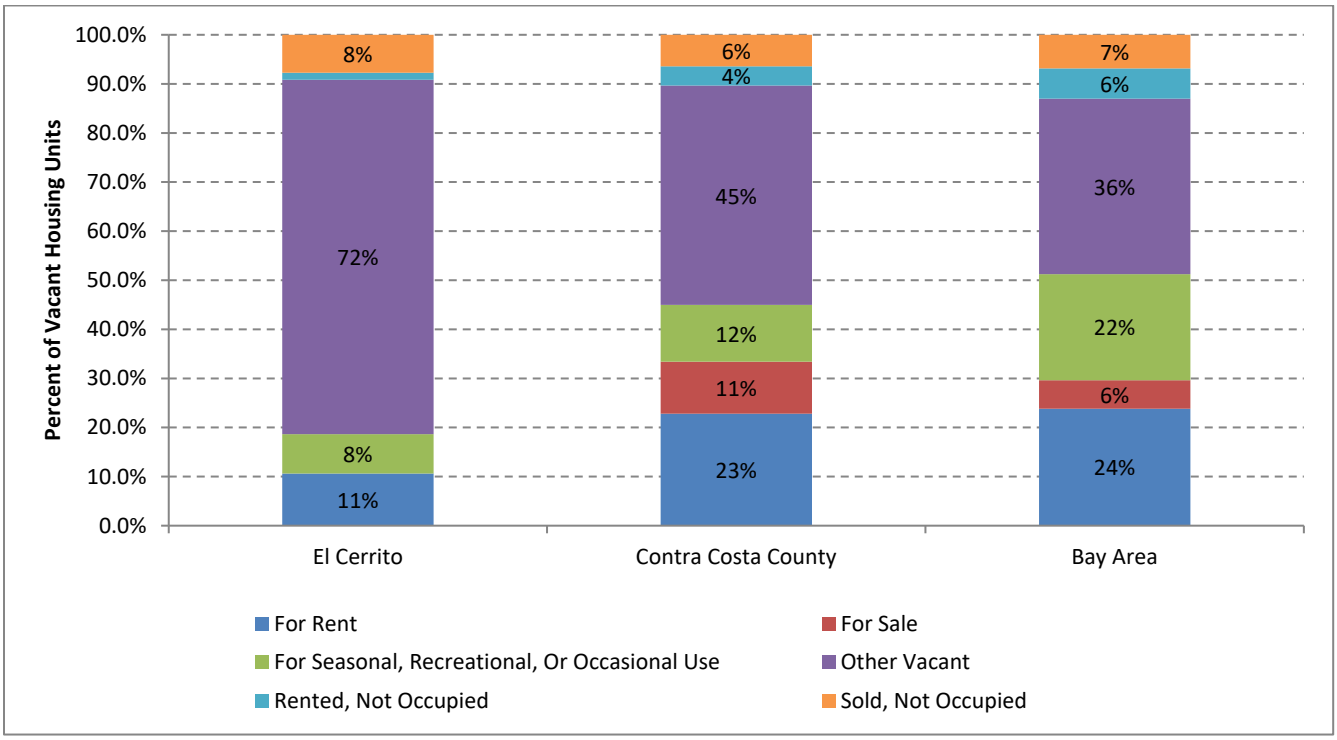
Vacant units make up 6.4 percent of the overall housing stock in El Cerrito. The rental vacancy rate is 2.0 percent, while the ownership vacancy rate is 0.9 percent. Figure 2-29 shows that of the vacant units, the most common type of vacancy is other vacant.[2]

Throughout the Bay Area, vacancies make up 2.6 percent of the total housing units, with homes listed for rent; units used for recreational or occasional use and units not otherwise classified (other vacant) making up the majority of vacancies. The Census Bureau classifies a unit as vacant if no one is occupying it when census interviewers are conducting the American Community Survey or Decennial Census. Vacant units classified as "for recreational or occasional use" are those that are held for short-term periods of use throughout the year. Accordingly, vacation rentals and short-term rentals like Airbnb are likely to fall in this category.

The Census Bureau classifies units as "other vacant" if they are vacant due to foreclosure, personal/family reasons, legal proceedings, repairs/renovations, abandonment, preparation for being rented or sold, or vacant for an extended absence for reasons such as a work assignment, military duty, or incarceration.[18] In a region with a thriving economy and housing market like the Bay Area, units being renovated/repaired and prepared for rental or sale are likely to represent a large portion of the "other vacant" category. Additionally, the need for seismic retrofitting in older housing stock could also influence the proportion of "other vacant" units in some jurisdictions.

[2] The vacancy rates by tenure is for a smaller universe than the total vacancy rate first reported, which in principle includes the full stock (6.4%). The vacancy by tenure counts are rates relative to the rental stock (occupied and vacant) and ownership stock (occupied and vacant) - but exclude a significant number of vacancy categories, including the numerically significant *other vacant*.

Figure 2-29: Vacant Units by Type, El Cerrito, Contra Costa County, and Bay Area, 2019

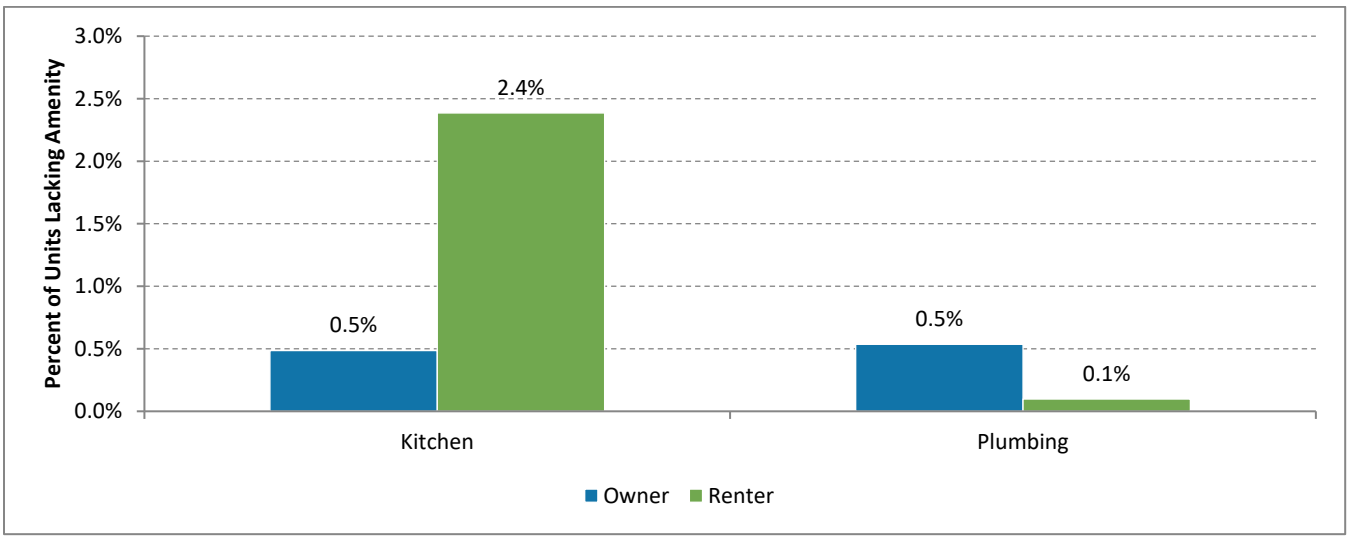



Source: ABAG Housing Element Data Package, HSG-03. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004

## Substandard Housing Conditions

The Census Bureau data included in Figure 2-30 below gives a sense of some of the substandard conditions that may be present in El Cerrito. For example, 2.4 percent of renters in El Cerrito reported lacking a kitchen and 0.1 percent of renters lack plumbing, compared to 0.5 percent of owners who lack a kitchen and 0.5 percent of owners who lack plumbing.

Figure 2-30: Substandard Housing Issues, El Cerrito, 2019




Source: ABAG Housing Element Data Package, HSG-06. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25053, Table B25043, Table B25049

The City's Neighborhood Preservation Program gathers data on housing conditions through a combination of the City's Residential Rental Inspection Program and code enforcement activities/complaints. Based on data 2019, the Neighborhood Preservation Officer estimates that 1 percent of owner-occupied housing units and 10 percent of renter-occupied housing units are in substandard condition. These findings are based on the California Health and Safety Code Section 17920.3 definition and range from lack of hot/cold running water, lack of adequate heating, dampness of habitable rooms, lack of electrical, etc. In accordance with the California Health and Safety Code, not all substandard conditions require a property to be vacated. Most of these conditions were resolved through Notices of Violation to ensure compliance with the Health and Safety Code. The higher estimate of substandard rental units compared to owner-occupied units is a reflection of the City's proactive approach to inspecting rental units and reactive code enforcement on owner-occupied units.

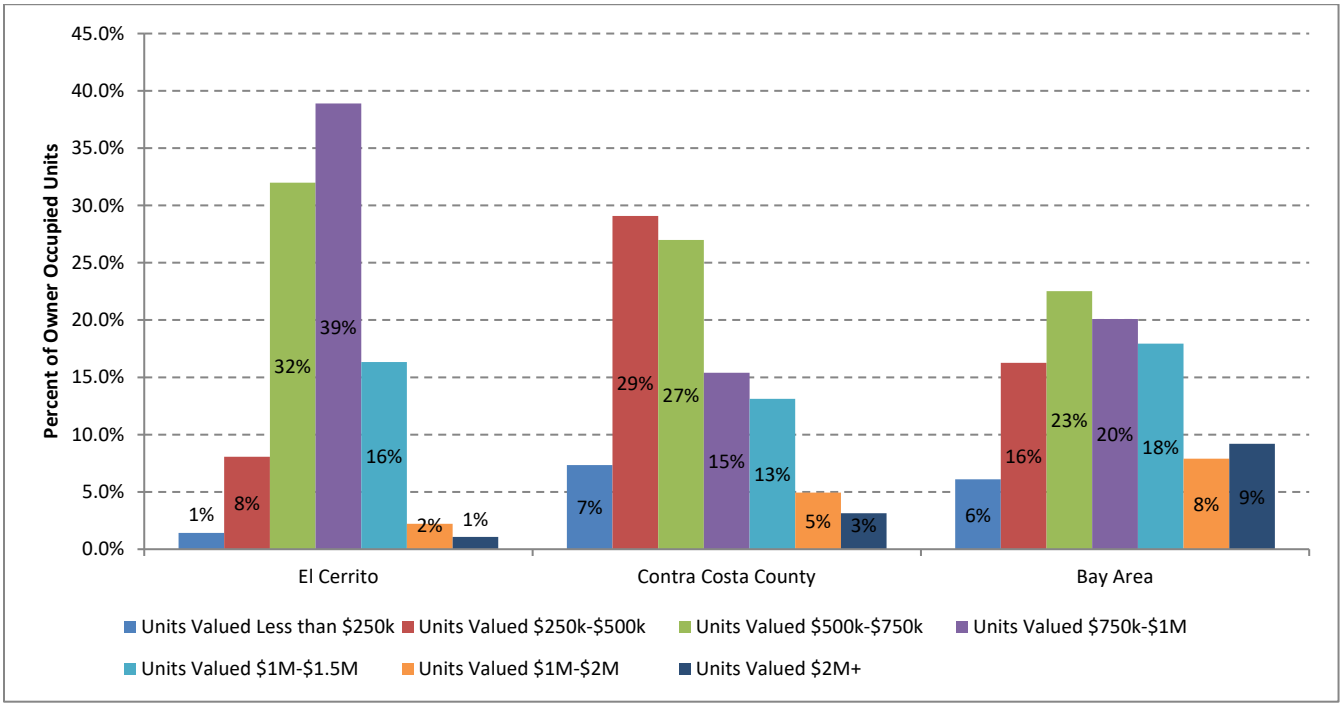
## 2.6 Housing Costs and Affordability

The cost of housing is directly related to the extent of housing problems in a community. If housing costs are relatively high in comparison to household income, there will be a correspondingly higher prevalence of overpayment and overcrowding. This section summarizes the cost and affordability of the housing stock to El Cerrito residents.

### Home Values and Market Trends

In the Bay Area, the costs of housing have long been among the highest in the nation. According to 2015-2019 ACS data shown in Figure 2-31, the largest proportion of homes in El Cerrito were valued between $750,000-$1,000,000 (39 percent) followed by $500,000-$750,000 (32 percent). By comparison, there is a broader range of home values in the county and Bay Area region as a whole.

Figure 2-31: Home Values of Owner-Occupied Units, El Cerrito, 2015-2019

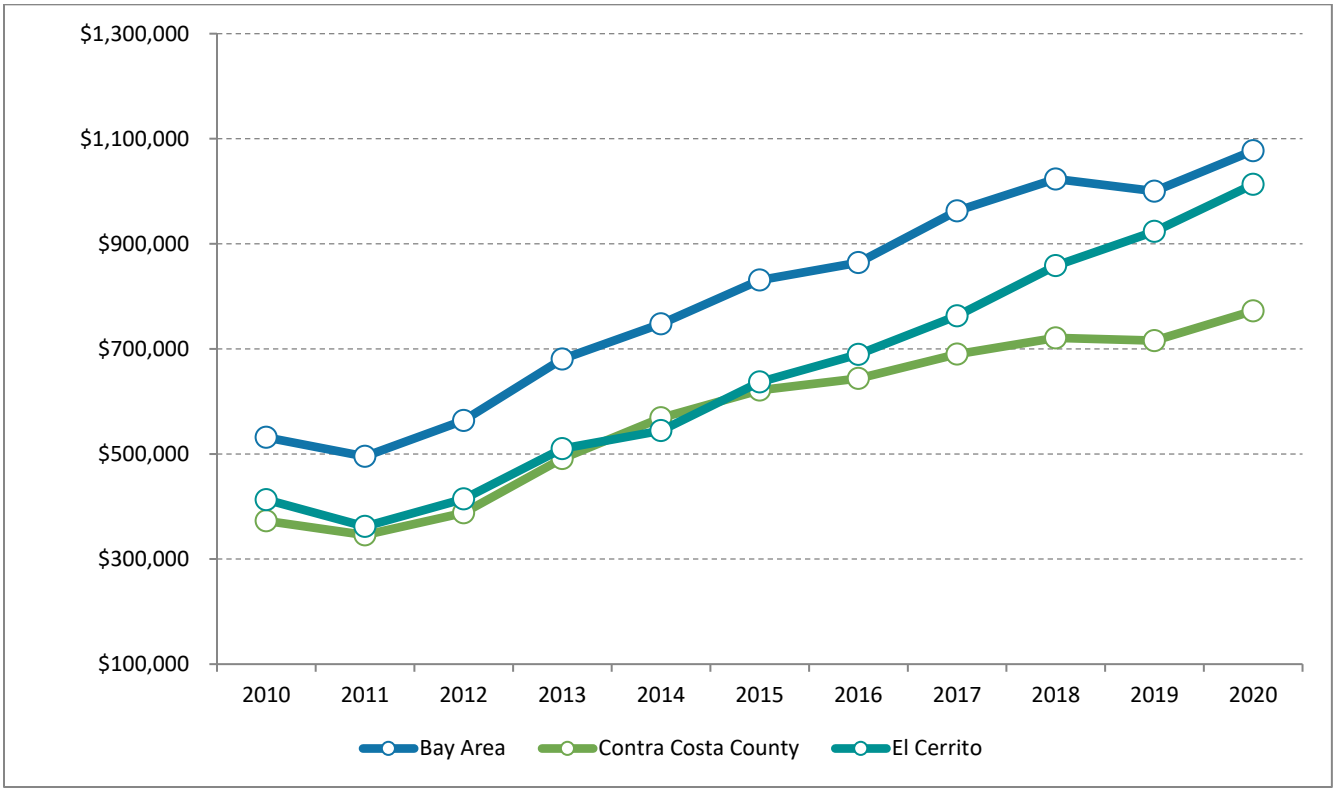



Source: ABAG Housing Element Data Package, HSG-07. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075

According to data from Zillow, the region's home values have increased steadily since 2010. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area more than doubling between 2010 and 2020. Since 2010, the typical home value has increased 145 percent in El Cerrito from $413,011 to $1,013,090. This

change is greater than the change in Contra Costa County and the change for the region (see Figure 2-32). By 2020 home values in El Cerrito surpassed values countywide and approached the average value for the Bay Area region. More recent data from Redfin shows that the median sale price in El Cerrito in May 2022 was over $1.3 million, a 6.8 percent increase from the prior year.

Figure 2-32: Zillow Home Value Index (ZHVI)




Notes: Zillow describes the ZHVI as a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums. More information on the ZHVI is available from Zillow.

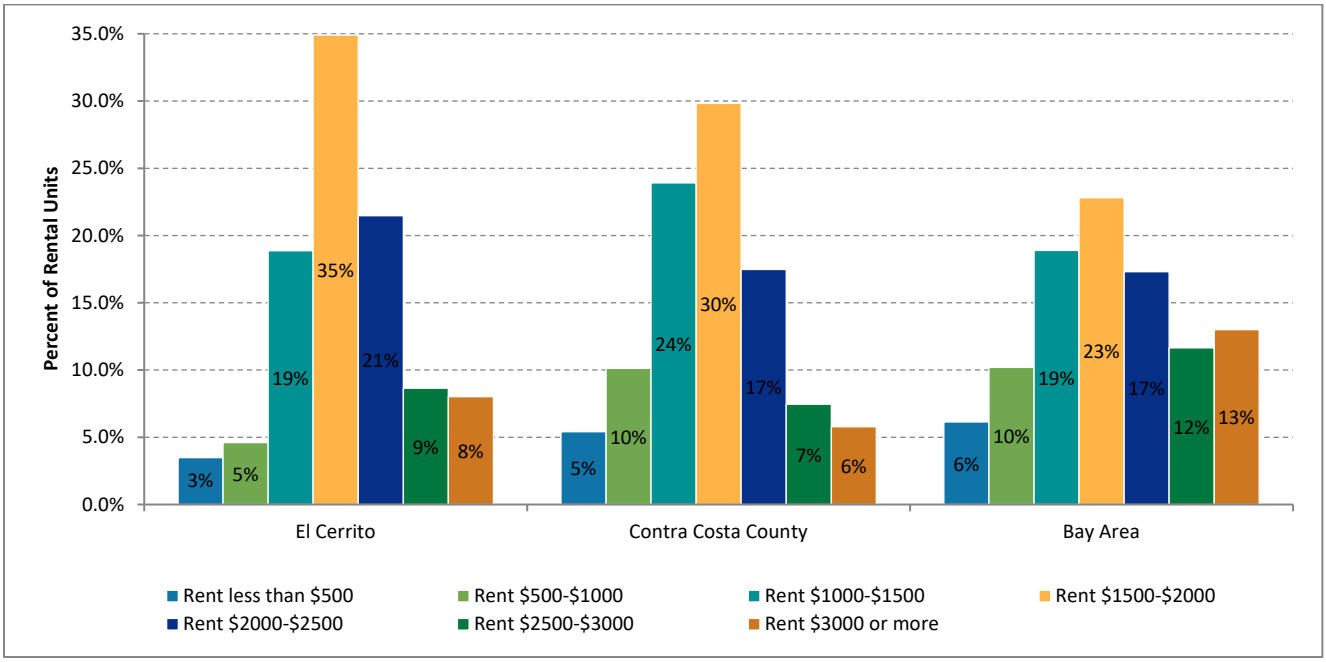
The regional estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF's E-5 series

Source: ABAG Housing Element Data Package, HSG-08. Zillow, Zillow Home Value Index (ZHVI).

## Rent Values and Trends

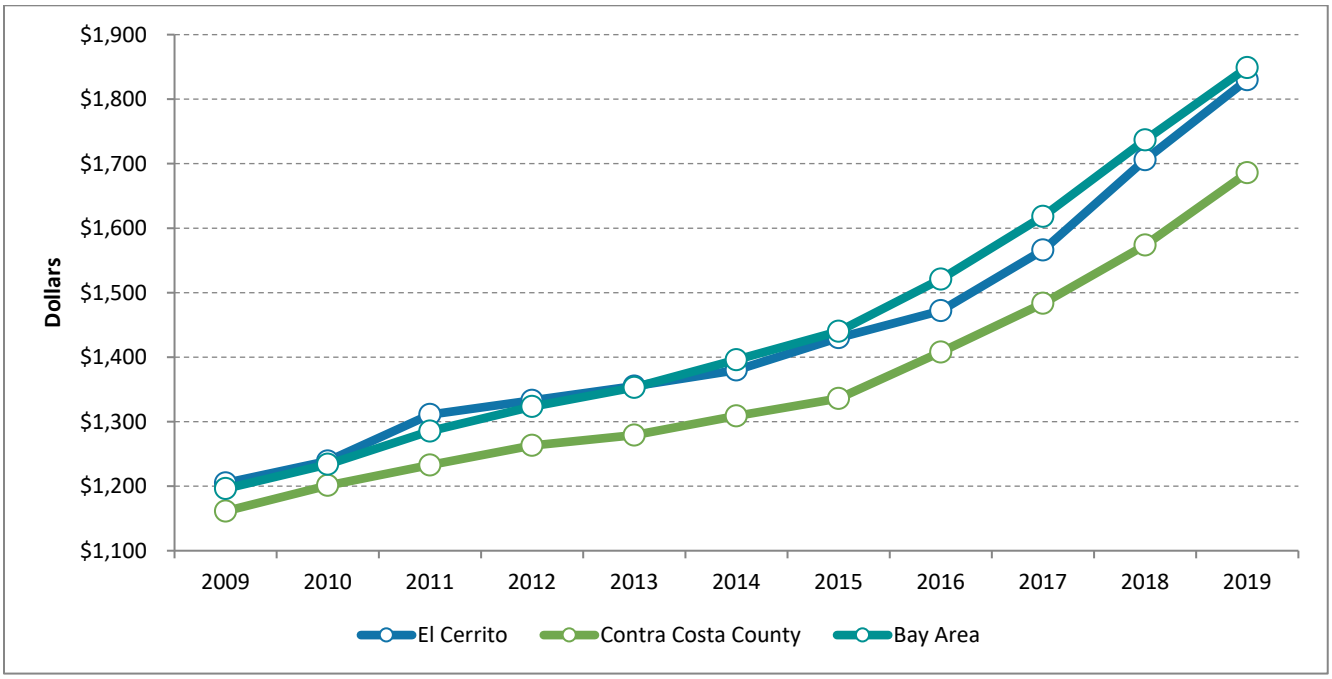
Overall rents in El Cerrito are similar to rents countywide and in the Bay Area region. According to data from the 2015-2019 ACS, the largest proportion of rental units in El Cerrito was in the range of $1500-$2000 per month, totaling 34.9 percent, followed by 21.5 percent of units renting in the $2000-2500 category (see Figure 2-33). Looking beyond the city, the largest share of units in the county and the region as a whole is also in the $1500-$2000 category. Rents in El Cerrito have been increasing at similar rates to rents countywide and in the region. Between 2009 and 2019, the median rent increased by nearly 52 percent in El Cerrito, from $1,380 to $1,830 per month (see Figure 2-34). In Contra Costa County, the median rent increased 28.8 percent over this same time period, from $1,300 to $1,680, and the median rent in the region increased by 54 percent from $1,200 to $1,850.

Figure 2-33: Contract Rents for Renter-Occupied Units, El Cerrito, 2015-2019




Source: ABAG Housing Element Data Package, HSG-09. U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056

Figure 2-34: Median Contract Rent, El Cerrito, Contra Costa County, and Bay Area, 2009-2019




Source: ABAG Housing Element Data Package, HSG-10. U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for unincorporated areas). County and regional counts are weighted averages of jurisdiction median using B25003 rental unit counts from the relevant year.

## Housing Affordability

This section describes the ability of households at different income levels to pay for housing based on HCD 2022 income limits shown earlier in Table 2-6. Housing is classified as "affordable" if households pay no more than 30 percent of income for rent (including a monthly allowance for water, gas, and electricity) or monthly homeownership costs (including mortgage payments, taxes, and insurance). Since above moderate-income households do not generally have problems finding affordable units, affordable units are frequently defined as those reasonably priced for households that are low to moderate income.

Table 2-10 shows maximum affordable monthly rents and purchase prices for homes using 2022 income limits for extremely low-, very low-, low-, and moderate-income households in Contra Costa County. A three-person household with an annual income of $98,650 is classified as low income (80 percent of AMI). A household with this income could afford to pay a monthly gross rent (including utilities) of up to $2,466 or could afford to purchase a house price at or below $403,266. An income of about $2800,000 would be required to afford the May 2022 median sale price of $1.3 million in El Cerrito. This is nearly twice the area median income for a four-person household as shown in the 2022 HCD income limits for Contra Costa County (see Table 2-6).

Table 2-10 Ability to Pay for Housing Based on HCD Income Limits, 2022

| *Number of Persons* | *1* | *2* | *3* | *4* | *5* | *6* |
|---|---|---|---|---|---|---|
| Extremely Low-Income Households at 30% of Median Family Income | | | | | | |
| Income Level | $30,000 | $34,300 | $38,600 | $42,850 | $46,300 | $49,750 |
| Max. Monthly Gross Rent [1] | $750 | $858 | $965 | $1,071 | $1,158 | $1,244 |
| Max. Purchase Price [2] | $122,635 | $140,213 | $157,791 | $175,164 | $189,267 | $203,370 |
| Very Low-Income Households at 50% of Median Family Income | | | | | | |
| Income Level | $50,000 | $57,150 | $64,300 | $71,400 | $77,150 | $82,850 |
| Max. Monthly Gross Rent [1] | $1,250 | $1,429 | $1,608 | $1,785 | $1,929 | $2,071 |
| Max. Purchase Price [2] | $204,392 | $233,620 | $262,849 | $291,872 | $315,377 | $338,678 |
| Low-Income Households at 80% of Median Family Income | | | | | | |
| Income Level | $76,750 | $87,700 | $98,650 | $109,600 | $118,400 | $127,150 |
| Max. Monthly Gross Rent [1] | $1,919 | $2,193 | $2,466 | $2,740 | $2,960 | $3,179 |
| Max. Purchase Price [2] | $313,742 | $358,504 | $403,266 | $448,028 | $484,001 | $519,770 |
| Median-Income Households at 100% of Median Family Income | | | | | | |
| Income Level | $99,950 | $114,250 | $128,500 | $142,800 | $154,200 | $165,650 |
| Max. Monthly Gross Rent [1] | $2,499 | $2,856 | $3,213 | $3,570 | $3,855 | $4,141 |
| Max. Purchase Price [2] | $408,580 | $467,036 | $525,288 | $583,744 | $630,346 | $677,152 |
| Moderate-Income Households at 120% of Median Family Income | | | | | | |
| Income Level | $119,950 | $137,100 | $154,200 | $171,350 | $185,050 | $198,750 |
| Max. Monthly Gross Rent [1] | $3,499 | $3,999 | $4,498 | $4,998 | $5,397 | $5,797 |
| Max. Purchase Price [2] | $572,060 | $653,851 | $735,404 | $817,195 | $882,532 | $947,869 |

Notes: Incomes based on HCD State Income Limits for 2022; FY 2022 AMI: $142,800.

[1] Assumes that 30 percent of income is available for either: monthly rent, including utilities; or mortgage payment, taxes, mortgage insurance, and homeowners insurance

[2] Assumes 90 percent loan (i.e., 10 percent down payment) at 5 percent annual interest rate and 30-year term; assumes taxes, mortgage insurance, and homeowners' insurance account for 21 percent of total monthly payments

Source: HCD, 2022; and Ascent, 2022.

## 2.7 Assisted Housing at Risk of Conversion

State Housing Element law requires an analysis of the potential for rent-restricted low-income housing units to convert to market-rate housing within 10 years from the start of the planning period, and to propose programs to preserve or replace any units at risk of conversion, also known as "at-risk units." This section presents an inventory of all rent-restricted housing in El Cerrito and identifies those units at risk of conversion by 2033.

Covenants and deed restrictions are the typical mechanisms used to maintain the affordability of publicly assisted housing, ensuring that these units are available to lower-and moderate-income households in the long term. Over time, the city may face the risk of losing some of its affordable units due to the expiration of covenants and deed restrictions. As the relatively tight housing market continues to put upward pressure on market rents, property owners are more inclined to discontinue public subsidies and convert the assisted units to market-rate housing.

Table 2-11 provides the inventory of assisted rental housing units in El Cerrito as of June 2022. Of the 277 total assisted units within seven developments, 70 units in two developments are at risk of converting to market-rate by 2033; 63 of the at-risk units are reserved for seniors.

Table 2-11 Inventory of Publicly Assisted Rental Housing, El Cerrito, 2014

| *Project Name* | *Address* | *Total Units* | *Assisted Units* | *Population Assisted* | *Type of Subsidy* | *Earliest Expiration of Affordability* | *At-risk* |
|---|---|---|---|---|---|---|---|
| Hazel Shirley Manor | 11025 San Pablo | 63 | 63 | Senior, mobility impaired (low and moderate) | HUD 202 and Project Based Section 8 | 2031 | Yes |
| Del Norte Place | 11720 San Pablo | 135 | 27 | Family and Seniors (very low) | TCAC, County Tax-Exempt Bonds | 2032 | Yes |
| Idaho Apartments | 10203 San Pablo | 29 | 25 | HIV/AIDS/Homeless/Mental Health | RDA, County HOPWA, Richmond, MHP=SP, AHP, Tax Exempt Bonds | 2072 | No |
| Village at Town Center Apartments | 10810 San Pablo | 158 | 24 | Family | RDA Inclusionary Agreement | 2035 | No |
| Ohlone Gardens | 6431 - 6495 Portola Drive | 57 | 57 | Family, HIV/AIDS/ Homeless/Mental Health | RDA, County, AHP, Tax Credits, MHSA, HOPWA, IIG | 2069 | No |
| Hana Gardens | 10848 -10860 San Pablo Avenue | 63 | 62 | Seniors | RDA, Affordable Housing Sustainable Communities grant program, State Infill Infrastructure Grant program, County HOME & CDBG, County PBV & RAD, LIHTC, Tax-Exempt Bonds | 2071 | No |
| Metro 510 (Creekwalk) | Southeastern Corner of El Cerrito Plaza | 128 | 19 | Family | Inclusionary | 2072 | No |
| Total Assisted Units | | 735 | 277 | | | | |
| Total At-Risk Units | | - | 70 | | | | |

Source: Eskaton Properties Inc., City of El Cerrito, 2014.

The following is a summary of the two developments with at-risk units:

- Del Norte Place. Del Norte Place is a 135-unit apartment complex in El Cerrito near the Del Norte BART Station. In exchange for El Cerrito Redevelopment Agency assistance through a Disposition and Development Agreement and a ground lease, the development allocated 27 units for very low-income households. These units are also restricted through the Low Income Housing Tax Credit program. The term of affordability is set to expire in 2032. Because it is not possible to only acquire the 27 affordable units in Del Norte Place, the estimated market value is calculated for all 135 units in the project.
- Hazel Shirley Manor. Hazel Shirley Manor is a 63-unit apartment complex operated by Eskaton Properties for low- and moderate-income seniors and mobility-impaired adults. Hazel Shirley Manor was at-risk in 2026 but the owners renewed the affordability restrictions through 2031.

In addition, the El Cerrito Royale, a 102-unit congregate care facility that is licensed through the State, had 31 lower-income units that expired in 2019. The project includes 31 very low-income units. According to the Property Manager, the tenants in the lower-income units remain under the program as long as they meet eligibility; however, the units will convert to market rate once vacant.

## Preservation and Replacement Options

State law requires that housing elements include a comparison of the costs to replace the at-risk units through new construction or to preserve the at-risk units. Preserving at-risk units can be accomplished by facilitating a transfer of ownership to a qualified affordable housing organization, purchasing the affordability covenants, and/or providing rental assistance to tenants. Each of these options is described below.

### Acquisition and Rehabilitation

Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring property ownership to a non-profit organization, affordability restrictions can be secured and the project would become potentially eligible for a greater range of governmental assistance.

Because it is not possible to only acquire the affordable units in the Del Norte development, the estimated market value is calculated for all 135 units Based on listings of for-sale multifamily developments in El Cerrito and Richmond, a multifamily development might cost about $315,000 per unit on average to acquire. Assuming that renovations cost around $25,000 per unit, the total cost for acquisition and rehabilitation of the two developments with at-risk units is estimated at $67 million.

### Rent Subsidy

Rent subsidies are a potential method for preserving affordability. Through a variety of funding sources, the City could potentially provide rental vouchers similar to those provided through the Housing Choice Vouchers program (formerly Section 8). The amount of a rent subsidy would be equal to the difference between the HUD defined fair market rent (FMR) for a unit and the cost that would be affordable to a lower-income household based on HUD income limits. Table 2-12 shows this calculation. The total cost to subsidize the 70 at-risk units is estimated at nearly $746,000 annually, or about $22.4 million over 30 years.

Table 2-12 Estimated Cost to Subsidize Rents, El Cerrito (2022)

| | Per Unit Affordable Rent[1] | Unit Size | | | Total |
|---|---|---|---|---|---|
| | | 1BR | 2BR | 3BR | |
| A | Low-Income Rent (60% AMI) | $1,413 | $1,601 | $1,959 | |
| B | Very Low-Income Rent (50% AMI) | $1,178 | $1,334 | $1,491 | |
| C | Average (A & B) | $1,295 | $1,468 | $1,725 | |
| D | Per Unit Fair Market Rent[2] | $1,854 | $2,274 | $3,006 | |
| E | Monthly Per Unit Subsidy (D–C) | $639 | $915 | $1,471 | |
| F | Annual Subsidy/Unit (E * 12) | $7,664 | $10,982 | $17,648 | |
| | Total "At Risk" Units[3] | 35 | 21 | 14 | 70 |
| | Total Annual Subsidy | $268,240 | $230,622 | $247,072 | $745,934 |

[1] Affordable rent calculation is based on 1.5 persons per bedroom.

[2] 2021 HUD Fair Market Rent

[3] Actual unit size of at-risk units is unknown. Assumes 50% of total "At Risk" units are 1-bedroom, 30% are 2-bedroom, and 20% are 3-bedroom.

AMI = Area Median Income

Source: U.S. HUD, Fair Market Rents, Contra Costa County, 2022; Ascent 2022.

Another way rent subsidies could be structured is as a rent buy-down. This would involve the City providing a one-time assistance loan to the property owner to cover the present value of the decrease in rents associated with the extended affordability term compared with market rents achievable on the units. This approach offers a benefit to the owner in that they receive cash upfront from the loan, providing funds for rehabilitation improvements.

### Construction of Replacement Units

New construction is often more expensive than acquisition and rehab. The cost of developing housing depends upon a variety of factors, including density, size of the units, location, land costs, and type of construction. According to a report by the Terner Center,[3] the average cost statewide to develop a Low-Income Housing Tax Credit funded affordable housing development was $480,000 per unit in 2019. However, costs vary greatly by region and the Bay Area is the most expensive region in which to build affordable housing. According to the report, the average cost to build an affordable unit in the greater San Francisco Bay Area was nearly $600,000 per unit in 2019, and costs have only increased since that time due to increases in labor and material costs. Assuming an average cost of $600,000 per unit, it would cost an estimated $42 million to replace the 70 at-risk units.

### Comparison of Preservation Options

The cost of acquiring both projects and transferring ownership to non-profit housing organizations is highest at approximately $67 million, due to the large number of market-rate units that would also need to be purchased. In comparison, the annual costs of providing rental subsidies to preserve the 70 assisted units are relatively low ($745,934 annually); however, long-term provision of rental subsidies for at least 30 years would cost more than $22 million. New construction of 121 replacement units is another option estimated at approximately $42 million.

[3] The Costs of Affordable Housing Production: Insights from California's 9% Low-Income Housing Tax Credit Program. Terner Center for Housing Innovation. U.C. Berkeley. March 2020. https://ternercenter.berkeley.edu/wp-content/uploads/2020/08/LIHTC_Construction_Costs_2020.pdf

## Qualified Entities

There are 24 non-profit corporations currently registered as qualified entities for Contra Costa County, and 96 entities working statewide that have the experience and capacity to assist in preserving at-risk units. These organizations, presented in Table 2-13, are tracked by HCD and up-to-date contact information for each entity can be obtained via the HCD website at: https://www.hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml.

Table 2-13 Qualified Entities, Contra Costa County

| *Organization* | *City* |
|---|---|
| Rubicon Programs, Inc. | Richmond |
| ACLC, Inc | Stockton |
| East Bay NHS | Richmond |
| Affordable Housing Associates | Berkeley |
| Eskaton Properties Inc. | Carmichael |
| Rural California Housing Corp | West Sacramento |
| East Bay Asian Local Development Corporation | Oakland |
| Pacific Community Services, Inc. | Pittsburg |
| Community Housing Development Corp. | Richmond |
| Anka Behavioral Health | Concord |
| Satellite Housing Inc. | Berkeley |
| Northern California Land Trust, Inc. | Berkeley |
| Alameda County Allied Housing Program | Hayward |
| ROEM Development Corporation | Santa Clara |
| Neighborhood Housing Services of the East Bay | Richmond |
| L + M Fund Management LLC | Westchester |

Source: CA Department of Housing and Community Development (HCD), 2021.

# CHAPTER 3 | Assessment of Fair Housing

## 3.1 Introduction and Overview of AB 686

Land use policies and planning directly impact the ability of individuals and families to live in neighborhoods with opportunity, including high-performing schools, greater availability of jobs, and convenient access to transit and services. Despite the long-standing federal mandate established by the Fair Housing Act (FHA) [1], which prohibits discrimination concerning the sale, rental, and financing of housing based on race, color, religion, national origin, sex, familial status, and disability status, people within protected classes continue to encounter limits in housing choice and mobility.

In 2018, the California State Legislature passed Assembly Bill (AB) 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA)[2] and protect the requirement to affirmatively further fair housing (AFFH) as published in the 2015 U.S. Department of Housing and Community Development (HUD) Affirmatively Furthering Fair Housing Rule.[3] The California Department of Housing and Community Development (HCD) defines AFFH as taking meaningful actions to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities.[4]

As part of this, housing elements are required to include the following components:

- Inclusive and Equitable Outreach: Housing elements must make a diligent effort to equitably include all community stakeholders in the Housing Element participation process.
- Assessment of Fair Housing: All housing elements must include an assessment of fair housing. This assessment should include an analysis of the following four fair housing issues: integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.
- Analysis of Sites Inventory: Local jurisdictions must evaluate and address how particular sites available for housing development will meet the needs of households at all income levels. The Housing Element must analyze and conclude whether the identified sites improve or exacerbate conditions for fair housing.
- Identification of Contributing Factors: Based on findings from the previous steps, housing elements must identify, evaluate, and prioritize the contributing factors related to fair housing issues.
- Priorities, Goals, and Actions to AFFH: Local jurisdictions must adopt fair housing goals and actions that are significant, meaningful, and sufficient to overcome identified patterns of segregation and affirmatively further fair housing. The Housing Element should include metrics and milestones for evaluating progress and fair housing results.

## 3.2 Fair Housing Assessment

This section serves as an assessment of fair housing practices in the City of El Cerrito, pursuant to Government Code Section 65583 (c)(10). It examines existing conditions and demographic patterns including patterns of integration and segregation within the city, concentrated areas of low- and moderate-income housing, and areas of low and high opportunity. The analysis is based on data and research from the U.S. Census American Community Survey (ACS) from 2000-2020, the HCD AFFH Data and Mapping Tool, the HUD AFFH Tool, Contra Costa County Analysis of

[1] 42 U.S.C. §§ 3601-3631
[2] California Government Code Section 12900-12951 & 12927-12928 & 12955 - 12956.1 & 12960-12976
[3] The 2015 HUD rule was reversed in 2020 and partially reinstated in 2021.
[4] HCD AFFH Guidance Memo, 2021.

Impediments to Fair Housing Choice January 2020-2025 (2020 AI), and the AFFH Segregation Report: El Cerrito (2022) prepared by UC Merced/STIR Labs in collaboration with the Association of Bay Area Governments (ABAG).

### Notes on Geospatial Analysis

In this report, "neighborhoods" are approximated by census tracts. Census tracts are statistical geographic units defined by the U.S. Census Bureau for the purposes of disseminating data. In the Bay Area, census tracts contain on average 4,500 residents. Nearly all Bay Area jurisdictions contain at least two census tracts, with larger jurisdictions containing dozens of census tracts.

Throughout this report, neighborhood level segregation measures are calculated using census tract data. However, some of the analysis uses data derived from a smaller geographic scale (i.e., census blocks and census block groups) to better show spatial differences in where different groups live. Census block groups are subdivisions of census tracts, and census blocks are subdivisions of block groups. In the Bay Area, block groups contain on average 1,500 people, while census blocks contain on average 95 people.

The region is the nine-county San Francisco Bay Area, which is comprised of Alameda County, Contra Costa County, Marin County, Napa County, San Francisco County, San Mateo County, Santa Clara County, Solano County, and Sonoma County.

## Fair Housing Enforcement

Fair housing enforcement and outreach capacity refers to the ability of a locality and fair housing entities to disseminate information related to fair housing laws and rights and provide outreach and education to community members. Enforcement and outreach capacity also includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing. The Fair Employment and Housing Act and the Unruh Civil Rights Act are the primary California fair housing laws. California state law further extends anti-discrimination protections in housing to several classes that are not covered by the federal FHA of 1968, including prohibiting discrimination on the basis of sexual orientation.

California's Department of Fair Employment and Housing (DFEH) has statutory mandates to protect the people of California from discrimination pursuant to the California FEHA, Ralph Civil Rights Act, and Unruh Civil Rights Act (with regards to housing).

- FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, military or veteran status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.
- Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.
- Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

In Contra Costa County, local housing, social services, and legal service organizations include the Fair Housing Advocates of Northern California (FHANC), Eden Council for Hope and Opportunity (ECHO) Fair Housing, Bay Area Legal Aid, and Pacific Community Services, see Table 3-1. While these organizations provide valuable assistance, the capacity and funding that they have is generally insufficient.

Table 3-1 Fair Housing Advocacy Organizations, Contra Costa County

| *Organization* | *Focus Areas* |
|---|---|
| Fair Housing Advocates of Northern California (FHANC) | Non-profit agency that provides fair housing information and literature in a number of different languages, primarily serves Marin, Sonoma, and Solano County but also has resources to residents outside of the above geographic areas. |
| Eden Council for Hope and Opportunity (ECHO) Fair Housing | Housing counseling agency that provides education and charitable assistance to the general public in matters related to obtaining and maintaining housing. |
| Bay Area Legal Aid | Largest civil legal aid provider serving seven Bay Area counties. Has a focus area in housing preservation and homelessness task force to provide legal services and advocacy for those in need. |
| Pacific Community Services | Private non-profit housing agency that serves east Contra Costa County (Bay Point, Antioch, and Pittsburg) and provides fair housing counseling as well as education and outreach. |
| Richmond Neighborhood Housing Services, Inc. (RNHS) | Housing counseling agency that serves East Bay (specific areas include Richmond, El Cerrito, San Pablo, and Pinole) and Contra Costa County residents by providing affordable rentals to families in addition to education on homeownership and financial literacy. |

### Regional Trends

Based on DFEH Annual Reports, Table 3-2 shows the number of housing complaints filed by Contra Costa County to DFEH between 2015–2020. A slight increase in the number of complaints precedes the downward trend from 2016–2020. Note that fair housing cases alleging a violation of FEHA can also involve an alleged Unruh violation as the same unlawful activity can violate both laws. DFEH creates companion cases that are investigated separately from the housing investigation.

Table 3-2 Number of DFEH Housing Complaints in Contra Costa County (2015-2020)

| *Year* | *Housing* | *Unruh Civil Rights Act* |
|---|---|---|
| 2015 | 30 | 5 |
| 2016 | 32 | 2 |
| 2017 | 26 | 2 |
| 2018 | 22 | 2 |
| 2019 | 22 | 2 |
| 2020 | 20 | 1 |
| Total | 152 | 14 |

Source: https://www.dfeh.ca.gov/LegalRecords/?content=reports#reportsBody

The HUD's Office of Fair Housing and Equal Opportunity (HUD FHEO) enforces fair housing by investigating complaints of housing discrimination. Table 3- 3 shows the number of FHEO cases filed by protected class in Contra Costa County between 2015 and 2020. Cases for 2020 were significantly lower because data was not collected after June 30, 2020. A total of 148 cases were filed between 2015 and June 30, 2020, with disability being the top allegation of basis of discrimination followed by familial status, race, national origin, and sex. These findings are consistent with national trends stated in FHEO's 2020 State of Fair Housing Annual Report to Congress where disability was also the top allegation of basis of discrimination.

Table 3- 3 indicates that the highest number of fair housing complaints in Contra Costa County are due to discrimination against those with disabilities, followed by income source, race, and national origin. A summary of ECHO's Fair Housing Complaint Log for Contra Costa County on fair housing issues, actions taken, services provided, and outcomes can be found in Table 3- 4 and Table 3- 5.

As shown in the tables, the most common action(s) taken/services provided are providing clients with counseling, followed by sending testers for investigation, and conciliation with landlords. Regardless of actions taken or services provided, almost 45 percent of cases are found to have insufficient evidence. Only about 12 percent of all cases resulted in successful mediation.

Table 3-3 Number of FHEO Filed Cases by Protected Class in Contra Costa County (2015–2020)

| *Year* | *Number of Filed Cases* | *Disability* | *Race* | *National Origin* | *Sex* | *Familial Status* |
|---|---|---|---|---|---|---|
| 2015 | 28 | 17 | 4 | 2 | 2 | 4 |
| 2016 | 30 | 14 | 8 | 7 | 5 | 6 |
| 2017 | 20 | 12 | 3 | 5 | 1 | 5 |
| 2018 | 31 | 20 | 6 | 3 | 4 | 9 |
| 2019 | 32 | 27 | 4 | 4 | 4 | 1 |
| 2020 | 7 | 4 | 1 | 0 | 2 | 1 |
| **Total** | **148** | **94** | **26** | **21** | **18** | **26** |
| Percentage of Total Filed Cases | 63.5% | 17.5% | 14.2% | 12.2% | 17.6% | |

*Note that cases may be filed on more than one basis.

Source: Data.Gov - Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (FHEO) Filed Cases, https://catalog.data.gov/dataset/fheo-filed-cases

Table 3-4 Action(s) Taken/Services Provided by Protected Class

| | *1* | *3* | *5* | *6* | *7* | *Grand Total* |
|---|---|---|---|---|---|---|
| Race | 21 | 0 | 0 | 2 | 0 | 23 |
| Marital Status | 0 | 0 | 0 | 1 | 0 | 1 |
| Sex | 0 | 0 | 0 | 0 | 0 | 0 |
| Religion | 0 | 0 | 0 | 0 | 0 | 0 |
| Familial Status | 0 | 0 | 0 | 3 | 0 | 3 |
| Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 |
| Sexual Harassment | 0 | 0 | 0 | 1 | 0 | 1 |
| Income Source | 15 | 0 | 1 | 7 | 1 | 24 |
| Disability | 7 | 1 | 14 | 33 | 5 | 60 |
| National Origin | 13 | 0 | 0 | 1 | 0 | 14 |
| Other | 0 | 0 | 1 | 11 | 5 | 17 |
| **Total** | **56** | **1** | **16** | **59** | **11** | **143** |

[1] Testers sent for investigation; 3. Referred to attorney; 5. Conciliation with landlord; 6. Client provided with counseling; 7. Client provided with brief service; Source: ECHO Fair Housing (2020 - 2021)

Table 3-5 Outcomes

| Protected Class | Counseling Provided to Landlord | Counseling Provided to Tenant | Education to Landlord | Insufficient Evidence | Preparing Site Visit | Referred to DFEH/HUD | Successful Mediation | Grand Total |
|---|---|---|---|---|---|---|---|---|
| Race | 0 | 0 | 2 | 20 | 0 | 1 | 0 | 23 |
| National Origin | 0 | 0 | 1 | 13 | 0 | 0 | 0 | 14 |
| Marital Status | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Sex | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disability | 2 | 25 | 2 | 12 | 0 | 4 | 15 | 60 |
| Religion | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Familial Status | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 |
| Income Source | 3 | 3 | 0 | 16 | 1 | 0 | 1 | 24 |
| Sexual Harassment | 0 | 8 | 2 | 2 | 1 | 4 | 0 | 17 |
| Other | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| **Total** | **5** | **39** | **7** | **64** | **2** | **10** | **16** | **143** |

Source: ECHO Fair Housing (2020 - 2021)

#### Local Trends

In El Cerrito, only two general fair housing inquiries were made to ECHO between 2016-2021: one for a general fair housing inquiry about disability and one on alleged discrimination based on national origin. Counseling was provided to the tenant that made the general inquiry and testers were sent for investigation to the alleged discrimination, but insufficient evidence was found.

### Fair Housing Testing

Fair housing testing is a randomized audit of property owners' compliance with local, state, and federal fair housing laws. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws.

#### Regional Trends

ECHO conducts fair housing investigations in Contra Costa County (except Pittsburg). The Contra Costa County 2020 AI did not report any findings on fair housing testing on the county level nor at the local level for the City of El Cerrito; however, it does bring to attention that private discrimination is a problem in Contra Costa County that continues to perpetuate segregation.

### Fair Housing Education and Outreach

#### Regional Trends

Fair housing outreach and education is imperative to ensure that those experiencing discrimination know when and how to seek help. Below is a more detailed description of fair housing services provided by local housing, social services, and legal service organizations.

- Fair Housing Advocates of Northern California (FHANC). FHANC is a non-profit agency with a mission to actively support and promote fair housing through education and advocacy. Fair housing services provided to residents outside of Marin, Sonoma, or Solano counties include foreclosure prevention services and information, information on fair housing law for the housing industry, and other fair housing literature. The majority of the fair housing literature is provided in Spanish and English, with some provided in Vietnamese and Tagalog.

- Eden Council for Hope and Opportunity (ECHO) Fair Housing. ECHO Fair Housing is a HUD-approved housing counseling agency that aims to promote equal access in housing, provide support services to aid in the prevention of homelessness, and promote permanent housing conditions. The organization provides education and charitable assistance to the general public in matters related to obtaining and maintaining housing in addition to rental assistance, housing assistance, tenant/landlord counseling, homeseeking, homesharing, and mortgage and home purchase counseling. In Contra Costa County, ECHO Fair Housing provides fair housing services, first-time home buyer counseling and education, and tenant/landlord services (rent review and eviction harassment programs are available only in Concord). Although ECHO serves most of Contra Costa County, only one fair housing counselor serves the county. The 2020 AI states that the organization provides information in Spanish, however the ECHO website is predominantly in English with limited options to translate the homepage into various languages. Navigating the entire site may be difficult for the limited-English proficient (LEP) population. General fair housing services encompass:
  - Counseling, investigation, mediation, enforcement, and education.
  - First-time home buyer counseling provides one-on-one counseling with a Housing Counselor on the homebuying process. The Housing Counselor will review all documentation, examine and identify barriers to homeownership, create an action plan, and prepare potential homebuyers for the responsibility of being homeowners. The Housing Counselor will also review the credit reports, determine what steps need to be taken to clean up adverse credit, provide counseling on money-saving methods, and assist in developing a budget.
  - First-time home buyer education provides classroom training regarding credit information, home ownership incentives, home buying opportunities, predatory lending, home ownership responsibilities, government-assisted programs, as well as conventional financing. The class also provides education on how to apply for HUD-insured mortgages, purchase procedures, and alternatives for financing the purchase. Education also includes information on fair housing and fair lending and how to recognize discrimination and predatory lending procedures and locating accessible housing if needed.
  - ECHO's Tenant/Landlord Services provides information to tenants and landlords on rental housing issues such as evictions, rent increases, repairs and habitability, harassment, illegal entry, and other rights and responsibilities regarding the tenant/landlord relationship. Trained mediators assist in resolving housing disputes through conciliation and mediation.
  - In cities that adopt ordinances to allow Rent Reviews (City of Concord only in Contra Costa County), tenants can request a rent review from ECHO Housing by phone or email. This allows tenants who experience rent increases exceeding 10 percent in a 12-month period to seek non-binding conciliation and mediation services.
- Bay Area Legal Aid (BayLegal). BayLegal is the largest civil legal aid provider serving seven Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara). With respect to affordable housing, BayLegal has a focus area in housing preservation (landlord-tenant matters, subsidized and public housing issues, unlawful evictions, foreclosures, habitability, and enforcement of fair housing laws) as well as a homelessness task force that provides legal services and advocacy for systems change to maintain housing, help people exit homelessness, and protect unhoused persons' civil rights. The organization provides translations for their online resources to over 50 languages and uses volunteer interpreters/translators to help provide language access. Its legal advice line provides counsel and advice in different languages. Specific to Contra Costa County, tenant housing resources are provided in English and Spanish.

  The Housing Preservation practice is designed to protect families from illegal evictions, substandard housing conditions, and wrongful denials and terminations of housing subsidies. The practice also works to preserve and expand affordable housing and protect families from foreclosure rescue scams. BayLegal helps low-income tenants obtain or remain in safe affordable housing by providing legal assistance in housing-law related areas such as public, subsidized (including Section 8 and other HUD subsidized projects) and private housing, fair housing and housing discrimination, housing conditions, rent control, eviction defense, lock-outs and utility shut-offs, residential hotels, and training advocates and community organizations.

BayLegal also provides free civil legal services to low-income individuals and families to prevent homelessness and increase housing stability as well as assist unhoused youth/adults address legal barriers that prevent them from exiting homelessness. This is done through a mix of direct legal services, coalition building and partnerships, policy advocacy, and litigation to advocate for systems change that will help people maintain housing, exit homelessness, and protect unhoused persons' civil rights. BayLegal also provides free civil legal services to low-income individuals and families to prevent homelessness and increase housing stability as well as assist unhoused youth/adults address legal barriers that prevent them from exiting homelessness. This is done through a mix of direct legal services, coalition building and partnerships, policy advocacy, and litigation to advocate for systems change that will help people maintain housing, exit homelessness, and protect unhoused persons' civil rights. The Homelessness Task Force (HTF) was developed in response to complex barriers and inequities contributing to homelessness and strives to build capacity and develop best practices across the seven aforementioned counties to enhance BayLegal's coordinated, multi-systems response to homelessness.

- Pacific Community Services, Inc. (PCSI). PCSI is a private non-profit housing agency that serves east Contra Costa County (Bay Point, Antioch, and Pittsburg) and provides fair housing counseling in English and Spanish. Housing and counseling services provided include:
  - Foreclosure Prevention: Consists of a personal interview and the development of a case management plan for families to keep their homes and protect any equity that may have built up. Relief measures sought include: loan modification or reduced payments, reinstatement and assistance under 'Keep Your Home' program, forbearance agreements, deed-in-lieu of foreclosure, refinancing or recasting the mortgage, or sale of the property
  - Homeownership Counseling: Prepares first-time buyers for a successful home purchase by helping them in budgeting, understanding the home purchase process, and understanding the fees that lenders may charge to better prepare new buyers when acquiring their first home
  - Rental Counseling; Tenant and Landlord Rights: Provides information and assistance in dealing with eviction and unlawful detainer actions, deposit returns, habitability issues, getting repairs done, mediation of tenant/landlord disputes, assisting tenant organizations, legal referrals to Bay Area Legal Aid & Bar Association resources, pre-rental counseling and budgeting
  - Fair Housing Services: Includes counseling regarding fair housing rights, referral services and education and outreach. PCSI offers training for landlords and owners involving issues of compliance with federal and state fair housing regulations
  - Fair Housing Education and Outreach: Offers informative workshops for social service organizations and persons of protected categories. These workshops are designed to inform individuals how to recognize and report housing discrimination

Though PCSI's list of available services is comprehensive, their website lacks contact information, resources, and accessibility.

- Richmond Neighborhood Housing Services, Inc. (RNHS). RNHS is a HUD-approved Housing counseling agency that serves East Bay (specific areas include Richmond, El Cerrito, San Pablo, and Pinole) and County residents. RNHS is the property owner and manager of over thirty single-family and multi-family homes in the City of Richmond and Oakland. They have developed, acquired and/or rehabilitated over 400 single family homes including housing developments in blighted and vacant lots to sell or manage as affordable homes to purchase, or rent for low- income families. RNHS also serves residents through education programs that include financial literacy programs, home loan programs, foreclosure prevention, and affordable rental counseling. The primary program areas are summarized below:
  - Rental Counseling: Supports individual's understanding of resident rights and responsibilities and mastering of "basic" financial habits as it relates to budgeting and managing credit. It is targeted to those who are exploring homeownership or looking to create sustainable financial practices to address the day-to-day needs related to managing one's financial households.

- Mortgage Delinquency & Default Resolution: Offers free and confidential counseling for homeowners who are facing financial trouble and avoid foreclosure.
- Homeownership Counseling: Offers training, referrals, and other assistance to provide first-time homebuyers with the knowledge to shop for an affordable home, access government-sponsored financial support programs, get the right mortgage product, and learn how to avoid foreclosure.

#### Local Trends

The City provides information on fair housing laws, tenant rights, and affordable housing strategies through the City's website. The Housing Division maintains a list of existing affordable housing units, new affordable housing projects, and affordable housing waitlist opportunities in the city. In addition to local resources, the City directs residents to county resources for housing, legal, and other services.

## 3.3 Integration and Segregation

### Race/Ethnicity

Segregation is the separation of different demographic groups into different geographic locations or communities, meaning that groups are unevenly distributed across geographic space. The data presented in this section describing racial and income segregation in El Cerrito is based on the data and research presented in the AFFH Land Use Segregation Report prepared for El Cerrito by the UC Merced/ STIR labs team in collaboration with ABAG. The report examines two spatial forms of segregation: neighborhood level segregation within a local jurisdiction and city level segregation between jurisdictions in the Bay Area.

- Neighborhood level segregation (within a jurisdiction): Segregation of race and income groups can occur from neighborhood to neighborhood within a city. For example, if a local jurisdiction has a population that is 20 percent Latinx, but some neighborhoods are 80 percent Latinx while others have nearly no Latinx residents, that jurisdiction would have segregated neighborhoods.
- City level segregation (between jurisdictions in a region): Race and income divides also occur between jurisdictions in a region. A region could be very diverse with equal numbers of White, Asian, Black, and Latinx residents, but the region could also be highly segregated with each city comprised solely of one racial group.

Ethnic and racial composition of a region is useful in analyzing housing demand and any related fair housing concerns as it tends to demonstrate a relationship with other characteristics such as household size, locational preferences and mobility. Prior studies have identified socioeconomic status, generational care needs, and cultural preferences as factors associated with "doubling up"—households with extended family members and non-kin. These factors have also been associated with ethnicity and race. Other studies have also found minorities tend to congregate in metropolitan areas though their mobility trend predictions are complicated by economic status (minorities moving to the suburbs when they achieve middle class) or immigration status (recent immigrants tend to stay in metro areas/ports of entry).

#### Regional Trends

The AFFH Land Use Segregation Report found that across the San Francisco Bay Area, White residents and above moderate-income residents are significantly more segregated from other racial and income groups The highest levels of racial segregation occur between the Black and White populations. The analysis showed that the amount of racial segregation both within Bay Area cities and across jurisdictions in the region has decreased since the year 2000. However, compared to cities in other parts of California, Bay Area jurisdictions have more neighborhood level segregation between residents from different racial groups. Additionally, there is also more racial segregation between Bay Area cities compared to other regions in the state.

Contra Costa County is a large, diverse jurisdiction in which people of color (non-White racial and ethnic groups) comprise a majority of the population. Table 3-6 shows trends in racial composition from 2000-2020 for Contra Costa County. Figure 3-1 displays the distribution and proportion of non-White residents at the block group level in the county.

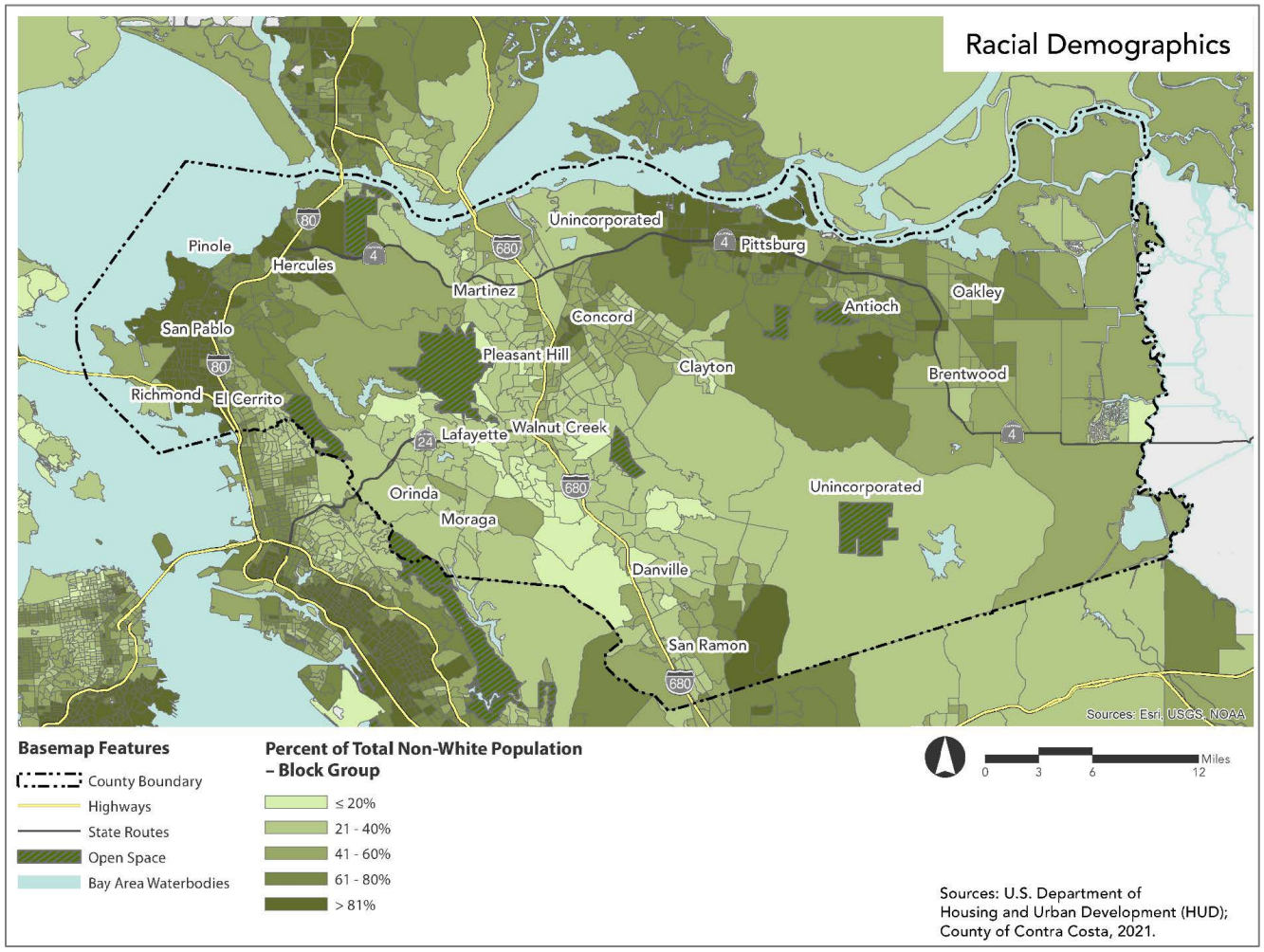
Table 3-6 Racial Composition for Contra Costa County vs. Bay Area Average

| *Race* | *Contra Costa County* | | |
|---|---|---|---|
| | *2000* | *2010* | *2020* |
| Asian/Pacific Islander* | 12.67% | 16.71% | 17.7% |
| Black/African American | 9.91% | 10.02% | 8.20% |
| Latinx | 17.68% | 24.36% | 25.8% |
| Other or Multiple Races | 3.70% | 2.90% | 5.60% |
| White | 57.89% | 47.75% | 42.6% |

*Asian and Pacific Islander combined

Source: Data for 2020 is from U.S. Census Bureau, American Community Survey 5-Year Data (2016-2020), Table B03002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Figure 3-1: Racial Demographics in Contra Costa County, 2018




Source: HCD AFFH Data Viewer. Esri 2018 demographic estimates.

To measure segregation in the county, Table 3-7 provides racial and ethnic dissimilarity trends from HUD. Dissimilarity indices are used to measure the evenness with which two groups (frequently defined on racial or ethnic characteristics) are distributed across the geographic units, such as block groups within a community. The index ranges from 0 to 100, with 0 meaning no segregation and 100 indicating complete segregation between the two groups. The index score can be understood as the percentage of one of the two groups that would need to move to produce an even distribution of racial/ethnic groups within the specified area. For example, if an index score is above 60, 60 percent of people in the specified area would need to move to eliminate segregation. The following can be used to interpret the index:

- <40: Low Segregation
- 40-54: Moderate Segregation
- >55: High Segregation

In Contra Costa County, all non-White residents combined are considered moderately segregated from White residents, with an index score of 41.86 at the census tract level and 44.93 at the block group level (Table 3-7). Segregation between non-White and White residents has remained relatively steady since 1990. However, since 1990 segregation has increased from low to moderate levels for Hispanic residents, the largest increase amongst all racial/ethnic groups. This trend is commonly seen throughout the state and is likely attributed to an increase of Hispanic residents during the migration boom of the mid-to-late 1990s.

Block group level data reveals that segregation is more prominent amongst Asian or Pacific Islander residents than what is measured at the tract level (index score of 40.55 at the block group level versus 35.67 at the tract level). For Asian or Pacific Islander residents, there was a 2 percent increase in segregation. For Black residents, segregation has decreased by 13 percent since 1990. The proportion of Black residents has remained relatively steady during this same time period.

Table 3-7 Racial/Ethnic Dissimilarity Trends (1990–2020) in Contra Costa County

| *Dissimilarity Index* | *1990 Trend* | *2000 Trend* | *2010 Trend* | *Current* |
|---|---|---|---|---|
| (2010 Census Block Group) | | | | |
| Non-White/White | 41.19 | 41.95 | 41.86 | 44.93 |
| Black/White | 67.52 | 62.54 | 58.42 | 61.80 |
| Hispanic/White | 36.70 | 45.24 | 48.07 | 49.49 |
| Asian or Pacific Islander/White | 34.89 | 32.73 | 35.67 | 40.55 |

Source: HUD's Affirmatively Furthering Fair Housing Tool (AFFH-T), Table 3 – Racial/Ethnic Dissimilarity Trends, Data version: AFFHT006, released July 10, 2020.

### Local Trends

According to the 2015-2019 American Community Survey, the majority (50.94 percent) of residents in El Cerrito were non-Hispanic White. This was followed by 24.75 percent of residents as non-Hispanic Asians, 11.45 percent of residents as Hispanic or Latino, 6.65 percent as non-Hispanic Black or African American, and 5.57 percent as non-Hispanic multiracial. American Indians and Alaskan Natives, non-Hispanic other races, and Native Hawaiian and other Pacific Islanders were the minority of the city, making up only 0.16 percent, 0.34 percent, and 0.13 percent of the population respectively. Refer to Table 3-8 for a comparison of racial composition in an average city in the Bay Area versus the City of El Cerrito. El Cerrito has a higher share of White residents than other jurisdictions in the Bay Area as a whole, a lower share of Latinx residents, a lower share of Black residents, and a higher share of Asian/Pacific Islander residents.

Figure 3-2 provides a visual of racial demographics in El Cerrito on the block group level. The majority of El Cerrito has block groups where 41–60 percent of the population are non-White. On the western border, there are block groups where 61–80 percent of the population are non-White. On the southeastern border, there are block groups where 20 percent or less of the population are non-White.

As will be discussed later in this chapter, block groups where percentages of non-White residents are the highest also score poorly on the healthy places index, have lower percentages of children in married-couple households, higher use of housing choice vouchers, higher percent of low-moderate income population, and lower median incomes. These areas also have the highest percentage of cost-burdened renter households in the city and are considered sensitive communities vulnerable to displacement as defined by the UC Berkeley Urban Displacement Project.

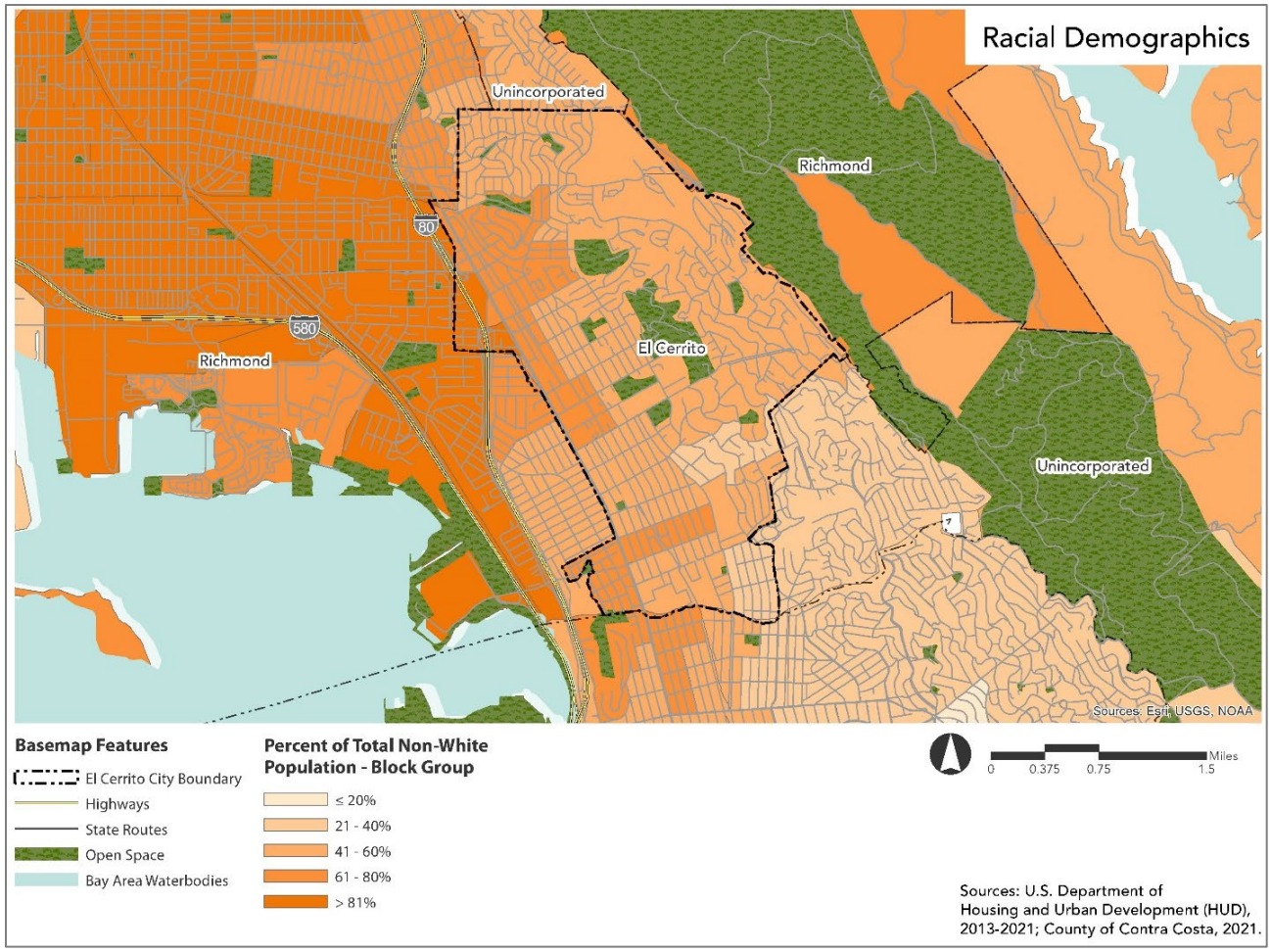
Table 3-8 Racial Composition for El Cerrito vs. Bay Area Average

| *Race* | *City of El Cerrito* | | | *Bay Area Average* |
|---|---|---|---|---|
| | *2000* | *2010* | *2020* | *2020* |
| Asian/Pacific Islander* | 24.3% | 27.3% | 29.3% | 28.2% |
| Black/African American | 8.3% | 7.5% | 4.8% | 5.6% |
| Latinx | 7.9% | 11.1% | 11.6% | 24.4% |
| Other or Multiple Races | 5.6% | 5.8% | 7.6% | 5.9% |
| White | 53.8% | 48.3% | 46.2% | 35.8% |

*Asian and Pacific Islander combined

Source: UC Merced AFFH Segregation Report, 2022. IPUMS National Historical Geographic Information System (NHGIS). Data for 2020 is from U.S. Census Bureau, American Community Survey 5-Year Data (2016-2020), Table B03002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Figure 3-2: Racial Demographics in El Cerrito, 2018




Source: HCD AFFH Data Viewer. Esri 2018 demographic estimates.

### Segregation Indices

There are three indices described below that measure segregation and integration at a local and regional level. The isolation index measures the segregation of a single group, and the dissimilarity index, described above, measures segregation between two different groups. The Theil's H-Index can be used to measure segregation between all racial or income groups across the city at once. Theil's H index is provided in addition to these required measures. The indices range from 0 to 1. Higher values indicate that groups are more unevenly distributed.

Table 3-9 shows the measures of segregation for all racial groups El Cerrito for the years 2000, 2010, and 2020 compared to averages for all 109 Bay Area jurisdictions in 2020. Table 3-10 shows the measures of racial segregation for the region for 2010 and 2020 for comparison.

The isolation index shows that as of 2020, White residents are the most segregated compared to other racial groups in El Cerrito, as measured by the isolation index. The isolation index of 0.471 for White residents means that the average White resident lives in a neighborhood that is 47.1 percent White. Table 3-10 shows that the isolation index value for White residents in the region is 0.429, meaning that on average White Bay Area residents live in a jurisdiction that is 42.9 percent White in 2020 and are less likely to come into contact with other racial groups. Among all racial groups, the White population's isolation index value has changed the most over time, becoming less segregated from other racial groups between 2000 and 2020.

According to the dissimilarity index, the highest level of racial segregation within El Cerrito is between Black and White residents (see Table 3-9). El Cerrito's Black/White dissimilarity index of 0.250 means that 25.0 percent of Black (or White) residents would need to move to a different neighborhood to create perfect integration between Black residents and White residents. When analyzing the dissimilarity index, it is important to note that dissimilarity index values are less reliable for a population group if that group represents approximately less than 5 percent of the jurisdiction's total population. In El Cerrito, Black residents comprise 5.34 percent of the city's population.

Tables 3-9 and 3-10 also present the Theil's H Index value as a measure of segregation. This index measures how diverse each neighborhood is compared to the diversity of the whole city. Neighborhoods are weighted by their size, so that larger neighborhoods play a more significant role in determining the total measure of segregation. According to the Theil's H-Index, neighborhood racial segregation in El Cerrito declined between 2010, 2015, and 2020. In 2020, the Theil's H Index for racial segregation in El Cerrito was lower than the average value for Bay Area jurisdictions, indicating that neighborhood level racial segregation in El Cerrito is less than in the average Bay Area city.

Table 3-9 Neighborhood Racial Segregation Measures, El Cerrito, 2000-2020

| *Index* | *Race* | *El Cerrito* | | | *Bay Area Average* |
|---|---|---|---|---|---|
| | | *2000* | *2010* | *2020* | *2020* |
| Isolation Index | Asian/Pacific Islander | 0.252 | 0.283 | 0.316 | 0.245 |
| | Black/African American | 0.120 | 0.095 | 0.063 | 0.053 |
| | Latinx | 0.098 | 0.130 | 0.129 | 0.251 |
| | White | 0.561 | 0.510 | 0.471 | 0.491 |
| Dissimilarity Index | Asian/Pacific Islander vs. White | 0.149 | 0.187 | 0.211 | 0.185 |
| | Black/African American vs. White | 0.334 | 0.286 | 0.250 | 0.244 |
| | Latinx vs. White | 0.288 | 0.261 | 0.235 | 0.207 |
| | People of Color vs. White | 0.166 | 0.181 | 0.193 | 0.168 |
| Theil's H Multi-racial | All | 0.034 | 0.030 | 0.026 | 0.042 |

Source: UC Merced AFFH Segregation Report, 2022. IPUMS National Historical Geographic Information System (NHGIS). Data for 2019 is from U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Table 3-10 Regional Racial Segregation Measures

| Index | Group | 2010 | 2020 |
|---|---|---|---|
| Isolation Index | Asian/Pacific Islander | 0.317 | 0.378 |
| | Black/African American | 0.144 | 0.118 |
| | Latinx | 0.283 | 0.291 |
| | White | 0.496 | 0.429 |
| | People of Color | 0.629 | 0.682 |
| Dissimilarity Index | Asian/Pacific Islander vs. White | 0.384 | 0.369 |
| | Black/African American vs. White | 0.475 | 0.459 |
| | Latinx vs. White | 0.301 | 0.297 |
| | People of Color vs. White | 0.296 | 0.293 |
| Theil's H Multi-racial | All | 0.103 | 0.097 |

Source: UC Merced AFFH Segregation Report, 2022. IPUMS National Historical Geographic Information System (NHGIS). Data for 2019 is from U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002.

## Persons with Disabilities

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities, if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

### Regional Trends

According to the 2015-2019 ACS 5-year estimates, 118,603 residents (10.9 percent of Contra Costa County's population) reported having one of six disability types listed in the ACS (hearing, vision, cognitive, ambulatory, self-care, and independent living). The percentage of residents detailed by disability are listed in Table 3-11 below. Note that an individual may report more than one disability.

Table 3-11 Percentage of Populations by Disability Types in Contra Costa County and El Cerrito, 2019

| Disability Type | Contra Costa County | City of El Cerrito |
|---|---|---|
| Hearing | 2.9% | 3.4% |
| Vision | 1.8% | 1.4% |
| Cognitive | 4.4% | 3.3% |
| Ambulatory | 5.9% | 5.3% |
| Self-Care Difficulty | 2.4% | 2.4% |
| Independent Living Difficulty | 5.2% | 5.0% |
| Percentage of Total Population with Disability | 10.9% | 9.5% |

Source: 2015–2019 ACS 5-year Estimates

In Contra Costa County, the percentage of individuals with disabilities increases with age, with the highest percentage of individuals with disabilities being those 65 years and older. El Cerrito shares the same pattern, though the percentage of population with disabilities is slightly higher in those 5–17 years of age than those 18–34 years of age (3.3 percent compared to 2.5). The upward trend continues after the slight dip. Refer to Table 3-12 for the distribution of percentages by age.

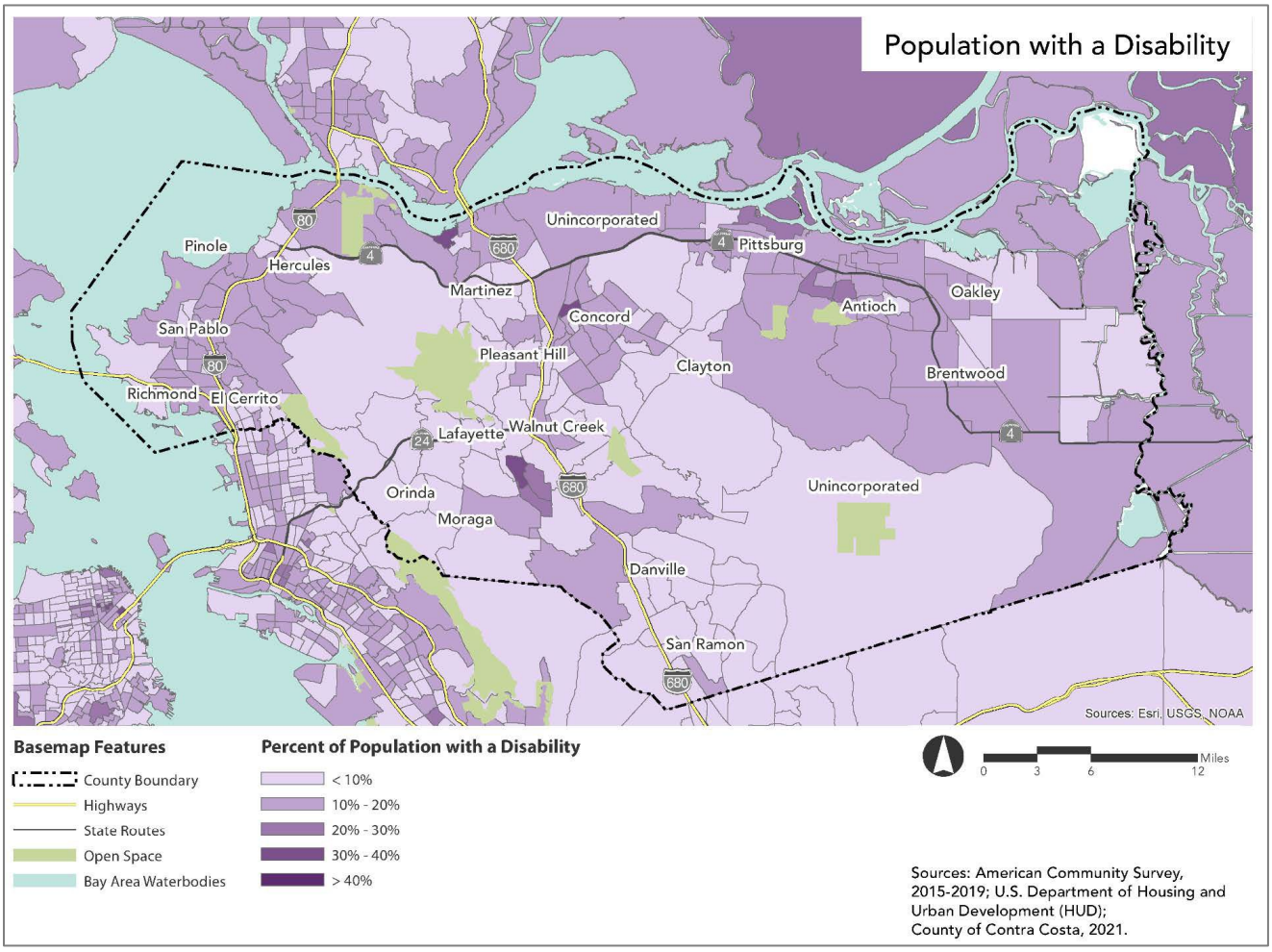
Table 3-12 Percentage of Population with Disabilities by Age in Contra Costa County and El Cerrito, 2019

| *Age* | *Contra Costa County* | *City of El Cerrito* |
|---|---|---|
| Under 5 years | 0.8% | 1.0% |
| 5 - 17 years | 4.9% | 3.3% |
| 18 - 34 years | 6.2% | 2.5% |
| 35 - 64 years | 9.7% | 5.2% |
| 65 - 74 years | 21.5% | 19.5% |
| 75 years and over | 51.2% | 49.1% |

Source: 2015 ACS 5-year Estimates

In terms of geographic dispersal, there is a relatively homogenous dispersal of persons with disabilities, especially in central Contra Costa County, where most census tracts have less than 10 percent of individuals with disabilities. Towards eastern Contra Costa County, the western boundary, and parts of southern Contra Costa County, however, the percentage of the population with disabilities increases to 10–20 percent. Comparing Figure 3-3 and Figure 3-36, areas with a high percentage of populations with disabilities correspond with areas with high housing choice voucher (HCV) concentration (24 percent of people who utilize HCVs in Contra Costa County have a disability). Though use of HCVs do not represent a proxy for actual accessible units, participating landlords remain subject to the FHA to provide reasonable accommodations and allow tenants to make reasonable modifications at their own expense. Areas with a high percentage of populations with disabilities also correspond to areas with high percentages of low-moderate income communities. The above demographic information indicates socioeconomic trends of populations of persons with disabilities.

Figure 3-3: Distribution of Population with a Disability in Contra Costa County, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

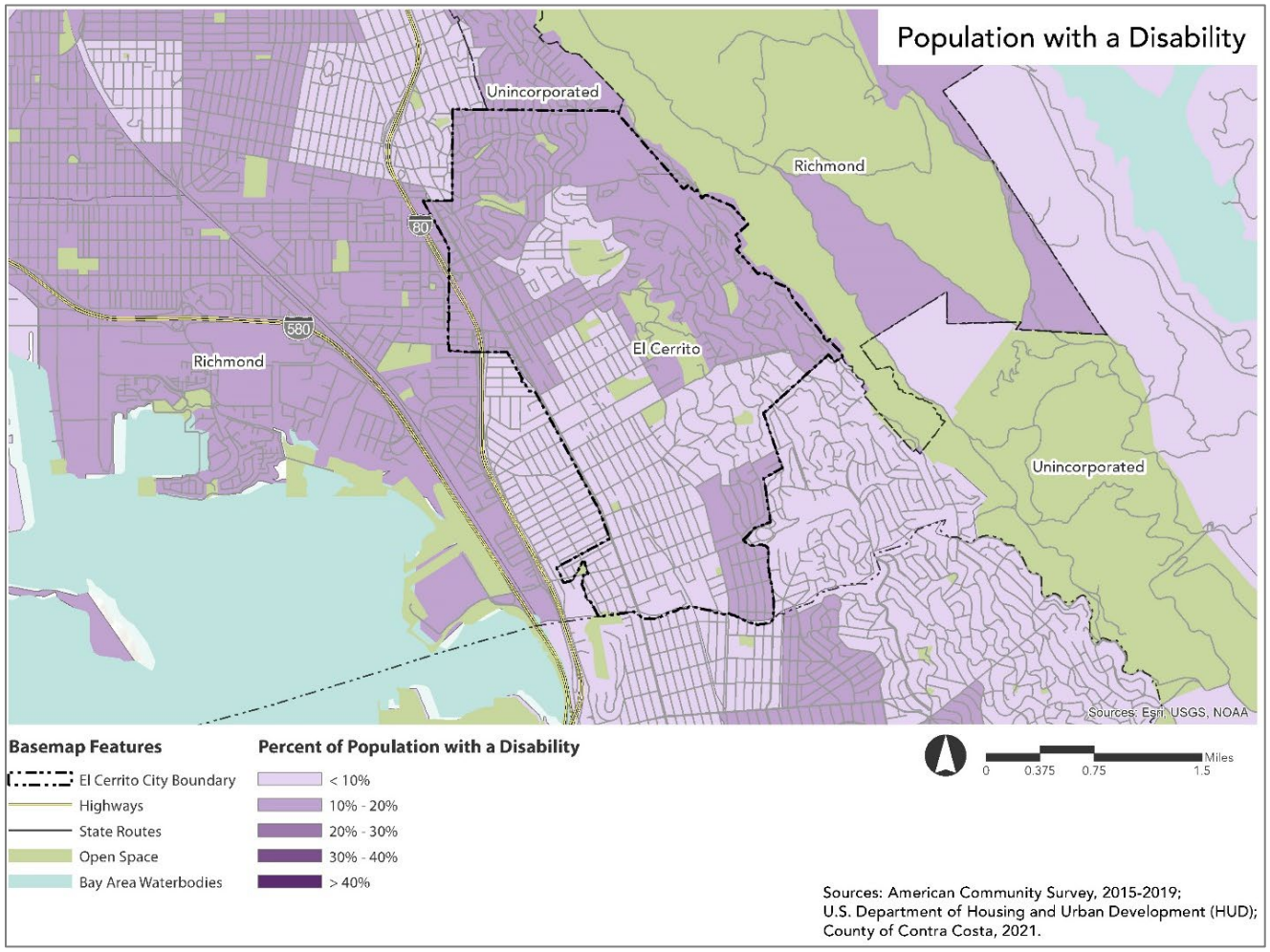
### Local Trends

The City of El Cerrito has a lower percentage of population with disabilities than Contra Costa County (a difference of 1.4 percent) and a different concentration of disability types. The greatest percentage of disabilities in El Cerrito are those with ambulatory difficulties (5.3 percent), followed by independent living (5.0 percent), hearing impairment (3.4 percent), cognitive impairment (3.3 percent), self-care needs (2.4 percent), and vision difficulties (1.4 percent).

Referring to Figure 3-4, populations with disabilities are concentrated in northern El Cerrito (10–20 percent of the population has a disability). The northern central portion of the city, however, has less than 10 percent of the population with a disability. Similarly, southern El Cerrito has a low percentage of population with a disability (< 10 percent), but a small southeast pocket of the city has a slightly higher percentage (10–20 percent).

Western tracts with higher populations with a disability are considered sensitive communities vulnerable to displacement. These tracts have a higher percentage of children in female-headed households, and low composite scores for opportunity areas. Low composite scores for opportunity areas indicate low opportunity indicators such as employment rates, educational proficiency, proximity to jobs, etc.

Figure 3-4: Distribution of Population with a Disability in El Cerrito, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

## Familial Status

Under the FHA, housing providers (e.g., landlords, property managers, real estate agents, or property owners) may not discriminate because of familial status. Familial status refers to the presence of at least one child under 18 years old, pregnant persons, or any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (through birth, adoption, or custody), enforcing overly restrictive rules regarding children's use of common areas, requiring families with children to live on specific floors, buildings, or areas, charging additional rent, security deposit, or fees because a household has children, advertising a preference for households without children, and lying about unit availability.

Families with children often have special housing needs due to lower per capita income, the need for affordable childcare, the need for affordable housing, or the need for larger units with three or more bedrooms. Single parent households are also protected by fair housing law. Of particular consideration are female-headed households, who may experience greater housing affordability challenges due to typically lower household incomes compared to two-parent households. Often, sex and familial status intersect to compound the discrimination faced by single mothers. Table 3-13 displays household types in El Cerrito, Contra Costa County, and the Bay Area region. Female-headed family households account for 10 percent of all households in El Cerrito. There are slightly more female-headed family households (12 percent) throughout the County, however this distribution reflects the patterns of the rest of the region. Married-couple family households are the predominant household type, composing more than 50 percent of households throughout the region.

Table 3-13 Household Type, 2019

| *Household Type* | *El Cerrito* | | *Contra Costa County* | | *Bay Area* | |
|---|---|---|---|---|---|---|
| Female-Headed Family Households | 966 | 10% | 48,256 | 12% | 48,256 | 10% |
| Male-headed Family Households | 279 | 3% | 19,180 | 5% | 19,180 | 5% |
| Married-couple Family Households | 5,553 | 55% | 217,370 | 55% | 217,370 | 51% |
| Other Non-Family Households | 865 | 9% | 23,731 | 6% | 23,731 | 9% |
| Single-Person Households | 2,371 | 24% | 86,232 | 22% | 86,232 | 25% |
| Total Population | 10,034 | 100% | 394,769 | 100% | 394,769 | 100% |

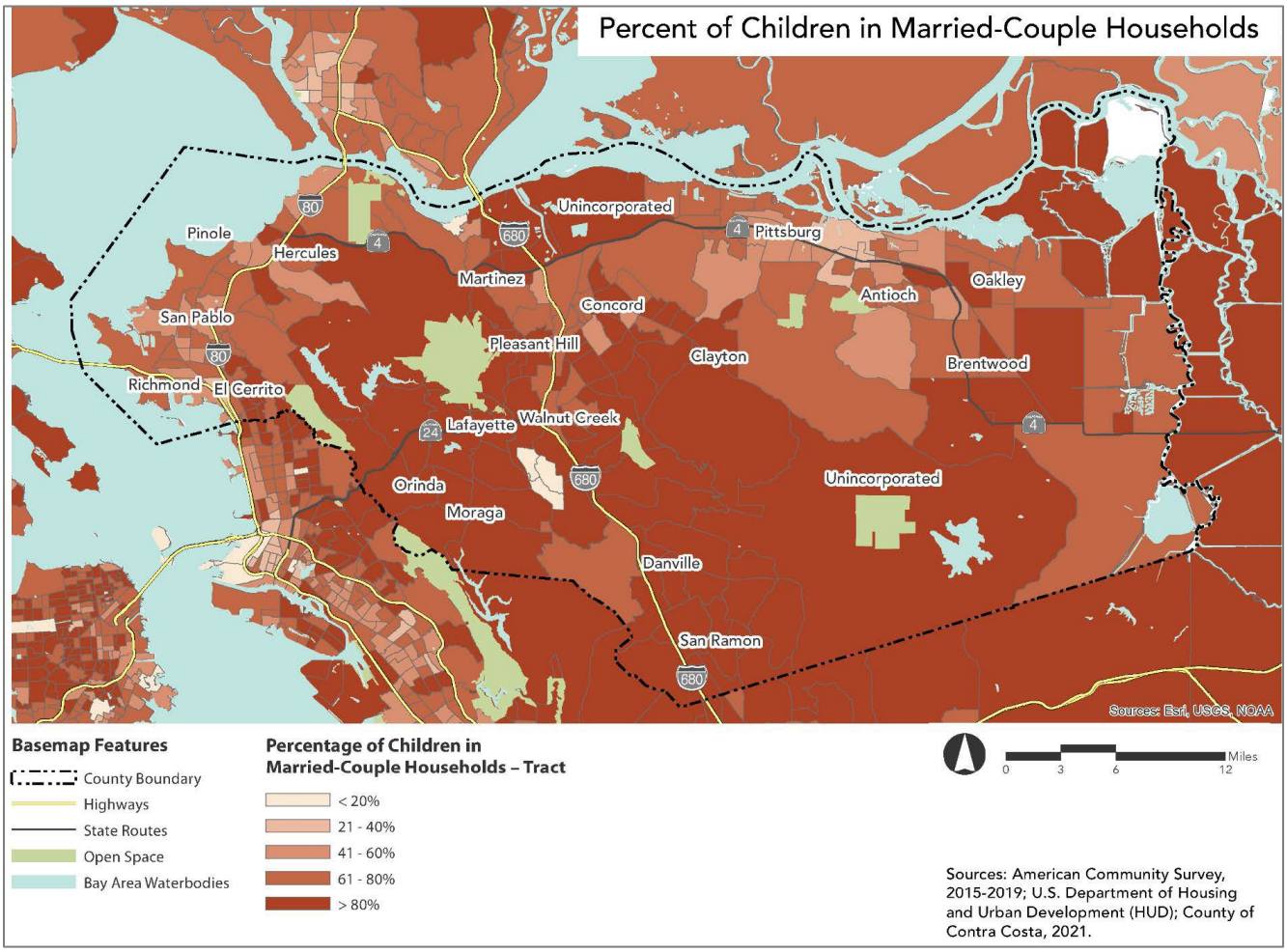
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001

### Regional Trends

Figure 3-5 indicates that most children living in Contra Costa County live in married-couple households, especially in central parts of the county where the percentage of children in such households exceed 80 percent. Census tracts adjacent to these areas also have relatively high percentages of children living in married-couple households (60 percent–80 percent). Census tracts with the lowest percentage of children in married-couple households (less than 20 percent) are located between Pittsburg and Antioch.

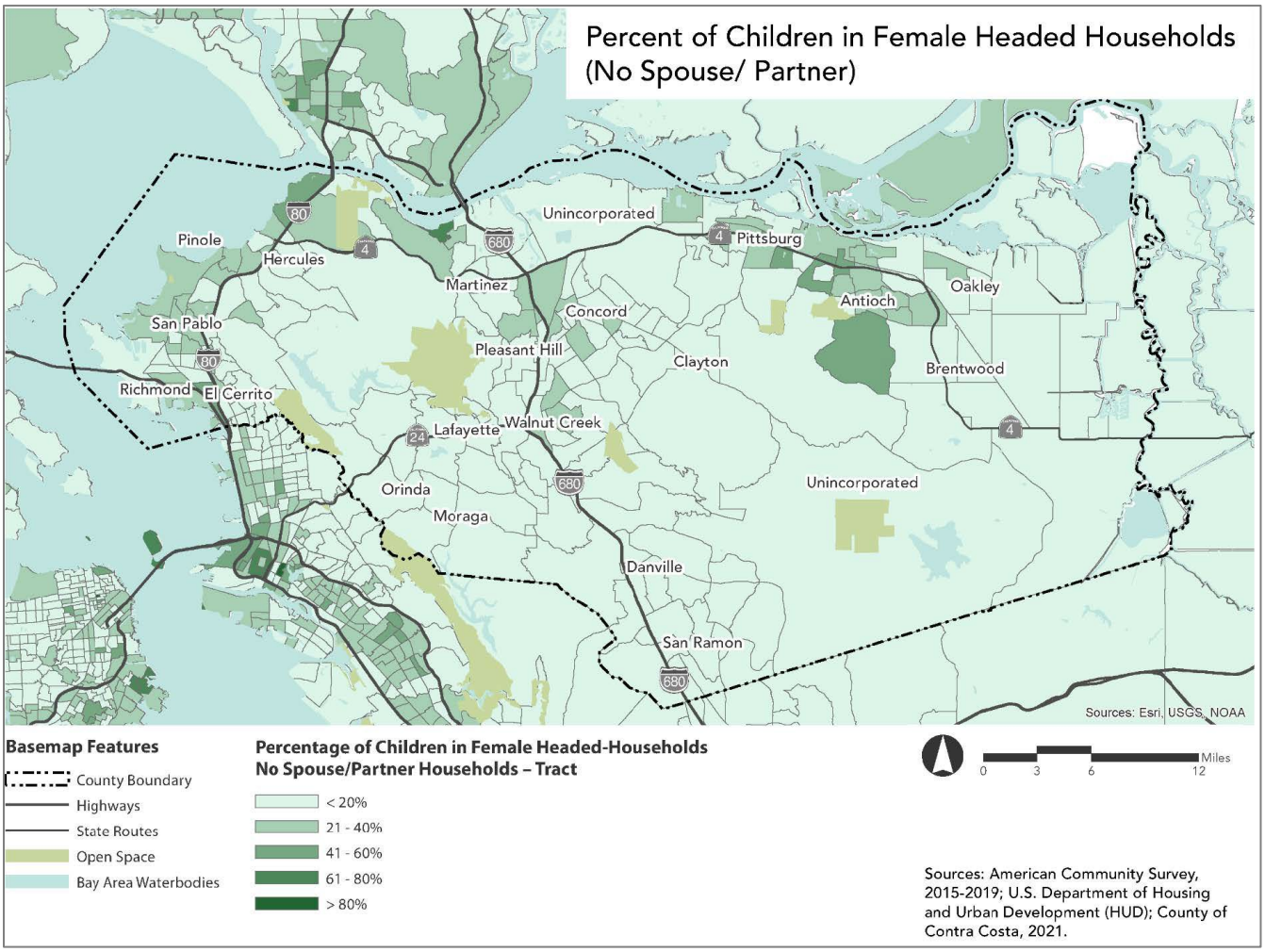
Figure 3-6 depicts the concentration of households headed by single mothers in the county by Census Tract. Areas of concentration include Richmond, San Pablo, Rodeo, Bay Point, Pittsburg, Antioch, and to the west of Concord. Those communities are also areas of high minority populations. By contrast, central Contra Costa County, in general, and the portions of central Contra Costa County to the south of the City of Concord have relatively low concentrations of children living in female-headed households (less than 20 percent). These tend to be more heavily White or White and Asian and Pacific Islander communities.

Figure 3-5: Distribution of Percentage of Children in Married-Couple Households in Contra Costa County, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

Figure 3-6: Distribution of Percentage of Children in Female-Headed, No-Spouse or No-Partner Households in Contra Costa County, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

### Local Trends

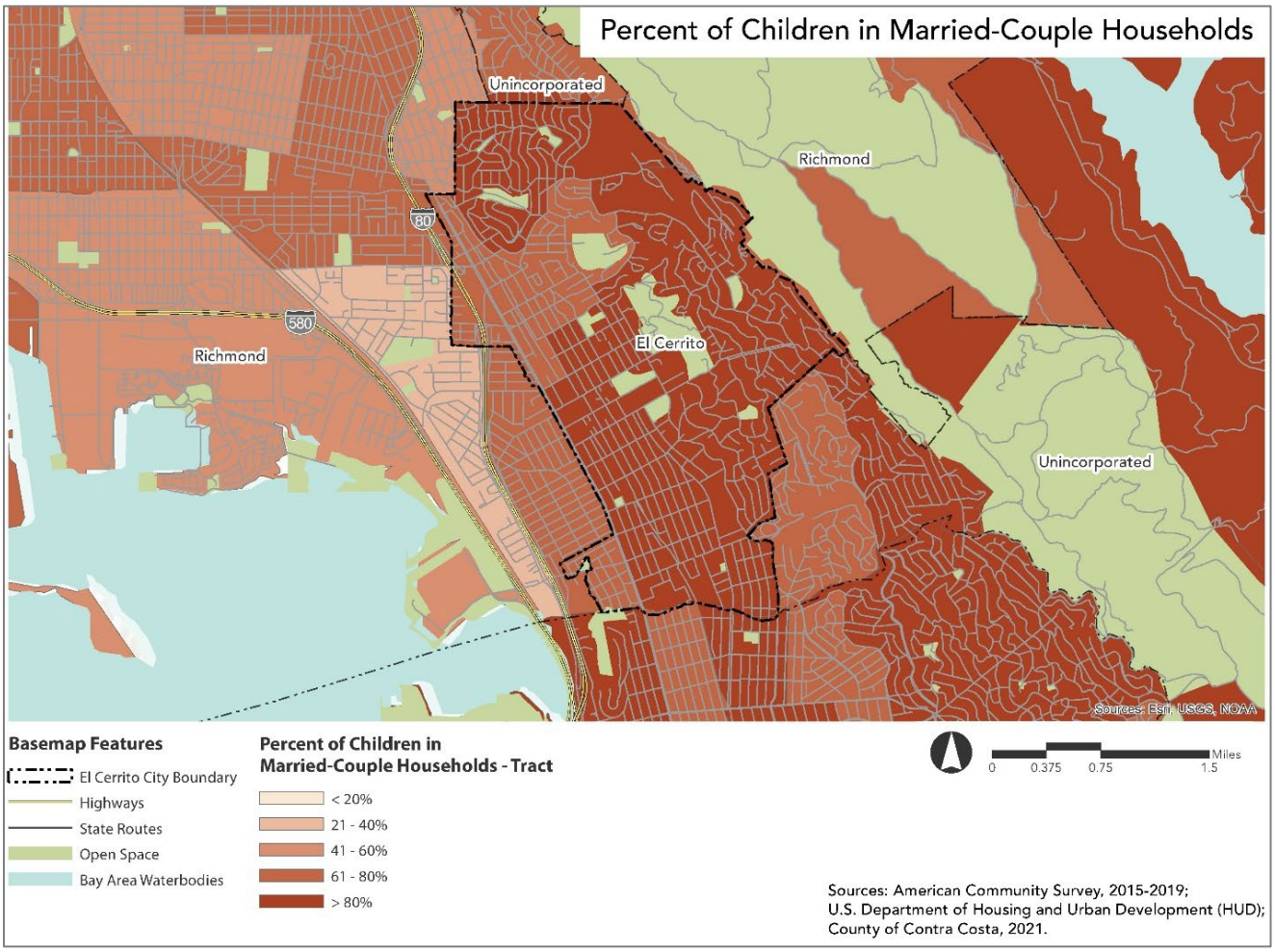
Figure 3-7 shows the percentage of children in married-couple households by census tract in El Cerrito. Most of the city has over 80 percent of children in married-couple households, and only tracts bordering Richmond on the northwest and southwest have slightly lower percentages (between 60–80 percent). The reverse is true for children in female-headed households, shown in Figure 3-8. The majority of El Cerrito has less than 20 percent of children in female-headed households, and only tracts on the northwest border have a slightly higher percentage of such households (21-40 percent).

Tracts with the highest percentage of married-couple households have the highest environmental score (indicating more positive environmental outcomes), highest median income (>$125,000), highest composite scores for opportunity areas in the city, and lowest percent of low-moderate income populations (<25 percent). High composite scores for opportunity areas indicate high opportunity indicators such as employment rates, educational proficiency, proximity to jobs, etc. According to HUD's Location Affordability Index, further described later in this chapter, these areas have the highest median gross rent (>$3,000), which reduces economic attainability to live in such areas.

The opposite is true for tracts with a higher percent of children in female-headed households. These tracts have lower environmental scores, lower median income, and lower composite scores for opportunity areas in the city, and higher percent of low-moderate income populations. According to HUD's Location Affordability Index, described

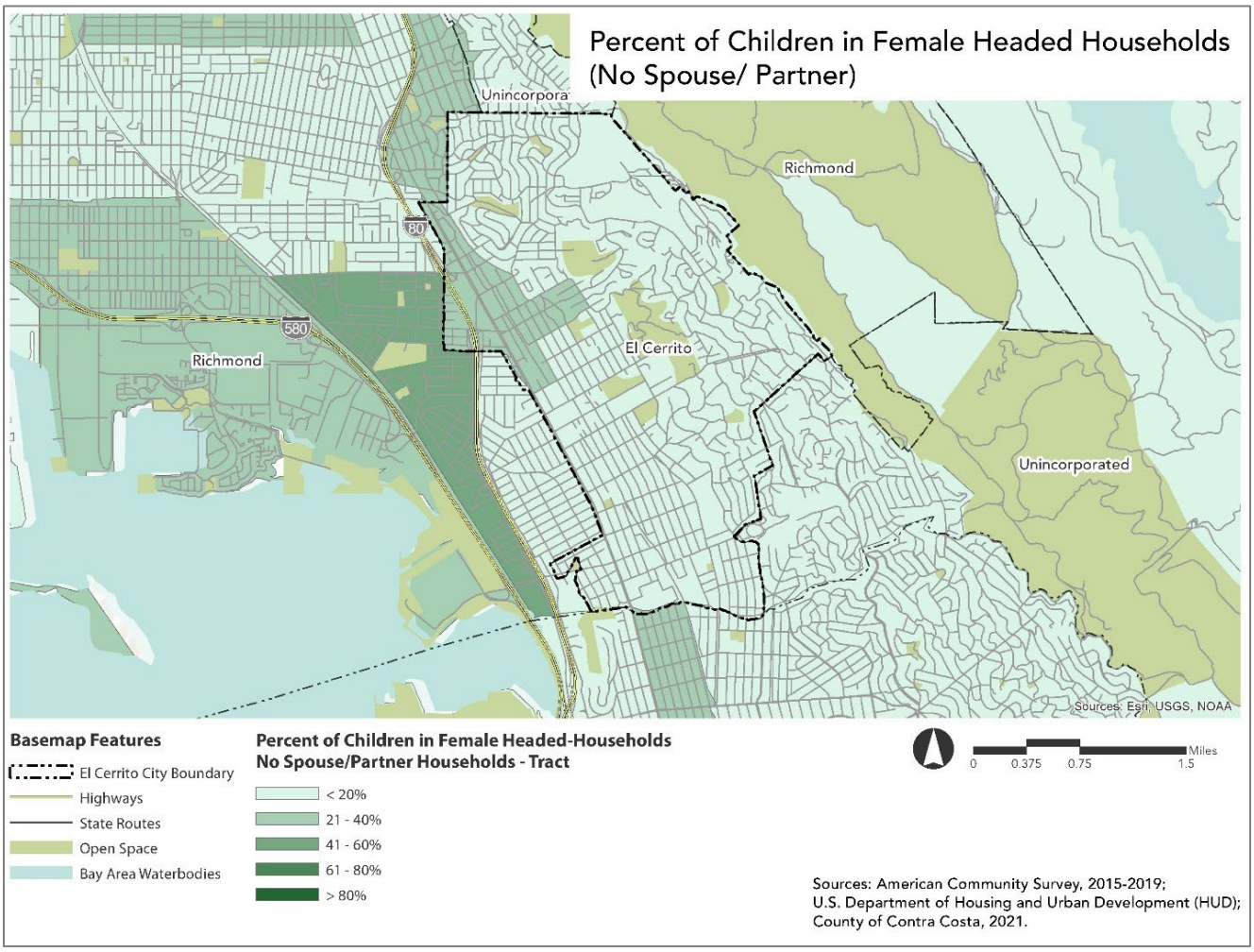
later in this chapter, these areas have the lowest median gross rent in the city (<$1,000), but still have the highest percentages of cost-burdened renter households.

Figure 3-7: Percent of Children in Married-Couple Households by Tract in El Cerrito, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

Figure 3-8: Percent of Children in Female-Headed Households by Tract in El Cerrito, 2019




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

## Income Level

Each year, HUD receives custom tabulations of ACS data from the U.S. Census Bureau known as "CHAS" data (Comprehensive Housing Affordability Strategy). It demonstrates the number of households in need of housing assistance by estimating the number of households that have certain housing problems and have income low enough to qualify for HUD's programs (primarily 30 percent, 50 percent, and 80 percent of median income). HUD defines a Low to Moderate Income (LMI) area as a census tract or block group where over 51 percent of the population is LMI (based on HUD income definition of up to 80 percent of the Area Median Income).

### Regional Trends

Table 3-14 lists Contra Costa County and El Cerrito households by income category and tenure. Based on the above definition, 38.71 percent of Contra Costa County households are considered LMI as they earn less than 80 percent of the HUD Area Median Family Income (HAMFI). Almost 60 percent of all renters are considered LMI compared to only 27.5 percent of owner households.

Figure 3-9 shows the LMI areas in Contra Costa County by block group. Most of central Contra Costa County has less than 25 percent of LMI populations. Block groups with high concentrations of LMI (between 75–100 percent of the population) can be found clustered around Antioch, Pittsburg, Richmond, and San Pablo. There are also small pockets with high percentages of LMI population around Concord. Other areas of the county have a moderate percentage of LMI population (25 percent–75 percent).

Table 3-14 Households by Income Category and Tenure in Contra Costa County and El Cerrito, 2015

| | *Contra Costa County* | | | *El Cerrito* | | |
|---|---|---|---|---|---|---|
| *Income Distribution Overview* | *Owner* | *Renter* | *Total* | *Owner* | *Renter* | *Total* |
| Household Income < 30% HAMFI | 7.53% | 26.95% | 7.63% | 16.89% | 11.42% | 7.63% |
| Household Income >30% to < 50% HAMFI | 8.85% | 17.09% | 7.29% | 14.44% | 10.22% | 7.29% |
| Household Income >50% to < 80% HAMFI | 11.12% | 15.16% | 9.92% | 14.32% | 11.72% | 9.92% |
| Household Income >80% to < 100% HAMFI | 8.98% | 9.92% | 9.58% | 10.65% | 10.02% | 9.58% |
| Household Income >100% HAMFI | 63.52% | 30.89% | 65.56% | 43.70% | 56.61% | 65.56% |
| Total Population | 248,670 | 135,980 | 384,645 | 5,895 | 4,085 | 9,980 |

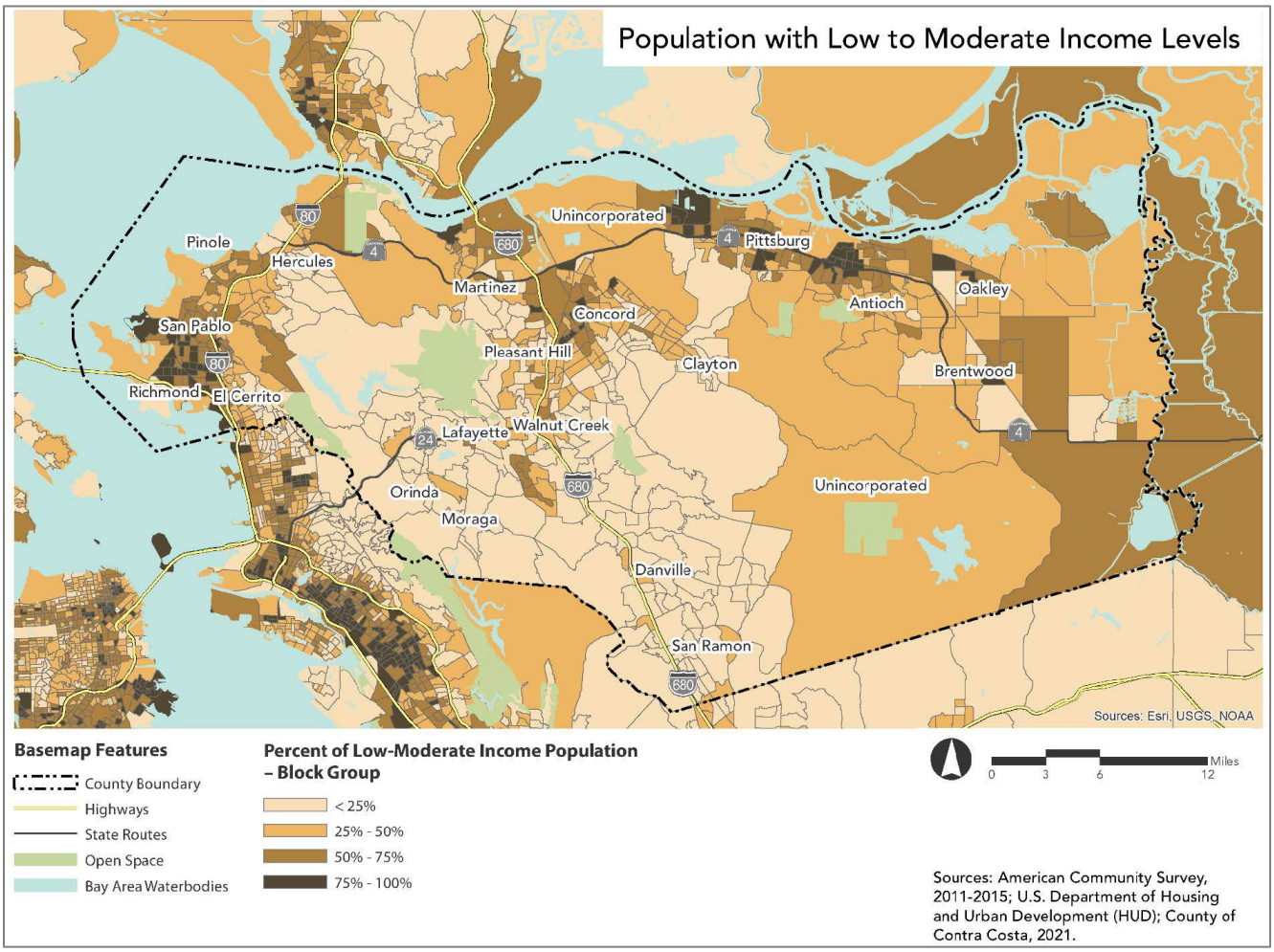
Source: HUD Office of Policy Development and Research (PD&R) CHAS Data; 2011–2015 ACS

### Local Trends

Generally speaking, there are disparities between the incomes of homeowners and renters, a pattern observed on both the regional and local levels. In El Cerrito, only 24.8 percent of owner households are considered LMI (earning less than 80 percent of HAMFI) compared to about 45.7 percent of renter households. The reverse is true for those of high-income households (more than 100 percent of HAMFI), where 65 percent of owner households are high income, and only 43 percent of renter households are high income.

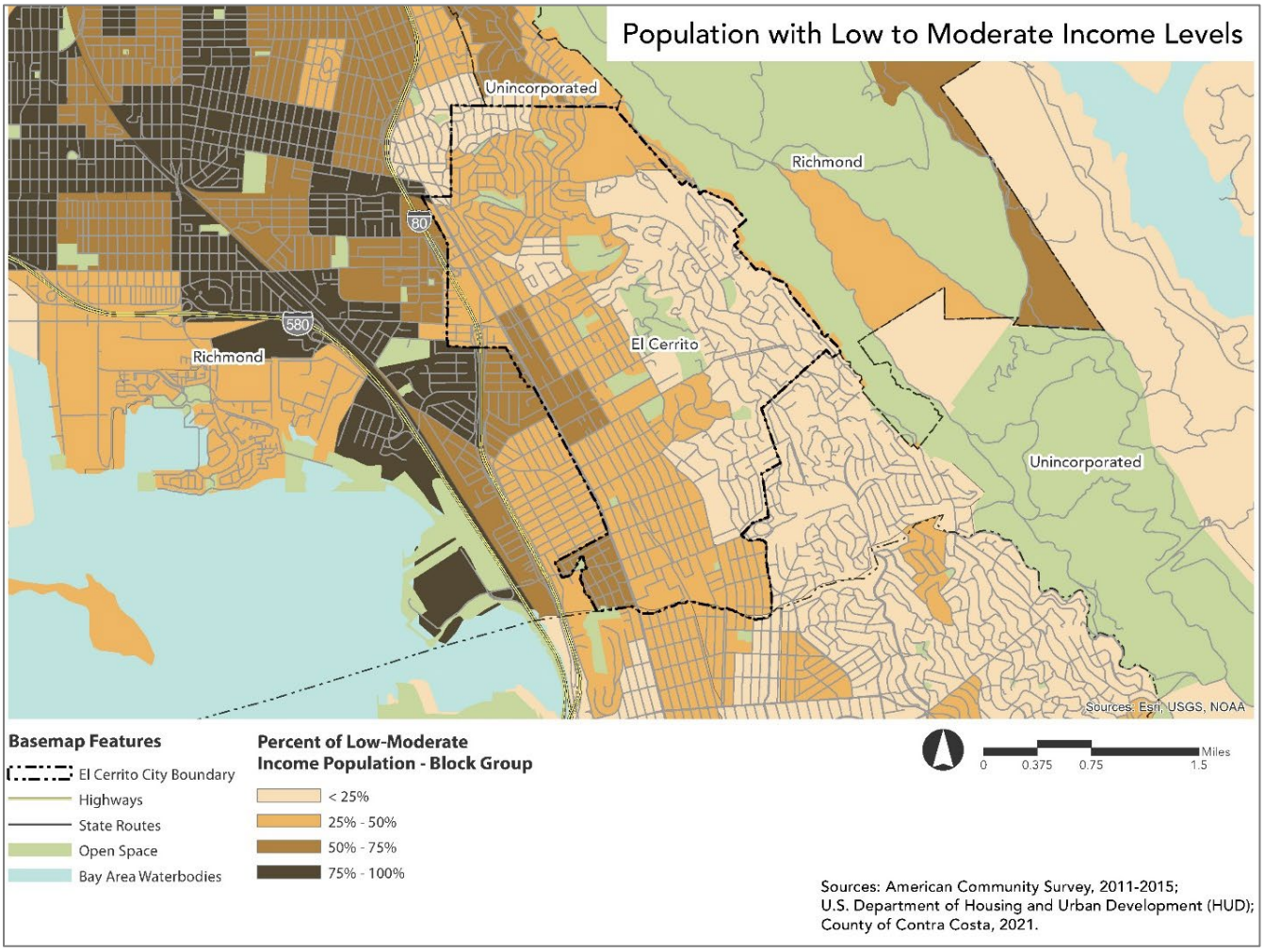
Figure 3-10 below shows the percentage of population with low to moderate income levels by block group in the City of El Cerrito. The block groups graduate from less than 25 percent to 50–75 percent of LMI populations from the east to the west. Block groups on the west bordering Richmond have the highest percentage of LMI populations in the city. Where LMI populations are lowest, tracts have the highest composite, environmental, economic, and education score (indicating more positive outcomes overall), highest median income (>$125,000), highest percent of children in married-couple households, and highest median gross rents ($2,500–$3,000) in the city. The opposite is true for tracts with a higher percent of LMI populations.

Figure 3-9: Distribution of Population with Low to Moderate Income Levels in Contra Costa County, 2015




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2011-2015).

Figure 3-10: Distribution of Population with Low to Moderate Income Levels in El Cerrito, 2015




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2011-2015).

### Income Segregation Indices

Income segregation can also be analyzed by calculating values for the segregation indices discussed previously. Similar to the racial segregation measures shown in Tables 3-9 and 3-10, Table 3-15 presents segregation index values for income segregation for El Cerrito and the entire nine-county Bay Area in 2010 and 2015 and Table 3-16 presents the same for the region.

The dissimilarity index and isolation index are calculated by comparing the income demographics of El Cerrito and local jurisdictions to the regional income group composition. For example, Table 3-16 shows that the regional isolation index value for very low-income residents is 0.315, meaning that on average very low-income Bay Area residents live in a jurisdiction that is 31.5 percent very low-income. The regional dissimilarity index for lower-income residents (below 80 percent AMI) and other residents is 0.193, which means that across the region 19.3 percent of lower-income residents would need to move to a different jurisdiction to create perfect income group integration in the Bay Area as a whole.

Table 3-15 Neighborhood Income Segregation Levels in El Cerrito, 2000-2015

| Index | Race | El Cerrito | | Bay Area Average |
|---|---|---|---|---|
| | | 2000 | 2015 | 2015 |
| Isolation Index | Very Low-Income (<50% AMI) | 0.292 | 0.300 | 0.269 |
| | Low-Income (50%-80% AMI) | 0.142 | 0.118 | 0.145 |
| | Moderate-Income (80%-120% AMI) | 0.199 | 0.183 | 0.183 |
| | Above Moderate-Income (>120% AMI) | 0.541 | 0.523 | 0.507 |
| Dissimilarity Index | Below 80% AMI vs. Above 80% AMI | 0.339 | 0.267 | 0.198 |
| | Below 50% AMI vs. Above 120% AMI | 0.412 | 0.340 | 0.253 |
| Theil's H Multi-racial | All Income Groups | 0.071 | 0.049 | 0.043 |

Source: Income data for 2015 is from U.S. Department of Housing and Urban Development, American Community Survey 5-Year 2011-2015 Low- and Moderate-Income Summary Data. Data for 2010 is from U.S. Department of Housing and Urban Development, American Community Survey 5-Year 2006-2010 Low- and Moderate-Income Summary Data.

Table 3-16 Regional Income Segregation Measures

| Index | Group | 2010 | 2015 |
|---|---|---|---|
| Isolation Index | Very Low-Income (<50% AMI) | 0.277 | 0.315 |
| | Low-Income (50%-80% AMI) | 0.157 | 0.154 |
| | Moderate-Income (80%-120% AMI) | 0.185 | 0.180 |
| | Above Moderate-Income (>120% AMI) | 0.467 | 0.435 |
| Dissimilarity Index | Below 80% AMI vs. Above 80% AMI | 0.186 | 0.194 |
| | Below 50% AMI vs. Above 120% AMI | 0.238 | 0.248 |
| Theil's H Multi-racial | All Income Groups | 0.034 | 0.032 |

Source: UC Merced AFFH Segregation Report, 2022. U.S. Department of Housing and Urban Development, American Community Survey 5-Year 2011-2015 Low- and Moderate- Income Summary Data.

## 3.4 Racially and Ethnically Concentrated Areas

### Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) are neighborhoods in which there are both racial concentrations and high poverty rates. HUD's definition of a R/ECAP is:

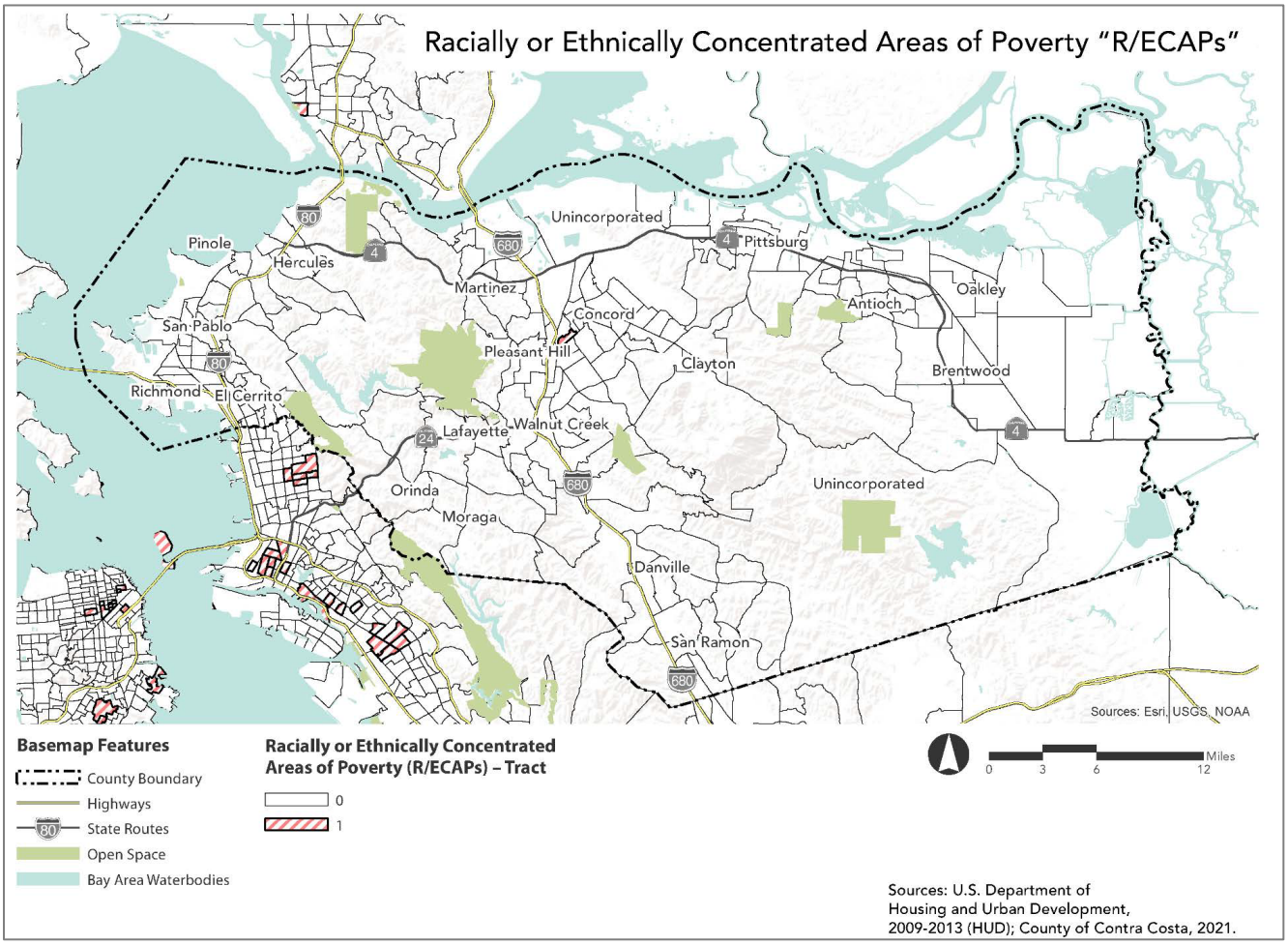
- A census tract that has a non-white population of 50 percent or more (majority-minority) or, for non-urban areas, 20 percent, AND a poverty rate of 40 percent or more; OR
- A census tract that has a non-white population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the county, whichever is lower.

Households within R/ECAP tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. R/ECAPs are meant to identify where residents may have historically faced discrimination and continue to be challenged by limited economic opportunity. Identifying R/ECAPS facilitates an understanding of entrenched patterns of segregation and poverty due to the legacy effects of historically racist and discriminatory housing laws.

#### Regional Trends

In Contra Costa County, the only area that meets the official definition of a R/ECAP is Monument Corridor in Concord (highlighted with red stripes in Figure 3-11 below).

Figure 3-11: R/ECAPs in Contra Costa County, 2013



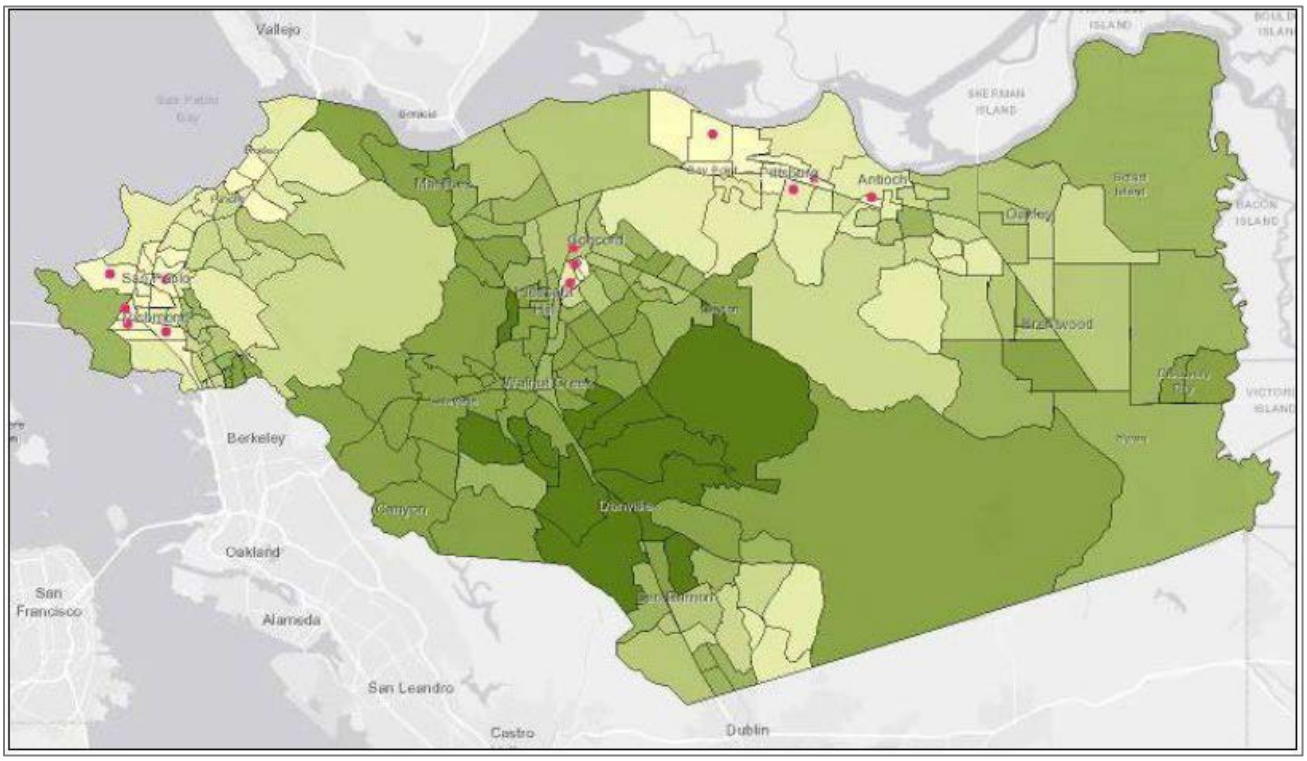

Source: HCD AFFH Data Viewer. U.S. Department of Housing and Urban Development (2009-2013).

### Expanded R/ECAPs in Contra Costa County

According to the 2020 Contra Costa County AI, however, the HUD definition that utilizes the federal poverty rate is not suitable for analysis in the San Francisco Bay Area due to the high cost of living. The HUD definition would severely underestimate whether an individual is living in poverty. The Contra Costa County AI proposes an alternate definition of a R/ECAP that includes majority-minority census tracts that have poverty rates of 25 percent or more. Under this definition, twelve other census tracts would qualify as R/ECAPs in the areas of Antioch (1), Bay Point (1), Concord (3), Pittsburg (2), north Richmond (1), Richmond (3) and San Pablo (1). Refer to Figure 3-12 for the locations of R/ECAPS based on the expanded definition. Note that the Contra Costa County AI does not provide a legend for the map.

According to the 2012–2016 ACS, 69,326 people lived in these expanded R/ECAPs, representing 6.3 percent of the county's population. Hispanic and Black populations make up a disproportionately large percentage of residents who reside in R/ECAPs compared to the population of the county or Region as a whole. In Contra Costa County, approximately 53 percent of individuals living in R/ECAPs are Hispanic, nearly 18 percent are Black, 19.57 percent are Mexican American, 4.65 percent are Salvadoran American, and 1.49 percent are Guatemalan Americans. Families with children under 18 still in the household comprise almost 60 percent of the population in Contra Costa County's R/ECAPs. To those already living in poverty, the higher rate of dependent children in their households would translate to a greater strain on their resources.

Figure 3-12: Expanded R/ECAPs in Contra Costa County

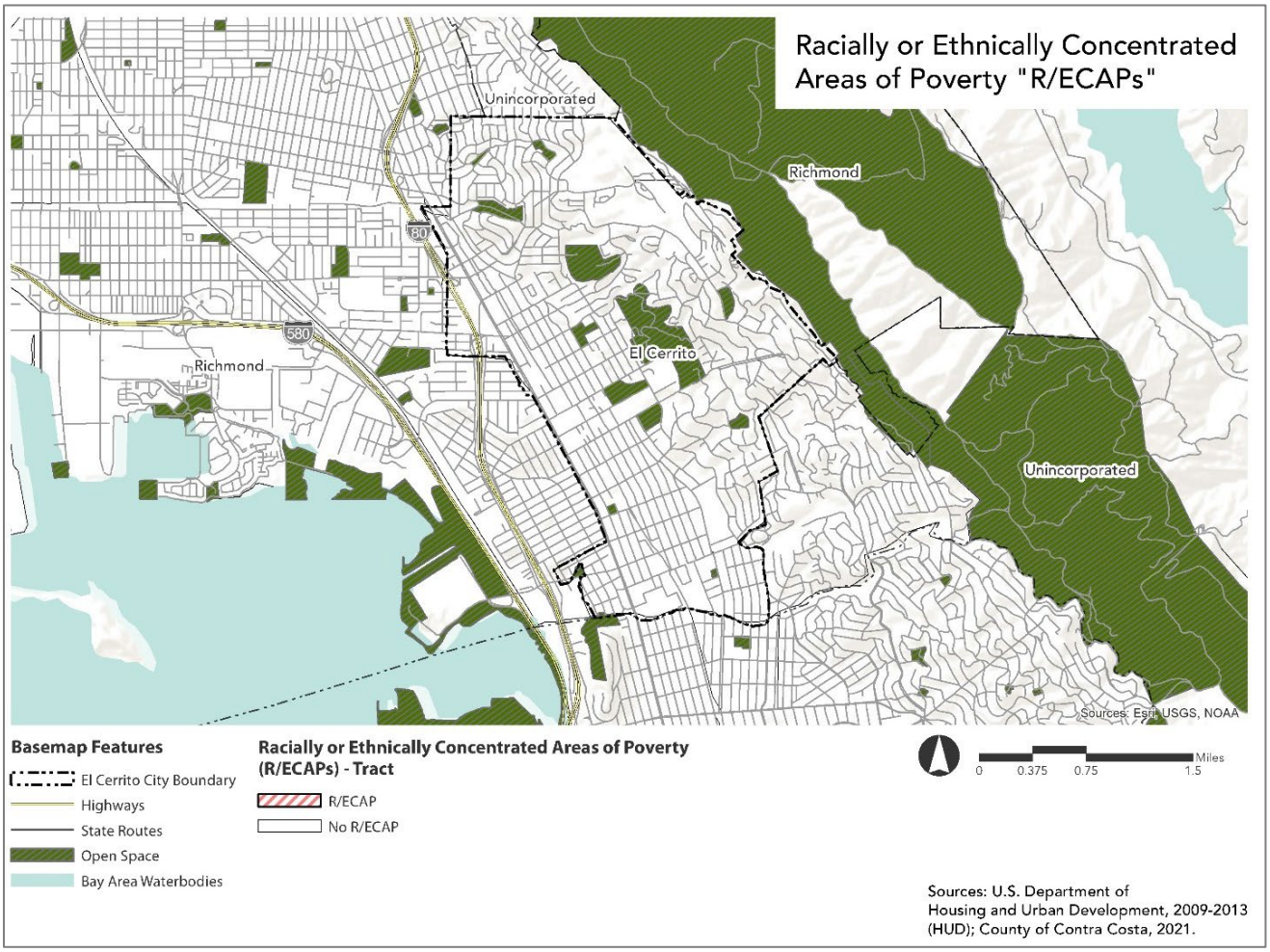



Source: Contra Costa County Analysis of Impediments to Fair Housing Choice, 2020.

### Local Trends

The City of El Cerrito has no R/ECAPs as defined by HUD and no expanded R/ECAPs as defined by the Contra Costa County AI (see Figure 3-13).

Figure 3-13: R/ECAPs in El Cerrito, 2013




Source: HCD AFFH Data Viewer. U.S. Department of Housing and Urban Development (2009-2013).

## Racially Concentrated Areas of Affluence (RCAAs)

Racially Concentrated Areas of Affluence (RCAAs) are defined by the HUD as communities with a large proportion of affluent and non-Hispanic White residents. According to a policy paper published by the HUD, non-Hispanic Whites are the most racially segregated group in the United States. In the same way neighborhood disadvantage is associated with concentrated poverty and high concentrations of people of color, distinct advantages are associated with residence in affluent, White communities. RCAAs are currently not available for mapping on the AFFH Data Viewer. As such, an alternate definition of RCAA from the University of Minnesota Humphrey School of Public Affairs is used in this analysis. RCAAs are defined as census tracts where (1) 80 percent or more of the population is White, and (2) the median household income is $125,000 or greater (slightly more than double the national median household income in 2016).

### Regional Trends

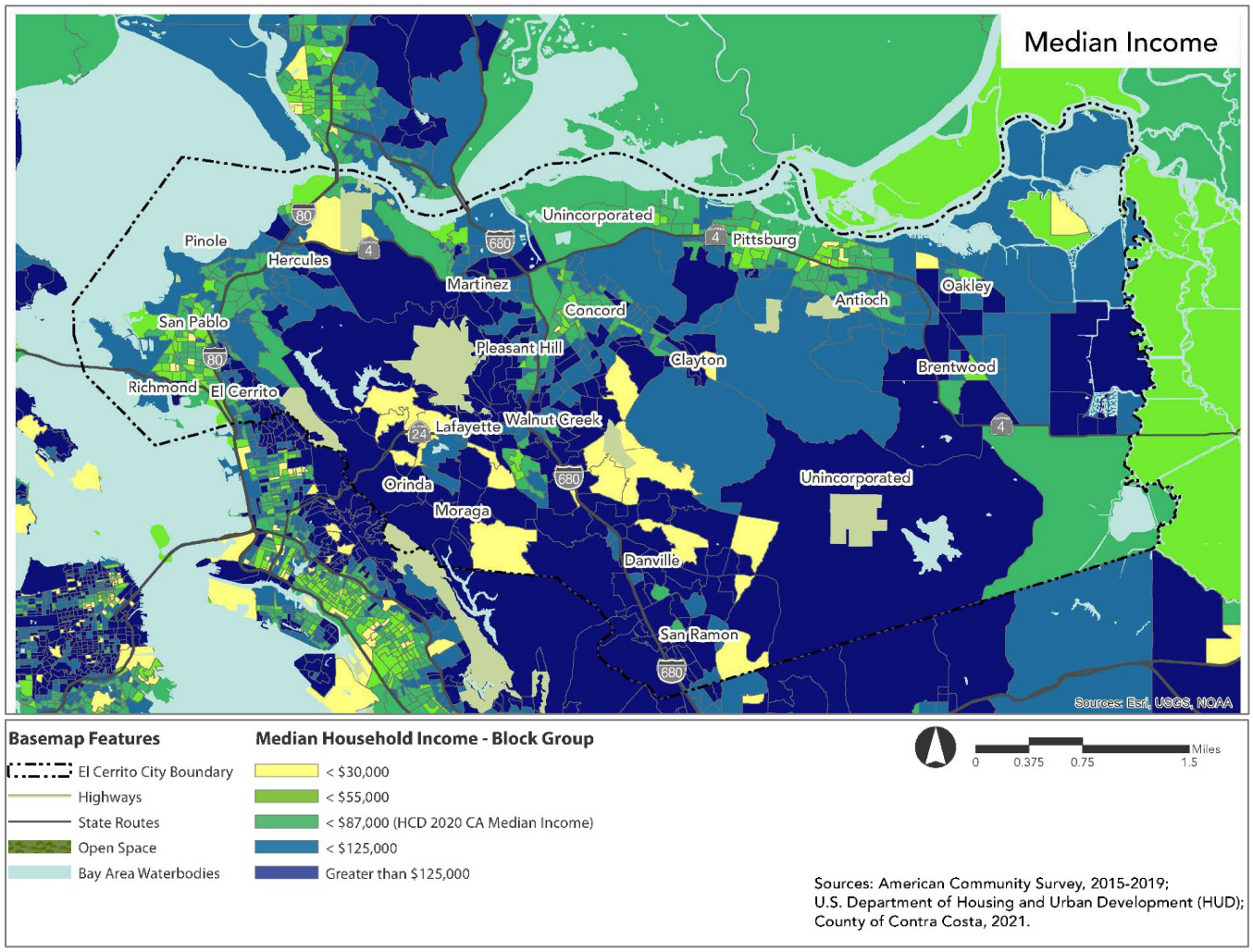
By cross-referencing Figure 3-1 (Racial Demographics in Contra Costa County) and Figure 3-14 below showing median household incomes by census block group in Contra Costa County, there are a string of RCAAs that run from Danville to Lafayette and tapers off towards Walnut Creek emerges. This aligns with the cities' racial demographic and median income (summarized in Table 3-17 below). Although not all census tracts/block groups meet the criteria to qualify as RCAAs, there is a tendency for census block groups with higher White populations to have higher median incomes throughout the county.

Table 3-17 White Population and Median Household Income of RCAAs in Contra Costa County

| City | White Population | Median Household Income (2019) |
|---|---|---|
| Danville | 80.53% | $160,808 |
| Lafayette | 81.23% | $178,889 |
| Walnut Creek | 74.05% | $105,948 |

Source: DataUSA.io (2019)

Figure 3-14: Median Household Income in Contra Costa County




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

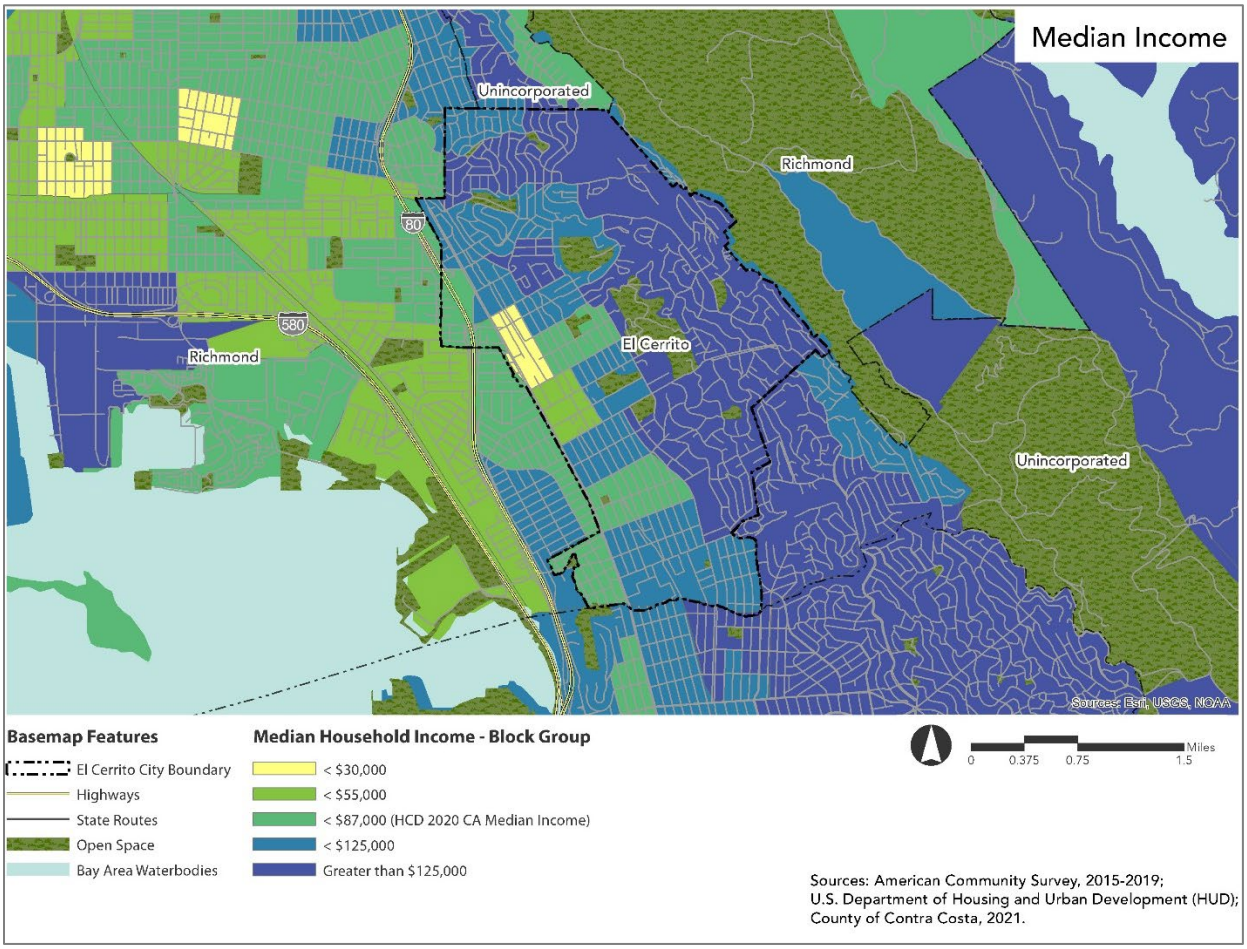
### Local Trends

Figure 3-15 shows the median household income by block group in the City of El Cerrito. Notably, Contra Costa County's area median income in 2020 was $119,200 so a big portion of the city is displayed in blue and dark blue, indicating median household incomes above the 2020 State Median Income ($87,100). Households with median income greater than $125,000 are more concentrated in the east hillside areas. Only one small block group in the west has a median household income less than $30,000, and other small pockets along the western border are also below the HCD's median state income. The rest of the city has income between $87,000–$125,000. There are two block groups in the southeast area of the city that have the lowest proportion of non-White residents and median

income higher than $125,000. However, these block groups contain approximately 35 percent non-White residents, which according to the HUD definition, do not qualify as an RCAA.

Areas with the highest median income also have the highest rents in the city and the highest percent of children in married-couple households. Parts of the city with income greater than $125,000 are considered high resource areas based on composite scores for opportunity areas. High composite scores for opportunity areas indicate high opportunity indicators such as employment rates, educational proficiency, proximity to jobs, etc.

Figure 3-15: Median Household Income in El Cerrito




Source: HCD AFFH Data Viewer. American Community Survey (ACS) (2015-2019).

## 3.5 Access to Opportunities

Access to opportunity is a concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods.

### HUD Opportunity Indices

This section presents the HUD-developed index scores based on nationally available data sources to assess residents' access to key opportunity assets in comparison to the county. Table 3-18 provides index scores or values (the values range from 0 to 100) for the following opportunity indicator indices:

- School Proficiency Index: The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the index value, the higher the school system quality is in a neighborhood.
- Labor Market Engagement Index: The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The higher the index value, the higher the labor force participation and human capital in a neighborhood.
- Transit Trips Index: This index is based on estimates of transit trips taken by a family that meets the following description: a 3-person single-parent family with income at 50 percent of the median income for renters for the region (i.e. the Core-Based Statistical Area (CBSA). The higher the transit trips index value, the more likely residents in that neighborhood utilize public transit.
- Low Transportation Cost Index: This index is based on estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index value, the lower the cost of transportation in that neighborhood.
- Jobs Proximity Index: The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.
- Environmental Health Index: The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the index value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 3-18 Opportunity Indices in Contra Costa County

| *Index* | *School Proficiency* | *Transit Trip* | *Low Transportation Cost* | *Labor Market* | *Jobs Proximity* | *Environmental Health* |
|---|---|---|---|---|---|---|
| Total Population | | | | | | |
| White, Non-Hispanic | 69.32 | 79.83 | 71.72 | 68.76 | 49.30 | 54.75 |
| Black, Non-Hispanic | 34.34 | 81.81 | 75.62 | 42.52 | 48.12 | 43.68 |
| Asian or Pacific Islander, Non-Hispanic | 59.43 | 80.81 | 72.22 | 66.87 | 45.27 | 52.22 |
| Native American, Non-Hispanic | 49.99 | 80.47 | 73.09 | 51.19 | 49.04 | 47.92 |
| Hispanic | 39.38 | 82.31 | 75.57 | 42.30 | 45.11 | 43.85 |
| Population Below Federal Poverty Line | | | | | | |
| White, Non-Hispanic | 55.60 | 81.05 | 74.17 | 55.46 | 50.67 | 49.39 |
| Black, Non-Hispanic | 25.84 | 84.03 | 78.23 | 32.63 | 48.69 | 39.84 |
| Asian or Pacific Islander, Non-Hispanic | 46.48 | 84.04 | 77.75 | 52.15 | 50.02 | 41.52 |
| Native American, Non-Hispanic | 19.92 | 82.61 | 75.06 | 34.52 | 48.41 | 46.48 |
| Hispanic | 30.50 | 84.69 | 78.06 | 32.01 | 44.57 | 38.66 |

Source: AFFHT Data Table 12; Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

Note: American Community Survey Data are based on a sample and are subject to sampling variability.

## TCAC Opportunity Maps

TCAC Maps are opportunity maps created by the California Fair Housing Task Force (a convening of the Department of Housing and Community Development (HCD) and the California Tax Credit Allocation Committee (TCAC)) to provide research and evidence-based policy recommendations to further HCD's fair housing goals of (1) avoiding further segregation and concentration of poverty and (2) encouraging access to opportunity through land use policy and affordable housing, program design, and implementation. These opportunity maps identify census tracts with highest to lowest resources, segregation, and poverty, which in turn inform the TCAC to more equitably distribute funding for affordable housing in areas with the highest opportunity through the Low-Income Housing Tax Credit (LIHTC) Program.

TCAC Opportunity Maps display areas by highest to lowest resources by assigning scores between 0–1 for each domain by census tracts where higher scores indicate higher "access" to the domain or higher "outcomes." Refer to Table 3-19 for a list of domains and indicators for opportunity maps. Composite scores are a combination score of the three domains that do not have a numerical value but rather rank census tracts by the level of resources (low, moderate, high, highest, and high poverty and segregation). The opportunity maps also include a measure or "filter" to identify areas with poverty and racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of population under the federal poverty line;
- Racial Segregation: Tracts with location quotient higher than 1.25 for Blacks, Hispanics, Asians, or all people of color in comparison to the county

Table 3-19 Domains and List of Indicators for Opportunity Maps

| *Domain* | *Indicator* |
|---|---|
| Economic | • Poverty<br>• Adult Education<br>• Employment<br>• Job Proximity<br>• Median Home Value |
| Environmental | • CalEnviroScreen 3.0 Pollution Indicators and Values |
| Education | • Math Proficiency<br>• Reading Proficiency<br>• High School Graduation Rates<br>• Student Poverty Rates |

Source: California Fair Housing Task Force, Methodology for the 2021 TCAC/HCD Opportunity Maps, December 2020

High resource areas have high index scores for a variety of opportunity indicators such as high employment rates, low poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards. High resource tracts are areas that offer low-income residents the best chance of a high quality of life, whether through economic advancement, high educational attainment, or clean environmental health. Moderate resource areas have access to many of the same resources as the high resource areas but may have fewer job opportunities, lower performing schools, lower median home values, or other factors that lower their indexes across the various economic, educational, and environmental indicators. Low resource areas are characterized as having fewer opportunities for employment and education, or a lower index for other economic, environmental, and educational indicators. These areas have greater quality of life needs and should be prioritized for future investment to improve opportunities for current and future residents.

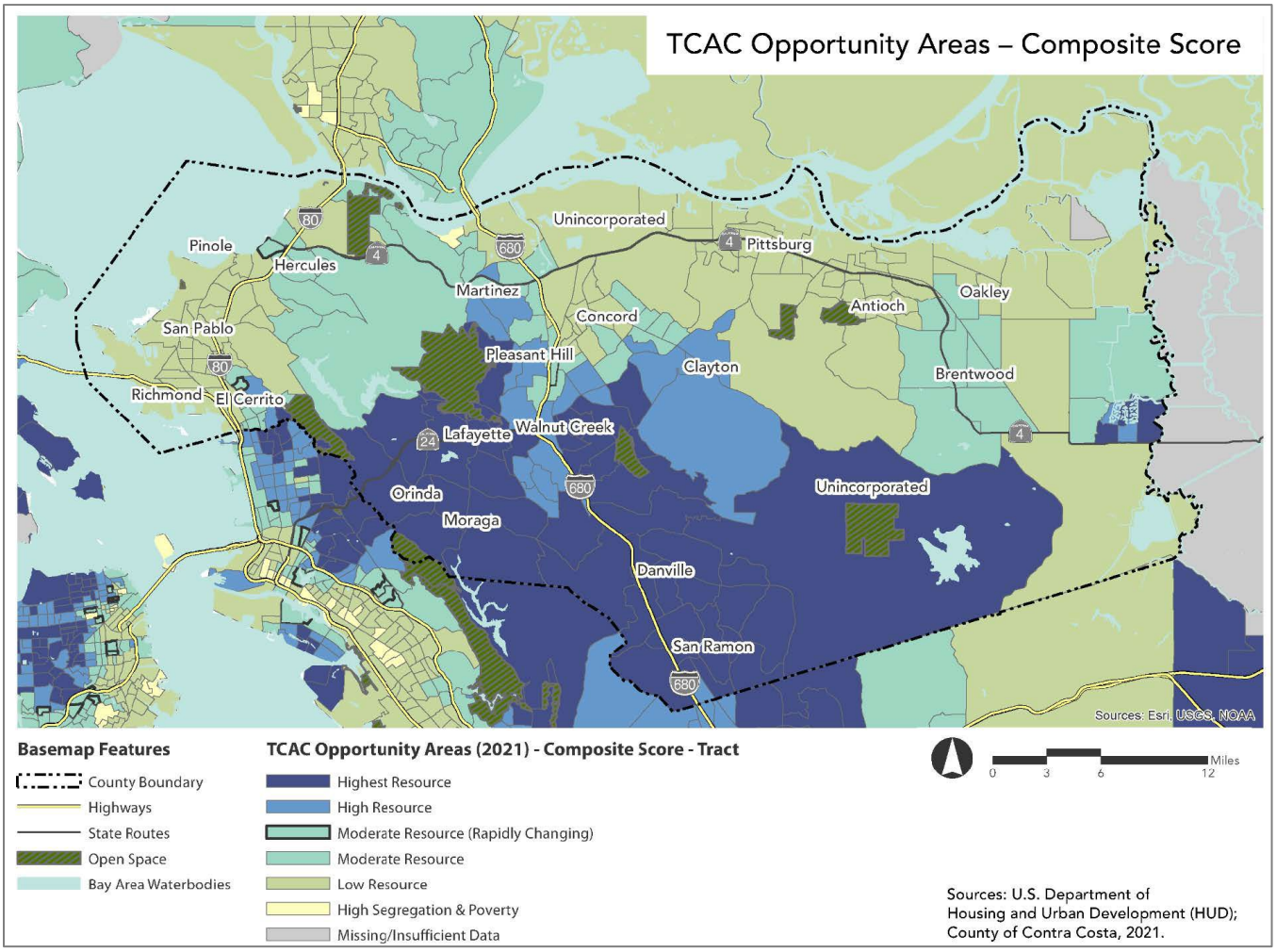
### Regional Trends

Figure 3-16 provides a visual representation of TCAC Opportunity Areas in Contra Costa County based on a composite score, where each tract is categorized based on percentile rankings of the level of resources within the region. The only census tract in Contra Costa County considered an area of high segregation and poverty is located in Martinez. Concentrations of low resource areas are located in the northwestern and eastern parts of the county (Richmond to Hercules and Concord to El Cerrito); census tracts with the highest resources are located in central and southern parts of the county (San Ramon, Danville, Moraga, and Lafayette).

### Local Trends

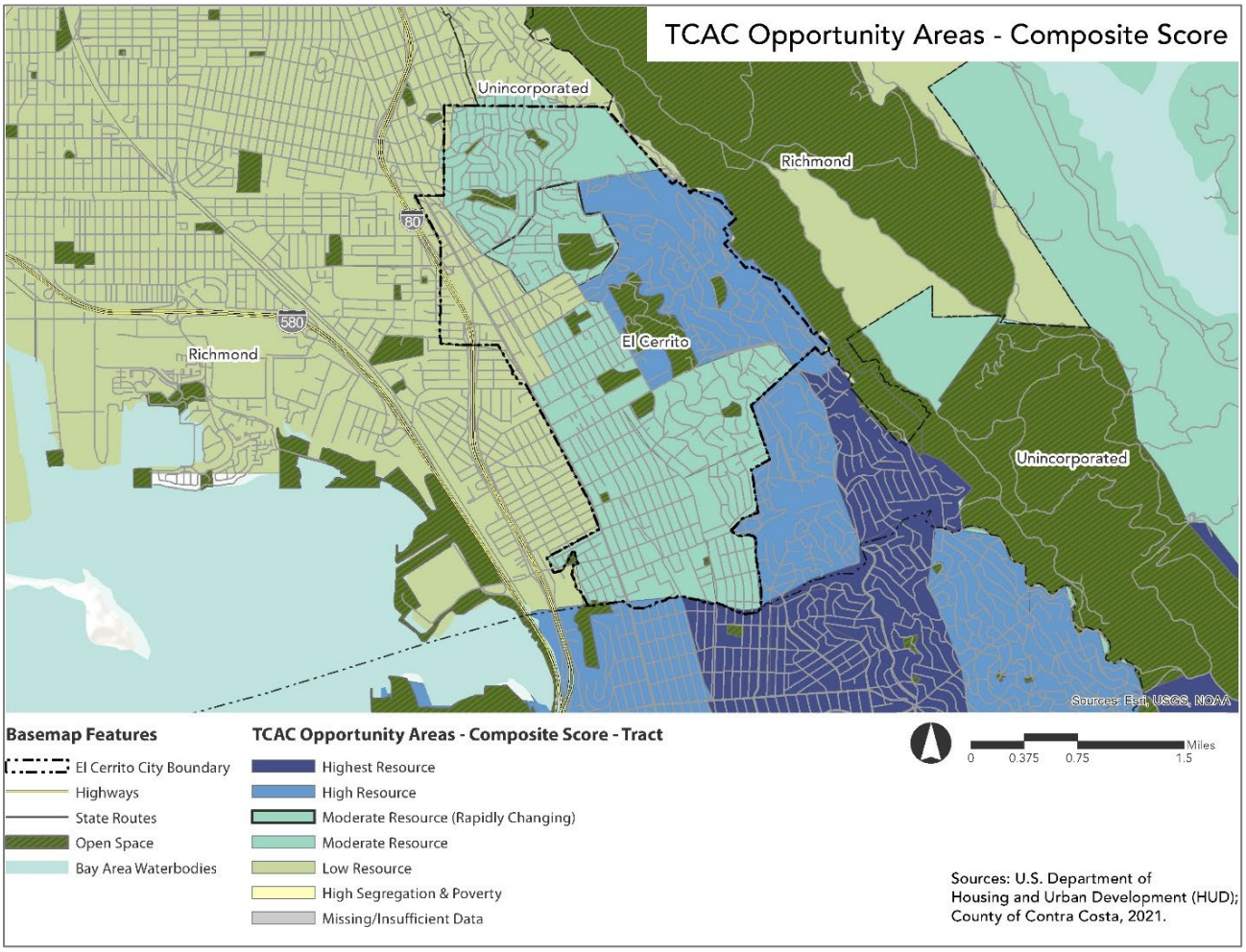
The City of El Cerrito is composed of mostly moderate to high resource areas, with a small portion of census tracts on the west considered low resource. Low resource areas correspond to areas with a higher percentage of children in female-headed households, lower scores on the healthy places index, lowest median gross rents (<$1,000), and lowest median household income in the city.

Figure 3-16: Composite Score of TCAC Opportunity Areas in Contra Costa County, 2021




Source: Map 11(a) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-17: TCAC Composite Scores in El Cerrito, 2021




Source: Map 11(b) of Contra Costa Housing Collaborative AFFH analysis.

### Educational Opportunity

Housing and school policies are mutually reinforcing, which is why it is important to analyze access to educational opportunities when assessing fair housing. At the most general level, school districts with the greatest amount of affordable housing tend to attract larger numbers of LMI families (largely composed of minorities). As test scores are a reflection of student demographics, where Black/Hispanic/Latino students routinely score lower than their White peers, less diverse schools with higher test scores tend to attract higher income families to the school district. This is a fair housing issue because as higher income families move to the area, the overall cost of housing rises and an exclusionary feedback loop is created, leading to increased racial and economic segregation across districts as well as decreased access to high-performing schools for non-White students.

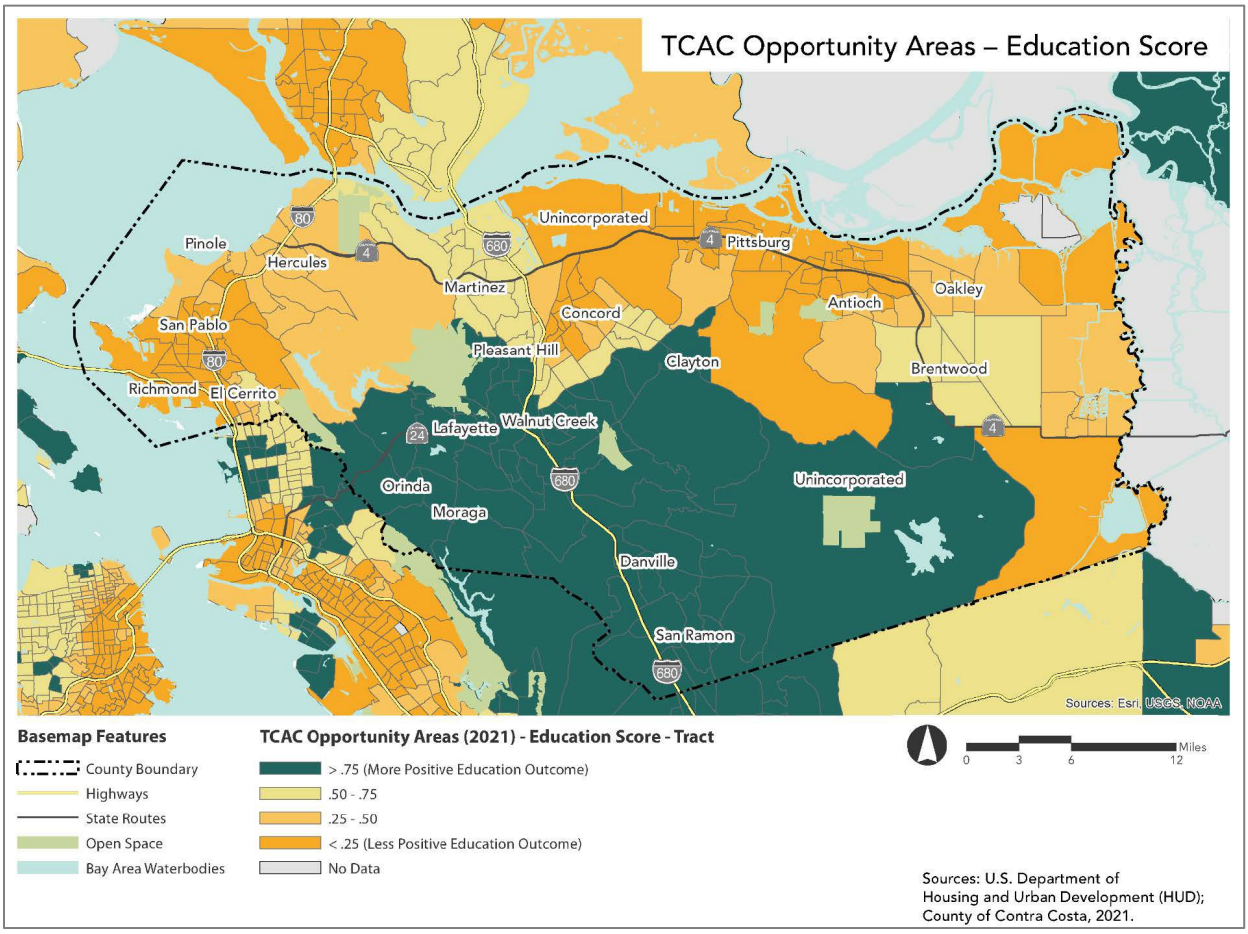
#### Regional Trends

There are 19 public school districts in Contra Costa County, in addition to 124 private schools and 19 charter schools. Figure 3-18 shows that the northwestern and eastern parts of the county have the lowest education domain scores (less than 0.25) per census tracts, especially around Richmond and San Pablo, Pittsburg, Antioch, east of Clayton, and Concord and its northern unincorporated areas. Census tracts with the highest education domain scores (greater than 0.75) are located in central and southern parts of the county (bounded by San Ramon on the south; Orinda and Moraga on the west; Lafayette, Walnut Creek, Clayton, and Brentwood on the north). Areas with lower education scores correspond with areas with lower income households (largely composed of minorities) and vice versa. Table 3-

18 also indicates that index values for school proficiency are higher for White residents, indicating a greater access to high quality schools regardless of poverty status.

According to the Contra Costa County 2020 AI, academic outcomes for low-income students are depressed by the presence of high proportions of low-income classmates; similarly situated low-income students perform at higher levels in schools with lower proportions of low income students. The research on racial segregation is consistent with the research on poverty concentration—positive levels of school integration led to improved educational outcomes for all students. Thus, it is important wherever possible to reduce school-based poverty concentration and to give low-income families access to schools with lower levels of poverty and greater racial diversity. The 2021 TCAC Opportunity Areas Education Composite Score for a census tract is based on math and reading proficiency, high school graduation rates, and student poverty rate indicators. The score is broken up by quartiles, with the highest quartile indicating more positive education outcomes and the lowest quartile signifying fewer positive outcomes.

Figure 3-18: TCAC Opportunity Areas' Education Score in Contra Costa County, 2021



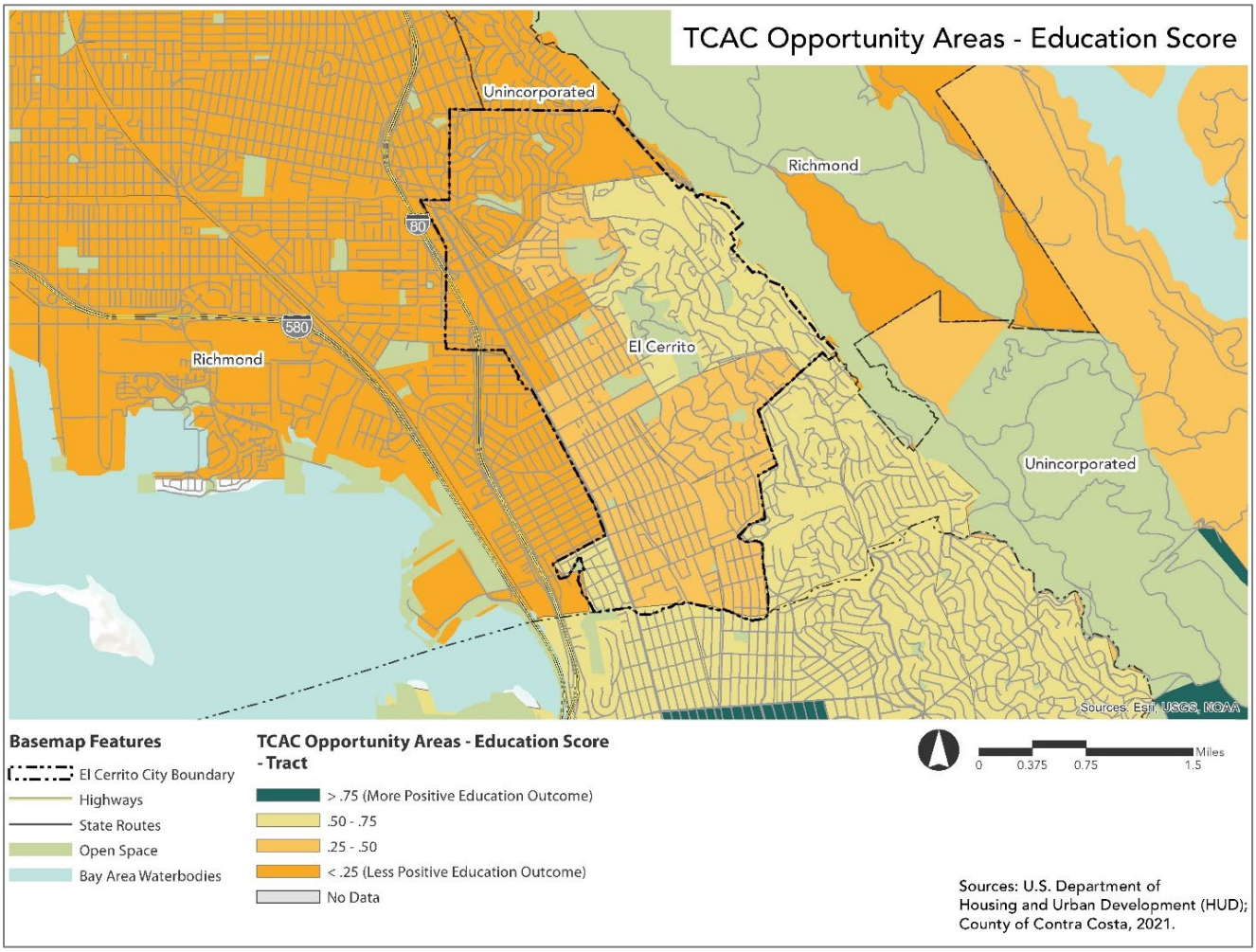

Source: Map 12(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

The City of El Cerrito is part of the West Contra Costa Unified School District (WCCUSD). Seven public schools in the city serve 4,109 students for the 2022 school year. El Cerrito public schools have an average math proficiency score of 44 percent (compared to the county average of 19 percent and state average of 40 percent) and an average reading proficiency score of 56 percent (compared to the county average of 21 percent and state average of 51 percent). The proficiency scores are based on the percentage of students in a given school or district that scored at or above "proficient" levels in math or reading as designated by California and its state tests. Schools in El Cerrito have an average ranking of 7/10, which is in the top 50 percent of California public schools. Minority enrollment is 72 percent

of the student body (majority Hispanic and Asian), which is slightly higher than the county public school average of 71 percent (majority Hispanic). In terms of education scores, eastern tracts and one small section in the southwest have the highest scores (0.50–0.75). Scores gradually decrease towards the west. The rest of the city is split between scores of less than 0.25 in the north and 0.25–0.50 in the south. Where education scores are the highest, tracts in the city are considered high resource areas and have median incomes greater than $125,000. Tracts with low education scores are considered moderate to low resource areas and have lower median income.

Figure 3-19: TCAC Opportunity Areas' Education Score in El Cerrito, 2021




Source: Map 12(b) of Contra Costa Housing Collaborative AFFH analysis.

### Transportation

Access to public transit is of paramount importance to households affected by low incomes and rising housing prices, especially because lower income households are often transit dependent. Public transit should strive to link lower income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage and increase housing mobility, which enables residents to locate housing outside of traditionally low-income neighborhoods.

Transportation opportunities are depicted by two indices: (1) the transit trips index and (2) the low transportation cost index. The transit trips index measures how often low-income families in a neighborhood use public transportation. The index ranges from 0 to 100, with higher values indicating a higher likelihood that residents in a neighborhood utilize public transit. The low transportation cost index measures cost of transportation and proximity to public

transportation by neighborhood. It too varies from 0 to 100, and higher scores point to lower transportation costs in that neighborhood.

### Regional Trends

Neither index, regardless of poverty level, vary noticeably across racial/ethnic categories. All races and ethnicities score highly on both indices with values close in magnitude. If these indices are accurate depictions of transportation accessibility, it is possible to conclude that all racial and ethnic classes have high and relatively equal access to transportation at both the jurisdiction and regional levels. If anything, both indices appear to take slightly higher values for non-Hispanic Blacks and Hispanics, suggesting better access to transit and lower costs for these protected groups.

Contra Costa County is served by rail, bus, and ferry transit but the quality of service varies across the county. Much of Contra Costa County is connected to other parts of the East Bay as well as to San Francisco and San Mateo County by Bay Area Rapid Transit (BART) rail service. The Richmond-Warm Springs/South Fremont and Richmond-Daly City/Millbrae Lines serve El Cerrito and Richmond during peak hours while the Antioch-SFO Line extends east from Oakland to serve Orinda, Lafayette, Walnut Creek, Contra Costa Center/Pleasant Hill, Concord, and the Pittsburg/Bay Point station. An eastward extension, also known as eBART, began service on May 26, 2018. The extension provides service beyond the Pittsburg/Bay Point station to the new Pittsburg Center and Antioch stations. The Capitol Corridor route provides rail service between San Jose and Sacramento and serves commuters in Martinez and Richmond.

In contrast to rail transportation, bus service is much more fragmented in the county and regionally. Several different bus systems including Tri-Delta Transit, AC Transit, County Connection, and WestCat provide local service in different sections of the county. The lack of an integrated network can make it harder for transit riders to understand how to make a trip that spans multiple operators and adds costs during a daily commute.

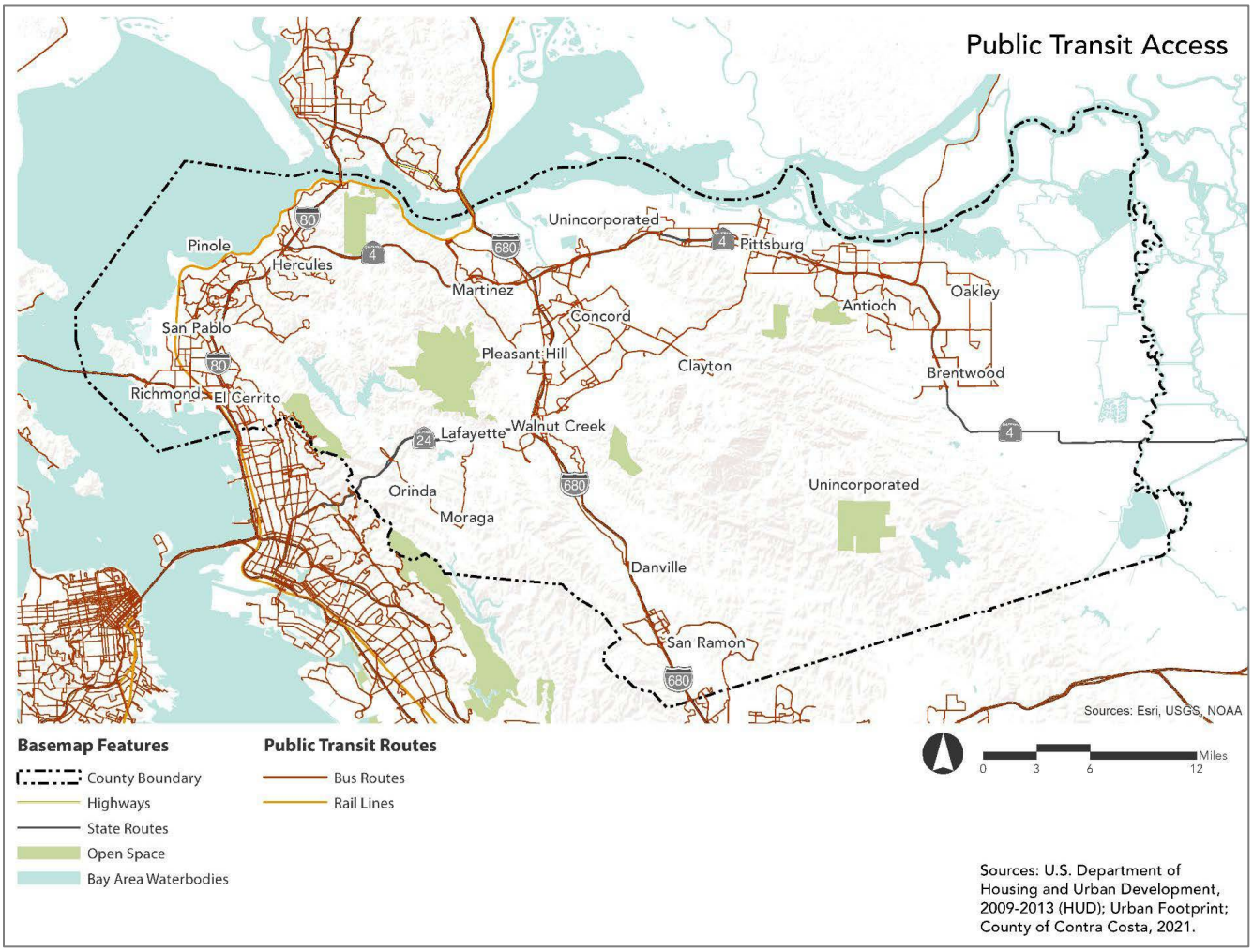
Within Contra Costa County, transit is generally not as robust in east county despite growing demand for public transportation among residents. The lack of adequate public transportation makes it more difficult for lower-income people in particular to access jobs. Average transit commutes in Pittsburg and Antioch exceed 70 minutes. In Brentwood, average transit commute times exceed 100 minutes.

Transit agencies that service Contra Costa County include County Connection, Tri Delta Transit, WestCAT, AC Transit, and BART. The County Connection Bus (CCCTA) is the largest bus transit system in the county that provides fixed-route and paratransit bus service for communities in central Contra Costa County. Other non-Contra Costa County agencies that provide express service to the county include:

- San Francisco Bay Ferry (Richmond to SF Ferry Building);
- Golden Gate Transit (Line 40);
- WHEELS Livermore Amador Valley Transit Authority (Route 70x);
- SolTrans (Route 80/82 and the Yellow Line);
- Capitol Corridor (Richmond/Martinez to cities between Auburn and San Jose);
- Fairfield & Suisun Transit (Intercity express routes);
- Altamont Corridor Express (commute-hour trains from Pleasanton);
- Napa Vine Transit (Route 29)

Figure 3-20 displays public transit routes in Contra Costa County.

Figure 3-20: Public Transit Routes in Contra Costa County, 2021




Source: Map 13(a) of Contra Costa Housing Collaborative AFFH analysis.

## Local Trends

Through the adopted Transit First Policy, it is the official policy of the City of El Cerrito to encourage and promote the use of public transit among El Cerrito residents and visitors and to expedite the movement of transit vehicles.

El Cerrito is primarily served by AC Transit, operated by Alameda-Contra Costa Transit District, and Bay Area Rapid Transit (BART). The city has two BART stations at El Cerrito Plaza and Del Norte. The Del Norte BART is also served by WestCAT Transit, VINE Transit, Vallejo Transit, Golden Gate Transit, and Fairfield and Suisun Transit (FAST). The city provides in-town transportation services for seniors and disabled residents through Easy Ride Paratransit Service; East Bay Paratransit operated by AC Transit also operates within the city.

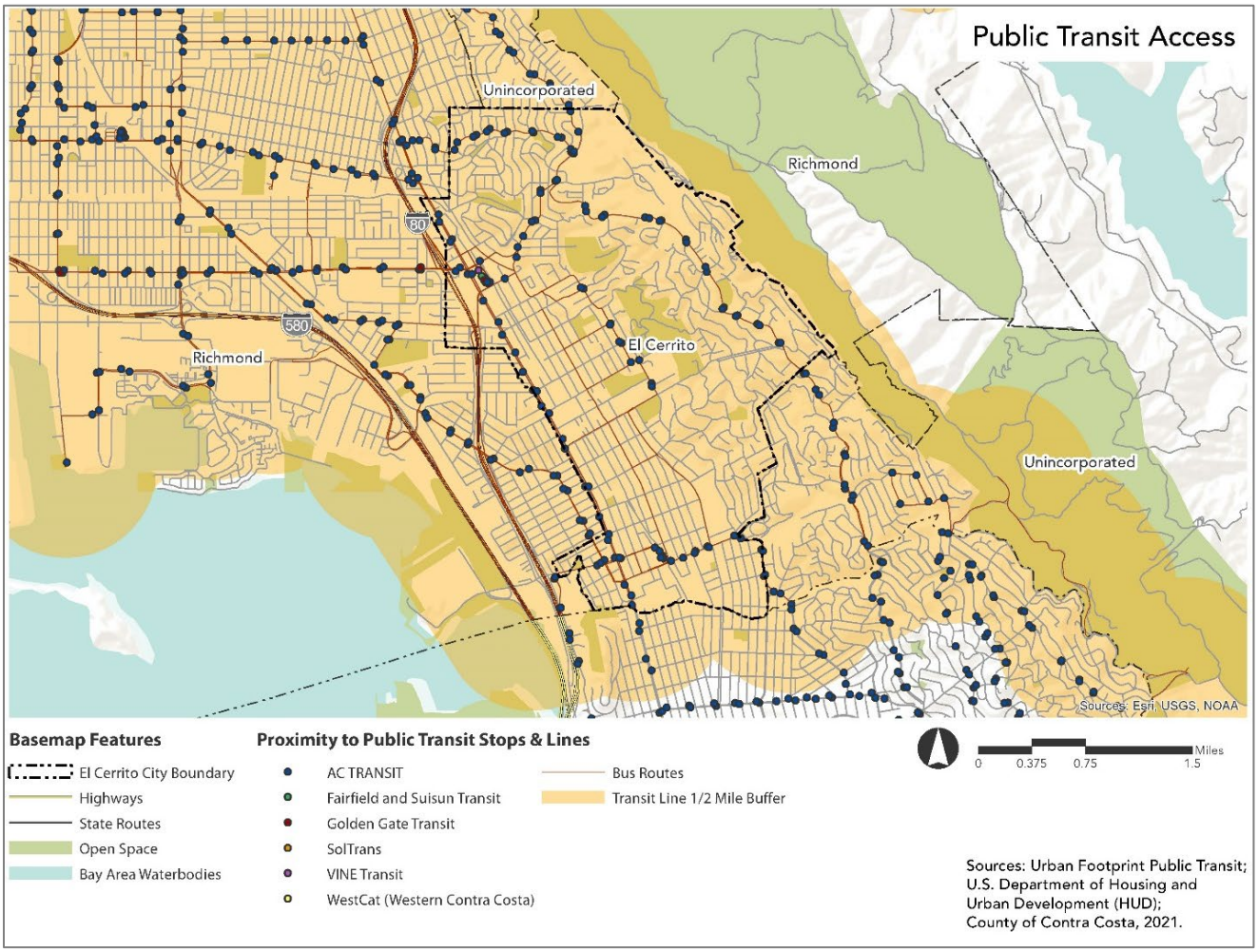
According to AllTransit, an online source of transit connectivity, access, and frequency data, 100 percent of jobs in El Cerrito are located within half a mile of transit and 28.02 percent of all commuters use transit. AllTransit states that 58.1 percent of the population (14,538 people) live within one-half mile of full-day high-frequency transit, defined as access from 7am to 10pm; 65.3 percent of the population (16,345 people) live within one-half mile of rush-hour high-frequency transit, defined as access from 7am–9am and 4pm–6pm.

Figure 3-21 illustrates transit scores from a range of 1< to >9, where higher scores indicate higher connectivity, access to jobs, and frequency of service. Approximately half (54.8 percent) of the population live in areas with scores in the 7–9 range, 38.5 percent of the population live in areas with scores of >9; 6.7 percent of the population live in areas with scores in the 5–7 range. Overall, AllTransit scores El Cerrito 8.5/10 for its transit performance, which means that

the city has an excellent combination of trips per week and number of jobs accessible enabling numerous people to take transit to work.

Based on ACS 2015-2019 5-year estimates, almost 25 percent of the population has a commute time of 15–24 minutes; almost 16 percent of the population has a commute time between 30–34 minutes; about 25 percent of the population has a commute time between 45–89 minutes.

Figure 3-21: AllTransit Overall Performance Score in El Cerrito, 2021




Source: Map 13(b) of Contra Costa Housing Collaborative AFFH analysis.

Additionally, AllTransit provides the transit connectivity index (TCI), a metric based on the number of bus routes and train stations within walking distance for households in a given Block Group scaled by the frequency of service. The result is scaled from 0-100, with zero being no transit and 100 being the best block group in the county. El Cerrito has an overall score of 13/100, which reflects that the City only has one high frequency transit route and 15 transit routes available within a one-half mile of an average block group. For comparison, a transit-rich city like San Francisco has a TCI score of 32, which has 26 total transit routes and 23 high frequency transit routes within one-half mile of an average block group.

### Economic Development

Employment opportunities are depicted by two indices: (1) the labor market engagement index and (2) the jobs proximity index. The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood, taking into account the unemployment rate, labor-force participation rate, and percent with a bachelor's degree or higher. The index ranges from 0 to 100, with higher values

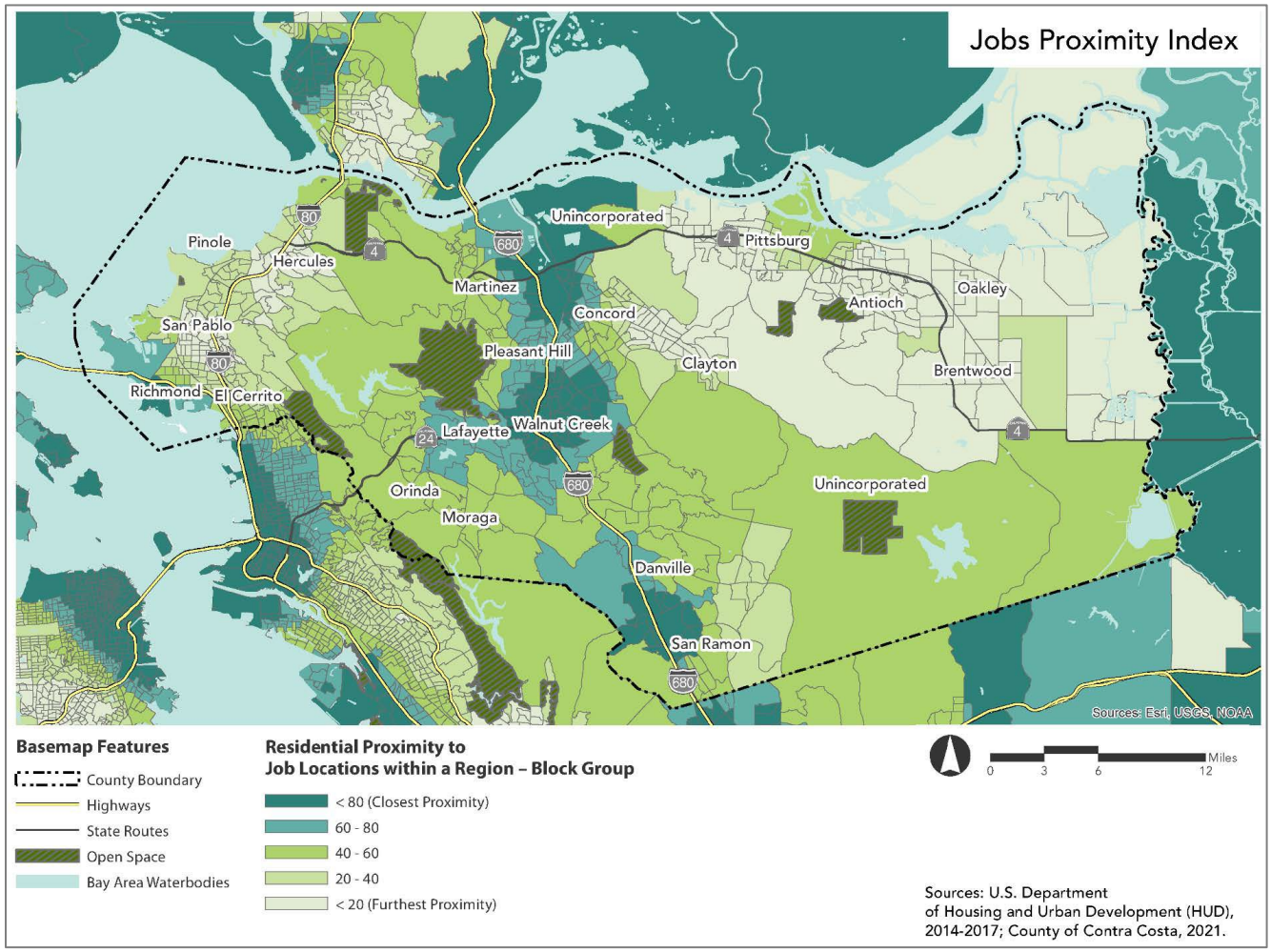
indicating higher labor force participation and human capital. The jobs proximity index quantifies the accessibility of a neighborhood to jobs in the region by measuring the physical distances between jobs and places of residence. It too varies from 0 to 100, and higher scores point to better accessibility to employment opportunities.

### Regional Trends

In Contra Costa County, non-Hispanic Whites and non-Hispanic Asians/Pacific Islanders are at the top of the labor market engagement index with scores of 66.76 and 66.87 respectively. Non-Hispanic Blacks and Hispanics score the lowest in the county with scores around 32. (Refer to Table 3-18 for a full list of indices). Figure 3-22 shows the spatial variability of job proximity in Contra Costa County. Tracts extending north from Lafayette to Martinez and its surrounding unincorporated areas have the highest index values followed by its directly adjacent areas. Cities like Pittsburg, Antioch, Brentwood, Oakley, and Hercules have the lowest index scores (less than 20). Hispanic residents have the least access to employment opportunities with an index score of 45.11, whereas White residents have the highest index score of 49.30. These areas closely align with the areas scoring the lowest in the TCAC economic index, shown in Figure 3-23.

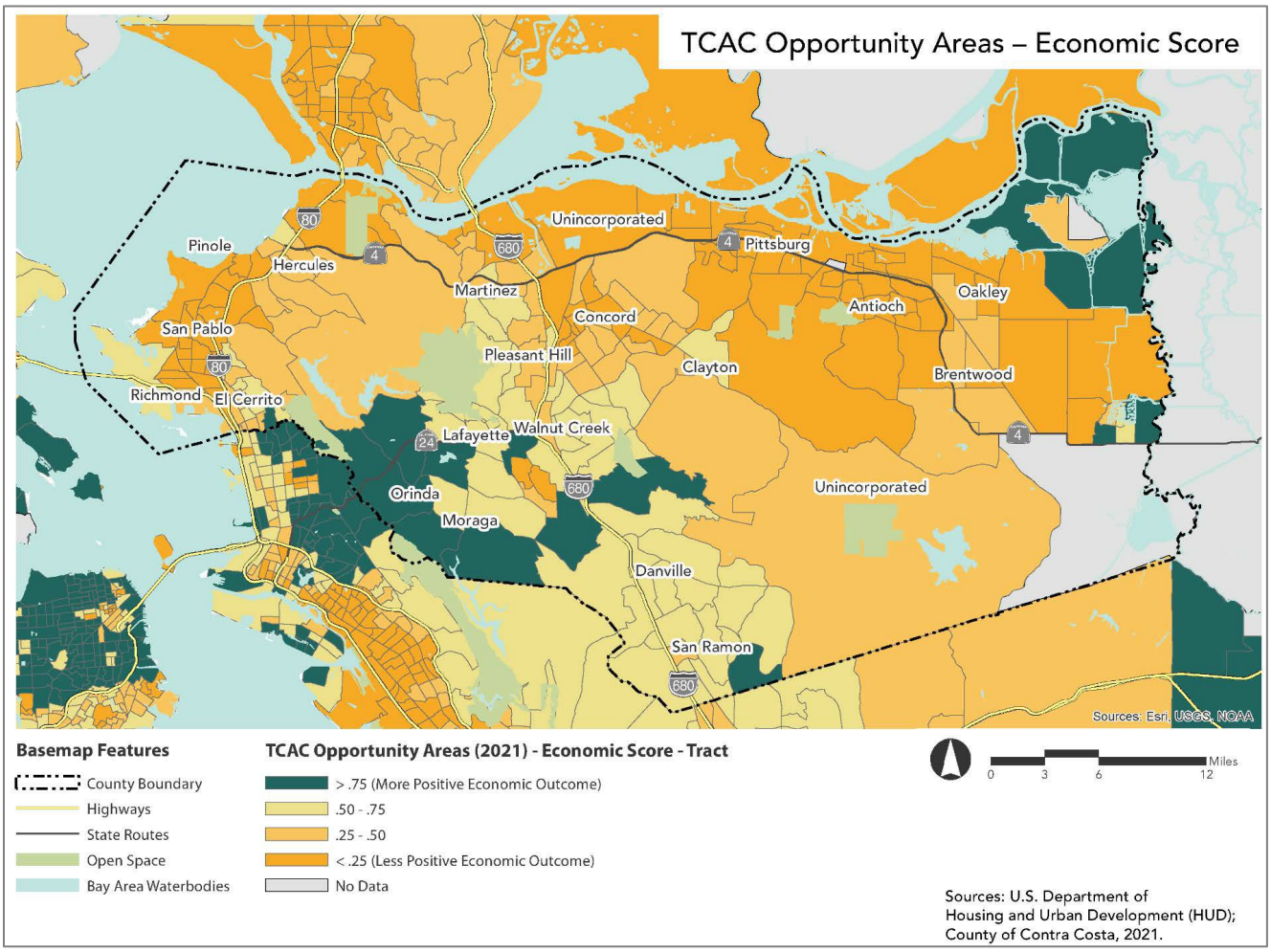
At the end of 2021, Contra Costa County had an unemployment rate of 4.2 percent, representing an estimated 22,900 residents. Antioch, Pittsburg, and Richmond were amongst the cities with the highest unemployment rates, 6.6 percent, 5.6 percent, and 5.2 percent respectively. These cities were closely followed by Brentwood, Oakley, and San Pablo. The unemployment rates in cities within Contra Costa County correspond with low opportunity index scores.

Figure 3-22: Job Proximity Index in Contra Costa County, 2017




Source: Map 14(a) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-23: TCAC Opportunity Areas' Economic Score in Contra Costa County, 2021



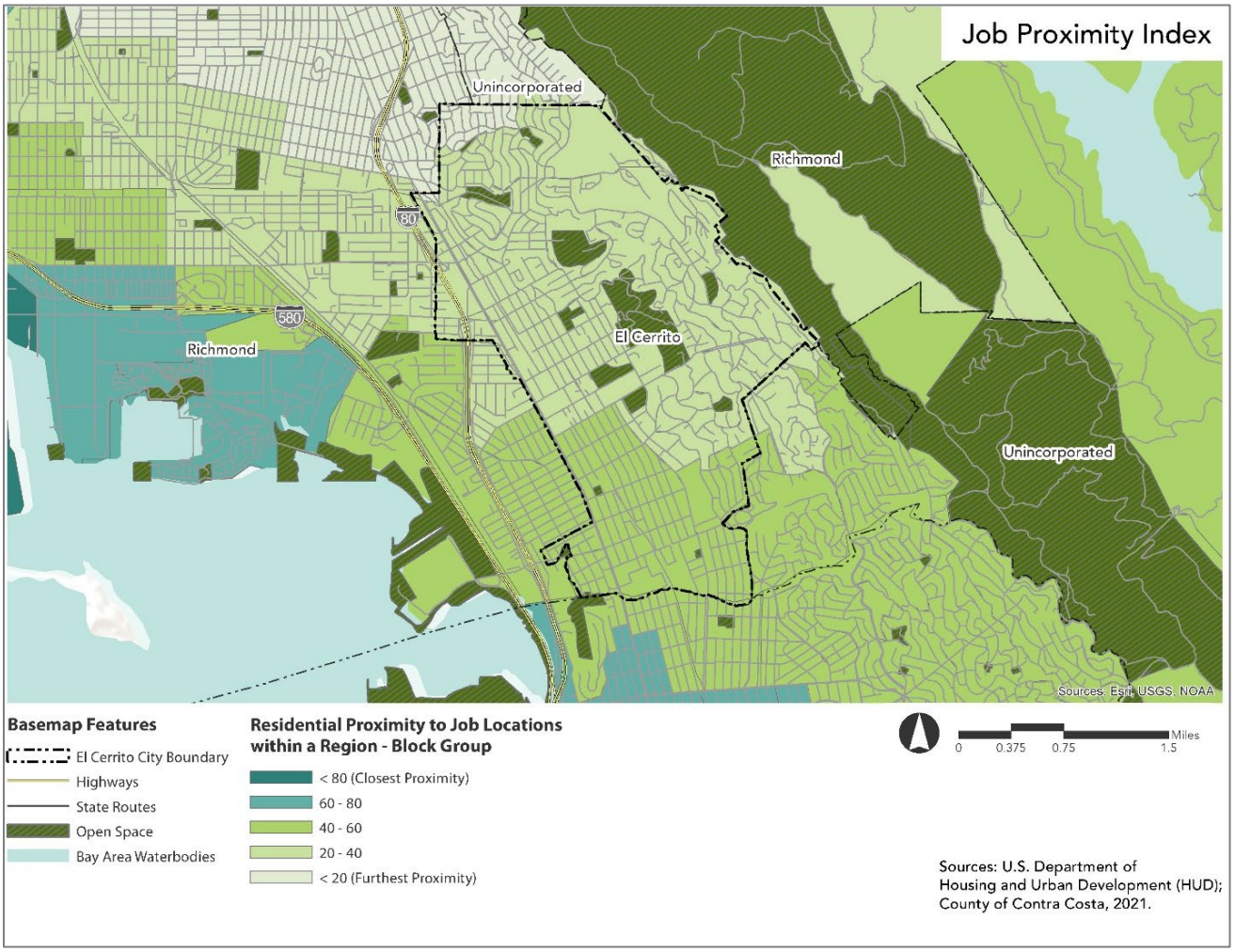

Source: Map 15(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

El Cerrito had an unemployment rate of 3.6 percent at the end of 2021, lower than the county unemployment rate of 4.2 percent. Figure 3-24 shows the job proximity index by block group for El Cerrito. Residents in south El Cerrito are closest in proximity to jobs with scores of 40–60. Proximity to jobs in the city decreases towards the north of the city; block groups with the lowest scores (<20) are located in the northern tip of the city. Block groups with the lowest score on the job proximity index also have the lowest economic scores in the city and lowest percentages of cost-burdened renter households.

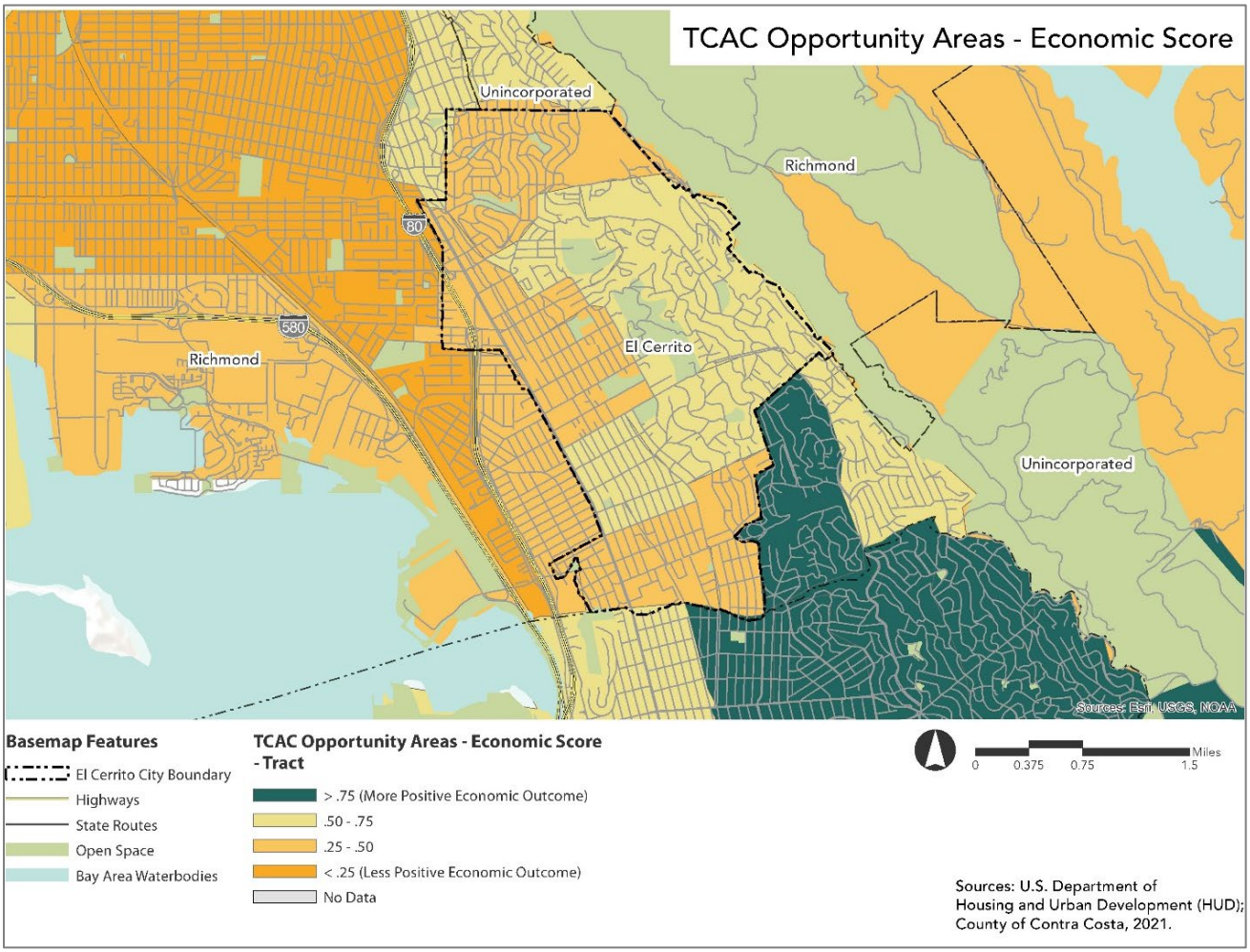
Figure 3-25 displays the economic index scores for the city. Overall, El Cerrito has moderate economic scores ranging from 0.25–0.75. For the most part, east El Cerrito has higher scores (0.50–0.75) than west El Cerrito (0.25–0.50). Tracts with the highest economic scores correspond to areas with the highest median income, areas considered high resource, and highest median gross rent in the city.

Figure 3-24: Job Proximity Index in El Cerrito, 2017




Source: Map 14(b) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-25: TCAC Opportunity Areas' Economic Score in El Cerrito, 2021




Source: Map 15(b) of Contra Costa Housing Collaborative AFFH analysis.

### Environment

The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. Index values range from 0 to 100 and the higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group. There are modest differences across racial and ethnic groups in neighborhood access to environmental quality. All racial/ethnic groups in the Consortium obtained moderate scores ranging from low 40s to mid–50s. Non-Hispanic Blacks and Hispanics have the lowest scores amongst all residents in Contra Costa County with scores of 43; whereas non-Hispanic Whites and Asians/Pacific Islanders have the highest scores (index score over 50) amongst all residents in Contra Costa County (Refer to Table 3- 18).

CalEnviroScreen was developed by the California Environmental Protection Agency (CalEPA) to evaluate pollution sources in a community while accounting for a community's vulnerability to the adverse effects of pollution. Measures of pollution burden and population characteristics are combined into a single composite score that is mapped and analyzed. Higher values on the index indicate higher cumulative environmental impacts on individuals arising from these burdens and population factors.

The California Office of Environmental Health Hazard Assessment (OEHHA) compiles these scores to help identify California communities disproportionately burdened by multiple sources of pollution. In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive

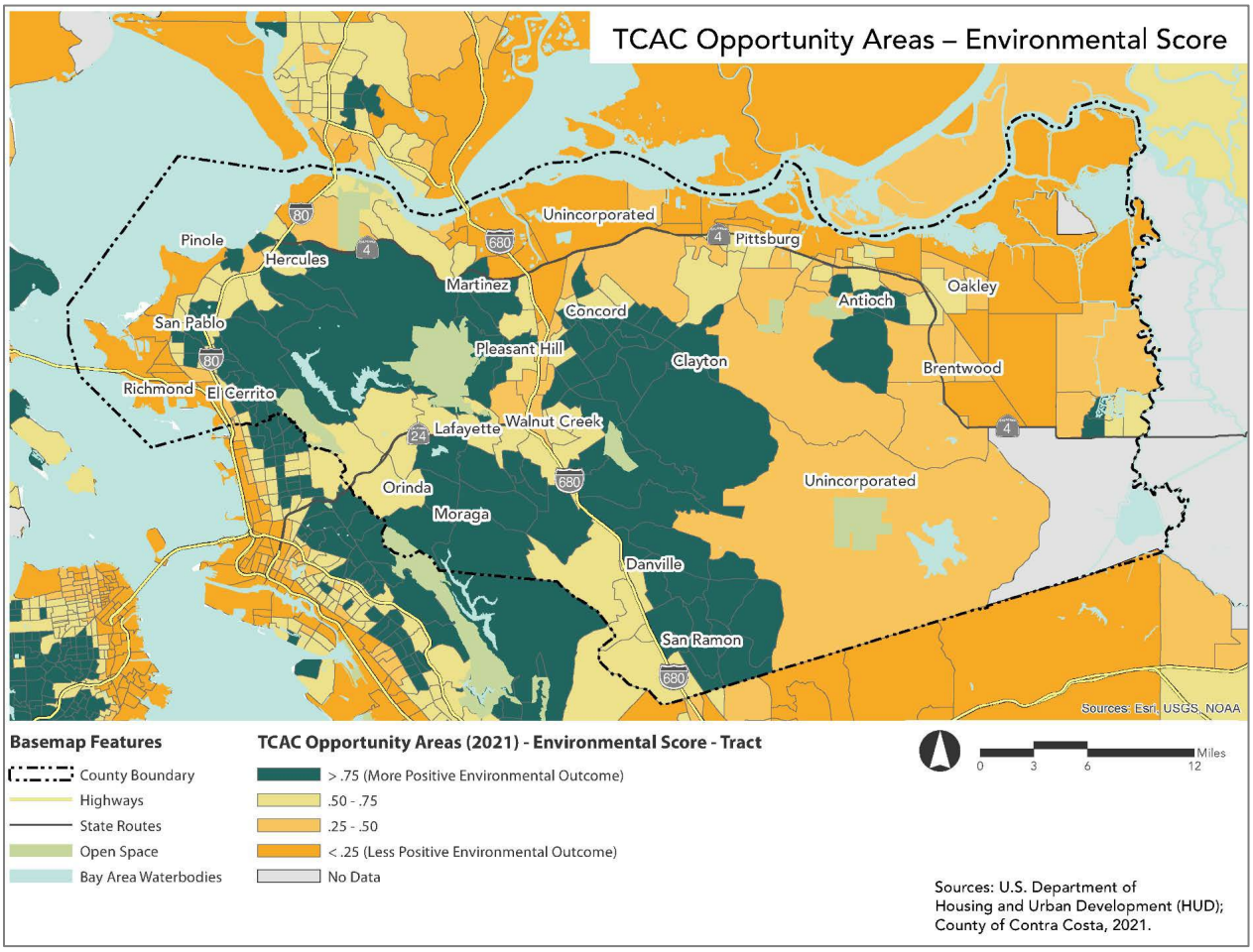
receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviroScreen also considers socioeconomic factors such as educational attainment, linguistic isolation, poverty, and unemployment.

### Regional Trends

Figure 3-26 below displays the Environmental Score for Contra Costa County based on CalEnviroScreen 3.0 Pollution Indicators and Values that identifies communities in California disproportionately burdened by multiple sources of pollution and face vulnerability due to socioeconomic factors. The highest scoring 25 percent of census tracts were designated as disadvantaged communities. In Contra Costa County, disadvantaged communities include census tracts in north Richmond, Richmond, Pittsburg, San Pablo, Antioch, Rodeo, and Oakley.

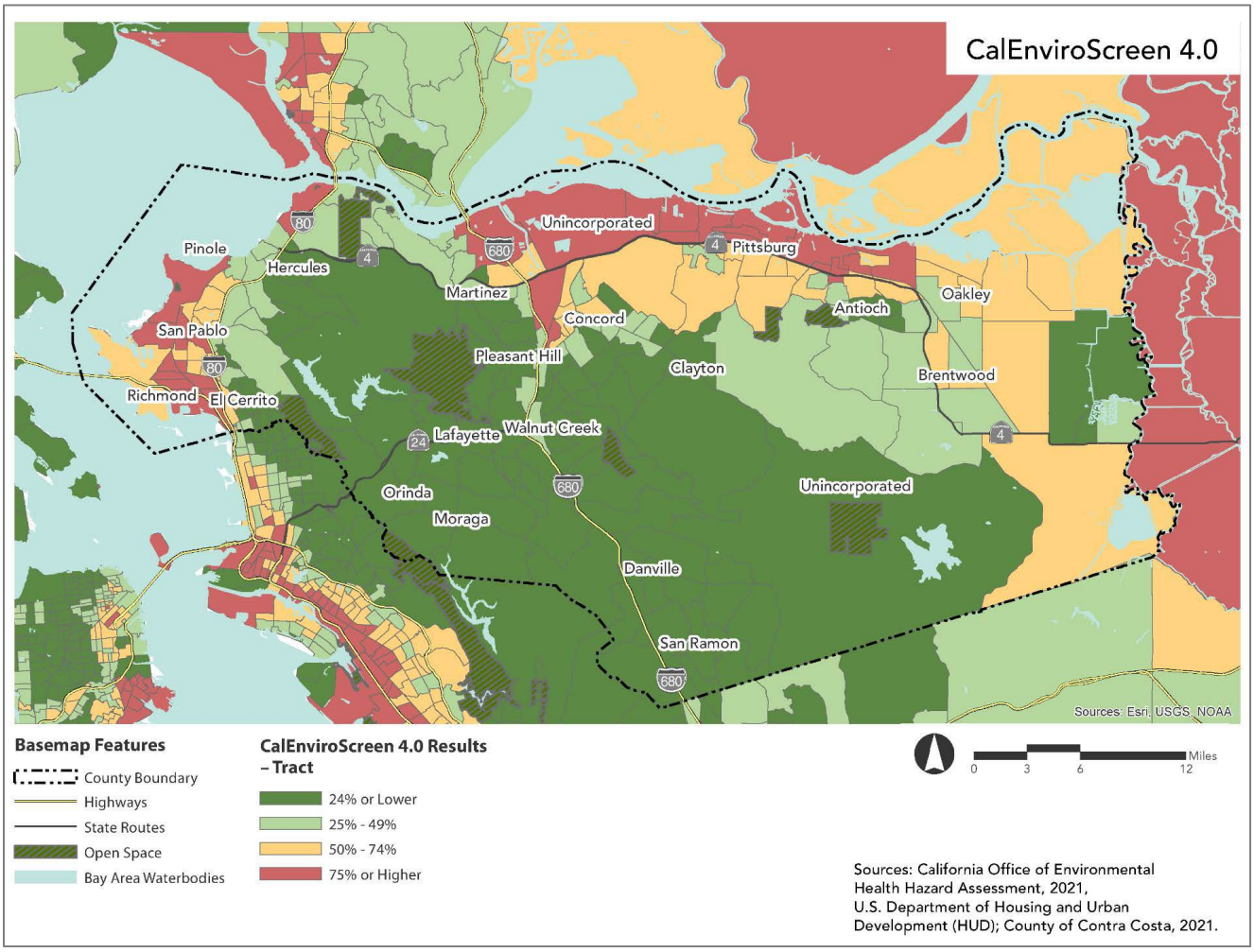
Figure 3-27 shows scores for CalEnviroscreen 4.0. Generally speaking, adverse environmental impacts are concentrated around the northern border of the county (Bay Point to Pittsburg) and the western border of the county (Richmond to Pinole). Areas around Concord to Antioch have moderate scores and the rest of the county has relatively low scores. From central Contra Costa County, an almost radial gradient effect can be seen from green to red (least to most pollution).

Figure 3-26: TCAC Opportunity Areas' Environmental Score in Contra Costa County, 2021




Source: Map 16(a) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-27: CalEnviroScreen 4.0 Results in Contra Costa County, 2021

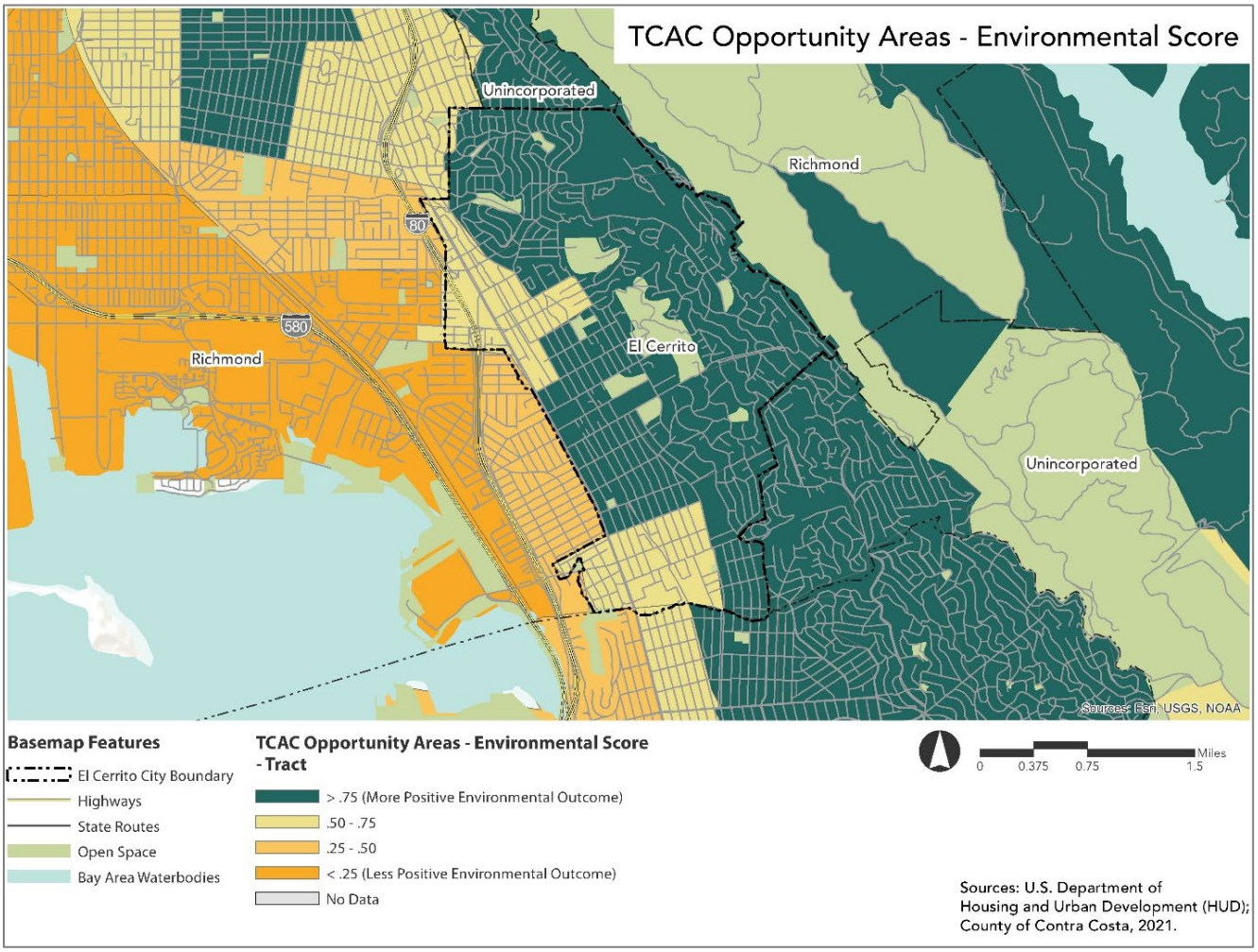



Source: Map 17(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

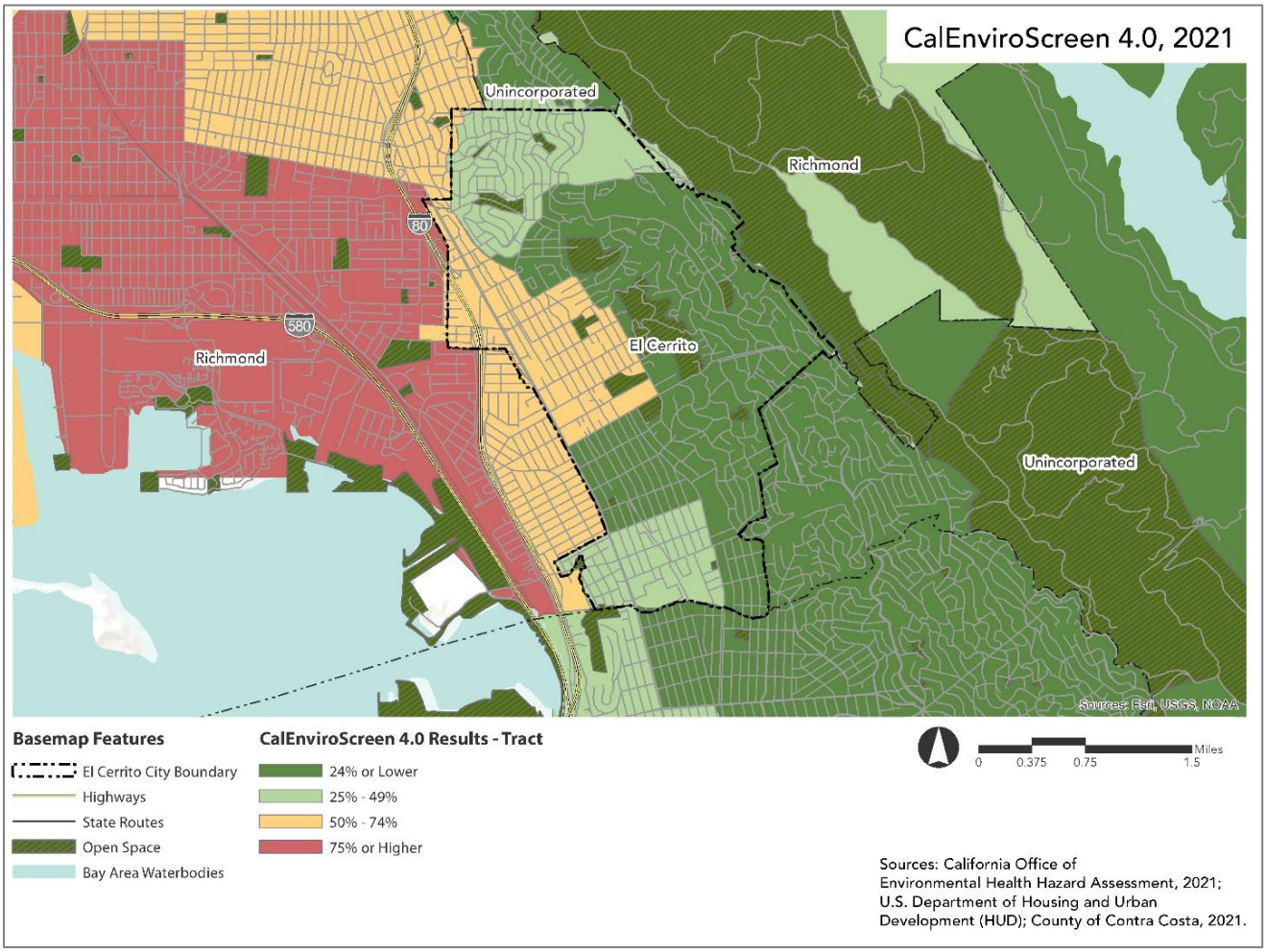
Environmental index scores for the City of El Cerrito, shown in Figure 3-28, are considerably higher than Richmond to the west, which is likely due to operational activities that occur at the Port of Richmond. The majority of the city has scores greater than 0.75, which indicate more positive environmental outcomes. Northwestern and southwestern El Cerrito have slightly lower scores (0.50–0.75) compared to the rest of the city. Figure 3-29 reflects similar patterns with CalEnviroscreen 4.0 scores, where the majority of the city has low risk of pollution, which decreases towards the western border of the city. The eastern area of the city is closer to more natural and open spaces, such as the Tilden Regional Park. Tracts with higher environmental scores have higher median gross rents, low percent of low-moderate income populations, and lower percent of non-White populations.

Figure 3-28: TCAC Opportunity Areas' Environmental Score in El Cerrito, 2021




Source: Map 16(b) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-29: CalEnviroScreen 4.0 Results in El Cerrito, 2021




Source: Map 17(b) of Contra Costa Housing Collaborative AFFH analysis.

### Health and Recreation

The Healthy Places Index (HPI) is a new tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the state and combined 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate lower conditions.

#### Regional Trends

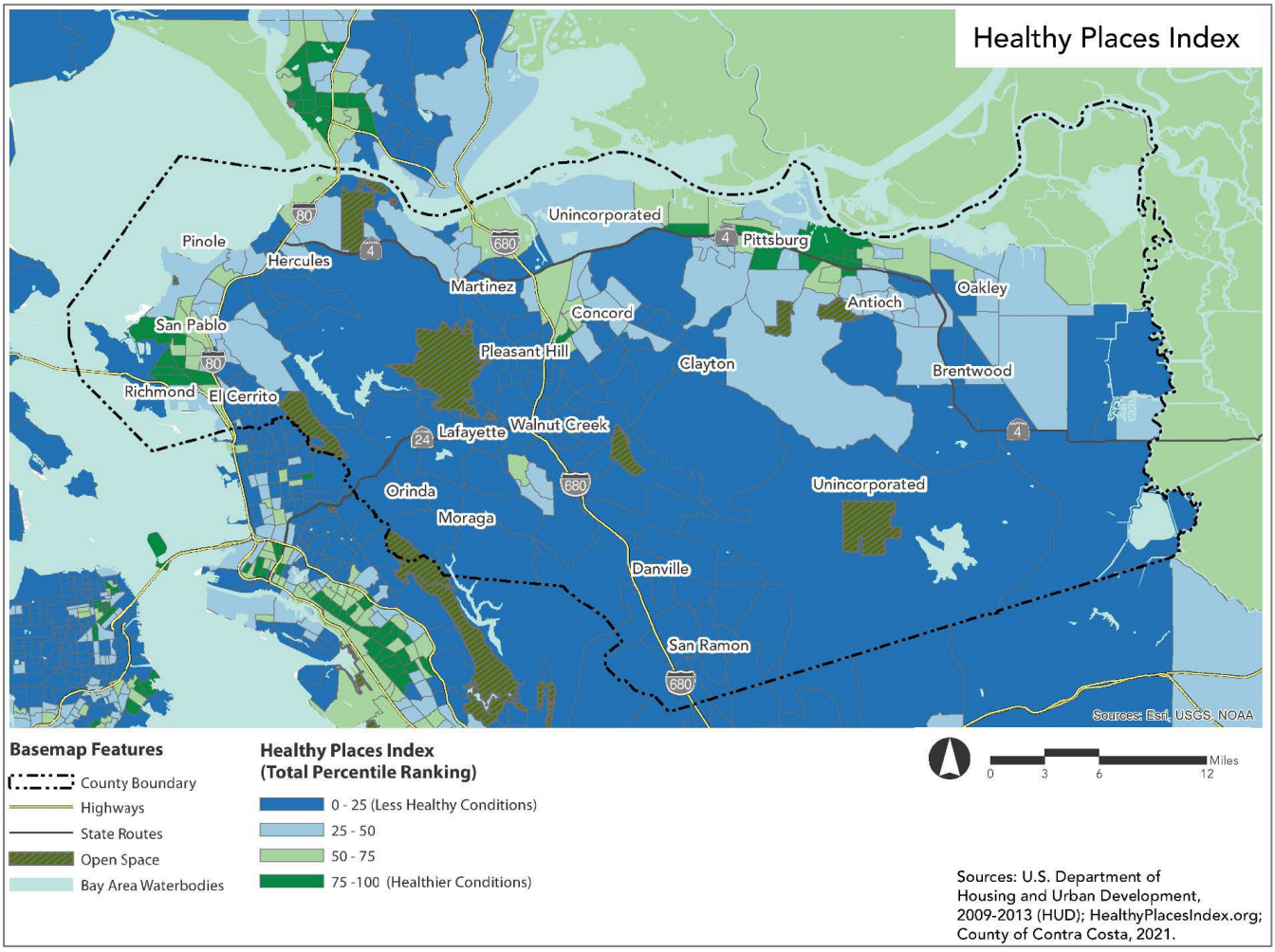
Figure 3-30 shows the HPI percentile score distributions for Contra Costa County. The majority of the county falls in the highest quarter, indicating healthier conditions. These areas have a lower percentage of minority populations and higher median incomes. The reverse is true for cities with the lowest percentile ranking, which indicates less healthy conditions, are Pittsburg, San Pablo, and Richmond. These areas have higher percentages of minority populations and lower median incomes.

#### Local Trends

Figure 3-31 shows the HPI percentile score distributions for Contra Costa County. Similar to TCAC Opportunity Area Environmental Scores for the city, the majority of El Cerrito is within the highest quartile (75–100) in the Healthy Places Index. Only northwestern and southwestern El Cerrito have slightly lower scores (50–75). Areas with the lowest scores in the HPI are also areas that have the most indicators of potential fair housing issues, as described throughout this

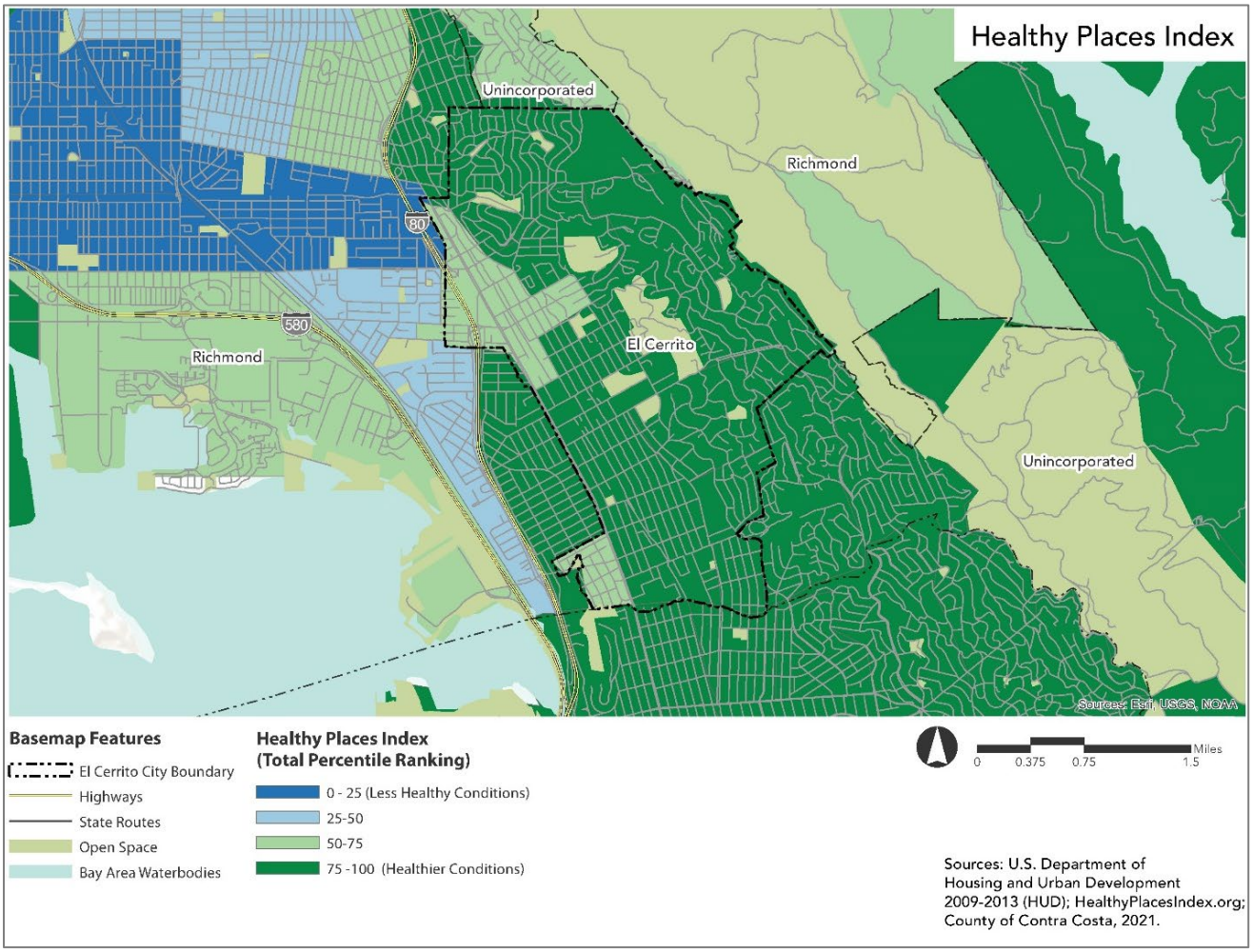
chapter. These areas have higher percentages of non-White populations, higher percentages of children in female-headed households and lowest median gross rents as presented in HUD's Location Affordability Index discussed later in this chapter. These areas are considered low resource based on composite scores for opportunity areas and are considered sensitive communities vulnerable to displacement. Low composite scores for opportunity areas indicate low opportunity indicators such as employment rates, educational proficiency, proximity to jobs, etc.

Figure 3-30: Healthy Places Index in Contra Costa County




Source: Map 18(a) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-31: Healthy Places Index in El Cerrito




Source: Map 18(b) of Contra Costa Housing Collaborative AFFH analysis.

## 3.6 Disproportionate Needs

Disproportionate housing needs generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census for HUD provides detailed information on housing needs by income level for different types of households in Contra Costa County. Housing problems considered by CHAS include:

- Housing cost burden, including utilities, exceeding 30 percent of gross income;
- Severe housing cost burden, including utilities, exceeding 50 percent of gross income;
- Overcrowded conditions (housing units with more than one person per room); and
- Units with physical defects (lacking complete kitchen or bathroom).

Severe housing problems are defined as households with at least 1 of 4 housing problems: overcrowding, high housing costs, lack of kitchen facilities, or lack of plumbing facilities.

According to the Contra Costa County AI, a total of 164,994 households (43.90 percent) in the county experience any one of the above housing problems; 85,009 households (22.62 percent) experience severe housing problems. Based on relative percentage, Hispanic households experience the highest rate of housing problems regardless of severity, followed by Black households and 'Other' races. Table 3-20 lists the demographics of households with housing problems in the county.

Hispanic and Black residents face particularly severe housing problems. These housing burdens are greatest in portions of Hercules (along with other cities like Richmond, north Richmond, San Pablo, Concord, Martinez, Pittsburg, Antioch, and Oakley).

Table 3-20 Demographics of Households with Housing Problems in Contra Costa County

| *Demographic* | *Total Number of Households* | *Households with Housing Problems* | | *Households with Severe Housing Problems* | |
|---|---|---|---|---|---|
| | Number | Number | Percent | Number | Percent |
| White | 213,302 | 80,864 | 37.91% | 38,039 | 17.83% |
| Black | 34,275 | 19,316 | 56.36% | 10,465 | 30.53% |
| Asian/Pacific Islander | 51,353 | 21,640 | 42.14% | 10,447 | 20.34% |
| Native American | 1,211 | 482 | 39.80% | 203 | 16.76% |
| Other | 10,355 | 5,090 | 49.15% | 2,782 | 26.87% |
| Hispanic | 65,201 | 37,541 | 57.58% | 23,002 | 35.28% |
| **Total** | **375,853** | **164,994** | **43.90%** | **85,009** | **22.62%** |

Source: Contra Costa County AI (2020)

There are significant disparities between the rates of housing problems that larger families (households of five or more people) experience and the rates of housing problems that families of five or fewer people experience. Larger families tend to experience housing problems more than smaller families. Non-family households in Contra Costa County experience housing problems at a higher rate than smaller family households, but at a lower rate than larger family households. Table 3-21 lists the number of households with housing problems according to household type.

Table 3-21 Number of Households with Housing Problems by Household Type in Contra Costa County

| *Household Type* | *No. of Households with Housing Problems* |
|---|---|
| Family Households (< 5 people) | 85,176 |
| Family Households (> 5 people) | 26,035 |
| Non-family Households | 53,733 |

Source: Contra Costa County AI (2020)

## Cost Burden

Housing cost burden, or overpayment, is defined as households paying 30 percent or more of their gross income on housing expenses, including rent or mortgage payments and utilities. Renters are more likely to overpay for housing costs than homeowners. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs.

### Regional Trends

As presented in Table 3-22, 35.59 percent of all households experience cost burdens. Renters experience cost burdens at higher rates than owners (48.28 percent compared to 28.95 percent).

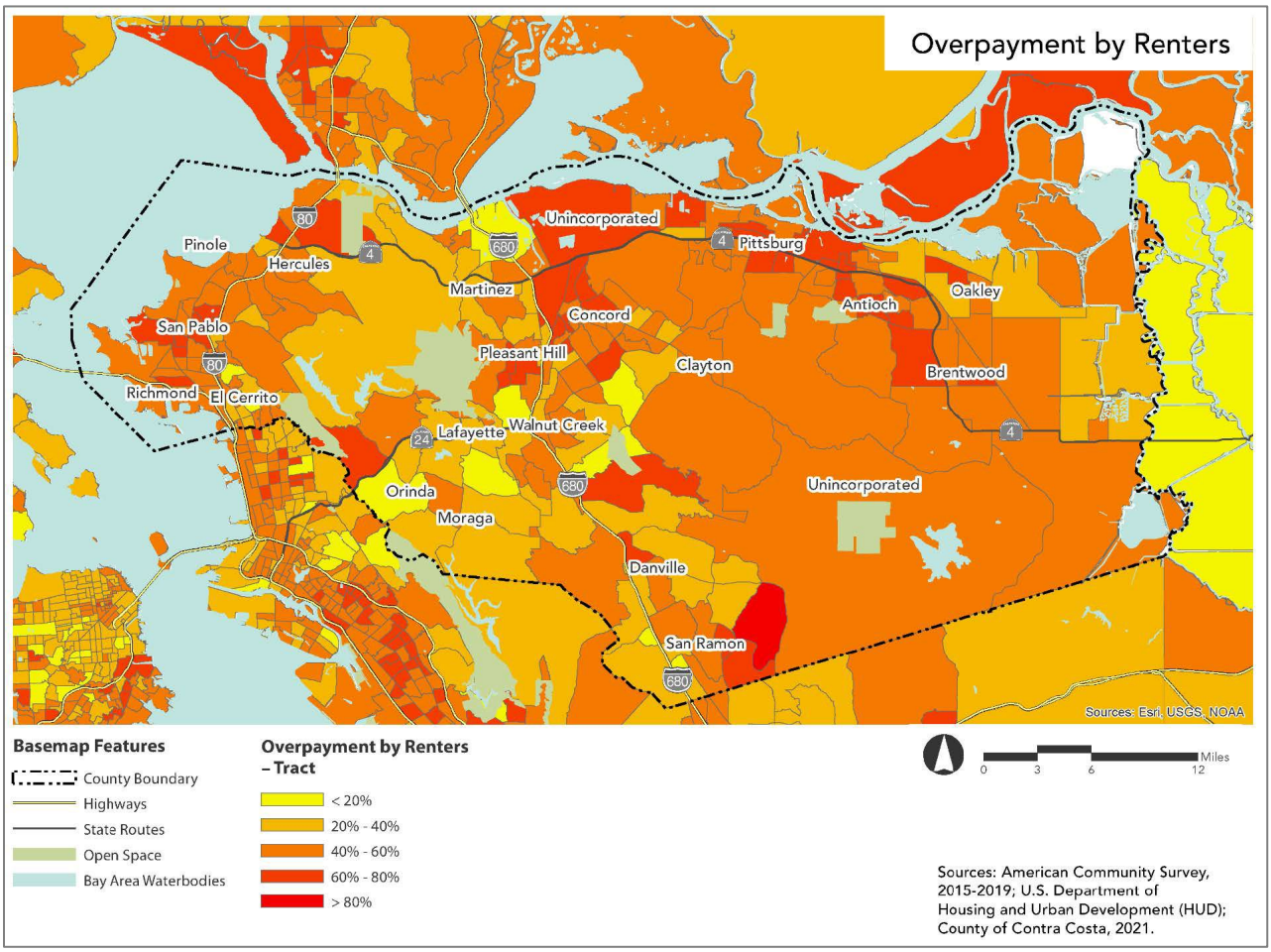
Table 3-22 Households that Experience Cost Burden by Tenure in Contra Costa County

| | *Total Number of Households* | *Cost burden >30% to < 50%* | *Cost burden > 50%* | *Percentage of Households that Experience Cost Burden* |
|---|---|---|---|---|
| Owners Only | 257,530 | 44,535 | 30,010 | 28.95% |
| Renters Only | 134,750 | 32,015 | 33,040 | 48.28% |
| **All Households** | **392,275** | **76,550** | **63,050** | **35.59%** |

Source: https://www.huduser.gov/portal/datasets/cp.html

Figure 3-32 shows concentrations of cost burdened renter households in Contra Costa County. As shown in the figure, the highly concentrated areas are around San Pablo, Pittsburg, Antioch, west Brentwood and Oakley, east San Ramon, and northern parts of Concord towards unincorporated areas. In these tracts, over 80 percent of renters experience cost burdens. The majority of east Contra Costa County has 60–80 percent of renter households that experience cost burdens; west Contra Costa County has 20–40 percent of renter households that experience cost burdens. Census tracts with a low percentage of cost-burdened households are located between San Ramon and Martinez on a north-south axis. In these tracts, less than 20 percent of renter households experience cost burdens.

Figure 3-32: Distribution of Percentage of Overpayment by Renters in Contra Costa County




Source: Map 19(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

Table 3-23 presents data for households that experience cost burden in El Cerrito by tenure. As shown in the table, almost 34 percent of all households experience cost burden across the city. Renters experience higher rates of cost

burdens than owners (42.94 percent to 27.65 percent). These patterns are similar to rates of overpayment for renters in the county where 48.28 percent of renters are cost burdened compared to 28.95 percent of homeowners.

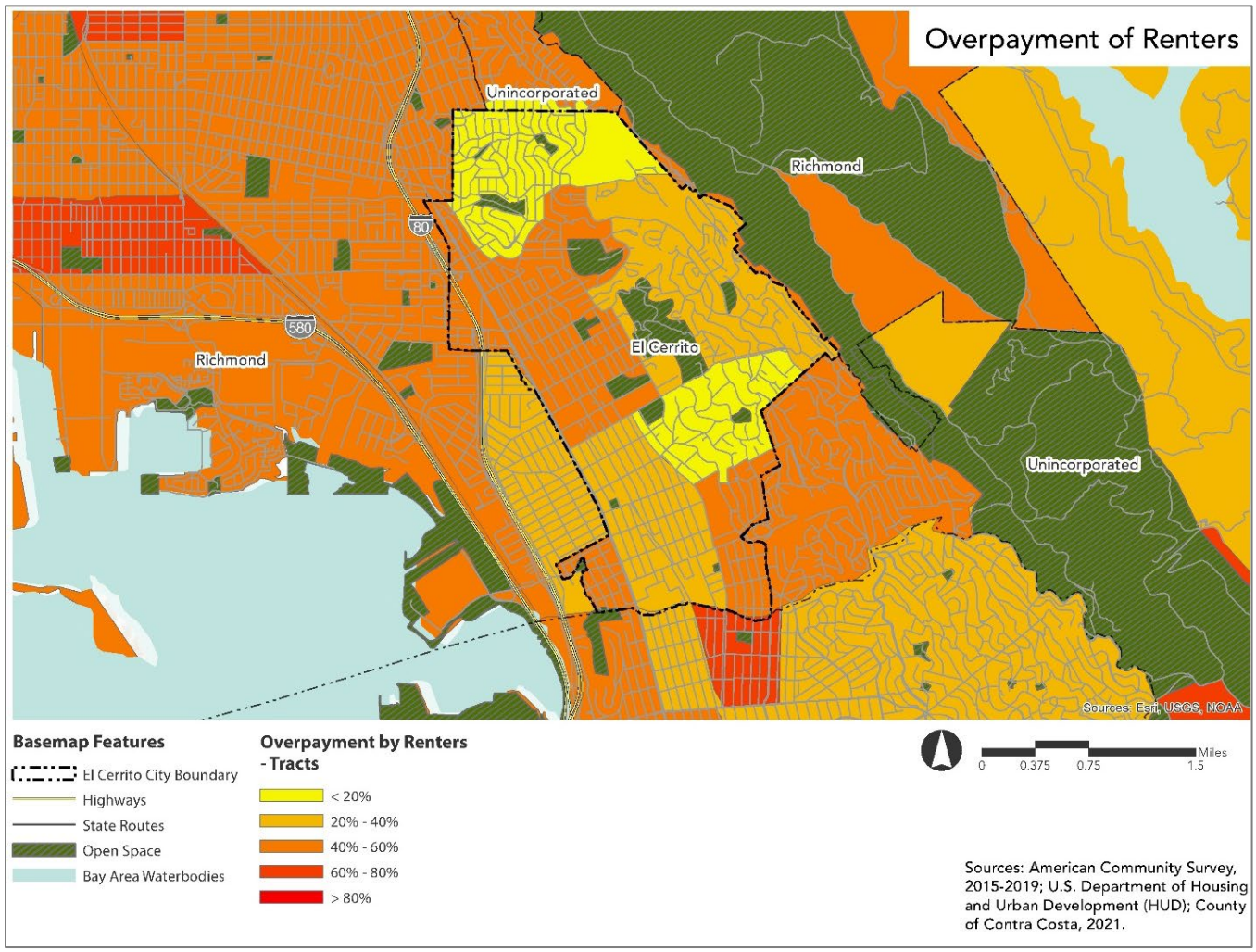
Figure 3-33 shows low concentrations (<20 percent) of cost-burdened renter households in northern and central eastern El Cerrito. The rest of the city has moderately high percentages of cost burdened renter households ranging from 20–60 percent. Where cost burden is the highest, economic scores are lowest, median household incomes are lowest, and percent of renter units with HCVs are highest. These areas are also considered sensitive communities vulnerable to displacement according to the UC Berkeley Urban Displacement Project.

Table 3-23 Households that Experience Cost Burden by Tenure in El Cerrito

| | *Total Number of Households* | *Cost burden >30% to < 50%* | *Cost burden > 50%* | *Percentage of Households that Experience Cost Burden* |
|---|---|---|---|---|
| Owners Only | 5,895 | 845 | 785 | 27.65% |
| Renters Only | 4,085 | 925 | 829 | 42.94% |
| **All Households** | **9,980** | **1,770** | **1,614** | **33.91%** |

Source: https://www.huduser.gov/portal/datasets/cp.html, 2014–2018

Figure 3-33: Distribution of Percentage of Overpayment by Renters in El Cerrito




Source: Map 19(b) of Contra Costa Housing Collaborative AFFH analysis.

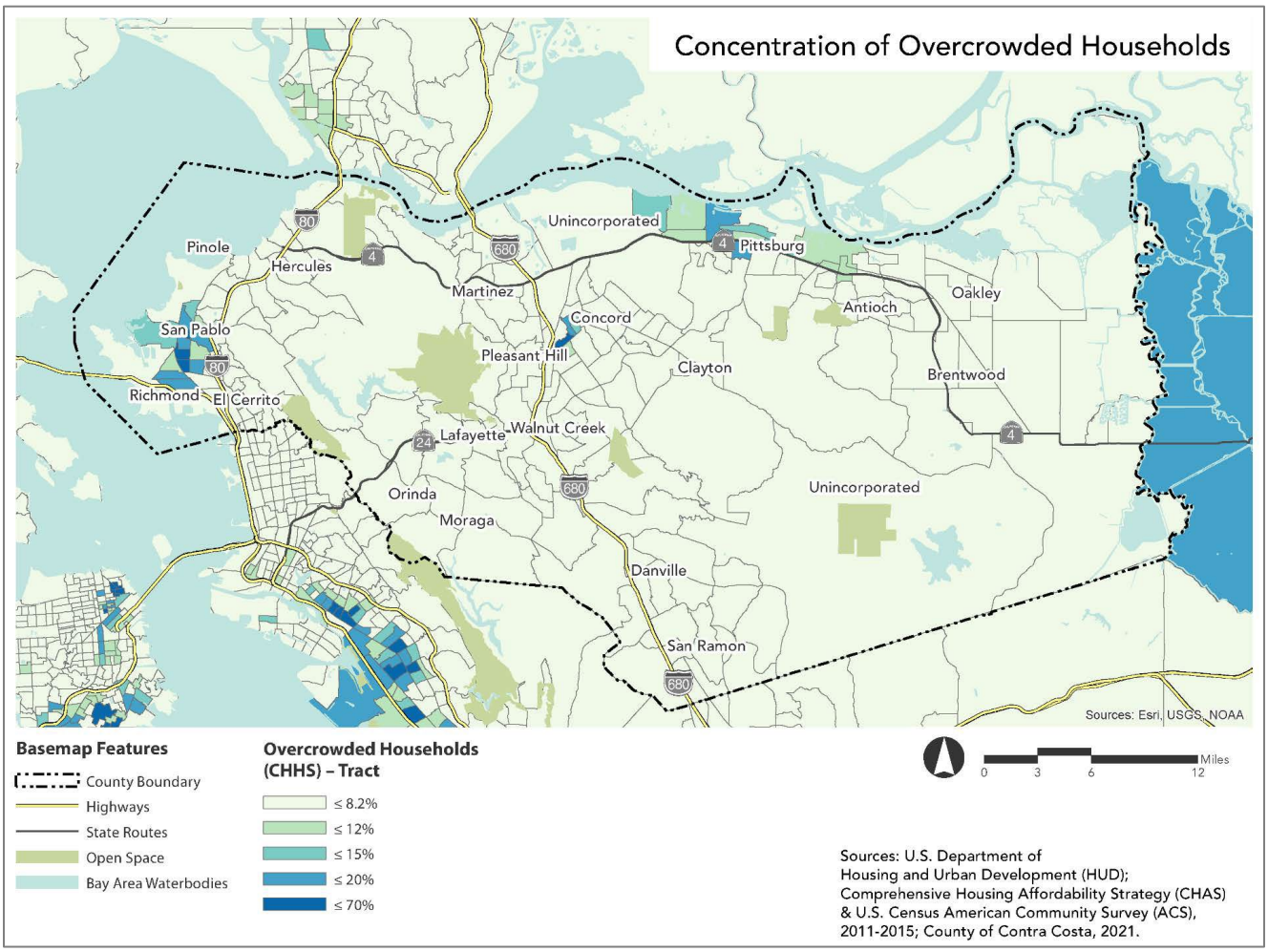
## Overcrowded Households

In response to a mismatch between household income and housing costs in a community, some households may not be able to buy or rent housing that provides a reasonable level of privacy and space. According to both California and federal standards, a housing unit is considered overcrowded if it is occupied by more than one person per room (excluding kitchens, bathrooms, and halls).

### Regional Trends

Figure 3-34 indicates that Contra Costa County in general has low levels of overcrowded households. Tracts in San Pablo, Richmond, and Pittsburg with higher percentages of non-White population show higher concentrations of overcrowded households compared to the rest of the county. Monument Corridor, the only official R/ECAP in Contra Costa County, a predominantly Hispanic community in Concord, also exhibits more overcrowding than other parts of the county.

Figure 3-34: Distribution of Percentage of Overcrowded Households in Contra Costa County



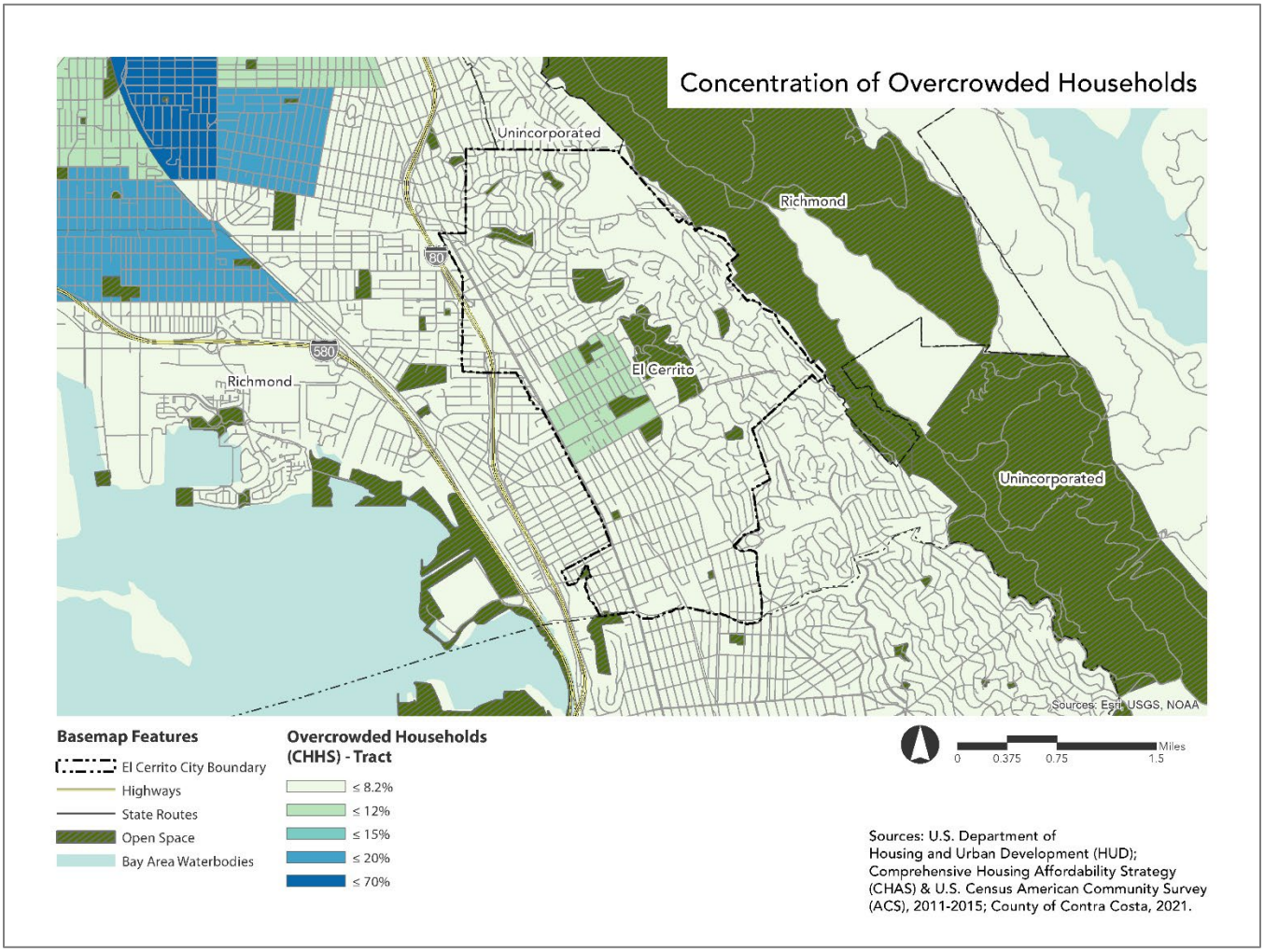

Source: Map 20(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

Figure 3-35 shows the distribution of overcrowded households in the city. Almost all census tracts in El Cerrito have less than 8.2 percent of overcrowded households, with the exception of a pocket in the central western area of the city that has 8.2–12 percent of overcrowded households. Where the percentage of overcrowded households is highest, HCV use and the percentage of cost-burdened renter households are also highest. According to ACS 2015-

2019 5-year estimates, the majority (38.74 percent) of housing units in El Cerrito have 2 bedrooms; 35.75 percent of housing units have 3 bedrooms and 11.25 percent have 4 bedrooms. This may indicate that tracts with higher concentration of overcrowded households have larger family households. Given that tracts with higher concentrations of overcrowded households also correspond to lower median income, it may be that larger households in El Cerrito are unable to afford adequately sized housing for their families even with the use of HCVs.

Figure 3-35: Distribution of Percentage of Overcrowded Households in El Cerrito




Source: Map 20(b) of Contra Costa Housing Collaborative AFFH analysis.

## Substandard Conditions

High housing costs can often result in households, particularly renters, living in substandard conditions to afford housing. Incomplete plumbing or kitchen facilities can be used to measure substandard housing conditions.

### Regional Trends

According to 2015–2019 ACS estimates, shown in Table 3-24, 0.86 percent of households in Contra Costa County lack complete kitchen facilities and 0.39 percent of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

Table 3-24 Substandard Housing Conditions by Tenure in Contra Costa County

| | *Owner* | *Renter* | *All Households* |
|---|---|---|---|
| Lacking complete kitchen facilities | 0.19% | 0.67% | 0.86% |
| Lacking complete plumbing facilities | 0.19% | 0.20% | 0.39% |

Source: American Community Survey, 2015-2019 (5-Year Estimates)

### Local Trends

According to 2015–2019 ACS estimates, shown in Table 3-25, substandard housing conditions in El Cerrito follow similar patterns in Contra Costa County, where higher percentages of renter households have substandard housing conditions compared to owner households. El Cerrito has a higher percentage of households lacking complete kitchen and plumbing facilities than the county.

As described in Chapter 2, Housing Needs Assessment, the City's Neighborhood Preservation Program gathers data on housing conditions through a combination of the City's Residential Rental Inspection Program and code enforcement activities/complaints. Based on data from 2019, the Neighborhood Preservation Officer estimates that 1 percent of owner-occupied housing units and 10 percent of renter-occupied housing units are in substandard condition. The higher estimate of substandard rental units compared to owner-occupied units is a reflection of the City's proactive approach to inspecting rental units and reactive code enforcement on owner-occupied units.

Table 3-25 Substandard Housing Conditions by Tenure in El Cerrito

| | *Owner* | *Renter* | *All Households* |
|---|---|---|---|
| Lacking complete kitchen facilities | 0.07% | 3.79% | 1.59% |
| Lacking complete plumbing facilities | 0.15% | 0.46% | 0.28% |

Source: American Community Survey, 2015-2019 (5-Year Estimates)

## Housing Choice Vouchers

HCVs are a form of HUD rental subsidy issued to low-income households that promise to pay a certain amount of the household's rent. Prices, or payment standards, are set based on the rent in the metropolitan area, and voucher households must pay any difference between the rent and the voucher amount. Participants of the HCV program are free to choose any rental housing that meets program requirements

Fair housing choice means that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, disability, source of income, or other protected characteristics. Fair housing choice encompasses: (1) actual choice, which means the existence of realistic housing options; (2) protected choice, which means housing that can be accessed without discrimination; and (3) enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. Households participating in the HCV Program have enabled choice when they are provided with sufficient information regarding their housing options so that any choice is informed.[5]

An analysis of the trends in HCV concentration can be useful in examining the success of the program in improving the living conditions and quality of life of its holders. One of the objectives of the HCV program is to encourage participants to avoid high-poverty neighborhoods and encourage the recruitment of landlords with rental properties in low-poverty neighborhoods. HCV programs are managed by Public Housing Agencies (PHAs), and the program's assessment structure (Section Eight Management Assessment Program) includes an "expanding housing opportunities" indicator that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration.

[5] HCD AFFH Guidance Memo, 2021.

A study prepared by HUD's Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration, and a negative association between rent and neighborhood poverty. This means that HCV use was concentrated in areas of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

This section will also discuss the Location Affordability Index. The Location Affordability Index, developed by HUD, measures standardized household housing and transportation cost estimates. The Index was developed in collaboration with DOT under the federal Partnership for Sustainable Communities (Partnership). One objective of the Partnership is to increase public access to data on housing, transportation, and land use. Before this Index, there was no standardized national data source on household transportation expenses, which limited the ability of homebuyers and renters to fully account for the cost of living in a particular city or neighborhood.

The prevailing standard of affordability for housing in the United States is paying 30 percent or less of your family's income on housing, but this fails to account for transportation costs. Transportation costs have grown significantly as a proportion of household income since this standard was established. According to the Bureau of Labor Statistics, in the 1930's American households spent just 8 percent of their income on transportation. Since then, as a substantial proportion of the U.S. population has migrated from center cities to surrounding suburbs and exurbs and come to rely more heavily (or exclusively) on cars, that percentage has steadily increased, peaking at 19.1 percent in 2003. As of 2013, households spent on average about 17 percent of their annual income on transportation, second only to housing costs in terms of budget impact. And for many working-class and rural households, transportation costs exceed housing costs.

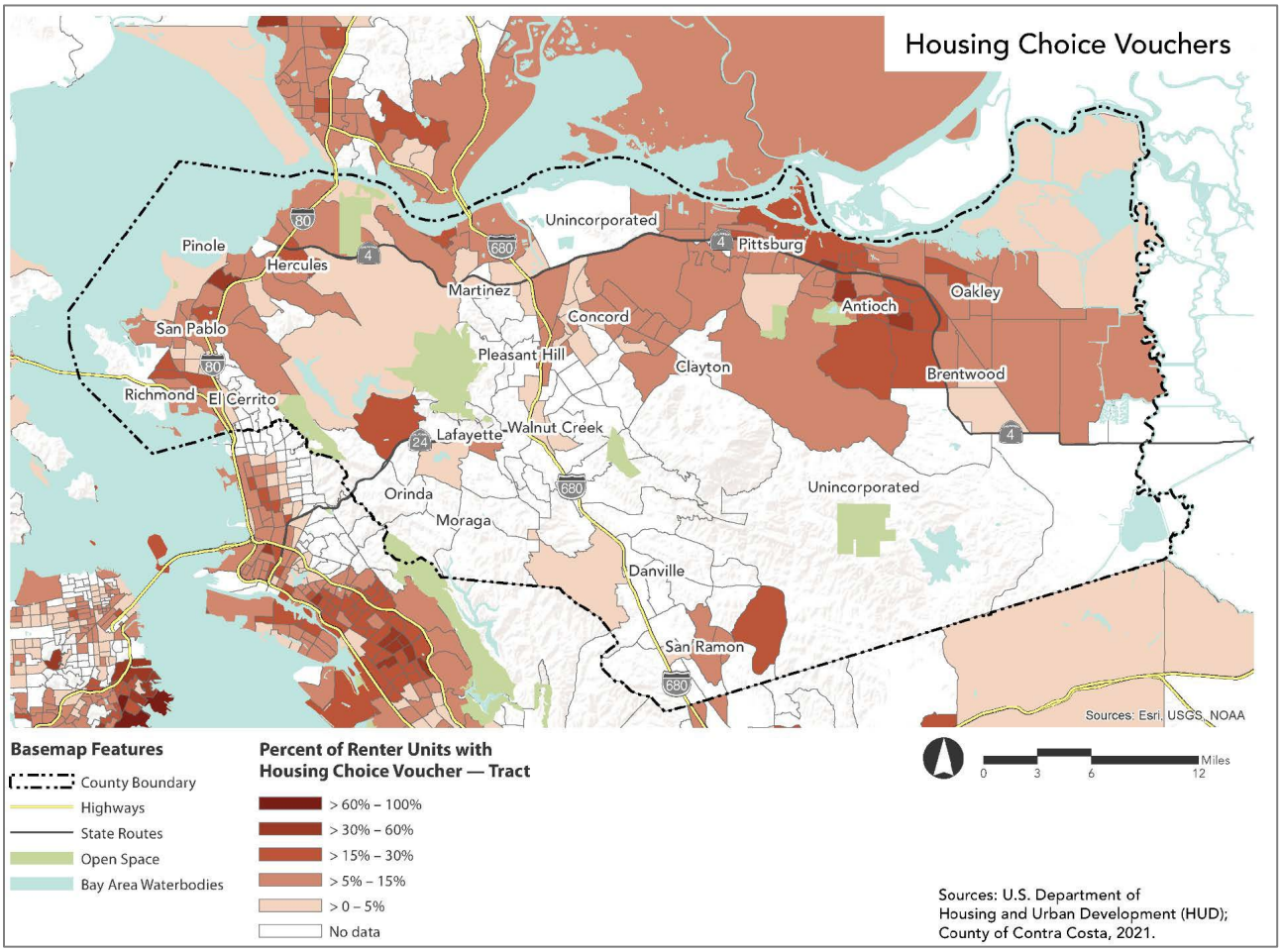
### Regional Trends

According to the Contra Costa County 2020 AI, the Housing Authority of Contra Costa County (HACCC) administers approximately 7,000 units of affordable housing under the HCV program (and Shelter Care Plus program). Northwest Contra Costa County is served by the Richmond Housing Authority (RHA) that administers approximately 1,851 HCVs. North-central Contra Costa County is served by the Housing Authority of the City of Pittsburg (HACP), which manages 1,118 tenant-based HCVs.

The HCV program serves as a mechanism for bringing otherwise unaffordable housing within reach of low-income populations. With reference to Figure 3-36 the program appears to be most prominent in western Contra Costa County, in heavily Black and Hispanic areas, and in the northeast area of the county, in predominantly Black, Hispanic, and Asian areas. Central Contra Costa County largely has no data on the percentage of renter units with HCVs. The correlation between low rents and a high concentration of HCV holders holds true for the areas around San Pablo, Richmond, Martinez, Pittsburg, and Antioch.

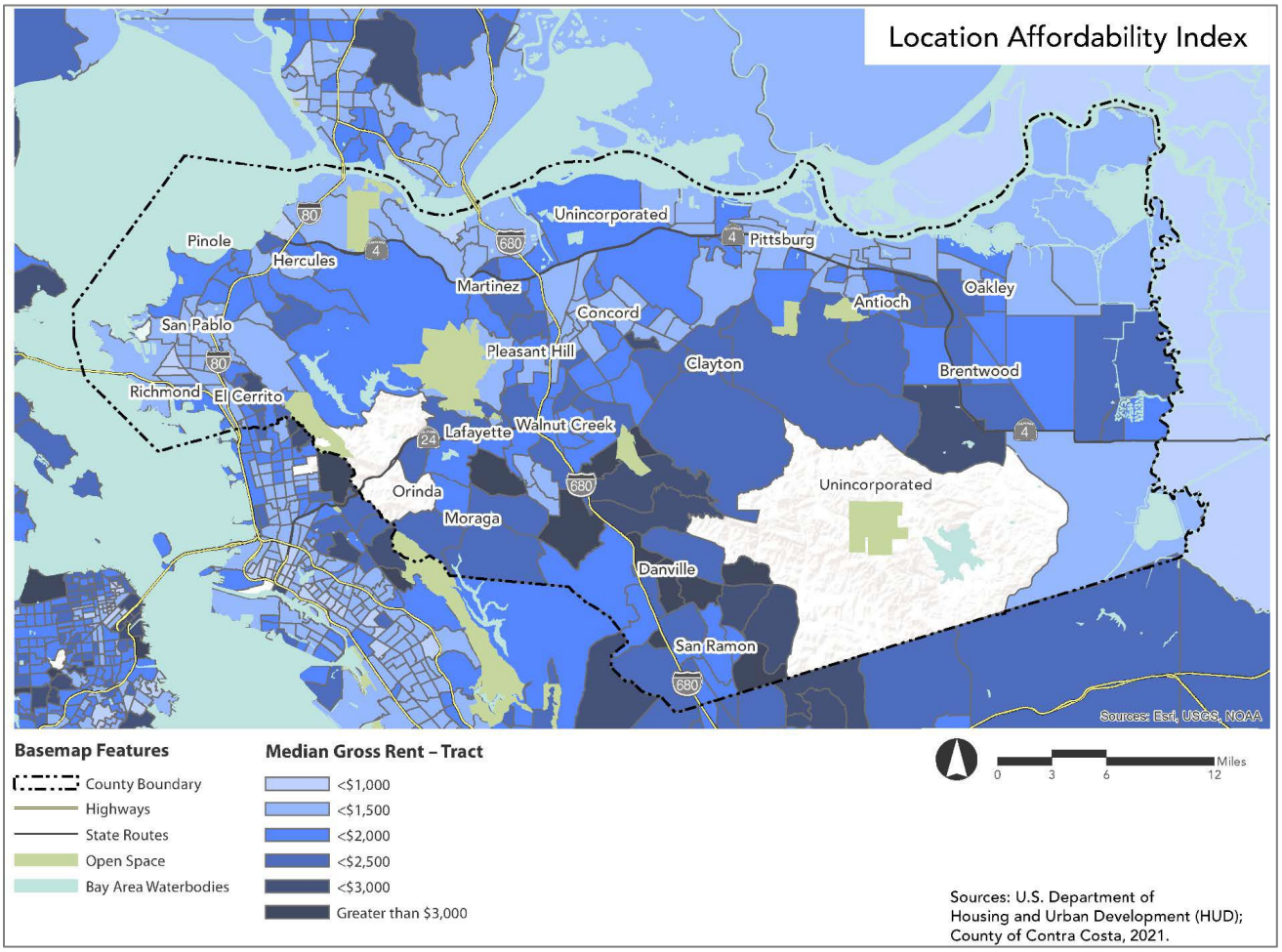
Figure 3-37 shows the Location Affordability Index in Contra Costa County (based on 2012-2016 ACS data). In Contra Costa County, the majority of the county has a median gross rent of $2,000–$2,500. Central Contra Costa County (areas between Danville and Walnut Creek) have the highest rents around $3,000 or more. The most affordable tracts in the county are along the perimeter of the county in cities like Richmond, San Pablo, Pittsburg and Martinez.

Figure 3-36: Distribution of Percentage of Renter Units with HCVs in Contra Costa County




Source: Map 6(a) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-37: Location Affordability Index in Contra Costa County



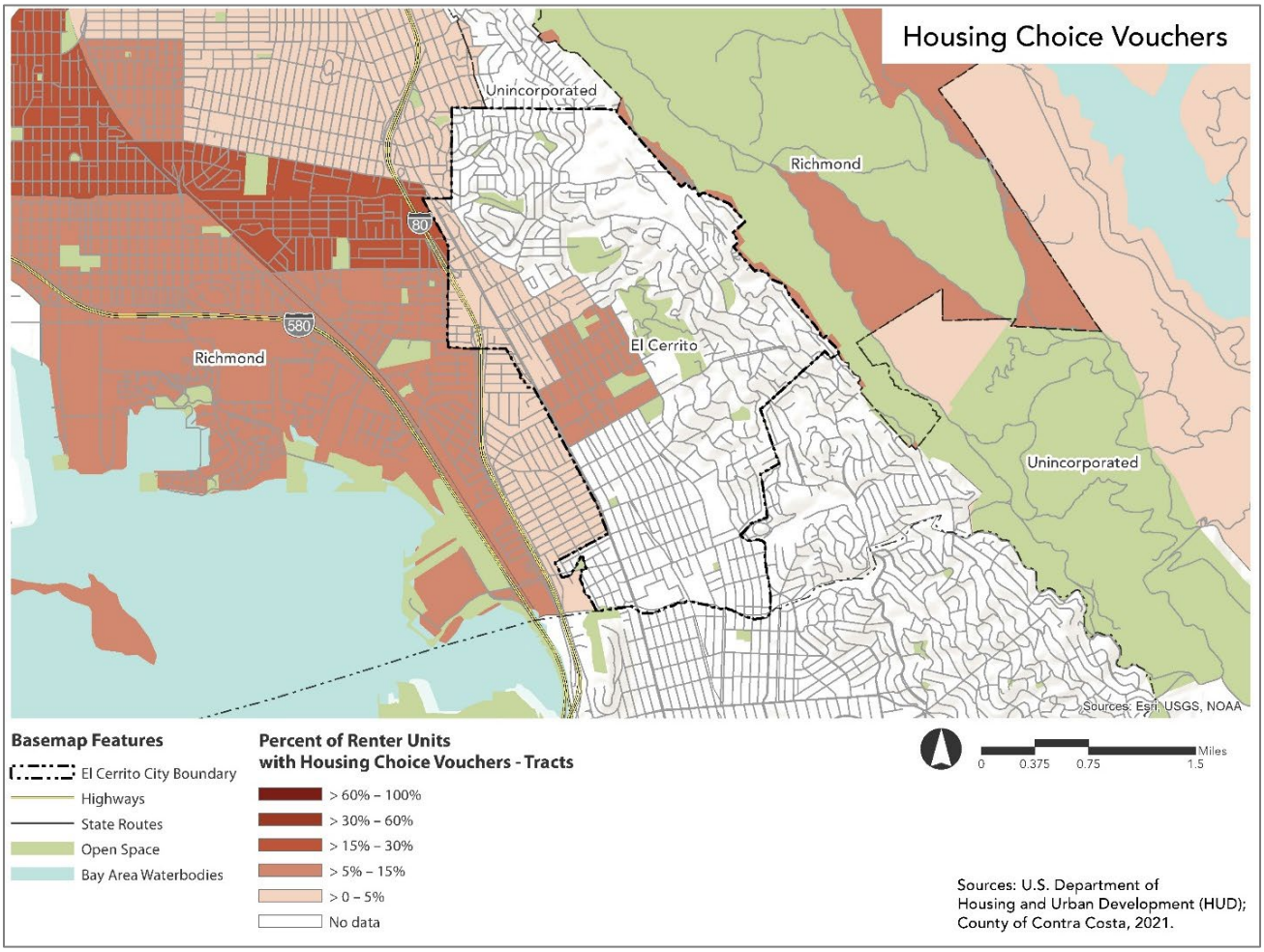

Source: Map 7(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

The Contra Costa County Housing Authority administers and manages the Housing Choice Voucher Program (HCV) in most of Contra Costa County, including El Cerrito. There are 140 HCVs households assisted in El Cerrito.

Figure 3-38 provides the percentage of renter units with HCVs in El Cerrito. The majority of the city has no data. The central west portion of the city has 5–15 percent of renter units with HCVs and the northwest corner of the city has 0–5 percent of renter units with HCVs. Tracts where there are renter units with HCVs in the city are considered sensitive communities vulnerable to displacement. Interestingly, these tracts also have a high percentage of cost-burdened renter households, which may indicate that renters who live here experience financial constraints in other aspects such as for food, transportation, education, etc. Tracts with the highest percent of renter units with HCVs also have the highest concentration of overcrowded households in the city.

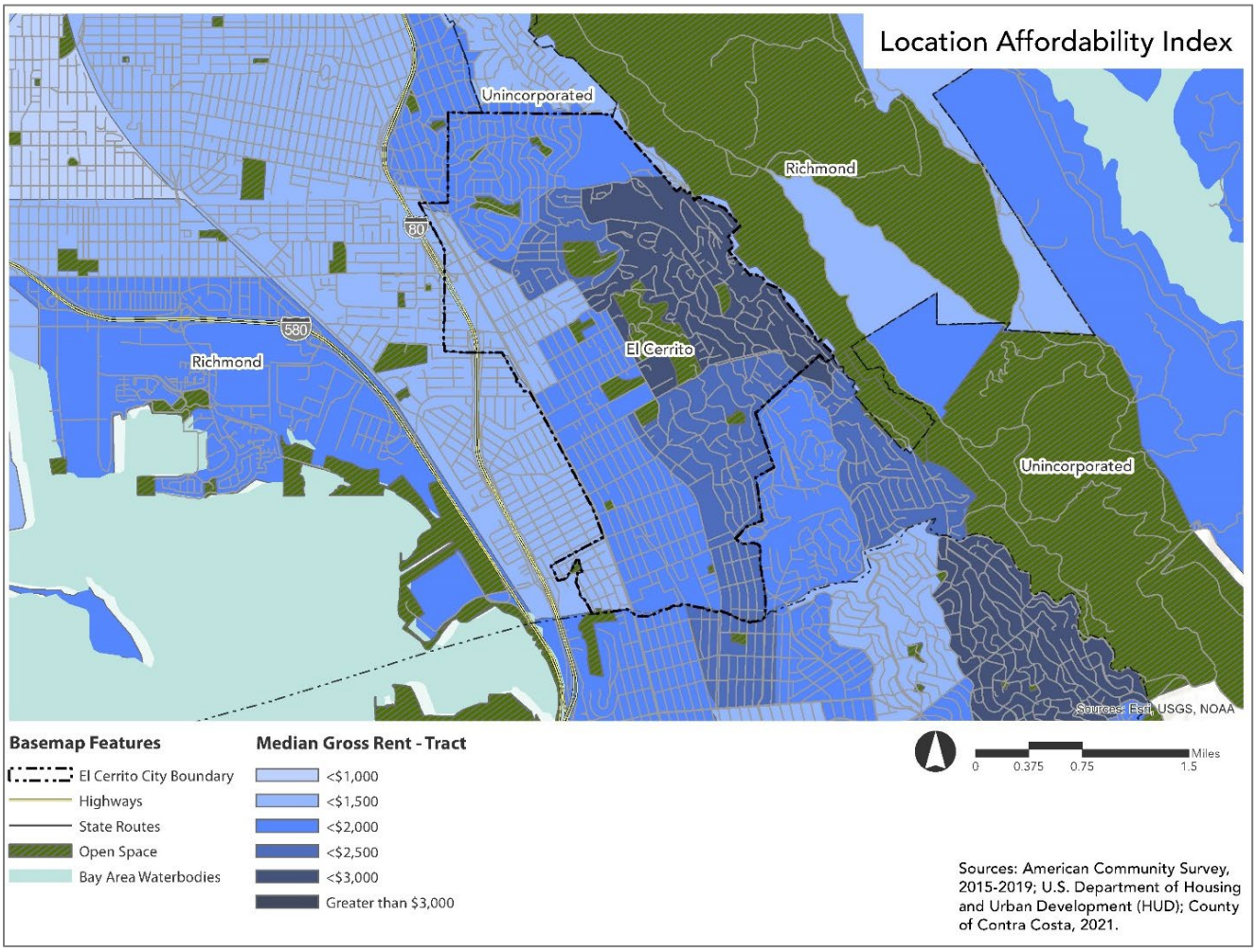
Figure 3-38: Distribution of Percentage of Renter Units with Housing Choice Vouchers in El Cerrito




Source: Map 6(b) of Contra Costa Housing Collaborative AFFH analysis.

Figure 3-39: shows the Location Affordability Index in the City of El Cerrito (based on 2012-2016 ACS data). Census tracts with the highest rents ($2,500–$3,000) are concentrated in the east and rents decrease to less than $1,000 towards the west. Tracts with the highest rent have the lowest percent of LMI populations, highest median income, and highest composite scores for opportunity areas. High composite scores for opportunity areas indicate high opportunity indicators such as employment rates, educational proficiency, proximity to jobs, etc.

Figure 3-39: Location Affordability Index in El Cerrito




Source: Map 7(b) of Contra Costa Housing Collaborative AFFH analysis.

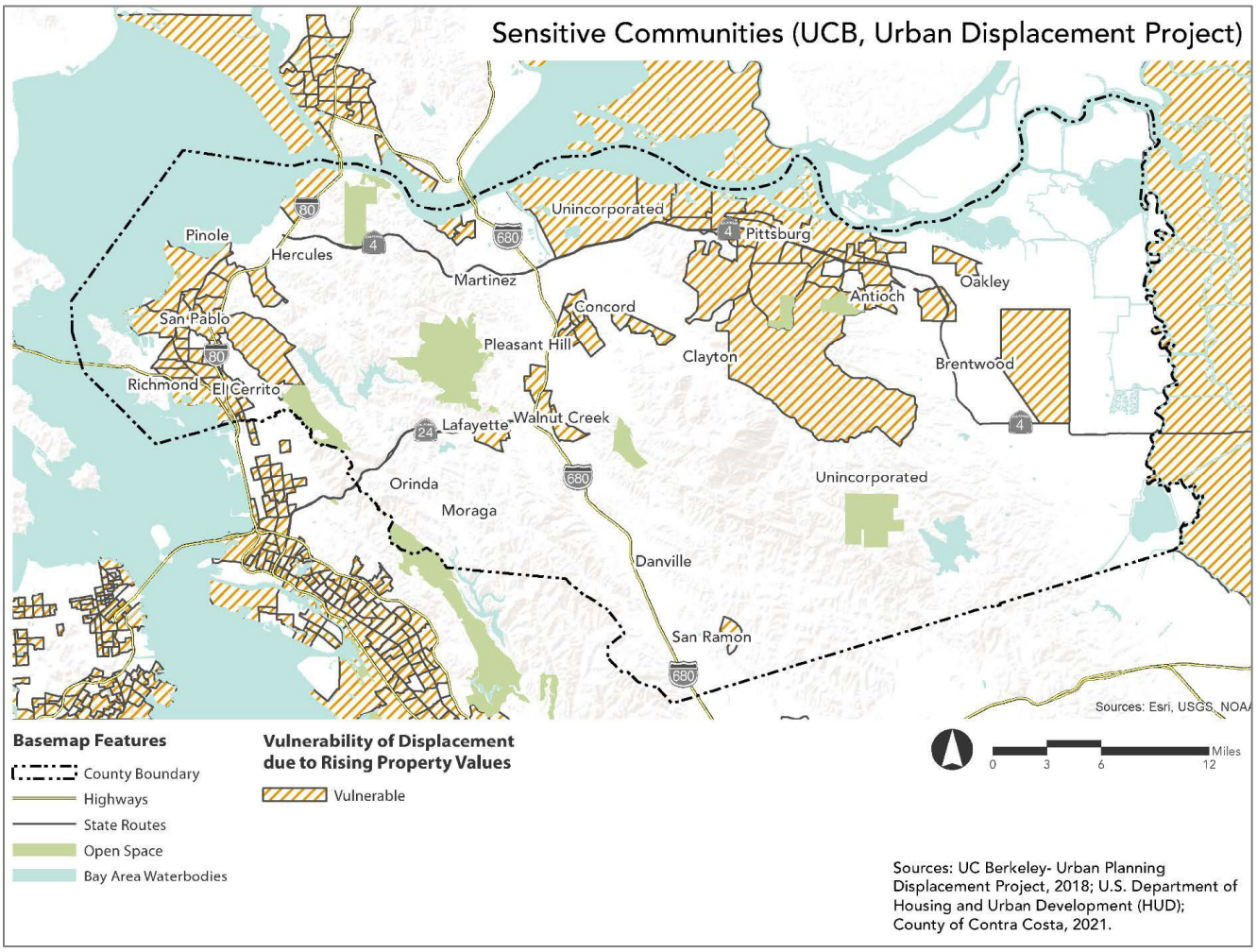
## Displacement Risk

Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in. UC Berkeley's Urban Displacement Project states that a census tract is a sensitive community if the proportion of very low income residents was above 20 percent in 2017 and the census tracts meet two of the following criteria: (1) Share of renters above 40 percent in 2017; (2) Share of Non-White population above 50 percent in 2017; (3) Share of very low-income households (50 percent AMI or below) that are also severely rent burdened households above the county median in 2017; or (4) Nearby areas have been experiencing displacement pressures.

### Regional Trends

Using the methodology above, sensitive communities were identified in areas between El Cerrito and Pinole; Pittsburg, Antioch and Clayton; east Brentwood; and unincorporated land in Bay Point. Small pockets of Sensitive Communities are also found in central Contra Costa County from Lafayette towards Concord. Refer to Figure 3-40.

Figure 3-40: Sensitive Communities as Defined by the Urban Displacement Project in Contra Costa County

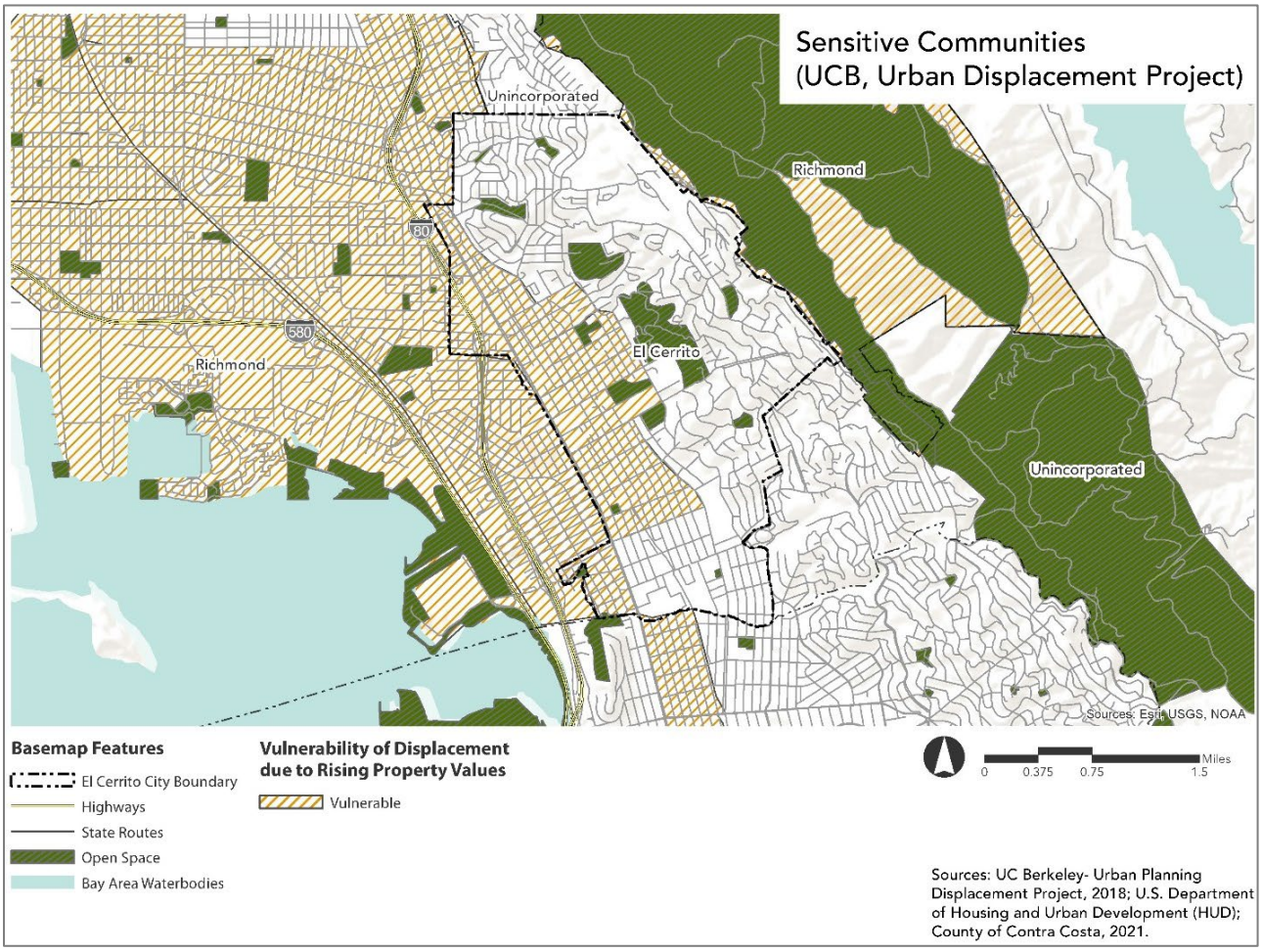



Source: Map 21(a) of Contra Costa Housing Collaborative AFFH analysis.

### Local Trends

In 2015, the UDP conducted research on gentrification and displacement in the Bay Area, which concluded that nearly 48 percent of Bay Area neighborhoods are experiencing displacement. Only the western census tracts in El Cerrito, however, were identified as sensitive communities. These areas correspond to block groups with high percentages of cost-burdened renter households, low median income, high percentages of renter units with housing choice vouchers, and high percentage of children in female-headed households.

Figure 3-41: Sensitive Communities as Defined by the Urban Displacement Project in El Cerrito




Source: Map 21(b) of Contra Costa Housing Collaborative AFFH analysis.

## 3.7 Assessment of Sites Inventory and Fair Housing

State housing element law, Government Code Section 65583(c)(10), requires that the sites inventory (see Chapter 4) be analyzed with respect to AFFH. By comparing the sites inventory to the fair housing indicators in this assessment, this section analyzes whether the sites included in the Housing Element sites inventory improve or exacerbate fair housing conditions, patterns of segregation, and access to opportunity throughout the city.

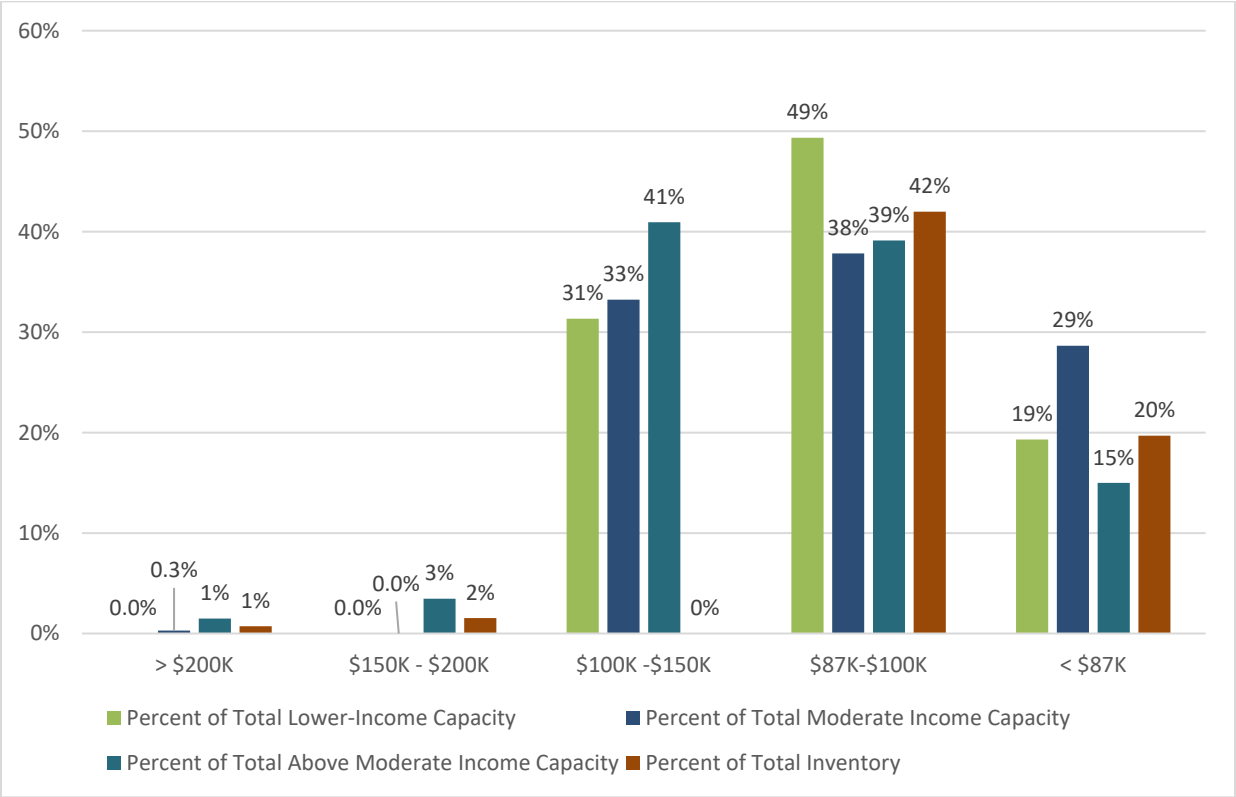
### Potential Effects on Patterns of Segregation and Integration

As was shown in the assessment above, most of the city's Non-White neighborhoods and LMI households are along the San Pablo Avenue corridor, specifically the northwest block groups within El Cerrito bordering Richmond. Based on recent specific plans and zoning changes, patterns of integration by race/ethnicity and income will likely change the most in neighborhoods along this corridor. As shown in Figure 3-42 , 62 percent of the total capacity identified in the sites inventory is located in areas with median incomes below $100,000. This is primarily due to the high proportion of sites identified in the San Pablo Avenue Specific Plan (SPASP) area which is planned for redevelopment and significant public and private investment during the planning period. In addition, 69 percent of the lower-income capacity and 54 percent of the above moderate-income capacity identified in the sites inventory is also within areas with median incomes below $100,000 to support a mix of incomes in these new growth areas.

The SPASP area includes the northwest census block groups which have a greater concentration of renter households, Non-White households, and households with lower-incomes households. The SPASP area also accounts for 91 percent of the City's capacity for residential development (2,586 units) during the Regional Housing Needs Accommodation (RHNA) period, including 1,556 units in planned and approved residential projects and 1,030 units on vacant and underutilized sites.

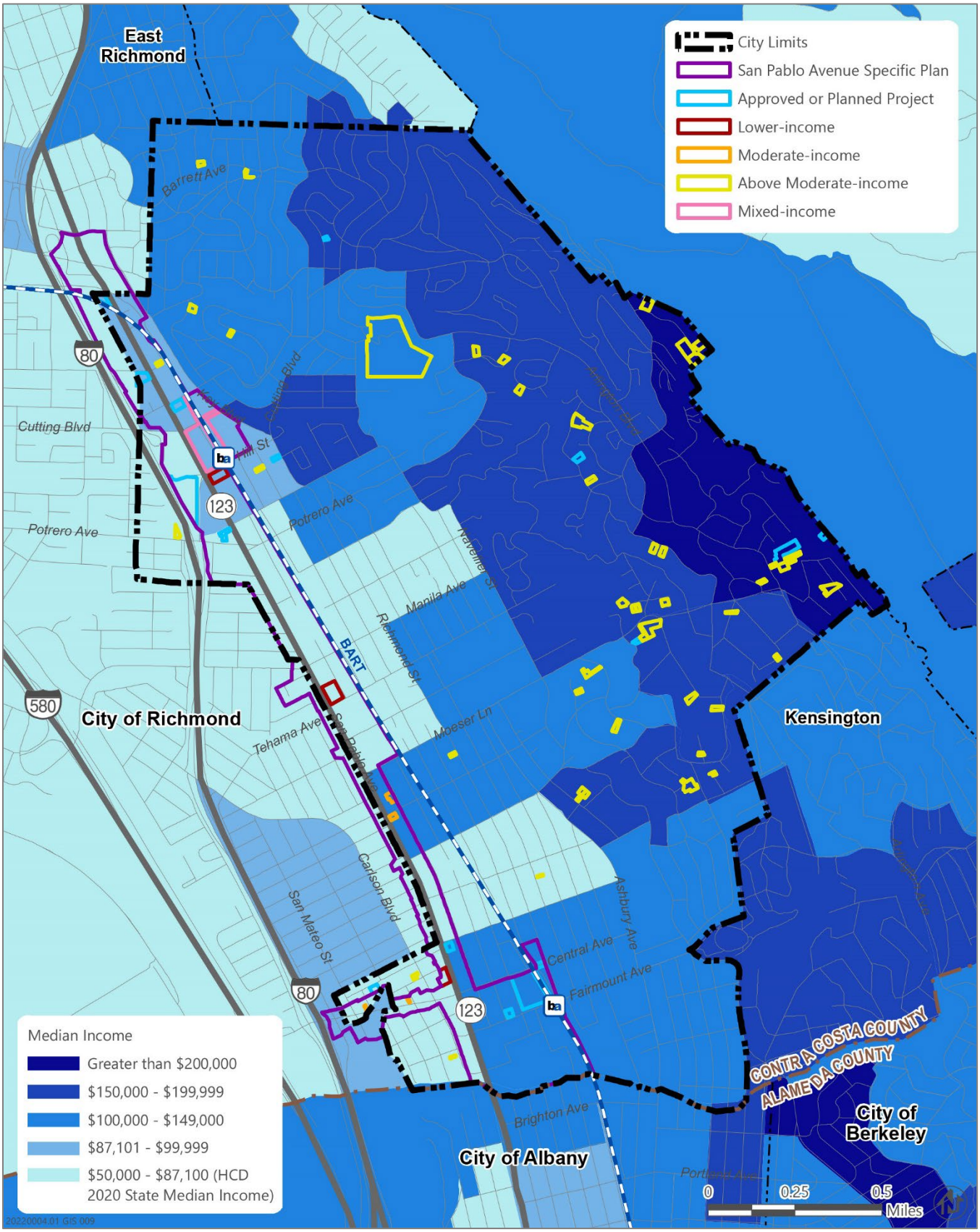
Of the 2,586 total units, there is capacity for at least 849 lower income units. Figure 3-43 displays the sites inventory distribution relative to the 2019 median household incomes in El Cerrito by census tract and Figure 3-44 displays the sites inventory distribution relative to the predominant racial or ethnic group of each census tract in El Cerrito. While the availability of more moderate and above-moderate income housing will provide more units to respond to population growth, the development of lower income units throughout the city will be integral to mitigating the displacement of LMI households and households of color as the housing market strengthens in the San Pablo Avenue corridor. However, it is important to note that additional housing on the San Pablo Avenue corridor could also increase levels of diversity and reduce segregation between Richmond and El Cerrito. On the other end of the income spectrum, the City's capacity for above moderate-income sites is located mostly within existing neighborhoods. These sites are vacant and/or underutilized infill sites that could be used for single family homes, duplexes, triplexes, and accessory dwelling unit (ADU)s. The distribution pattern of households by income will likely not change in these areas of the city, as it is only representing three percent of the overall above-moderate capacity (Figure 3-42). As shown in Figure 3-42, most of the above-moderate income capacity (41 percent) is in neighborhoods with median incomes between $100,000-$150,000.

Figure 3-42: Sites Inventory Distribution by Median Income of Census Tract, El Cerrito



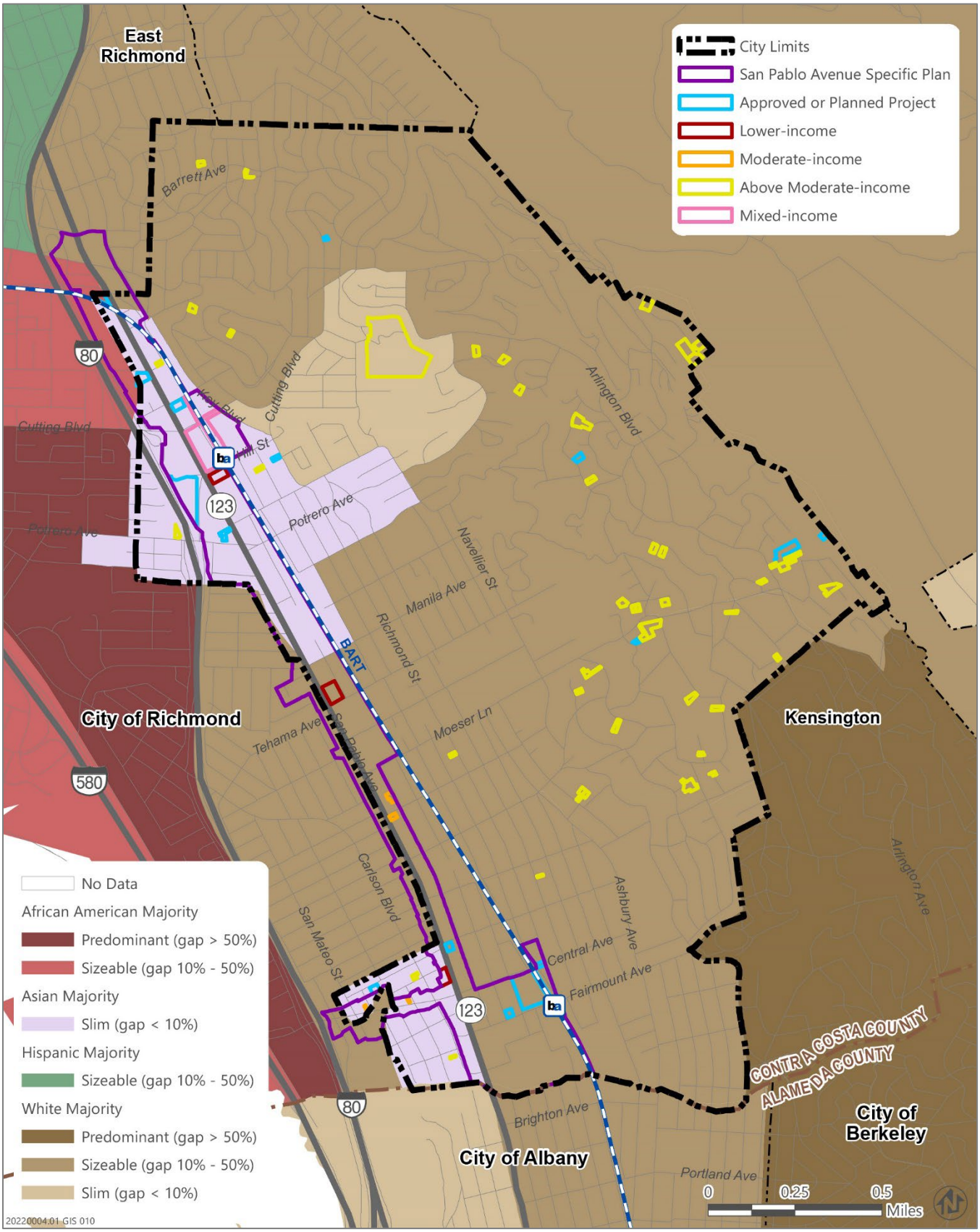

Source: Ascent, 2022.

Figure 3-43: Sites Inventory Income Distribution by Median Income of Census Tract, El Cerrito




Source: Ascent, 2022. Data downloaded from HCD AFFH Data and Mapping Tool in 2021, based on 2015-2019 ACS data.

Figure 3-44: Sites Inventory and Racial/Ethnic Distribution by Census Tract, El Cerrito




Source: Ascent, 2022. Data downloaded from HCD AFFH Data and Mapping Tool in 2021, based on 2015-2019 ACS data.

## Potential Effects on Access to Opportunity

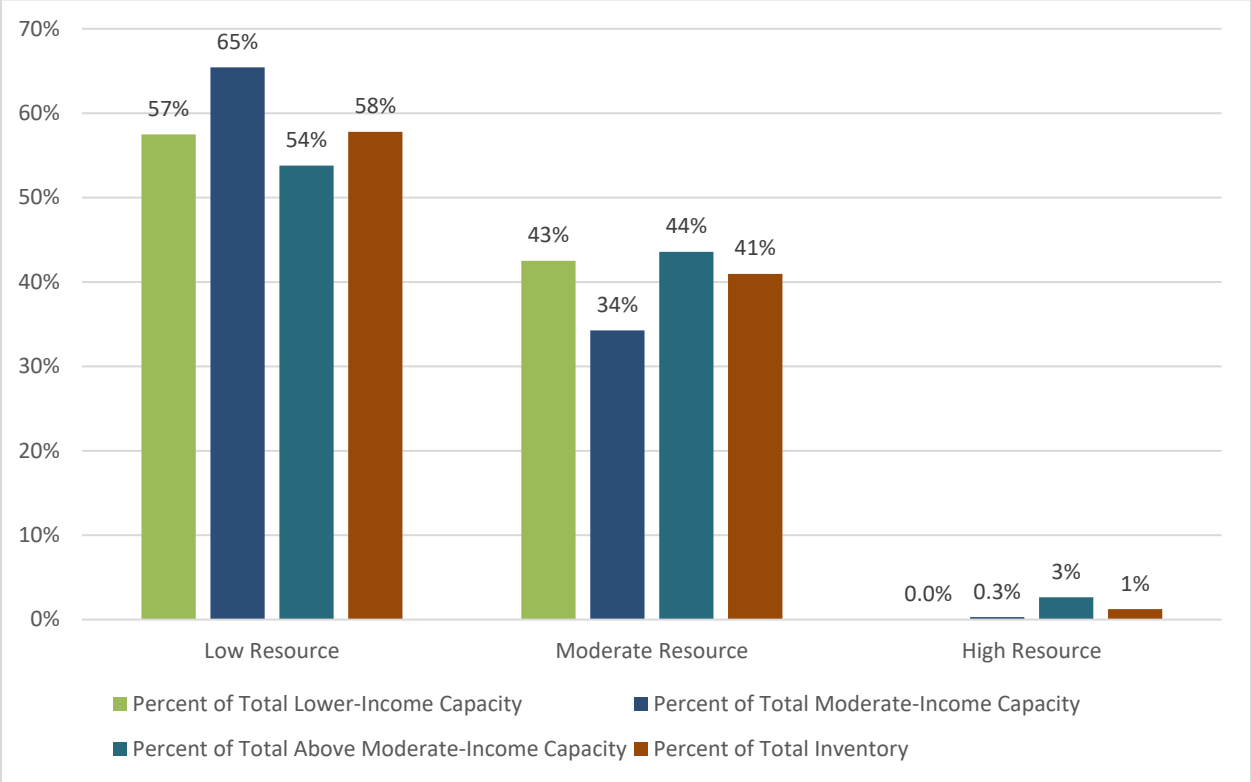
Figure 3-46 displays the location of projects and sites in relation to the 2022 TCAC opportunity areas. According to TCAC Opportunity Maps, the City has moderate to high access to opportunities in most neighborhoods. As shown in Figure 3-45, 58 percent of the total sites inventory is in low resource areas. As the City continues to increase the mixed-income housing stock on the San Pablo Avenue corridor, access to opportunity will likely increase in the low resource area identified near Potrero Avenue and Moeser Lane.

Phase II of the Mayfair Station development project is one of the City's projects in the SPASP. Previously used as a surface parking lot for El Cerrito BART Station, the 6-story Mayfair development is located in the currently low resource area near the El Cerrito del Norte BART Station. Phase II of the project, approved in August 2017, is 100 percent deed-restricted affordable housing with 1 manager unit for a total of 69 units that will provide access to transit, employment centers, and greater access to economic opportunities near the commercial corridor. The deed restricted affordable housing units developed at Mayfair Phase II will provide options for stability for lower income residents as neighborhood conditions continue to change in the SPASP area.

The El Cerrito Plaza BART Transit Oriented Development (TOD) project is another of the pending projects in the low resource area along San Pablo Avenue. Out of the two BART stations in the city, El Cerrito Plaza serves southern El Cerrito, northern Albany, Kensington and nearby areas of Berkeley and Richmond. The planning and development effort is still ongoing, however the proposed development concept anticipates 769 housing units, with 391 (51 percent) market-rate units, 112 (14 percent) moderate-income units, 196 (25 percent) low-income units, and 70 (10 percent) very low-income units. With a total of 266 lower income units, there is potential that the El Cerrito Plaza BART Station, Mayfair Station, and future TOD projects with mixed-income housing is positioned to support equitable housing opportunities in the city while connecting residents to the downtown and access to economic opportunities in the city.

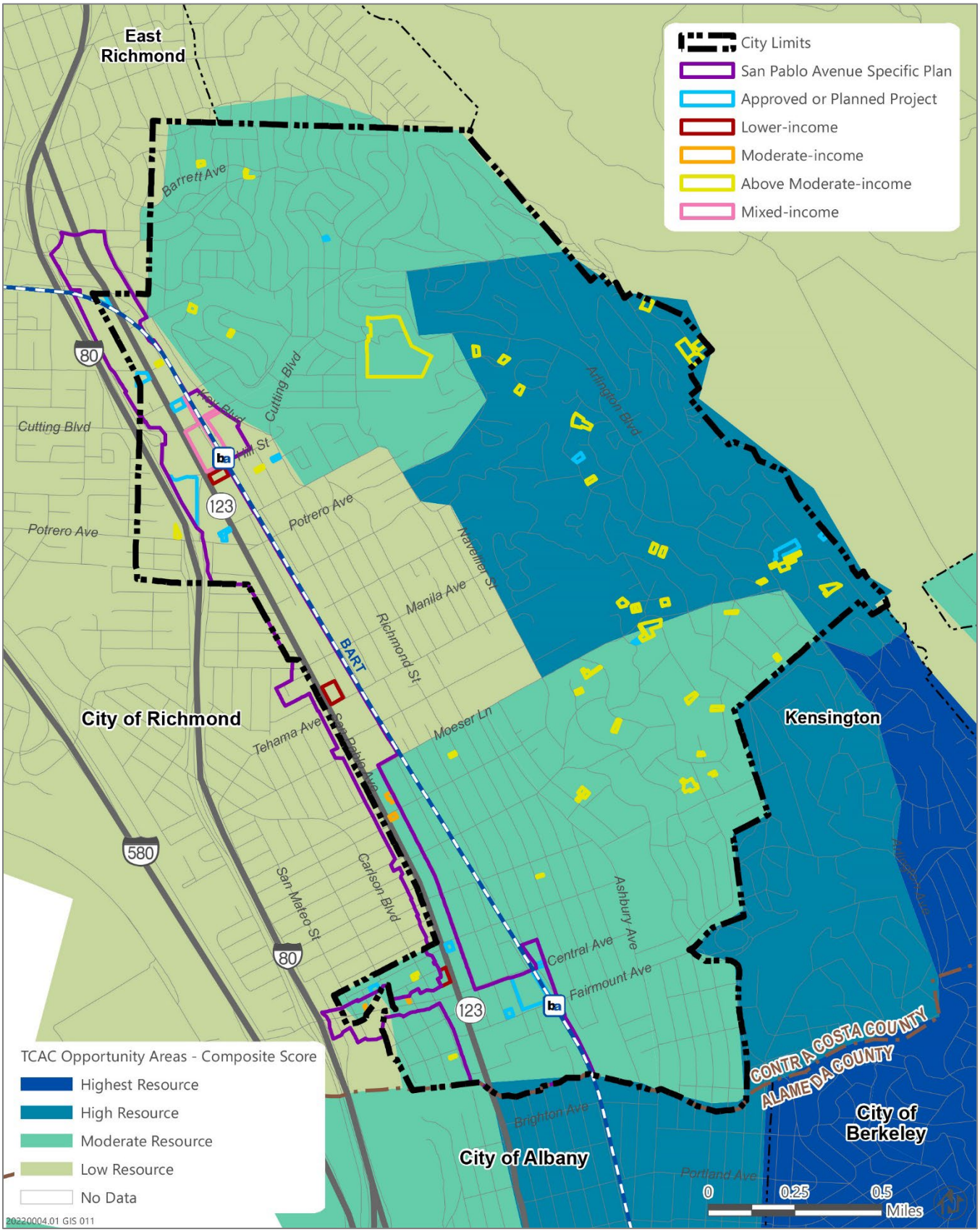
Other sites identified for residential development are in moderate resource areas (41 percent). These sites are not likely to have an adverse impact on access to opportunities in the city, and could result in higher TCAC Opportunity scores if property values rise. The City's Inclusionary Zoning ordinance, described in Chapter 5, requires new market-rate residential projects to set aside between 10 to 12 percent of its units for low to moderate-income households or pay an in-lieu fee to the City's Affordable Housing Trust Fund. The Inclusionary Zoning ordinance has ensured that market-rate development contributes towards addressing the need for additional affordable housing. The City will continue to implement the Inclusionary Zoning ordinance to increase access to, and the availability of, affordable housing in higher resource areas.

Figure 3-45: Sites Inventory and TCAC/HCD Opportunity Areas, El Cerrito




Source: Ascent, 2022.

Figure 3-46: Sites Inventory and TCAC/HCD Opportunity Areas, El Cerrito



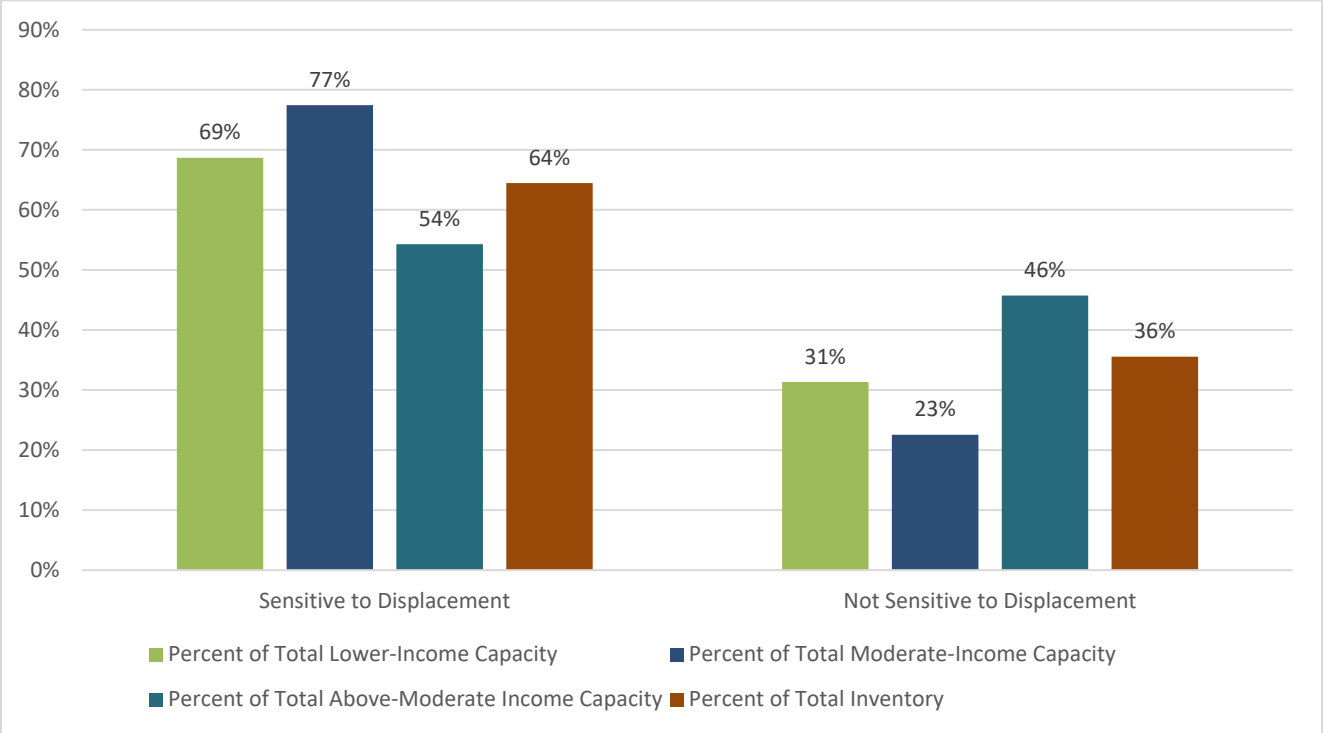

Source: Ascent, 2022. Data downloaded from California Tax Credit Allocation Committee (TCAC) in 2022.

## Potential Effects on Disproportionate Housing Needs

As the housing market strengthens in El Cerrito, there is concern that tenants may be priced out and at a greater risk of displacement since rental rates and housing prices in the city and the overall East Bay region have increased rapidly in recent years. As shown in Figure 3-47, about 64 percent of the total inventory is identified in areas identified as sensitive to displacement Figure 3-48 shows the sites inventory relative to the communities sensitive to displacement per UC Berkeley's Urban Displacement Project. As was shown in Figure 3-41 above, the western census tracts in the San Pablo Avenue corridor, bordering Richmond, were identified as sensitive to displacement. These areas correspond to high percentages of cost-burdened renter households, low median incomes, high percentages of renter units with housing choice vouchers, and high percentage of children in female-headed households. These areas also correspond to the SPASP area which accounts for 91 percent of the residential capacity for the Housing Element planning period (2,586 total units). Although the planned projects and investment could spur a process of gentrification, which will be beneficial to some, it could be harmful for those who cannot bear rent increases and are forced to leave the neighborhood.

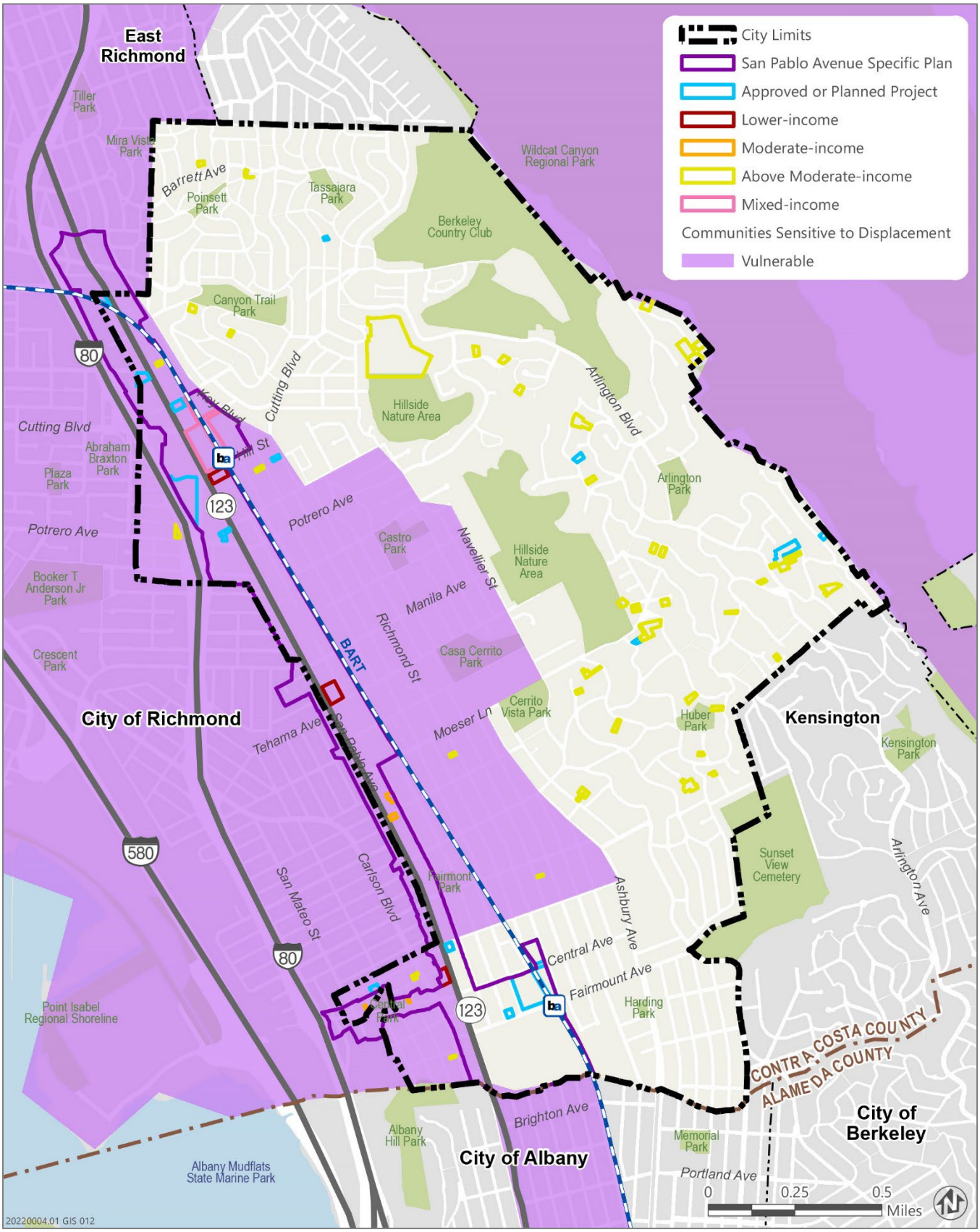
Notably, the sites inventory includes 69 percent of the lower income capacity in the same areas sensitive to displacement. Within the SPASP, the Housing Element includes inventoried capacity for at least 849 lower income units  including units affordable to low- and very low-income households. The development of additional affordable housing will provide more options to mitigate displacement for residents. During the Housing Element planning period, the City will evaluate the best uses of the Affordable Housing Funds to assist development projects and support new housing opportunities for lower income and vulnerable households throughout the city. In addition, staff will continue to monitor and partner with County, State and Federal programs to expand resources and capacity to residents including tenant protections.

Figure 3-47: Sites Inventory and Areas at Risk of Displacement, El Cerrito




Source: Ascent, 2022.

Figure 3-48: Sites Inventory and Areas at Risk of Displacement, El Cerrito




Source: Ascent, 2022. Data downloaded from HCD AFFH Data and Mapping Tool in 2021, based on UC Berkeley Urban Displacement Project data.

## 3.8 Fair Housing Issues, Contributing Factors, and Actions

HCD defines a fair housing issue as "a condition in a geographic area of analysis that restricts fair housing choice or access to opportunity, which includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty and affluence, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing."

Fair housing issues in El Cerrito are primarily related to segregation by income and race as compared to the greater region, disparities in access to opportunities and disproportionate housing needs for Midtown San Pablo Avenue neighborhoods, and increased risk of displacement as housing costs continue to rise in the region.

El Cerrito has been long considered an affordable place to buy a home. Historically, most development in El Cerrito was single-family homes. While there is still some vacant and underutilized land that could be used for future infill development, most available land is zoned to allow multifamily development. The City has taken strides to facilitate infill development by working with BART to increase the mixed-income housing stock. With the adoption of the SPASP and Form Based Code to support transit-oriented development, there has already been more multifamily housing on vacant and underutilized sites in the San Pablo Avenue commercial corridor. Through the Housing Element, the City plans to create a wider variety of housing options and encourage more affordable housing development. This includes facilitating higher density and TOD development on San Pablo Avenue; encouraging the production of Accessory Dwelling Units (ADUs) and innovative housing types throughout the city; and encouraging the reuse of underutilized sites in commercial areas to mixed use housing.

The City of El Cerrito has its own Housing Program that aims to foster the creation of high-quality affordable housing at all income levels and for a variety of needs. Staff in the City's Community Development Department administer the housing policy and program and offer information about affordable housing opportunities in El Cerrito. In 2017, the City Council adopted the City's first Affordable Housing Strategy with strategies, action items, and timelines to proactively achieve the City's affordable housing goals to protect, produce, and preserve housing.

The City also adopted an Inclusionary Zoning Ordinance in 2018 that requires new market-rate residential projects to set aside 10 percent-12 percent of its units for low to moderate-income households or pay an in-lieu fee to the City's Affordable Housing Trust Fund. In-lieu fees are earmarked for future affordable housing development opportunities.

In 2019, the City Council adopted a Rent Registry Ordinance. The ordinance establishes an annual reporting requirement for property owners to submit data into a City database regarding rents and other relevant information about rental units. This requirement applies to all owners of residential rental property, with some exceptions. The data collected will be used to inform the City Council about the rental market, trends, housing stock data and future policy considerations in El Cerrito.

Pursuant to Government Code Section 65583 (c)(10)(A)(v), the Housing Element includes several policies and programs to proactively address fair housing issues and replace segregated living patterns with integrated and balanced communities. Table 3-26 below summarizes the fair housing issues, contributing factors, and implementation programs included in the Housing Element to affirmatively further fair housing in El Cerrito.

Table 3-26 Fair Housing Issues, Contributing Factors, and Actions

| *Identified Fair Housing Issue* | *Contributing Factor* | *Actions* | *Targets and Timeline* |
|---|---|---|---|
| Regional Patterns of Segregation by Race/Ethnicity and Income | The greatest housing growth in El Cerrito was between 1940-1949 and resulted in predominantly single-family homes and subdivisions citywide with larger lot homes and wealthier households settling in the hillside | Promote High Density and Mixed-use Development in San Pablo Avenue Specific Plan Area (Program H-1.B.)<br>Continue to implement the Inclusionary Zoning Ordinance to ensure that private market-rate | Facilitate the development of 2,586 housing units within the San Pablo Avenue Specific Plan Area by 2031 (Program H-1.B.)<br>Facilitate the development of 110 lower-income units and 60 |

Table 3-26 Fair Housing Issues, Contributing Factors, and Actions

| *Identified Fair Housing Issue* | *Contributing Factor* | *Actions* | *Targets and Timeline* |
|---|---|---|---|
| | areas of the city. Between 1980 and 2010, there was not much housing affordable to moderate- and lower-income households produced. | development is making a reasonable and feasible contribution towards addressing the need for additional affordable housing (Program H-2.A.)<br>Allocate funds from the Affordable Housing Trust Fund toward the development and preservation of affordable housing for low-, very low-, and extremely low-income households (Program H-2.B.)<br>Assist and support in the development of extremely low-, very low-, and low-income housing units, including supportive housing for seniors and persons with physical and developmental disabilities (Program H-2.D.)<br>Continue ongoing partnership with BART to develop mixed-income housing on BART lands (Program H-2.E.) | moderate-income units through the Inclusionary Zoning Ordinance (Program H-2.A.)<br>Establish priorities for the allocation of Affordable Housing Trust Funds by 2024 (Program H-2.B)<br>Support development of 50 extremely low-, 100 very low-, and 120 low-income housing units, including 25 units of supportive housing for special needs populations (Program H-2.D.)<br>Partner with BART to include 15 percent missing middle units and 35 percent lower-income units of the 750-850 total units at El Cerrito Plaza BART Station (Program H-2.E.) |
| Disparities in Access to Opportunity | Until 2012, the City funded many of its programs through the Redevelopment Agency's Low- and Moderate- Income Housing Fund (LMIHF). The dissolution of redevelopment agencies impacted funding for lower resource areas. | Continue to implement the Inclusionary Zoning Ordinance to facilitate development or secure provisions for the development of affordable housing to increase access to affordable housing in higher resource areas (Program H-2.A.)<br>Allocate funds from the Affordable Housing Trust Fund toward the development and preservation of affordable housing for low-, very low-, and extremely low-income households (Program H-2.B.)<br>Prioritize Capital Improvement Projects (CIP) that provide amenities and neighborhood improvements in low and moderate resource areas identified by the Tax Credit Allocation Committee (TCAC) Opportunity Area Maps (Program H-3.E.) | Facilitate the development of 110 lower-income units and 60 moderate-income units through the Inclusionary Zoning Ordinance (Program H-2.A.)<br>Establish priorities for the allocation of Affordable Housing Trust Funds by 2024 (Program H-2.B.)<br>Annually direct City investments in ways that serve to maintain older residential neighborhoods and transform low and moderate resource areas into areas of opportunity (Program H-3.E.) |
| Disproportionate Housing Needs in San Pablo Avenue corridor | Regional housing costs are rising faster than wages.<br>Lack of economic mobility for marginalized residents including renter households, HCV households, and single-female headed households. | Enforce tenant protections consider potential for additional tenant protection policies (Program H-3.C.)<br>Collaborate with the Housing Authority on an educational campaign to educate landlords about their obligation to accept Section 8 Housing Choice Vouchers under fair housing laws and to encourage | Review data collected through the Rent Registry annually (Program H-3.C.)<br>Conduct an evaluation of the effectiveness of tenant protections in 2028 and consider additional tenant protections by 2029 (Program H-3.C.) |

Table 3-26 Fair Housing Issues, Contributing Factors, and Actions

| *Identified Fair Housing Issue* | *Contributing Factor* | *Actions* | *Targets and Timeline* |
|---|---|---|---|
| | | landlords in high resource, single-family neighborhoods to actively participate in the HCV Program (Program H-4.C.)<br>Consider establishing a Community Opportunity to Purchase Act (COPA) ordinance or similar policy that would give tenants priority to purchase the building when a landlord sells their property (Program H-4.D.) | Increase HCVs in single family neighborhoods by 5 percent (Program H-4.C.)<br>Consider adopting a COPA ordinance or policy by July 2027 (Program H-4.D.) |

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# CHAPTER 4 | Sites Inventory

## 4.1 Introduction

This chapter presents an inventory of sites within El Cerrito that are suitable for residential development during the planning period of this Housing Element. It starts with a description of the City's housing target for the 2023-2031 Housing Element planning period, called the Regional Housing Needs Allocation (RHNA). It then describes the number of residential units in the pipeline of planned and approved projects. The chapter then provides an analysis of capacity on vacant and underutilized sites where housing is an allowed use. It also includes information on the availability of infrastructure to support development of housing.

## 4.2 Regional Housing Needs Allocation

The California Department of Housing and Community Development (HCD) is required to allocate each region's share of the statewide housing need to Councils of Governments (COGs) based on Department of Finance (DOF) population projections and regional population forecasts used in preparing regional transportation plans. Each COG then develops a Regional Housing Need Plan (RHNP) allocating the region's share of the statewide need to cities and counties within the region. The RHNP must promote the following objectives:

- Increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner;
- Promote infill development and socioeconomic equity;
- Protect environmental and agricultural resources and encourage efficient development patterns;
- Promote an improved intraregional balance between jobs and housing; and
- Affirmatively further fair housing.

HCD assigned the Bay Area region a target of 441,776 housing units. On December 16, 2021, the Association of Bay Area Governments (ABAG) adopted the 2023-2031 RHNA Plan. Through the RHNA Plan, ABAG allocates a "fair share" by income category based on projected housing need for each jurisdiction. Each jurisdiction is required to prepare a sites inventory in the Housing Element showing how the fair share allocation can be accommodated within the planning period.

Table 4-1 shows the RHNA assigned to El Cerrito for the 2023-2031 Housing Element. It should be noted that the RHNA projection period is June 30, 2022 – December 15, 2030, which differs slightly from the Housing Element planning period of January 31, 2023 – January 31, 2031. As shown in the table, ABAG allocated 1,391 new housing units to El Cerrito, which includes 334 very low-, 192 low-, 241 moderate-, and 624 above moderate-income units.

Table 4-1 Regional Housing Needs Allocation, El Cerrito (June 30, 2022 – December 15, 2030)

| *2023-2031 RHNA* | *Number of Units* |
|---|---|
| Very Low-Income Units[1] | 334 |
| Low-Income Units | 192 |
| Moderate-Income Units | 241 |
| Above Moderate-Income Units | 624 |
| Total Units | 1,391 |

[1] Extremely low-income allocation is equal to 50 percent of very low-income allocation (167 units).
Source: Association of Bay Area Council of Governments (ABAG), Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (Adopted December 2021).

State law (Government Code Section 65583(a)) also requires the City to identify the projected need for extremely low-income housing. State law specifies that local agencies may calculate the projected housing need for ELI households by applying one of the following two methodologies to the RHNA for very low-income households: 1) use available U.S. Census data to calculate the percentage/number of very low-income households that qualify as ELI households, or 2) presume that 50 percent of very low-income households qualify as ELI households. The City assumes that 50 percent of the very low-income housing need is equal to the extremely low-income housing need. As such, there is a projected need for 167 extremely low-income housing units.

## 4.3 Planned and Approved Residential Projects

There are several residential developments that have either been approved or are in the planning process and are expected to be built during the RHNA projection period (June 30, 2022 – December 31, 2030). Table 4-2 provides a description of each of the approved projects and planned projects (application under review or anticipated) within El Cerrito. Figure 4-1 shows the location of these projects within the city.

The lower-income RHNA only includes projects with deed-restricted affordable units, including any inclusionary housing units that are required of market rate housing developments. Projects that include market-rate multifamily rental units are conservatively assumed to meet a 50/50 mix of moderate- and above moderate-income housing units based on an analysis showing that market rate rents in recently built multifamily developments are generally affordable to moderate-income households (see Table 4-3). Projects that include market-rate single-family units or other ownership units, such as townhomes or condominiums, are assumed to meet the above moderate-income RHNA. A description of the affordability of each approved project is included in Table 4-1.

Planned projects include projects that are pending approval but are expected to be built within the planning period. Planned projects are credited toward meeting the RHNA allocation based on proposed affordability and unit count within the proposed project. All planned projects included in the sites inventory are included because the City has received a development application. One exception is the El Cerrito Plaza BART Transit Oriented Development (TOD) Project; more detail about this project is provided below to demonstrate that the projected units can realistically be built within the planning period.

As shown in Table 4-2, there are a total of 1,571 units included as part of planned and approved projects in El Cerrito, including: 114 very low-, 241 low-, 479 moderate-, and 737 above moderate-income units.

Table 4-2 Planned and Approved Residential Developments, El Cerrito (As of June 2022)

| Site ID | Name | APN(s) | General Plan | Zoning | Type of Units | Status | Description | Acres | Gross Density | Total Units | ELI | VLI | LI | MOD | AM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sites within San Pablo Avenue Specific Plan | | | | | | | | | | | | | | | |
| 1 | Mayfair: Phase II – Affordable | 502062031 | TOHIMU | TOHIMU | Residential Mixed-Use | Approved August 2017; anticipated to break ground 2023. | 100% deed-restricted affordable housing with 1 manager's unit (Included in previous Housing Element as low income site.) | 0.48 | 143 units / ac | 69 | 0 | 44 | 24 | 0 | 1 |
| 2 | The Lexington (6501 Fairmount) | 504140015 | TOHIMU | TOHIMU | Residential Mixed-Use | Approved December 2021 | 40 Market rate apartments (assumed 50/50 mod/above mod) with 5 moderate-income inclusionary units; 1,841 sf commercial | 0.26 | 173 units / ac | 45 | 0 | 0 | 0 | 25 | 20 |
| 3 | Potrero Property (6115/6111 Potrero Avenue And 11335-41 San Pablo Avenue) | 513372015<br>513372046 | TOHIMU | TOHIMU | Residential Mixed-Use | Approved April 2022 | 63 Market rate apartments (assumed 50/50 mod/above mod) with 5,000 sf commercial, including outdoor patio along San Pablo Avenue. | 0.34 | 185 units / ac | 63 | 0 | 0 | 0 | 31 | 32 |
| 4 | 10192 San Pablo Ave (Former Rob's Auto) | 504012036 | TOHIMU | TOHIMU | Apartments | Approved January 2019; Entitlement expires 1/24/2023 | 26 Market rate apartments (assumed 50/50 mod/above mod) | 0.27 | 96 units / ac | 26 | 0 | 0 | 0 | 13 | 13 |
| 5 | Polaris Apartments (11965 San Pablo Ave) | 513340059 | TOHIMU | TOHIMU | Apartments | Approved June 2019; Entitlement expires 12/2022 | 135 Market rate apartments (assumed 50/50 mod/above mod) with 9 moderate-income inclusionary units | 0.53 | 271 units / ac | 144 | 0 | 0 | 0 | 76 | 68 |
| 6 | Wall Avenue Apartments (11795 San Pablo Ave) | 513351001 | TOHIMU | TOHIMU | Apartments | Approved 10/2/2019 | 117 Market rate apartments (assumed 50/50 mod/above mod) with 6 low-income and 7 moderate-income inclusionary units, with 3,695 sf commercial | 0.60 | 216 units / ac | 130 | 0 | 0 | 6 | 65 | 59 |
| 7 | El Cerrito Plaza BART TOD | 504050012<br>504121017<br>504122010<br>504130031 | TOHIMU | TOHIMU | Residential Mixed-Use | Developer selected. Planning underway. | See detailed description El Cerrito Plaza BART TOD above. (Included in previous Housing Element as low income site.) | 7.54 | 101 units / ac | 769 | 0 | 70 | 196 | 112 | 391 |
| 8 | 1711 Eastshore Dr (Former Orchard Supply Hardware Site) | 513371002 | TOHIMU | TOHIMU | Storage / Mixed-Use | SB 330 Preliminary Application Submitted | 279 Market rate apartments (assumed 50/50 mod/above mod) with 15 low- and 16 moderate-income inclusionary units; Existing Building, on a portion of the site, will be converted to self-storage | 3.77 | 82 units / ac | 310 | 0 | 0 | 15 | 155 | 140 |
| | | | | | | | *Subtotal* | *13.79* | *158 units/ac (average)* | *1,556* | *0* | *114* | *241* | *477* | *724* |
| Other Areas of City | | | | | | | | | | | | | | | |
| 9 | 2332 ALVA AVE | 500430016 | RS-5 | Low Density | SFR | Approved 07/19/2017; BP under review as of July 2022. | 1 single-family unit; located in VHFHSZ. | 0.08 | 12.7 units / ac | 1 | 0 | 0 | 0 | 0 | 1 |
| 10 | 1745 ELM ST | 502112037 | RM | High Density | Duplex | Design Review Approved 9/2/2020 | 2 units in a duplex | 0.14 | 14.4 units / ac | 2 | 0 | 0 | 0 | 0 | 2 |
| 11 | 5730 EL DORADO ST | 510045006 | RM | High Density | Duplex/ Triplex | Design Review Approved 11/18/2020; Parcel Map Approved. | Subdivision of 12,500 sf lot with a duplex and triplex | 0.29 | 17.5 units / ac | 5 | 0 | 0 | 0 | 0 | 5 |
| 12 | 1324 CONTRA COSTA DR | 505181018 | RS-10 | Very Low Density | SFR | Application Submitted | 1 Single-family unit; located in VHFHSZ. | 0.27 | 3.8 units / ac | 1 | 0 | 0 | 0 | 0 | 1 |
| 13 | LENEVE PL | 573111008 | RS-7.5 | Very Low Density | SFR | Design Review Application submitted for new SFR; ministerial | 1 Single-family unit; located in VHFHSZ. | 0.23 | 4.4 units / ac | 1 | 0 | 0 | 0 | 0 | 1 |
| 14 | SEA VIEW DR | 505221045 | RS-5 | Low Density | SFR | Application Submitted | 1 Single family unit; located in VHFHSZ. | 0.16 | 6.1 units / ac | 1 | 0 | 0 | 0 | 0 | 1 |
| 15 | 921 CLARK PL<br>ARLINGTON BLVD | 505301032<br>505301043 | RS-5 | Low Density | Missing Middle | Application Submitted | Subdivision to split 2 parcels into 4; located in VHFHSZ. | 1.39 | 2.9 units / ac | 4 | 0 | 0 | 0 | 2 | 2 |
| | | | | | | | *Subtotal* | *2.56* | *8.5 units/ac (average)* | 15 | 0 | 0 | 0 | 2 | 13 |
| | | | | | | | *Total* | *16.35* | *94.8 units/ac (average* | 1,571 | 0 | 114 | 241 | 479 | 737 |

Source: City of El Cerrito, 2022.

Rendering of El Cerrito Plaza BART Station Project Source: Related California

### El Cerrito Plaza BART TOD Project

Assembly Bill 2923 created baseline zoning standards for BART station properties. The San Pablo Avenue Specific Plan is consistent with the baseline densities and building height requirements in AB 2923. (The Specific Plan update, underway, includes a BART-owned parcel that was not previously in the Specific Plan to be consistent with AB 2923.) In July 2020 BART issued a Request for Qualifications (RFQ) to identify a development team for the El Cerrito Plaza site. On November 19, 2020, the BART Board selected the development team—Holliday Development, Related California, and Satellite Affordable Housing Associates (SAHA)— to advance development at El Cerrito Plaza BART and entered into an Exclusive Negotiating Agreement (ENA). BART makes decisions about where and how to invest in future TOD based on its Transit-Oriented Development Work Plan (2020). The work plan establishes a 10-year program for facilitating TOD on the estimated 250 acres at 27 stations that could accommodate future development on BART-owned land. On March 7, 2022, BART sent a letter to the City confirming that the El Cerrito Plaza BART TOD Project is included as a near-term project in BART's TOD Work Plan and that BART supports including the project in the City's Housing Element (See Appendix C).

The project will provide community benefits and amenities for El Cerrito including affordable housing, public open space and art, and multimodal transportation infrastructure improvements. During the predevelopment process, the development team and City are also evaluating including a new library at the site (City Council Resolution 2016-68 and Resolution 2019-66). The proposed development concept anticipates 769 housing units, with 391 market-rate units (51 percent), 112 moderate-income units (14 percent), 196 low-income units (25 percent), and 70 very low-income units (10 percent). The planning and development effort is ongoing, including community engagement for the project. For more information, visit: www.el-cerrito.org/tod.

## 4.4 Affordability Analysis of Market Rate Apartments

Based on a review of rental listings at recently built apartments in the Specific Plan area, it was determined that new market-rate apartment units in El Cerrito are generally affordable to moderate-income households. Table 4-3 below compares affordable monthly rents for moderate income households earning 100 percent and 120 percent of the area median income with listed rents in two recently built market rate apartment complexes in the City. Studio

apartments and one-bedroom units are generally affordable to one-person households earning more than 100 percent AMI but less than 120 percent AMI. Two-bedroom units are generally affordable to two- and three-person households earning around 120 percent AMI.

Cerrito Vista, a 50-unit market rate apartment complex with 3,000 square feet of grand floor commercial built in 2020, had 9 available units listed in June 2022, including four 1-bedroom apartments, four 2-bedroom apartments, and one 3-bedroom apartments. Metro 510, a 128-unit market rate apartment complex with 19 units of affordable housing built in 2017, had four available units listed in June 2022, including one studio and three two-bedroom apartments. While these are only two examples of recently built market-rate apartments, research in other Bay Area communities indicates that market-rate rents for newly constructed apartments are generally affordable to moderate-income households across the Bay Area.

Table 4-3 Analysis of Market Rate Rental Affordability

| *Income Level* | *Affordable Monthly Rent* | | |
|---|---|---|---|
| | *1-Person* | *2-Person* | *3-Person* |
| Moderate Income at 100% AMI | $2,499 | $2,856 | $3,213 |
| Moderate Income 120% AMI | $3,499 | $3,999 | $4,498 |
| *Apartment Complex (Year Built)* | *Studio* | *1-Bedroom* | *2-Bedroom* |
| Metro 510 (2017) | $2,400 - $2,650 | $2,800- $3,005 | $3,400 - $3,800 |
| Cerrito Vista (2020) | $1,762 -$1,945 | $2,300 - $2,545 | $2,682 - $3,222 |

[1] See Table 2-10, Ability to Pay for Housing Based on HCD Income Limits, 2022

Sources: City of El Cerrito, 2022. Ascent, 2022. https://cerritovista.com

## 4.5 Vacant and Underutilized Sites Inventory

The residential land inventory is required "to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels" (Government Code Section 65583.2(a)). The phrase "land suitable for residential development" in Government Code Section 65583(a) (3) includes all of the following:

- Vacant sites zoned for residential use;
- Vacant sites zoned for nonresidential use that allows residential development; and
- Underutilized sites that have zoning that allows residential development and are capable of being developed at a higher density.

This section describes the vacant and underutilized sites included in the City's Housing Element inventory, all of which already have appropriate zoning and general plan designations to allow for housing,

### Methodology and Assumptions

The following is a description of the methodology used to estimate housing unit capacity on vacant and underutilized sites and classify sites by income level. Each land use designation corresponds with at least one zoning district, and in some cases more than one. Table 4-4 shows how sites were categorized by income level based on zoning and allowed density.

Table 4-4 Residential Land Use Categories and Estimated Affordability Level, El Cerrito (2022)

| *General Plan Land Use* | *Zoning* |
|---|---|
| Above-Moderate Income | |
| Very Low Density (6 du/ac) | RS-20 (2.2 du/ac) |
| | RS-10 (4.3 du/ac) |
| | RS-7.5 (5.8 du/ac) |
| Low Density (7-9 du/ac) | RS-10 (4.3 du/ac) |
| | RS-5 (8.7 du ac) |
| Moderate Income | |
| Medium Density (10-20 du/ac) | RD -Residential Duplex (11-20 du/ac) |
| Neighborhood Commercial (20 du/ac) | CN (20 du/ac) |
| Lower Income | |
| High Density (21 -35 du/ac) | RM - Multi-Family Residential (21 - 35 du/ac) |
| | TOM (35 du/ac) |
| Transit-Oriented Mid-Intensity Mixed Use (TOMIMU) | Transit-Oriented Mid-Intensity Mixed Use (TOMIMU) |
| Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) | Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) |

Source: El Cerrito General Plan and Zoning Ordinance; Ascent 2022.

#### 4.5.1.1 Lower-income Sites

State law (Government Code Section 65583.2(c)(3)) establishes a "default density standard" of 30 units per acre for lower-income units in El Cerrito. This is the density that is "deemed appropriate" in State law to accommodate El Cerrito's lower-income RHNA. Sites at least 0.5 acres and larger with zoning and General Plan land use designations that allow for development at 30 units per acre were generally included in the inventory as opportunity sites for lower-income housing. The City has several zoning districts that allow 30 units per acre, as shown in Table 4-4, including: RM - Multi-Family Residential (21 - 35 du/ac) and TOM (35 du/ac). The Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), and Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) within the Specific Plan area do not have density standards because they are part of a form-based code. As described in the Realistic Density Assumptions section, recently entitled residential mixed-use developments within the TOMIMU and TOHIMU have been approved at densities ranging from 82 to 271 units per acre, with an overall average density of 158 units per acre.

#### 4.5.1.2 Moderate-income Sites

Sites with zoning that allows for multifamily residential development at densities lower than 30 units per acre (i.e., Residential Duplex [11-20 du/ac]) and higher density sites (i.e., allowing 30 units per acre or more) smaller than 0.5 acres (i.e., small lots within the Specific Plan area) were inventoried as moderate income.

#### 4.5.1.3 Above Moderate-income Sites

Sites with single-family zoning were categorized as above moderate-income based on evidence that single-family homes are generally only affordable to above moderate-income households.

#### 4.5.1.4 AB 725 Compliance

Assembly Bill 725 (2021) requires that at least 25 percent of the above moderate-income RHNA be accommodated on sites that allow at least four units of housing, and that at least 25 percent of the moderate-income RHNA be accommodated on sites that allow at least four units of housing, but at a density of no more than 100 units per acre. One project in particular is expected to satisfy these requirements.

The El Cerrito Plaza BART TOD Project is expected to provide a mix of approximately 379 above moderate-income units (62 percent of the above moderate-income RHNA) and 112 moderate-income units (46 percent of the moderate-income RHNA), consistent with the requirements of AB 725, satisfying these requirements of State law, as well as 285 lower-income units (750 units total).

## Realistic Density Assumptions

### 4.5.1.5 Sites within the San Pablo Avenue Specific Plan Area

The City's Housing Element inventory includes sites within the Specific Plan area. The Specific Plan is a form-based code that provides development regulations and design guidelines for parcels within the Specific Plan area including height, land use, parking, building placement, and open space standards. The Specific Plan does not include maximum density standards but does require residential development to be a minimum of 3 stories (except on constrained lots) in all zones. Maximum building height is 55 feet in the Transit-Oriented Mid-Intensity Mixed Use (TOMIMU) zone and 65 feet in the Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) zone. Additional building height is allowed if a project is considered an affordable housing project, as defined by State law.

Within the TOMIMU and TOHIMU zones of the Specific Plan, only some projects are required to include mixed-use. The Specific Plan establishes this requirement by street type, rather than by zoning district. On San Pablo Avenue Commercial Street Type and Major Commercial Street Type streets identified in the Specific Plan, a minimum of 50 percent of the ground floor frontage must have a shop front frontage type for commercial uses. Some of the other street types in the Specific Plan allow limited non-residential uses; and all of the other street types allow for residential only development.

However, the City is primarily seeing interest in residential-only and mixed-use projects and the City has consistently received applications for residentially-only development, as demonstrated by the list of planned and approved projects shown in Table 4-2. Many of the recently built, under construction, approved, and planned projects within the Specific Plan include only residential units, and only some include a limited commercial component. The TOMIMU and TOHIMU districts also allow for standalone commercial uses; and the City has seen some recent interest in hotel development. The City entitled one hotel project (Hampton Inn & Suites -11615-11645 San Pablo Avenue); and, another hotel is proposed (1612 & 1718 Eastshore Blvd -TRU by Hilton). It is assumed that the two hotels would likely satisfy the demand for hotel rooms in the area, making additional hotels unlikely.

As shown earlier in Table 4-2, residential mixed-use developments within the Specific Plan have been entitled at densities ranging from 82 to 271 units per acre, with an average of 158 units per acre. Within the Specific Plan, including on San Pablo Avenue Commercial and Major Commercial Street Types where commercial requirements apply, there are many recently built, under construction, planned, and approved projects that have developed high density residential at or above the assumed density of 158 units per acre, including many with only residential uses. This includes a 100 percent affordable development with no ground floor commercial at 143 units per acre (Mayfair: Phase II – Affordable). It also includes two projects that received a density bonus pursuant to state law, including: The Lexington (6501 Fairmount) which was approved with three bonus units; and, Polaris Apartments (11965 San Pablo Ave) which was approved with 32 bonus units. Using the "base project" before bonus units for each of these projects as part of the calculation of average density results in an average density of 149 units per acre.

The sites inventory uses 156 units/acre as a base assumption for estimating the total number of units that could be built on a site. This is the average density of all approved and planned projects, excluding density bonus units, and excluding the El Cerrito Plaza Bart TOD project. This project is omitted from the calculation of average density because of the special circumstances of this site. This base density assumption of 156 units per acre is applied to all sites within the Specific Plan where there is no requirement for commercial development, including sites that are along San Pablo Avenue Community, Gateway, Neighborhood, and Ohlone Greenway Street Types in the Specific Plan. The sites inventory assumes 85 percent of the base density assumption when estimating capacity of sites along San Pablo Avenue and Major Commercial Street Types where there is a requirement for commercial (reflecting an effective density of 132 units per acre), accounting for the potential for some sites to be built with non-residential uses.

#### 4.5.1.6 Sites Outside the San Pablo Avenue Specific Plan

There are three inventoried sites outside of the Specific Plan area that allow multifamily development, each of them are designated RM and are small lots less than one-quarter acre. The density ranges of the areas outside the Specific Plan area generally allow for small-lot single family, duplexes, triplexes, and multiplexes on smaller infill lots that allow for multifamily. There is also the potential for townhomes that would be built at the middle end of the density range for larger lots. All other sites included in the inventory that are outside of the Specific Plan are within residential zones that do not allow mixed-use development (RM, RS-5, RS-10, and RS-20).

Generally, for sites outside the Specific Plan area, it was assumed that development will occur at 85 percent of maximum allowed density. There has been some recent multifamily development outside the Specific Plan area that has been built or approved near the high end of the density range. One market rate development, 1715 Elm Street, was approved with 14 units on a 0.42 acre site, and another, 5828 El Dorado Street, was approved with 29 units on a 0.84 acre site. Both projects are under construction and were built at the maximum density allowed (i.e., 35 units per acre). As shown in Table 4-2, two other recently approved duplex/triplex projects have been built on lots around 0.25 acres at densities around 15 units per acre. In addition, many of the lower density residential zones outside of the Specific Plan allow for development of single family homes (RS-5, RS-10, and RS-20).

#### 4.5.1.7 Nonvacant Sites

Like many communities in the Bay Area, El Cerrito is a largely built out city. The city, like the region generally, faces a significant demand for new housing. Nearly all new residential development in El Cerrito occurs on underutilized nonvacant sites that have existing uses. The most significant examples of new development on underutilized land have occurred within the Specific Plan area. In addition to development within the Specific Plan area, there are other examples of redevelopment of underutilized sites throughout the city, such as 1715 Elm Street, that is under construction, and 5828 El Dorado Street that is completed. Table 4-5 below includes examples of recent housing developments in El Cerrito that were built or are approved on nonvacant sites with existing uses.

It is estimated that 67 percent of the City's lower-income RHNA (526 lower income units) will be met by approved and planned projects (355 lower income units). The City does not rely on nonvacant sites to accommodate more than 50 percent of the lower-income RHNA, which means that it does not need to provide findings based on substantial evidence that the use is likely to be discontinued. However, the City is still required to analyze the existing uses of the sites and determine, based on past experience, current market demand, existing leases or contracts, development trends, and other factors, that the nonvacant sites can feasibly be developed during the planning period. The City still undertook a review to determine whether a nonvacant site should be included in the inventory. The City started by conducting a review of sites throughout the city zoned or designated in the General Plan and Specific Plan for high density residential or mixed-use development. Based on site conditions, combined with City staff knowledge of existing uses, property owner interest, and nearby development activity, a refined list of potential sites was prepared for inclusion in the Housing Element sites inventory. Generally, the factors considered when determining that the existing use would not impede development include property owner interest and the age and conditions of the sites and structures. There are several sites in the inventory where the property owner has expressed interest in developing the sites with residential development, particularly within the Specific Plan area. Many of the non-vacant sites in the inventory are considered underutilized because of the lack of existing structures, development of similar uses (e.g., surface parking lots), and the market potential for new housing development. The nonvacant sites include surface parking lots and the BART Stations, where BART has expressed development interest.

Table 4-5 Examples of Recent Housing Development on Underutilized Sites, El Cerrito

| *Project Name* | *Project Description* | *Status* | *Prior Use* |
|---|---|---|---|
| Ohlone Gardens | 4-story, mixed-use project, including 57 affordable units and 3,189 square feet of ground floor commercial space designated as TOMIMU. | Completed | Light Industrial / Distribution / Storage |

Table 4-5 Examples of Recent Housing Development on Underutilized Sites, El Cerrito

| *Project Name* | *Project Description* | *Status* | *Prior Use* |
|---|---|---|---|
| Hana Gardens Senior Housing Mixed-use Apartments | 63-unit mixed-use senior affordable housing community on a 40,000-square-foot site designated as TOMIMU. | Completed | Contra Costa Florist/Mabuchi house complex (Commercial / Residential) and Warehouse Building (Furniture store) |
| Metro 510 (Creekside Walk) | 128-unit apartment with 19 units of affordable housing constructed on a 3-plus acre designated as TOHIMU. | Completed | Surface parking serving El Cerrito Plaza shopping center. |
| Credence Condominiums | 30 residential units and 2 live-work units on a 0.57 acre site that is designated as TOMIMU. | Completed | Retail (Previously Safeway and Guitar Center) |
| Mayfair: Phase I – Market Rate | Two buildings with a combined total of 223 residential units, shared parking in a garage, along with public, common and private open space creating an interconnected campus designated as TOHIMU. | Under Construction | Vacant and surface parking prior to development; prior uses were gas station and grocery. |
| 1715 Elm Street | 14 one and two bedroom dwelling units on a 0.42 acre site that is designed in the General Plan for high density. | Under Construction | Vacant Single Family Residence |

## Large Sites

The del Norte BART Station (12.5 acres) is the only site in the lower-income sites inventory that is larger than 10 acres. In a letter from BART, dated March 7, 2022, BART expressed that the El Cerrito del Norte BART Station is a "midterm" priority for transit-oriented development and identified a target of 2025-2030 for development at the station(See Appendix C). There are no proposed development plans for the site at this time and the City is unsure if BART intends to develop the entire site or just a portion. For the purpose of estimating capacity on the site, the City assumed development on 6.7 acres that is assumed to be developable at densities similar to the proposed El Cerrito Plaza (100 units per acre) and at a similar income mix (51 percent above moderate, 14 percent moderate, 25 percent low, and 10 percent very low income).

## Availability of Infrastructure

As described in Chapter 5: Constraints, there is sufficient infrastructure to accommodate the RHNA and all sites included in the inventory have access to water, sewer, and dry utilities. However, the sewer system within the Specific Plan Area does need to be upsized to meet the needs of future development and the Stege Sanitary District has established a capacity fee to fund planned improvements.

## Analysis of Environmental Constraints

All parcels (or portions of parcels) that met the criteria above were reviewed by City staff to confirm environmental constraints (e.g., flood zones and steep slopes), and other possible constraints to development feasibility. While environmental constraints are not a known issue for any of the sites, Chapter 5: Constraints describes environmental concerns that may impact the future development of residential units in the city.

## Vacant and Underutilized Sites

This section contains details on the vacant and underutilized sites included in the Housing Element sites inventory, shown on Figure 4-1. Table 4-6 provides a summary of capacity on all the vacant and underutilized sites in El Cerrito. Sites are organized into two categories:

1) San Pablo Avenue Specific Plan Sites. These are opportunity sites within the Specific Plan area that are best suited for housing during the Housing Element planning period.

2) Citywide Vacant and Underutilized Sites. The sites in this category are located outside the Specific Plan area and already have the General Plan land use designations and zoning in place to allow housing at the assumed densities.

Table 4-6 Vacant and Underutilized Sites, El Cerrito (As of June 2022)

| Site ID | Location | APN | Acres | Category | General Plan | Zoning | Site Description | Previous Housing Element Site | Publicly Owned | Total Units | Lower | Moderate | Above Moderate | Density Assumptions |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sites within San Pablo Avenue Specific Plan | | | | | | | | | | | | | | |
| 16 | del Norte BART Station | 502052006<br>502061005<br>502060xxx<br>502060xxx<br>502071015<br>502082029 | 12.5 (assumes development on 6.7 acres) | Underutilized | TOHIMU | TOHIMU | The del Norte BART Station was identified by BART as a midterm priority. Development is assumed on 50% of the site at an average density of 100 units/acre and an income distribution similar to that of the proposed El Cerrito Plaza development. | Yes – Low Income Site | Yes | 670 | 232 | 97 | 341 | 100 du/ac |
| 17 | Safeway / 11450 San Pablo Avenue | 502100042 | 0.86 | Underutilized | TOHIMU | TOHIMU | This parcel makes up about 1/3 of the surface parking lot for Safeway. The site is adjacent to del Norte BART. APN 502100041 not a part of this site. | Yes – No units counted toward RHNA. | No | 113 | 113 | 0 | 0 | 132 du/ac, 85% residential |
| 18 | 921 Kearney | 503233007<br>503233032 | 0.12<br>0.19<br>0.31 | Vacant | TOMIMU | TOMIMU | 2 vacant parcels. Entitlement for 59-unit project expired 2022. | Yes – Low Income Site | No | 48 | 0 | 48 | 0 | 156 du/ac, 100% residential |
| 19 | Kearny St./ Kearney Lane | 501252019<br>501252020 | 0.05<br>0.06<br>0.11 | Underutilized | TOHIMU | TOHIMU | 2 adjacent parcels used as surface parking for businesses on San Pablo Ave. | Yes – Low Income Site | No | 17 | 0 | 17 | 0 | 156 du/ac, 100% residential |
| 20 | 10496 San Pablo Ave | 503236027 | 0.17 | Underutilized | TOMIMU | TOMIMU | Vacant corner lot | Yes – Low Income Site | No | 26 | 0 | 26 | 0 | 156 du/ac, 100% residential |
| 21 | 5833 Central Ave | 510036012 | 0.06 | Underutilized | TOHIMU | TOHIMU | Parcel fronting on Central Ave. used as yard for adjacent residences. Fenced, but otherwise vacant. Site is located within a FEMA 100-Year flood zone. Due to flood constraints, no units are counted towards the RHNA from this site. | Yes | No | 0 | 0 | 0 | 0 | 156 du/ac, 100% residential |
| 22 | 5627 Central Ave | 510043004 | 0.05 | Underutilized | TOHIMU | TOHIMU | Undeveloped parcel fronting on Central Ave. | Yes | No | 7 | 0 | 7 | 0 | 156 du/ac, 100% residential |
| 23 | 10810 San Pablo Ave (Village at Town Center - expansion) | 503010015 | 1.42 (assumes development on 0.35-acre portion of surface parking lot) | Underutilized | TOMIMU | TOMIMU | A recently expired entitlement was approved for a 40-unit, 4-story building on the parking lot of the existing Village at Town Center mixed-use apartment complex. Development potential remains on this surface parking lot. | No | No | 54 | 54 | 0 | 0 | 156 du/ac, 100% residential |
| 24 | 10135, 10163, 10167 San Pablo Ave | 510034002<br>510034003<br>510034001 | 0.25<br>0.28<br>0.19<br>0.72 | Vacant | TOHIMU | TOHIMU | 3 vacant adjacent parcels with previous (expired) entitlements for two separate development projects totaling 134 units. | No | No | 95 | 95 | 0 | 0 | 132 du/ac, 85% residential |
| | | | | | | | | | Subtotal | *1,030* | *494* | *195* | *341* | |
| Citywide Vacant and Underutilized Sites | | | | | | | | | | | | | | |
| 25 | Fairview Drive | 505040006 | 14.92 | Underutilized | Very Low Density | RS-10 | Vacant site; located in VHFHSZ. | Yes | No | 64 | 0 | 0 | 64 | 4.4 du/ac |
| 26 | 2065 Tapscott Ave | 501340036 | 0.11 | Underutilized | Low Density | RS-5 | Vacant undeveloped site. Unleveled terrain. Directly across an elementary school. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |

Table 4-6 Vacant and Underutilized Sites, El Cerrito (As of June 2022)

| Site ID | Location | APN | Acres | Category | General Plan | Zoning | Site Description | Previous Housing Element Site | Publicly Owned | Total Units | Lower | Moderate | Above Moderate | Density Assumptions |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 27 | 2610 Yuba St | 500050034 | 0.16 | Underutilized | Low Density | RS-5 | Undeveloped site with dense vegetation and miscellaneous storage. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 28 | 928 – 934 Arlington Blvd | 505301006<br>505301007 | 0.33 | Underutilized | Low Density | RS-5 | Undeveloped land on a slight slope. Parcel does not front an existing road/street and requires access through adjacent property. Surrounded by few established homes along two streets and other adjacent undeveloped land parcels that make this a viable development opportunity. Located in VHFHSZ. | Yes | No | 2 | 0 | 0 | 2 | 8.7 du/ac |
| 29 | 716 Balra Dr | 503322063<br>503322065<br>503322068<br>503322069 | 0.67 | Underutilized | Low Density | RS-5 | Undeveloped site. No existing access; but potential access point through already paved driveway of neighboring home. Located in VHFHSZ. | Yes | No | 5 | 0 | 0 | 5 | 8.7 du/ac |
| 30 | 920 Balra Dr | 503301024 | 0.13 | Underutilized | Low Density | RS-5 | Undeveloped sloped site with temporary structures, storage, and parking; located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 31 | Barrett Ave | 500271003 | 0.12 | Underutilized | Low Density | RS-5 | Undeveloped with sloped terrain. No existing access, but two possible street access points. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 32 | 7834 - 7846 Burns Ct | 505101019<br>505101020 | 0.23 | Underutilized | Low Density | RS-10 | Undeveloped site, may have had previous structures built. Cars parked on site. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 33 | 911 Clark Pl | 505301047 | 0.28 | Underutilized | Low Density | RS-5 | Undeveloped site; located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 34 | 834 Craft Ave | 505302028 | 0.58 | Underutilized | Low Density | RS-5 | Undeveloped site with sloped terrain; located in VHFHSZ. | Yes | No | 5 | 0 | 0 | 5 | 8.7 du/ac |
| 35 | 7755 Earl Ct | 505103023 | 0.27 | Underutilized | Low Density | RS-10 | Undeveloped site; located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 36 | 630 Everett St | 503374006 | 0.05 | Underutilized | Low Density | RS-5 | Undeveloped site, with narrow lot. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 37 | 943 Galvin Dr | 503301018 | 0.32 | Underutilized | Low Density | RS-5 | Undeveloped flag lot with sloped terrain located behind existing home with driveway for access to site. Located in VHFHSZ | Yes | No | 2 | 0 | 0 | 2 | 8.7 du/ac |
| 38 | 712 Gelston Pl | 505282030 | 0.12 | Underutilized | Low Density | RS-5 | Undeveloped site with dense vegetation and sloped terrain. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 39 | 2138 - 2142 Junction Ave | 501300002<br>501300003<br>501300004<br>501300005 | 0.22 | Underutilized | Low Density | RS-5 | 4 adjacent single family lots on slope. Mostly vacant, with existing dilapidated structure. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 40 | 805 Park Way | 505241012 | 0.09 | Underutilized | Low Density | RS-5 | Undeveloped site; located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 41 | 754 Pomona Ave | 503480014 | 0.16 | Vacant | Low Density | RS-5 | Undeveloped site that is adjacent to two another undeveloped sites with access to Pomona Ave. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 42 | 5399 Potrero Ave | 513250039 | 0.20 | Underutilized | Low Density | RS-5 | Church parking lot. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 43 | 925 Richmond St | 503241026 | 0.11 | Underutilized | Low Density | RS-5 | Undeveloped site. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |

Table 4-6 Vacant and Underutilized Sites, El Cerrito (As of June 2022)

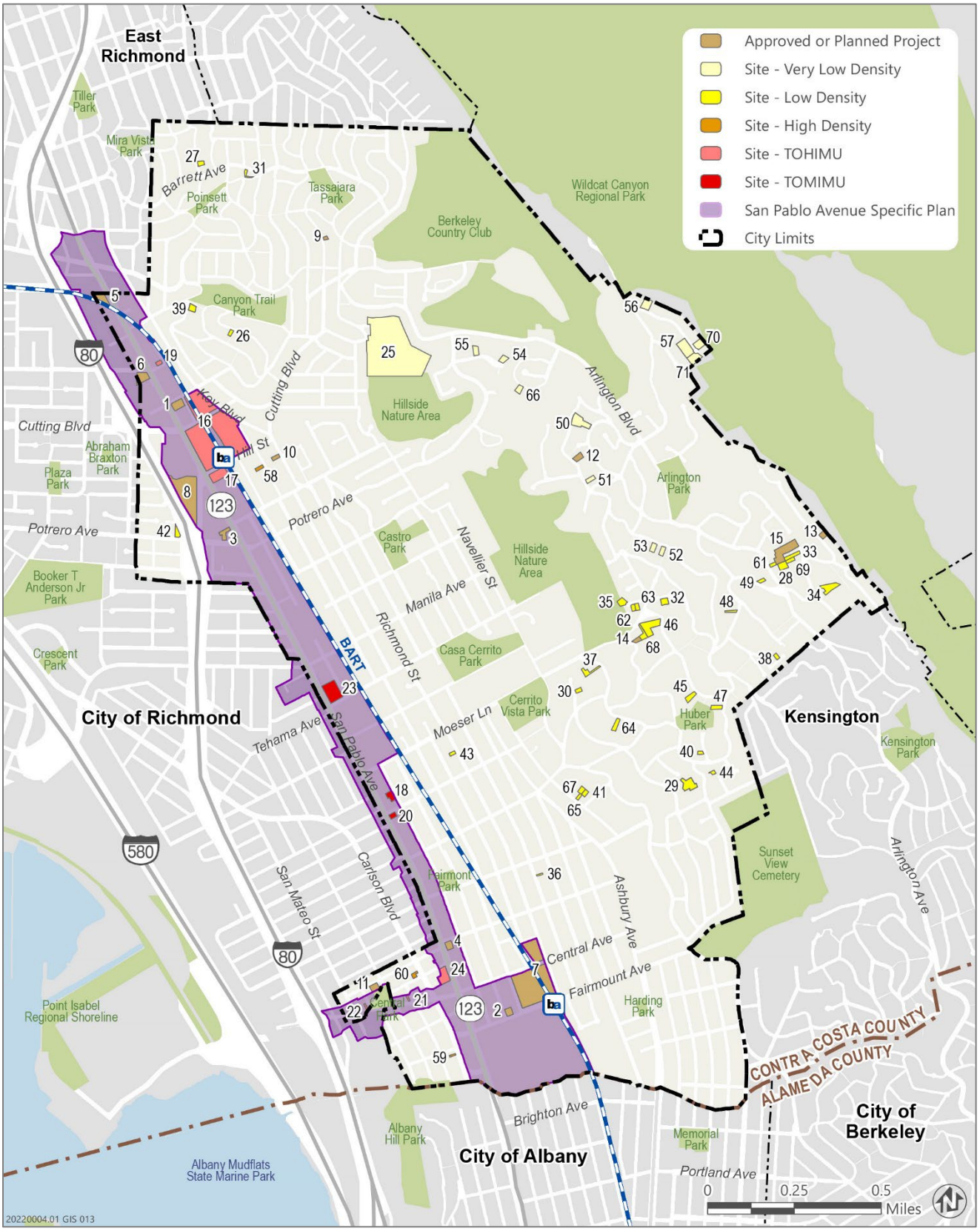
| Site ID | Location | APN | Acres | Category | General Plan | Zoning | Site Description | Previous Housing Element Site | Publicly Owned | Total Units | Lower | Moderate | Above Moderate | Density Assumptions |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 44 | Sea View Dr | 505244022 | 0.08 | Underutilized | Low Density | RS-5 | Undeveloped site that does not front an existing street, but has the potential for access through adjacent parcel. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 45 | 839 Shevlin Dr | 505230044 | 0.29 | Underutilized | Low Density | RS-5 | Undeveloped site on sloping lot. Existing structure on adjacent lot with similar slope and site conditions. Located in VHFHSZ. | Yes | No | 2 | 0 | 0 | 2 | 8.7 du/ac |
| 46 | 937 – 941 Shevlin Dr | 505221026<br>505221027 | 0.95 | Underutilized | Low Density | RS-5 | Undeveloped site with sloped terrain. Adjacent vacant land behind site would require having street access from Moser Lane or else would be landlocked. Located in VHFHSZ. | Yes | No | 8 | 0 | 0 | 8 | 8.7 du/ac |
| 47 | 8049 Terrace Dr | 505230036 | 0.24 | Underutilized | Low Density | RS-5 | Undeveloped sloped lot; located in VHFHSZ. | Yes | No | 2 | 0 | 0 | 2 | 8.7 du/ac |
| 48 | 8363 Terrace Dr | 505272017 | 0.12 | Underutilized | Low Density | RS-5 | Undeveloped site with dense vegetation; located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 49 | 8551 Terrace Dr | 505291014 | 0.12 | Underutilized | Low Density | RS-5 | Undeveloped site with landscaping and minor site improvements adjacent to existing single family home. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 50 | 1355 Brewster Dr<br>1364 - 1370 Contra Costa Dr | 505181004<br>505181010<br>505181011 | 0.82 | Underutilized | Very Low Density | RS-10 | 3 adjacent undeveloped sloped sites fronting Contra Costa Dr and Brewster Dr. in existing neighborhood. Only concrete foundations of structures remain. Located in VHFHSZ. | Yes | No | 3 | 0 | 0 | 3 | 4.4 du/ac |
| 51 | 1304 Contra Costa Dr | 505181032 | 0.20 | Underutilized | Very Low Density | RS-10 | Undeveloped site with existing single family homes on each side. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 52 | 1103 Contra Costa Dr | 505203029 | 0.23 | Underutilized | Very Low Density | RS-10 | Undeveloped sloped site adjacent to public path on separate lot. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 53 | 1115 Contra Costa Dr | 505203009 | 0.23 | Underutilized | Very Low Density | RS-10 | Undeveloped site on sloped terrain. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 54 | 1618 Julian Dr | 505421008 | 0.24 | Underutilized | Very Low Density | RS-10 | Undeveloped site on sloped terrain. Very sloped terrain adjacent to public path on separate lot. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 55 | 1638 Julian Dr | 505421014 | 0.26 | Underutilized | Very Low Density | RS-10 | Undeveloped site on sloped terrain. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 56 | 8407 Wildcat Dr | 573132023 | 0.46 | Underutilized | Very Low Density | RS-20 | Undeveloped site on sloped terrain. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 2.2 du/ac |
| 57 | 8440 Wildcat Dr<br>8436 Wildcat Dr | 573132002<br>573132003 | 0.91 | Underutilized | Very Low Density | RS-20 | Undeveloped site on sloped terrain. Located in VHFHSZ. | Yes | No | 1 | 0 | 0 | 1 | 2.2 du/ac |
| 58 | 1743 Liberty St | 502113029 | 0.15 | Underutilized | High Density | RM | Undeveloped site. | Yes | No | 4 | 0 | 0 | 4 | 85% of 35 du/ac |
| 59 | 3405 Carlson Blvd | 510014015 | 0.12 | Underutilized | High Density | RM | Site is located within a FEMA 100-Year flood zone. Due to flood constraints, no units are counted towards the RHNA from this site. | Yes | No | 0 | 0 | 0 | 0 | 0 |
| 60 | 3027 Carlson Blvd / 5931 Avila St | 510037013<br>510037015 | 0.12 | Underutilized | High Density | RM | Two adjacent undeveloped lots with storage and temporary structures and access from Carlson Blvd. and Avila St. | Yes | No | 3 | 0 | 0 | 3 | 85% of 35 du/ac |

Table 4-6 Vacant and Underutilized Sites, El Cerrito (As of June 2022)

| Site ID | Location | APN | Acres | Category | General Plan | Zoning | Site Description | Previous Housing Element Site | Publicly Owned | Total Units | Lower | Moderate | Above Moderate | Density Assumptions |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 61 | 940 Arlington Blvd | 505301046 | 0.11 | Underutilized | Low Density | RS-5 | Undeveloped sloped site. Previous building permit expired. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 62 | 7770 Earl Ct | 505103026 | 0.14 | Vacant | Low Density | RS-10 | Possible existing structures, concrete foundations remain. Slightly sloped terrain. Existing infrastructure tower rear of property. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 63 | 7780 Earl Ct | 505103027 | 0.15 | Vacant | Low Density | RS-10 | Undeveloped site with sloped terrain; concrete foundation of previous home remains on site. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 64 | 835 Galvin Dr | 503311017 | 0.26 | Vacant | Low Density | RS-5 | Vacant undeveloped site. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 65 | 758 Pomona Ave | 503480015 | 0.10 | Vacant | Low Density | RS-5 | Vacant undeveloped site. | No | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 66 | 1544 Madera Cir | 505421027 | 0.22 | Underutilized | Very Low Density | RS-10 | Undeveloped site on sloped terrain in existing single family neighborhood. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 4.4 du/ac |
| 67 | Pomona Ave | 503480013 | 0.16 | Underutilized | Low Density | RS-5 | Undeveloped site that is adjacent to two another undeveloped sites with access to Pomona Ave. | No | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 68 | Sea View Dr | 505221046 | 0.29 | Vacant | Low Density | RS-5 | Undeveloped site. Located in VHFHSZ. | No | No | 2 | 0 | 0 | 2 | 8.7 du/ac |
| 69 | Clark Pl | 505301023 | 0.15 | Vacant | Low Density | RS-5 | Undeveloped site adjacent to several other undeveloped sites with access to Clark Pl. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 8.7 du/ac |
| 70 | 8441 Wildcat Dr | 573132030 | 0.44 | Vacant | Very Low Density | RS-20 | Undeveloped site on sloped terrain. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 2.2 du/ac |
| 71 | 8444 Wildcat Dr | 573132032 | 0.54 | Vacant | Very Low Density | RS-20 | Undeveloped site on sloped terrain. Located in VHFHSZ. | No | No | 1 | 0 | 0 | 1 | 2.2 du/ac |
| | | | | | | | | | Subtotal | 136 | 0 | 0 | 136 | |
| | | | | | | | | | Total | 1,166 | 494 | 195 | 477 | |

Source: City of El Cerrito, 2022

Figure 4-1: Sites Inventory Map, El Cerrito, 2022




Source: City of El Cerrito (2022); Contra Costa County (November 2021); Ascent (2022); ESRI.

## 4.6 Projection of Accessory Dwelling Units

Per State law, a projection of the number of ADUs expected to be built within the eight-year planning period can also be considered as part of the inventory. The City has seen a slight increase in the rate of ADU production since 2018 when the State passed several bills to facilitate ADUs statewide. In 2021, the City revised its ADU ordinance to be consistent with the requirements under State law. Table 4-7 shows the total number of ADU building permits issued each year since 2018. ADU production has remained steady, with the City issuing permits for 21 ADUs per year, on average.

Table 4-7 ADU Building Permits, El Cerrito (2018-2022)

| *Year* | *ADU Permits Issued* |
|---|---|
| 2018 | 16 |
| 2019 | 16 |
| 2020 | 22 |
| 2021 | 31 |
| Average | 21 |

Source: City of El Cerrito and Ascent, 2022.

For the purpose of the Housing Element, the City assumes that ADU production will continue at the same pace experienced since 2018, estimated at 168 ADUs during the 2023-2031 RHNA projection period. ABAG prepared the Affordability of Accessory Dwelling Units in September 2021 to provide jurisdictions a foundation for housing element assumptions. The report is based on a statewide survey conducted by the University of California at Berkeley's Center for Community Innovation, in collaboration with Baird + Driskell Community Planning in 2020. ABAG analyzed the raw survey data for Bay Area ADUs constructed in 2018 or 2019 to determine affordability. According to the ABAG report, 43 percent of ADUs, based on the East Bay counties surveyed, are assumed to be used as short-term rentals, home offices, or other non-residential uses. As such, of the 168 ADUs expected to be produced, only 95 ADUs are assumed to be available on the market as rental housing or housing for family and friends.

Using ABAG affordability recommendations for ADUs, the sites inventory includes a projection of 58 ADUs affordable to lower-income households, or 60 percent of the projected ADU units. Twenty-eight ADUs, or 30 percent of projected units, are affordable to moderate-income households, and 9 ADUs, or 10 percent of projected units are affordable to above-moderate income households (see Table 4-8).

## 4.7 RHNA Summary

Table 4-8 provides a summary of El Cerrito's ability to meet the 2023-2031 RHNA. Based on the housing units in the approved and planned projects, vacant and underutilized sites, and the projection of ADUs, the City has sufficient capacity to meet the RHNA with a surplus of 505 lower-income units, 392 moderate-income units, and 556 above moderate-income units.

Table 4-8 Sites Inventory Capacity Summary, El Cerrito (2023-2031)

| | *Lower*[1] | *Moderate* | *Above Moderate* | *Total* |
|---|---|---|---|---|
| Regional Housing Needs Allocation | 526 | 241 | 624 | 1,391 |
| Approved and Planned Projects | 355 | 479 | 737 | 1,571 |
| Vacant and Underutilized Sites within San Pablo Avenue Specific Plan | 494 | 195 | 341 | 1,030 |
| Citywide Vacant and Underutilized Sites | 0 | 0 | 136 | 136 |
| Accessory Dwelling Unit (ADU) Projection | 58 | 28 | 9 | 95 |
| Total Capacity | 906 | 702 | 1,223 | 2,831 |
| Surplus(+) | +380 | +461 | +599 | +1,440 |

# CHAPTER 5 | Constraints Analysis

State housing law requires the City to analyze potential governmental and non-governmental constraints to the maintenance and production of housing for all income levels. State law requires the local governments to take action through their Housing Element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing including housing for all income levels and housing for persons with disabilities," (Government Code Section 65583(c) (3)). A thorough understanding of the potential constraints to development can help to create appropriate policy responses.

## 5.1 Potential Governmental Constraints

Governmental constraints are policies, standards, requirements, and actions imposed by the government that have a negative impact on the development and provision of housing for a variety of income levels. These constraints may include land use controls, building codes and their enforcement, environmental review fees and processes, site improvements, fees and exactions required of developers, and local processing and permit procedures. State and Federal agencies play a role in the imposition of governmental constraints; however, these agencies are beyond the influence of local government and are, therefore, not addressed in this analysis.

### Transparency in Development Regulations

El Cerrito complies with the requirement of providing transparency in development regulations. The City's Community Development Department Services page of the City's website provides all necessary information related to planning and building, including the General Plan, specific plans, the zoning code, fees, application forms and checklists, and all other applicable plans, policies, and regulations.

### Land Use Controls

Land use controls include city-initiated General Plan policies, zoning regulations and standards, permit processing requirements, and development fees.

#### General Plan

The General Plan constitutes the highest-level policy document for the City. The Land Use Element of the General Plan identifies the location, distribution, and density/intensity of the land use within the city. Residential densities are measured in dwelling units per acre (du/ac). The 1999 El Cerrito General Plan, as amended in November 2014, identifies seven land use designations that permit residential uses, shown in Table 5-1.

Table 5-1 General Plan Residential Land Use Designations - El Cerrito (2014)

| *Designation* | *Description* | *Permitted Density** |
|---|---|---|
| Very Low Density Residential | The Very Low Density category of residential land uses is intended for single-family, residential units on large lots. Typically, the Very Low Density category is to protect sensitive hillside areas from extensive development and to protect against hazards related to earthquakes, unstable terrain, and wildfires. In addition, Very Low Density land uses are also intended to protect sensitive environmental areas and features, and provide sites for larger, distinctive residences. | Maximum of 6 dwelling units per net acre. |
| Low Density Residential | The Low Density category of residential land uses is intended to promote and protect single-family neighborhoods. | 7 to 9 dwelling units per net acre. |
| Medium Density Residential | The Medium Density category of residential land use accommodates more intensive forms of residential development while still remaining compatible with surrounding land uses. This category is intended to provide greater housing choice in the city for different family sizes and incomes. Medium density residential uses are intended to be located closer to community and | 10 to 20 dwelling units per net acre. |

Table 5-1 General Plan Residential Land Use Designations - El Cerrito (2014)

| *Designation* | *Description* | *Permitted Density** |
|---|---|---|
| | retail services, such as neighborhood shopping centers, parks, and open spaces areas, and near minor and major collector streets where greater access can be provided. This land use category includes a number of housing development types including duplexes, townhouses, apartments, and small-lot, single-family residential designs. | |
| High Density Residential | The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities. | 21 to 35 dwelling units per net acre. |
| Commercial/ Mixed Use | The Mixed-Use Commercial designation is intended primarily for all types of commercial uses and secondarily for residential uses or a combination of the two. The designation is intended to encourage ground floor, pedestrian-friendly, retail sales and service uses with upper floors of office and residential uses. The Mixed-Use Commercial category applies to commercial activity ranging from neighborhood convenience stores to community shopping centers and regionally-oriented specialty stores.<br>In addition to retail stores, the Mixed-Use Commercial designation is also intended to allow for residential and office uses, including administrative, professional, medical, and dental offices, and "high-tech" research and development uses and laboratories. The Mixed-Use Commercial designation also allows for limited, small-scale specialty manufacturing uses, such as arts and crafts, woodworking, and assembly processes, when located on sites compatible with surrounding neighborhoods. | General: Maximum of 35 units per net acre.<br>Neighborhood: Maximum of 20 units per net acre |
| Transit-Oriented Higher-Intensity Mixed Use | The San Pablo Avenue Specific Plan articulates a vision for the future of San Pablo Avenue, identifies improvements, and adopts context-sensitive regulations that can be applied along its length and to adjacent areas. The Plan's Form-Based Code regulates land use and development standards based on Transect Zone, Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed Use (TOMIMU), designed to encourage vertical and horizontal mixed use. The Specific Plan requires ground floor commercial frontages on San Pablo Avenue Commercial and Major Commercial street types, while standalone residential is allowed on other street types. | Maximum height of 65 feet. |
| Transit-Oriented Mid-Intensity Mixed Use | | Maximum height of 55 feet. |

Source: City of El Cerrito General Plan, September 2014.

*Not including City incentives or state-mandated density bonuses.

### San Pablo Avenue Specific Plan and Form-Based Code

The San Pablo Avenue Specific Plan (SPASP), adopted in 2014, laid the groundwork for development and increased economic activity along the San Pablo Avenue corridor. It encourages new mixed-use (residential and commercial development) along San Pablo Avenue and near the city's two BART stations to create housing near transit and more pedestrian traffic to stimulate new businesses. The SPASP identifies three Priority Development Areas that are distinguished by the following characteristics:

1. Downtown: An entertainment/theater and shopping district that serves as the southern gateway
2. Midtown: A civic, commercial and community-oriented zone
3. Uptown: A mixed use, hospitality and commercial area that serves as the northern gateway

The SPASP articulates a vision for the future of San Pablo Avenue, identifies improvements, and adopts context sensitive regulations that can be applied within the Specific Plan Area. Its key principles are to deepen a sense of place and community identity; attract private investment; strengthen partnerships; enhance the public realm; promote the everyday use of transit, walking, and biking; and foster environmental sustainability. The Specific Plan establishes a Form-Based Code that regulates land use and development standards based on Transit-Oriented

Higher-Intensity Mixed Use (TOHIMU) and Transit-Oriented Mid-Intensity Mixed Use (TOMIMU) Transect Zones, as well as two blocks in the downtown that are within the Theater District Overlay Zone.

Goals and strategies include:

- Maximize Transit-Oriented Development (TOD) potential along the corridor;
- Allow ground floor residential development to provide flexibility and expand the Plan Area's residential base;
- Promote residential infill development through increased land use intensity close to existing transit infrastructure; and
- Increase the supply, diversity, and affordability of housing in proximity to existing or planned transportation investments.

The SPASP has been successful in promoting and attracting development and investment in the San Pablo Avenue Corridor. Due to this success, the residential development capacity of 1,706 units originally evaluated under the Environmental Impact Report (EIR) has nearly been reached. The EIR also covered 243,112 commercial square feet. The City is currently updating the Specific Plan and preparing a Supplemental EIR so that development supporting the plan vision as well as RHNA goals can be met. The Specific Plan update is addressing commercial requirements, street standards, frontage types, daylight plane standards, design review process, open space standards, and other technical cleanups. No changes to densities or intensities are proposed. The permitted uses and development standards within the SPASP zones are shown in the tables within the following section.

### Zoning Ordinance

The City's Zoning Ordinance is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety, and welfare, as well as to promote quality design and quality of life. El Cerrito regulations are comparable to those of similar cities. In addition to the base zoning districts described in the following tables, applicants can request rezoning to a customized Planned Development (PD) District that allows deviation from the normal regulations where a development project is consistent with the General Plan and meets other community objectives. El Cerrito's zoning regulations are not restrictive and do not create a financial or physical constraint to residential development due to a wide range of densities permitted by the City and flexible parking requirements. Additionally, the San Pablo Avenue Specific Plan contains a Form-Based Code, which establishes flexible development regulations for structures within its Plan Area, including building height, parking, setbacks, and access (See Table 5-5).

#### Residential and Mixed Use Districts

El Cerrito provides zoning that facilitates a range of residential development types. The City's residential zoning designations control both the use and development standards of each residential parcel. Residential districts include the following, with increases in maximum density allowed with approval of a State Affordable Housing Density Bonus:

- *RS Single-family Residential.* To promote and protect single-family neighborhoods at a base density of up to 10 dwelling units per net acre (du/ac); and to minimize the out-of-scale appearance of large homes and development relative to their lot size and slope, and relative to adjacent homes in the neighborhood.
- *RD Duplex Residential.* To accommodate more intensive forms of residential development, including duplexes, townhouse projects, apartments, and small-lot, single-family residential uses, at a density of 11 to 20 dwelling units per net acre (du/ac).
- *RM Multi-family Residential.* To provide opportunities for multiple-family residential development in a well-designed environment at a density of 21 to 35 dwelling units per net acre (du/ac). Up to 70 du/ac can be achieved for housing for elderly and persons with disabilities under the City's Incentives Program if services are provided.

Housing is also permitted in the Commercial and Transit-Oriented Mixed-Use Districts, and in the TOHIMU and TOMIMU transect zones of the San Pablo Avenue Specific Plan. The purpose of the mixed-use zones is to provide for commercial and employment development and promote and encourage multiple-family developments at densities that are consistent with the General Plan land use designation and surrounding development. The intent is to provide

for higher-density classifications in and around the development nodes and adjacent to major transit centers, and lower-density multiple-family development in transition areas between single-family development and commercial areas or higher-density residential areas. However, the TOHIMU and TOMIMU transect zones of the San Pablo Avenue Specific Plan replaced most of the CC and TOM zoned sites in the city. The City's commercial and mixed-use districts include:

- *CN Neighborhood Commercial.* To create, maintain, and enhance mixed-use, neighborhood-serving commercial areas that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of uses. Residential and office uses are encouraged on upper floors.
- *TOM Transit-Oriented Mixed Use.* To create, maintain, and enhance activity center nodes around BART stations and along transportation corridors and San Pablo Avenue that provide a mix of commercial, office and higher-density residential uses in a pedestrian-oriented setting.
- *CC Community Commercial.* To create, maintain, and enhance areas of the city that are appropriate for a wide variety of commercial and institutional uses along the city's major transportation corridors, and in shopping districts or centers. Residential uses are also allowed, particularly on upper floors.

The housing types allowed within the City's zoning districts are described below in Table 5-2. In summary, residential uses are permitted within six main districts: RS, RD, RM, TOM, CC, and CN as well as the TOHIMU and TOMIMU Transect Zones of the San Pablo Avenue Specific Plan (See section b. San Pablo Avenue Specific Plan). The RS District is split into four separate subsets guiding the minimum size of each lot and other development standards such as minimum lot depth and width and setbacks.

Single-family units are permitted by right in all single-family residential districts. New single-family uses are not allowed in the RM, TOM, CC, and CN districts. Multiple-family dwellings are permitted by right in the RM, TOM, CC, CN zones, and San Pablo Avenue Specific Plan Transect Zones. Multiple-family dwellings are not permitted on the ground floor of the Theater Overlay Block of the San Pablo Avenue Specific Plan. Multiple-family structures that contain more than 25 units require a conditional use permit in the CC zone. However, as described earlier, the TOHIMU and TOMIMU transect zones of the San Pablo Avenue Specific Plan replaced most of the CC and TOM zoned sites in the city. Tables 5-3 and 5-4 describes residential development standards and Table 5-5 describes multiple-family development standards in commercial areas and the San Pablo Avenue Specific Plan TOHIMU and TOMIMU transect zones.

Table 5-2 Housing Types Permitted by Zone - El Cerrito (2022)

| | *RS-5* | *RS-7.5* | *RS-10* | *RS-20* | *RD* | *RM* | *CN* | *CC* | *TOM* | *TOMIMU* | *TOHIMU* | *Theater Overlay Block* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Single-family Dwelling | P | P | P | P | P | P | P[2] | P[2] | P[2] | P[2] | P[2] | |
| Multiple-family Residential (e.g., townhouse, apartments) | | | | | | P | L-2 | L-2 and P<25 units C>25 units | L-2 | P | P | L-2 |
| Accessory Dwelling Unit | P | P | P | P | L-1 | L-1 | P[1] | P[1] | P[1] | P[2] | P[2] | |
| Duplex – Two Family Dwelling | | | | | P | P | P | P | P | P[2] | P[2] | |
| Community Social Service Facilities (e.g., homeless shelters) | | | | | | C | | P | A | A | A | |
| Emergency Shelters | | | | | | | | | | P[3] | P[3] | |
| Manufactured Housing[4] | P | P | P | P | P | P | | | | | | |
| Single Room Occupancy | | | | | | C | C | P | P | C | C | |
| Group Housing (doesn't include residential care facilities) | | | | | | C | C | L-2 and P<25 units C>25 units | L-2 | A | A | |
| Live/Work Loft | | | | | | | A | A | P | P | P | |
| Senior Citizen Housing | A | A | A | A | A | P | P | P | P | | | |
| Residential Care – General (for 7 or more) | C | C | C | C | C | C | C | C | C | C | C | C |
| Residential Care – Limited (for 6 or fewer) | P | P | P | P | P | P | C | C | C | C | C | C |
| Residential Care – Senior | A | A | A | A | A | A | C | C | C | C | C | C |

P = Permitted, C = Conditional Use Permit, A = Administrative Use Permit, L-1 = Location limitations; see Additional Regulations, L-2 = Not allowed on the ground floor along San Pablo, Stockton, and Fairmount Avenues without a conditional use permit.

Transitional and supportive housing are allowed in all zoning districts under the same standards as other types of permitted residential uses.

[1] Permitted with existing single-family use.

[2] Permitted if an existing use; new uses are prohibited.

[3] Within the Specific Plan Area, emergency shelters are a separate land use type from Commercial Social Service Facilities. Emergency shelters are permitted in the TOHIMU and TOMIMU zones, with the exception of the Theater Overlay Block, subject to operating standards described in the San Pablo Avenue Specific Plan.

[4] The City of El Cerrito Municipal Code defines "single-family dwelling" to include manufactured homes.

Source: City of El Cerrito Municipal Code, 2022.

### Residential Development Standards

The City's Zoning Ordinance regulates the location and scale of development through requirements including density, minimum lot areas, setbacks, coverage, FAR, height limits, and parking, as summarized in Tables 5-3 through 5-6.

**Table 5-3 Residential Zone Development Standards - El Cerrito (2022)**

| | *RS-5* | *RS-7.5* | *RS-10* | *RS-20* | *RD* | *RM* |
|---|---|---|---|---|---|---|
| **Minimum Lot Area (sq. ft.)** | | | | | | |
| Interior Lots | 5,000 | 7,500 | 10,000 | 20,000 | 5,000 | 5,000 |
| Corner Lots | 6,000 | 7,500 | 10,000 | 20,000 | 6,000 | 6,000 |
| **Minimum Lot Width at Building Setback Line (ft.)** | | | | | | |
| Interior Lots | 50 | 75 | 80 | 100 | 50 | 50 |
| Corner Lots | 60 | 75 | 80 | 100 | 60 | 60 |
| **Maximum Lot Coverage (%)** | | | | | | |
| Where Lot Slope is 30% or Less | 50 | 50 | 50 | 50 | 50 | 60, up to 80 with underground parking |
| Where Lot Slope >30% | 40 | 40 | 40 | 40 | 40 | 40 |
| Maximum Impervious Surface Coverage on Lots with Slopes >30% | 40 | 40 | 40 | 40 | 40 | 40 |
| **Minimum Yards (ft.)** | | | | | | |
| Front – Minimum | 10 | 20 | 20 | 30 | 10 | 10 |
| Front - For the Entire Width of Required Covered Parking | 20 | 25 | 25 | 35 | 20 | 20 |
| Side | 5 | 6 | 6 | 12 | 5 | 5; 10 for portions of building greater than 25 feet in height |
| Corner Side – Minimum | 8.5 | 8.5 | 8.5 | 12 | 8.5 | 8.5 |
| Corner Side – For the Entire Width of Required Covered Parking | 20 | 20 | 20 | 20 | 20 | 20 |
| Rear | 15 | 15 | 20 | 25 | 15 | 15, 20 in some cases |
| **Other Requirements** | | | | | | |
| Required Daylight Plan | Yes | | | | | |
| Building Design Components | Yes | | | | Yes | Yes |
| Maximum Height (ft.) | Base Height 25-35; Maximum Height with CUP 30-40 | | | | Base Height 30; Maximum Height with CUP-35 | 35 |
| Open Space - Common space per unit | N/A | | | | 150 | 150 |
| Open Space – Private per unit | N/A | | | | 100 on ground level or 50 on upper levels | 100 on ground level or 50 on upper levels |
| Required Off-Street Parking | 2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit. | | | | | |

Source: City of El Cerrito Municipal Code, 2022.

Table 5-4 describes the minimum lot area for a given number of units in the RM District. When a lot is irregular, the minimum lot area shall be as determined by the Zoning Administrator but at least 10 percent greater than the following table.

Table 5-4 Maximum Density in RM District - El Cerrito (2022)

| *Number of Units* | *Minimum Lot Size* |
|---|---|
| 2 units: | 5,000 square feet |
| 3 units: | 6,500 square feet |
| 4 units: | 7,700 square feet |
| 5 units: | 8,700 square feet |
| 6 units: | 9,650 square feet |
| 7 units: | 10,500 square feet |
| 8 units: | 11,350 square feet |
| 9 units: | 12,150 square feet |
| 10 units: | 13,000 square feet |
| 11 units | 13,900 square feet |
| 12 units | 15,000 square feet |
| 12+ units | 1,250 square feet x the number of units. |

Source: City of El Cerrito Municipal Code, 2022.

### Multiple-family Housing in Commercial/Mixed Use Areas

The City's mixed-use zones promote and encourage multiple-family developments at densities that are consistent with the General Plan land use designation and surrounding development. The intent is to provide for higher-density classifications in and around the development nodes and adjacent to major transit centers, and lower-density multiple-family development in transition areas between single-family development and commercial areas or higher-density residential areas.

Multiple-family dwellings are permitted by right in the RM, TOM, CC, CN, and San Pablo Avenue TOHIMU and TOMIMU transect zones. Multiple-family structures that contain more than 25 units require a conditional use permit in the CC zone. However, as described earlier, the TOHIMU and TOMIMU transect zones of the San Pablo Avenue Specific Plan replaced most of the CC and TOM zoned sites in the city. Table 5-5 describes multiple-family development standards in commercial areas and the San Pablo Avenue Specific Plan TOHIMU and TOMIMU transect zones.

Table 5-5 Multiple-family Residential Development Standards in Commercial Zones - El Cerrito (2022)

| | *CN* | *CC* | *TOM* | *TOHIMU (San Pablo Avenue Specific Plan)* | *TOMIMU (San Pablo Avenue Specific Plan)* |
|---|---|---|---|---|---|
| Minimum Lot Size (sq. ft.) | 5,000<br>2,000 for commercial | 5,000 | 5,000 | 5,000 | 5,000 |
| Minimum Residential Density | — | — | 35 units per acre within 300 feet of the BART stations | N/A | N/A |
| Maximum Residential Density – lot area per unit (sq. ft.) (may be in addition to non-residential FAR) | | | | | |
| Base Density | 20 units per acre | 35 units per acre | 35 units per acre | N/A | N/A |

Table 5-5 Multiple-family Residential Development Standards in Commercial Zones - El Cerrito (2022)

| | *CN* | *CC* | *TOM* | *TOHIMU (San Pablo Avenue Specific Plan)* | *TOMIMU (San Pablo Avenue Specific Plan)* |
|---|---|---|---|---|---|
| Density for Mixed Use Development | — | — | 35 units per acre | N/A | N/A |
| Density with City Incentives | 25 units per acre | 45 units per acre | 45 units per acre; up to 70 du/ac for housing for elderly and persons with disabilities if services are provided. | N/A (See State Affordable Housing Bonuses) | N/A (See State Affordable Housing Bonuses) |
| Maximum Building Height (ft.) | 35 | 35, up to 50 with CUP | 50, up to 65 with CUP in Del Norte & Plaza areas<br>35, up to 45 with CUP in Midtown node | 65, up to 85 with State Affordable Housing Bonuses | 55, up to 65 with State Affordable Housing Bonuses |
| Minimum Building Height | — | — | 2 stories, exceptions may be granted with a CUP | 3 stories Residential (except constrained lots)<br>2 stories commercial (exceptions granted with CUP) | 3 stories Residential (except constrained lots)<br>2 stories commercial (exceptions granted with CUP) |
| Building Setback on Street Frontages | 0 - 10 feet | 0 - 10 feet, more with a CUP | 0 - 10 feet | 0 – 15, front setback is regulated by Street Type. See Section 2.04.01 Regulation by Street Type of the San Pablo Avenue Specific Plan | 0 – 15, front setback is regulated by Street Type. See Section 2.04.01 Regulation by Street Type of the San Pablo Avenue Specific Plan |
| Minimum Yard Requirements (ft.) – None unless adjacent to a residential district | | | | Building Placement Requirements - vary by street type. See Section 2.04.01 Regulation by Street Type of the San Pablo Avenue Specific Plan | |
| Building Transition Zone Adjacent to Residential Districts | For any portion of a structure adjacent to a residential district boundary), the minimum required setbacks of the residential district shall apply.<br>To protect privacy and minimize sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line.<br>Exceptions to the above requirements are permitted for a one-story parking or garage structure that does not exceed 10 feet in height in a side or rear yard that does not front on a street. | | | To minimize impacts of shadows on adjacent residential districts, buildings abutting existing residential uses shall not intersect a 45 degree daylight plane inclined inward starting from a height of 25' above existing grade at the lot line. | To minimize impacts of shadows on adjacent residential districts, buildings shall not cast shadows onto adjacent existing residential uses on December 21st greater than 14' deep at 1:30 pm on adjacent parcels to the east.<br>To protect privacy and minimize additional sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line. |
| On-Site Residential Open Space Requirements | | | | | |
| Private/Common Open Space | 100 SF per unit may be provided as common or private open space | | | 80 square feet (SF)/unit min) | |
| Public Open Space | 100 SF. per unit may be provided as common or private open space | | | Public open space may be used to fulfill the private/ common open space requirement - each sf of public open | |

Table 5-5 Multiple-family Residential Development Standards in Commercial Zones - El Cerrito (2022)

| | *CN* | *CC* | *TOM* | *TOHIMU (San Pablo Avenue Specific Plan)* | *TOMIMU (San Pablo Avenue Specific Plan)* |
|---|---|---|---|---|---|
| | | | | space counts as 2 sf of private open space. Buildings greater than 25,000 sf must first meet their public open space requirement before using public open space to fulfill the private/common open space requirements | |
| Public Open Space Buildings >25,000 SF | Additional 25 SF min./1000 SF of building | | | | |
| **Parking Areas** | Privacy and parking location for ground-floor residential uses specified. | | | Auto parking shall be located behind habitable space, underground, or on the interior of the building. Long-term bicycle parking shall be located in a secure, weather-protected place on-site. Short-term bicycle parking shall be located inside or outside the building. It will need to be visible to pedestrians and bicyclists and serve the main entrance of a building | |
| **Types of Auto Parking** | Parking Requirements shown in Table II-11. | | | Shared, Stacked, Unbundled | |
| **Building Design Components** | Yes | | | yes | |
| **Landscape Requirements** | Yes | | | Yes | |

Source: City of El Cerrito Municipal Code, 2022 and San Pablo Avenue Specific Plan, Form-Based Code, 2014

*There are additional design requirements found in Zoning Ordinance Table 19.07-B and throughout the Form-Based Code.

### Parking

Table 5-6 summarizes residential parking requirements in El Cerrito. Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot area for residential development and increase development costs that may be passed on to consumers. The City offers reduced parking for uses near major transit stations. Unlike other areas of the city where parking standards are regulated by use, the SPASP regulates parking by district and two broad use categories (residential and commercial). Parking standards for the SPASP Area were established to facilitate transit-oriented development as well as pedestrian and bicycle use, and therefore include parking maximums for automobiles and parking minimums for bicycles. In addition, a use permit may be approved for shared parking facilities and other parking reductions. Bicycle parking is required in Code Section 19.24.090. The impact of parking requirements on affordable housing can be mitigated through the parking reductions and waivers available through density bonus, ADUs, and supportive housing regulations.

Table 5-6 Required Residential Parking - El Cerrito (2014)

| *Use Classification/District* | *Required Off-Street Parking Spaces* | *Additional Regulations* |
|---|---|---|
| Single-family Dwelling | 2 spaces per dwelling unit for each unit of two or more bedrooms.<br>1 space per studio or 1-bedroom unit. | 19.06.030(N), Limitations on Parking and Garage Frontage.<br>All required spaces must be in a garage or carport. |
| Accessory Dwelling Units | None required. | Section 19.20.190, Accessory Dwelling Units |
| Two-Family Dwelling; | 1 space per unit for each studio or 1-bedroom unit.<br>RD, RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. | 19.06.030(N), Limitations on Parking and Garage Frontage<br>At least one space per unit must be in a garage or carport. |

Table 5-6 Required Residential Parking - El Cerrito (2014)

| *Use Classification/District* | *Required Off-Street Parking Spaces* | *Additional Regulations* |
|---|---|---|
| | TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms. | |
| Transit-Oriented Higher-Intensity Mixed Use (TOHIMU) | Up to 1 auto space/unit | Projects proposing less than 0.5 parking spaces per unit may be required to perform a parking study and/or provide additional Transportation Demand Management (TDM) measures. |
| Transit-Oriented Mid-Intensity Mixed Use (TOMIMU) | Up to 1.5 auto spaces/unit | Projects proposing less than 1 parking spaces per unit may be required to perform a parking study and/or provide additional TDM measures. |
| Group Housing | 0.5 per unit | 19.06.030(N), Limitations on Parking and Garage Frontage. |
| Senior Citizen Housing | 0.5 per unit | 19.06.030(N), Limitations on Parking and Garage Frontage. |
| Transitional Housing | 0.5 per unit | 19.06.030(N), Limitations on Parking and Garage Frontage. |
| Residential Care, General | 1 space per 2 beds | |
| Residential Care, Limited | None required above the requirement for the residential dwelling type. | |
| Residential Care, Senior | 1 space per 5 beds | |

Note: For any land use except Single-Family Dwelling and Two Family Dwelling, if any portion of a lot is located within one-quarter (¼) mile of a Bay Area Rapid Transit (BART) station, the number of normally required parking spaces stated is reduced by 25 percent. Additional reductions of required spaces may be approved with a Use Permit.

Source: City of El Cerrito Municipal Code, 2022.

### Planned Development District

The specific purpose of the PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation, and public benefit, in comparison to subdivision and development under district regulations. All site and building requirements, including yard, building height, lot coverage, and landscaping are determined on a case-by-case basis based on the specific characteristics of the site and the need to provide additional zoning control by establishing site specific conditions of approval and standards for a specific PD District.

## Density Bonus Ordinance

State law requires jurisdictions to provide density bonuses and development incentives to all developers who propose to construct affordable housing on a sliding scale, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided. Government Code Sections 65915 through 65918 requires that the City provides density bonuses and incentives for projects which provide for one of the following:

- 5 percent of units for very low income households
- 10 percent of units for lower income households
- A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons
- 10 percent of units in a condominium for moderate income households
- 10 percent of units for transitional foster youth, disabled veterans, or homeless persons
- 20 percent of units for lower income students in a student housing development

- 100 percent of units for lower income households, except that up to 20 percent may be for moderate income households
- Donation of at least one acre of land or of sufficient size and appropriate zoning and characteristics to permit development of at least 40 units for very-low-income units.

In addition to the density bonus, eligible projects may receive one to three additional development incentives or concessions, depending on the proportion of affordable units and level of income targeting. These incentives/concessions could address a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, and other requirements. State law also provides additional relief from parking requirements if requested by a developer for a density bonus project.

In order to encourage the construction of affordable housing developments for very low- and low-income households and senior households, and in accordance with Section 65915 et seq. of the California Government Code, the City has two different Density Bonus Ordinances. The first is the Affordable Housing Bonus Program (Chapter 19.22.030 of the Zoning Ordinance) that is governed by the requirements of Government Code Section 65915. The second is the Incentives Program (Chapter 19.23. of the Zoning Ordinance), which is still in place but has limited applicability now that the San Pablo Avenue Specific Plan is in place. In addition to the Affordable Housing Bonus Program, the San Pablo Specific Plan includes a "Tier IV" review process to consider projects that do not meet the form-based code standards but provide community benefit, such as affordable housing. The Tier IV process is described under "c.," below.

#### Affordable Housing Bonus (i.e., State Density Bonus)

The Affordable Housing Bonus Program, which is intended to implement State Density Bonus (Government Code Section 65915), is in Chapter 19.22 of the El Cerrito Municipal Code. The City last updated its affordable housing bonus ordinance in 2008. Beyond State law, the City's program also provides additional incentives for affordable housing containing three or more bedrooms to meet the needs of large families. It also requires resale and rental controls on affordable housing and ensures that lower-income rental units remain affordable for at least 30 years, or such other term approved by the City, consistent with State law.

The amount of the density bonus is set on a sliding scale, based upon the percentage of affordable units at each income. The number of units to which the applicant is entitled can increase to a maximum of 35 percent of the maximum allowable residential density for the site for very low-income dwellings, low-income dwellings, condominium and planned unit developments, and housing accompanied by land donation. Depending upon the percentage of affordable units and the level of affordability, the program also provides the applicant with the opportunity to receive incentives such as increased building height, reduced building setbacks, reduced parking requirements, or other incentives that would improve the economic feasibility of the affordable development. State density bonus law has been amended multiple times since 2008. Current law (found in California Government Code Sections 65915 – 65918) includes up to a 50 percent increase in project densities for most projects, depending on the amount of affordable housing provided, and an 80 percent increase in density for projects which are completely affordable. A program has been added to Chapter 7: Housing Plan to review the City's Density Bonus Ordinance and to update it for consistency with state law.

#### Incentives Program (Chapter 19.32 of the ECMC)

In 1977 the City adopted an Incentives Program that provided flexibility in the application of development standards within the RM, CC, or TOM districts in exchange for community and environmental benefits or creative designs that enhanced quality of life in the city. Points can be earned to make a project eligible for an incentive award through provision of affordable housing that is over and above what is required by State law, for a range of incomes and lifestyles, or individuals or groups with special needs. Under the Incentives Program, project density of up to 70 du/acre may be allowed provided the project includes housing for elderly and/or disabled persons, where there is a commitment to provide services such as congregate care, on-site counseling, rehabilitation or medical services for residents.

The San Pablo Avenue Specific Plan was adopted in September 2014 and rezoned the majority of parcels zoned RM, CC, and TOM to TOHIMU and TOMIMU. Many of the incentives provided through the program are now granted as a matter of right through the Form-Based Code in an effort to encourage mixed-use development along the corridor. With the adoption of the Specific Plan, the Incentives Program now has limited applicability.

#### San Pablo Avenue Specific Plan

Projects within the San Pablo Avenue Specific Plan Area are subject to the Administration regulations of the Specific Plan. The Plan Form-Based Code is designed to facilitate an increased intensity of residential development in proximity to transit. In the event that the development standards for the Transect Zones create an impediment to achieving multiple-family residential development, the developer may submit an application for Site Plan and Design Review – Tier IV. The Tier IV Site Plan and Design Review process is meant to incentivize overarching community benefits, including affordable housing, as part of developments that would not otherwise be permitted under Specific Plan regulations but nevertheless comply with the intent of the Specific Plan. Approval findings for Tier IV Site Plan and Design Review include the following:

- That the project furthers the goals of the Specific Plan by encouraging practical and market-friendly development, ensuring return on investment, strengthening a sense of place, enhancing and humanizing the public realm, and catalyzing mode shift;
- That the project provides a public benefit which is consistent with the goals of the Specific Plan and furthers an important goal(s) stated in adopted city policy documents as identified by the Community Development Director. These documents include, but are not limited to: El Cerrito Climate Action Plan, El Cerrito Strategic Plan, El Cerrito General Plan, El Cerrito Economic Development Action Plan, El Cerrito Urban Greening Plan, El Cerrito Active Transportation Plan;
- That the development will not have an undue adverse effect upon the Transect Zone in which it is located, and will be compatible with the design features and land uses permitted in the Transect Zone in which the project is located;
- That the proposed development complies with the intent of the Specific Plan, and;
- That the project implements applicable goals and policies of the General Plan.

### Inclusionary Housing

On May 15, 2018, the City Council adopted an Inclusionary Zoning Ordinance. All new residential development that includes 9 or more rental dwelling units, 10 or more for-sale dwelling units, or any combination of 9 or more for-sale and rental dwelling units are required to participate in the Inclusionary Housing Program. Inclusionary zoning requires new market-rate residential projects to set aside between 10 to 12 percent of its units for low to moderate-income households or the option of paying an in-lieu fee to the City's Affordable Housing Trust Fund. In-lieu fees are earmarked for future affordable housing development opportunities. The City Council adopted amendments to the Ordinance in May 2021 to provide for extensions of time for the permit process and commencement of construction in recognition of delays due to the COVID-19 pandemic.

Assembly Bill (AB) 1505 amended Government Code Section 65850 in 2018 to authorize cities and counties to adopt inclusionary ordinances. The law does not limit the percentage of units that a jurisdiction may require to be affordable. However, if an inclusionary rental ordinance that is adopted or amended after September 15, 2017, requires that more than 15 percent of the total units be affordable to low-income households, the Department of Housing and Community Development has the authority to review the ordinance. The City's Inclusionary Zoning Ordinance requirement for low-income housing is less than 15 percent and not considered a constraint to development.

## Emergency Shelters

Emergency shelters are the first step in a continuum of care and provide shelter to families and/or individuals experiencing homelessness on a limited short-term basis. State law (Government Code 65583(a)(4)) requires local jurisdictions to identify where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit in at least one zone. The identified zone(s) must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Shelter need is determined through a point-in-time count. Contra Costa County's 2020 point-in-time count identified 24 unsheltered individuals in El Cerrito. Recent state law also specifies that parking standards for shelters be based on staffing, not the occupants of the shelter (Government Code Section 65583, per AB 139, 2019).

Note: The 2022 Point-in-time count results will be included here once available.

State law also includes provisions for low barrier navigation centers (LBNCs) to assist persons experiencing homelessness. A LBNC is defined as a "Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." California Government Code Section 65662 (AB 101,2019) requires Low Barrier Navigation Center development to "be a use by-right in areas zoned for mixed uses and nonresidential zones permitting multiple-family uses" if it meets specified requirements. Section 65660 of the Government Code defines "Low Barrier" as best practices to reduce barriers to entry, and may include, but is not limited to, the following: 1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) pets; 3) the storage of possessions; 4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms. The City is addressing the requirements of LBNC in the update to the San Pablo Avenue Specific Plan, however, the City's Zoning Ordinance still needs to be updated to permit LBNCs in other non-residential zones allowing mixed use.

The City Zoning Ordinance allows emergency shelters as a permitted use under "Community Social Service Facilities" within the Community Commercial (CC) zone. The definition of Community Social Service Facilities as listed in the City's Zoning Ordinance is:

- Community Social Service Facilities. Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

Parking requirements for Community Social Service Facilities are "to be determined by the Zoning Administrator, who may require parking demand analysis" pursuant to Municipal Code section 19.24.040. A program has been added to review regulations for Community Social Service Facilities for conformance with new state laws and to amend this code section as needed, including requiring parking based on the number of employees of emergency shelters, and addressing Low Barrier Navigation Centers.

Within the San Pablo Avenue Specific Plan, emergency shelters with a maximum of 50 beds are permitted in the TOHIMU and TOMIMU zones, with the exception of the Theater Overlay Block, subject to specified operational standards. The definition of Emergency Shelter as listed in the San Pablo Avenue Specific Plan is:

- Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person or family. No individual or household may be denied emergency shelter because of an inability to pay. Medical assistance, counseling, and meals may be provided.

Emergency shelters are permitted subject to the following operational standards: emergency shelters shall have a maximum of 50 beds, shall provide on-site staffing, and shall comply with licensing requirements and all applicable health and safety codes. Emergency shelters shall provide a written management plan to the Zoning Administrator. A minimum separation of 300 feet is required between emergency shelters. The City's operational standards for emergency shelters are in compliance with State law.

Nearly all Community Commercial parcels were rezoned with the San Pablo Avenue Specific Plan to either TOHIMU or TOMIMU. There are nine vacant or underutilized sites included in the Housing Element sites inventory zoned TOMIMU or TOHIMU. Of these nine sites, four sites are considered to have potential for an emergency shelter based on site characteristics (i.e., primarily vacant with lack of existing structure). These four sites are identified in Table 5-7 and would have adequate capacity to accommodate the City's unmet shelter need of 24 beds. Existing and future building vacancies could also accommodate one or more year-round emergency shelters.

Table 5-7 Sites in TOMIMU and TOMIHU Zones - El Cerrito (2022)

| APN | Address | Zoning | Acreage | Site Description |
|---|---|---|---|---|
| 503233007<br>503233032 | 921 Kearney Street | TOMIMU | 0.31 | 2 adjacent vacant parcels |
| 501252019<br>501252020 | 2101-2103 Kearney Street | TOHIMU | 0.11 | Two adjacent surface parking lots used as parking for businesses fronting San Pablo Avenue. |
| 503236027 | 10496 San Pablo Ave | TOMIMU | 0.17 | Vacant corner lot |
| 510034002<br>510034003<br>510034001 | 10135, 10163, 10167 San Pablo Ave | TOHIMU | 0.72 | 3 vacant adjacent parcels |

Source: City of El Cerrito, 2022.

## Transitional Housing and Supportive Housing

Transitional housing is a type of temporary housing used to facilitate the movement of individuals and families experiencing homelessness to permanent housing. Supportive housing is affordable housing with onsite or offsite services that help a person or family with multiple barriers to employment and housing stability. Supportive housing is a link between housing providers and social services for persons experiencing homelessness, people with disabilities, and a variety of other special needs populations. State law requires transitional and supportive housing to be allowed in all zones allowing residential uses subject only to the same standards that apply to other residential uses of the same type in the same zone.

The definitions of transitional housing and supportive housing contained within the City's Municipal Code Section 19.47.020 were updated in 2015. Definitions are:

- Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.
- Supportive Housing. Housing with no limit on length of stay that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

The City allows transitional and supportive housing in all zones allowing residential, consistent with state law. Within the San Pablo Specific Plan, transitional housing and supportive housing are allowed in the TOHIMU and TOMIMU zones under the same standards as other types of permitted residential uses. Parking standards for transitional housing are 0.5 spaces per unit per Zoning Ordinance Table 19.24-A.

More recent changes to state law, per Government Code Section 65650-65656, include:

- Consider supportive housing a residential use by right in zones where multiple-family and mixed uses are permitted, including nonresidential zones permitting multiple-family uses, if the proposed housing development satisfies specified requirements.

- Local government may require a supportive housing development to comply with written, objective development standards and policies. However, the standard and policies must be the same as those that apply to other multiple-family development within the same zone.
- Approve an application for supportive housing that meets criteria within specified periods
- Eliminate parking requirements for supportive housing located within ½ mile of public transit

The City does not yet comply with these new requirements. A program has been added to review current regulations and adopt amendments as needed to conform with state law.

### Single Room Occupancy Units

Single Room Occupancy (SRO) units, as defined in the California Code of Regulations, Title 4, Section 10325(g)(3), are efficiency units that may include shared or private bath and kitchen facilities and are typically between 200 and 500 square feet in size. SROs are rented on a monthly-basis and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless, and disabled persons.

The City's Zoning Ordinance allows SROs as a permitted use under "Group Housing" within the Community Commercial (CC) zone, requires a Conditional Use Permit in the CN, and RM zones, and requires an Administrative Use Permit in the TOHIMU and TOMIMU zones. The definition of Group Housing as listed in the City's Zoning Ordinance and San Pablo Avenue Specific Plan is below:

- Group Housing. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes rooming and boardinghouses, dormitories, and private residential clubs, offering shared living quarters, but excludes hotels, residential care facilities and transitional housing facilities.

### Accessory Dwelling Unit Ordinance

An Accessory Dwelling Unit (ADU) is a complete, independent living facility for one or more persons. These structures can be detached from or attached to a primary residence, converted from existing square footage of a primary residence, or converted from an existing accessory structure such as a garage or workshop. In Government Code Section 65852.150, the California Legislature found that, among other things, allowing ADUs in zones that allow single-family and multiple-family uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units.

El Cerrito amended its second residential unit ordinance on June 6, 2017, and established Accessory Dwelling Unit (ADU) regulations in Section 19.20.190 of the Municipal Code. The regulations were adopted to comply with Government Code Sections 65852.150 and 65852.2 (or as otherwise amended) and implement the General Plan. The City made further amendments to its regulations on December 17, 2019, to address provisions of new state laws adopted in 2019 (AB 68, AB 587, AB 670, AB 671, AB 881 and SB 13), and adopted additional amendments regarding accessory dwelling units and junior accessory dwelling units on November 16, 2021. Key requirements of the City's ADU regulations include:

- Accessory Dwelling Units shall be allowed on a parcel with a proposed or existing single-family dwelling, consistent with state law:
- Accessory Dwelling Units shall be allowed on a parcel with an existing multiple-family dwelling or a duplex, consistent with state law
- Accessory Dwelling Units may be established on any lots zoned to allow single-family or multiple-family residential uses.
- The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of an Accessory Dwelling Unit shall be substantially the same as, and visually harmonious and or compatible with the primary dwelling, as determined by the Zoning Administrator.

- No parking spaces shall be required. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit or converted to an Accessory Dwelling Unit, replacement off-street parking spaces shall not be required.
- Owner occupancy, deed restriction, and sale prohibition restrictions in accordance with related Government Code sections, with text that the City's requirements would continue to follow those Government Code sections as otherwise amended.
- Development standards are provided for setbacks, floor area, height, entries/access, and lot location.
- Exception procedures and permitting requirements are specified.
- Provisions included that notwithstanding certain local development standards, and Accessory Dwelling Unit that is no more than eight hundred square feet shall be allowed.
- Code section 19.20.195 was added to address Junior Accessory Dwelling Units with provisions addressing: parking, short-term rentals, building code compliance, owner occupancy, sale prohibited, deed restriction, and development standards.

## Housing for Persons with Disabilities

The U.S. Census Bureau defines persons with disabilities as those with a long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

The City is required to make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Government Code Section 65583(a) and (c) requires municipalities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities. Cities are required to include programs that remove constraints and provide reasonable accommodations for housing designed for persons with disabilities.

### Reasonable Accommodations

Chapter 19.37 of the City's Municipal Code contains the City's reasonable accommodations procedures. This Code section states that it is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act to provide reasonable accommodation by modifying the application of its zoning and subdivision regulations for persons with disabilities seeking fair access to housing. This Chapter authorizes the Zoning Administrator to grant administrative relief from the Zoning Ordinance's dimensional requirements to achieve these and other objectives and also allows the Planning Commission to grant exceptions and waivers when necessary to accommodate uses protected by state or federal law. The Zoning Administrator and Planning Commission may impose conditions.

Non-discretionary (ministerial) projects are routed through the department responsible for the request. Typically, ministerial projects in El Cerrito only require building permits. The Building Department, via administrative procedures, ensures that accessible modifications for persons with disabilities comply with the California Building Code. If reasonable accommodations are requested, the Building Department provides additional help, information, and/or consideration to applicants on an as needed basis.

An application for relief filed with the Zoning Administrator requires submittal of plans delineating the requested exception and payment of a fee. The Zoning Administrator may grant relief from the dimensional requirements of the Zoning Ordinance not to exceed 10 percent of the requirement, by approving an Administrative Use Permit. Any relief request to establish a use or structure that would exceed the density or development intensity allowed in a residential district shall be reviewed and decided by the Planning Commission, following the procedures of Chapter 19.34, Use Permits. A public hearing shall be required.

A decision to grant a waiver or exception requires the approval of findings, including:

1. The waiver or exception is necessary due to the physical characteristics of the property, the proposed use or structure, or other circumstances including but not limited to topography, noise exposure, irregular property boundaries, or other unusual circumstance.

   *Analysis: This finding is typical for variances and would not constrain the granting of reasonable accommodations.*

2. There are no alternatives to the requested waiver or exception, including siting at another location that could provide similar benefits to the applicant with less potential detriment to surrounding owners, occupants, and the public.

   *Analysis. The requirement that there be "no" alternatives to the request and the suggestion of siting at another location could potentially act as a constraint.*

3. The granting of the requested waiver or exception would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of the Zoning Ordinance.

   *Analysis: This finding is limited to health and safety, and land use and density, so would not likely constrain the granting of reasonable accommodations.*

4. The granting of the waiver or exception will substantially meet or advance the intent and purpose of the zoning district in which the subject property is located.

   *Analysis: This finding is broad but appears reasonable and would not constrain the granting of reasonable accommodations.*

5. In addition, if the request is pursuant to federal or state statue, an additional finding is that "denial of the requested waiver or exception would impose a substantial burden on religious exercise or conflict with any Federal or State statute requiring reasonable accommodation of persons with disabilities."

While most of the findings appear appropriate for a discretionary project, the City has added a program to Chapter 7: Housing Plan to further facilitate and streamline the process for reasonable accommodations. The program includes review and consideration of modifications as needed, potentially resulting in removal of Finding #2; lowering the decision-making level for 10 percent relief from Zoning requirements from the Zoning Administrator to a staff level decision, which would remove the need for a public hearing, and prominently posting information on the City's process on the website.

### Residential Care Facilities Permits and Processing

California law states that persons who require supervised care are entitled to live in normal residential settings. A "residential care facility" is a resident-occupied dwelling, licensed by the State/County that provides housing and care for children and/or adults on a full-time, live-in basis. State-licensed residential care facilities serving six or fewer persons must be: 1) treated the same as any other residential use, 2) allowed by right in all residential zones, and 3) be subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone.

The City's Municipal Code defines three types of residential care facilities as follows:

- Residential Care – Limited. A residential care facility providing 24-hour non-medical care for six or fewer persons in a single unit, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. This classification includes residential care facilities restricted to persons 60 years of age or older if there are six or fewer residents. Six or fewer persons does not include the licensee or members of the licensee's family or persons employed as facility staff. Residential Care – Limited facilities are permitted by right in all residential zones (consistent with State law) but require a conditional use permit in all commercial zones.

- **Residential Care – General.** A residential care facility providing 24-hour nonmedical care for more than six persons in a single unit in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. Residential Care – General facilities require a conditional use permit in all residential and commercial zones.
- **Residential Care – Senior.** A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator, or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents, as provided in Health & Safety Code Section 1569.316 or a successor statute. This classification includes continuing care retirement communities and lifecare communities licensed for residential care by the State of California. Residential Care – Senior facilities require a conditional use permit in all residential and commercial zones, except in RM zones, where an administrative use permit is required.

In El Cerrito, "residential care facilities – limited" (for less than six individuals) are allowed by right in all residential zones, consistent with State law. The City does not restrict "residential care facilities – limited" other than compliance with the same zoning standards as for any other single-family use. "Residential care facilities – general" (for more than six individuals) are allowed in all residential and commercial zones with a conditional use permit.

In accordance with El Cerrito Municipal Code Section 19.20.180, residential care facilities of seven or more persons must meet the following standards:

- in a residential district, maintain at least 300 feet from other Residential Care Facilities
- provide a minimum six-foot high perimeter wall to secure outdoor recreation areas and screen the site
- provide one passenger loading space
- in a residential district, delivery of goods shall occur between the hours of 8:00 a.m. and 8:00 p.m.

The requirement for a CUP for residential care facilities for more than six people has been identified as a constraint. A program has been added to the Housing Plan to evaluate development standards and procedures that add certainty to and streamline the permit process.

#### Definition of Family

Recognizing that some persons with disabilities may require the assistance of specially trained persons who live with the disabled persons, the Zoning Ordinance does not differentiate between related and unrelated persons occupying the same residential unit. The City defines "family" as: "One or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a 'family' need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house."

### Farmworker and Employee Housing

State law requires that employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure permitted in residential zones. Further, state law requires that employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. The City's Zoning Ordinance does not discriminate against unrelated persons living together and does not place any limitations on employee housing for six or fewer.

State law also requires that employee housing consisting of no more than 36 beds in a group quarter or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural land use designation and shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. State law requires that no conditional use permit, zoning variance, or other zoning clearance shall be

required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.

The City does not have any agricultural zones but does identify two uses: "crop and animal raising" and "nurseries" as agricultural use types. Crop and animal raising is permitted with a conditional use permit in the "Open Space and Parks Districts." Nurseries are defined as a retail use and are permitted subject to limitations in the "Open Space and Parks Districts" and with an Administrative Permit in the CC and TOM zones.

The specific purposes of the open space and parks districts are to: create, preserve and enhance land for permanent open space, including environmentally sensitive lands and habitats, creeks, and city parks and recreation facilities that meet community needs for both active recreational use and passive visual enjoyment, and to provide appropriately located areas for public and privately owned lands to be used for low-intensity, open space activities, such as hiking, walking or picnicking and to meet the active and passive recreational needs of the city's residents. As such, the open space zones are not intended for agricultural uses and are not appropriate for farmworker housing.

## Building Codes and Enforcement

The City's building codes are adopted to preserve public health and safety and ensure the construction of safe and decent housing. These codes and standards also have the potential to increase the cost of housing construction or maintenance.

### Building Codes

The latest edition of the California Building Code must be submitted to the City Council from time to time together with changes or modifications as are reasonable and necessary because of local climatic, geological, or topographical conditions, or as otherwise permitted by State law. The regulations set forth are designed to ensure the safety and welfare of El Cerrito's residents. As of January 2, 2020, the City started enforcing the 2019 California Building Code (CBC), based on the 2018 International Building Code; the 2019 California Residential Code (CRC), based on the 2018 International Residential Code; the 2019 California Existing Building Code (CEBC), based on the 2018 International Existing Building Code; the 2019 California Green Building Standards Code (CalGreen); the 2019 California Electrical Code (CEC), based on the 2017 National Electrical Code; the 2019 California Plumbing Code (CPC), based on the 2018 Uniform Plumbing Code; the 2019 California Mechanical Code (CMC), based on the 2018 Uniform Mechanical Code; the 2019 California Fire Code (CFC), based on the 2018 International Fire Code; and the 2019 California Energy Code (Commonly referred to as Title 24).

The City adopted several amendments to the 2019 California Building Code. The amendments were reviewed, and most were found to be of a general administrative, or narrow technical applicability, including: exempting certain retaining walls, adding driveway grades, specifying Fire Chief review for Fire Code provisions, addressing littering of streets, possible limiting of construction work during inclement weather, specifying the method of address identification, specifying bracing methods, and others. Other local amendments require more stringent building and housing regulations including: Section 16.02.080 of the City's Municipal Code requires automatic fire-extinguishing systems to be installed in every building where the total floor area exceeds 5,000 square feet, and in every building having three or more stories; Section 16.02.100 requires standpipes in all buildings three stories in height; Section 16.02.110 requires inspections and tests for concrete construction; Section 16.02.120 modifies seismic design categories; Section 16.02.140 addresses wood siting for fire safety; and Section 16.02.160 adds storm water pollution control measures. While these amendments affect the construction of housing and mixed-use structures within the city, they address local conditions and safety and do not substantially add to the cost of housing.

### Code Enforcement

The City conducts code enforcement activities through its Neighborhood Preservation Program. The code enforcement process is typically initiated on a complaint basis in response to reports from residents and other community members. When a complaint is received the City inspects the property and determines whether there is a code violation. If there is a code violation, the City sends a letter to the property owner informing them that they have 10 days to correct the violation. The City's goal is to work with the property owner to resolve conflict(s) through

voluntary compliance. If the violation is not abated within the 10 days, an administrative citation with a fine is issued. Each violation of the El Cerrito Municipal Code constitutes a separate violation for every day such violation continues, and an administrative citation may be issued for each and every separate violation. As such, an administrative citation will then be issued every day until the violation is abated.

The City also implements a Residential Rental Inspection Program to ensure that rental housing units are in compliance with the City's codes and ordinances. Before a business license is issued to an owner or agent for the rental of any residential unit, the owner/agent must pay a fee for an inspection, undergo the inspection, and receive a certificate of compliance issued from the housing administrator. Where an inspection discloses such unit is not in compliance with such codes and ordinances, the housing administrator shall give written notice of each deficiency to the owner. No certificate of compliance shall be issued to the owner until all deficiencies are corrected.

## Local Processing and Permit Procedures

### Building and Development Fees

Development impact fees provide a mechanism for development projects to contribute financially to the cost of improving and expanding the infrastructure and facilities needed to accommodate that development. Impact fees are used by local agencies throughout California and in many other states as one of many funding sources for capital improvement programs. Fees are a one-time, non-recurring revenue source paid at the start of a development project, typically at building permit issuance. The City adopted a local impact fee for transportation Improvements in January 2019. The Transportation Impact Fee for single-family residential is $3,628 per dwelling unit and for multiple-family development is $2,539 per dwelling unit. Accessory dwelling units within footprint of an existing dwelling unit are not required to pay the fee. The City also collects the West County Subregional Transportation Mitigation Program fee administered by the West Contra Costa County Transportation Advisory Committee (WCCTAC STMP fee) to require new development to pay its share of the costs of regional transportation improvements, including projects in El Cerrito.

Water and sewer treatment facilities impact fees are levied directly by the East Bay Municipal Utilities District (EBMUD). EBMUD charges a System Capacity Charge (SCC) to fund the capital cost of the water system and pay for the cost of providing additional long-term water supply for new water service applicants. The amount of the system capacity charge is based on the applicant's expected water use, which is determined by the location and type of service (e.g., single-family residential, multiple-family residential, or non-residential), and the meter size or number of multiple-family units to be served. A typical single-family residential unit will have between a ¾" and 1" line, for a cost of $18,810 - $40,310 per water connection, and a typical multiple-family development will be charged $8,510 for each dwelling unit 500 square feet and under and $10,750 for each dwelling unit over 500 square feet (if located in EBMUD Region 2).

EBMUD charges a wastewater capacity fee based on the demands placed on the regional wastewater treatment system, as calculated by the EBMUD. Developers are required to provide laterals to connect to local sewer lines that feed into the regional system.

Wastewater collection in the city is primarily provided by Stege Sanitary District (SSD). If sufficient capacity exists, SSD collects a connection charge of $3,201 per unit for a single-family unit and $2,093 per unit for multiple-family units (as of 2022). If there is insufficient capacity, including existing deficiencies, the development project is responsible for the costs of the upgrade to the sewer line capacity, in addition to the connection charge. Main line extension permitting cost is approximately five percent of construction cost. Existing sewer pipelines located in the SPASPA and pipelines downstream of the SPASPA are insufficiently sized to serve the projected development and must be upsized. The cost of these localized improvements is recovered in the SPASPA impact fee. The impact fee ($271 as of 2022) is only charged to new development in the SPASPA. New development outside of the SPASPA is not charged the impact fee.

School impact fees are levied by the West Contra Costa Unified School District and collected at the time of application for a building permit. The school impact fee is $4.08 per square foot for new residential dwellings. The City also charges an Art in Public Places Fee at 1.02 percent of valuation.

Many entitled projects will not be moving forward with their existing entitlements within the San Pablo Avenue Specific Plan area citing financial feasibility as the reason. Staff has stated that outside help, e.g. state or regional

funding, to help offset the costs of development, including necessary impact fees to assure infrastructure is adequate to support new housing development would likely help advance entitled projects.

### Planning Fees

The City collects fees from project applicants to cover the costs of processing permits, including fees for preliminary review, design review, fire review, use permits, building permits, environmental review, and subdivision maps. In addition to the fees shown on Table 5-8 that were compiled by the Contra Costa Collaborative and used to compare fees across jurisdictions, additional planning fees are as shown in Table 5-8.

Table 5-8 Planning Fees – El Cerrito (FY 2022/23)

| *San Pablo Avenue Specific Plan Design Review Per Project* | |
|---|---|
| Projects Up to 2,500 sq ft | $3,481 - $4,391 |
| Projects – 2,501 – 10,000 sq ft | $8,907 - $10,739 |
| Projects 10,001-40,000 sq. ft | $12,653-$14,070 |
| Projects 40,001 – 100,000 sq. ft | $18,331-$20,622 |
| Projects 100,001+ sq. ft plus per hour of staff time | $18,449 - $21,592, after base fee depleted, project goes to hourly rate. |
| Selected Other | |
| General/Specific Plan and/or Zoning Amendment | $20,462 per project |
| Tentative Parcel Maps | $7,632 - $15,381 depending on number of lots |
| Final Maps | $7,902-$8,985 depending on number of lots |
| Planned Development | $41,936 per project |
| Accessory Dwelling Unit Permit | $339 per unit |
| Environmental Review | Consultant costs, plus City administrative fee (30% of consultant cost) per project |
| Environmental Review – Categorical Exemption | $185 per project |

Source: City of El Cerrito Master Fee Schedule, Fiscal Year 2021-2022

Notes: San Pablo Specific Plan Fees shown are for Tier 2 (new construction), Tier 3 (major improvements), and Tier 4 (innovative design) Residential Projects

By themselves, planning fees for discretionary multiple-family applications represent a small fraction of the overall development cost and do not pose barriers for multi-unit development. Most of the multiple-family housing units built during the planning period will be within the TOHIMU and TOMIMU transect zones within the San Pablo Avenue Specific Plan Area where design review is required. Fees for environmental review under CEQA vary dependent upon the nature of the proposed development and existing conditions. The City charges a 30 percent administrative fee on any consultant contract for an environmental review. Fees for a categorical exemption are $177. The City has reduced the cost of CEQA review in the Specific Plan area by adopting a Programmatic Environmental Impact Report.

### Total Fees

Based on a development fee comparison prepared for the Contra Costa County Collaborative in April 2022, El Cerrito's fees for a single-family residential unit, estimated at $57,356, are slightly below the average cost with 10 of the 19 jurisdictions showing higher fees (see Figure 5-1). The City's estimated fees for a 100-unit multiple-family development project were slightly above the average cost, with nine jurisdictions showing higher fees (see Figure 5-2). For a 10-unit project, the City's fees, at $44,072 per unit, were among the highest with only one jurisdiction having a higher fee (see Figure 5-3). The primary differentiator appears to be the City's Building Permit Fee of $102,756 for a 10-unit project (based on valuation) and the Plan Check Fee of $66,791 (calculated as 65% of the Permit Fee). In addition, the inclusionary zoning in-lieu fee contributes $144,000 to the total fees paid for the 10-unit project.

Assuming an average development cost of $600,000 per unit for an affordable housing development,[1] the per unit fee of $29,277 for large multifamily developments would represent about 5 percent of the total development cost.

[1] The Costs of Affordable Housing Production: Insights from California's 9% Low-Income Housing Tax Credit Program. Terner Center for Housing Innovation. U.C. Berkeley. March 2020. https://ternercenter.berkeley.edu/wp-content/uploads/2020/08/LIHTC_Construction_Costs_2020.pdf

Table 5-9 Fees for New Residential Multiple-family Development – El Cerrito (2022)

| *Site Information* | *Single-family* | | | *Multiple-family – Large* | | | *Multiple-family – Small* | | |
|---|---|---|---|---|---|---|---|---|---|
| | Unit S.F. | | 3100 | Unit S.F. | | 800 | Unit S.F. | | 800 |
| | # of Units | | 1 | # of Units | | 100 | # of Units | | 10 |
| | Valuation | | $582,800.00 | Valuation | | $15,040,000.00 | Valuation | | $1,504,000.00 |
| *Fee Classification* | *Multiplier* | *Per* | *Cost* | *Multiplier* | *Per* | *Cost* | *Multiplier* | *Per* | *Cost* |
| Entitlement Fees | | | | | | | | | |
| Preliminary Review – Multi-Story Single-family | $1,535.00 | Set | $1,535.00 | | | N/A | | | N/A |
| Design Review | $853.00 | Set | $853.00 | $7,643.00 | Set | $7,643.00 | $5,123.00 | Set | $5,123.00 |
| Fire Review | $530.00 | Set | $530.00 | $732.00 | Set | $732.00 | $732.00 | Set | $732.00 |
| Use Permit | $1,990.00 | Set | $1,990.00 | $5,117.00 | Set | $5,117.00 | $4,226.00 | Set | $4,226.00 |
| TOTAL ENTITLEMENT FEES | | | $4,908.00 | | | $13,492.00 | | | $10,081.00 |
| Building Fees | | | | | | | | | |
| Building Permit Fee | Based on Valuation | | $14,609.02 | Based on Valuation | | $194,666.27 | Based on Valuation | | $102,756.83 |
| Building Plan Check Fee | 65% of Permit Fee | | $9,495.86 | 65% of Permit Fee | | $126,533.08 | 65% of Permit Fee | | $66,791.94 |
| Electrical Permit | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 |
| Plumbing Permit | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 |
| Mechanical Permit | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 | $132.00 | Set | $132.00 |
| Electrical Plan Check | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 |
| Plumbing Plan Check | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 |
| Mechanical Plan Check | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 | $232.00 | Hr | $464.00 |
| Fire Review | $513.00 | Set | $513.00 | $203 for the 1st 5k SF + $203 per 1k after | | $15,428.00 | $203 for the 1st 5k SF + $203 per 1k after | | $1,725.50 |
| SMIP Fee | 0.013% | Val | $75.76 | 0.013% | Val | $1,955.20 | 0.013% | Val | $195.52 |
| CA Building Standards Fee | $1 per $25k Valuation | | $23.31 | $1 per $25k Valuation | | $601.60 | $1 per $25k Valuation | | $60.16 |
| Construction Tax | 0.51% | Val | $2,972.28 | 0.51% | Val | $76,704.00 | 0.51% | Val | $7,670.40 |
| TOTAL BUILDING FEES | | | $29,477.24 | | | $417,676.15 | | | $180,988.35 |
| Impact Fees | | | | | | | | | |
| School District Fee | $4.08 | SF | $10,608.00 | $4.08 | SF | $326,400.00 | $4.08 | SF | $32,640.00 |

Table 5-9 Fees for New Residential Multiple-family Development – El Cerrito (2022)

| *Site Information* | *Single-family* | | | *Multiple-family – Large* | | | *Multiple-family – Small* | | |
|---|---|---|---|---|---|---|---|---|---|
| Inclusionary Zoning In-lieu Fee | - | - | N/A | $18.00 | SF | $1,440,000.00 | $18.00 | SF | $144,000.00 |
| Stege Sanitary District Connection Charge | $2,854.00 | Unit | $2,854.00 | $1,866.00 | Unit | $186,600.00 | $1,866.00 | Unit | $18,660.00 |
| Subregional Transportation Mitigation Program (STMP) | $5,881.00 | Unit | $5,881.00 | $2,897.00 | Unit | $289,700.00 | $2,897.00 | Unit | $28,970.00 |
| Transportation Impact Fee (TIF) | $3,628.00 | Unit | $3,628.00 | $2,539.00 | Unit | $253,900.00 | $2,539.00 | Unit | $25,390.00 |
| Art in Public Places | 1.02% | Val | $5,944.56 | 1.02% | Val | $153,408.00 | 1.02% | Val | $15,340.80 |
| TOTAL IMPACT FEES | | | $22,971.00 | | | $2,496,600.00 | | | $249,660.00 |
| TOTAL PROJECT FEES | | | $57,356.24 | | | $2,927,768.15 | | | $440,729.35 |
| Cost Per Unit | | | $57,356.24 | | | $29,277.68 | | | $44,072.93 |
| Planning and Permit % | | | 59.95% | | | 14.73% | | | 43.35% |
| Impact Fee % | | | 40.05% | | | 85.27% | | | 56.65% |

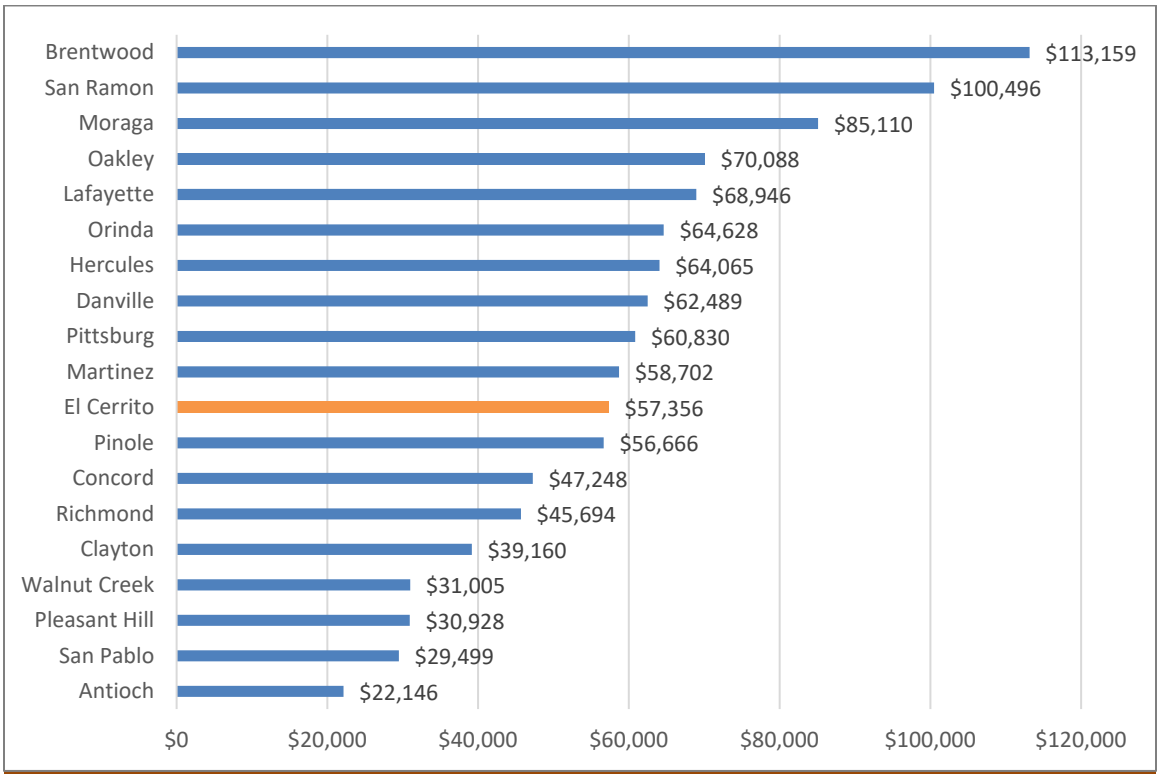
Notes:

East Bay Municipal Utility District (EBMUD) are not included in the multiple-family development fees described above.

Inclusionary Zoning In-Lieu Fee shown is for 9 or more rental units. Not shown are Inclusionary Monitoring and Agreement fees totaling $2,200 per rental project

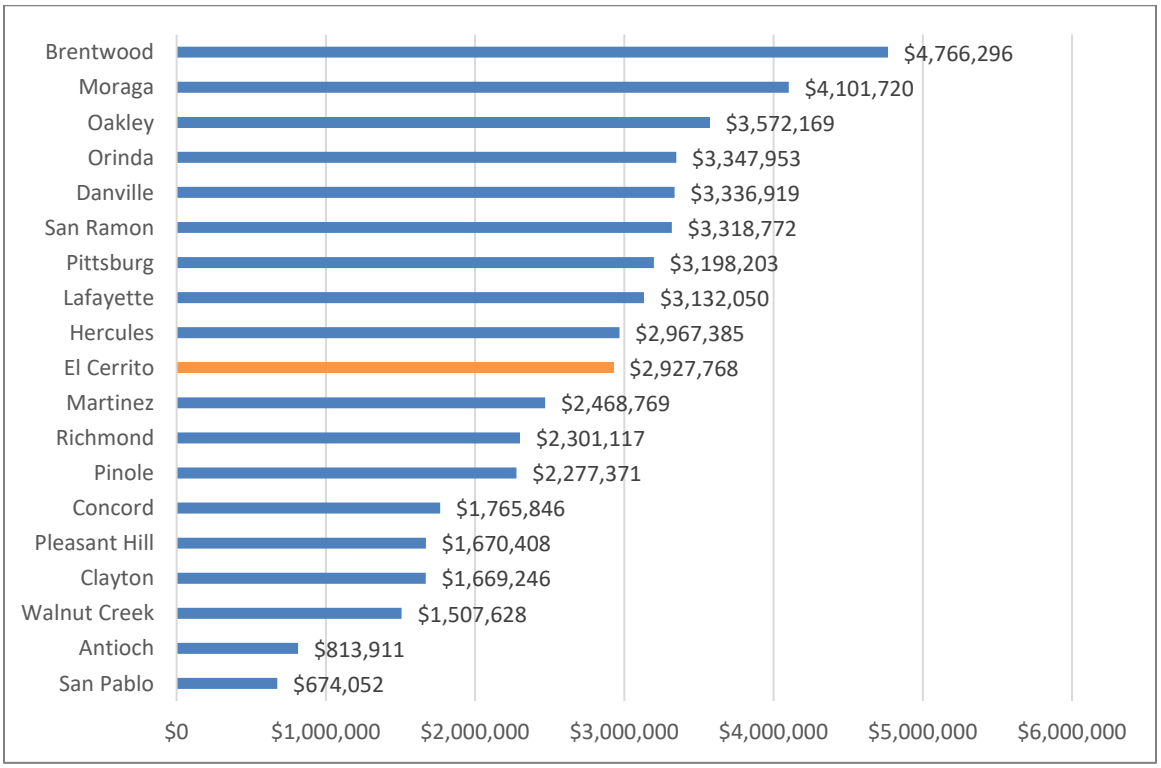
Source: Contra Costa Collaborative Fee Comparison. MIG, inc. 2022.

Figure 5-1: Comparison of Estimated Single-family Residential Fees in Contra Costa County Jurisdictions



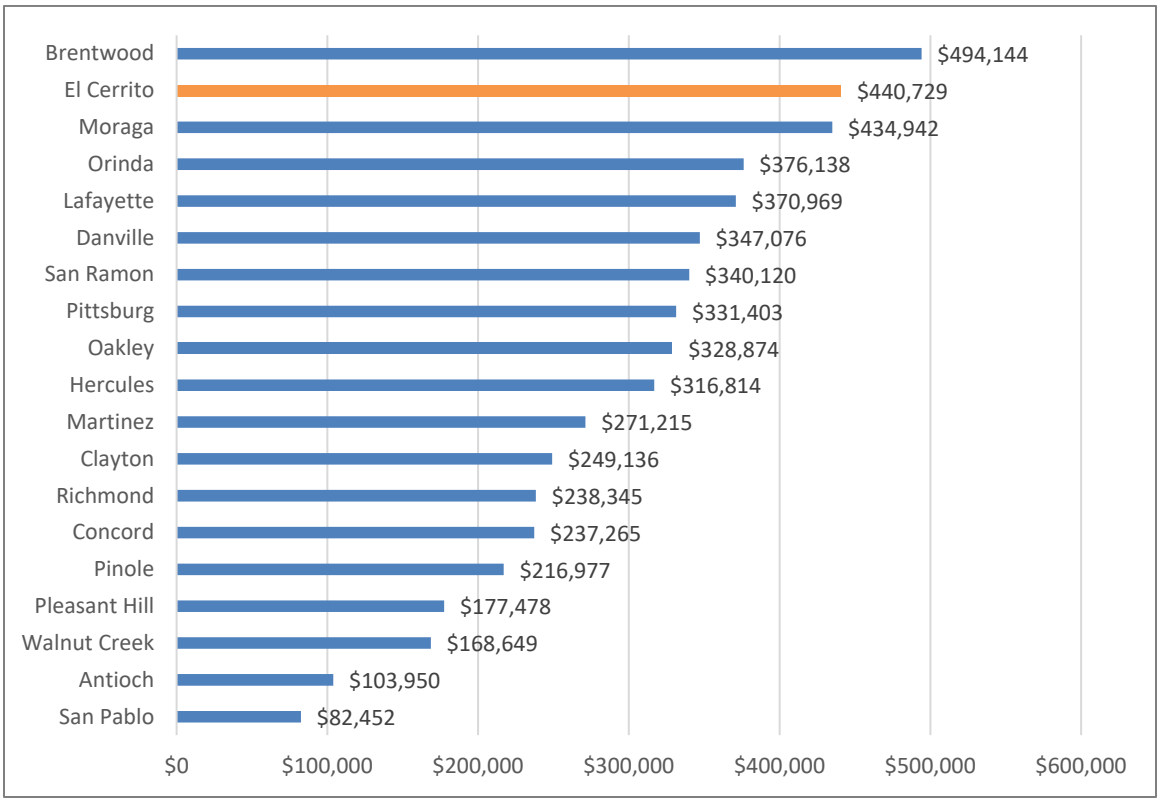

Source: Contra Costa Collaborative Fee Comparison. MIG, inc. 2022.

Figure 5-2: Comparison of Estimated Residential Fees in Contra Costa County Jurisdictions (100-Unit Multifamily Development)




Source: Contra Costa Collaborative Fee Comparison. MIG, inc. 2022.

Figure 5-3: Comparison of Estimated Residential Fees in Contra Costa County Jurisdictions (10-Unit Multifamily Development)




Source: Contra Costa Collaborative Fee Comparison. MIG, inc. 2022.

### Permit Processing Procedures

Applications for development permits are made in writing to the Community Development Department. The City is required to determine if an application is complete within 30 days of receipt. Once deemed complete, application processing begins. Applications are reviewed for consistency with the General Plan and Zoning Ordinance, and conformance with design standards.

Assuming that neither a general plan amendment, Planned Development or rezoning is needed, a typical single-family home will require the following permits:

- If in a new subdivision, tentative/final subdivision approval (more than four parcels) or parcel map approval (four parcels or fewer);
- CEQA compliance review (A single-family home will typically be exempt or require a negative declaration if part of a subdivision.);
- Grading permit;
- Site work plan review (if project is not part of a subdivision) if two or more stories are proposed; and
- Building permit.

A typical multiple-family project will require the following permits:

- Administrative design review (for small projects) or Design Review Board review;
- Use permit if housing is located on the ground floor in the TOM, CC and CN, or it the proposal is greater than 25 units.
- CEQA compliance review (typically a negative declaration);
- Grading permit; and
- Building permit.

Planning permits are processed by city staff. However, several types of discretionary permits require public hearings before the Planning Commission and/or Design Review Board. These entitlements include tentative subdivision maps, design review applications, and use permits. The City's experience has been that even projects requiring discretionary review can be processed within a reasonable timeframe with minimal modifications that do not significantly affect cost or project density so long as the City's development standards are followed.

In El Cerrito, the time necessary for obtaining these typical permit approvals varies widely depending on the complexity of the project. On average, a single-family development of more than two dwellings will require a maximum of six months for development approvals. Delays usually only occur because of complex environmental analysis. El Cerrito acts upon tentative subdivision applications for minor subdivisions within three months. Final maps require only one month. El Cerrito completes plan checks and building permits within approximately three weeks.

Multiple-family projects can also be reviewed and approved within six months, unless the project requires an environmental impact report (EIR). The programmatic EIR prepared for the San Pablo Avenue Specific Plan helps facilitate CEQA environmental review for multiple-family development in the Plan Area. In the part of the city not included in the San Pablo Avenue Plan Area, a typical multiple-family project will involve conceptual and final review by the Design Review Board (DRB).

Multiple-family projects are permitted by right within the multifamily residential zone (RM). A use permit would be required for multiple-family projects of 25 units or more within the CC and TOM zones; however mixed-use projects are permitted by right (no additional CUP required for retail). However, as noted previously, very little CC and TOM zoning remains in the city. The findings of approval required for projects that require a use permit are listed in Section 19.343.040 of the El Cerrito Municipal Code. These findings provide guidance to developers throughout the design and permit processes as do codified guidelines for basic massing and compatibility with other zoning districts within the Zoning Ordinance. The required findings of approval for a CUP are as follows:

- The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the city.
- The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

Within the San Pablo Avenue Specific Plan Area, if a project meets all of the development parameters stated in the Form Based Code, (e.g., height, parking, open space) it qualifies for Tier II design review and it will only require approval by the Design Review Board. A completely residential project does not require a use permit, even if greater than 25 units. However, if a proposal had a use that did require a use permit, (e.g., restaurant serving alcohol) it would still require a hearing before the Zoning Administrator (Administrative Use Permit) or the Planning Commission (Conditional Use Permit).

#### Design Review

Throughout the city, the design elements of multiple-family housing require approval by the Design Review Board. In practice, design review by the Board does not add significant time for approving a multiple-family project. Outside the Specific Plan Area, if a developer wishes to design a project that varies from the City's zoning requirements, the Incentives Program is available to permit variations from the underlying standards in exchange for a project-specific design review. Projects that incorporate "desirable features" can qualify for modified parking, setback, building, lot coverage, and other standards. Because many of the desirable features for which the City may grant incentives relate to project design, the Incentives Program is used in conjunction with design review. However, as described earlier, the Incentives Program has limited applicability now that the San Pablo Avenue Specific Plan provides the flexible development standards as a matter of right.

#### San Pablo Avenue Specific Plan's Tier System.

As mentioned above, if an application for a new project conforms to the standards of the FBC, then it qualifies for Tier II Design Review. Inside the Specific Plan Area, if a developer wishes to design a project that varies from the standard of Tier II but has a project that the City feels will serve the goals of the Specific Plan, they can apply for Tier IV Design Review. This will include review from both the Planning Commission and the Design Review Board. Tier IV Design Review is intended to allow high-quality new development projects that would not otherwise be allowed under a strict interpretation of the Specific Plan regulations but nevertheless comply with the intent of the Specific Plan and that help ensure the City's long-term financial sustainability.

#### Environmental Review

All applications for development are subject to the requirements of the California Environmental Quality Act (CEQA) and require some level of environmental review. The higher levels of environmental review can include the preparation of an environmental document (e.g., environmental impact report or mitigated negative declaration) before a project can be approved. The requirement to prepare an environmental document can substantially lengthen the development review process, sometimes taking up to one year to obtain project approval. In El Cerrito, however, for most multifamily development since it occurs in the San Pablo Avenue Specific Plan area, this time has been significantly shortened as the City adopted a Program EIR, which allows projects within the area to simply do an "initial study" to demonstrate that the project is compliant with the analysis of the Program EIR, or identify whether additional information is needed. The cost associated with preparing an environmental document is not considered to disproportionately constrain residential development in El Cerrito.

### On and Off-Site Improvements

The cost of producing a housing unit not only includes land, construction, and design costs, but also infrastructure connections, site improvements, and payment of fees to ensure adequate public facilities and services. Because many sites are small and being reused, improvements consist of upgrading water and sewer lines if needed for intensification of use, providing parking and on-site circulation, and placing utilities underground. Public improvements may also be required to improve the safety and livability of the city. These include curbs, gutters, and sidewalks, street trees, street reconstruction, traffic signals, utility lines, and park and greenway improvements.

For new subdivisions, the City may require developers to dedicate land, construct on and off-site improvements, or pay fees necessary to construct the necessary improvements. Pursuant to the City's Subdivision Ordinance, the City may require construction of streets, including curbs, gutters and sidewalks; and all necessary public utilities. For new projects, underground utilities are required. In addition to the required on-site improvements, the City may require off-site improvements as mitigation measures to certain project impacts. These off-site mitigations are determined as necessary on a project specific basis through the CEQA process.

Most new development is not required to dedicate or construct a significant amount of off-site street improvements due to the built-out nature of El Cerrito. Nearly every street in the city is improved with curbs, gutters, and sidewalks that continue to serve future residential development. Street widening could possibly occur within existing public rights-of-way, if necessary, and complete streets components may be required. There is only one parcel in the Housing Element sites inventory large enough to require new streets, but it is unlikely that any project would need to

dedicate right-of-way or construct a public street with a right-of-way wider than that of a minor street. There are no additional major or secondary streets identified for construction in the City's General Plan.

## 5.2 Non-Governmental Constraints

### Land Prices

Land costs have a demonstrable influence on the cost and availability of affordable housing. Land costs are affected by such factors as zoning density, the availability of infrastructure, the existence or absence of environmental constraints, and the relative amount of similar land available for development. As land becomes less available, the price of land increases. Land costs in the San Francisco Bay Area are relatively high compared with the rest of the nation.

A search of LoopNet and Zillow property and land-for-sale records in June 2022 uncovered few vacant properties for sale in El Cerrito. The property characteristics and price per square foot are outlined in Table 5-10. As shown in the table, the price per square foot ranged from $72 per square foot for a vacant hillside property to $310 per square foot for a centrally-located mixed-use parcel. There are relatively few recent land sales in the City and pricing is variable based on whether the property is improved or unimproved, entitled for an approved project, or has other constraints or considerations.

Table 5-10 Lot and Land Characteristics - El Cerrito (2022)

| *Location* | *General Characteristics* | *Status* | *Square Feet (lot size unless noted)* | *Price* | *Price/Square Foot* |
|---|---|---|---|---|---|
| El Cerrito | Infill site. Former stand-alone Taco Bell at 11965 San Pablo Ave. – Retail (Opportunity Zone) | For Sale | 21,780 | $3,700,000 | $170 |
| Richmond | 3-building complex, 10819-10829 San Pablo Ave. Storefront Retail/Residential<br>One block from City Hall, across the street from El Cerrito Town Center | For Sale | 4,356 | $1,349,000 | $310 |
| El Cerrito | Auto Dealership (11820 San Pablo Ave) CC Zone | For sale | 39,640 | Not published | Not published |
| El Cerrito | Newly remodeled retail building at 11060 San Pablo Ave (C3 Zoning) | | 63,597<br>(1.46 acres) | $8,084,000 | $127 |
| El Cerrito | 6-unit apartment building built in 1966 Multiple-family zoning, 905 Liberty | For sale | 7,100 | $1,950,000 | $274 |
| El Cerrito | Credence, New, 32 unit townhome and flats development, 10300 San Pablo Ave | Units for sale | 1,194 sf unit | $874,000 | $731/unit SF |
| El Cerrito | 527 Ashbury Ave., 2 bd. 1 ba home (R1 Zoning) | For sale | 5,292 SF lot | $990,000 | $187 |
| El Cerrito | Vacant single-family lot at 835 Galvin Dr. | For sale | 10,454 | $749,000 | $72 |

Source: Loopnet.com and Zillow.com accessed on 6/14/2022

### Construction Costs

Construction costs can also act as a constraint to the production of new housing, particularly in the Bay Area. Both material and labor costs have increased substantially in recent years. Supply chain issues during the Covid-19 pandemic are partly responsible for recent material cost increases, and a shortage in the construction labor market is adding significantly to the cost of producing housing. According to the Terner Center for Housing Innovation at UC Berkeley, the cost of building a 100-unit affordable project in California increased from $265,000 per unit in 2000 to almost $425,000 in 2016. Hard construction costs have climbed statewide, but they are the most expensive and have risen most dramatically in the Bay Area. While normalized statewide costs increased 25 percent between 2008-2009 and 2018, costs for projects in the Bay Area rose 119 percent over the same period, reaching more than $380 per

square foot in 2018.[2] The Terner Center Report notes that the Bay Area has comparatively higher construction wages than elsewhere in California, which could help to explain the difference in hard costs at the regional level. Construction costs have outpaced rent increases, challenging the feasibility of several recently approved projects in El Cerrito. Significant increases in lumber and other construction materials as well as labor shortages will likely continue to be a constraint on housing production during the planning period.

Affordable housing projects also cost more on average than market-rate and mixed-affordability projects. The 2020 Terner Center report found that affordable projects cost $48 more per square foot on average compared to market-rate and mixed affordability projects. Some of the added costs for affordable housing are because many affordable housing developers are required to pay "prevailing wages."

To reduce construction costs, developers may build at higher densities to increase the economies of scale. In most cases, reduced parking requirements can also make construction more affordable. Developers can also reduce costs by using newer construction methodology such as modular construction, off-site manufacturing, and prefabrication. Many of these techniques help save time, control quality, and eliminate waste and labor costs – thereby keeping costs to a minimum. Gap financing and assistance with impact fees may also be needed to help projects pencil out.

### Financing

The availability of financing is a critical factor that can influence the cost and supply of housing. There are generally two types of financing used in the housing market: (1) capital used for initial site preparation and construction; and (2) capital used to finance the purchase of units by homeowners and investors. Financing is largely impacted by interest rates. Small fluctuations in interest rates can dramatically influence the ability to qualify for a loan.

Average mortgage interest rates have varied over time from approximately 8 percent in 2000 to approximately 4 percent in 2013, to historically low rates of less than 3 percent in early 2021, to rising rates that were approaching 6 percent in early summer of 2022. Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates. Currently, there are national and global supply chain disruptions and rising interest rates as impacts of the pandemic and the reduction of emergency stimulus measures continue.[3]

In order to extend home buying opportunities to lower-income households, jurisdictions can offer interest rate write-downs. Additionally, government insured loan programs may be available to reduce mortgage down payment requirements. Federal, state, and local housing programs, particularly first-time homebuyer programs and similar mortgage assistance programs, can be a useful tool for providing help with down payment and closing costs, which can be significant obstacles to home ownership for lower-income and minority groups.

### Development Below Allowable Density and Permit Timing

California Government Code, Section 65583(a)(6), requires an analysis of requests to develop housing at densities below those anticipated in site inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. During the 5th Cycle Housing Element planning period El Cerrito did not receive requests for development below anticipated densities. On the contrary, development projects within the San Pablo Avenue Specific have mostly been approved at much higher densities than what was included in the 5$^{th}$ Cycle Housing Element. Because the San Pablo Avenue Specific Plan was being prepared around the time that the 5$^{th}$ Cycle Housing Element was adopted, the City had not yet received development proposals under the new Specific Plan designations, and therefore, had no evidence of what residential densities to anticipate. The 5$^{th}$ Cycle Housing Element therefore used a conservative estimate of 40 units per acre. In reality, development projects within the San Pablo Avenue Specific Plan have been approved at densities ranging from 41-142 units per acre. None of the sites have developments approved at lower densities than what was assumed in the 5th Cycle Housing Element.

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[2] The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California | Hayley Raetz, Teddy Forscher, Elizabeth Kneebone, & Carolina Reid | March 2020. See: https://ternercenter.berkeley.edu/research-and-policy/hard-construction-costs-apartments-california/

[3] See. https://www.reuters.com/business/central-bank-moves-supply-shocks-among-top-risks-global-economy-2021-10-28/

While there has been a lot of development activity within the city in recent years, development projects often take several years (often two to three years or more) from the time they are approved by the City to the time they pull building permits. There are several developments in the pipeline that were approved in 2018, 2019, and 2020 that either have yet to pull building permits, have requested extensions, or the entitlements expired before permits were pulled. Developers have indicated that they delays are primarily due to labor shortages and escalating construction costs that have outpaced rising rents.

## Environmental Constraints

The Contra Costa County Local Hazard Mitigation Plan (LHMP) identifies risks associated with various types of hazards and disasters at the regional and local scale. The LHMP identifies the extent to which critical facilities, infrastructure, the population, and/or buildings in El Cerrito estimated to be affected under a range of hazards related scenarios, including dam failure, earthquake, 10-year/100-year/500-year flood, landslide, and wildfire. Environmental hazards affecting housing units include geologic and seismic conditions, and wildfire, which provide the greatest threat to the built environment. The following environmental concerns may impact future development of residential units in the city.

### Noise

The major sources of noise in El Cerrito are related to vehicular traffic including automobile and truck traffic, particularly in areas along Interstate 80 and San Pablo Avenue. This traffic noise is expected to continue to be a major noise source in the future, however, there is not expected to be a significant increase in noise from these sources. A 3 dBA change is realized by a doubling or halving of the traffic volume or by about 7 miles per hour increase or decrease in speed. Interstate 80 at the present time only has a direct noise impact on El Cerrito at the northern end of San Pablo Avenue near Cutting and Potrero. In most of this area, the freeway and San Pablo Avenue are just 450 feet apart and the combination of the two generates levels of noise exceeding 70 decibels.

BART noise affects the city differently in that unlike traffic, which is characterized by gradual changes in volumes, train noise is characterized by numerous discrete, periodic events during train pass-bys. Based on existing studies, BART trains produce maximum noise levels typically in the range of 72-76 dBA. When the trains travel farther away from the station at a significantly higher speed maximum noise levels range from 75-80 dBA, and other characteristics such as curves, like in the north end of El Cerrito, can further increase noise. New development can mitigate noise through building design and orientation and by incorporating double or triple paned windows and wall insulation.

### Geologic and Seismic Hazards

The Hayward Fault passes through El Cerrito, generally following the route of Arlington Boulevard. The city is also potentially subject to ground-shaking from a major earthquake on the San Andreas Fault, located about 18 miles away. According to the Contra Costa County Hazard Mitigation Plan (Volume 1, January 2018), the probability of experiencing a Magnitude 6.7 or greater earthquake along the Hayward Fault in the next 30 years is 33 percent. An earthquake of this magnitude has regional implications for the entire Bay Area, as the Hayward Fault crosses transportation and resource infrastructure, such as multiple highways and the Hetch-Hetchy Aqueduct.

From a geologic and geotechnical standpoint, the primary concerns in El Cerrito are (1) slope stability, (2) earthquake ground shaking, (3) fault ground rupture, and (4) liquefaction potential. According to the Tri-Cities Seismic Safety Study (Bishop 1973), virtually all of the upland areas of El Cerrito have a moderate to high landslide risk. The highest risk for ground shaking is in the flatter areas, which have shallow alluvium. The greatest risk of ground rupture is along the fault trace. Several small areas along Baxter and Cerrito creeks are identified as having a high liquefaction potential.

### Flood Hazards

A number of large storms have caused drainage problems and flooding in the past in El Cerrito. The first phase in the City's storm drain master plan program has addressed the highest priority sites and significantly reduced localized flooding issues in the city. During past years of heavy rains, only three sites had drainage-related flooding problems. The only portion of El Cerrito located in a FEMA Flood Insurance Zone is the area located west of San Pablo Avenue and south of Central Avenue. Flooding is generally caused by the relatively low ground elevations and high tides in

this area, coupled with hydraulic restrictions in the existing downstream channels located in Richmond between El Cerrito and San Francisco Bay. There is one parcel identified in the sites inventory as site 21, that is within the FEMA 100-year flood zone. As noted in Table 4-7, no units are counted towards the RHNA on this site.

#### Fire Hazards

California law requires CAL FIRE to identify areas based on the prevailing expected severity of fire hazard. These areas, or "zones," are based on factors such as fuel, slope, and fire weather. There are three zones, based on increasing fire hazard: medium, high, and very high. The eastern half of El Cerrito is in a Very High Wildfire Severity Zone. Wildfires are a threat in El Cerrito due to its proximity to the Hillside Natural Area and Wildcat Canyon Regional Park. As a result, the Fire Department has made vegetation management and emergency preparedness a priority. Among other actions, the Fire Prevention Office inspects all parcels in El Cerrito to ensure that vegetation is managed in a way as to not create a fire hazard. Many of the sites included in the sites inventory are within a Very High Fire Hazard Severity Zone (VHFHSZ) and is noted where applicable in the sites inventory Table 4-7.

#### Water

Water supply to the Planning Area is provided by the East Bay Municipal Utility District (EBMUD), which derives its water source from the Mokelumne River in the Sierra Nevada. This pristine water is transmitted, via aqueduct, to storage and treatment facilities throughout EBMUD's service area, and then distributed to customers. EBMUD operates five terminal reservoirs within the following East Bay areas: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.

EBMUD's Urban Water Management Plan is a long-range planning document updated every five years to support long-term resource planning and water supply sustainability. The plan provides an assessment of supply and demand, an overview of the conservation program, recycled water program, groundwater plan, and the Water Shortage Contingency Plan. To improve water supply reliability in future droughts, EBMUD employs multi-pronged approach to reduce water demand, increase water storage capacity, and find alternative sources of water supply. Some ongoing programs include the Freeport Regional Project, Seawater Desalination Research, and Groundwater Banking Program. EBMUD has also developed mitigation and adaptation strategies to deal with the changing climate and its effects on water resources. These efforts should improve the water supply situation during the planning period. There is sufficient water supply to accommodate the RHNA and all sites included in the inventory have access to water.

#### Wastewater

El Cerrito is located in the Stege Sanitary District (SSD), which comprises 5.3 square miles and includes the communities of El Cerrito, Kensington, and a portion of Richmond Annex west of El Cerrito and south of Potrero Avenue. The sewage collection system includes 147 miles of collection lines and two small pump stations. The primary elements of this collection system are the public main sewers and the private lateral sewers. The SSD owns and has maintenance responsibility for the main sewers located in public rights-of-way or in easements on private land. Individual property owners own and have maintenance responsibility for their lateral sewers installed between the building plumbing and the main sewer. Wastewater collected in the SSD system flows to the Special District #1 Interceptor sewer and is then conveyed to the East Bay Municipal Utility District (EBMUD) Wastewater Treatment Facility in Oakland. The anticipated growth of the District is through building on the remaining vacant or underutilized parcels and commercial area redevelopment. Average annual rainfall is 26.3 inches and generally occurs between November and April.

As of 2019 the average age of the collection system is about 58 years. The oldest lines in the District are about 97 years old. District main lines are predominantly vitrified clay pipe (VCP) with cement mortar joints, and six inches diameter. Over 90 percent of the VCP sewers were installed prior to the introduction of modern pipe joints such as compression gaskets, which were not available until the 1960s and the introduction of improved VCP manufacturing standards initiated in the mid-1950s.

In 1995 a System Rehabilitation Program (SRP) was developed as a result of the need to maintain the collection system in a serviceable condition for the current and future generations of customers of the District. Its emphasis is on optimizing the useful life of the collection system and eliminating costly and environmentally damaging system failures. The SRP is planned to continue indefinitely to ensure a reliable sanitary sewer system into the future.

In September 2017, a special study was completed to help plan for planned developments in the San Pablo Avenue Specific Plan Area. The study determined that without the required pipe upsizing, the anticipated development in the SPASPA would surcharge existing facilities. In October 2017, the Board approved an impact fee to fund sewer capacity improvements needed to serve the projected growth within the SPASPA. The Board has since approved updates to the impact fee based on knowledge of additional developments and updated construction costs. As of February 2022, for new connections and increased discharges in the SPASPA, both residential and nonresidential developments will pay $271.19 per fixture unit in addition to the existing District-wide sewer connection/capacity charge. The sewer capacity improvements will be performed by the Stege Sanitary District and exclusively funded by the SPASPA sewer connection/capacity impact fee. District staff will determine the priority of the sewer capacity improvements based on the sewer capacity demand and timing of the proposed developments as they are approved and as funding allows. All sites included in the Housing Element sites inventory have sewer access and the District's plans for improvements will ensure sufficient wastewater capacity to accommodate the RHNA.

#### Electricity and Gas

All sites in the Housing Element sites inventory have access to dry utilities. Pacific Gas & Electric (PG&E) currently provides gas and electric services to El Cerrito homes and businesses and is regulated by the California Public Utilities Commission (CPUC). PG&E obtains its energy supplies from power plants and natural gas fields in northern California and delivers electricity through high voltage transmission lines. Electrical power is provided to the city from various distribution feeders located throughout the city. Access to electricity and gas services is not expected to become an issue during the housing planning period since almost all land inventory sites are located within urban infill areas close to existing development. If increased capacity is needed, PG&E can increase demand from regional power plants and natural gas fields or construct new electrical substations in the region, as necessary. However, because of public safety power shutoffs by PG&E, new projects are required to include backup generators to power fire pumps in the event of an emergency. This adds to the cost of development.

## 5.3 Developer Input on Constraints

As a part of a panel held with active, East Bay Area developers in November 2021, developers identified the following as governmental and non-governmental constraints to housing development that they have experienced within the broader East Bay Area. Not all of these identified constraints apply to the City.

- Community opposition to housing/affordable housing and resulting litigation and time delays.
- Discretionary processes that result in ad-hoc changes (e.g., community benefits added as a requirement in the middle of the process).
- Lack of funding for affordable housing.
- Requiring retail in mixed-use developments.

Some policies and programs that panelists recommended to facilitate housing development included:

- Objective design review processes.
- Absolute clarity of the process (e.g., here are the steps, here are the discretionary items, here is a list of the community benefits to choose from).
- Guarantee an SB 35 process for Housing Element sites.
- Have one person who is familiar with the process and can be the champion of the affordable housing projects, especially relative to keeping the process aligned with funding timelines.

- Achieve more of a partnership relationship between development teams and cities across California.

An Affordable Housing Developer Panel was also hosted by the Contra Costa County Collaborative on April 20, 2022. This panel reinforced many of the recommendations made by the previous panel and provided additional insights. Panelists discussed the challenges of building affordable housing, and identified incentives, solutions, and project characteristics most conducive to realizing affordable housing, including: finding local funding, land acquisition, form-based codes, community opposition, the strict sequence of events that must be followed to secure tax credit funding, permit processing timelines, and labor shortages among others. The developers reported that SB 35 permit streamlining and overall permit streamlining is very important to successful outcomes. Panelists indicated that commercial and institutional sites present challenges but are more feasible if cities have supportive general plan designations and zoning in place. The best incentives that cities can offer were identified as: reduced requirements for public facilities, reduced parking requirements (and no required parking structures), and prioritized permit streamlining by all relevant departments. Those present indicated a preference for project sizes of 70-100 units, or 120-140 units to make beneficial use of density bonuses, appeal to investors, and avoid the need for construction elevators.

The City, since it adopted the San Pablo Avenue Specific Plan in 2014, has addressed many of these issues through adoption of a Form Based Code and Program EIR, and having "by right" zoning in place, including sufficient height to allow the optimal densities and low parking requirements as recommended by development feasibility studies. Community opposition is minimal at public hearings, in part due to the adoption of the Specific Plan, and the Form Based Code provides objective standards, which simplifies and creates more certainty in the design review process. The City also has a staff person dedicated to working with affordable housing developers and a track record of helping to secure outside financing. Availability of local funding, including funding for land acquisition, the lengthy process of securing affordable housing financing, and labor shortages/construction costs continue to be impediments.

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# CHAPTER 6 | Energy Conservation, Climate Action, and Sustainability

State Housing Element Law (Government Code Section 65583[a][7]) requires an analysis of the opportunities for energy conservation in residential development. According to the California Department of Housing and Community Development (HCD), the energy conservation section of a Housing Element must inventory and analyze the opportunities to encourage energy saving features, energy saving materials, and energy efficient systems and design for residential development.

The City plays an important role in encouraging energy conservation through policies, programs, regulations, education, and offering financial incentives. Energy efficient buildings increase the health of residents, improve comfort, and decrease utility builds. Furthermore, high energy costs have significant effects on low-income households that have do not have the ability to absorb rate increases or seasonal spikes in demand to meet heating/cooling needs, and at times may be forced to make choices between basic needs such as housing, food, and energy. Energy efficient housing is also more resilient to climate change by helping to keep homes comfortable during extreme heat events.

This chapter describes the City's programs, policies, and initiatives that further its goals for a "Green El Cerrito." In addition to local resources, there are several resources available within the region, and there are many actions that are taken by individual residents in the city. There are many opportunities for conserving energy in new and existing homes. New buildings, by design, can easily incorporate energy-efficient techniques into the construction. Since most of El Cerrito's single-family homes were built between 1940 and 1970, long before California's energy code required houses to be built to a minimum level of energy efficiency, retrofit efforts are also important.

## 6.1 Energy Efficiency Building Requirements

The City encourages use of additional green building measures to reduce impacts on the environment and create a healthier environment for building occupants. Green building techniques and materials can be used for both new building construction and remodels. Green building includes:

- Energy and water efficient technologies (such as double-pane windows and low-flow toilets)
- Using recycled content materials (such as plastic lumber made with recycled plastic containers)
- Reducing the amount of construction & demolition (C&D) waste generated by a construction project.

All new buildings in California must meet the standards contained in Title 24, Part 6 of the California Code of Regulations (Building Energy Efficiency Standards for Residential and Nonresidential Buildings). The standards, prepared by the California Energy Commission, were established in 1978 in response to a State legislative mandate to reduce California's energy consumption. These regulations respond to California's energy crisis and need to reduce energy bills, increase energy delivery system reliability, and contribute to an improved economic condition for the state. The standards are updated every three years to consider and incorporate new energy efficiency technologies and methods. The 2019 Title 24 standards apply to projects constructed after January 1, 2020, and the next standards will apply after January 1, 2023.

The California Green Building Standards Code, 2019 Edition also includes green building regulations (Title 24, Part 11, of the California Code of Regulations), referred to as CALGreen, to encourage more sustainable and environmentally friendly building practices, require low pollution emitting substances that can cause harm to the environment, conserve natural resources, and promote the use of energy efficient materials and equipment. There are mandatory measures, which apply statewide, and voluntary measures, which can be adopted locally.

The measures are organized into two tiers with their own respective prerequisites and elective measures: Tier 1 prerequisites set a higher baseline than CALGreen mandatory measures while Tier 2 prerequisites include all of Tier 1 prerequisites plus some enhanced or additional measures. El Cerrito adopted the voluntary measures of CALGreen in 2019.

Energy efficiency requirements are enforced by local governments through the building permit process. All new construction must comply with the standards in effect on the date a building permit application is made. The City continues to enforce State requirements, including updates to Title 24 requirements, for energy conservation in residential development.

## 6.2 Energy Efficiency and Conservation Programs

This section briefly describes some of the potential ways to achieve energy savings through the regulations and programs of local utility providers, the city, and the State.

### Local Public Utilities

El Cerrito receives both electricity and natural gas services from Pacific Gas and Electric Company (PG&E). The following financial and energy-related assistance programs are available for El Cerrito residents:

- Energy Savings Assistance Program. PG&E's Energy Savings Assistance program offers free weatherization measures and energy-efficient appliances to qualified low-income households. PG&E determines qualified households through the same sliding income scale used for the California Alternate Rates for Energy (CARE) program. The City promotes weatherization and energy upgrade programs through its website.
- California Alternate Rates for Energy (CARE). PG&E offers this rate reduction program for low-income households. PG&E determines qualified households by a sliding income scale based on the number of household members. The CARE program provides a discount of 20 percent or more on monthly energy bills. The program includes assistance with attic insulation, weather stripping, caulking, and other minor home repairs. Some customers qualify for replacement of appliances including refrigerators, air conditioners, and evaporative coolers.
- Energy Efficiency for Multifamily Properties. The Energy Efficiency for Multifamily Properties program is available to owners and managers of existing multifamily residential dwellings containing five or more units. The program encourages energy efficiency by providing rebates for the installation of certain energy-saving products.
- Relief for Energy Assistance through Community Help (REACH). The REACH program is sponsored by PG&E and administered through a non-profit organization. PG&E customers can enroll to give monthly donations to the REACH program. Qualified low-income customers who have experienced uncontrollable or unforeseen hardships that prohibit them from paying their utility bills may receive an energy credit. Eligibility is determined by a sliding income scale based on the number of household members. To qualify for the program, the applicant's income cannot exceed 200 percent of the Federal poverty guidelines.
- Medical Baseline Allowance. The Medical Baseline Allowance program is available to households with certain disabilities or medical needs. Under this program, qualifying residential customers receive discounted energy rates and are given the option to receive more energy, if needed.

### City Programs

The City continues to prioritize residential energy-efficiency and participates in the following programs.

- Bay Area Regional Energy Network (BayREN) Programs. BayREN is a coalition of the Bay Area's nine counties partnering to promote resource efficiency at the regional level, focusing on energy, water, and GHG reduction. It is one of three regional energy networks (RENs) in California funded by the California Public Utilities Commission (CPUC). BayRen offers rebates, funding, and technical assistance to help residents, property owners, and local governments improve resource-efficiency. Since the BayREN Home+ Program launched in January 2019, 1,983 households installed 6,134 unique measures across Alameda County. Regionally, 9,026 homes have installed over 29,494 measures. Excluding mandatory safety tests, the most commonly installed measures are gas furnaces and

smart thermostats, followed by attic insulation and duct repair/replacement. 2022 has seen an increase in the installation of fuel substitution measures.

- Marin Clean Energy (MCE). MCE is a public, not-for-profit electricity provider that gives all PG&E electric customers (residential, commercial, and municipal) the choice of having 60% or 100% of their electricity supplied from clean, renewable sources at stable and competitive rates. MCE provides electricity service and innovative programs to more than 575,000 customer accounts and more than one million residents and businesses in 37 member communities across four Bay Area counties: Contra Costa, Marin, Napa, and Solano. MCE is governed by a Board of Directors that represents each of the member communities that it serves. As a member agency, the City has a representative on the Board of Directors. MCE offers a variety of residential, commercial, and workforce programs that offer energy savings and solutions to address climate change, save money, and reduce greenhouse gas emissions. Specific residential programs include:
    - Home Energy Savings Program. Provides income-qualifying single-family homeowners and renters with energy upgrades, a virtual home energy assessment, and energy-saving gift box – all at no cost.
    - Low Income Families and Tenants (LIFT) Program: In conjunction with the Multifamily Energy Savings Program, provides an extra $1,200 per unit for income-qualified multifamily property owners or renters for energy and water savings measures.
    - Multifamily Energy Savings Program: Provides multifamily property owners with rebates up to $1,000 per unit as well as free comprehensive assessments and consultations for energy and water saving measures.
    - Single Family Comprehensive Program. Provides digital or paper Home Energy Reports directly to eligible residents with personalized recommendations for electricity savings, comparisons of energy usage to similar homes, and seasonal savings tips.
    - Heat Pump Water Heater Incentive for Contractors. The Heat Pump Water Heater Contractor Incentive Program provides $1,000 in cash rebates for participating contractors to install energy-efficient heat pump water heaters for MCE customers. For single-family homes, the incentive can be combined with BayREN's Home+ rebates.
- Energy Upgrade California. Energy Upgrade California is a statewide initiative to provide educational resources for residents and small business owners for energy management concepts, tools, and programs. The City promotes the Energy Upgrade program through its website, permit center, periodic workshops, and direct mail.
- East Bay Energy Watch (EBEW). EBEW is a collaboration between PG&E and local governments, providing direct install programs bring energy efficiency services to local governments, small and medium businesses, and residents throughout the year. EBEW provides no-cost home energy assessments, or Green House Calls for residents. EBEW also provides energy assistance to businesses, institutions, nonprofits, and multiple-family buildings. Services include no-cost energy assessments of buildings, where Energy Watch professionals make recommendations for cost effective retrofits and improvements that are designed to save business owners money on their utility bills. Such recommendations are based on an inventory of each business' energy consuming equipment. Recommendations can include such simple solutions as replacing old and inefficient lighting or improving efficiency of refrigeration systems. The Energy Watch program also offers technical assistance for implementation of energy efficiency projects and rebates to help defray project costs. Parameters and funding availability vary over time.
- Solar Assessments. El Cerrito partners with Community Energy Serves Corporation to provide free solar assessments to help residents and businesses consider their energy efficiency and solar options.
- Energy Assessments. Through the City's community choice aggregate, Marin Clean Energy (MCE), businesses can receive a free energy assessment and assistance with energy efficiency upgrades.
- Cost Benefit Analysis for Energy and Water Efficiency Upgrades. Community Energy Services Corporation offers the Your Energy Manager program to help businesses reduce energy and water use and become Green Business Certified.

- Climate Action Plan. To achieve energy savings and promote greater sustainability through citywide initiatives, El Cerrito adopted a Climate Action Plan (CAP) in May 2013. Prepared by the City's Community Development Department, the CAP assists the City Council and the community in determining the best actions to reduce energy use and to create a safer and more sustainable city. The City adopted targets to reduce GHG emissions by 15 percent below 2005 levels by 2020 and 30 percent below 2005 levels by 2035. The plan suggests resource conservation measures designed to achieve greater energy efficiency, water efficiency, and renewable energy in existing and new buildings through education, incentives, and ordinances.

### Federal and State Programs

In addition to the local programs described above, the California Department of Community Services and Development (CSD) administers the Federally funded Low-Income Home Energy Assistance Program (LIHEAP). This program provides two types of assistance: Home Energy Assistance and Energy Crisis Intervention. The first type of assistance is a direct payment to utility bills for qualified low-income households. The second type of assistance is available to low-income households that are in a crisis. CSD also offers free weatherization assistance, such as attic insulation, caulking, water heater blankets, and heating and cooling system repairs to low-income households.

# CHAPTER 7 | Housing Plan

Previous sections of the Housing Element establish the housing needs, opportunities, and constraints in the city. The Housing Plan contains goals, policies, and implementation programs to address a number of important housing-related issues. This section also contains quantified objectives for housing construction, rehabilitation, and the preservation of affordable housing. City staff regularly reviews Housing Element programs and progress towards accommodating the City's share of the regional housing need. The City will prepare an annual progress report (APR) and provide it to the California Office of Planning and Research (OPR) and HCD.

## 7.1 Funding Resources

The following summarizes the types of funding resources that are available at the state, federal, and local level for affordable housing.

### Federal Funding

The Low Income Housing Tax Credits program (LIHTC) is the most important federal funding source for affordable rental housing. Other important federal sources are the Section 8 Project-Based Housing Choice Vouchers, which are administered by Contra Costa County Housing Authority; and Affordable Housing Program (AHP) grants, awarded competitively by the Federal Home Loan Bank of San Francisco to lenders working with affordable housing developers. The HOME Investments Partnership Program (HOME) and Community Development Block Grants (CDBG) are smaller federal programs. El Cerrito's population is under 50,000, and thus CDBG and HOME funds are administered and allocated by Contra Costa County to fund program and service priorities that are established and implemented through the Five-Year Contra Costa County Consolidated Plan. Larger cities receive direct allocations.

### State Funding

California's most substantial funding source for affordable housing is currently the Affordable Housing and Sustainable Communities grant program (AHSC), which provides grants for affordable housing projects that reduce greenhouse gas emissions. The amount of funding available through AHSC fluctuates based on the state's "cap and trade" revenues. The Hana Gardens Senior Housing Mixed-use Apartments in El Cerrito received over $5 million in funding from the AHSC program and more recently in 2021 the Mayfair Affordable Apartments (69 units) received $26.9 in funding for transportation improvements and affordable housing. In addition to AHSC, the state also offers subsidies for the development of permanent supportive housing to serve persons with serious mental illness and their families who are homeless or at risk of homelessness, through the Mental Health Services Act (MHSA) and No Place Like Home (NLPH) programs. As discussed below, these programs are administered in part through the County.

### County Funding

In addition to administering HOME and CBDG funding, Contra Costa County assists affordable housing development by issuing tax-exempt revenue bonds to finance development projects. The County also represents all Contra Costa jurisdictions for purposes of administering the federal Housing Opportunities for Persons with AIDS (HOPWA) and state Mental Health Services Act (MHSA) programs, which provide housing assistance and services to people with special needs. Several affordable housing projects in El Cerrito have received funding through these programs, including Ohlone Gardens, Idaho Apartments, and Mayfair Affordable. Finally, the Contra Costa Housing Authority administers the Section 8 voucher program.

In 2020 Contra Costa voters approved Measure X, a 20-year half-cent sales tax. The County Board of Supervisors established a Local Housing Trust Fund with $10 million from Measure X. Measure X funds will contribute $12 million annually to the fund, administered by County agencies in part to support acquisition, construction, preservation, and rehabilitation of affordable housing in the county.

### Local Funding

When redevelopment agencies were dissolved in California in 2012, the City elected to serve as the Successor Agency, and assumed all of the former Redevelopment Agency's assets, liabilities, and obligations. The City's role is to serve as a fiduciary agent for the Successor Agency, administering payments and performance of its obligations. The City also elected to retain the housing functions of the former Redevelopment Agency. Prior to the dissolution of Redevelopment Agencies, the Low- and Moderate-Income Housing Fund (LMIHF) was the main source of housing funds used to support the City's housing programs. State law required that the Redevelopment Agency deposit 20 percent of the gross tax increment revenues from redevelopment project areas into the LMIHF to be used exclusively for housing for persons of low and moderate income. Prior to its dissolution, the LMIHF provided $7.5 million in financial assistance to the Ohlone Gardens and Hana Gardens Senior Housing affordable developments to create 120 units of affordable housing. With the elimination of the Redevelopment Agency, there will be no future funding for the LMIHF from property tax increment.

In 2018, the City adopted an Inclusionary Zoning Ordinance requiring market rate developments to provide affordable housing or pay an in-lieu fee. In-lieu fees are deposited into the City's Affordable Housing Trust Fund and earmarked for affordable housing development. The City currently (July 2022) has about $800,000 in the Affordable Housing Trust Fund and expects to collect another $1 million over the next two years. The in-lieu fees help leverage additional funds and result in the production of more affordable housing units at usually deeper levels of affordability than the onsite production of inclusionary housing does overtime.

## 7.2 Goals, Policies, and Implementation Programs

This section describes the City's goals, policies, and implementation programs for the 2023-2031 Housing Element planning period.

## Goal H1. Accelerate Housing Production

*Accelerate the production of housing at all income levels to meet regional housing needs allocation by facilitating and streamlining housing development and minimizing the impact of governmental constraints.*

### Policies

H-1.1 Ensure sufficient land is available and zoned at a range of residential densities to accommodate the City's regional housing needs allocation. *NEW*

H-1.2 Direct growth into compact patterns of development to promote infill and intensify land uses.

H-1.3 Facilitate the construction of transit-oriented development (TOD) that maximizes opportunities for the use of public transit within the San Pablo Avenue Specific Plan area.

H-1.4 Encourage and facilitate "missing middle" housing in existing single-family neighborhoods through the construction of accessory dwelling units, ministerial lot splits, and ministerial duplexes. *NEW*

H-1.5 Encourage the reuse of underutilized sites in commercial areas with potential for conversion or redevelopment to mixed use housing.

H-1.6 Provide expeditious approval of residential and mixed-use developments that meet adopted development and design standards. *NEW*

H-1.7 After January 31, 2026, the City shall allow developments with at least 20 percent affordable lower-income housing units by-right, consistent with objective development and design standards, on lower-income sites counted in previous housing cycles, consistent with Government Code Section 65583.2. *NEW*

## Implementation Programs

### *NEW* Program H-1.A. Maintain Sites Inventory

The City shall continue to maintain a current inventory of Housing Element sites to assist developers in identifying land suitable for residential development. To ensure adequate sites are available throughout the planning period to meet the City's RHNA, the City shall continue to update the inventory on an ongoing basis as projects are approved and new sites are rezoned. The City shall continue to make this information available to the public and developers through the City's website.

To ensure sufficient residential capacity is maintained to accommodate the RHNA need, the City shall make findings related to the potential impact on the City's ability to meet its unmet regional housing needs allocation when approving applications to rezone sites included in the lower- and moderate-income sites inventory or develop a lower- or moderate-income housing element site with fewer units or at a higher income than what is assumed for the site in the Housing Element sites inventory, consistent with "no-net-loss" zoning requirements in Government Code Section 65863. If at any point it is determined that the City does not have adequate capacity to meet the unmet lower- or moderate-income RHNA, the City shall identify and make available a replacement site within 180 days.

- Objective: Facilitate development of Housing Element sites and ensure adequate sites are maintained throughout the eight-year planning period to meet the RHNA
- Timeframe: Ongoing updates to the inventory as development projects are approved
- Responsible Department or Agency: Community Development Department

### *NEW* Program H-1.B. Promote High Density and Mixed-use Development in San Pablo Avenue Specific Plan Area

The City shall continue to facilitate the development of high-density residential and mixed-use development within the San Pablo Avenue Specific Plan Area by providing objective standards, streamlining the approval process, and providing CEQA streamlining opportunities for projects consistent with the Specific Plan.

- Objective: 2,586 housing units within the San Pablo Avenue Specific Plan Area
- Timeframe: Ongoing
- Responsible Department or Agency: Community Development Department

### *NEW* Program H-1.C. Accessory Dwelling Unit Tools and Resources

The City shall promote the development of accessory dwelling units (ADUs) through the following actions:

- Annually reviewing legislative changes to ADU regulations and updating the City's Zoning Ordinance (Sections 19.20.190 and 19.20.195), as necessary, to maintain compliance with State law.
- Exploring potential loan programs and/or partnerships with local lenders to provide funding for accessory dwelling unit construction, and
- Distributing informational handouts and holding community workshops to promote ADU tools and resources to homeowners throughout the city, particularly in high resource areas, to promote mixed-income neighborhoods.

- Objective: 144 ADUs
- Timeframe:
  - Review legislative changes annually;
  - Initiate regional coordination in 2023 and ongoing; and
  - Distribute information to homeowners and hold community workshops in 2024 and bi-annually thereafter.
- Responsible Department or Agency: Community Development Department

***NEW* Program H-1.D. Objective Design Standards**

The City shall prepare and adopt objective design standards for residential development.

- **Objective:** Ensure adopted standards are clear and objective
- **Timeframe:** 2023
- **Responsible Department or Agency:** Community Development Department

***NEW* Program H-1.E. Zoning for Innovative Housing Types**

The City shall evaluate current zoning standards and consider potential zoning modifications and/or incentives to encourage innovative housing types, including tiny homes, efficiency units, and missing middle housing types.

- **Objective:** Encourage innovative housing types
- **Timeframe:** 2026
- **Responsible Department or Agency:** Community Development Department

## Goal H2. Support Affordable and Special Needs Housing

*Facilitate the development of housing for lower-income residents and those with special housing needs, including the elderly, large households, persons with disabilities, the unhoused, and other persons with special housing needs.*

### Policies

H-2.1 Continue to implement the Inclusionary Zoning Ordinance to ensure that private market-rate development is making a reasonable and feasible contribution towards addressing the need for additional affordable housing. ***NEW***

H-2.2 Provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses, flexibility in site development standards, and fee deferrals.

H-2.3 Assist and cooperate with non-profit, private, and public entities to maximize opportunities to develop affordable housing, including extremely low-income housing and supportive housing for persons with disabilities.

H-2.4 Increase local funding for affordable housing in El Cerrito and work with other jurisdictions in Contra Costa County to place a countywide affordable housing bond on the ballot. ***NEW***

H-2.5 Work with Bay Area Rapid Transit (BART) to develop affordable and mixed-income housing projects on BART property.

H-2.6 Coordinate transportation projects with affordable housing proposals to attract state funding through the Affordable Housing and Sustainable Communities (AHSC) program. ***NEW***

H-2.7 Encourage innovative approaches in the design and ownership structure of housing units to increase the availability of affordable ownership housing.

H-2.8 Encourage diversity of unit size and number of bedrooms within multifamily housing developments and strive to provide family housing of three to four bedroom units within projects.

H-2.9 Encourage the development of housing accessible to people with disabilities, including developmental disabilities.

H-2.10 Provide land use incentives to developers that build a higher share of accessible units than required by law.

H-2.11 Encourage the development of senior housing and residential care facilities that offer a wide range of housing choices and community services including healthcare, nutrition, transportation, and other amenities, and supports "aging in place" for the City's senior population.

H-2.12 Support efforts to provide temporary shelter and permanent and transitional housing for persons experiencing homelessness.

## Implementation Programs

### *NEW* Program H-2.A. Inclusionary Zoning Ordinance

The City shall monitor and evaluate the effectiveness of the Inclusionary Zoning Ordinance in providing affordable housing. Consider potential changes to the Ordinance, as financial feasibility allows, to increase the effectiveness, including increases in the percentage of affordable units or deeper affordability of the required units. Balance the goal of increasing the amount of affordable housing built in the City while ensuring the requirements do not pose a constraint to overall housing production.

- **Objective:** 110 lower-income units and 60 moderate-income units
- **Timeframe:** Conduct evaluation and consider potential modifications to the ordinance by 2026
- **Responsible Department:** Affordable Housing Division

### *NEW* Program H-2.B. Affordable Housing Trust Fund Priorities

The City shall continue to allocate funds from the Affordable Housing Trust Fund toward the development and preservation of affordable housing for low-, very low-, and extremely low-income households. The City shall establish priorities for the distribution of Affordable Housing Trust Fund monies, which may include criteria such as income targeting, housing for special needs including seniors and persons with disabilities, number of bedrooms, amenities and support services, and target geographies that serve to affirmatively further fair housing, such as high opportunity areas and neighborhoods underserved by existing affordable housing.

- **Objective:** Establish priorities for the allocation of Affordable Housing Trust Funds
- **Timeframe:** 2024
- **Responsible Department:** Affordable Housing Division

### *NEW* Program H-2.C. New Local Sources of Affordable Housing Funding

The City shall investigate potential local funding sources that could be used to leverage state or federal grant programs and develop affordable housing. Potential new sources of funding could include but are not limited to the following:

- Working with the County to establish an Affordable Housing Bond;
- An Enhanced Infrastructure Financing District (EIFD) for the San Pablo Avenue Specific Plan Area;
- Property transfer tax revenues;
- Commercial linkage fee on new non-residential development; and/or
- Condominium conversion fees. (NEW PROGRAM)
  - **Objective:** Increase local funding for affordable housing
  - **Timeframe:** Initiate evaluation of funding sources in June 2023 with the goal of establishing at least one local source of affordable housing funding by 2026
  - **Responsible Department:** Community Development Department, Affordable Housing Division

### Program H-2.D. Assist in Affordable Housing Development

The City shall assist and support in the development of extremely low-, very low-, and low-income housing units, including supportive housing for seniors and persons with physical and developmental disabilities, by supporting applications for State and Federal funding, providing match funding with Affordable Housing Trust funds and other local funding sources, and providing development incentives and fee waivers or deferrals. The City will look for opportunities to cooperate with non-profits and other agencies to expand the City's supply of affordable housing, prioritizing locations within high resource areas and areas currently underserved by affordable housing.

- **Objective:** Support development of 50 extremely low-, 100 very low-, and 120 low-income housing units, including 25 units of supportive housing for special needs populations
- **Timeframe:** Review funding opportunities annually
- **Responsible Department:** Affordable Housing Division

### *NEW* Program H-2.E. Develop Mixed Income Housing on BART Lands

BART owns approximately 20 acres of land in El Cerrito at the El Cerrito Del Norte and El Cerrito Plaza BART stations that are suitable for affordable and market-rate housing development. The City shall partner with BART to develop mixed-income housing on BART lands, with a goal of providing 15 percent missing middle units and 35 percent affordable units for lower-income households.

- **Objective:** 750-850 total units at El Cerrito Plaza BART Station, including 15 percent missing middle units and 35 percent lower-income units
- **Timeframe:**
  - Break ground on development of El Cerrito Plaza BART Station by 2025.
  - Initiate discussions with BART in 2025 on development of Del Norte Station.
- **Responsible Department:** Community Development Department

### *NEW* Program H-2.F. Coordinate Transportation Projects with Affordable Housing

The City shall review the capital improvement program and identify transportation projects that improve pedestrian and bicycle access or enhance transit and coordinate the timing and location of those transportation projects with proposed affordable housing developments.

- **Objective:** Help affordable housing development projects to score more competitively when applying for Affordable Housing and Sustainable Communities (AHSC) grants
- **Timeframe:** Review CIP annually
- **Responsible Department:** Community Development Department, Public Works Department

### *NEW* Program H-2.G. Shelter and Housing Solutions for Persons Experiencing Homelessness

The City shall partner with Contra Costa County and other local jurisdictions in the County to expand outreach and increase emergency shelter beds, interim housing solutions, and permanent supportive housing for people experiencing homelessness. The City shall identify additional funding to support outreach to the unhoused through the Coordinated Outreach Referral, Engagement (C.O.R.E.) program. Additional funding may include a portion of the Cannabis Community Benefit fund.

- **Objective:** Increase shelter beds and housing for persons experiencing homelessness
- **Timeframe:**
  - Coordinate with the County on an ongoing basis
  - Consider additional funding sources by July 2023
- **Responsible Department:** Affordable Housing Division

### *NEW* Program H-2.H. Zoning Amendments for Special Needs Housing

The City shall amend the zoning ordinance as follows to facilitate special needs housing consistent with State law:

- Allow "low barrier navigation center" developments by right in mixed-use zones and nonresidential zones permitting multifamily uses, consistent with Government Code Section 65662.
- Allow for the approval of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, to be allowed without a conditional use permit or other discretionary review in all zoning districts where multifamily and mixed-use development is permitted, consistent with Government Code Section 65651(a).
- Eliminate parking requirements for supportive housing located within ½ mile of public transit consistent with Government Code 68654 and establish appropriate parking standards for emergency shelters consistent with Government Code 65583.
- Review and amend the zoning ordinance, as necessary, to ensure requirements for group homes, including those with 6 or fewer persons and those with more than six persons, are consistent with State law and fair housing requirements.
  - **Objective:** Compliance with State law
  - **Timeframe:** June 2024
  - **Responsible Department:** Community Development Department

### *NEW* Program H-2.I. State Density Bonus

The City shall amend the Affordable Housing Bonus Program in Chapter 19.22 of the El Cerrito Municipal Code to ensure compliance with State Density Bonus Law.

- **Objective:** Compliance with State law
- **Timeframe:** Update Ordinance by June 2024; and review legislative changes annually thereafter to maintain compliance
- **Responsible Department:** Community Development Department

### *NEW* Program H-2.J. Affordable Housing and Places of Assembly

The City shall explore the creation of an overlay zone or other zoning mechanism that would allow and provide incentives for affordable housing development on property owned or leased by a faith-based institution.

- **Objective:** Create new opportunities for affordable housing
- **Timeframe:** Evaluate potential zoning mechanisms and adopt an overlay zone or other zoning mechanism by December 2026
- **Responsible Department:** Community Development Department

## Goal H3. Conserve Existing Housing and Prevent Displacement

*Conserve and improve El Cerrito's existing housing supply and protect existing residents from displacement.*

### Policies

H-3.1 Partner with non-profit affordable housing developers and property owners/managers to preserve existing deed-restricted units. *NEW*

H-3.2 As new sources of local funding are developed, prioritize funding for the preservation of at-risk affordable units. *NEW*

H-3.3 Protect residents from displacement and homelessness by continuing to prohibit eviction without "just cause" and enforcing the adopted limitations on rent increases consistent with the Tenant Protection Act of 2019. *NEW*

H-3.4 Encourage neighborhood preservation and housing rehabilitation of viable older housing to preserve neighborhood character and, where possible, retain a supply of very low-, low-, and moderate-income units.

H-3.5 Maintain housing supply and reduce the loss of life and property caused by earthquakes by encouraging seismic upgrading of soft-story residential buildings.

H-3.6 Continue to ensure rental housing units are maintained in a safe and habitable condition through the Residential Rental Home Inspection Program. *NEW*

H-3.7 Protect the existing supply of long-term rental housing by enforcing short-term rental regulations. *NEW*

H-3.8 Continue to regulate condominium conversions in accordance with Chapter 19.45 of the Zoning Ordinance.

H-3.9 Ensure that sites being redeveloped for housing do not result in a net reduction in housing unit capacity, consistent with Government Code Section 66300(d). *NEW*

## Implementation Programs

### Program H-3.A. Residential Rental Inspection Program

The City shall continue to implement the Residential Rental Inspection Program (Section 16.30.040 of the El Cerrito Municipal Code) to ensure that rental housing units are maintained in a safe and habitable condition and comply with all codes and standards applicable to rental housing. If the property is in compliance with applicable codes and standards, a certificate of compliance shall be issued to the property owner.

- Objective: Ensure all rental units are maintained in a safe and habitable condition
- Timeframe: Annually
- Responsible Department or Agency: Building Division

### Program H-3.B. Housing Rehabilitation Programs

The City shall continue to encourage the rehabilitation of existing housing units by providing information on programs available to assist in housing rehabilitation, such as the Contra Costa County Housing Authority Rental Rehabilitation Loan Program and the Contra Costa County Neighborhood Preservation Program. Informational material on these programs will be available through the City's website, at City Hall, and in conjunction with the City's code enforcement program.

- Objective: Connect at least 10 homeowners with resources for housing rehabilitation
- Timeframe: Ongoing
- Responsible Department or Agency: Community Development Department

### *NEW* Program H-3.C. Tenant Protections

The City shall review data collected through the Rent Registry and evaluate the effectiveness of current tenant protections. Based on the evaluation, the City shall consider potential for additional tenant protection policies such as tenant relocation assistance, mediation, and/or other eviction protections.

- Objective: Limit displacement of existing residents
- Timeframe:

- Review Rent Registry data annually;
- Conduct evaluation in 2028; and
- Consider additional tenant protections by 2029 prior to sunset of the California Tenant Protection Act of 2019.

- **Responsible Department or Agency:** Community Development Department

### Program H-3.D. Monitor Assisted Units

The City shall continue to maintain a database of assisted housing units and annually review existing agreements to ensure that they are in compliance with affordability requirements. The City shall continue to enforce notification requirements on City-assisted units and units subject to an Affordable Housing Agreement in accordance with Chapter 19.22 of the Zoning Ordinance. The City shall update the notification requirement under Chapter 19.22 to require three year notice prior to resale of units or and/or conversion of such units to market-rate, in accordance with State law. The City shall meet with the owner of the at-risk project to determine their financial objectives and analyze the feasibility of providing financial assistance from any available affordable housing resources. The City shall ensure tenants receive proper notification in compliance with Government Code Section 65863.10 and information on available affordable housing resources. The City shall reach out to qualified entities that may be interested in purchasing and/or managing units at-risk, and where feasible, shall provide technical and/or financial assistance.

- **Objective:** Preserve 277 units of affordable housing, including 70 units at-risk of converting by 2033
- **Timeframe:**
  - Update noticing requirements by December 2023
  - Monitor assisted units annually
- **Responsible Department:** Affordable Housing Division

### Program H-3.E. Capital Improvements Program

The Planning Commission and City Council shall, on an annual basis, review the City Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. The City shall prioritize CIP projects that provide amenities and neighborhood improvements in low and moderate resource areas identified by the Tax Credit Allocation Committee (TCAC) Opportunity Area Maps. Annual review of the CIP shall also include verification that needed improvements are scheduled for funding.

- **Objective:** Direct City investments in ways that serve to maintain older residential neighborhoods and transform low and moderate resource areas into areas of opportunity
- **Timeframe:** Annually
- **Responsible Department:** Planning Division, Public Works Department

### Program H-3.F. Seismic Retrofit Program

The City shall consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings. The City shall explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents, review upcoming grant opportunities on a quarterly basis, and explore programs bi-annually.

- **Objective:**
- **Timeframe:** Review funding opportunities quarterly, plan for programs bi-annually
- **Responsible Department or Agency:** Community Development Department

## Goal H4. Affirmatively Further Fair Housing

*Ensure fair and equal housing opportunity for all residents regardless of race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.*

### Policies

H-4.1 Ensure planning policies and development regulations follow the principle of equal access to housing opportunities.

H-4.2 Improve access to opportunity in low and moderate resource areas through financial investments, provision of public facilities and services, and encouragement of private retail, service, and employment opportunities.

H-4.3 Continue to provide non-discrimination clauses in rental agreements and deed restrictions for housing constructed with either City funds or when City participation occurs.

H-4.4 Provide fair housing outreach and education for residents, property owners, and housing providers to ensure each understands their rights and responsibilities.

H-4.5 Educate landlords on their obligation to rent to Housing Choice Voucher (Section 8) voucher holders, consistent with Government Code Section 12927.

### Implementation Programs

#### Program H-4.A. Fair Housing Services and Information

The City shall continue to distribute information about fair housing services offered by the Contra Costa Housing Services Collaborative, including tenant-landlord counseling, fair housing services, and legal advice and representation for residents. The City will distribute brochures and information about the services offered by the Housing Services Collaborative through the City's website, at City Hall, the City's Senior and Community Centers, and the El Cerrito Library. The City shall work with the Housing Services Collaborative to expand multilingual access to fair housing services.

- Objective: Ensure fair housing information is accessible to all
- Timeframe: Distribute information every six months
- Responsible Department: Affordable Housing Division

#### *NEW* Program H-4.B. Reasonable Accommodation Procedures

To accommodate the needs of persons with disabilities and provide a streamlined permit review process, the City shall continue to implement reasonable accommodation procedures consistent with Chapter 19.37 of the City's Municipal Code. The City shall review the list of required findings for reasonable accommodation and the current process and consider modifications, as needed, to further remove barriers to housing for persons with disabilities. The City shall post information on reasonable accommodation procedures prominently on the City website and at the public counter.

- Objective: Affirmatively further fair housing by removing barriers to housing for persons with disabilities
- Timeframe: Review and update, as necessary, Reasonable Accommodation Ordinance in 2025; review information on City's website in 2026; and make information available at the public counter on an ongoing basis.
- Responsible Department: Planning and Building Division

*NEW* **Program H-4.C. Housing Choice Voucher (HCV) Program**

The City shall collaborate with the Housing Authority on an educational campaign to educate landlords about their obligation to accept Section 8 Housing Choice Vouchers under fair housing laws and to encourage landlords in high resource, single-family neighborhoods to actively participate in the HCV Program as a way to affirmatively further fair housing.

- **Objective:** Increase HCVs in single family neighborhoods by 5 percent
- **Timeframe:** Initiate collaboration with Housing Authority in 2025
- **Responsible Department or Agency:** Affordable Housing Division

*NEW* **Program H-4.D. Community Opportunity to Purchase Act**

The City shall research best practices related to Community Opportunity to Purchase Act (COPA) programs in California, and based on the findings of the research, consider establishing a COPA ordinance or similar policy that would give tenants priority to purchase a building when a landlord sells their property.

- **Objective:** Enhance tenant protections and increase community ownership
- **Timeframe:** Consider adopting an ordinance or policy by July 2027
- **Responsible Department or Agency:** Affordable Housing Division

## Goal H5. Energy Conservation and Sustainable Development

*Promote energy conserving practices in the location, construction, renovation and maintenance of El Cerrito's housing units.*

### Policies

H-5.1 Promote residential energy conservation programs that provide assistance for energy conservation improvements, including the City's Real Property Transfer Tax Rebate Program.

H-5.2 Encourage the incorporation of energy conservation design features in existing and future residential development.

H-5.3 Encourage the use of sustainable and green building design in new and existing housing, including solar installations, electric vehicle charging infrastructure, and electrification of buildings.

H-5.4 Encourage the location of multifamily housing near transit centers where living and/or working environments are within walkable distances in order to reduce auto trips to work, roadway expansion, and air pollution.

H-5.5 Continue to enforce the State Energy Conservation Standards for new residential construction and additions to existing structures.

H-5.6 Encourage energy efficiency improvements to existing homes in order to improve health and reduce utility costs.

H-5.7 Evaluate opportunities to transition housing from gas to electricity in order to reduce greenhouse gas emissions.

### Implementation Programs

**Program H-5.A. Partnerships for Energy and Water Efficiency**

The City shall continue to develop partnerships with PG&E, EBMUD, ABAG, Contra Costa County Weatherization and Green Business Programs, Marin Clean Energy and others to bring residential energy and water efficiency technical assistance and incentives to El Cerrito.

- **Objective:** Reduce residential energy use and greenhouse gas emissions
- **Timeframe:** Ongoing
- **Responsible Department:** Public Works Department

### Program H-5.B. Marketing Strategy

The City shall continue to implement a low-cost marketing strategy to encourage resident participation in energy and water efficiency programs.

- **Objective:** Reduce residential energy use and greenhouse gas emissions
- **Timeframe:** Ongoing
- **Responsible Department:** Public Works Department

### Program H-5.C. Develop and/or Pursue Funding for Energy Efficiency Programs

The City shall apply for appropriate grants for marketing, outreach, and incentive programs dedicated to energy and water efficiency in El Cerrito.

- **Objective:** Reduce residential energy use and greenhouse gas emissions
- **Timeframe:** Ongoing
- **Responsible Department:** Public Works Department

### Program H-5.D. Home Energy Conservation

The City shall encourage homeowners to undertake energy and water conservation projects that save energy, lower costs and protect the environment.

- **Objective:** Reduce residential greenhouse gas emissions and promote cost-saving energy efficiency
- **Timeframe:** Ongoing
- **Responsible Department:** Public Works Department

## 7.3 Quantified Objectives

State law requires that the City plan to accommodate its fair share of the Regional Housing Needs Allocation (RHNA). In addition, this Housing Element includes quantified objectives, shown in Table 7-1, for the number of units that can reasonably be expected to be constructed, rehabilitated, or conserved during the eight-year planning period. The quantified objectives expected to be met through Housing Element programs are estimated based on past program performance, construction trends, land availability, and anticipated future program funding.

Table 7-1 Quantified Objectives - (January 31, 2023 – January 31, 2031)

| *Income Category* | *New Construction* | *Rehabilitation*[1] | *Preservation*[2] |
|---|---|---|---|
| Extremely-Low Income | 50 | 0 | 0 |
| Very-Low Income | 284 | 16 | 0 |
| Low Income | 192 | 24 | 70 |
| Moderate Income | 241 | 0 | 0 |
| Above-Moderate Income | 624 | 0 | 0 |
| **Total** | **1,391** | **32** | **70** |

[1] The quantified objective for rehabilitated units is based on the County program.

[2] The City will continue to monitor the 121 at-risk assisted units.

# Appendix A | Evaluation

## Major Accomplishments

State housing element law (Government Code Section 65588) requires cities and counties to assess the achievements under their adopted housing programs to inform the development of new programs. State law also requires that local governments review the effectiveness of the housing element goals, policies, and related actions to meet the community's special housing needs. The City has made significant progress in implementing the programs adopted in the 2015-2023 Housing Element. Some of El Cerrito's major accomplishments include:

- Adoption of San Pablo Avenue Specific Plan (SPASP) and Pending Update. Through the adoption of the SPASP, which was aligned with adoption of the last Housing Element, the City has successfully incentivized and streamlined (through changes to the Zoning Ordinance) new housing production, as evidenced by significantly more entitlement and production of housing during the last element then any prior. The City received grant funding in 2018 to update the San Pablo Avenue Specific Plan, which will include a Supplemental EIR to continue streamlining new housing production and an analysis of opportunity sites.
- Opening of Hana Gardens in 2019: Hana Gardens is a 63-unit mixed-use senior affordable housing community adjacent to City Hall. It also includes two commercial spaces (2,300-2,400 square feet), and a beautiful Japanese Heritage Garden and public plaza, inspired by the single-story structure at 10848 San Pablo Avenue known as the Contra Costa Florist building. This cultural building was rehabilitated to house some of Eden Housing's community and management functions.
- Adopting an Affordable Housing Strategy in 2017, which identified tactics to address affordable housing needs and displacement risk and ranked the priority for such actions.
- Adopting an inclusionary housing ordinance in 2018 to require market rate housing to provide for low- and moderate-income housing.
- Implementing the El Cerrito Rent Registry Program to collect local rental data.
- Providing BRIDGE Housing $350,000 in pre-development funding to assist and support the development of 69 affordable units for the Mayfair project.
- Continuing to update regulations for Accessory Dwelling Units (ADUs) in response to changes in State Law.
- Beginning work on developing objective design standards to facilitate and expedite the construction of housing.
- Partnering to obtain funding for BRIDGE affordable housing project, and securing a $500,000 HUD Hope VI Main Street grant and an Affordable Housing and Sustainable Communities (AHSC) allocation of $26.0 million for housing and transportation.

## Progress Toward Meeting the 2015-2023 RHNA

Table A-1 shows the City's progress toward meeting the 2015-2023 RHNA, as of December 31, 2021. the City has issued 603 building permits for housing units since the start of the Fifth RHNA Cycle in 2015. Of the permits issued, 522 were for above moderate-income housing, 13 were for moderate-income housing, six were for low-income housing, and 62 were for very low-income housing. Because of the City's progress toward meeting its RHNA, El Cerrito is one of only 29 jurisdictions in the state that is not currently (2022) subject to the streamlined ministerial approval process (SB 35 streamlining) as indicated in HCD's Streamlined Ministerial Approval Process (SB 35) Statewide Determination Summary, updated June 30, 2022. This determination indicates that El Cerrito has met its prorated lower- (i.e., very low- and low-) and above moderate-income RHNA as of June 1, 2022.

Table A-1 Building Permits Issued During Fifth Cycle RHNA Period

| *Income Level* | *2015-2023 RHNA* | *2015* | *2016* | *2017* | *2018* | *2019* | *2020* | *2021* | *2022* | *2023* | *Total to Date* | *Unmet RHNA* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Very Low | **100** | - | - | 62 | - | - | - | - | TBD | TBD | **62** | 38 |
| Low | **63** | 6 | - | - | - | - | - | - | TBD | TBD | **6** | 57 |
| Moderate | **69** | 13 | - | - | - | - | - | - | TBD | TBD | **13** | 56 |
| Above Moderate | **166** | 120 | 9 | 12 | 18 | 136 | 171 | 56 | TBD | TBD | **522** | - |
| Total | **398** | 139 | 9 | 74 | 18 | 136 | 171 | 56 | TBD | TBD | **603** | **151** |

*Note: Units serving extremely low-income households are included in the totals for very low-income permitted units.
Source: City of El Cerrito, 2021 Annual Progress Report.

## Program Evaluation

The following section reviews and evaluates the City's progress in implementing programs from the previous planning period. As part of analyzing prior programs, the City must assess the effectiveness of programs for special needs populations. Table A-2 summarizes progress on the implementation programs from the previous Housing Element, including programs addressing special needs populations.

Table A-2 2015 Housing Element Program Evaluation

| *Program ID* | *Program Language* | *Description of Accomplishments* | *Recommendation for 2023 Housing Element* |
|---|---|---|---|
| Program 1.1 | Continue to implement the Residential Rental Inspection Program | The City continued implementing the Residential Rental Inspection Program (RRIP) during the planning period. Staff operated the program at modified levels due to COVID-19 during 2020 and 2021. However, between 2018 and 2021 the City conducted 597 initial RRIP inspections and 396 re-inspections. | Continue program. |
| Program 1.2 | Continue to investigate complaints and take action about rental housing code violation | The City continued investigations in 2021 | Continue as a policy. |
| Program 1.3 | Continue to encourage the rehabilitation of existing housing units by providing program information | The City makes information available to the public at the front counter. | Continue program. Consider methods for distributing information. |
| Program 1.4 | Evaluate displacement, as appropriate in studies of regional housing needs and displacement | In 2017, the City Council adopted an Affordable Housing Strategy that identified tactics to address displacement and ranked the priority for such actions. In 2021, the City implemented the third El Cerrito Rent Registry Program to collect local rental data. The City also tracks regional/state legislation and posts information to the public. | Incorporate displacement strategies from Affordable Housing Strategy report |
| Program 1.5 | Continue to regularly monitor assisted housing units to help preserve existing stock of affordable housing | The City continues to work with other regulatory agencies and non-profit developers to monitor assisted housing units | Modify program to reflect updated noticing requirements per state law |
| Program 1.6 | Vet and consider adopting a Good Cause for Eviction Ordinance | 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. However, in June 2019 a referendum petition was filed related to the ordinance and it contained the required valid voter signatures, as defined by the CA Elections Code. On July 31, 2019 the City Council passed a motion to repeal the ordinance and assign the Just Cause for Eviction policy to the newly formed (July 2019) Tenant Protections Task Force. 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 January 2022, the City's local ordinance remains in place through the duration City's Local Emergency Declaration. The City's local ordinances comply with the California Tenant Protection Act of 2019. | Program Completed. Modify program to evaluate effectiveness of existing ordinance and consider additional protections prior to sunset of the California Tenant Protection Act of 2019 |
| Program 1.7 | Annual review of the City Capital Improvements Program (CIP) | The City continues to annually review the CIP Program. | Continue program. |

Table A-2 2015 Housing Element Program Evaluation

| *Program ID* | *Program Language* | *Description of Accomplishments* | *Recommendation for 2023 Housing Element* |
|---|---|---|---|
| Program 1.8 | Consider enacting additional incentive programs and requirement to encourage retrofitting of seismically unsafe buildings, as soft-story buildings | In 2021, City staff issued a Request for Qualification 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 used to inform future policy considerations 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 completed. Modify program based on findings of the study. |
| Program 2.1 | Conduct an annual evaluation of the City's inventory of available sites | The City continues to monitor the sites inventory. | Replace with a "no net loss" tracking program to maintain a current inventory. |
| Program 2.2 | Promote development of mixed-use and high-density residential housing in development nodes of the city | Mixed-use and high density housing is promoted within the San Pablo Ave Specific Plan (SPASP) area. In 2018, the City received grant funding to update the SPASP, which will include an amendment to the Environmental Impact Report (EIR) and an analysis of opportunity sites. The Supplemental EIR is slated to be final/adopted in Spring 2022. | Continue program to implement SPASP. |
| Program 2.3 | Continue to fast track processing for second units meeting established City standards | In 2021, the City implemented new standards for Accessory Dwelling Units to further streamline this process, consistent with State laws adopted in 2019 | Modify to include specific actions to promote ADUs. |
| Program 2.4 | During the annual Master Fee Schedule revision, evaluate development fees | Fees were updated with Master Fee Schedule as part of 2021 budget | Remove program. |
| Program 2.5 | Streamline the application process by continuing to offer interdepartmental team meeting for applicants | The City conducted several such meeting in the reporting period | Continue as a policy. |
| Program 2.6 | Assist developers in obtaining state and federal funding available to develop affordable housing | 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 for 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). | Continue program, combine action with program 2.7. |
| Program 2.7 | Look for opportunities with non-profits and other agencies to expand supply of affordable housing | The City continues to explore programs with the County, CDFI's, non-profits developers, etc. for preserving existing affordable units as well as purchasing existing multi-family building(s) and converting them to affordable units | Combine program with program 2.6. |
| Program 2.8 | Study the feasibility of an inclusionary housing ordinance | The City adopted an inclusionary housing ordinance in 2018 and staff is currently implementing it | Program completed. Replace with a program to implement and evaluate adopted ordinance. |

Table A-2 2015 Housing Element Program Evaluation

| *Program ID* | *Program Language* | *Description of Accomplishments* | *Recommendation for 2023 Housing Element* |
|---|---|---|---|
| Program 2.9 | Investigate potential local financing sources that could be used to develop affordable housing | The City continues to work with County stakeholders to assess the opportunity for a Countywide affordable housing bond | Continue program. Expand list of potential funding sources. |
| Program 2.10 | Use existing zoning regulation to allow innovative approaches to increasing affordable housing | The San Pablo Avenue Specific Plan's Tier IV Design Review process can provide flexibility to projects to implement innovative approaches | Achieved through San Pablo Avenue Specific Plan. Modify to consider other zoning modifications and/or incentives to encourage innovative housing types and affordable housing development. |
| Program 2.11 | Pursue funding for infrastructure improvements to accommodate future transit oriented development | The City coordinated with the Stege Sanitary District to develop a fee program to fund sewer improvement necessary to support future development | Program completed. Remove from Housing Element. |
| Program 3.1 | Pursue funding for special needs housing | This is done in conjunction with funding pursuits for other affordable housing. | Combine with program 2.6 to pursue funding for affordable housing. |
| Program 3.2 | Continue to fast track inspection processes for large family and special needs housing | The City contracted with additional inspectors to provide needed inspections in a timely manner | Remove from Housing Element. |
| Program 3.3 | Continue to encourage and support development of senior housing | Ongoing. Opening of Hana Gardens in 2019 with 63-units of senior affordable housing in mixed-use development. Hana Gardens used density bonus provided for senior housing. | Continue as a policy |
| Program 3.4 | Participate in the biannual homeless census count | The City continues to participate in the biannual homeless point-in-time count. | Replace with action-oriented programs to address homeless needs. |
| Program 3.5 | Continue to coordinate with the County and cities to develop the Five-Year Consolidated Plan to address housing and social services | The City continues to participate in the Five-Year Consolidated Plan | Replace with action-oriented programs to address homeless needs. |
| Program 3.6 | Implement reasonable accommodation procedures to provide a streamlined permit review process | The City continues to provide a process for reasonable accommodations | Review ordinance for potential constraints and address. |
| Program 3.7 | Encourage development of housing for persons with disabilities including developmental disabilities | Ongoing. Ohlone Gardens opened in 2015 and included 10 units reserved for special needs residents. Ohlone Gardens used density bonus provided for housing reserved for disabled people. | Continue as a policy |
| Program 3.8 | Implement an outreach program informing residents of the housing and services available for persons with developmental disabilities | The City provides a clearinghouse of information on the City website. | Expand and combine with other outreach programs on affordable housing. |

Table A-2 2015 Housing Element Program Evaluation

| *Program ID* | *Program Language* | *Description of Accomplishments* | *Recommendation for 2023 Housing Element* |
|---|---|---|---|
| Program 4.1 | Continue to provide non-discrimination clauses in rental agreements and deed restrictions | The City continues to implement this program. | Continue as a policy. |
| Program 4.2 | Continue the City's participation in the Contra Costa Urban County CDBG Consortium | Participation in the Consortium is ongoing. | Continue as a policy. |
| Program 5.1 | Consider ways to incentive energy efficiency, clean energy, and water conservation improvements through building permit fees | The City created a streamline permit process for electrical vehicle chargers | Program completed. Remove from Housing Element. |
| Program 5.2 | Continue to develop partnership for energy and water efficiency technical assistance and incentives | The City adheres to the CA Green, Energy and Plumbing Codes | Continue program. |
| Program 5.3 | Continue to encourage resident participation in energy and water efficiency programs | Ongoing | Continue program. |
| Program 5.4 | Apply for appropriate grants for marketing, outreach, and incentive programs dedicated to energy and water efficiency | Ongoing | Continue program. |
| Program 5.5 | Adopt residential PACE financing if it becomes available in California | Completed | Program completed. Remove program. |
| Program 5.6 | Encourage home energy performance reports at time of sale | The City's transfer tax includes a rebate to property owners who make energy efficiency and water conservation improvements | Remove program. |

# Appendix B | Community Engagement

This appendix includes a record of all feedback and comments received as part of community engagement for the housing element process, including: meeting flyers, online survey results, responses to live polling during community workshops, and all other comments submitted during the community workshops for the 2023-2031 El Cerrito Housing Element.

# Community Engagement Flyers

City of El Cerrito

# 2023-2031 HOUSING ELEMENT

**El Cerrito is updating its Housing Element and your input is needed.**
The Housing Element is the City's 8-year plan for how to accommodate El Cerrito's fair share of housing and address the housing needs of everyone in the community.

## *Get involved!*

Share your input, ideas, issues, and solutions for housing at upcoming workshops or by completing the survey.

## Attend a Virtual Workshop

**April 26th, 2022**
7:00pm – 8:30pm

Register here:
qrco.de/virtual-ws

## Take the Community Survey

Available in the following languages:

ENGLISH
qrco.de/elcerrito1

ESPAÑOL
qrco.de/elcerrito2

中文
qrco.de/elcerrito3

**Learn more** about the Housing Element Update by visiting:
www.el-cerrito.org/HousingElement2023

THE CITY OF EL CERRITO

Ciudad de El Cerrito

# ELEMENTO DE VIVIENDA 2023-2031

**El Cerrito está actualizando su Elemento de Vivienda y se necesita su opinión.** ¿Qué tipos de viviendas deberían haber en el futuro? ¿En qué partes de El Cerrito deberían ubicarse las nuevas viviendas? El Elemento de Vivienda es el plan a 8 años de la Ciudad para abordar las necesidades de vivienda de todos en la comunidad. El Elemento de Vivienda es el plan de la Ciudad para acomodar la parte justa de la vivienda de El Cerrito.

## *¡Participe!*

Comparta su opinión, sus ideas, sus problemas, y sus soluciones sobre la vivienda en los próximos talleres, o bien puede contestar la encuesta.

## Asista a un Taller Virtual

**26 de abril de 2022**
7:00pm – 8:30pm

Regístrese aquí:
qrco.de/virtual-ws

## Conteste la Encuesta de la Comunidad

Available in the following languages:

INGLÉS
qrco.de/elcerrito1

ESPAÑOL
qrco.de/elcerrito2

CHINO
qrco.de/elcerrito3

**Para obtener más información** sobre la actualización del Elemento de Vivienda, conéctese a:
www.el-cerrito.org/HousingElement2023

THE CITY OF EL CERRITO

El Cerrito市

# 2023-2031 住房要素

**El Cerrito正在更新其住房要素，希望获得您的意见。**

将来应该建哪些类型的住房?新住房应该建在El Cerrito的哪些地方?住房要素是该市的8年规划，旨在解决社区中每个人的住房需求。此住房要素是该市如何满足El Cerrito公平住房份额的规划。

## 积极参与！

在即将到来的研讨会上或通过完成本次调查，分享你对住房的意见、想法、问题和解决方案。

## 参加网上会议

**2022年4月26日**
晚上7:00 – 8:30

在此注册:
qrco.de/virtual-ws

## 参加社区调查

提供以下语言版本:

英语
qrco.de/elcerrito1

西班牙语
qrco.de/elcerrito2

中文
qrco.de/elcerrito3

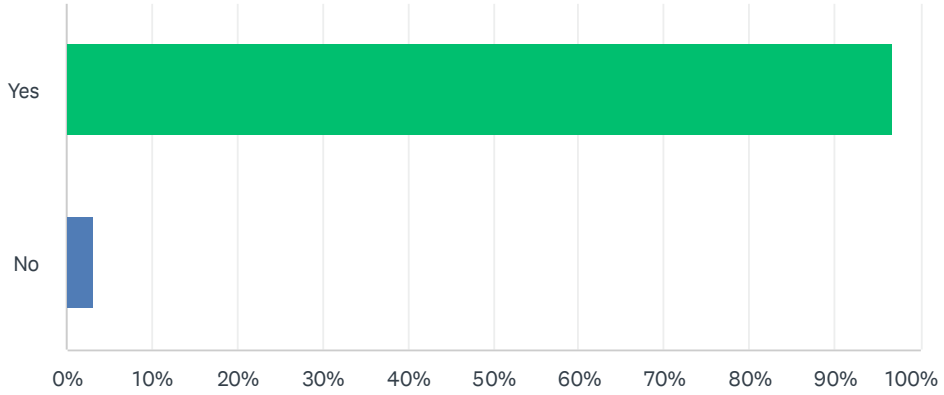
通过访问网站了解更多关于住房要素的更新信息: www.el-cerrito.org/HousingElement2023

THE CITY OF EL CERRITO

# Online Survey Results

# Q1 Are you a resident of El Cerrito? (Choose one)

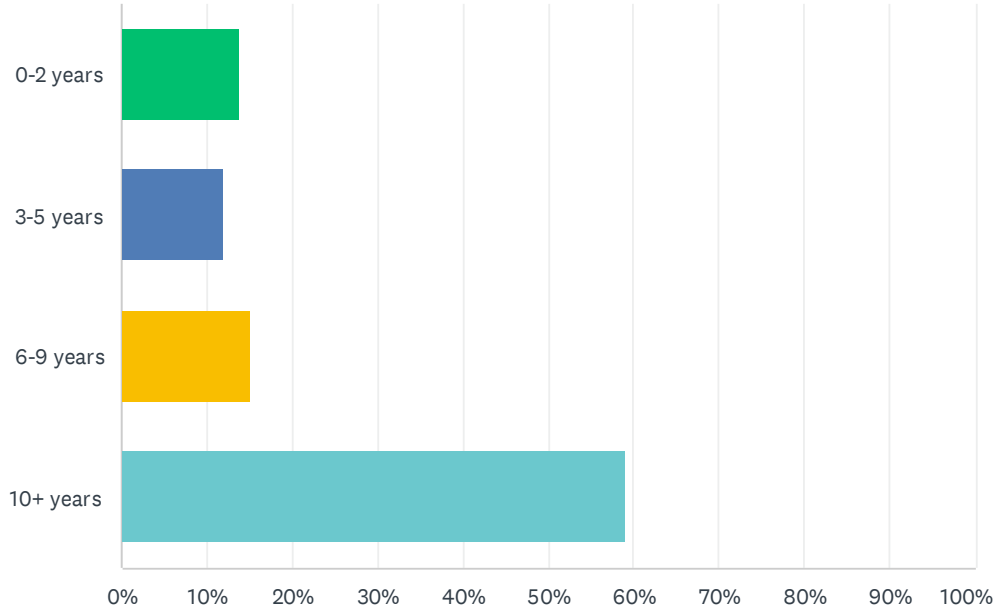
Answered: 218 Skipped: 1




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Yes | 96.79% | 211 |
| No | 3.21% | 7 |
| TOTAL | | 218 |

# Q2 How long have you lived in El Cerrito?

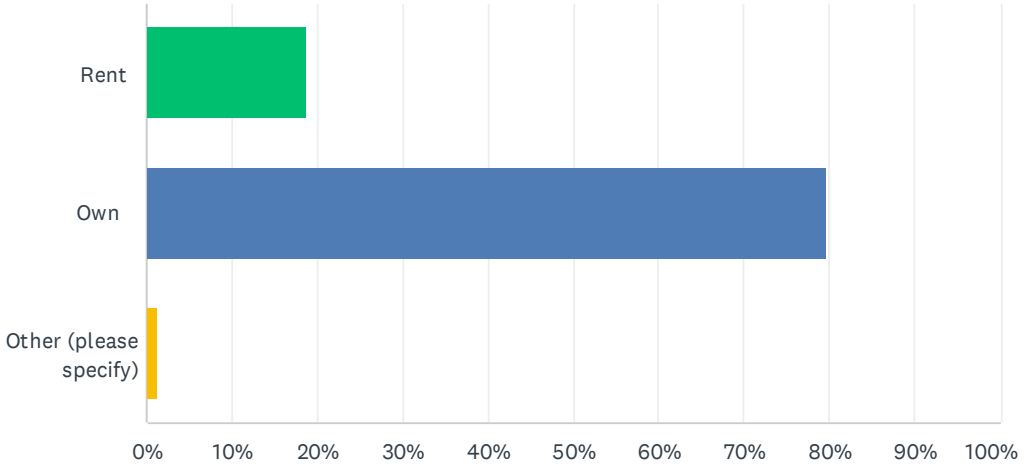
Answered: 217 Skipped: 2




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| 0-2 years | 13.82% | 30 |
| 3-5 years | 11.98% | 26 |
| 6-9 years | 15.21% | 33 |
| 10+ years | 58.99% | 128 |
| TOTAL | | 217 |

# Q3 Do you currently rent or own your home? (Choose one)

Answered: 218 Skipped: 1

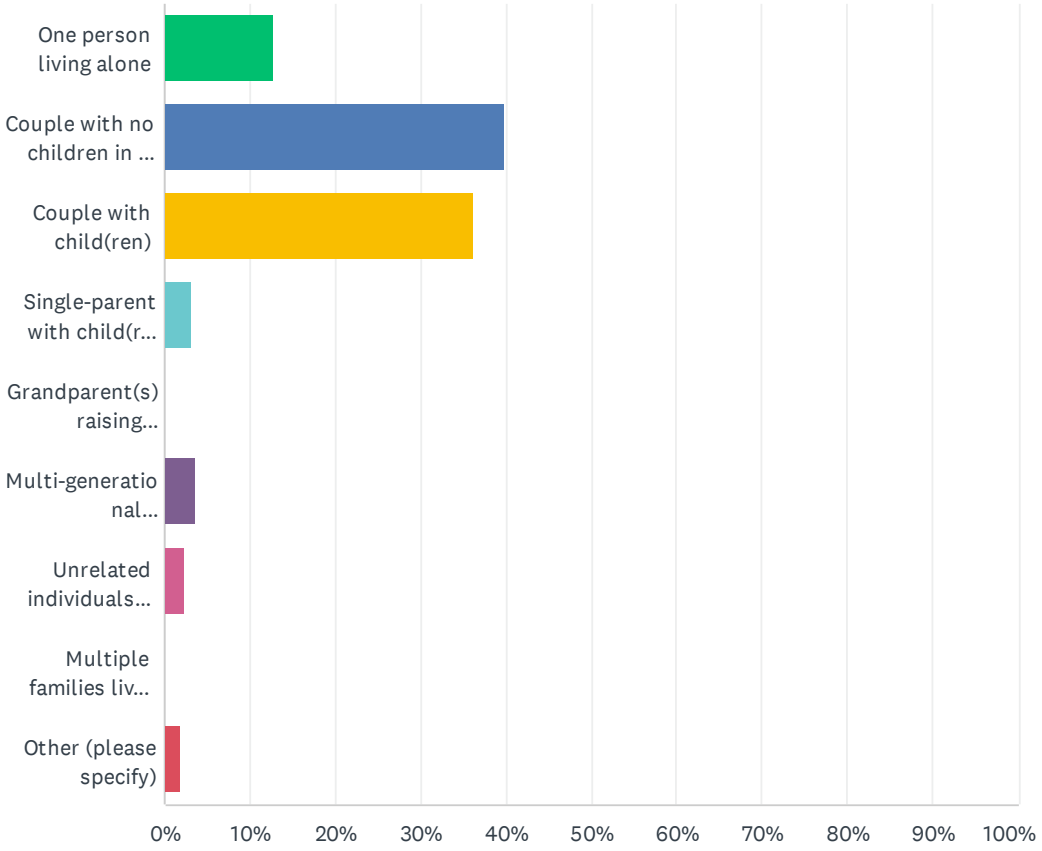



| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Rent | 18.81% | 41 |
| Own | 79.82% | 174 |
| Other (please specify) | 1.38% | 3 |
| TOTAL | | 218 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Family owns home | 5/20/2022 1:32 PM |
| 2 | Rent from parents, who are the owners | 4/19/2022 8:26 PM |
| 3 | own with the credit union | 4/18/2022 1:49 PM |

# Q4 Which of the following best describes your household? (Choose one)

Answered: 218 Skipped: 1



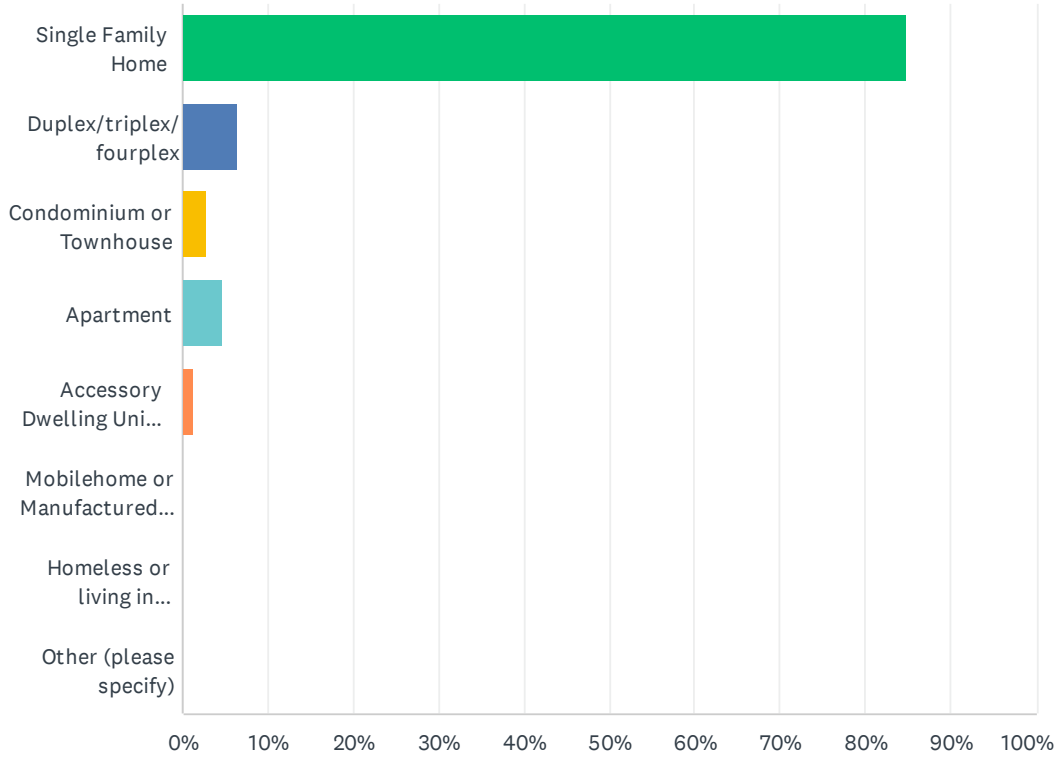

| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| One person living alone | 12.84% | 28 |
| Couple with no children in the home | 39.91% | 87 |
| Couple with child(ren) | 36.24% | 79 |
| Single-parent with child(ren) | 3.21% | 7 |
| Grandparent(s) raising grandchild(ren) | 0.00% | 0 |
| Multi-generational (grandparents, parents, and grandchildren) | 3.67% | 8 |
| Unrelated individuals living together | 2.29% | 5 |
| Multiple families living together | 0.00% | 0 |
| Other (please specify) | 1.83% | 4 |
| TOTAL | | 218 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Multigenerational house with a unrelated tenant | 5/30/2022 10:02 PM |

| | | |
|---|---|---|
| 2 | Couple with adult disabled child. | 4/21/2022 9:21 PM |
| 3 | 2 siblings renting together | 4/19/2022 8:26 PM |
| 4 | adult and adult son | 4/18/2022 1:49 PM |

# Q5 What type of housing do you live in? (Choose one)

Answered: 218 Skipped: 1

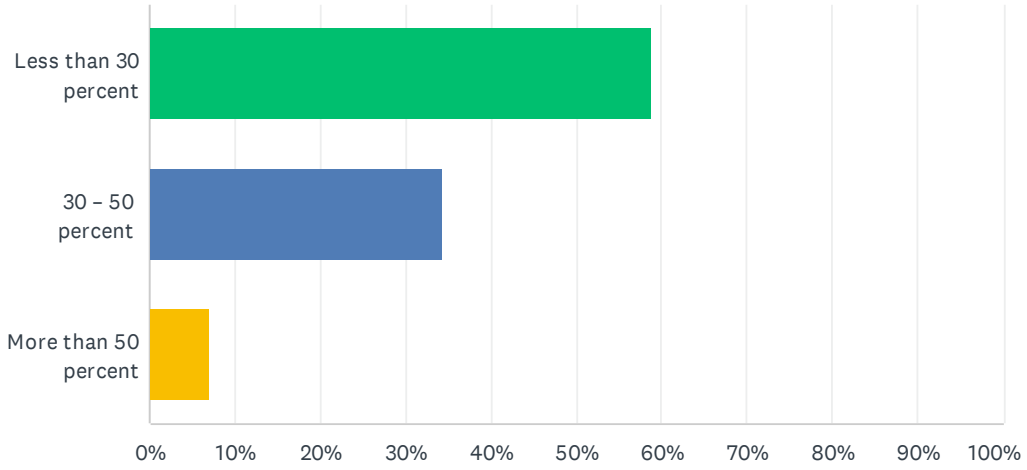



| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Single Family Home | 84.86% | 185 |
| Duplex/triplex/fourplex | 6.42% | 14 |
| Condominium or Townhouse | 2.75% | 6 |
| Apartment | 4.59% | 10 |
| Accessory Dwelling Units (granny flats/second units/guest houses) | 1.38% | 3 |
| Mobilehome or Manufactured Home | 0.00% | 0 |
| Homeless or living in tent/car | 0.00% | 0 |
| Other (please specify) | 0.00% | 0 |
| TOTAL | | 218 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| | There are no responses. | |

# Q6 How much of your gross income (before taxes) do you spend on housing costs (rent, mortgage payments, etc) each month?

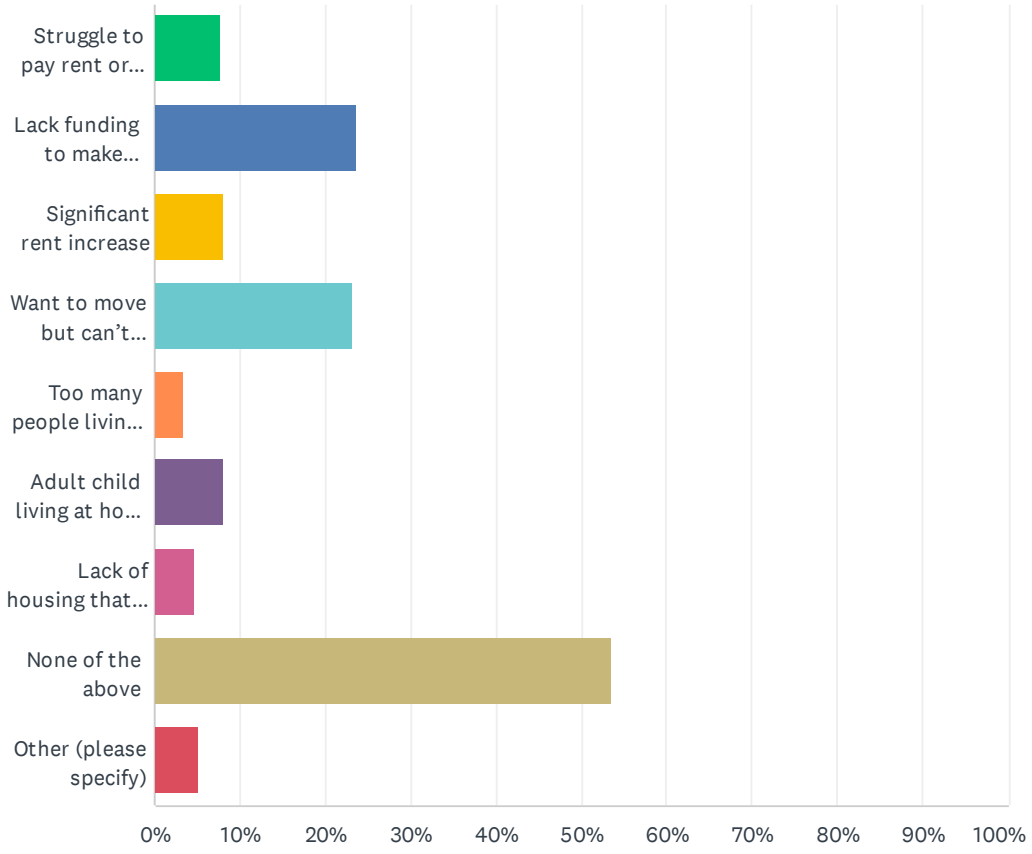
Answered: 216 Skipped: 3




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Less than 30 percent | 58.80% | 127 |
| 30 – 50 percent | 34.26% | 74 |
| More than 50 percent | 6.94% | 15 |
| TOTAL | | 216 |

# Q7 Have you or are you experiencing any of the following housing issues? (Choose all that apply)

Answered: 211 Skipped: 8

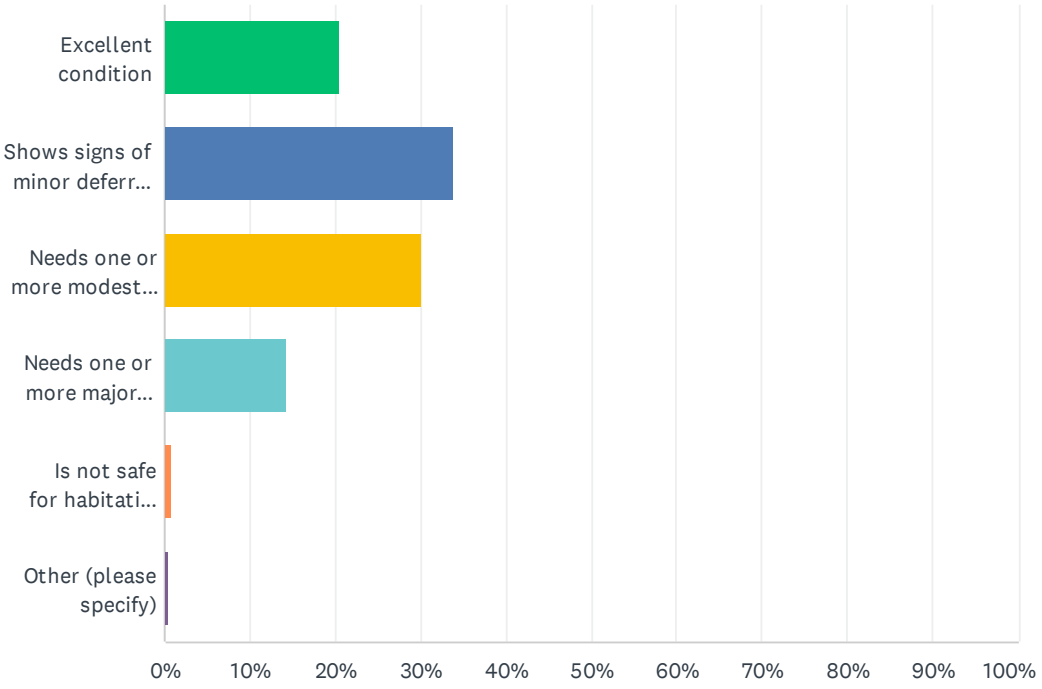



| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Struggle to pay rent or mortgage (e.g., sometimes paying late, not paying other bills to pay rent, not buying food or medicine) | 7.58% | 16 |
| Lack funding to make necessary home repairs | 23.70% | 50 |
| Significant rent increase | 8.06% | 17 |
| Want to move but can't find/afford a home that meet my and/or my family's needs | 23.22% | 49 |
| Too many people living in one home (overcrowding) | 3.32% | 7 |
| Adult child living at home due to inability to afford housing | 8.06% | 17 |
| Lack of housing that meets accessibility needs for seniors or people with disabilities | 4.74% | 10 |
| None of the above | 53.55% | 113 |
| Other (please specify) | 5.21% | 11 |
| Total Respondents: 211 | | |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Not being able to buy a home in the area where I grew up. | 6/2/2022 8:17 PM |
| 2 | Horrible noise at all hours, worsened by removal of carpeting by MG Properties | 5/30/2022 5:16 PM |
| 3 | Unable to find contractors / navigate permitting process to do home repairs and improvements. | 5/24/2022 9:24 AM |
| 4 | Property taxes are a severe drain on my limited fixed income as a retired | 5/21/2022 1:32 PM |
| 5 | older, energy inefficient, housing stock, high reliance on fossil fuels | 5/20/2022 3:40 PM |
| 6 | Unable to find contractors to make repairs | 5/16/2022 7:17 AM |
| 7 | renting was more expensive than purchasing home; rented motel to avoid conflict at home | 4/27/2022 11:26 AM |
| 8 | doing well can make repairs but no surplus for upgrades | 4/26/2022 11:23 AM |
| 9 | We need rent control for single family homes!!!!! | 4/20/2022 6:34 AM |
| 10 | It is very expensive to live in the Bay Area. Luckily our mortgage is not high but other costs are, including daycare tuition for small children. This means we don't have the income to make repairs or upgrade our home. | 4/13/2022 10:59 AM |
| 11 | Can’t afford to own a home in El Cerrito with one tech salary and one stay at home mom. | 4/13/2022 8:59 AM |

# Q8 How would you rate the physical condition of your home or apartment? (Choose one)

Answered: 216 Skipped: 3

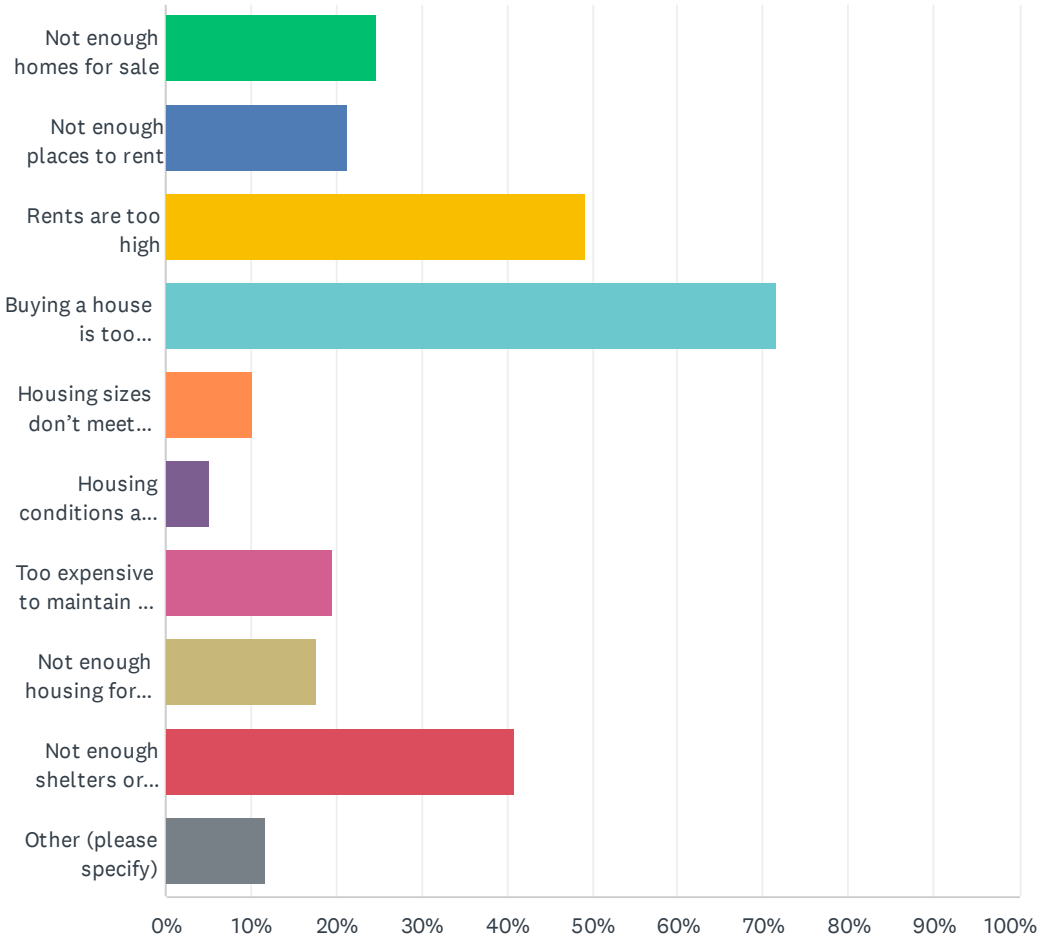



| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Excellent condition | 20.37% | 44 |
| Shows signs of minor deferred maintenance (i.e., peeling paint, chipping stucco) | 33.80% | 73 |
| Needs one or more modest rehabilitation improvements (i.e., new roof, new wood siding, new paint, window repairs) | 30.09% | 65 |
| Needs one or more major upgrades (i.e., new foundation, new plumbing, new electrical) | 14.35% | 31 |
| Is not safe for habitation in its current condition (i.e., structurally unsound, severe mold growth) | 0.93% | 2 |
| Other (please specify) | 0.46% | 1 |
| TOTAL | | 216 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | I don’t believe it meets code for sound transmission | 5/30/2022 5:16 PM |

# Q9 What do you feel is the most significant housing problem facing El Cerrito residents? (Choose up to three)

Answered: 215 Skipped: 4



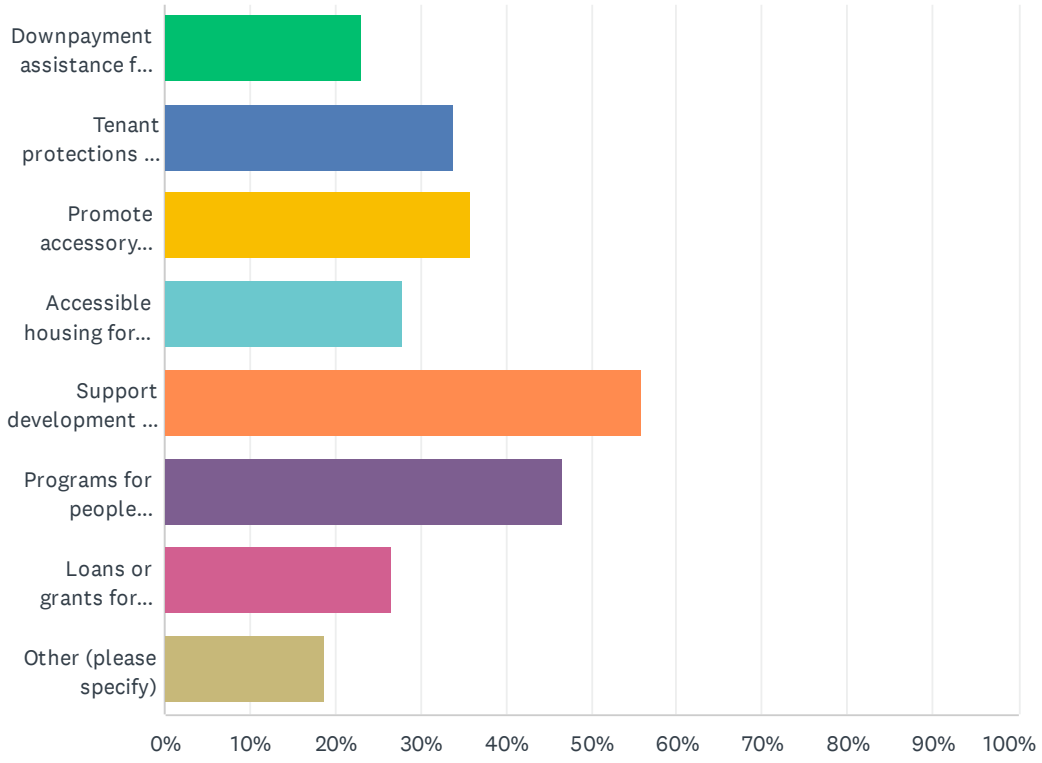
| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Not enough homes for sale | 24.65% | 53 |
| Not enough places to rent | 21.40% | 46 |
| Rents are too high | 49.30% | 106 |
| Buying a house is too expensive | 71.63% | 154 |
| Housing sizes don't meet family needs | 10.23% | 22 |
| Housing conditions are poor | 5.12% | 11 |
| Too expensive to maintain my home as a property owner | 19.53% | 42 |
| Not enough housing for seniors or people with disabilities | 17.67% | 38 |
| Not enough shelters or services for people experiencing homelessness | 40.93% | 88 |
| Other (please specify) | 11.63% | 25 |
| Total Respondents: 215 | | |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Not enough open space to build new single family homes | 5/30/2022 11:29 PM |
| 2 | There are many significant issues, not just one. | 5/30/2022 10:57 PM |
| 3 | Property transfer tax, an endless number of special assessments | 5/30/2022 7:12 PM |
| 4 | Not enough street parking because people park for a week in front of my house to take Bart to the airport for their vacations. Police don't help. I'm sick of these people and for the Bart project that will eliminate further parking for Bart people. So even less ability to park in front of my own house. | 5/30/2022 6:15 PM |
| 5 | Difficult to find housing that accommodates pets | 5/30/2022 12:49 PM |
| 6 | property taxes are too high | 5/23/2022 10:35 AM |
| 7 | misguided notion that more market-rate housing will solve problem; needs to be AFFORDABLE housing | 5/21/2022 1:32 PM |
| 8 | too many new dwellings being permitted | 5/21/2022 11:30 AM |
| 9 | Garbage on the street | 5/21/2022 6:53 AM |
| 10 | I'm not sure | 5/20/2022 4:43 PM |
| 11 | The burden of maintaining sidewalks and trees that is technically not our property. | 5/2/2022 12:03 PM |
| 12 | too expensive to build or repair due to government policy including restricting supply chains | 4/27/2022 11:26 AM |
| 13 | We must create micro/small home ownership opportunities for local youth to eventually be able to afford to own their own place and build equity. | 4/26/2022 10:44 AM |
| 14 | Very crowded. Small or no balconies or outside space around the building. | 4/21/2022 9:21 PM |
| 15 | I don't have any data to support an answer. | 4/21/2022 5:11 PM |
| 16 | Too many ugly large housing complexes | 4/20/2022 10:35 PM |
| 17 | Need more low income units in San Pablo strategic plan condos | 4/20/2022 6:34 AM |
| 18 | Overbuilding increases traffic and reduces quality of life | 4/19/2022 11:45 AM |
| 19 | City does not enforce codes. Lack of staff but last we heard there were 5 fire captains. | 4/19/2022 9:22 AM |
| 20 | Property taxes and assessments are excessive for services provided | 4/18/2022 1:14 PM |

| | | |
|---|---|---|
| 21 | Not enough low/moderate income housing. I can't even get on waiting lists, even though I qualify. | 4/12/2022 8:39 PM |
| 22 | Too much money spent on meth addicted homeless criminals. | 4/12/2022 5:34 PM |
| 23 | too many regulations | 4/12/2022 4:07 PM |
| 24 | not sure, sorry | 4/12/2022 3:41 PM |
| 25 | Homes that are uninhabited/Unoccupied property! | 4/12/2022 3:36 PM |

# Q10 Which strategies do you think the City should prioritize? (Choose up to three)

Answered: 218 Skipped: 1




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Downpayment assistance for homebuyers | 22.94% | 50 |
| Tenant protections for renters (just cause for eviction, rent caps, etc.) | 33.94% | 74 |
| Promote accessory dwelling units (granny flat, second units, backyard cottage) | 35.78% | 78 |
| Accessible housing for seniors and people with disabilities | 27.98% | 61 |
| Support development of affordable housing | 55.96% | 122 |
| Programs for people experiencing or at risk of homelessness | 46.79% | 102 |
| Loans or grants for minor home repairs | 26.61% | 58 |
| Other (please specify) | 18.81% | 41 |
| Total Respondents: 218 | | |

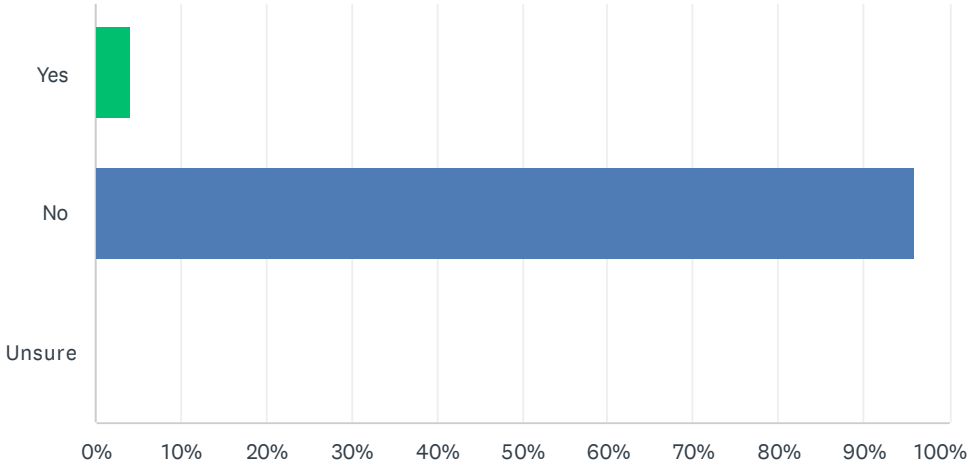
| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Isn't the city bankrupt, and if yes then how are you going to make grants,,, ? | 5/31/2022 1:41 PM |
| 2 | Bart land should not be used for low income housing. That's not what we signed up for when we voters approved Bart! Bart is transit only! | 5/30/2022 8:42 PM |

| | | |
|---|---|---|
| 3 | Developers should not be deciding the type of housing or how much housing. Public policy must balance the need for affordable housing and they type and placement of where it is built. Developers have only the profit motivation and rarely make good housing development partners for cities. | 5/30/2022 8:17 PM |
| 4 | Get rid of property transfer tax, stop have one neighbor pay 10x the property tax as another neighbor with a similar valued home | 5/30/2022 7:12 PM |
| 5 | Develop vacant lots into housing | 5/28/2022 9:27 AM |
| 6 | reduce property taxes | 5/23/2022 10:35 AM |
| 7 | Stop adding more ugly tall boxy dwellings | 5/21/2022 11:30 AM |
| 8 | Clean up garbage. Have residents help. | 5/21/2022 6:53 AM |
| 9 | Support Low income housing. And affordable senior housing which should include Accessible housing. | 5/20/2022 10:18 PM |
| 10 | rework policies as needed to facilitate development of all forms of new housing | 5/20/2022 3:10 PM |
| 11 | Get rid of single family zoning across all of El Cerrito | 5/14/2022 7:57 AM |
| 12 | review true impact of current government policy on limiting housing | 4/27/2022 11:26 AM |
| 13 | change zoning to allow for denser housing to be built! | 4/26/2022 10:24 PM |
| 14 | Pass ordinances to deter investors from buying up single-family homes either to flip for their own profit or turn into rentals. Support purchase of homes by people who want to live in the home. | 4/26/2022 8:20 PM |
| 15 | Decrease in Property Tax | 4/26/2022 2:43 PM |
| 16 | Create ownership opportunities for people who grew up here and want to move back to help care for their aging parents. | 4/26/2022 10:44 AM |
| 17 | Market-rate housing development | 4/26/2022 9:55 AM |
| 18 | Make San Pablo better by fast tracking all development on that street | 4/26/2022 9:51 AM |
| 19 | I don’t think the city should worry about this but instead focus on being business friendly | 4/25/2022 3:36 PM |
| 20 | Density bonus for additional affordable housing. | 4/25/2022 8:15 AM |
| 21 | Rent assistance | 4/22/2022 9:48 PM |
| 22 | Fewer monster apartment blocks with small apartments & no outdoor space and | 4/21/2022 9:21 PM |
| 23 | City put more effort into maintaining right-of-ways; trees, landscaping | 4/21/2022 12:01 AM |
| 24 | Build build build | 4/20/2022 11:55 PM |
| 25 | Limit new construction | 4/20/2022 11:19 PM |
| 26 | permanent drought, frequent wildfires -- rethink location housing and apartments | 4/20/2022 10:00 PM |
| 27 | Build low income housing/units | 4/20/2022 10:53 AM |
| 28 | Vacant car lots and boarded up buildings along San Pablo Ave. | 4/20/2022 10:07 AM |
| 29 | Keep property values up by enforcing standing municipal codes | 4/19/2022 9:22 AM |
| 30 | We already do enough | 4/19/2022 8:18 AM |
| 31 | rent mediation/education for landlords and tenants | 4/18/2022 1:51 PM |
| 32 | property tax high and my sons will notvbe able to afford to live here when I die | 4/18/2022 1:49 PM |
| 33 | Provide no interest loans to seniors to upgrade homes, including accessibility, energy efficiency and solar, allow repayment upon home sale or transfer of estate | 4/18/2022 1:14 PM |
| 34 | Make sure red tape isn't making it too difficult/expensive to build housing | 4/18/2022 12:16 PM |
| 35 | Build/approve more housing! | 4/14/2022 11:44 AM |

| | | |
|---|---|---|
| 36 | Support for our local homeless community | 4/13/2022 9:17 PM |
| 37 | Middle income housing for households in the $100k range | 4/12/2022 7:34 PM |
| 38 | El Cerrito officials have proven again and again they have little to no qualifications in making decisions with other people's money. | 4/12/2022 5:34 PM |
| 39 | limit any further regulations too many regs to make you want to feel better | 4/12/2022 4:07 PM |
| 40 | Updating zoning to allow for more housing construction and fewer parking requirements | 4/12/2022 3:44 PM |
| 41 | Fines to homeowners who leave their dwellings unoccupied | 4/12/2022 3:36 PM |

# Q11 Have you been displaced from your home in the last five years?

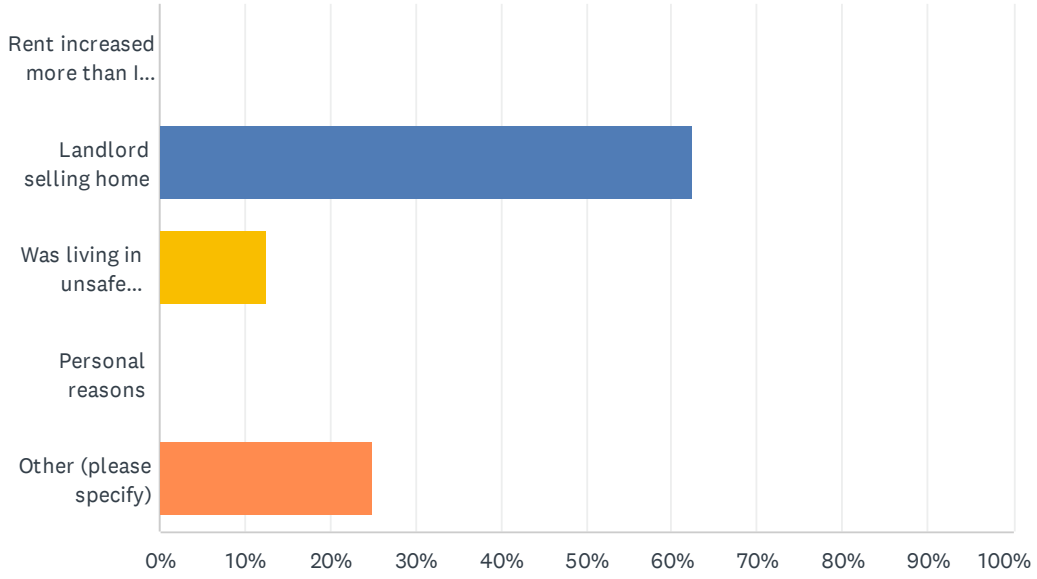
Answered: 219 Skipped: 0




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Yes | 4.11% | 9 |
| No | 95.89% | 210 |
| Unsure | 0.00% | 0 |
| TOTAL | | 219 |

# Q12 Which of the following best describe the reason you were displaced?

Answered: 8 Skipped: 211

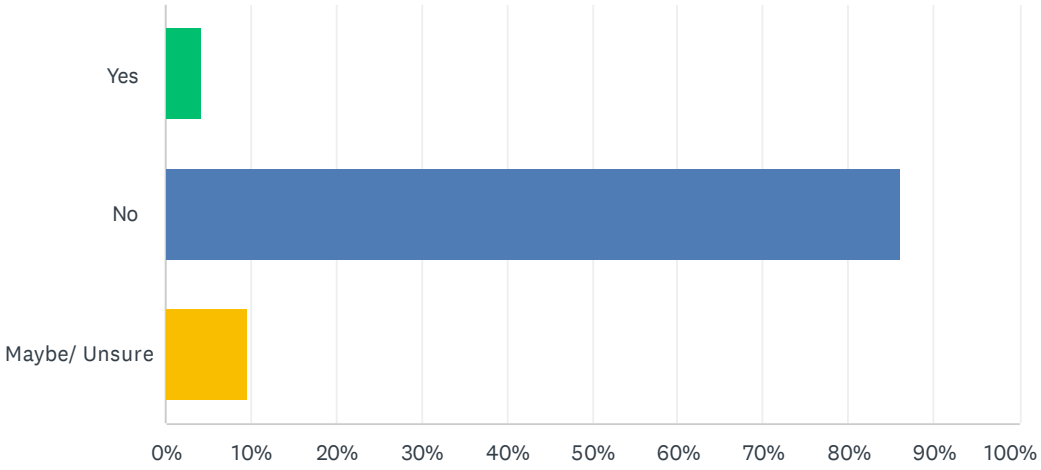



| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Rent increased more than I could pay | 0.00% | 0 |
| Landlord selling home | 62.50% | 5 |
| Was living in unsafe conditions | 12.50% | 1 |
| Personal reasons | 0.00% | 0 |
| Other (please specify) | 25.00% | 2 |
| TOTAL | | 8 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Landlord threatened to do owner move-in eviction (in Berkeley) | 4/26/2022 9:18 PM |
| 2 | Landlord or relative move in situation | 4/20/2022 10:05 PM |

# Q13 When you looked for housing in El Cerrito in the past 10 years, did you ever feel you were discriminated against?

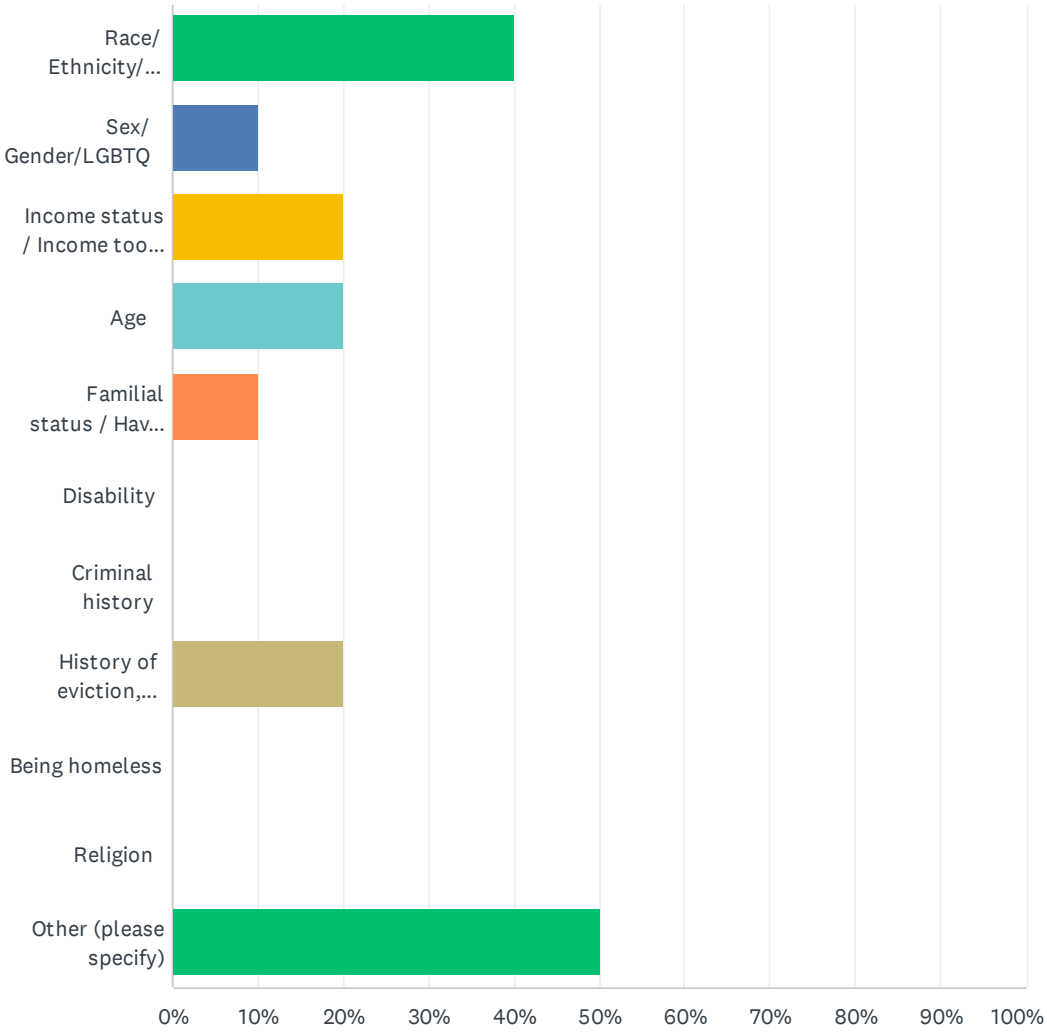
Answered: 208 Skipped: 11




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Yes | 4.33% | 9 |
| No | 86.06% | 179 |
| Maybe/ Unsure | 9.62% | 20 |
| TOTAL | | 208 |

# Q14 Why do you think you were discriminated against? (Choose all that apply)

Answered: 10 Skipped: 209

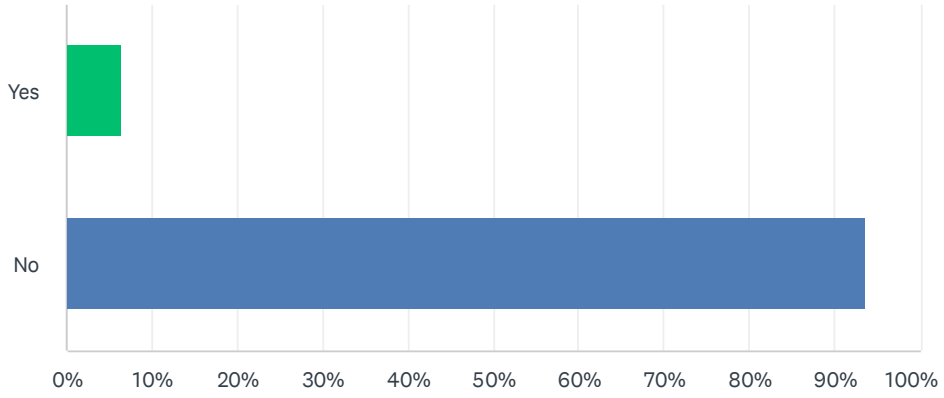


| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Race/ Ethnicity/ Language spoken | 40.00% | 4 |
| Sex/ Gender/LGBTQ | 10.00% | 1 |
| Income status / Income too low | 20.00% | 2 |
| Age | 20.00% | 2 |
| Familial status / Having children | 10.00% | 1 |
| Disability | 0.00% | 0 |
| Criminal history | 0.00% | 0 |
| History of eviction, foreclosure, bad credit | 20.00% | 2 |
| Being homeless | 0.00% | 0 |
| Religion | 0.00% | 0 |
| Other (please specify) | 50.00% | 5 |
| Total Respondents: 10 | | |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | It was back in 2001 when my elder white neighbors surrounding at Sea View and Village, told me I had no right to rent out rooms in my house to more than three people and tried to dictate where I could park on the street. It was scary terrible harassment. They lied to the entire neighborhood causing an uproar that propelled me to run for office to advance affordable housing of all types in the face of this nasty discrimination. | 4/26/2022 10:47 AM |
| 2 | Haven’t looked for housing in past 10 years. | 4/26/2022 10:31 AM |
| 3 | N/A I lived in my house for 30 years. | 4/19/2022 9:33 AM |
| 4 | NA | 4/13/2022 12:58 PM |
| 5 | Haven't looked for housing since SEP, 1979 | 4/12/2022 8:33 PM |

# Q15 When you looked for housing in El Cerrito in the past 10 years, were you ever denied rental housing?

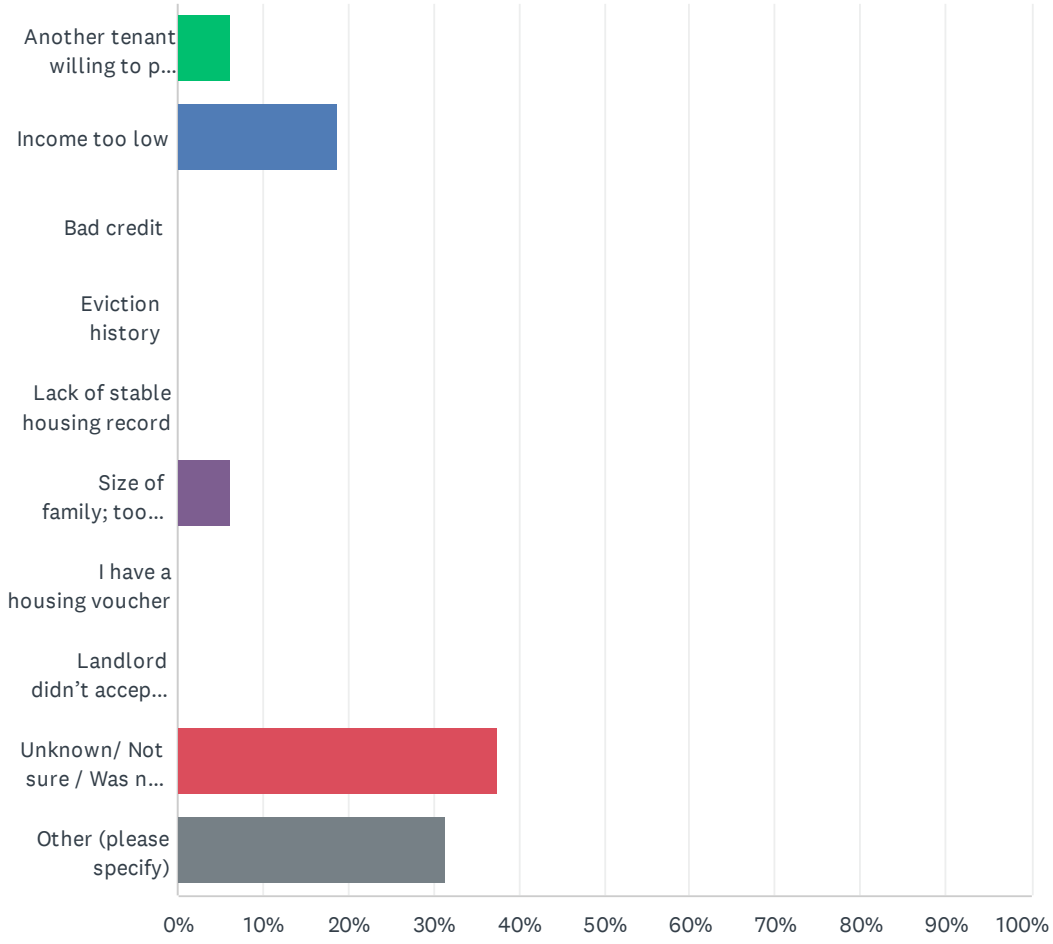
Answered: 200 Skipped: 19




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Yes | 6.50% | 13 |
| No | 93.50% | 187 |
| TOTAL | | 200 |

# Q16 Why were you denied?

Answered: 16 Skipped: 203

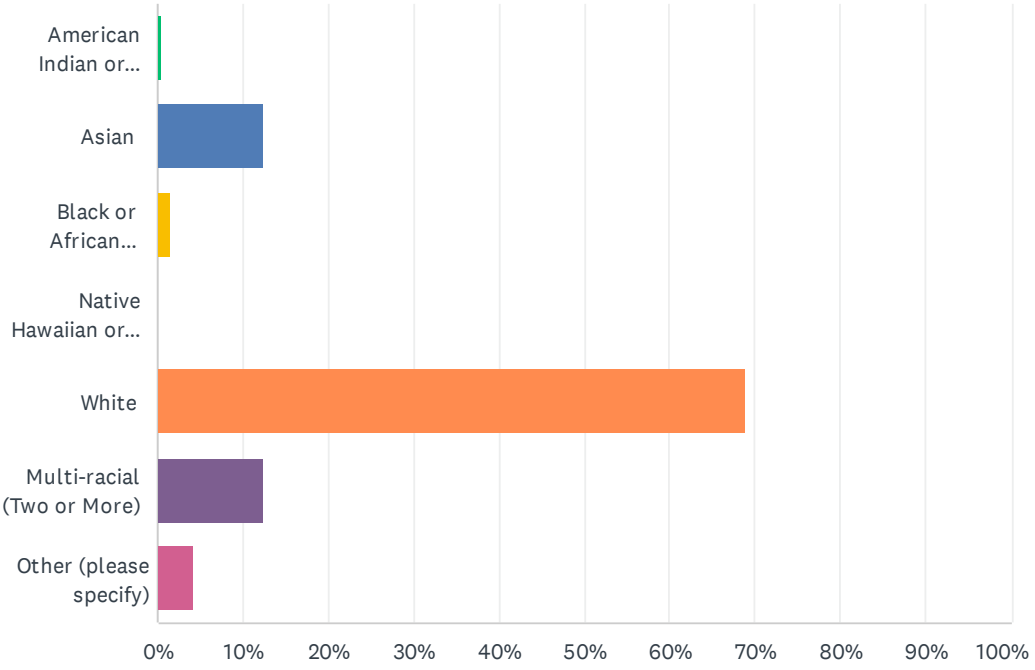


| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Another tenant willing to pay more | 6.25% | 1 |
| Income too low | 18.75% | 3 |
| Bad credit | 0.00% | 0 |
| Eviction history | 0.00% | 0 |
| Lack of stable housing record | 0.00% | 0 |
| Size of family; too many people | 6.25% | 1 |
| I have a housing voucher | 0.00% | 0 |
| Landlord didn't accept the type of income I earn | 0.00% | 0 |
| Unknown/ Not sure / Was not given a reason | 37.50% | 6 |
| Other (please specify) | 31.25% | 5 |
| TOTAL | | 16 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Greedy Landlord | 7/12/2022 5:16 PM |
| 2 | I did not look for housing in last 10 years | 5/26/2022 8:20 PM |
| 3 | Who said I was denied? | 4/22/2022 3:09 PM |
| 4 | We had a small dog and the landlord refused to rent to us. She is not destructive. The landlord was paranoid. | 4/21/2022 7:05 PM |
| 5 | N/A | 4/19/2022 9:33 AM |

# Q17 What is your race?

Answered: 209 Skipped: 10



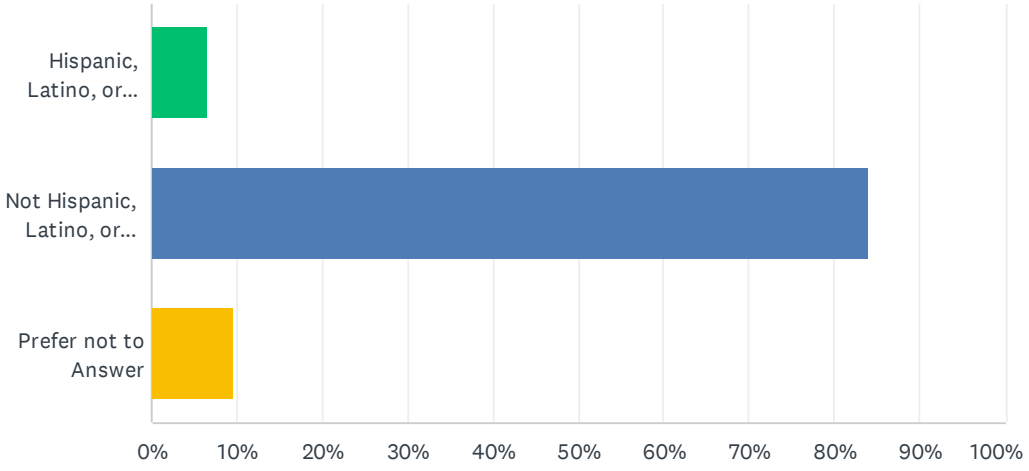

| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| American Indian or Alaska Native | 0.48% | 1 |
| Asian | 12.44% | 26 |
| Black or African American | 1.44% | 3 |
| Native Hawaiian or Other Pacific Islander | 0.00% | 0 |
| White | 68.90% | 144 |
| Multi-racial (Two or More) | 12.44% | 26 |
| Other (please specify) | 4.31% | 9 |
| TOTAL | | 209 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|---|---|---|
| 1 | Middle east | 5/30/2022 7:23 PM |
| 2 | Human | 5/21/2022 11:30 AM |
| 3 | Prefer not to answer | 5/20/2022 4:44 PM |
| 4 | Black, White | 4/29/2022 12:36 PM |
| 5 | Iranian American | 4/26/2022 8:10 PM |
| 6 | Midle Eastern / Arab American. | 4/26/2022 2:46 PM |
| 7 | Northern European. I do not like the term “white” rather than area of origin like Asian, Pacific | 4/21/2022 9:23 PM |

| | | |
|---|---|---|
| | Islander etc. | |
| 8 | Mexican | 4/19/2022 4:40 PM |
| 9 | Not relevant. | 4/12/2022 5:35 PM |

# Q18 Which best describes your ethnicity?

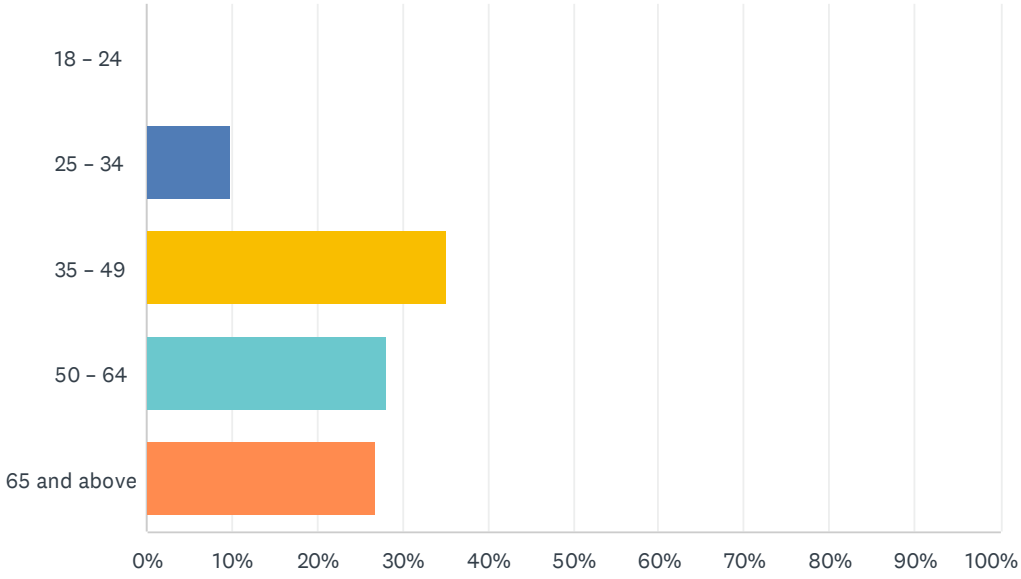
Answered: 199 Skipped: 20




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| Hispanic, Latino, or Spanish Origin | 6.53% | 13 |
| Not Hispanic, Latino, or Spanish Origin | 83.92% | 167 |
| Prefer not to Answer | 9.55% | 19 |
| TOTAL | | 199 |

# Q19 What is your age?

Answered: 213 Skipped: 6




| ANSWER CHOICES | RESPONSES | |
|---|---|---|
| 18 – 24 | 0.00% | 0 |
| 25 – 34 | 9.86% | 21 |
| 35 – 49 | 35.21% | 75 |
| 50 – 64 | 28.17% | 60 |
| 65 and above | 26.76% | 57 |
| TOTAL | | 213 |

# Q20 Do you have any additional housing related comments that are not listed above and should be considered in the Housing Element update process?

Answered: 96 Skipped: 123

| # | RESPONSES | DATE |
|---|---|---|
| 1 | Make some truly affordable housing further away from noisy BART. Also, make BART adhere to noise ordinance which they ignore. Bike paths, safe walking paths, bike lockers at BART would all encourage ridership. CLEAN UP SF DOWNTOWN STATIONS, quit acting helpless. DO YOUR JOB, BART | 7/12/2022 5:20 PM |
| 2 | Would be nice to have transitional housing available for our un-housed people instead of tents along the green belt. | 5/31/2022 1:27 PM |
| 3 | Help with adding to the existing home. We're family of 5 in small 2 bedroom home. We need bigger space like adding second story to our home. But that process is overwhelming and expensive. Need help from the city to make this happen easier process. Maybe help with loan and permits. | 5/31/2022 8:32 AM |
| 4 | My concern is the amount of new units being built in El Cerrito seemingly without consideration to the lack of infrastructure to support that many new people living here, especially the already overcrowded schools. And the fallacious belief that limiting parking in these multi-unit apartments will prompt people to use public transportation as BART and AC Transit begin to scale back or eliminate routes. I would like to see how the Housing Commission is addressing these issues in tandem with more housing, for example some kind of demonstration that limiting parking does promote public transit and not clog up roads and public parking. | 5/30/2022 11:35 PM |
| 5 | As someone who uses BART, I'm concerned about removing parking at BART stations in order to build high density housing. | 5/30/2022 10:56 PM |
| 6 | You need to find a way to build affordable housing near BART and keep parking available. The impact on the neighborhood will be huge and people will just drive instead. | 5/30/2022 10:45 PM |
| 7 | Bart should NOT be used for low income housing. Affordable housing should NOT come at the expense of Bart riders' parking!!!!!!!!!! We have been riding and parking at Bart for years. We voted for Bart for transit, NOT HOUSING. Stop screwing us over. We will simply DRIVE and no one will be able to use that station. | 5/30/2022 8:45 PM |
| 8 | I'm not sure how most if any of these questions provide the city with information on what residents want in policies related to housing. Not a single question about preference for housing, where it is located (i.e. central shopping area or residential, near BART etc.) This is more of a survey of the personal lives of the survey takers. I found it offensive. | 5/30/2022 8:21 PM |
| 9 | This survey is skewed to one perspective, should have been reviewed by professionals. But I'm sure it will give you the results you were hoping for | 5/30/2022 7:14 PM |
| 10 | Please find places for the tented people along the Bart path wildflower area. There are now serval tents and people living in the ravine at key street, behind the onion hamburger store | 5/30/2022 7:07 PM |
| 11 | Your building department is outdated and slow. You make it impossible for businesses to open bc of major delays. Defund the police and fire departments. More street lights and sidewalks. | 5/30/2022 6:17 PM |
| 12 | I wish an ordinance was enacted that would mandate landlords provide code compliance documentation upon renting and every 5 years thereafter; provide process where inspections could be provided upon request (I lived at DelNorte for 11 happy years—the last two have been hell due to the drastically increased noise exacerbated by management's removal of sound-deadening carpet/pad, replaced with cheap vinyl flooring. Help!!!! | 5/30/2022 5:19 PM |
| 13 | Develop vacant lots downtown. Clean up trash downtown. Create more green space downtown. Enhance pedestrian and bike access downtown. | 5/28/2022 9:31 AM |

| | | |
|---|---|---|
| 14 | Yes, I do have additional housing related comments I'd like to have considered. (I'll keep it brief.) 1) We DO have some homeless regulars, plus some homeless who may regularly frequent EC but lodge in neighboring cities… and in regards to my thoughts on what we should do to address their needs: I feel that if each city tries on its own to solve/ameliorate homeless issues WE ARE NOT GOING TO BE UTILIZING OUR MEAGER FUNDING TO ITS BEST USE. What may be better is to pool resources (regionally) and work as a cohesive regional group. We don't get as much if we each do our own thing so to speak. It's got to be on a larger scale. This resource-pooling will cross not only *city* boundaries, but could cross *county* boundaries too, working with Alameda County, being as we're right next door to Albany & Berkeley. People in crisis or without a home tend to be on the move throughout any given day — they migrate, they are mobile. A single place to assist homeless could be fashioned, for all cities in our region, complete with EXCELLENT resources. If we worked as a regional team to put our efforts towards one singular provision-source we'd certainly have less problem with funding shortages plus we'd have fewer issues regarding jurisdiction (when someone in crisis needed service). Does this make sense? Is there a potential location that might be earmarked? Perhaps there is a large / lower rent space nearish to Rydin Road or around Del Norte BART. Perhaps something in the flats of Berkeley, in a currently-derelict industrial pad. There are many buildings in the low-numbered streets that could be interesting, depending on whether owners could be amenable to being bought out. Something to think about, at any rate. 2) Regarding a lot of the large developments that have been allowed/approved over the past few years, and those yet to come: I fully understand that the current directives in place via the SPASP mean we are mostly "stuck" with projects that are not fully beneficial to our city. I don't like it, but it appears there isn't much that can be done. (If there are modifications that CAN be made to the SPASP, on what we're forced to approve, then great… but my understanding is that we are forced into a "must-approve" rubber stamp situation on these.) So, that being the unfortunate place we find ourselves, I just need to say that many of these developments tend to incorporate very small units - a lot of them - and THAT size (studios, for instance) do not work for anyone other than commuters who'd be essentially sleeping in their cell and then leaving town for work, etc. The little cells could work for students however students of Cal are not going to be utilizing them as they want/need to live closer to campus. (Cal needs to deal with their longterm problem of not building housing, which Berkeley's citizens struggle with nowadays. El Cerrito shouldn't try to solve the problem UCB isn't tackling.) So, my point is… the micro-sized units do not attract people who'd be interacting in the city itself— they wouldn't be spending $ here, integrating into our society, solidifying their desire to enjoy existence HERE. What this means is… promoting (or at least being stuck approving) micro-unit behemoths is hurting EC over time. Granny/ADUs is a good idea, but the huge box made of tiny quadrants only helps developers who really don't care what it's doing to our city. We are at a crossroads. The last bit I need to touch on is… we have little water. This is already happening now. There comes a time when we have to pay attention to that. We cannot just keep adding housing. It's a crummy thing to note, but, resources are finite. Not everyone can live in a certain place. Thanks for reading my comments. | 5/27/2022 11:27 AM |
| 15 | With the San Pablo Specific Plan, the City has done a fantastic job producing housing. I hope to see the City continue to embrace housing production to address our housing crisis. | 5/25/2022 3:06 PM |
| 16 | While I understand the importance and advantages of high density housing and ADUs, attention should also be paid to the benefits of open space and peace and quiet. We absolutely do not need to cover over every possible open space in the city. | 5/24/2022 9:27 AM |
| 17 | Please stop spread of multi-unit housing off San Pablo. It's bad for neighborhoods. | 5/23/2022 7:27 AM |
| 18 | concern about plans for housing around BART stations | 5/21/2022 8:43 PM |
| 19 | The city should focus on bringing more businesses to different neighborhoods, especially ones that serve or employ residents. Focusing on more housing without concomitant commercial enterprises creates a suburban "ghetto" rather than a vibrant urban environment. | 5/21/2022 1:45 PM |
| 20 | There is inadequate water for people here; the highways are congested; residential parking permits are metastasizing. Preserve the quality of life, don't destroy it by stuffing more people into the city. | 5/21/2022 11:32 AM |
| 21 | Support development of empty downtown lots with dense housing. | 5/21/2022 6:56 AM |
| 22 | The increase in ADUs and housing density is creating parking problems on narrow streets. People don't park in garages and driveways; now they block sidewalks with cars and create hazardous conditions for pedestrians and cars on narrow streets. | 5/20/2022 10:45 PM |

| | | |
|---|---|---|
| 23 | We want beauty, landscaping, good design & architecture in El Cerrito, in affordable housing and in the residential & commercial development approved & built. Majority is unattractive, out of scale or just ugly. Please try harder. | 5/20/2022 10:37 PM |
| 24 | In addition to affordable housing availability (both ownership and rental), it is important to have policies that will improve the environmental/climate impacts of housing (new and retrofitted), including phasing out fossil fuel use, improving indoor air quality, reducing embodied energy/carbon of construction materials, and reducing water use and increasing recycled/greywater, etc. | 5/20/2022 3:50 PM |
| 25 | My son and his family were forced to move when rents became too high and the rental was not maintained by the owner. So much water damage. The renters feared insisting on repair because the rent kept climbing. | 5/19/2022 10:16 PM |
| 26 | I love El Cerrito, we moved here in 2021 from San Francisco. We live nearby condos, apartment buildings, multiplexes, and single family homes. I think that is what makes our neighborhood so amazing, many different people from many different economic and cultural backgrounds. More housing, especially affordable for low and very low income folks is desperately need in the Bay Area, and I hope we can build more housing here in El Cerrito in the upcoming planning period. | 5/18/2022 10:20 AM |
| 27 | Need affordable housing for singles and retirees: not all the monster additions and remodels. Need affordable ADU building: it’s so expensive to build that one is forced to charge high rent to pay for it. And being able to age in place is too expensive. | 5/17/2022 3:54 PM |
| 28 | I think we need more housing, and the arguments about changing the character don't hold water - the character is changed already. We cannot try to keep el cerrito the way it was 40 years ago. and we need to make it so lower-income and middle class folks can live here. That's all. | 5/16/2022 1:48 PM |
| 29 | Open spaces for all residents, less time for services to open new store fronts, better street safety, and walkability | 5/16/2022 7:22 AM |
| 30 | The current housing policy that has different tenant protection for "mom and pop" landlords versus larger landlords is ridiculous. | 5/14/2022 8:00 AM |
| 31 | Build transit friendly housing along the San Pablo corridor. Don’t make Bart inaccessible to hill dwellers. ADU’s should only be permitted with consent of neighbors and shouldn’t exacerbate parking and narrow streets. | 5/2/2022 7:29 PM |
| 32 | I really think that making it easy in to build ADU's in El Cerrito, could be a major help to our housing crisis. Many California cities have pre-approved plans (e.g. San Jose and Encinitas) making it much easier to navigate the process. | 5/2/2022 12:09 PM |
| 33 | I was able to buy a house because I relentlessly bothered lenders and agents to assist me in 1999. I had a harder time renting than buying a home. Glad that I did. I see that housing is limited due to government intrusion in the economy; the high costs of building due to government policy does limit supply. for example, eviction moratoriums do restrict supply and this increased the cost of housing for the everyone. Official feel like they are doing good without acknowledging that their policies do limit supply. This is not the only problem. Instead of limiting supply, officials can only review how they actually make housing more expensive. This helps current homeowners without making the "pie" bigger for all. | 4/27/2022 11:30 AM |
| 34 | I have not seen enough focus on increasing the supply of housing. We need to change zoning laws to allow for denser housing to be built anywhere in El Cerrito. We should also push for development of currently empty lots. More housing means that prices for houses or rents have a chance to come down. | 4/26/2022 10:26 PM |
| 35 | I'm concerned about overbuilding multi-family residential developments, and altering the character of El Cerrito. The dramatic decrease in commuter travel on BART during the pandemic may not rebound to levels that were anticipated during BART planning and past updates to the Housing Element. Let's take time to carefully evaluate future housing demand. | 4/26/2022 10:25 PM |
| 36 | Please allow for higher densities in residential neighborhoods. | 4/26/2022 9:19 PM |
| 37 | In addition to being affordable, new housing needs to be electrified and served by public transit, to help mitigate the climate crisis. | 4/26/2022 9:07 PM |
| 38 | I would like to see more construction of affordable and "missing middle" housing and no | 4/26/2022 8:34 PM |

| | | |
|---|---|---|
| | subsidies for market rate apartment construction. Also please preserve our existing single-family neighborhoods. Deter the purchase of homes by investors who flip them for short-term profit or turn them into rentals and support their purchase by people who want to live in them. Also take action to deter people from leaving their homes vacant for years or decades and continuing to claim Prop. 13 tax assessments that belonged to their grandparents. | |
| 39 | Housing needs to be coordinated with affordable transportation so that residents are not required to own a car to take care of basic needs. | 4/26/2022 6:48 PM |
| 40 | Focus on opportunities to support lower income and low/middle income renters and buyers more than established homeowners. Require new developers to quietly set aside a percentage of units for section 8 or other lower rent programs. Or first time homeowner programs like NACA. Just mixed in with everyone else. I am impressed with the programs that work with people long before they purchase ~ to build a nest egg and credit before going into the market. It helped my daughter to be prepared and successful. While I have not experienced housing racial discrimination in the past 10 years it was rampant when my family first tried to move into the El Cerrito hills in the 1960's. Sellers slammed their doors when they saw we were not White. It seems like long ago but there are still so few Black and Latina families except in the flatlands. I suspect it affects renters more than buyers now? In my neighborhood as elderly homeowners pass away their children are holding onto and renting out their parent's houses. El Cerrito may become more of a single family home rental market. | 4/26/2022 11:49 AM |
| 41 | We have a large amount of abandoned buildings along San Pablo Ave. Hopefully we can use these spaces to build modest apartments to relieve the intense housing shortage in El Cerrito. | 4/26/2022 10:55 AM |
| 42 | Compared with other cities, El Cerrito has done well meeting housing targets, but I have been harping on the need for units that more than one person can occupy. Developers say the market is stronger for single-person units, but I suspect that the bigger motivation is that profit margins are bigger for single-person housing. | 4/26/2022 10:51 AM |
| 43 | El Cerrito is a pioneer in environmental policy. We must also become a pioneer in equitable housing opportunities. We must create a pilot program to bring back economically displaced households and those who went to El Cerrito schools and grew up both in El Cerrito and Richmond. We must find a climate rationale to prioritize rental and ownership housing that is affordable, particularly for people who need to, for economic and social reasons, be closer to relatives, and community networks. This will result in greater community health, sustainability and prosperity. Building more homes with less parking and along major transit corridors and transbay bus hubs is critical. Thank you! | 4/26/2022 10:51 AM |
| 44 | Transit oriented development is a must, we need to rapidly speed up development of the San Pablo corridor near Plaza and Del Norte BART. Deployment of ADUs and Manufactured housing can certainly be part of the solution but should be prioritized near the public transit corridors and should be all-electric. | 4/26/2022 10:41 AM |
| 45 | More low cost apartments for families. | 4/26/2022 10:33 AM |
| 46 | More support for first-time homebuyers. The high real estate bidding makes it harder for low to moderate-income families to obtain a single-family home. More partnerships with local non-profit agencies like example RNHS to support low to moderate families be homeowners. Example, when you think you are finally obtaining for a down payment the cost of living increases and other factors in society. | 4/26/2022 10:09 AM |
| 47 | I hope that the city continues to prioritize permitting market-rate housing, especially on/around transit centers. Also, permitting processes for home improvements have been painful in my experience (it took us 6 months to get a solar permit), and I hope the city makes investments in streamlining permitting to help reduce the cost of building and maintaining housing. | 4/26/2022 9:58 AM |
| 48 | Affordable housing, maintained in good condition, is the #1 priority throughout the Bay Area. Rents are too high, and the high cost to purchase a home only reinforces that. Homebuying assistance, as a secondary priority, will help to support affordable rentals; reasonable rules for landlords will help to prevent investors from snapping up all of the inventory and preventing families from making their homes here. | 4/26/2022 9:56 AM |
| 49 | Make san pablo better | 4/26/2022 9:51 AM |
| 50 | I'd prefer for EC to focus on their current financial issues rather than housing. There is more than enough housing in EC. | 4/25/2022 3:37 PM |

| | | |
|---|---|---|
| 51 | Incentives for landlords with single family homes to join affordable housing programs to keep rents lower for couples whose total household income is $150,000 or less. So my husband and I can live/rent where we work. | 4/23/2022 1:37 PM |
| 52 | I really hope El Cerrito continues to build more housing. I also hope they stay away from rent control. The way to solve our housing crisis is to build more housing. | 4/21/2022 7:06 PM |
| 53 | This is anecdotal info. Nice, but not based on actual research. | 4/21/2022 5:13 PM |
| 54 | The questions about discrimination in the last ten years are flawed. It's been more than ten years since I sought housing, so I answered no—but that gives zero information about whether I count as someone who hasn't experienced discrimination, just that I didn't expose myself to the possibility. | 4/21/2022 9:36 AM |
| 55 | Insist on attractive architecture and design for new buildings. They are all ugly, especially that new monstrosity near Del Norte BART. Beautiful architecture enhances a city and increases its desirability as a place to live or visit. Enough with the bad building designs. | 4/21/2022 12:06 AM |
| 56 | There is not enough water for new housing | 4/20/2022 11:20 PM |
| 57 | El Cerrito needs to balance the overgrowth of large ugly housing complexes with the importance of maintaining a small city feel. El Cerrito is losing some of it's quaintness which should be just as important as providing housing. The City is becoming less attractive due to it's overcrowding, increase traffic on city's streets, etc. | 4/20/2022 10:39 PM |
| 58 | need to solve water problems before add more people to megadrought California. | 4/20/2022 10:03 PM |
| 59 | Affordable housing is not the same as low-income housing, and is too often out of reach for working class people. We who work low income jobs deserve to live here too! And the pandemic has show that we have the capacity to house the unsheletered, it is political will that is lacking. We should be doing more and better. | 4/20/2022 10:58 AM |
| 60 | How will unhoused people have access to this survey? Is there a team going out and taking the survey with them? | 4/20/2022 7:21 AM |
| 61 | Prioritize and incentivize contracts and partnerships with BIPOC businesses, residents, and communities NOW!!! | 4/20/2022 6:37 AM |
| 62 | There are many ways in which the needs affordable housing for seniors and those with disabilities overlaps with the needs to address homelessness. It's critical for our city to start to address housing insecurity and homeless services. Thank you! | 4/19/2022 2:42 PM |
| 63 | I think this is already in the plan, but I support greater housing density especially along the San Pablo corridor, with as much affordable housing as possible - apartments for single people, and for families of all sizes. | 4/19/2022 12:44 PM |
| 64 | Multistory, high density housing impacts the quality of life for western city citizens, those on the eastern side are not impacted. It is not fair. | 4/19/2022 11:49 AM |
| 65 | Homelessness is a huge problem and El Cerrito seems to ignore it completely. Unlike other cities we don't contribute to the Contra Costa County CORE program and therefore are not prioritized there. Services are very limited. Where are the soup kitchens, shelter beds, food pantries, shelter from heat, cold and weather, showers and toilets and other critical needs? The city cites tents on the Ohlone Greenway to move without providing shelter. This I believe is immoral and illegal. Being unhoused Is not a crime. The death of an unhoused man outside the library was very disturbing. Why wasn't he offer shelter and services? Why did this go on for so long? What has been done to investigate this and what actions will be taken to prevent further occurrences? SOS is doing great work with the unhoused. They hire unhoused outreach workers to help keep encampments clean and safe. They operate a portable shower trailer and advocate for the unhoused. How can El Cerrito partner with SOS and community members to bring relief to El Cerrito's unhoused residents? Too many people are falling through the cracks. Let's help them save themselves. | 4/19/2022 9:58 AM |
| 66 | Your survey did not address environmental issues that impact community housing such as crime, public transportation, parking, and public school access. Or the current state of the City budget which impacts all of these areas. | 4/19/2022 9:28 AM |
| 67 | City needs to hire more code enforcement staff. Mr Mello is terribly overworked, maybe hire back Jay Marlette to help him. | 4/19/2022 9:24 AM |

| | | |
|---|---|---|
| 68 | I want to see more density in El Cerrito! We need more homes to keep housing prices affordable to retain the culture and character of our diverse city, plus more density will make me feel safer as a young woman walking around at night. | 4/19/2022 9:10 AM |
| 69 | In order to reduce greenhouse gas emissions, all new housing in El Cerrito should be all-electric and not use any methane. | 4/19/2022 8:22 AM |
| 70 | Eliminate covered parking requirements for SF | 4/18/2022 8:59 PM |
| 71 | Rent control is not the solution to any housing crisis. More housing is the solution to any housing crisis. They city should evaluate red tape holding up development and promote the sale of underutilized or vacant retail on San Pablo. | 4/18/2022 4:38 PM |
| 72 | I am concerned about the corporate landlords who are buying up property. We need to know the data for our area. How many single homes are turning to rental or air b and b | 4/18/2022 1:53 PM |
| 73 | We shot ourselves in the foot by voting for Prop 19, I didn't vote for 13. Something had to be corrected but 19 is a realtors dream. The whole area will all be upper class housing market very soon. The "Help" if they can work will be living on the street. | 4/18/2022 1:53 PM |
| 74 | Housing density should be located along transit corridor, while not impacting quality of life for other residents such as view, sunlight, on street parking. Better to have more building of smaller height. More emphasis should be given to architecture/design to improve aesthetic quality of buildings (and the image of EC). Provide open space/green space/community gardens with developments. | 4/18/2022 1:20 PM |
| 75 | Electric vehicles are another city priority to help combat climate change and yet we have far too few supports for EV owners when many homes lack garages for chargers and there ia no guideline to approve a curbside private charger by the driveway apron. I have witnessed multiple owners simply dragging extension cords across sidewalks (which is a hazard) but when trying to pursue a legitimate solution I have been unable to secure guidance- so instead jockey for position at the (only one!!) charger at City Hall or the slow chargers at the recycling center (in contrast Tesla chargers are abundant at the Plaza but not even on charger doe non Teslas is at the Plaza, community center, etc. | 4/18/2022 11:33 AM |
| 76 | I support building more apartment buildings on San Pablo Ave. and at the EC Plaza Bart parking lot. | 4/18/2022 11:21 AM |
| 77 | With houses going for sometimes close to $1M over asking price, I'm not sure who exactly can afford to move here these days. I'm grateful I got in when I did, even with my small 2br/1ba, but we'll probably need to move out of EC if we ever want to upgrade to something bigger. | 4/18/2022 10:16 AM |
| 78 | Eliminate in lieu fees and demand that developers build affordable housing onsite Build the "missing middle housing" that is critically needed Leverage all city muscle to develop land trusts and permanent affordable housing and housing for unsheltered community members Delineate clear goals and accountability measures for affordable and fair housing, as per the state's new mandates | 4/17/2022 5:36 PM |
| 79 | I answered two question "no" as to whether I was discrimated against or something else in the last 10 years. Although accurate, I feel the answer is N/A as I have been a home owner for more than 10 years. Although it is difficult to afford the repairs to the yellow tagged home we bought, I feel I still am in a position of privilege, I can refinance (and owe more of course, but still). I think priority should be given that benefits the bottom (those who have unstable housing condition, or are looking for an affordable place to live), not those of us who already have the luxury to own; we have the option to refinance. And finally, I want to ensure that protections are in place for the ELIMATION of any housing unit, not just the demolition thereof in cases where a new housing development is being proposed. We should ensure that we do not lose housing units to construct non residential project or to combine more than one unit into one. | 4/14/2022 7:12 PM |
| 80 | Every month city should list housing | 4/14/2022 10:01 AM |
| 81 | I have no idea how people afford to live in El Cerrito; I certainly could not afford my house now. We also have a large number of vacant buildings on San Pablo Ave, yet people are still sleeping in the streets. That makes no sense. | 4/13/2022 9:18 PM |
| 82 | I think having more dense, affordable housing for young people will help build up a more thriving and interesting restaurant and retail scene in El Cerrito | 4/13/2022 11:54 AM |
| 83 | I support dense housing near BART stations | 4/13/2022 10:26 AM |

| | | |
|---|---|---|
| 84 | I bought a house in El Cerrito because it was a diverse community that included working class and wage worker neighbors. I am deeply disturbed to see so much of our new housing projects only cater to higher income households. And "affordable housing" standards are bullshit and don't actually include people who work for minimum wage, so don't cite the few, performative units that are included in some of the recent developments. Until our new housing actually houses people who are currently unhoused, we are failing. | 4/13/2022 10:02 AM |
| 85 | Houses are overpriced for the quality. We could technically put all of our money towards buying a house instead of renting, but then we couldn't afford the repair needed to update and fix issues. I don't want to pay a million dollars for a mediocre home that might become a money pit (as that's happened to friends in the area). | 4/13/2022 9:02 AM |
| 86 | There are empty lots that are perfect for tiny home communities | 4/13/2022 8:39 AM |
| 87 | Your survey should have an Not Applicable choice where appropriate | 4/12/2022 8:35 PM |
| 88 | The city should help folks such as teachers, childcare workers, small businesses owners who make $80 to $120k and will never qualify for affordable housing get housing here. Consider direct grants, as well as multiagency funding for housing for middle income households. | 4/12/2022 7:40 PM |
| 89 | Let the markets handle themselves. Stop meddling. | 4/12/2022 5:35 PM |
| 90 | New housing needs to pay its way for school facilities, park facilities, and road and sidewalk improvements. | 4/12/2022 4:46 PM |
| 91 | let the market work the city needs to keep their own "feel good issues" out of policy decisions. just look at the housing project at the Del Norte bart station. Hideous i guess they will do this again at the other Bart station. why deface our community with these type of policies. let the market work | 4/12/2022 4:13 PM |
| 92 | I would encourage those making decisions about housing to consider *modernizing* the current state of housing. We are no longer a majority working class neighborhood in need of single family homes. We need more housing for a diverse community and more housing options to support the most vulnerable of our residents. | 4/12/2022 4:11 PM |
| 93 | I hope we can update our land use to allow for more housing opportunities (e.g. duplexes allowed everywhere, eliminating covered parking requirements, higher density near transit), as well as better road designs (protected bike lanes, traffic calming, wide sidewalks, access to transit). | 4/12/2022 3:46 PM |
| 94 | I support high density in-fill housing at a variety of price points so long as there are concurrent infrastructure improvements (parking, roads, schools). | 4/12/2022 3:45 PM |
| 95 | Mental health programs for the homeless | 4/12/2022 3:43 PM |
| 96 | We know of a handful of single-family homes in our area that remain empty and feel it's an extremely tragic that the homeowners are allowed to keep it empty instead of being fined and/or renting it out. | 4/12/2022 3:38 PM |

# Polling Results from Community Workshop

# El Cerrito Housing Element Community Workshop

26 Apr - 03 May 2022

Poll results

# Table of contents


- Which statement(s) best describes you?
- What is your housing situation?
- What is your age?
- How long have you lived in El Cerrito?
- What do you like about living or working in El Cerrito?
- Which statement best describes your experience finding and securing housing in the City?
- What do you think are the greatest fair housing issues in El Cerrito?
- What do you think are the greatest challenges in El Cerrito?
- What ideas do you have for addressing housing challenges in El Cerrito?

Multiple-choice poll (Multiple answers)

## Which statement(s) best describes you?

0 2 4

I am a resident of El Cerrito

I work in El Cerrito

I am a developer in the area

I represent a non-profit or advocacy group

Multiple-choice poll

## What is your housing situation?

0 2 2

I own my home

77 %

I rent my home

14 %

I live with family/friends (i.e, do not pay rent)

5 %

I have roommates (i.e, live with others and pay rent)

5 %

Do not currently have a permanent home

0 %

Multiple-choice poll

## What is your age?

0 2 3

Under 18

0 %

18 – 24

0 %

22-34

4 %

34-49

30 %

50-64

26 %

65 or older

39 %

Multiple-choice poll

## How long have you lived in El Cerrito?

0 2 4

Less than 1 year

0 %

1-4 years

13 %

5-9 years

8 %

10 + years

71 %

I do not live in El Cerrito

8 %

## What do you like about living or working in El Cerrito?

024

Multiple-choice poll

## Which statement best describes your experience finding and securing housing in the City?

0 2 3

I had no trouble finding housing

22 %

It was and is still hard to find an affordable place to live, based on my household income.

17 %

I had to leave my preferred neighborhood to move to a less convenient location to find an affordable place to live.

17 %

Not applicable

43 %

## What do you think are the greatest fair housing issues in El Cerrito?

(1/4)

0 2 5

- limited public transit in many areas makes car ownership necessary
- hills are vulnerable to catastrophic fire
- corporate purchasing of homes
- Agree that some upzoning is necessary. Single-family zoning is so dominant everywhere
- Pg&e
- AMI residents can double dip in private seller market and market rate housing developments is unfair to all other income brackets who are left to fight over the scraps
- Speed of housing approvals makes it cost prohibitive
- cost of housing is gentrifying the city and displacing lower income residents
- City fees for building are too expensive
- Cost and available unit type
- Too much Focused development instead of widespread ability (Specific Plans versus 4-plex by right everywhere)

## What do you think are the greatest fair housing issues in El Cerrito?

(2/4)

025

- New housing projects that are not sufficiently geared toward affordable housing. 10 units per 100 for example is a drop in the bucket.
- Too much r1 zoning
- Not enough duplexes, triplexes
- renters vulnerable to rent hikes (no rent control)
- Shortage of low income housing
- Not enough resources and wrap around services to help people successfully become self-sufficient
- The big, new, corporate buildings are cost-prohibitive for many people, and they have practices that are difficult for many to handle. They give the city and the good landlords a bad name.
- cost of new construction is too high
- NIMBY mentality about building higher density housing
- Not enough along transit corridors
- Not enough low income and senior housing
- Lack of SFH renter protections

## What do you think are the greatest fair housing issues in El Cerrito?

(3/4)

025

- Lack of space for low-very low affordable housing projects.
- Lack of affordable housing
- Ensuring that in-lieu fees or wage mandates don't create economic barriers to projects
- Housing located where transportation can take people to opportunity
- Disabled access
- It just seems like people are priced out of the higher resource areas.
- Affordability
- Parking requirements make it harder to create enough housing
- Low density zoning
- Rising amount of unhoused people; house the unhoused!
- Lack of tenant protections, little support to help homeowner make repairs and thus renters living in poor and unsafe housing.
- Need rentals for low income people
- Limited supply
- Legacy of racial covenants, exclusionary zoning, and racial wealth gap.

# What do you think are the greatest fair housing issues in El Cerrito?

(4/4)

0 2 5

Persistent deference to developers and market rate housing over affordable housing

- Access to affordable housing, systemic racism
- city didn't adequately address the displacement at Audiss RV park (replaced by $900k condos)
- Lack of affordable housing
- low density zoning in high opportunity areas is a barrier to affordable housing
- Unaffordable housing
- Not enough affordable homes near transit and jobs
- Equality
- affordability

# What do you think are the greatest challenges in El Cerrito?

(1/3)

027

- more el cerrito specific data need to address policies.
- Lack of safe walkability and safe biking available on San Pablo
- Need better local amenities
- lack of density
- Housing purchased by corporations for rental units
- Need more units that house more than one person.
- better transit and better pedestrian access
- lack of political will
- higher allowable densities to support inclusionary housing
- Housing mix increases cost
- NIMBY opposition to new housing
- lack of options for housing the unhoused.
- Empty storefronts
- No protections for SFH renters
- City's budget
- Better public transportation.
- Too many market rate housing being built. We need more social housing
- Tempore shelters for homeless
- Affordability. Need for tenant protections. Disporportionate

## What do you think are the greatest challenges in El Cerrito?

(2/3)

0 2 7

production of market rate and underproduction of affordable housing

- Expensive housing pushing out existing residents and creating a wealthy monoculture
- Housing affordability
- Parking take aways
- Need housing for homeless
- Public transportation other than bart
- Inequality
- No help for homeless folks.
- Reconciling the desire of a small-town environment with the need for more housing.
- affordability
- unaffordable housing, cost of development, unsustainability
- Lack of housing density near the plaza station
- Limited build opportunities in hills and large minimum lot sizes Missing middle
- Feasibility/financing gap
- I was told affordable housing for impoverished people coming out of transitional housing
- Affordable Housing for low - very low income

# What do you think are the greatest challenges in El Cerrito?

(3/3)

0 2 7

- Affordability
- Affordability
- gentrification and equity for housing. I know too many people leaving El Cerrito due to affordability.
- Expensive, too much driving
- Affordable multifamily housing
- affordability
- "missing middle" housing
- Cost!
- Not enough apartments
- Availability
- Neighbors
- Affordability

# What ideas do you have for addressing housing challenges in El Cerrito?

(1/4)

0 2 1

- Work with Richmond to add housing
- Develop tiny homes for unhoused
- EL Cerrito publicly support public banks
- More social housing and community land trusts
- Ensure that the affordable housing units aren't only built at the very end of a new housing development.
- public banking/financing for affordable housing to allow the community to invest in itself instead of speculative developers with high profit motive
- Addressing blight to attract more businesses and residents.
- Work WITH landlords, not against them. Have free mediation available for both tenants and landlords to reduce dependency on courts. Be sure we have 100% of rentals participating in the Rent Registry! Do we?
- Incentivize development of single story small lots along San Pablo
- Working closely with

## What ideas do you have for addressing housing challenges in El Cerrito?

(2/4)

0 2 1

property owners/developers on development standards in San Pablo Avenue Specific Plan (e.g. height, etc.)

- Tax vacant properties an additional fee for being vacant
- Tax on vacant lots and homes
- More housing for homeless like Idaho Apartments.
- Our nonprofit, Courageous Women Association, has a collaborative program that we'd like to work with the City on that addresses not only housing but will allow for both housing and jobs simultaneously; addressing the needs of affordable housing and jobs for homeless individuals and families.
- Aggressively continue encouraging housing on San Pablo Ave.
- Eliminate any covered parking requirements that we've had in El Cerrito in the past
- Allow easier permits approval
- Citywide regulatory changes
- Prioritize walkability and biking over parking spaces

## What ideas do you have for addressing housing challenges in El Cerrito?

(3/4)

0 2 1

- policy to implement a requirement for productive temporary use of vacant (to be developed) lots. There is too much holding of land and waiting for it to appreciate rather than serving the community
- zoning for better distribution of affordable housing in higher opportunity areas
- Increase the density in the higher opportunity areas of the city, don't just focus it in the flats, a great first step, what can you do in the hills
- Need more subsidized housing beyond the California mandate
- Make higher density housing look awesome
- Shared housing for singles
- Think outside the box: what funding sources have not been pursued for more affordable housing.
- Ordinance requiring 1 year of residence before turning a house into a rental unit.
- Increased in lieu fees or better yet eradication of

## What ideas do you have for addressing housing challenges in El Cerrito?
(4/4)

0 2 1

them entirely and mandate to build affordable housing onsite

- Allow more corner stores with homes on top to increase walkability
- Housing the unhoused
- More Higher density along SPA
- Seek more grants...cap and trade etc. near transit
- Allowing duplexes or larger everywhere
- 4 plex by right

# APPENDIX C | BART TOD Housing Element Letter

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**
2150 Webster Street, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

**2022**

Rebecca Saltzman
PRESIDENT

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2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

March 7, 2022

Hello,

BART is aware that all Bay Area jurisdictions are actively working on updating their Housing Elements to meet their Regional Housing Needs Assessment (RHNA) numbers, as required by the State of California. As part of the process, local governments are required to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment. As such, cities and counties with BART stations may be considering BART land in their inventories. Building on our recent conversations about the development potential and timing of implementing transit-oriented development (TOD) projects on BART land, we wanted to reach out and confirm your community's goals with respect to development at the station(s) in your community.

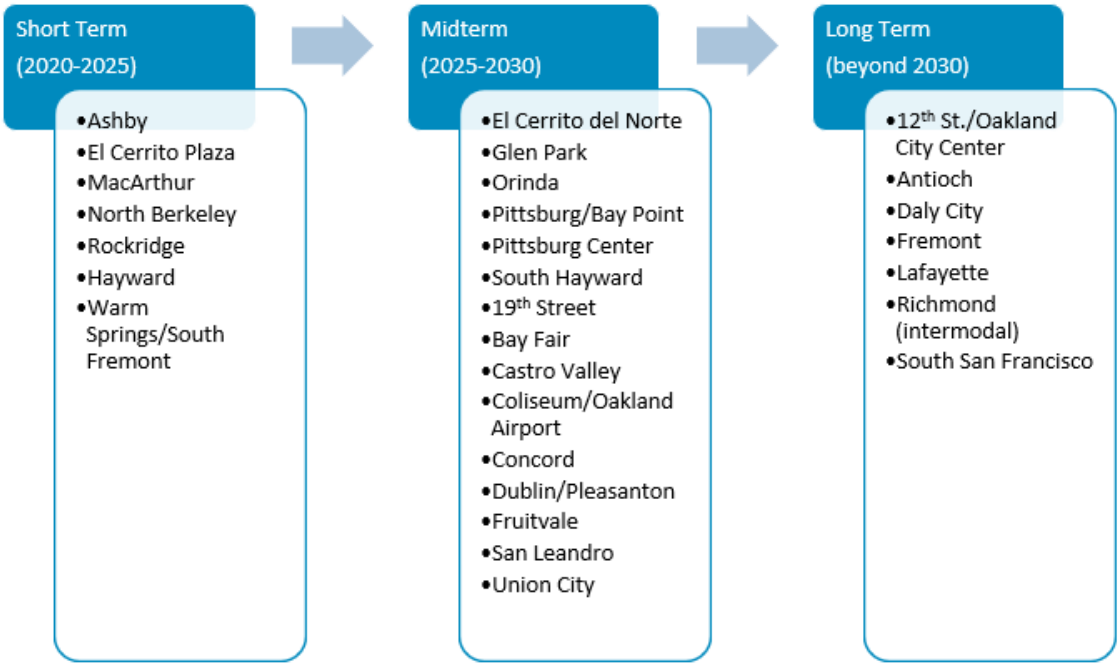
BART acknowledges that public land, including ours, can play an important role in addressing the region's housing crisis. However, given BART's limited staffing resources and very limited funding sources for structured parking that is often required to open up BART's land for development, it would be challenging for BART's TOD program to support the development of all the land that might be included in various jurisdiction's housing elements during the planning period of 2023-2031. Understanding that including our land in a housing element does provide a good opportunity to initiate housing development with the support of the community, we would like to ensure that local jurisdictions are prepared to partner with us on addressing the barriers that may exist at a particular station.

In an effort to support our local jurisdiction partners as they go through the process of updating their Housing Elements, we encourage you to review *BART's Transit-Oriented Development Program Work Plan* ( TOD Work Plan, 2020) before considering BART's land for your 2023-2031 Housing Element as it identifies BART's prioritized sites for TOD implementation. The *TOD Work Plan* incorporated input from many local agency staff on preferred timing for project initiation and the types of projects they wanted to see in BART's station areas.

The first step in creating the *TOD Work Plan* was to determine how BART was tracking towards meeting the TOD program performance targets that were adopted by BART's Board of Directors in 2016. The next step was to prioritize station areas based on three criteria:

1. Market readiness for TOD
2. Local support for TOD
3. Infrastructure needs

Taking into consideration BART staff and resources, the final step was to categorize undeveloped station areas by the following timeframes for initiating development:




For station areas categorized as **Near-term** in BART's TOD Work Plan, we support including the stations in your Housing Element, if that is your goal.

For station areas categorized as **Mid-term** in BART's TOD Work Plan, we would like to have further discussions with you about the timing of development before it is included in Housing Element. BART will most likely not be able to initiate development at all the station areas in the Mid-term category within the 2023-2031 Housing Element planning period, so further discussions with you are necessary to better understand what would need to occur to realistically develop the site. We understand that there are new rules regarding how often a site can be included in a housing element and we want to ensure that we are coordinating on the timing of development to meet both BART's goals and those of the local jurisdiction.

For station areas categorized as **Long-term** in BART's TOD Work Plan, we do not intend to develop the station area within the current Housing Element planning period of 2023-2031. BART does not recommend including our station area in your Housing Element at this time. However, the TOD Work Plan will be updated on a regular basis, and we are happy to coordinate with you if the intention is to include this site in a future Housing Element. If you still plan to include our land in the current Housing Element cycle, please let us know so that we can have further conversations about what would need to happen to initiate development.

The timing of initiating development at a particular station area may be affected by many factors, including BART's transit operational needs and funding availability to complete the project in a timely

manner. Over the next several years, BART will consider **availability of local funding** to support development, especially affordable housing, as a key factor in advancing projects.

Additionally, BART will be seeking projects that can be rapidly delivered through seamless coordination with local jurisdiction staff as a key factor in advancing sites to development. One example will be cooperation on finding BART parking and access solutions that **maximize development** on highly desirable land near station entrances by **minimizing the number of structured parking stalls**. In this example, creative solutions could include options such as shared, on-street parking, and district parking as well as significant investment in access infrastructure and programs to reduce overall parking demand. In the event a high level of BART parking is necessary, outside funding sources will need to be identified.

Delivering TOD projects is complex and requires productive partnerships between BART and local jurisdictions and we look forward to working with you to realize our shared goal of increasing the amount of housing near transit.

Sincerely,

Val Menotti

Val Joseph Menotti
Chief Planning and Development Officer

# SUPPLEMENTAL AGENDA MATERIALS

**REGULAR CITY COUNCIL MEETING**
**August 16, 2022**

**PUBLIC COMMENT INDEX**

1. Public Comments received

**Agenda Item 8B – 2023-2031 Draft Housing Element**

1. Presentation

CITY HALL 10890 San Pablo Avenue, El Cerrito, CA 94530
Telephone (510) 215-4305 Fax (510) 215-4379 http://www.el-cerrito.org

# SUPPLEMENTAL AGENDA MATERIALS
# PUBLIC COMMENT INDEX

**REGULAR CITY COUNCIL MEETING**
**August 16, 2022**
**(Revised August 22, 2022)**

The following Public Comments were **received by 3:00:00 p.m. 8/16/2022**, 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. Kimberly White
2. Cordell Hindler
3. Howdy Goudey, Chair, on behalf of Environmental Quality Committee
4. William Ktsanes

**Agenda Item 7A – Fire Hazard Abatement**

1. Karen Smekofske

**Agenda Item 8A – Project Stabilization Agreement with Contra Costa Building and Construction Trades Council**

1. Cathy Simpson
2. David Karrick
3. Arnold Dizon
4. Al Miller
5. Brian Patterson

**Agenda Item 8B – 2023-2031 Draft Housing Element**

1. Sherry Drobner
2. Michael Fischer
3. Al Miller

August 7, 2022

Re: Public Comment- Disparate Treatment

Dear El Cerrito City Council,

After inquiring about policies regarding endorsing candidates, the City has reliably advised that governance regarding conduct differs for Council members, city staff and members of advisory boards. I am bringing this to your attention because you may be unaware of this disparity.

Employees are governed by the Code of Ethics for employees. The code reads as follows:

**Code of Ethics for City Employees:**
***Political Activity*** *– As American citizens, employees have the right to belong to a political party, to sign petitions, to attend political meetings, to express opinions and to vote. However, employees are not permitted to participate in any political activity during working hours or to engage in political activities in workplace areas not usually open to the public. No City employee may participate in political activities of any kind while in uniform.*

The use of an employee's title or position with the city would be treated the same as an employee conducing an activity while in uniform. Both would be identifying their connection with the city and therefore could imply that the individual's activity is the opinion of the city or an approved action of the city.

Similarly, Advisory Board members are governed by a Code of Conduct:

**The Code of Conduct for city advisory body members states that Advisory Body Members Shall:**
10. Use their title only when conducting official City business, and carefully consider whether they are exceeding or appearing to exceed their authority. This includes use of their title in any personal setting, community event, speech, or other activity not facilitated by the individual's Advisory Body.
The attached e-mail states, "A personal political endorsement is not official city business."

Suppose it is true that a political endorsement is not official city business. In that case, the same must be valid for anyone serving in any capacity in the City of El Cerrito. Further, disparate treatment unfairly marginalizes employees and advisory board members seeking candidacy to the City Council. I strongly urge you to seek counsel on the legalities and risks of continuing unequal treatment and enforcement of policies and practices among those who serve.

Please advise the public of any decisions regarding this inquiry. Thank you for your time and consideration.

Respectfully,

Kimberly White
El Cerrito resident

**RE: Election endorsements**

From: City Clerk cityclerk@ci.el-cerrito.ca.us
To: Kimberly White [redacted]
Cc: Tessa Rudnick TRudnick@ci.el-cerrito.ca.us
Date: Mon, Aug 1, 2022, 9:36 AM

Good morning,

In addition to the ethics policy you mentioned below, the Code of Conduct for city advisory body members states that Advisory Body Members Shall:

*10. Use their title only when conducting official City business, and carefully consider whether they are exceeding or appearing to exceed their authority. This includes use of their title in any personal setting, community event, speech, or other activity not facilitated by the individual's Advisory Body.*

A personal political endorsement is not official city business. Please let me know if you have any further questions. Thank you

**Holly M. Charléty, MMC, MPA**
City Clerk

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
510.215.4305
hcharlety@ci.el-cerrito.ca.us

**PLEASE NOTE: City Hall is currently open to the public Monday - Thursday from 9:00 a.m. to 1:00 p.m. The City remains under a local emergency due to COVID-19. Please see www.el-cerrito.org/covid19 for more information.**

**From:** Kimberly White [redacted]
**Sent:** Sunday, July 31, 2022 8:40 PM
**To:** City Clerk <cityclerk@ci.el-cerrito.ca.us>
**Cc:** Tessa Rudnick [redacted]
**Subject:** Fwd: Election endorsements

Caution! This message was sent from outside your organization.

Hello Madam City Clerk,

I conducted some research ,but the only policy available applies to employees. Could you please advise of a specific policy applicable to Advisory Board Members

7:56

**Mayor - Gabriel Quinto**
3d ·

Thank you for supporting me on my reelection to the El Cerrito City Council 2022.

to the El Cerrito City Council 2022.

CA Treasurer Fiona Ma
Senate President Pro Tempore Toni Atkins
Attorney General Rob Bonta
Speaker of the CA Assembly Anthony Rendon
CA Controller Betty T. Yee
Board of Equalization - Malia Cohen
Congressman John Garamendi
Senator Nancy Skinner
Senator Scott Wiener
Contra Costa District Attorney - Diana Becton
Assemblywoman Buffy Wicks
Assemblyman Phil Ting
Assemblyman Alex Lee
Assemblywoman Mia Bonta
San Francisco City Attorney David Chiu
San Francisco Sheriff Paul Miyamoto
Contra Costa Supervisor - John Gioia
Vice Chair CA Democratic Party - David Campos

# Motoyama, Janet Abelson
# Former El Cerrito Mayors - Rochelle Purdue-Olivito, Mark Friedman, Norman LaForce, Howard Abelson, Ann Cheng, Greg Lyman,

Home Watch News Pages Notifications Menu

Please see below. Thank you again for your time, co nsideration and your patience with my questions.

**Code of Ethics for City Employees:**
***Political Activity*** *– As American citizens, employees have the right to belong to a political party, to sign petitions, to attend political meetings, to express opinions and to vote. However, employees are not permitted to participate in any political activity during working hours or to engage in political activities in workplace areas not usually open to the public. No City employee may participate in political activities of any kind while in uniform.*

The use of an employee's title or position with the city would be treated the same as an employee conducing an activity while in uniform. Both would be identifying their connection with the city and therefore could imply that the individual's activity is the opinion of the city, or an approved action of the city.

A Song in Your Heart Makes You Dance All Day

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**From:** Kimberly White [redacted]
**Sent:** Friday, July 29, 2022 9:24 AM
**To:** City Clerk <cityclerk@ci.el-cerrito.ca.us>
**Subject:** Re: Election endorsements

Good morning Madam City Clerk

Thank you for your early reply. I'm still unclear why the policy exempts one part over another.

Please provide the policy that restricts the endorsement of candidates. The documentation is appreciated as soon as practicable.

Best

FAB Member White

A Song in Your Heart Makes You Dance All Day

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**From:** City Clerk <cityclerk@ci.el-cerrito.ca.us>
**Sent:** Friday, July 29, 2022 9:18:06 AM
**To:** Kimberly White [redacted]
**Subject:** RE: Election endorsements

Hi Kimberly,

Best

FAB Member White

A Song in Your Heart Makes You Dance All Day

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**From:** City Clerk <cityclerk@ci.el-cerrito.ca.us>
**Sent:** Friday, July 29, 2022 9:18:06 AM
**To:** Kimberly White [redacted]
**Subject:** RE: Election endorsements

Hi Kimberly,

Elected officials do not have the same restrictions as city employees/volunteers.

**Holly M. Charléty, MMC, MPA**
City Clerk

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
510.215.4305
hcharlety@ci.el-cerrito.ca.us

**PLEASE NOTE: City Hall is currently open to the public Monday - Thursday from 9:00 a.m. to 1:00 p.m. The City remains under a local emergency due to COVID-19. Please see www.el-cerrito.org/covid19 for more information.**

**From:** Kimberly White [redacted]
**Sent:** Thursday, July 28, 2022 8:05 AM
**To:** City Clerk <cityclerk@ci.el-cerrito.ca.us>
**Subject:** Election endorsements

Caution! This message was sent from outside your organization.

Hello Madam City Clerk,

After receiving your reply, I was surprised to see this FB post. The council members are specifically called out by their roles.

Perhaps the candidate can list titles, but the office holder cannot, but I'm a bit confused.

Could you please clarify the policy when you have a moment?

I appreciate your time.

Thank you again.

A Song in Your Heart Makes You Dance All Day

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**From:** Cordell Hindler
**To:** City Clerk
**Subject:** Public Comments- Not on the Agenda
**Date:** Thursday, August 11, 2022 3:42:46 PM

---

Hello Mayor Quinto, Council Members and Staff, I have a couple of Comments for the Record

1. The council is Invited to the EL Cerrito Chamber Mixer on the 24th of August,

   5:30 pm Elevation 66 Brewing Company

2. I will let the Record reflect that I was Responsible for having Koff & Associates to do the Class & Comp Study

Sincerely
Cordell

August 16, 2022

El Cerrito City Council
El Cerrito City Hall
10890 San Pablo Ave.
El Cerrito, CA 94530

Mayor Quinto and City Council Members,

The following recommendations from the El Cerrito Environmental Quality Committee were approved on Aug 9, 2022 with a unanimous vote of 13 ayes, 0 noes, 0 absent.

Move/Second: Members Goudey/Weinstein Action: Passed a motion for the EQC to recommend to the Planning Commission and Council that the San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report (SEIR) not be certified without addressing additional climate actions to meet stated climate goals, including all-electric buildings, increased EV infrastructure readiness and reducing embodied GHG emissions associated with construction materials. The EQC also recommends analysis of recent federal legislation, as well as state and regional funding opportunities, supporting the funding of greenhouse gas emission reductions. Ayes: Unanimous Noes: None

Thank you for your consideration,
Howdy Goudey
[redacted]
Chair, Environmental Quality Committee

To: City Manager Karen Pinkos
City Finance Manager Sandra Dalida
Mayor Gabe Quinto
Mayor Pro Tem Lisa Motoyama
Councilmember Janet Abelson
Councilmember Paul Fadelli
Councilmember Tessa Rudnick

From: William Ktsanes

Date: August 16, 2022

Re: Projected Revenue for FY 2022-23

I wish to express concern about the City of El Cerrito's revenue projections for the 1.2% Real Property Transfer Tax ("RPTT"). In the current budget, the City projects revenue totaling $4.3 million for fiscal year 2022-23. Based on current trends, I estimate that RPTT revenue for FY 2022-23 will be closer to $3.5 million. Although I am a member of the City's Financial Advisory Board ("FAB"), I am not writing on behalf of FAB or even as a member of FAB, but rather as a local resident simply concerned about El Cerrito's fiscal health.

As most of us know at least anecdotally from the news, real estate markets have significantly cooled this summer. With interest rates rising and sales slowing, unsold homes are sitting on the market longer and prices are being reduced. Given the prospect of a $1 million RPTT revenue shortfall, I ask that you take a close look at the data, review current trends, and plan accordingly. If you conclude that actual RPTT revenue may be significantly less than what was budgeted, I encourage you to be fiscally responsible, restrain from adding all but necessary new expenses, and act now to identify potential cuts and cost savings.

**Background**

In the June 16, 2022 Financial Advisory Board meeting, member Ruth Cazden raised concerns about budget assumptions and how a real estate turndown might impact the City's RPTT revenue projections. Finance Director Sandra Dalida responded that the City, in collaboration with their tax consultant HdL, was being "conservative" in projecting RPTT revenue of $4.3 million for FY 2022-23, down from actuals of approximately $5.0 million for FY 2021-22. FAB was essentially told there was no need to worry as city management had made appropriate adjustments for the 2022-23 budget. A few days later in the June 21st City Council meeting, Mayor Pro Tem Lisa Motoyama also expressed concern that home sales and RPTT revenue may fall short of projections.

Sharing their concerns, I gathered data and did my own analysis. A colleague agreed to do the same. Independent of one another, we both calculated RPTT revenue projections in $3.0-$3.5 million range, approximately $1.0 million less than the City's $4.3 million forecast.

On July 19th I wrote to the City's Finance Director Sandra Dalida and Financial Advisory Board Chair Dick Patterson asking that a discussion of RPTT revenue projections be placed on FAB's July 26th meeting agenda. When I did not receive a response, on July 21st I wrote again but this time copied FAB's council liaison Councilmember Tessa Rudnick, hoping that doing so might prompt a reply. That morning, Finance Director Dalida wrote back to say she had already "drafted the 07/26/22 FAB Meeting Agenda" and asked that I "(p)lease consider requesting the additional Agenda Item be calendared for the August 2022 FAB Meeting." I replied by reiterating my request that it be placed on the July 26th FAB meeting agenda, with the hope that FAB would be able to get data from the City and look at the numbers in advance of today's August City Council meeting. City management's reply came indirectly a few days later when the agenda was published without any mention of the RPTT.

As I have not received requested data from the City, I derived my projections largely from home sales numbers taken from the real estate industry's Multiple Listing Service (MLS) and, to a lesser extent, Contra Costa County tax records. I have backed into estimates and made assumptions about numbers I did not have. For example, I could not find any data about the seismic, water and energy RPTT rebates that reduce the net revenue collected by the City. Additionally, while the City reported that commercial property sales accounted for approximately 14% of real estate sales by quantity over the last five years, I could not find total price volume data that might lead to a more accurate estimate commercial RPTT proceeds.

Following up on Finance Director Dalida's suggestion that RPTT projections "be calendared for the August 2022 FAB Meeting," last week I requested that it be allotted 15 minutes on the August 23rd FAB agenda. Again, however, my request was denied. While I may be wrong, based on the difficulty I had getting data from the prior finance director and the many discrepancies I saw in the little data that was available, my sense is that Finance Director Dalida inherited financial records that are a mess, that she has a great deal on her plate, and that she simply may not have the bandwidth now to prioritize a review of RPTT projections.

Although it's frustrating to not be able to get data from the City and to not be able to get a discussion of the RPTT on the FAB agenda, I am sensitive to Finance Director Dalida's workload and not wanting to make frivolous, time-consuming requests. That said, I do believe revenue projections in an uncertain and evolving economic environment are entirely-appropriate for review, if not by FAB then certainly by city management. Although "better data" would provide a "better estimate," I believe the projection I've provided validates the concerns expressed by Mayor Pro Tem Lisa Motoyama, FAB Member Cazden, myself and others.

**The Numbers**

As previously indicated, the City currently anticipates RPTT revenue of $4.3 million for FY 2022-23. While this is down from the $5.3 in actual revenue received for FY 2021-22, I am

worried that it may still be an overestimate. Based on current trends, I project RPTT revenue in the range of $3.0 to $3.5 million.

| Actuals, Estimates and Projections | FYE 2020 | FYE 2021 | FYE 2022 | FYE 2023 | |
|---|---|---|---|---|---|
| | | | | City's Projection | William's Projection |
| Housing Units Sold | 216 (Fiscal Year[1]) | 207 (Fiscal Year[1]) | 300[3] | 294 (All Categories[4]) | 200[3] |
| Average Selling Price | $1,037,620 (Calendar Year[2]) | $1,216,529 (Calendar Year[2]) | $1,354,061 (Calendar Year[2]) | $1,220,333[4] | $1,200,000[3] |
| Total Housing Sales Volume | $224,125,920[2,3] | $251,821,503[2,3] | $406,218,300 | $358,777,755[4] | $240,000,000[3] |
| Housing RPTT Proceeds (Gross) | $2,689,511[2,3] | $2,021,858[2,3] | $4,874,620 | Unknown | $2,900,000 |
| Seismic/Energy/ Water Rebates | Unknown | Unknown | Unknown | Unknown | $300,000 |
| Housing RPTT Proceeds (Net) | Unknown | Unknown | Unknown | Unknown | $2,600,000 |
| Multifamily and Commercial Properties Sold | 20 | 32 | Unknown | Unknown | 30[5] |
| Commercial RPTT Proceeds (Net) | Unknown | Unknown | Unknown | Unknown | $900,000[6] |
| Total 1.2% RPTT Proceeds (All Categories) | $3,467,532[1] (Actual) | $4,419,107[1] (Actual) | $5,300,000[1] (Estimated) | $4,305,333 (Projected) | $3,500,000 (Projected) |

Notes:
[1] Based on fiscal year data provided by the City of El Cerrito
[2] Based on calendar year data provided by the City of El Cerrito
[3] Based on Multifamily Listing Service ("MLS") data
[4] Based on combined ("All Categories") single-family home, multifamily and commercial property sales data provided by the City of El Cerrito
[5] Based on historical data with an average of 31 multifamily and commercial property sales annually over the five-year period 2017-2021
[6] Based on a very rough estimate of $75,000,000 in multifamily and commercial property sales

Drawing from MLS data received from several real estate agents in El Cerrito, for the four months January-April 2022 there were 80 single-family and condo housing units sold with an average selling price of $1,354,061. However, within the last three months (May-July), there was a significant downturn, with just 45 units sold. Homes are remaining on the market unsold longer now than in recent years and sellers are beginning to lower their asking prices. While home sales often slow during the summer and pick up in the fall, the decline this June and July is significantly more than what would be expected based on seasonal fluctuations alone.

Should the trend of the last three months continue for fiscal year 2022-23, there will be approximately 180 units sold with an average selling price of $1,328,404 and total sales volume $239,112,736. In the chart above, I estimate 200 homes sold at an average price of $1.2 million. Taxed at 1.2%, excluding any revenue lost for seismic upgrades and energy/water conservation

project rebates and excluding any revenue gained from commercial/multifamily sales, both scenarios result in approximately $2.9 million in RPTT revenue.

With rising interest rates and an economy possibly heading into recession, local real estate agents I've spoken with are skeptical that there will be a significant rebound in sales after this summer. In their view, it is exceedingly unlikely that FY 2022-23 will reflect the sales volume and prices of 2021 or even 2020, both of which were periods of strong growth. (Per MLS data for El Cerrito, in calendar year 2021 there were 293 single-family homes and condos sold with an average price of $1,234,004; in 2020 there were 228 units sold with an average price of $1,040,823; and in 2019, there were 236 units sold with an average price of $972,789.) One very experienced and knowledgeable agent I spoke with speculated that prices in El Cerrito may even drop to 2019 levels.

When the property transfer tax measure was presented to voters in 2019, the City estimated revenue of $2,700,000 annually. As the last few years have been extraordinary robust for real estate markets not just in the Bay Area but across the country, it is not surprising that RRPT revenue for FY 2021-22 was considerably higher than the 2019 estimate. However, if the economy heads into recession, that initial estimate may be more in line with what we should expect for FY 2022-23.

**Conclusion**

To reiterate, the projection I've provided is a rough estimate done with incomplete data. Actual numbers will certainly be different. Hopefully real estate markets rebound and RPTT revenue matches the City's projections. However, I believe there is reason to be concerned and that it is entirely feasible that RPTT revenue could be $1.0 million less than what the City is projecting.

I urge you to be prepared for a possible revenue shortfall, be proactive, and have contingencies in place. Plan accordingly. If revenue is down significantly from what was budgeted, there will likely need to be spending cuts to prevent a return to deficit spending and short-term borrowing. Take to heart the recommendation of the City's Financial Advisory Board and maintain a budget that, exclusive of any one-time Federal government COVID relief funds (which, incidentally, should probably be spent on genuine COVID relief), has a $1 million surplus available for funding reserves and long-term pension liabilities. Be fiscally responsible and avoid adding major new expenditures (such as commissioning a $200,000 wage and compensation study and delegating routine tasks to costly outside consultants). Instead, commit to replenishing the City's depleted reserves, fully funding its pension liabilities and avoiding the deficit spending of the past.

**From:** Karen Smekofske
**To:** City Clerk
**Subject:** Public Comments Exhibit A List of properties
**Date:** Tuesday, August 16, 2022 4:24:00 PM

Caution! This message was sent from outside your organization.

One of the exhibits in Agenda Item #7 Fire Hazard Abatement, is a list of properties not in compliance. As of 8/1/22 there were two properties on the list. I am wondering if more properties have been added.

I regularly see properties with large junipers, pine trees, bottlebrush or pampus grass near or obscuring roofs and chimneys. I am guessing it is not appropriate for me help with locating these properties.

Here are 4 examples of properties I assume are not in compliance. Thank you for your time and consideration, Karen Smekofske

| | |
|---|---|
| **From:** | Cathy Simpson |
| **To:** | City Clerk |
| **Subject:** | Subject Line: Public Comments – Agenda Item 8.5 |
| **Date:** | Monday, August 15, 2022 12:53:11 PM |

Caution! This message was sent from outside your organization.

Mayor Abelson and Members of the El Cerrito City Council:

My name is Cathy Simpson. I am the President for Electrical Services Company In Oakland. We have been doing work in the San Francisco Bay Area for 41 years and employ a diverse workforce who will be impacted by the implementation of a Project Stabilization Agreement that will exclude construction professionals from working in their community. All workers and apprentices want to build in their community. Please reject the adoption of the Project Stabilization Agreement for City of El Cerrito Projects.

Sincerely,

First Name Last Name

**Best,**
**Cathy Simpson**
**CFO/Owner**

ESC
ELECTRICAL SERVICES CO.
Electrical Services Company
[redacted] ph
fx

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

**From:** David Karrick
**To:** City Clerk
**Subject:** Public Comments – Agenda Item 8.5
**Date:** Monday, August 15, 2022 1:15:22 PM
**Attachments:** image001.png

---

Caution! This message was sent from outside your organization.

Mayor Abelson and Members of the El Cerrito City Council:

My name is David Karrick. I am the President of Aegis Fire Systems, Inc. located in Pleasanton, CA. We have been doing work in the City of El Cerrito and the San Francisco Bay Area for over 27 years. We employ a diverse workforce who will be impacted by the implementation of a Project Stabilization Agreement that will exclude construction professionals from working in their community. Additionally, agreements of this nature have a proven track record of driving up construction costs as a whole and ensuring that the residents of cities that they are imposed in get as little for their construction tax dollar as possible. These residents are tax payers and deserve a governing body that takes their fiduciary responsibility seriously and makes prudent financial decision that ensure the monies spent go as far as possible. Furthermore, all workers and apprentices want to build in their community. Doing so invokes a sense of pride and accomplishment that translates down through generations. Please reject the adoption of the Project Stabilization Agreement for City of El Cerrito Projects.

Sincerely,

David Karrick

President

[redacted]

Pleasanton, CA 94566

AEGIS FIRE SYSTEMS AN SRFPG COMPANY

Confidentiality Notice: This email (including any attachment) is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. If you have received this communication in error, please reply to the sender or call 925.417.5550 and then please delete this message from your in box as well as any copies. Thank you, Aegis Fire Systems, Inc.

**From:** Arnold Dizon
**To:** City Clerk
**Subject:** Public Comments – Agenda Item 8.5
**Date:** Tuesday, August 16, 2022 12:44:23 PM

---

Caution! This message was sent from outside your organization.

Mayor Abelson and Members of the El Cerrito City Council,

My name is Arnold Dizon. I am the Owner of Century Electric company. I have been working in the City of El Cerrito and/or the San Francisco Bay Area for 14 years and employ a diverse workforce who will be impacted by implementing a Project Stabilization Agreement that will exclude construction professionals from working in their community. All workers and apprentices want to build in their community. Please reject the adoption of the Project Stabilization Agreement for the City of El Cerrito Projects.

Sincerely,

Arnold Dizon

| | |
|---|---|
| **From:** | Al Miller |
| **To:** | City Clerk |
| **Subject:** | Public Comment Agenda Item 8.A. |
| **Date:** | Tuesday, August 16, 2022 2:59:50 PM |

Caution! This message was sent from outside your organization.

To Mayor Quinto, Mayor Pro Tem Motoyama, and Council Members Abelson, Fadelli, and Rudnick:

I strongly support the *Project Stabilization Agreement and Side Letter with the Contra Costa Building and Construction Trades Council* as proposed in Agenda Item 8.A.

It will facilitate employment of Local Area (defined as Contra Costa County) residents and to use resources in the Local Area in construction of City projects strengthening the local economy.

Thank you.

Al Miller, El Cerrito Resident

**AAA Fire Protection Services**
P.O. Box 3626, Hayward CA 94540
[redacted]
CSLB# 719959 C-16

August 16, 2022

El Cerrito City Council Meeting
Council Chambers
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Public Comments – Agenda Item 8.5

Mayor Abelson and Members of the El Cerrito City Council,

My name is Brian Patterson, Vice President of AAA Fire Protection Services. We have been doing work in (the City of El Cerrito and/or the San Francisco Bay Area) for 48 years and employ a diverse workforce who will be impacted by the implementation of a Project Stabilization Agreement that will exclude construction professionals from working in their community. All workers and apprentices want to build in their community. Please reject the adoption of the Project Stabilization Agreement for City of El Cerrito Projects.

Thank You,

[redacted]

Brian Patterson - Vice President
AAA Fire Protection Services | [redacted]

| | |
|---|---|
| **From:** | Sherry Drobner |
| **To:** | City Clerk |
| **Cc:** | Lisa Motoyama; Gabe Quinto; Paul Fadelli; Tessa Rudnick; Janet Abelson |
| **Subject:** | Public Comment: Housing Element |
| **Date:** | Tuesday, August 16, 2022 8:57:47 AM |

Caution! This message was sent from outside your organization.

Dear City Council Members,
I attended the presentation for the Housing Element plan on August 1st. Very few people from the community were present. I appreciated the presentation by the consultants and was grateful that we had one community member who had the opportunity to review the draft plan and comment. Personally, the plan posted on the website on July 29th, and the 269 pages aren't indexed in a manner to make it easy for those of us interested in reviewing particular parts of the plan. Obviously the City Council meeting is our next opportunity to hear the presentation; however, as I have experienced in the past, this is not a time for me to ask questions, only comment.

The placement of the Housing Element discussion is at the very end of what seems like a packed agenda. Once again, many people who are interested in housing may not make it to the late hour to either hear the presentation or comment.

I want to echo the sentiments raised at the August 1st presentation of the Housing Element Plan. First, policies for tenant protection from displacement should be prioritized in the name of housing equity. Second, I do not see mention of any specific "first right" policy, but as the projects along the San Pablo Corridor develop, and in particular the BART Plaza project, I suspect tenants will be at risk for displacement. A "first right" policy, giving eligible existing tenants access to new affordable housing should be considered. At minimum, I would hope that this be an avenue for discussion rather than ignored, in hopes that the market itself will correct inequities in our housing. We cannot assume that the creation of more affordable housing will safeguard the existing residents living in properties near the impacted areas slated for development.

Sincerely,
Sherry Drobner

**From:** Michael Fischer
**To:** City Clerk
**Subject:** Public Comment - Item 8B (Housing Element)
**Date:** Tuesday, August 16, 2022 12:46:09 PM

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Caution! This message was sent from outside your organization.

To Mayor Quinto, Mayor Pro Tem Motoyama, and Council Members Abelson, Fadelli, and Rudnick:

I wish to join in the comments by Al Miller, President of the El Cerrito Library Foundation, urging consideration of a city wide Library District for library operation and maintenance. I stand ready to work with the Council and city staff plus the library community to develop this proposal and bring it into being.

Kind regards,

Michael

Michael Fischer (he him)
eclibrarycommissioner@gmail.com
El Cerrito City Designated Library Commissioner
Chair, Contra Costa County Library Commission

El Cerrito Needs an Appropriate 21st Century Library

**From:** Michael Fischer
**To:** City Clerk
**Subject:** Public Comment Agenda Item 8-B
**Date:** Tuesday, August 16, 2022 1:05:15 PM

Caution! This message was sent from outside your organization.

The following letter was previously sent to the City Council as well as the planning director as comment on the Housing Element. It is now being submitted also as public comment for Agenda Item 8-B on tonight's council meeting.

I wish to comment on a specific issue with regard to the Housing Element Update. While I am the Library Commissioner appointed by the City Council and the Chair of the Contra Costa County Library Commission, my views are my own and not those of the City Council, the Library Commission, or the Board of Supervisors.

As County Librarian Alison McKee has noted in her comment on the Update, an increase in the housing supply will, of course, result in an increase in population in El Cerrito and an increase in the usage of the El Cerrito Library. This is, of course, a good thing. We need housing in the Bay Area and El Cerrito should, of course, continue to do its part at all appropriate levels of housing need. El Cerrito is well situated in regard to public transit lines which will help our increased population access to various parts of the Bay Area. El Cerrito is a city that provides comprehensive services to its population.

Likewise, the increased usage of our library is a good thing. Libraries exist to provide a host of services to their patrons. In today's technological age, some of these services can be accessed online. But much what a library offers can only be found in person.

As Ms. McKee has noted, and as you all know, our library is small and inadequate in many ways. The city, in conjunction with the library community, is working on addressing this issue. We all hope a new library, with significantly increased size and built to 21st Century standards, will be part of the Transit Oriented Development at BART's El Cerrito Plaza. That library will be able to serve some additional population as currently operated. But more is needed.

If the new library is open only for the current 46 hours a week (40 county provided and 6 city provided), it will be inadequate to serve our anticipated and appropriately increased population. Increasing the hours in our new library to either 52 or 56 hours a week will be possible but will require increased city expenditures. In addition, if Sunday hours are able to be returned, this will involve even more money, albeit money well spent.

I am well aware of the budgetary issues that our city has recently faced and is now beginning to emerge from. As City Manager Karen Pinkos said in her August 13 City Manager's update, "I'm happy to say that the City has indeed turned the corner financially." But that does not mean that we have the funding to provide the full range of services and facilities that a new library would be able to have, including the potential of greatly increased hours.

Thus, I would like to join in the County Librarian's suggestion of a potential library impact fee. We all know that developer's fees are utilized to reduce the impact on city and other governmental services brought about by new development. I do not claim to be an expert on impact fees including what items they can be used on. I do ask the city to consider incorporating these types of fees to be used for appropriate expenditures involving our library.

There may be some concern about the effect of a library impact fee on the new housing supply. While this may be a matter to be considered, I think that steps can be taken to mitigate any issues here and the issue is not as important as it may seem.
1. As noted on the impactfees.com website, there is support among developers and builders for appropriate impact fees.
2. I am informed that some surrounding jurisdictions, such as the City of Richmond, the City and County of San Francisco, and the County of San Joaquin do have library impact fees.
3. Consideration should be given to exempting developers of below-market-rate housing from such fees to mitigate the effect of this fee on this vitally important portion of our housing need.
4. The effect of this fee on the housing supply is, in any case, likely to be minimal given the relatively small amount of this fee, especially in comparison to other existing fees and costs of construction.
5. While it is not a perfect comparison, the concern expressed at the time of adoption of the transfer tax about its effect on housing sales did not happen.

Thank you for consideration of this suggestion. I'm happy to answer any questions you may have.

Kind regards,

Michael

Michael Fischer (he him)
eclibrarycommissioner@gmail.com
El Cerrito City Designated Library Commissioner
Chair, Contra Costa County Library Commission

El Cerrito Needs an Appropriate 21st Century Library

| | |
|---|---|
| **From:** | Al Miller |
| **To:** | City Clerk |
| **Subject:** | Public Comment - Item 8B (Housing Element) |
| **Date:** | Tuesday, August 16, 2022 1:33:05 PM |

Caution! This message was sent from outside your organization.

To Mayor Quinto, Mayor Pro Tem Motoyama, and Council Members Abelson, Fadelli, and Rudnick:

I strongly support Michael Fisher's *Housing Element Update - Library Impact Fee* comments sent to you in his email of 08/13/2022 at 13:11.

You all know that the values of Diversity, Equity, and Inclusion are values embraced in the City's efforts to provide all of the various services it does to the residents of El Cerrito. Michael has reminded you in his past reports that our Senior Community Library Manager and her staff do an incredible job embracing DEI values in all the services they provide to our library community.

Michael has also reminded you that our library staff can only provide those services when the library is open. The history of significantly increased community use when a new library is opened is remarkable. This increase adds additional importance to providing sufficient resources to ensure any new library for El Cerrito can be operated the maximum hours allowed by the County Librarian.

In addition to the Library Impact Fee that would be paid by developers to fund their fare share of the increased costs of operating the library to serve the City's increased population that each project would cause, I suggest the City look into forming a city wide **Library District** to fund the annual cost of operating and maintaining a new library to ensure maximum open hours can be maintained year after year at no cost to our general fund. Every property owner, whether a single family home or a commercial property would pay their fair share in support of library costs. The Real Estate Agencies operating in El Cerrito could tell you how much a safe modern community library adds to the value of each type of property in El Cerrito.

Thank you.

Al Miller, President, El Cerrito Library Foundation

Agenda Item No. 8.B.

THE CITY OF EL CERRITO

## 2023-2031

# Housing Element Update

**City Council**
August 16, 2022

# What is the Housing Element?

- Required element of the General Plan
  - Plan to meet housing needs of all community members
  - “Fair Share” of the regional housing need
- Updated every 8 years
  - State-mandated deadline: January 31, 2023
- Required reviewed and certification from Department of Housing and Community Development (HCD)

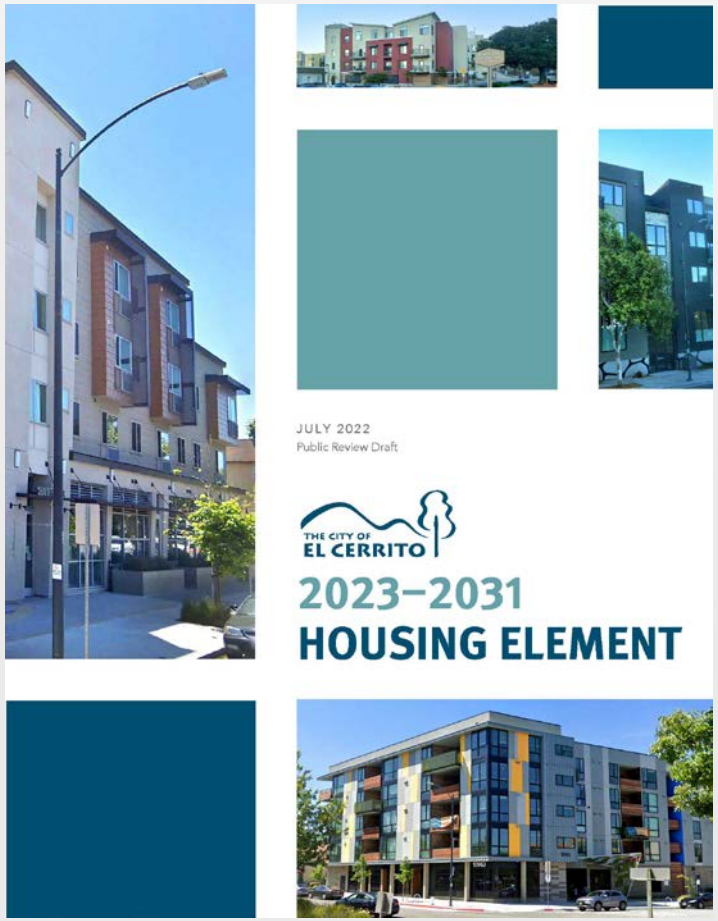
# Housing Element Contents and Organization

## Chapters

1. Introduction
2. Needs Assessment
3. Fair Housing Assessment
4. Sites Inventory
5. Constraints Analysis
6. Opportunities for Energy Conservation
7. Housing Plan

## Appendices

A. Evaluation of the Previous (2015-2023) Housing Element
B. Community Engagement
C. BART TOD Housing Element Letter



# Draft 2023-2031 Housing Element

**Released for public review on July 29, 2022.**

Email comments and questions to:
**planning@ci.el-cerrito.ca.us** by **August 29, 2022**.

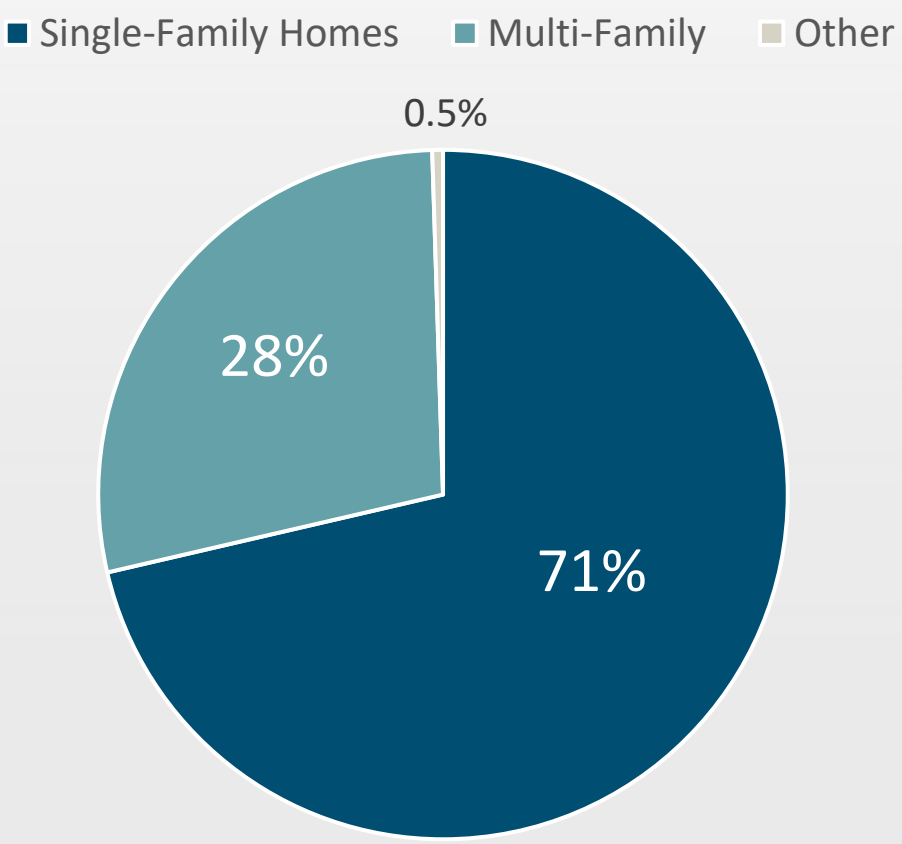
View on City website at:
https://www.el-cerrito.org/HousingElement2023

# Recent Trends & Housing Needs

# Snapshot of Housing Trends

- **71%** of housing stock is single family homes
  - **28%** multifamily homes (2+ units)
- Since 2010, home values increased **183%**
- Median Sale Price March 2022 was **$1,170,000** (Redfin)

**El Cerrito Housing Stock (2020)**




**Source:** *State of California, Department of Finance, E-5 series. ABAG.*

# Who Can Afford to Rent in Contra Costa County (2021)?

- Renters need to earn 2.5 times the minimum wage ($37.54/hr) to afford the average asking rent in Contra Costa County
- El Cerrito minimum wage is $16.37

**Source:** *California Housing Partnership, Contra Costa County 2021 Affordable Housing Needs Report*

# Income Limits and Affordability for Contra Costa County (2022)

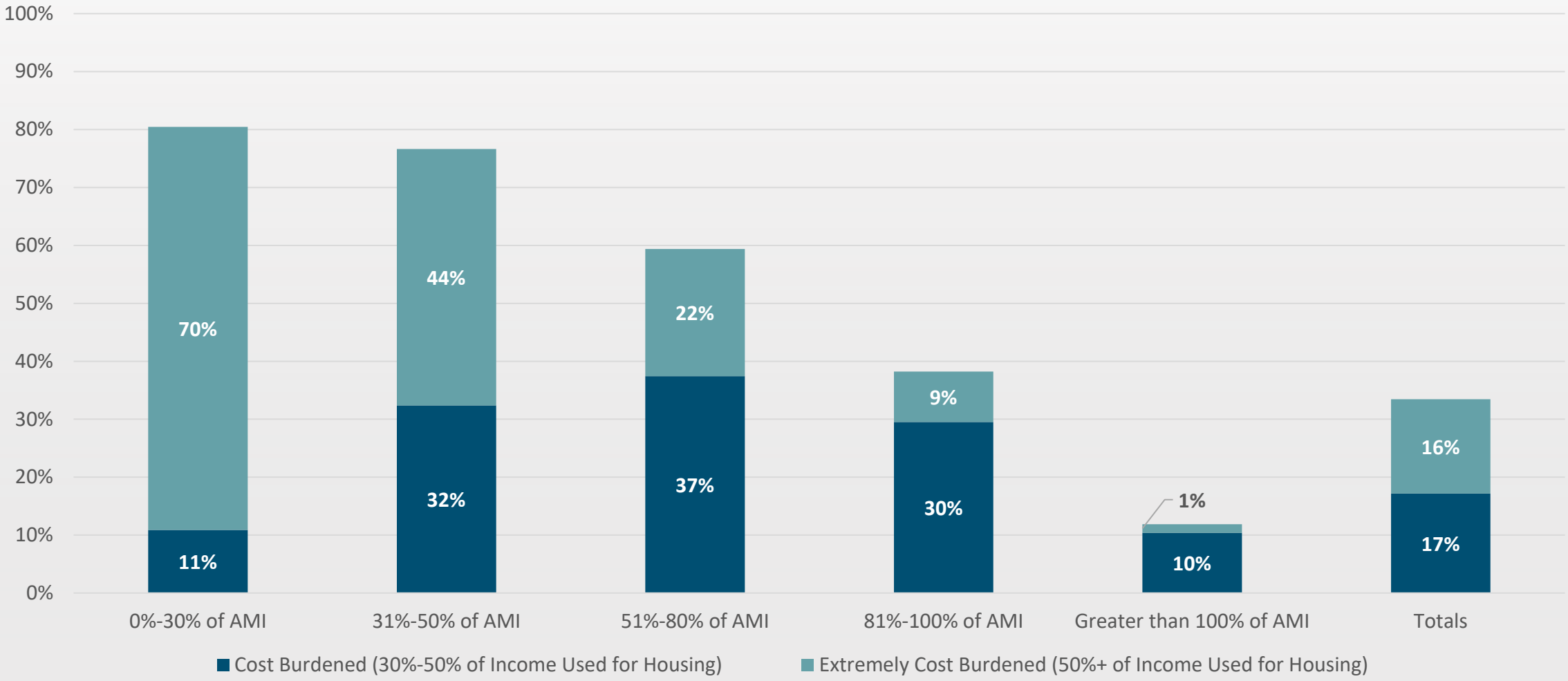
| Income Category | Percent of Area Median Income (AMI) | Annual Income (1-Person Household) | Annual Income (3-Person Household) |
|---|---|---|---|
| **Extremely Low-Income** | 30% | $30,000 | $38,600 |
| **Very Low-Income** | 50% | $50,000 | $64,300 |
| **Low Income** | 80% | $76,750 | $98,650 |
| **Median Income** | **100%** | **$99,950** | **$128,500** |
| **Moderate Income** | 120% | $119,950 | $154,200 |

3-Person Extremely Low-Income Household: **$965 Affordable Monthly Rent/ Mortgage**

1-Person Low-Income Household: **$1,919 Affordable Monthly Rent/ Mortgage**

**Source:** *State of California, Department of Housing and Community Development, Revised State Income Limits for 2022..*

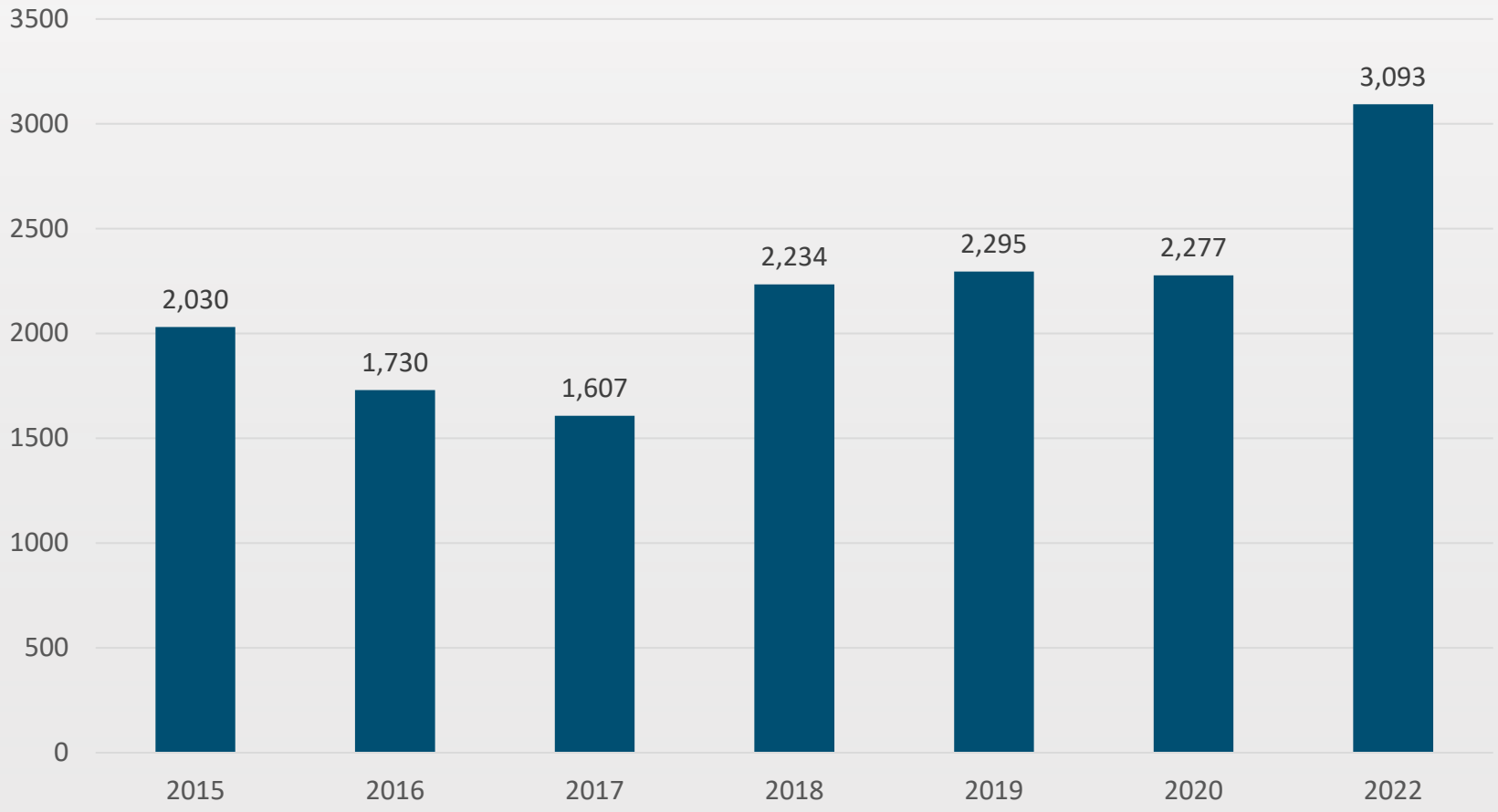
# Cost Burden by Income Level




**Source:** *U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*

# Homeless Population

## Contra Costa County, 2015-2020




**Source:** *Contra Costa Health Services, Point-In-Time Homeless Count Snapshots, 2015-2020*

- January 2020 Point in Time Count found a total of **2,277** individuals in **Contra Costa County**
- **24 unsheltered** individuals in **El Cerrito** in 2020
- **2022 Point in Time Count** was **February 23-24**, results found a **35% increase**

# Summary of Housing Capacity

# Regional Housing Needs Allocation (RHNA)

*Every city and county must plan to accommodate its "fair share" of the regional housing need.*

**State**

**California**
(Housing and Community Development)

**Region**

**ABAG**
(Association of Bay Area Governments)
Regional Housing Needs Determination (RHND)
441,176 units

**Cities & Counties**

**Local Jurisdictions**
Regional Housing Needs Allocation (RHNA)
City of El Cerrito RHNA = 1,391 units

# RHNA Housing Needs by Income Level

| Income Category | 2015-2023 RHNA (Housing Units) | 2023-2031 RHNA (Housing Units) | Percent Change |
|---|---|---|---|
| **Very Low Income** (<50% of Median Income) | 100 | 334 | 234% |
| **Low Income** (51-80% of Median Income) | 63 | 192 | 205% |
| **Moderate Income** (81-120% of Median Income) | 69 | 241 | 249% |
| **Above Moderate Income** (>120% of Median Income) | 166 | 624 | 276% |
| **TOTAL** | 398 | 1,391 | 249% |

**Total "lower income" = 526 units**

38% of RHNA

# Housing Types and Affordability

## Housing Element assumption: Density = Affordability

**Above-Moderate Income**

**Moderate Income**

**Lower Income**

Large-lot Single Family Home

Small-lot Single Family Home

Townhome

Duplex & Triplex

Manufactured/Mobile Home

Accessory Dwelling Unit (ADU)

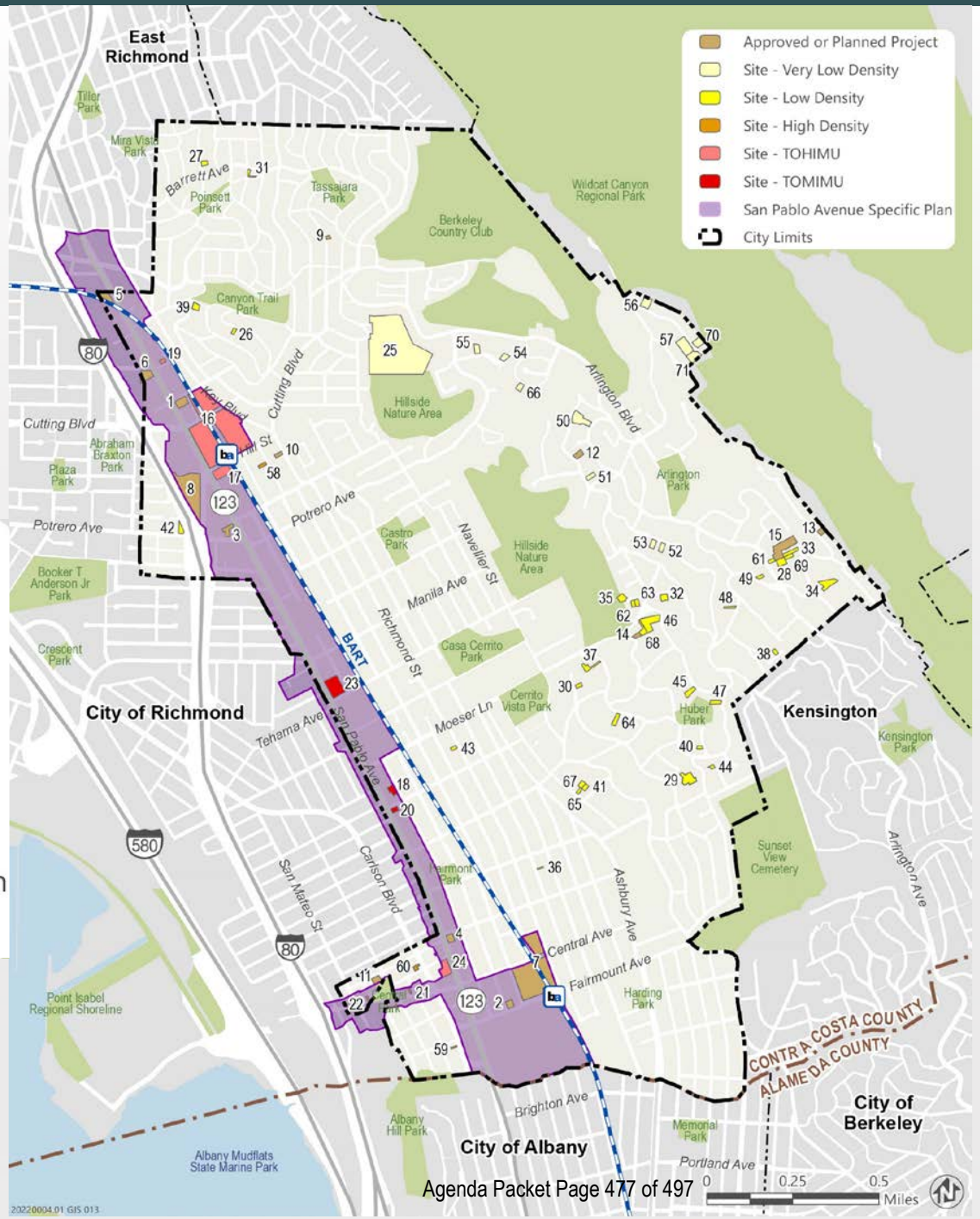
Multifamily Housing (30 units/acre)

# What Counts Towards the City's RHNA?

- Projects in Development Pipeline
  - El Cerrito Plaza BART TOD Project
  - Mayfair: Phase II – Affordable
  - The Lexington (6501 Fairmount)
- Capacity on Vacant and Underutilized Opportunity Sites
  - San Pablo Avenue Specific Plan
  - All other sites citywide
- Projection of Accessory Dwelling Units (ADUs)

# 2023-2031 Sites Inventory

- Approved or Planned Project
- Site - Very Low Density
- Site - Low Density
- Site - High Density
- Site - TOHIMU
- Site - TOMIMU
- San Pablo Avenue Specific Plan
- City Limits




- **91%** of the Housing Element RHNA is in the San Pablo Avenue Specific Plan (SPASP) Area
- Total Capacity: 2,586 units
  - Pipeline Projects: **1,556 units**
  - Capacity on Vacant and Underutilized Sites: **1,030 units**

# Sites Inventory Summary

| | Lower[1] | Moderate | Above Moderate | Total |
|---|---|---|---|---|
| **Regional Housing Needs Allocation** | 526 | 241 | 624 | 1,391 |
| Approved and Planned Projects | 355 | 479 | 737 | 1,571 |
| Vacant and Underutilized Sites within San Pablo Avenue Specific Plan | 494 | 195 | 341 | 1,030 |
| Citywide Vacant and Underutilized Sites | 0 | 0 | 136 | 136 |
| Accessory Dwelling Unit (ADU) Projection | 58 | 28 | 9 | 95 |
| **Total Capacity** | 906 | **702** | **1,223** | **2,831** |
| ***Surplus(+)*** | *+380* | *+461* | *+599* | *+1,440* |

[1] *Lower-income includes extremely low-, very low-, and low-income.*

# Fair Housing

# Fair Housing

**New state laws (AB 686) expand the City's duty to affirmatively further fair housing (AFFH).**
Housing Elements are required to:

- Identify fair housing issues
- Ensure lower-income housing sites have access to opportunity
- Include meaningful actions that address fair housing issues

Fair Housing Enforcement and Outreach Capacity

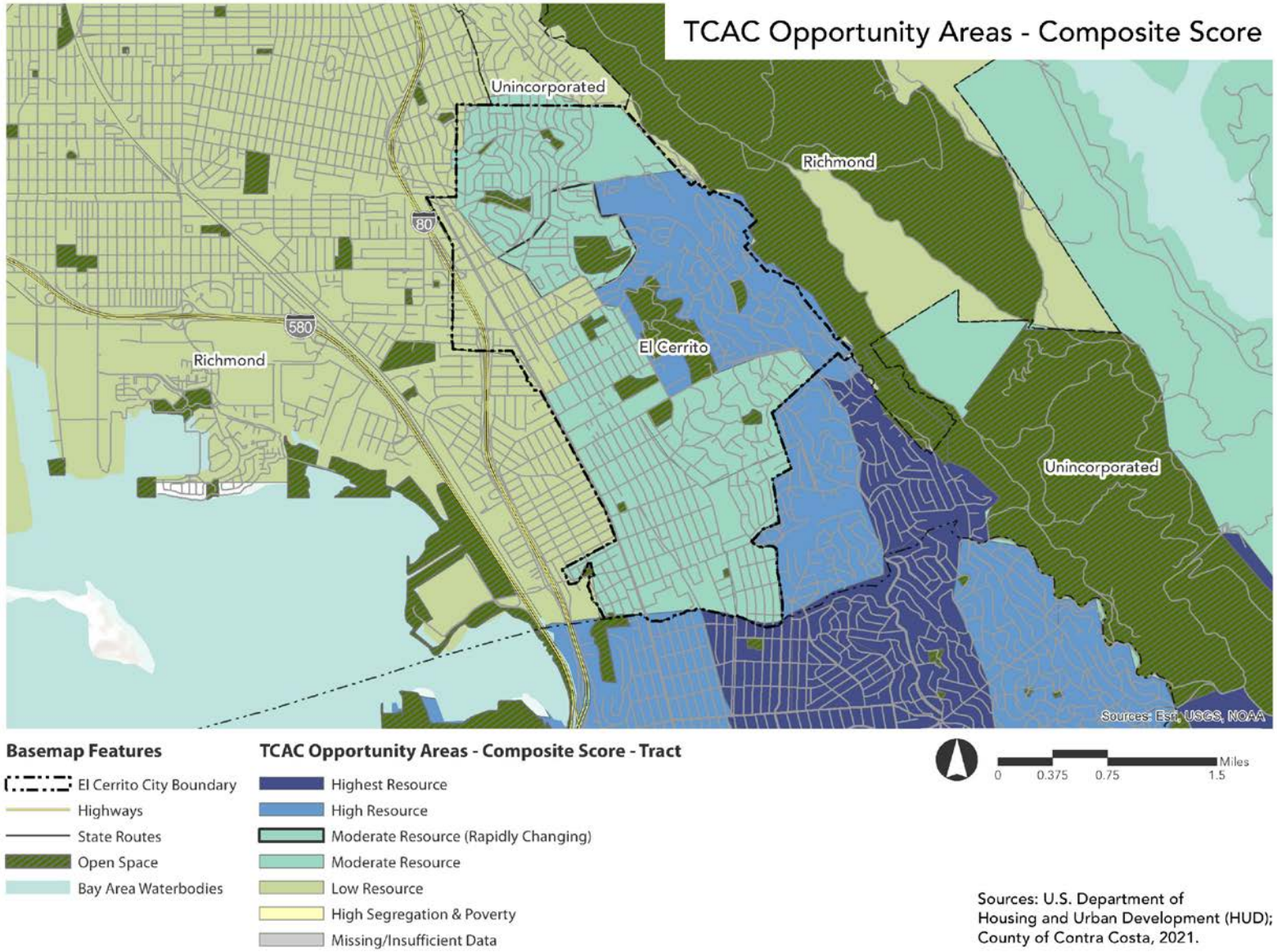
Segregation and Integration

Racially and Ethnically Concentrated Areas of Poverty and Affluence

Disparities in Access to Opportunity

Disproportionate Housing Needs and Displacement Risks

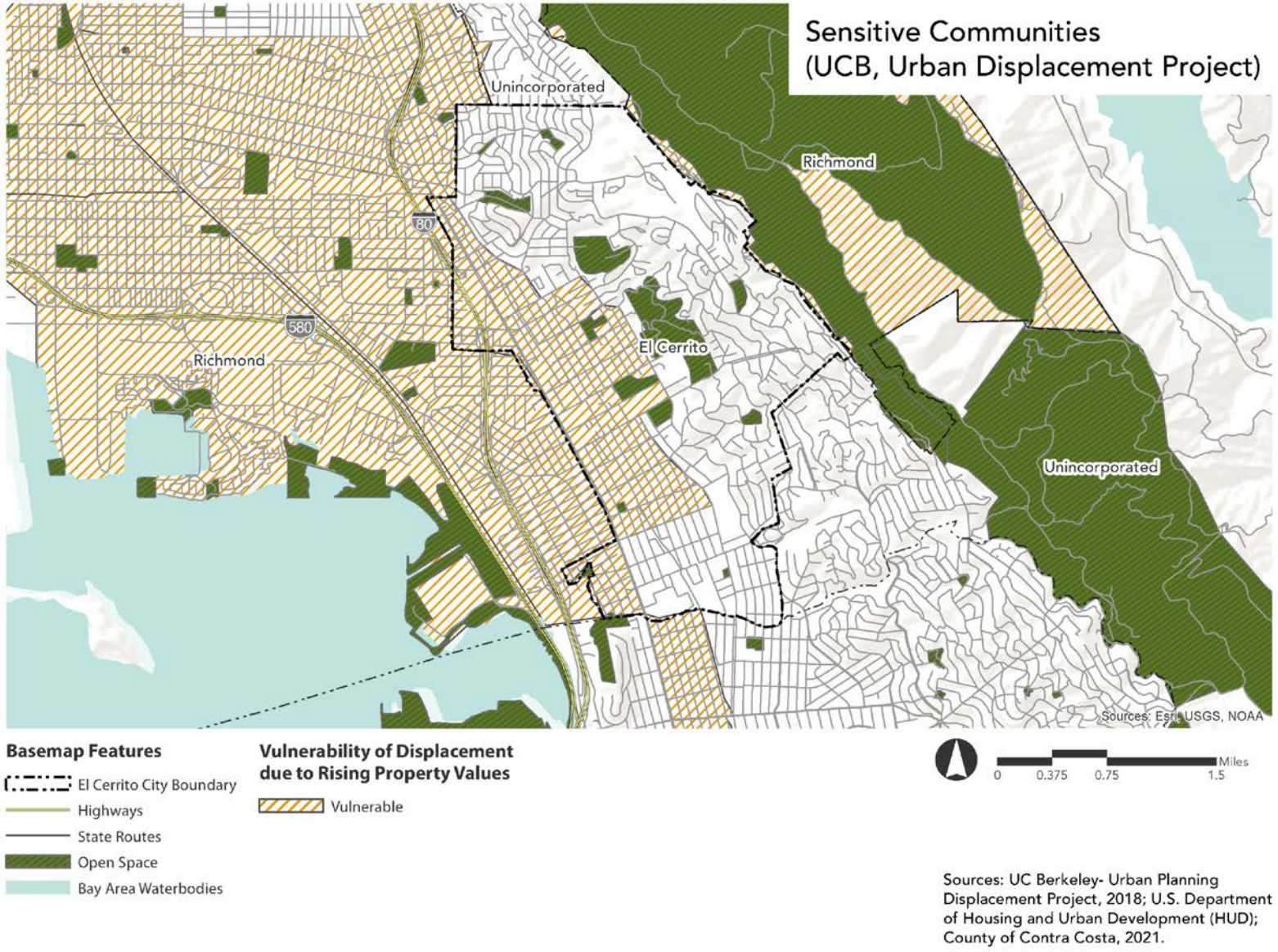
# Access to Opportunity




**How can we ensure that there is equal access to opportunity throughout the City?**

- Generally, access to opportunities is moderate in El Cerrito
- Lowest opportunity in northwest neighborhoods, uptown San Pablo Avenue
- High access to opportunity near the Hillside area

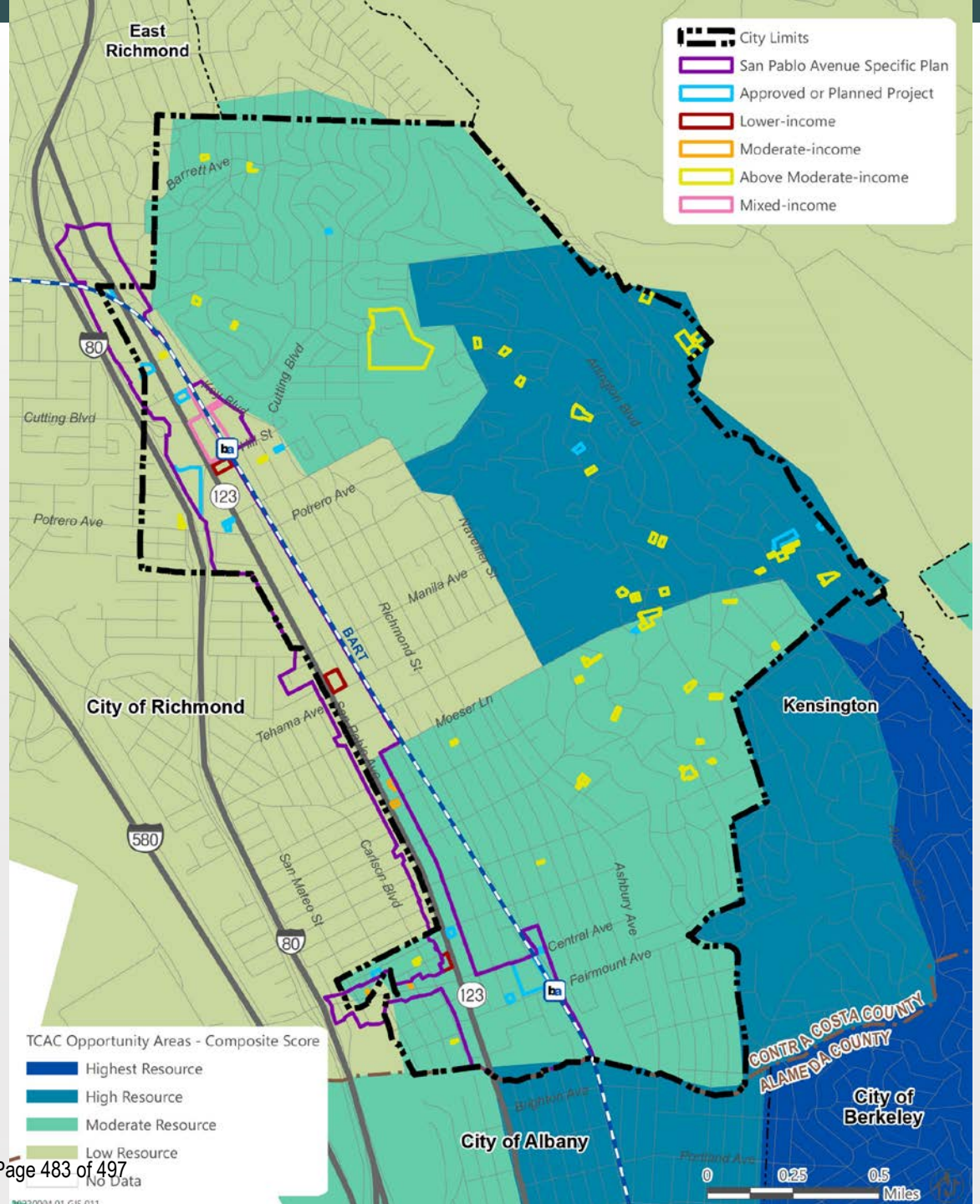
# Displacement




- Areas of San Pablo Avenue show signs of residential displacement, along with other areas in Richmond.

# Sites Inventory and Fair Housing

- Housing on San Pablo Avenue corridor can increase access to opportunity in an area identified as low resource
- Sites along San Pablo Avenue corridor are in an area that is sensitive to displacement.
  - Inventoried sites do not include existing residential uses.



# Housing Plan

# Overview of Housing Plan

Includes goals, policies, and implementation programs.

**H1** Accelerate Housing Production

**H2** Support Affordable and Special Needs Housing

**H3** Conserve Existing Housing and Prevent Displacement

**H4** Affirmatively Further Fair Housing

**H5** Energy Conservation and Sustainable Development

*Includes 13 new policies and 22 new programs.*

# Goals & Implementation Programs

## Goal H1. Accelerate Housing Production

- Program H-1.A. Maintain Sites Inventory
- Program H-1.B. Promote High Density and Mixed-use Development in San Pablo Avenue Specific Plan Area
- Program H-1.C. Accessory Dwelling Unit Tools and Resources
- Program H-1.D. Objective Design Standards
- Program H-1.E. Zoning for Innovative Housing Types

# Goals & Implementation Programs

## Goal H1. Accelerate Housing Production

- Program H-1.A. Maintain Sites Inventory
- **Program H-1.B. Promote High Density and Mixed-use Development in San Pablo Avenue Specific Plan Area**
- **Program H-1.C. Accessory Dwelling Unit Tools and Resources**
- Program H-1.D. Objective Design Standards
- Program H-1.E. Zoning for Innovative Housing Types

# Goals & Implementation Programs

## Goal H2. Support Affordable and Special Needs Housing

- Program H-2.A. Inclusionary Zoning Ordinance
- Program H-2.B. Affordable Housing Trust Fund Priorities
- Program H-2.C. New Local Sources of Affordable Housing Funding
- Program H-2.D. Assist in Affordable Housing Development
- Program H-2.E. Develop Mixed Income Housing on BART Lands
- Program H-2.F. Coordinate Transportation Projects with Affordable Housing
- Program H-2.G. Shelter and Housing Solutions for Persons Experiencing Homelessness
- Program H-2.H. Zoning Amendments for Special Needs Housing
- Program H-2.I. State Density Bonus
- Program H-2.J. Affordable Housing and Places of Assembly

# Goals & Implementation Programs

## Goal H2. Support Affordable and Special Needs Housing

- **Program H-2.A. Inclusionary Zoning Ordinance**
- **Program H-2.B. Affordable Housing Trust Fund Priorities**
- **Program H-2.C. New Local Sources of Affordable Housing Funding**
- Program H-2.D. Assist in Affordable Housing Development
- **Program H-2.E. Develop Mixed Income Housing on BART Lands**
- Program H-2.F. Coordinate Transportation Projects with Affordable Housing
- Program H-2.G. Shelter and Housing Solutions for Persons Experiencing Homelessness
- Program H-2.H. Zoning Amendments for Special Needs Housing
- Program H-2.I. State Density Bonus
- **Program H-2.J. Affordable Housing and Places of Assembly**

# Goals & Implementation Programs

## Goal H3. Conserve Existing Housing and Prevent Displacement

- Program H-3.A. Residential Rental Inspection Program
- Program H-3.B. Housing Rehabilitation Programs
- Program H-3.C. Tenant Protections
- Program H-3.D. Monitor Assisted Units
- Program H-3.E. Capital Improvements Program
- Program H-3.F. Seismic Retrofit Program

# Goals & Implementation Programs

## Goal H3. Conserve Existing Housing and Prevent Displacement

- Program H-3.A. Residential Rental Inspection Program
- Program H-3.B. Housing Rehabilitation Programs
- **Program H-3.C. Tenant Protections**
- Program H-3.D. Monitor Assisted Units
- Program H-3.E. Capital Improvements Program
- Program H-3.F. Seismic Retrofit Program

# Goals & Implementation Programs

## Goal H4. Affirmatively Further Fair Housing

- Program H-4.A. Fair Housing Services and Information
- Program H-4.B. Reasonable Accommodation Procedures
- Program H-4.C. Housing Choice Voucher (HCV) Program
- Program H-4.D. Community Opportunity to Purchase Act

## Goal H5. Energy Conservation and Sustainable Development

- Program H-5.A. Partnerships for Energy and Water Efficiency
- Program H-5.B. Marketing Strategy
- Program H-5.C. Develop and/or Pursue Funding for Energy Efficiency Programs
- Program H-5.D. Home Energy Conservation

# Goals & Implementation Programs

## Goal H4. Affirmatively Further Fair Housing

- Program H-4.A. Fair Housing Services and Information
- Program H-4.B. Reasonable Accommodation Procedures
- **Program H-4.C. Housing Choice Voucher (HCV) Program**
- **Program H-4.D. Community Opportunity to Purchase Act**

## Goal H5. Energy Conservation and Sustainable Development

- Program H-5.A. Partnerships for Energy and Water Efficiency
- Program H-5.B. Marketing Strategy
- Program H-5.C. Develop and/or Pursue Funding for Energy Efficiency Programs
- Program H-5.D. Home Energy Conservation

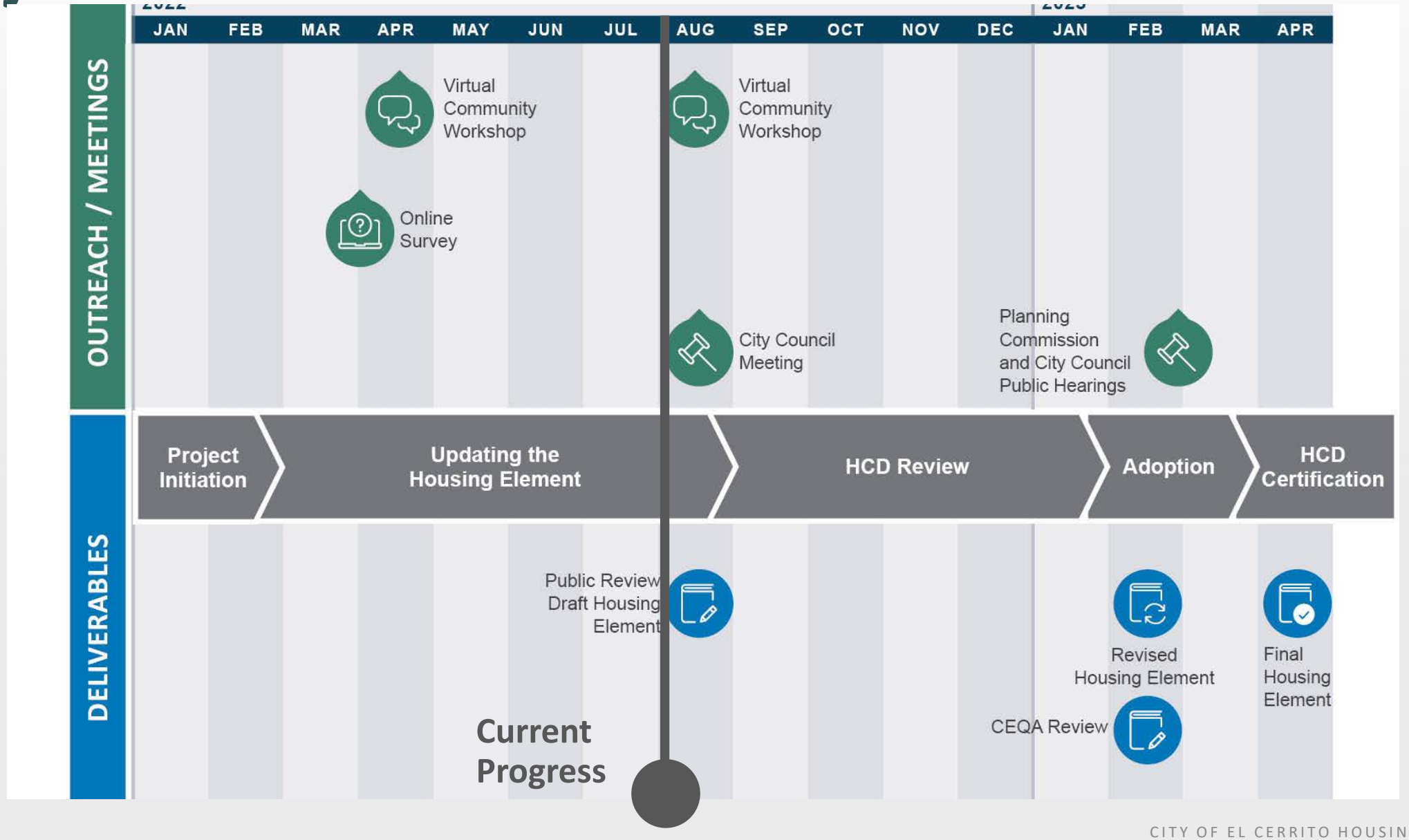
# Public Engagement and Feedback

- Community Workshop #2 – August 1, 2022
  - 7 participants
- Community Workshop #1 – April 26, 2022
  - 24 participants
- Online Survey
  - 215 responses
- Project Webpage & FAQs

## What did we hear?

- Support for building affordable housing
- Concerns about gentrification and displacement
- Constraints on housing development
- Other concerns

# Project Schedule



# Concurrent Projects

- San Pablo Avenue Specific Plan Update
  - August 17: Joint Planning Commission/Design Review Board Meeting
- El Cerrito Plaza BART Station TOD
  - September 7: Joint Design Review Board/Planning Commission Study Session
- General Plan Safety Element

# Thank you!

Learn more about the Housing Element Update by visiting:
**www.el-cerrito.org/HousingElement2023**

planning@ci.el-cerrito.ca.us